

COUNTY PLANNING COMMISSION  
TUESDAY, APRIL 27, 2010

I. INTRODUCTION

TOM FASANARO (Applicant & Owner), County File #RZ09-3209: A request to rezone a 33.0-acre parcel from A-4 Agricultural Preserve District to A-2 General Agricultural District. The subject property is addressed 129 Rancho de la Rosa Road in the Martinez Area. (Zoning: A-4) (ZA: J-10, J-11) (CT: 3560.02) (GP: Agricultural Lands) (APN: 365-040-016)

II. RECOMMENDATION

Staff recommends that the County Planning Commission adopt a motion recommending that the Board of Supervisors do the following:

- A. FIND, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, that the Initial Study prepared for the project adequately analyzes the potential environmental impacts and ADOPT the proposed Negative Declaration.
- B. ADOPT a motion to rezone the subject property, Parcel B of County File #MS33-86, from A-4 Agricultural Preserve District to A-2 General Agricultural District.

III. GENERAL INFORMATION

- A. General Plan: Agricultural Lands (AL)
- B. Zoning: A-4 Agricultural Preserve District
- C. CEQA Status: A Negative Declaration was posted on March 17, 2010. The comment period expired on April 7, 2010. Notices were mailed to adjacent property owners, the City of Martinez, the Alhambra Valley Improvement Association (AVIA) and the Local Agency Formation Commission (LAFCO). Comments were received from the AVIA via email on March 26, 2010, and in letter form from LAFCO on April 6, 2010. The AVIA indicated that it has no objections provided there are no neighbor complaints; no specific comments were made regarding the adequacy of the environmental document. No neighbor complaints have been received. LAFCO's comments are addressed under Section VI.C below.
- E. Previously Approved Applications
  - RZ72-1707: Rezone of 120 acres, including the subject property, from A-2 to A-4.
  - MS33-86: Four-lot minor subdivision; the subject property is Parcel B.
- F. Regulatory Programs: None

IV. SITE/AREA DESCRIPTION

The subject property is located in the rural Martinez/Briones Hills area, with the City of Martinez boundary approximately 2 miles east and the City of Richmond boundary

approximately 4 miles west. Most land in the area is zoned A-2 or A-4, including the all land abutting the property. The nearest non-agricultural zone is a planned unit district approximately 0.7 miles (3,700 feet) east of the property on Alhambra Valley Road. Surrounding land uses are agricultural, residential or a combination thereof.

The property is 33 acres, vacant, and contains rolling hills, large groves of trees, and rocky terrain. Access is limited to an unpaved private easement (Rancho de la Rosa Road). A small portion of the site straddling the access easement is relatively flat and appears to be the only location suitable building.

## V. PROPOSED PROJECT

The applicant requests approval of a rezone of the property from A-4 to A-2. The applicant has indicated no immediate plans for development of the property.

## VI. STAFF ANALYSIS/DISCUSSION

### A. Appropriateness of Rezone

#### *Existing Zoning Conditions*

County File #RZ72-1707 was approved to rezone the approximately 121-acre mother parcel of the subject property from A-2 to A-4 prior to the property entering into a Williamson Act contract. A Williamson Act contract is a contract entered into between a property owner and the County wherein the owner agrees to utilize the land for those uses specified in the contract and in return the County taxes the property at a lower rate. The A-4 zone is compatible with lands that are under a Williamson Act contract because it specifies that all uses agreed to in the contract are permitted uses. The property came out of its Williamson Act contract in 1995. With the property out of contract, the A-4 zoning designation is unnecessary and inappropriate.

#### *Background on Rezoning in the Briones Hills Area*

It is typical for properties to rezone from A-2 to A-4 before entering into a Williamson Act contract. A significant amount of acreage in the Briones Hills area was zoned A-4 for this reason. Though several of the contracts have either expired or were never executed, a significant amount of acreage remains zoned A-4.

As shown in Table 1, three rezone applications have been approved in the Briones Hills area in the last four years. All of these were approved within 2.5 miles of the subject property. County File #RZ08-3204, approved on February 3, 2009, is most relevant to the proposed rezone because it is adjacent to the subject property and the policies and practices in place at the time it was processed are the same as they are today.

Table 1: Recent Rezones in the Briones Hills Area

County File	Request	Final Action
RZ08-3204	Rezone 34.17 acres from A-4 to A-2	Approved 2/3/2009
RZ05-3169	Rezone 20.89 acres from A-4 to A-20	Approved 4/11/2006
RZ00-3096	Rezone 10.4 acres from A-4 to A-2	Approved 12/19/2006

County File #RZ08-3204 was a request to rezone the property immediately south of the subject property from A-4 to A-2. That property is similar to the subject property in every respect. The request was considered by the County Planning Commission on December 2, 2008, and in making its recommendation of approval to the Board of Supervisors, the Commission stressed that its action was not to be construed as an endorsement of a future subdivision.

#### *Comparison of Existing and Proposed Zoning Designations*

The uses allowed both by right and with a land use permit in the A-2 and A-4 zones are similar. The A-2 District does allow for establishment of some more-intense agricultural uses, such as granaries, dehydration plants, fruit and vegetable packing plants, and the like. However, physical limitations such as steep slopes, limited access, lack of utility connections, and scarcity of suitable building locations make the property an unlikely candidate for establishment of these types of land uses. It should be noted that these physical limitations also make the property a poor candidate for subdivision.

Under the A-4 zoning the 33.0-acre property is required to be at least 40 acres due to the non-prime soil types that are present (the minimum area requirement was 20 acres when the property was rezoned to A-4). The A-2 District requires a minimum parcel size of five acres. Therefore, approval of the rezone would correct the property's existing inconsistency with zoning standards.

#### **B. General Plan Consistency**

##### *Land Use Element - Land Use Designation*

The Land Use Element of the General Plan designates the subject property as Agricultural Lands (AL). The AL designation allows for a wide range of agricultural uses and limits density to a maximum of 1 unit per 5 acres. The A-2 zoning designation is consistent with the AL designation in terms of density as well as general uses allowed.

##### *Land Use Element - Briones Hills Agricultural Preservation Area*

The subject property is within the Briones Hills Agricultural Preservation Area. In the 1980s a voluntary agreement was formed between several adjacent cities and the County for the purpose of protecting the area's open space and agricultural value. The participating cities agreed not to annex any of the lands within the 64-square mile area for the purposes of allowing urban development.

While the A-2 zone allows for smaller lots than the A-4 zone, the density would not increase because density is determined by the underlying AL land use designation, which would remain unchanged.

##### *Land Use Element - Urban Limit Line*

The purpose of the ULL is twofold: (1) to ensure preservation of identified non-urban agricultural, open space and other areas by establishing a line beyond which no urban land uses may be established; and (2) facilitate the enforcement of the 65/35 Land Preservation Standard (Land Use Element page 3-8). To this end, the General Plan does not allow properties outside the ULL to obtain General Plan Amendments that would re-designate them for an urban land use. In addition, properties outside the ULL may be

subject to various agricultural and open space preservation measures. These measures could include, but would not necessarily be limited to:

1. Permitting owners of large acre parcels to subdivide and allow only a one-acre building envelope (building site).
2. Encouraging the dedication of open space and agricultural conservation easements.
3. Implementing a transfer of development rights (TDR) program.

The subject property is located outside the ULL and the proposed zoning designation is consistent with the intent and purpose of the ULL because it is agricultural (non-urban).

#### *Land Use Element - 65/35 Land Preservation Standard*

The 65/35 Land Preservation Standard limits urban development to no more than 35 percent of the land in the County, and requires the remaining 65 percent of all land be preserved for agriculture, open space, wetlands, parks and other non-urban uses (Land Use Element page 3-11). The proposed zoning designation is consistent with the intent and purpose of the 65/35 Standard because it is agricultural.

#### *Conservation Element - Agricultural Resources*

The Conservation Element of the General Plan includes goals and policies related to protection of agricultural resources and encouragement of agricultural production. The subject property is located in an agriculturally important area (Conservation Element Figure 8-2). The Conservation Element does not specifically favor one agricultural zoning district over another. Rezoning the property from A-4 to A-2 would in no way threaten agricultural resources or hinder agricultural production.

#### C. LAFCO Comments on CEQA Initial Study

LAFCO's letter provides general comments regarding its role in the planning process as well as project-specific comments. The letter states that the Initial Study in its present form is inadequate for LAFCO's purposes. However, LAFCO will not be asked to take future action on this project for the following reasons:

- The property was legally subdivided in 1986 and it was acknowledged then that a well and septic system would be required for development. There are no plans to extend municipal utilities or services to the property.
- The property is outside the Sphere of Influence (SOI) of the City of Martinez and there are no plans to extend the SOI to this area or annex the property.
- The project does not involve a subdivision or any proposal for physical development. Therefore, annexation County Service Area L-100 is not required.

Since LAFCO will not take future action on the project, it need not rely on the Initial Study.

#### VII. CONCLUSION

The subject property was at one time zoned A-2 but was rezoned to A-4 when it entered into a Williamson Act contract. With the Williamson Act contract expired, the current zoning is

unnecessary and inappropriately limits development. Therefore, Staff recommends that the County Planning Commission adopt a motion recommending that the Board of Supervisors adopt the Negative Declaration for the project and approve County File #RZ09-3209 to rezone the subject property from A-4 Agricultural Preserve District to A-2 General Agricultural District.

Exhibits

- A. Findings & Conditions of Approval
- B. Negative Declaration & Initial Study
- C. Agency Comments
- D. Maps

W 4/21/16