



# Department of Conservation and Development

## County Planning Commission

**Tuesday, November 10, 2015– 7:00 .P.M.**

### **STAFF REPORT**

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**Project Title:** Charles Lewis Rezoning

**County File:** RZ09-3213

**Applicant/Owner:** Charles Lewis, Applicant and Owner

**General Plan/Zoning:** AL, Agricultural Lands / A-4, Agricultural Preserve District

**Site Address/Location:** 1130 Christie Road in the Martinez area

**California Environmental Quality Act (CEQA) Status:** An Initial Study / Negative Declaration (IS/ND) was circulated for a 20-day public review period that ended February 24, 2015. During that time no comments were received by the Department of Conservation and Development.

The applicant wishes to add 2.25 acres of land to the rezoning application after public notice of availability of an IS/ND had been given but prior to its adoption by the Board of Supervisors. The proposed modification does not require revision to the IS/ND and therefore the document does not require recirculation pursuant to section 15073.5 of the State CEQA Guidelines.

**Project Planner:** John Osborne, Senior Planner, 925-674-7793

**Staff Recommendation:** Adopt a motion recommending that the Board of Supervisors adopt the Negative Declaration and approve the rezoning of the property.

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### **I. PROJECT SUMMARY**

The applicant requests approval of rezoning a 22.25-acre parcel from A-4, Agricultural Preserve District to A-2, General Agricultural District.

### **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 IS/ND.
- B. ADOPT a motion to rezone the subject property from A-4, Agricultural Preserve District to A-2, General Agricultural District.
- C. DIRECT Department of Conservation and Development staff to file a Notice of Determination with the County Clerk.

### **III. BACKGROUND**

This application was recommended for approval to the Board of Supervisors by the County Planning Commission on June 9, 2015. Since then the applicant acquired approximately 2.25-acres of land from the adjacent neighbor (Lot Line Adjustment 15-31) and wishes to include that 2.25-acres in the rezoning application before going to the Board of Supervisors for final approval. The project site is now approximately 22.25-acres.

The property, including the additional 2.25 acres, was originally zoned A-2, General Agricultural District. Then, in 1973 the property entered into a Williamson Act Contract and the property was rezoned to A-4, Agricultural Preserve District. The A-4 zoning designation is for Williamson Act contracted land only.

In 1997 the property, including the 2.25 acres, came out of the Williamson Act, but the land stayed in the A-4 zoning district. The County does not automatically rezone property back to its prior zoning; it is up to the land owner to rezone the property. Since the land owner at that time did not rezone the property, the current owner is applying for the rezoning of the property.

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**IV. SITE/AREA DESCRIPTION**

The subject property is located in a rural area west of the Martinez. Parcels in the vicinity range in size from 5-acres to over 100-acres and tend to be vacant or developed with agricultural and residential uses. The site is surrounded by properties zoned A-4 and A-2. The area is characterized by steep terrain and large groupings of mature trees.

**V. PROJECT DESCRIPTION**

The applicant wishes to rezone the property from A-4, Agricultural Preserve District to A-2, General Agricultural District. The A-4 District is a unique zoning district that applies to properties covered by a Williamson Act contract. The property is no longer under a Williamson Act Contract as noted below.

**VI. STAFF ANALYSIS**

A. Appropriateness of Rezone

Staff believes the rezoning request is reasonable because the land is no longer under a Williamson Act Contract and therefore A-4 zoning is unnecessary and inappropriately limits development.

*Comparison of Existing and Proposed Zoning Designations*

The uses allowed both by right and with a land use permit in the A-2 District are broader than the A-4 District. The uses and structures allowed in the A-4 District are limited to what is in the contract.

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.

This land use designation includes most of the privately owned rural lands in the County, excluding private lands that are composed of prime soils or lands that are located in or near the Delta. Most of these lands are in hilly portions of the

County and are used for grazing livestock, or dry grain farming. The purpose of the Agricultural Lands designation is to preserve and protect lands capable of and generally used for the production of food, fiber, and plant materials. The title is intended to be descriptive of the predominant land-extensive agricultural uses that take place in these areas, but the land use title or description shall not be used to exclude or limit other types of agricultural, open space or non-urban uses. The maximum allowable density in this category is one dwelling unit per 5 acres. The uses that are allowed in the Agricultural Lands designation include all land-dependent and non-land dependent agricultural production and related activities. In addition, the following uses may be allowed by issuance of a land use permit, which shall include conditions of approval that mitigate the impacts of the use upon nearby agricultural operations through the establishment of buffer areas and other techniques:

- facilities for processing agricultural products produced in the County such as dairies, rendering plants, and feed mills;
- commercial agricultural support services which are ancillary to the agricultural use of a parcel, such as veterinarians, feed stores, and equipment repair and welding; and
- small-scale visitor serving uses including small tasting rooms, stands for the sale of products grown or processed on the property, guest or "dude" ranches, horse training and boarding ranches, improved campgrounds, and "bed and breakfast" inns of five or fewer bedrooms which are on lots of 20 acres or more, extensive recreational facilities and private retreats.

#### *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.

**VII. CONCLUSION**

Staff recommends that the County Planning Commission adopt a motion recommending that the Board of Supervisors adopt the Initial Study / Negative Declaration for the project and approve County File # RZ09-3213 to rezone the property from A-4 Agricultural Preserve District to A-2 General Agricultural District.

Attachments:

- A. Findings and Conditions of Approval
- B. Initial Study / Negative Declaration
- C. Exhibit 1 - Rezoning Map