

TO: BOARD OF SUPERVISORS
FROM: Harvey E. Bragdon
Director of Community Development
DATE: October 22, 1990
SUBJECT: Hearing on Subdivision 7535
Properties, et. al) Project in the Byron/Mountain House Area.

CONTRA COSTA



Contra
Costa
County

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COMMUNITY
DEVELOPMENT DEPT
(DeBolt Civil Engineering/Brun

SPECIFIC REQUEST(S) OR RECOMMENDATIONS(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATIONS

1. Accept environmental documentation as adequate.
2. Adopt the findings of the East County Regional Planning Commission as set forth in its Resolution 67-1990.
3. Approve Tentative Subdivision 7535 with findings and conditions as recommended by the East County Regional Planning Commission as contained in attached Exhibit A.

BACKGROUND/REASONS FOR RECOMMENDATIONS

This application is seeking to divide 455 acres into 20 lots. The subject property is located in the southeast corner of the County. It is also subject to an Agricultural Preserve Contract that remains in full force and effect.

Because most of the site consists of non-prime soils and the applicant is seeking parcels smaller than 40 acres, the State Map Act requires the Board of Supervisors make required findings prior to any approval. In this case, all proposed lots are approximately 20 acres in size.

The East County Regional Planning Commission heard this project on October 8, 1990. The staff report to the Commission included an Income Analysis Report (of alternative crops which might be grown on the proposed lots) submitted by the applicant in support of the project.

After taking testimony, the Planning Commission voted 6-3 to recommend that the Board make the required finding and approve the subdivision.

CONTINUED ON ATTACHMENT: YES

SIGNATURE:

RECOMMENDATION OF COUNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE
 APPROVE OTHER

SIGNATURE(S):

ACTION OF BOARD ON November 6, 1990 APPROVED AS RECOMMENDED
OTHER

This is the time heretofore noticed for hearing on the recommendation of the East County Regional Planning Commission on the application filed by DeBolt Civil Engineering (applicant) and Bruns Properties, et al (owners) for vesting tentative map (Sub 7535) approval to subdivide 455 acres into 20 lots. The proposal is seeking approval to create lots smaller than 40 acres on property largely consisting of non-prime soils, that is subject to an Agricultural Preserve Contract, in the Byron Mountain House area.

Mary Fleming, Community Development Department, presented the staff report on the application before the Board for consideration today, commenting on the location of the site, the Planning Commission recommendation and the staff recommendation to uphold the decision of the East County Regional Planning Commission.

Supervisor Torlakson commented on concerns expressed in a letter dated November 6, 1990 from Fred K. Specht, Manager, Byron-Bethany Irrigation District.

Karl Wandry, Community Development Department, suggested additional language to address the concerns expressed by Byron-Bethany Irrigation District.

The following persons appeared to speak:

Eric Hasseltine, appearing on behalf of Bruns Associates, spoke in favor of the proposal.

Lois Stornetta, P.O. Box 273, Byron, representing Byron-Bethany Irrigation District, spoke on the District's requested additions to the findings and conditions of approval language.

Supervisor Torlakson suggested additional language to avoid impact on the Byron-Bethany facilities.

The public hearing was closed.

Supervisor Torlakson moved to adopt the recommendations of staff with additional language to avoid impact on the Byron-Bethany Irrigation District.

IT IS BY THE BOARD ORDERED that recommendations 1, 2, and 3 with findings and conditions as amended (Exhibit A attached) are APPROVED.

VOTE OF SUPERVISORS

 X UNANIMOUS (ABSENT _____)
AYES: _____ NOES: _____
ABSENT: _____ ABSTAIN: _____

cc: Community Development (Orig.Dept)
DeBolt Civil Engineering
Bruns Properties, et.al
County Counsel
Public Works-Tom Dudziak
Byron Fire Protection District
msc/7535.bos

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 November 6, 1990

PHIL BATCHELOR, CLERK OF
THE BOARD OF SUPERVISORS
AND COUNTY ADMINISTRATOR

BY Ann C. [Signature], DEPUTY

RESOLUTION NO. 67-1990

RESOLUTION OF THE EAST COUNTY REGIONAL PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA REGARDING THE REVIEW OF TENTATIVE SUBDIVISION MAP APPLICATION 7535 IN THE BYRON/MOUNTAIN HOUSE AREA.

WHEREAS, on May 30, 1990, an application to divide 455 acres into 20 lots was filed with the Community Development Department by DeBolt Civil Engineering (Applicant), Bruns Properties (Owners); and

WHEREAS, a Negative Declaration was posted on September 14, 1990 following preparation of an initial environmental study; and

WHEREAS, the subject property is subject to an existing Agriculture Preserve contract (AP# 13-77), and consists of soils that largely qualify as non-prime soils; and

WHEREAS, after notice was lawfully given, a public hearing was conducted before the East County Regional Planning Commission on October 8, 1990, whereat all persons interested might appear and be heard; and

WHEREAS, the Planning Commission having fully reviewed, considered and evaluated all testimony and evidence on this matter.

NOW THEREFORE BE IT RESOLVED that the East County Regional Planning Commission FINDS that the subdivision as proposed will not result in parcels that are too small to sustain an agricultural use; and

BE IT FURTHER RESOLVED that the Planning Commission recommends to the Board of Supervisors APPROVAL of Subdivision 7535 subject to conditions.

RESOLUTION NO. 67-1990

The instruction by the East County Regional Planning Commission to prepare this resolution on Subdivision 7535 was given by motion of the East County Regional Planning Commission on Monday, October 8, 1990 by the following vote:

AYES: Commissioners - Hern, Wetzal, Castiglione, Catanzaro,
Planchon and Maybee.

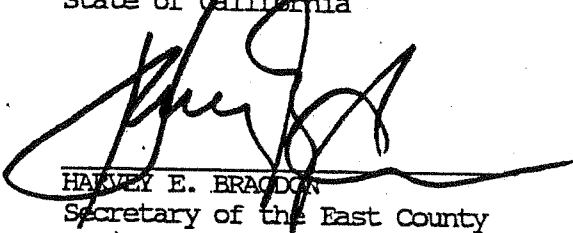
NOES: Commissioners - Andrieu, Hanson and Nunn

ABSENT: Commissioners - None

ABSTAIN: Commissioners - None

DIANE MAYBEE
Chair of the East County
Regional Planning Commission,
County of Contra Costa
State of California

ATTEST:


HARVEY E. BRADDON
Secretary of the East County
Regional Planning Commission
County of Contra Costa
State of California

msc/byrn7535.res(dw4)