

RESOLUTION NO. 24-2008

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING A RECOMMENDATION AND FINDINGS FOR A REQUESTED REZONE AT 109 RANCHO DE LA ROSA IN THE MARTINEZ AREA OF SAID COUNTY.

WHEREAS, on March 14, 2008, Christian Thede (Applicant) submitted an application (County File #RZ08-3204) on behalf of Anita Thede (Owner) to rezone a 34.17-acre parcel (Assessor Parcel Number 365-040-017) from A-4 Agricultural Preserve District to A-2 General Agricultural District at 109 Rancho de la Rosa in the Martinez area; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, an Initial Study/Negative Declaration ("Initial Study") was prepared to determine the project's environmental impacts and whether an environmental impact report should be prepared; and

WHEREAS, the Initial Study identified no potentially significant environmental impacts related to the project; and

WHEREAS, on July 3, 2008, the County published a Notice of Public Review for a Proposed Negative Declaration, which Notice recited the foregoing facts, indicated that the project would not result in potentially significant impacts to the environment, and started a period for public review and comments on the adequacy of the environmental documentation related to the project that ran to July 23, 2008; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on Tuesday, August 26, 2008, whereat all persons interested in the matter might appear and be heard; and

WHEREAS, at the request of the applicant, the public hearing was continued to Tuesday, October 28, 2008; and

WHEREAS, Staff recommended further continuance of the public hearing to Tuesday, November 18, 2008; and

WHEREAS, at the request of the applicant, the public hearing was continued to Tuesday, December 2, 2008; and

WHEREAS, on December 2, 2008, the County Planning Commission fully reviewed, considered, and evaluated all testimony and evidence submitted in this matter;

NOW, THEREFORE BE IT RESOLVED that the County Planning Commission ("this Commission"):

1. In accordance with the California Environmental Quality Act, the State CEQA Guidelines and the County CEQA Guidelines (together "CEQA"), FINDS that the proposed Negative Declaration is adequate for the purposes of compliance with CEQA and ADOPTS the Negative Declaration for the project. In support of these actions and conclusions, this Commission ADOPTS the CEQA Findings. This

Commission adopts these findings specifically for each of the approvals and entitlements it approves or recommends for approval for the project.

This Commission certifies that it has been presented with the Initial Study and that it has reviewed and considered the information contained in the Initial Study and the other information in the record prior to making the following recommendations, determinations, and findings. The Commission further certifies that the Initial Study reflects the lead agency's independent judgment and analysis, and that the Initial Study has been completed in compliance with CEQA regulations.

2. RECOMMENDS that the Board of Supervisors APPROVE of the proposed rezone (County File #RZ08-3204), changing the zoning designation of the property from A-4 Agricultural Preserve District to A-2 General Agricultural District.

BE IT FURTHER RESOLVED that the County Planning Commission determines that sufficient evidence has been provided to determine that the proposed project conforms with the County *Growth Management Performance Standards* (County General Plan 2005-2020, Growth Management Element, Section 4.4) and makes all of the findings required by County Ordinance Code §26-2.1806 to allow approval of the proposed project as follows:

A. Growth Management Performance Standards

1. Traffic: The site is accessed via private easement. The project would allow for the establishment of one single-family residence and one residential second unit. Thus, there would be no significant impact to area streets or intersections and no traffic report is required.
2. Water: The subject site currently does not have water service and the County would not support extending service to the site because it is outside the Urban Limit Line. Any proposal for future development of the site must comply with Health Services Department, Environmental Health Division standards for establishment of wells.
3. Sewage: The subject site currently does not have sewer service and the County would not support extending service to the site because it is outside the Urban Limit Line. Any proposal for future development of the site must comply with Health Services Department, Environmental Health Division standards for establishment of septic systems.
4. Fire Protection: The subject site receives fire protection services from the Contra Costa County Fire Protection District. As no development is proposed, approval of the project would not increase the demand for fire protection services.
5. Public Protection: The subject site receives public protection services from the Contra Costa County Sheriff. As no development is proposed, approval of the project would not increase the demand for public protection services.
6. Parks and Recreation: Approval of the proposed project would not substantially increase the population and therefore would not increase the demand for neighborhood parks and recreation facilities.

7. Flood Control and Drainage: The site is not located in a Special Flood Hazard Area. Drainage improvements would be required to comply with the requirements of the County Building/Grading Division.

B. Rezone Findings

Section 26-2.1806 of the County Ordinance Code requires specific findings to be made by the planning agency when a request for change in land use district is made; they are as follows:

1. Required Finding: The change proposed will substantially comply with the general plan.

Project Finding: The Agricultural Lands (AL) General Plan land use designation is consistent with all agricultural zoning districts. Rezoning the subject site from A-4 Agricultural Preserve District to A-2 General Agricultural District is consistent with the intent and purpose of the Urban Limit Line and the 65/35 Land Preservation Standard because the subject property would continue to be zoned for agricultural uses. The General Plan contains area-specific policies for the Briones Hills area. Rezoning the site from A-4 to A-2 is consistent with the overall intent of the Briones Hills agricultural preservation area, as well as goals and policies contained in the various elements of the General Plan related to preservation of agricultural lands and protection of open space. For these reasons, approval of the rezoning would substantially comply with the General Plan.

2. Required Finding: The use authorized or proposed in this land use district is compatible within the district and to uses authorized in adjacent districts.

Project Finding: The subject property is surrounded on all sides by land zoned A-4. Many of the uses allowed in the A-2 and A-4 districts are either the same or similar. Thus, the uses allowed in the A-2 zone are found to be compatible with uses authorized in adjacent agricultural districts.

3. Required Finding: Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.

Project Finding: County File #RZ72-1707 rezoned the subject site from A-2 to A-4 prior to the site entering into a Williamson Act contract. The A-2 and A-4 districts cover a majority of the land around the site. The contract expired in 1995 and the lack of a contract eliminates the need for the current zoning, thereby justifying the proposed change. No agricultural production exists on the site and rezoning the site to A-2 would not compromise the possibility of future production.

BE IT FURTHER RESOLVED that the Secretary of the County Planning Commission will sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors, all in accordance with the Government Code of the State of California.

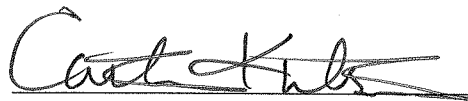
The instructions by the County Planning Commission to prepare this resolution were given by motion of the County Planning Commission on Tuesday, December 2, 2008 by the following vote:

AYES: Commissioners - Terrell, Battaglia, Snyder, Wong, Murray
NOES: Commissioners - Clark
ABSENT: Commissioners - Gaddis
ABSTAIN: Commissioners - None

MICHAEL MURRAY,
Chairman of the Planning Commission,
County of Contra Costa, State of California

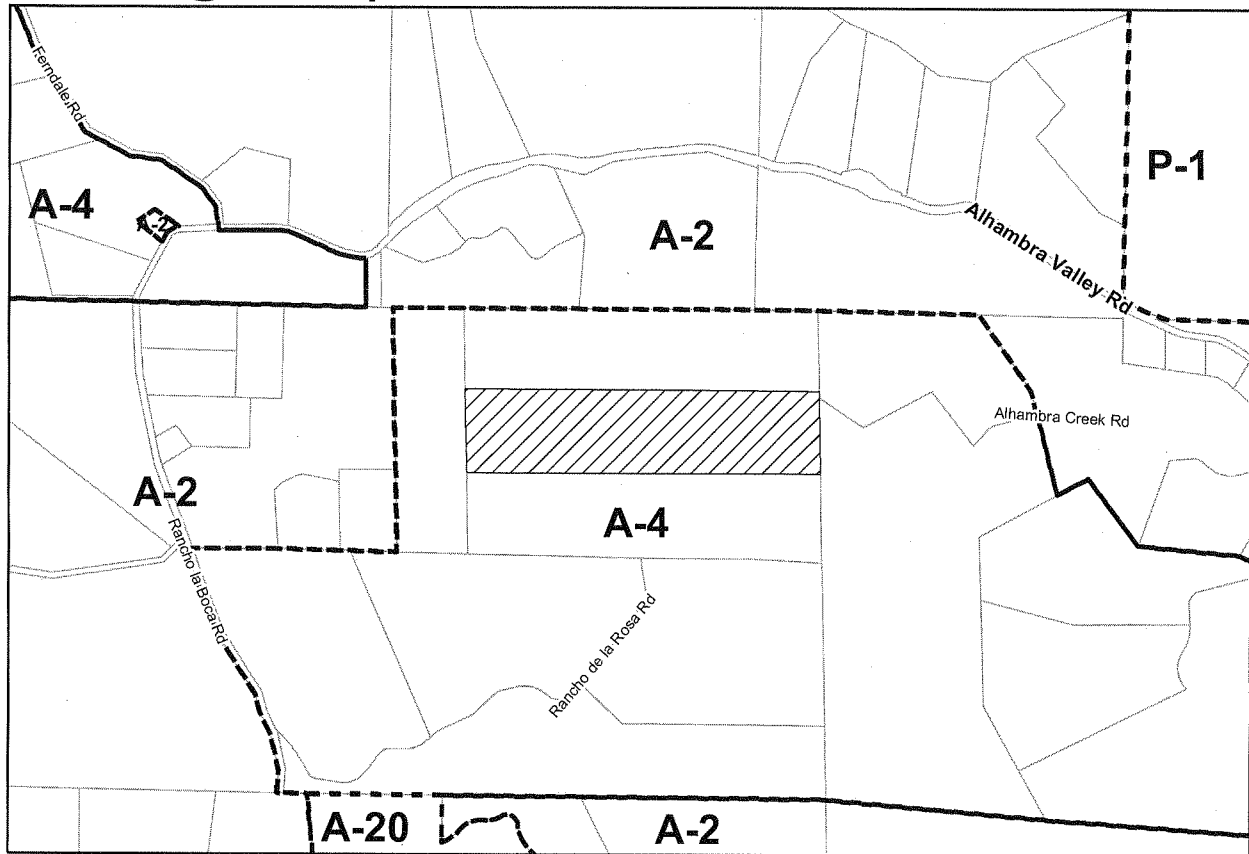
I, Catherine Kutsuris, Secretary of the County Planning Commission, certify that the foregoing was duly called and approved on December 2, 2008.

ATTEST:



Catherine Kutsuris, Secretary
Planning Commission
County of Contra Costa
State of California

Findings Map



Rezone from A-4 to A-2



Briones Area

I, Michael Murray Chair of the Contra Costa County
Planning Commission, State of California do hereby certify that
this is a true and correct copy of page J-10 & J-11 of the
County's 2005 zoning map.

indicating thereon the decision of the Contra Costa County
Planning Commission in the matter of
Christian Thede- RZ08-3204

ATTEST:

Secretary of the Contra Costa County
Planning Commission, State of California

ORDINANCE NO. 2009 - 01
(Re-Zoning Land in the

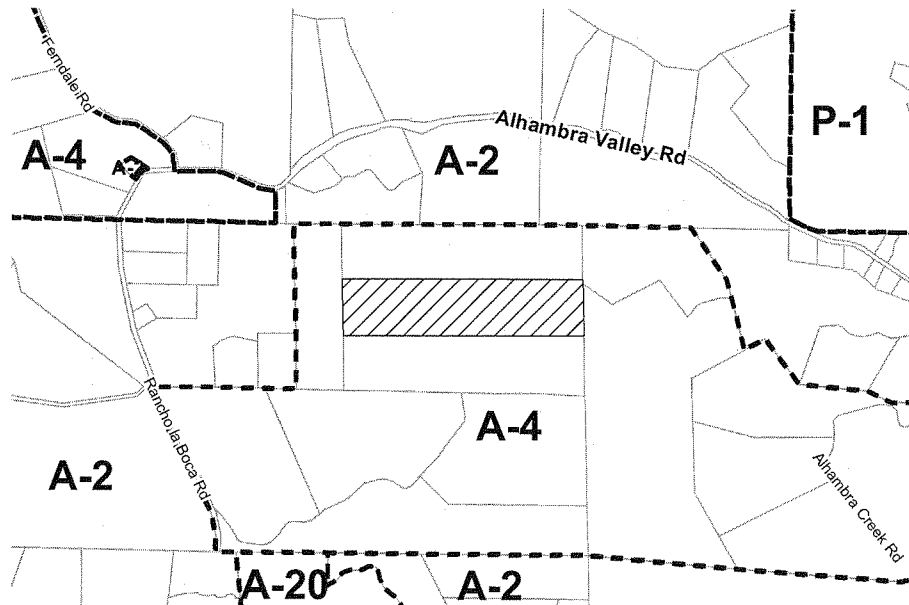
Briones Area)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I: Page J-10, J-11 of the County's 2005 Zoning Map (Ord. No. 2005-03) is amended by re-zoning the land in the above area shown shaded on the map(s) attached hereto and incorporated herein (see also Department of Conservation and Development File No. RZ08-3204.)

FROM: Land Use District A-4 (Agricultural Preserve)

TO: Land Use District A-2 (General Agricultural)
and the Department of Conservation and Development Director shall change the Zoning Map accordingly, pursuant to Ordinance Code Sec. 84.2.002.



SECTION II. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days of passage shall be published once with the names of supervisors voting for and against it in the _____, a newspaper published in this County.

PASSED on _____ by the following vote:

<u>Supervisor</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
1. J. Gioia	()	()	()	()
2. G.B. Uilkema	()	()	()	()
3. M.N. Piepho	()	()	()	()
4. S. Bonilla	()	()	()	()
5. F.D. Glover	()	()	()	()

ATTEST: David Twa, County Administrator
and Clerk of the Board of Supervisors _____

By _____, Dep.

Chairman of the Board
(SEAL)

ORDINANCE NO. 2009 - 01