



Contra
Costa
County

To: Wendt Ranch GHAD Board of Directors
From: Patricia E. Curtin, GHAD Attorney and General Manager
Date: July 13, 2021
Subject: Wendt Ranch GHAD

RECOMMENDATION(S):

ADOPT the attached Resolution No. 2021/02 to:

- (a) ACCEPT Petition with draft Plan of Control for Annexation of the Somerset development (Subdivision 7763) ("GHAD Petition) into the existing Wendt Ranch Geologic Hazard Abatement District ("GHAD");
- (b) FIX a Public Hearing for August 3, 2021 at 9:00 a.m. via teleconference to consider the proposed annexation of territory into the existing Wendt Ranch GHAD and the draft Somerset Plan of Control, and hear any written objections thereto; and
- (c) DIRECT the GHAD Clerk to mail, by first class mail, a written notice of the hearing to consider the proposed annexation and the draft Plan of Control to each owner of real property to be annexed into the GHAD as required by GHAD law.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **07/13/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 13, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Haley Ralston
909.373.5457

cc:

FISCAL IMPACT:

The GHAD services for Somerset development are proposed to be funded 100% through assessments levied on properties within the Somerset portion of the GHAD area. The GHAD is a separate entity from the County and does not utilize any monies from the County General Fund.

BACKGROUND:

1. GHAD Formation and Purpose.

State law allows GHADs to be formed to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard (*Public Resources Code §26500, "GHAD Law"*). GHAD Law gives local agencies the authority to form districts that can speedily address "an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth." (*Public Resources Code §26507*).

Consistent with GHAD Law, on February 12, 2002, the Contra Costa County Board of Supervisors adopted Resolution No. 2002/59 approving and forming the Wendt Ranch GHAD and thereby putting into place a mechanism to respond to emergencies in preventing and/or responding to geologic hazards. The County Board of Supervisors serve as the Board of Directors of the Wendt Ranch GHAD.

GHAD "improvements" (as defined in GHAD Law) and all GHAD activities undertaken in furtherance of, or in connection therewith, are deemed to be specific actions necessary to prevent or mitigate an emergency within Public Resources Code Section 21080(b)(4) (See, Pub. Res. Code §§26601 and 26505). Consistent therewith, all GHAD Activities (as defined in Section 7 below) are exempt from review under the California Environmental Quality Act and are not subject to local permitting requirements.

2. Request for Annexation into GHAD.

GHAD Law allows properties to be annexed into an existing GHAD. Since the Wendt Ranch GHAD was formed in 2002 to include the Wendt Ranch development, two separate developments have been annexed into the GHAD. Monterosso, formerly known as Intervening Properties, and Alamo Creek both in Contra Costa County were annexed in the Wendt Ranch GHAD on July 19, 2005 with the adoption of Resolution No. 2005/437.

The Somerset development (Subdivision 7763) is located north Camino Tassajara at the intersection with Conejo Drive in Contra Costa County, California. One-hundred fifty residential townhome units currently exist within the Somerset development. As provided in *Public Resources Code §26581*, residents within the Somerset development, Subdivision 7763, ("GHAD Annexation Area") located in the Danville area of unincorporated Contra Costa County have submitted a Petition for Annexation to join the

existing Wendt Ranch GHAD.

GHAD Law requires a Plan of Control, prepared by a State-Certified Engineering Geologist, as a prerequisite to annexation into an existing GHAD. Pursuant to GHAD Law, the Somerset Development draft Plan of Control was prepared by an Engineering Geologist certified pursuant to Section 7822 of the Business and Professions Code and describes, in detail, the geologic hazards, their location, and the area affected by them. It also provides a plan for the prevention, mitigation, abatement, or control thereof. The draft Plan of Control covers the GHAD Annexation Area only.

Funding for the GHAD activity on the proposed annexed area to prevent, mitigate, abate and control geologic hazards are proposed to be based on an assessment, and such funds will be collected and used in connection with the Somerset final Plan of Control. The proposed assessment will be supported by a detailed Engineer's Report prepared by a registered professional engineer certified by the State of California, and will be considered at a subsequent date in accordance with Proposition 218. The proposed assessment will not impact or change the existing assessments for the current landowners in the GHAD.

GHAD Law requires the GHAD Petition to be placed on the GHAD Board agenda once the GHAD Clerk determines the Petition complies with GHAD Law. The GHAD Clerk determined that the Petition is substantially in the form required by GHAD Law and verified the signatures affixed to the Petition represent owners of not less than 10 percent of the real property to be annexed into the GHAD. At this GHAD Board meeting, the Board shall adopt a resolution setting a public hearing on the Petition and direct notice to be mailed to all owners of real property to be annexed into the GHAD as shown on the assessment roll last equalized by the County.

The GHAD Clerk/Manager and Attorney of the Wendt Ranch GHAD recommend that the GHAD Petition be accepted and a public hearing be ordered for August 3, 2021 to consider the annexation request.

CONSEQUENCE OF NEGATIVE ACTION:

The owners of the Somerset development may choose to form a new Geologic Hazard Abatement District or seek annexation into another Geologic Hazard Abatement District.

ATTACHMENTS

Wendt Ranch GHAD Resolution No. 2021/02

Somerset POC draft

Wendt Ranch Somerset Petition of Annexation