

**FINDINGS & CONDITIONS OF APPROVAL FOR COUNTY FILE #RZ10-3216,
CHARLES AND LORRAINE FARR (APPLICANT & OWNER).**

FINDINGS

A. Growth Management Performance Standards

1. Traffic: The parcels are accessed via private easement. Approval of the project would allow for the establishment of one single-family residence and one residential second unit by right per legal lot. 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. Rezoning the site does not change the fact that any proposal for future development 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. Rezoning the site does not change the fact that any proposal for future development 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 San Ramon Valley Regional Fire Protection District. Simply rezoning the site would not impact fire protection services because adequate fire protection improvements and fees are typically required when physical development occurs.
5. Public Protection: The subject site receives public protection services from the Contra Costa County Sheriff. Simply rezoning the site would not impact public protection services because impacts to such services are mitigated at the time building permits are issued on lots created through a minor subdivision, as was the subject properties.
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 located in a Special Flood Hazard Area but no drainage improvements are required because no development is proposed. If drainage improvements were ever necessary, they would be required to comply with the requirements of the County Building/Grading Division and may require a Flood Plain Permit.

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, non-urban uses. The General Plan contains no area-specific policies for the Bollinger Canyon area. Rezoning the site from A-4 to A-2 is consistent of the 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 with uses authorized in adjacent districts.

Project Finding: The subject properties are bordered on the north and east sides by land zoned A-4, and on the west side by land zoned A-2. Alameda County borders the site on the south side. Most of the uses allowed in the A-2 and A-4 districts are 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: Approval of County File #RZ75-1925 rezoned the subject property from A-2 to A-4 prior to the site entering into a Williamson Act contract. The contract expired in 2006 and thus there is no need for the property to be zoned A-4. The property is bordered on all sides by properties zoned A-2 and A-4 and these zones are prevalent in the surrounding area. Rezoning the site to A-2 is therefore justified.

CONDITIONS OF APPROVAL

Application Costs:

1. _____ This application is subject to an initial application deposit of \$2500.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed 100% of the initial deposit. **Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first.** The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.
2. _____ Within four (4) business days of the final action on this project, **the applicant is required to pay the California Department of Fish & Game (CDFG) filing fee of \$2,101.50. Payment of this fee is mandated by Assembly Bill 3158, which became effective on January 1, 1991.**

Pursuant to Fish & Game Code Section 711.4(c)(3), the project will not be operative, vested, or final, and any local permits issued for the project will be invalid until either the fee is paid or a signed *No Effect Determination Form* is submitted indicating that the fee is not required. Also, if the fee is not paid by the date specified, then the 30-day statutory time limit to file a legal challenge against the approval will automatically extend to 180 days.

ADVISORY NOTES

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.

- A. Notice of 90-day opportunity to protest fees, dedications, reservation, or other exactions pertaining to the approval of this permit.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservation, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by the approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Department of Conservation & Development, Community Development Division within the 90 days of the approval date of this permit.