



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

P L A N N I N G D E P A R T M E N T

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MEMORANDUM

TO: Board of Supervisors' Transportation/Planning Committee

FROM: Chris Bazar, Director, Community Development Agency
Albert Lopez, Planning Director

DATE: December 8, 2014

SUBJECT: County Proposal for Annexation of the Castro Valley Canyonlands into the Castro Valley Sanitary District for Solid Waste and Recycling Services

BACKGROUND

Waste Management of Alameda County (WMAC) currently provides solid waste collection service to the Castro Valley Canyonlands outside of the boundary of the Castro Valley Sanitary District (CVSan). Canyonlands residents and businesses voluntarily subscribe to collection services provided by WMAC or self-haul their waste to a disposal facility. WMAC provides solid waste, recycling, and organics collection services within CVSan's boundary through a franchise agreement with the district. Alameda County does not have regulatory or contractual authority to direct or control collection services in the Canyonlands. The Canyonlands include portions of Crow Canyon Road, Cull Canyon Road, Dublin Canyon Road, East Castro Valley Boulevard, Eden Canyon Road, Grassland Drive, Norris Canyon Road, Oak Tree Lane, Old Dublin Canyon Road, Palo Verde Road, Palomares Road, Redwood Road, and Sunnyslope Avenue.

In June of 2014, WMAC informed their Canyonlands customers that, as of July 1st, 2014, rates would increase by approximately 300 percent; increasing the monthly rate for a 32-gallon can from \$17.68 to \$45.99. The Castro Valley Municipal Advisory Council (MAC) held a meeting to discuss the rate increase on June 16th where they heard from many residents who strongly opposed the increase. In August of 2014, WMAC notified customers that the rate increase would be rolled back by 50 percent retroactive to July 1st, reducing the monthly rate for a 32-gallon can to \$31.84. WMAC also informed their customers that the company would discontinue service to the Canyonlands as of January 1st, 2015. WMAC has subsequently agreed to continue service through March 31, 2015. Since receiving notification that service would be discontinued, Supervisor Miley and his staff, members of the Castro Valley MAC, Community Development Agency (CDA) staff, CVSan staff, Alameda Local Agency Formation Commission (LAFCo) staff, and representatives from StopWaste have been working to find an alternative way to provide uninterrupted collection services in the Canyonlands.

DISCUSSION/SUMMARY

Proposal for annexation

After considering a number of options, CDA staff has concluded that annexation of the Canyonlands to CVSan would be the most beneficial for residents of the area. CVSan already has the staff and expertise to manage the provision of collection services; there would be no need for County staff to duplicate this function. The agreement between CVSan and the hauler would ensure the continuation of a consistent level of service through the term of the contract. In addition, the agreement would establish rates, and would prescribe how often and by how much rates could be increased. The owners of vacant or unoccupied properties would

not be charged for collection service since no service would be provided to these parcels. The annexation application would specify that the annexation is for the provision of solid waste and recycling collection services only. No sewer service would be available in the Canyonlands as a result of the annexation; and no fees associated with sewer service would be charged to affected property owners.

Annexation Process

The annexation process would require an application to LAFCo for two actions: the first to amend the CVSan Sphere of Influence (SOI) to include the area to be annexed, and the second to annex the territory to CVSan. Either CVSan or the County could submit the application to LAFCo. CDA staff supports submittal of the application by the County should the Board of Supervisors endorse such an approach. If the County acts as the applicant, it would be necessary for the Board to adopt a resolution to begin proceedings for the annexation, and for the CVSan Board to adopt a resolution in support of the annexation. CDA Planning staff is prepared to assemble the necessary information to complete the application.

One of the requirements for the application is a detailed map of the annexation area that meets the standards established by the State Board of Equalization. No map showing the boundary of the area proposed for annexation currently exists and the County Public Works Agency estimated several years ago that a map that meets the state's standards would cost a minimum of \$45,000 to produce. This cost hampered past efforts to annex the Canyonlands to CVSan since neither the County nor CVSan has had the funds available to produce the map. Over the last several months, CDA staff has been working closely with Board of Equalization staff to produce digital maps using CDA's GIS mapping system that will meet the state's requirements. A great deal of progress has been made and staff believes this process is nearly completed.

Costs Associated with the Proposed Annexation

The LAFCo application fee would include \$5,000 for the annexation and \$2,500 for the SOI amendment, for a total of \$7,500. State Government Code Section 56383(d) states that the commission may "reduce or waive a fee, service charge, or deposit if it finds that payment would be detrimental to the public interest. The reduction or waiver of any fee, service charge, or deposit is limited to the costs incurred by the commission in the proceedings of an application." If the County acts as the applicant, it could request that LAFCo waive the application fee due to the urgent need to provide uninterrupted waste collection service to the Canyonlands to discourage illegal dumping and burning or burying of waste onsite. Costs associated with the application also include County staff time to prepare the application and the required maps, and coordinate with LAFCo and CVSan staff.

In addition to the LAFCo application fee, the State Board of Equalization would require a fee to record the annexation. This fee would be based on the acreage of each separate area annexed. Since the boundary of the area to be annexed has not yet been finalized, the exact amount of the fee for the proposed annexation cannot be calculated, but it is likely to be between \$3,500 and \$7,000.

NEXT STEPS

If your committee concurs, County staff will bring a resolution of application requesting that LAFCo initiate proceedings for the annexation of the Castro Valley Canyonlands to CVSan for the provision of solid waste and recycling collection services to the full Board of Supervisors as soon as possible. In addition, staff will prepare the annexation application and complete the required maps for submittal to LAFCo as soon as possible.