



**Contra
Costa
County**

To: Wendt Ranch GHAD Board of Directors
 From: Patricia E. Curtin, GHAD Attorney and General Manager
 Date: August 3, 2021

Subject: Proposed Annexation of the Somerset Development into the Wendt Ranch GHAD and approving the Somerset Plan of Control

RECOMMENDATION(S):

1. OPEN AND CONDUCT a public hearing on the proposed annexation.
2. CLOSE the public hearing and consider any written objections to the proposed annexation.
3. If owners of more than 50 percent of the assessed valuation of the property to be included in the GHAD do not submit written objections to the annexation, ADOPT Resolution No. 2021/03 approving the a) annexation of the Somerset Development into the Wendt Ranch Geologic Hazard Abatement District ("GHAD") subject to the adoption of a resolution approving the annexation by the Board of Supervisors of Contra Costa County as required under Public Resources code section 26581, and b) Somerset Development Plan of Control, and hear any written objections thereto.
4. If owners of more than 50 percent of the assessed valuation of the property to be included in the GHAD submit written objections to the annexation, the GHAD Board shall close the public hearing and direct that the annexation proceedings be abandoned.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/03/2021** ☒ 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: August 3, 2021

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

By: June McHuen, Deputy

Contact: Haley Ralston
 909.373.5457

cc:

FISCAL IMPACT:

The GHAD is proposed to be funded 100% through assessments to be levied on properties within the GHAD. The GHAD cannot provide services until a funding source is in place.

BACKGROUND:

1. GHAD Formation and Purpose.

GHAD 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 GHAD and thereby putting into place a mechanism to respond to emergencies in preventing and/or responding to geologic hazards. Members of the County Board of Supervisors serve as the GHAD Board of Directors.

2. Request for Annexation into the Wendt Ranch GHAD.

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

The Somerset development (Danville 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 by GHAD law, residents within the Somerset development, Subdivision 7763 ("GHAD Annexation Area"), located in the Danville area of unincorporated Contra Costa County submitted a Petition for Annexation to join the existing GHAD which was accepted by the GHAD Board with the approval of Resolution No. 2021/02 on July 13, 2021.

GHAD Law requires a Plan of Control, prepared by a State-Certified Engineering Geologist, as a prerequisite to annexation into a GHAD. Pursuant to GHAD Law, the Somerset Development Plan of Control was prepared by an Engineering Geologist 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 Plan of Control covers the GHAD Annexation Area only.

3. Proceedings on the Annexation Request.

On July 13, 2021 the GHAD Board of Directors adopted Resolution No. 2021/02 directing that a public hearing be set for August 3, 2021 to consider the proposed annexation and the proposed Plan of Control for the Somerset Development, and hear any written objections thereto. On July 14, 2021 notice of the August 3, 2021 public hearing was sent to each property owner within the proposed GHAD Annexation Area by first-class mail as required by GHAD Law. Notified property owners included all owners of real property to be annexed into the GHAD as shown on the assessment roll last equalized by Contra Costa County.

GHAD Law requires the legislative body which ordered formation of the GHAD to also approve annexations. The Contra Costa County Board of Supervisors, as the legislative body that formed the GHAD, will be required to confirm annexation if the GHAD Board approves the annexation.

As required by GHAD Law, if owners of more than 50 percent of the assessed valuation of the property to be included in the GHAD submit written objections to the annexation, the GHAD Board must close the public hearing and direct that the annexation proceedings be abandoned.

If owners of more than 50 percent of the assessed valuation of the property to be included in the GHAD do not submit written objections to the annexation, the GHAD Manager recommends the GHAD Board adopt Resolution No. 2021/03 approving annexation of the Somerset development into the GHAD and adopting the Plan of Control.

CONSEQUENCE OF NEGATIVE ACTION:

The property owners within the Somerset Development may attempt to form a new GHAD or seek annexation into another GHAD to allow a GHAD to carry out responsibilities identified in the Plan of Control.

ATTACHMENTS

Wendt Ranch GHAD Resolution No. 2021/03

Somerset POC draft

Wendt Ranch GHAD Petition for Annexation

Wendt Ranch GHAD Annexation of Somerset PowerPoint