



# Department of Conservation and Development

## County Planning Commission

Wednesday, December 11, 2019 – 7:00 .P.M.

### STAFF REPORT

Agenda Items #3a, 4a

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| <b>Project Title:</b>                                      | 18320 Bollinger Canyon Road Minor Subdivision and Rezoning   |
| <b>County File:</b>  | Ms16-0014, RZ16-3234   |
| <b>Applicant/Owner:</b>                                    | Lauren And Aaron Locey (Applicant), Frances Farr (Owner)   |
| <b>Zoning/General Plan:</b>                                | A-4 Agricultural Preserve District / AL Agricultural Lands   |
| <b>Site Address/Location:</b>                              | 18320 Bollinger Canyon Road in the San Ramon area in unincorporated Contra Costa County (Assessor's Parcel Number 199-370-004) |
| <b>California Environmental Quality Act (CEQA) Status:</b> | Mitigated Negative Declaration   |
| <b>Project Planner:</b>                                    | Stan Muraoka, AICP, Senior Planner (925) 674-7781  |
| <b>Staff Recommendation:</b>                               | Approve (See section II for full recommendation)   |

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### **I. PROJECT SUMMARY**

The applicant requests approval of the 18320 Bollinger Canyon Road Minor Subdivision and Rezoning Project, consisting of (A) a rezoning of a 102.22-acre agricultural parcel, and (B) a two-lot Minor Subdivision including a Tentative Parcel Map.

- A. Rezoning RZ16-3234: A Rezoning of a 102.22-acre agricultural parcel from the A-4 Agricultural Preserve District to the A-2 General Agricultural District.
- B. Minor Subdivision MS16-0014: A Minor Subdivision, including a Tentative Parcel Map, to subdivide the 102.22-acre agricultural parcel in to two lots, including an 81.38-acre parcel and a 20.84-acre parcel. The project does not include any new

construction on the parcels. The applicant also requests authorization of an exception to the requirements of County Code Section 914-2.002 (Onsite Collect and Convey Requirements).

## **II. RECOMMENDATIONS**

Department of Conservation and Development, Community Development Division (CDD) staff recommends that the County Planning Commission:

- A. ADOPT Mitigated Negative Declaration/Initial Study (MND) for 18320 Bollinger Canyon Road consisting of the draft MND and the Final MND, and the Mitigation Monitoring Program, based on the attached findings; and specify that the Department of Conservation and Development (located at 30 Muir Road, Martinez, CA) is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.
- B. GRANT the exception to the requirements of County Code Section 914-2.002 (Onsite Collect and Convey Requirements), as detailed in the attached findings.
- C. APPROVE Minor Subdivision MS16-0014, including the Tentative Parcel Map, based on the attached findings and subject to the attached conditions of approval.
- D. DIRECT staff to file a Notice of Determination.
- E. ADOPT a motion recommending that the Board of Supervisors:
  1. ADOPT Mitigated Negative Declaration/Initial Study (MND) for 18320 Bollinger Canyon Road, finding that: there is no substantial evidence that the project with the proposed mitigation measures will have a significant effect on the environment; the MND, consisting of the draft MND and Final MND, reflects the County's independent judgement and analysis, the MND is adequate and complete; and, the MND has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and specify that the Department of Conservation and Development (located at 30 Muir Road, Martinez, CA) is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based.

2. APPROVE proposed Rezoning RZ16-3234 from the A-4 Agricultural Preserve District to the A-2 General Agricultural District.

3. DIRECT staff to file a Notice of Determination with the County Clerk.

### **III. GENERAL INFORMATION**

A. General Plan: AL Agricultural Lands

B. Zoning: A-4 Agricultural Preserve

C. California Environmental Quality Act: A draft Mitigated Negative Declaration/Initial Study (MND) was prepared and published for the application. The 21-day public review period for the draft MND started on October 18, 2019 and ended on November 8, 2019. The draft MND is included as Attachment 6. Six letters and two emails were received in response to the publication of the draft MND. A Final MND has been prepared that includes the written comments received on the draft MND, responses to the comments received, and staff-initiated text changes, including minor corrections and technical changes. The Final MND is included as Attachment 7. A related Mitigation Monitoring Program is included as Attachment 8.

D. Tribal Cultural Resources: On March 12, 2019, in accordance with Section 21080.3.1 of the California Public Resources Code, a Notice of Opportunity to Request Consultation was mailed and emailed to the Wilton Rancheria, the one California Native American tribe that has requested notification of proposed projects. Pursuant to Section 21080.3.1(d), there was a 30 day time period for the Wilton Rancheria to either request or decline consultation in writing for this project. The Wilton Rancheria submitted an email on March 31, 2019 stating that it wished to initiate consultation. On August 20, 2019, CDD staff completed a telephone discussion on the proposed project with a representative of the Wilton Rancheria. The Wilton Rancheria requested additional information on the proposed project, and staff agreed to include the Native American tribe in the distribution of the environmental review document for the proposed project. Staff emailed and mailed the draft MND to the Wilton Rancheria on October 18, 2019. The Wilton Rancheria sent the CDD an email on October 29, 2019 commenting on the draft MND. The email included a suggested mitigation measure. As discussed in the Final MND, the Wilton Rancheria did not raise any issues with the adequacy of the MND in evaluating tribal cultural resources, and

therefore, the suggested mitigation measure has not been included in the MND. Since two tributaries of Bollinger Creek traverse the project site, the Wilton Rancheria's suggested mitigation is included as Condition of Approval #14 in the attached Conditions of Approval and Advisory Notes.

E. Previous Applications:

AP17-75: A Land Conservation (Williamson Act) Contract for approximately 507 acres of land in the vicinity of Bollinger Canyon and Crow Canyon roads, including the project site, was approved by the Board of Supervisors on February 11, 1975 and became effective on February 28, 1975.

A Notice of Nonrenewal of AP17-75 for the project site was recorded on December 27, 1996. Subsequently the Williamson Act Contract for the project site expired on February 28, 2006.

RZ1925. This Rezoning of land under Williamson Act Contract AP17-75, from the A-2 General Agricultural District and the CM Controlled Manufacturing District to the A-4 Agricultural Preserve District, was approved by the Board of Supervisors on February 24, 1975.

MS76-0072: A Minor Subdivision to subdivide a 512 acre property, including the project site (MS76-0072 Parcel B), was approved on July 7, 1975.

LP76-2069: A Land Use Permit to establish a single-family residence on the project site in the A-4 District was approved effective July 28, 1976.

**IV. SITE/AREA DESCRIPTION**

The 102.22-acre property (the project site) is a single legal lot, as shown on the Assessor's Parcel Map in Attachment 1. The project site is in use for raising and keeping horses, and for rural residential uses. The site is located on the north side of Bollinger Canyon Road, approximately 0.4 mile southeast of the intersection of Bollinger Canyon Road and Bollinger Estates Court. One single-family residence, a barn, a covered arena, and a number of accessory structures are currently located on proposed Parcel A. One single-family residence and several accessory structures are currently located on proposed Parcel B. The existing single-family residences on the project site are accessed via a loop driveway that has two driveway intersections with Bollinger Canyon Road, located approximately 475 feet apart. As shown in

Attachment 2, the northerly driveway is partially asphalt and partially gravel and provides direct access to the residences on Parcel A. The southerly asphalt driveway provides direct access to the residence on Parcel B and a property adjacent to the northeast. A third driveway is located approximately 825 feet southeast of the driveway that provides access onto Parcel B. This asphalt driveway (Bear Tree Road) also provides access through Parcel B to properties located east of the project site. Along the project frontage, Bollinger Canyon Road is a two-lane, approximately 20-foot wide road within a 60-foot right-of-way.

Surrounding the project site are other agricultural parcels and open space properties, including an 86.76-acre parcel owned by the East Bay Regional Park District to the north, parcels ranging from 21.5 acres to over 110 acres to the east, and parcels ranging from 5.69 acres to 10.75 acres to the west. South of the project site and across Bollinger Canyon Road are parcels ranging from 3.46 acres to over 250 acres. The smaller parcels are rural residential ranchettes, and the larger parcels are either in agricultural use for raising and keeping livestock or are open space lands.

Bollinger Creek runs along the south side of Bollinger Canyon Road. Two tributaries of Bollinger Creek run in a north to south direction on the project site. Vegetation on the site includes riparian woodland composed primarily of mature live and valley oak trees along the tributaries, oak woodland on the northeastern and eastern portions of the site that are upslope from the tributaries, and non-native annual grassland on the western and southwestern portions of the site. These habitats are also found on the surrounding agricultural properties.

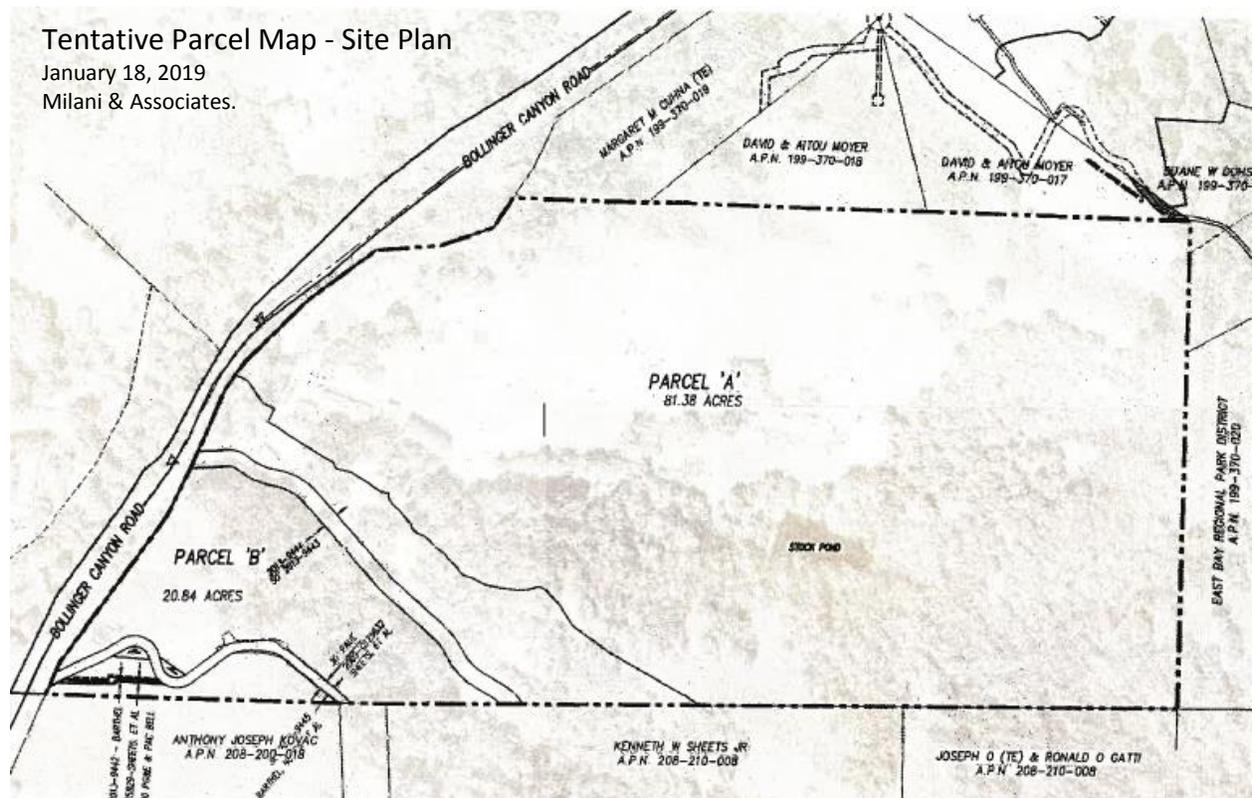
The closest urban, residential area is located approximately 0.6 mile to the northeast on the other side of the northwest to southeast-trending ridge that separates the Bollinger Canyon area from the City of Danville. This ridge averages approximately 1,650 feet in elevation near the project site. The site itself ranges from approximately 850 feet in elevation at Bollinger Canyon Road and rises to approximately 1,300 feet in elevation at its northern boundary.

## **V. PROJECT DESCRIPTION**

The proposed 18320 Bollinger Canyon Road Project is a Minor Subdivision of the 102.22-acre project site into two agricultural lots, including an 81.38-acre Parcel A and a 20.84-acre Parcel B as shown on the Tentative Parcel Map, and a Rezoning of the site from the A-4 Agricultural Preserve District to the A-2 General Agricultural

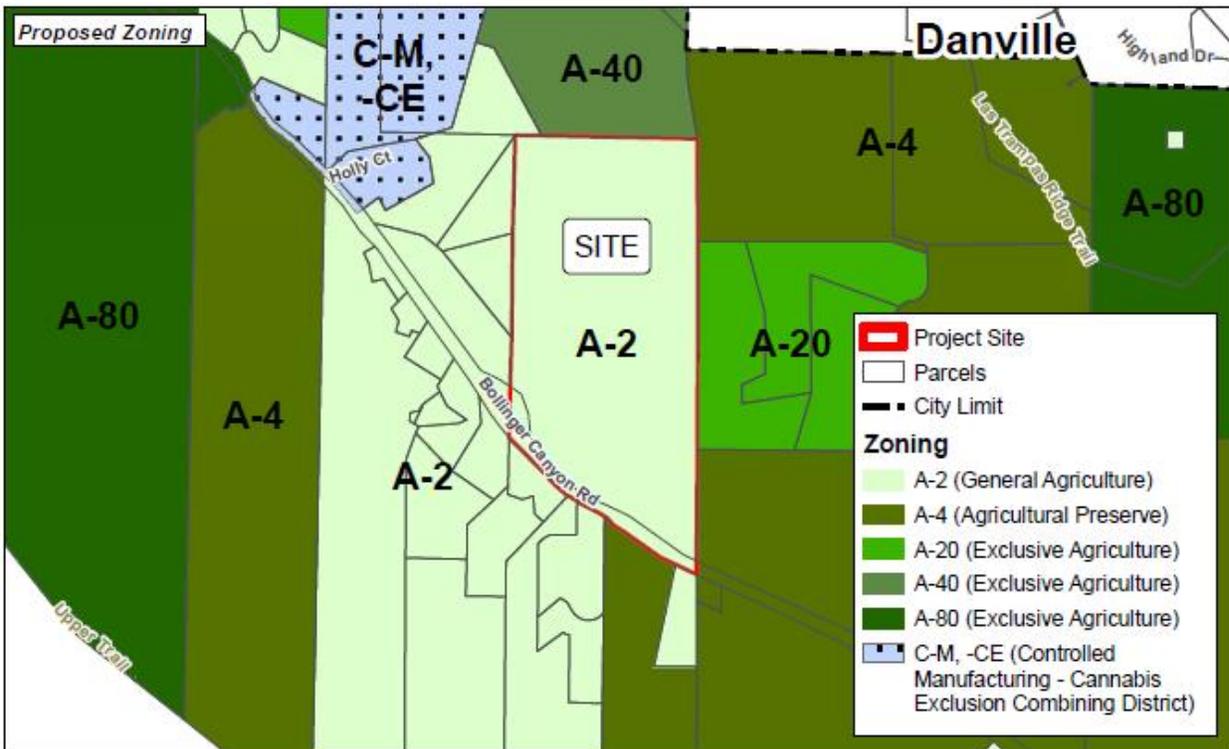
District.

Minor Subdivision MS16-0014: As described above in Section IV, Site/Area Description, one single-family residence is currently located on proposed Parcel A and one single-family residence is currently located on proposed Parcel B. With the recordation of the Parcel Map, there would be no new construction on Parcel A or on Parcel B. After recordation of the Parcel Map, both agricultural lots would continue in their current use. Since the project does not include any new construction on the parcels, the applicant has proposed no change to onsite drainage and has requested an exception to the requirements of County Code Section 914-2.002 for the onsite drainage requirements. The Tentative Parcel Map is included in Attachment 1.



Rezoning RZ16-3234: The project site is in the AL, Agricultural Lands General Plan Land Use designation and the A-4 District, which has a minimum lot size of 40 acres. The property was rezoned in 1975 from the CM Controlled Manufacturing District to the A-4 District and was included in Williamson Act Contract 17-75; however, a Notice of Non-Renewal for the property was received by the County and recorded on December 27, 1996, and the Williamson Act Contract on the property expired on

February 28, 2006. The proposed project includes a Rezoning of the property to the A-2 District, which has a minimum lot size of five acres. The Rezoning Map is included as Attachment 3.



## VI. AGENCY COMMENTS

An Agency Comment Request packet was sent on November 14, 2016 to a number of public agencies, including the Building Inspection Division, the Environmental Health Division of the Health Services Department, the Engineering Services Division of the Public Works Department, the San Ramon Valley Fire Protection District, the City of San Ramon, the San Ramon Valley Unified School District, the Contra Costa Local Agency Formation Commission, the California Historical Resources Information System, and the Williamson Act Planner. Comments received by staff are included in Attachment 4. Following are summaries of the comments on the proposed 18320 Bollinger Canyon Road project and staff responses to the comments.

- A. Williamson Act Planner: The Department of Conservation and Development's Williamson Act Planner returned the Agency Comment Request form on November 16, 2016, with a comment stating that the property came out of the Williamson Act.

- B. City of San Ramon: The City of San Ramon returned the Agency Comment Request form on November 17, 2016 with no comment.
  
- C. Northwest Information Center of the California Historical Resources Information System: Northwest Information Center submitted a letter on November 23, 2016 stating that they have no record of previous cultural resource studies for the project area and recommended that any existing structures 45 years or older be evaluated for potential historic value. The Center also recommended that a study of unrecorded archaeological sites be conducted, and that local Native American tribes be contacted regarding Native American resources.

As discussed in Section III.D (General Information, Tribal Cultural Resources), a Notice of Opportunity to Request Consultation was sent to the Wilton Rancheria, the one California Native American tribe that has requested notification of proposed projects in the County. Staff subsequently emailed and mailed the draft MND to the Wilton Rancheria on October 18, 2019. The Wilton Rancheria sent the CDD an email on October 29, 2019 commenting on the draft MND. The email included a suggested mitigation measure. The Wilton Rancheria's suggested mitigation is included as Condition of Approval #14 in the attached Conditions of Approval and Advisory Notes.

- D. San Ramon Valley Fire Protection District: On December 1, 2016, the Fire Protection District submitted a letter stating that new construction would be subject to District and Fire Code requirements for the residential fire sprinklers, adequate access and adequate water supply, as well as regulations for development near wildland or open space areas.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is required to submit development plans for new construction to the Fire Protection District and comply with District requirements, and that plans submitted for a building permit must receive prior approval and be stamped by the District.

- E. Building Inspection Division: On December 2, 2016, the Building Inspection Division returned the Agency Comment Request form with a comment that existing structures should be a minimum of two feet from property lines, otherwise requirements of the Building Codes may apply. Staff has reviewed the

Tentative Parcel Map and has determined that the existing structures are more than two feet from property lines.

With respects to any future new construction, an Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is required to submit building plans to the Building Inspection Division and to comply with Division requirements.

- F. San Ramon Valley Unified School District: An Agency Comment Request packet was sent to the Unified School District on November 14, 2016. To date, the District has not submitted any comments on the proposed project.
  
- G. Contra Costa County Health Services Department, Environmental Health Division: The Environmental Health Division submitted a letter on December 12, 2016, stating that: a permit was required for any well or soil boring, abandoned wells and septic tanks must be destroyed under a permit from the Division; each parcel is required to have a septic system that complies with applicable standards, and each parcel is required to have its own water supply.

On January 10, 2019, the Environmental Health Division submitted an email stating that all wells and septic systems needed to be submitted to the Division for review, approval, permits, and inspections, and further, that all uses on the property be reviewed to evaluate whether the onsite water and septic systems would be sufficient to serve all uses.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is responsible for contacting the Environmental Health division regarding its requirements and permits.

- H. Contra Costa County Public Works Department, Engineering Services Division: The Engineering Services Division submitted a letter on December 8, 2016, stating that the minor subdivision application was incomplete and that the applicant needed to revise the tentative map to meet applicable map requirements, provide information on creek structure setbacks and all drainage facilities, submit an adequate Stormwater Control Plan, and submit requests for exceptions from the County Code subdivision requirements, if applicable.

On February 26, 2017, the Engineering Services Division submitted a letter, stating that the minor subdivision application was incomplete and that the applicant needed to include additional revisions on the tentative map to meet applicable map requirements, provide information on creek structure setbacks, submit an adequate Stormwater Control Plan, and provide findings for the request for an exception from the requirements of County Code Division 914 (Drainage).

The Engineering Services Division submitted a letter on December 20, 2018 stating that the tentative map should meet the requirements of County Code Section 94-2.204 related to pavement conditions, and submit information to substantiate that a Stormwater Control Plan was not necessary.

On September 24, 2019, the Engineering Services Division submitted a letter describing the regulatory programs that applied to the project site and included a number of conditions of approval and advisory notes to be applied to the proposed project. The Division recommended approval of the request for exception to County Code Section 914-2.002.

The September 24, 2019 Engineering Services Division conditions of approval and advisory notes are incorporated in the Conditions of Approval and the Advisory Notes.

- I. Contra Costa Local Agency Formation Commission (LAFCO): Contra Costa LAFCO submitted an email on December 7, 2016 stating that the project site was not served by municipal water or sewer and was located outside of the Urban Limit Line. LAFCO also stated that the extension of municipal water or sewer services to the site would require its approval.

On October 21, 2019, LAFCO submitted an email during the public review period for the draft MND, stating that given the reliance of the project on wells and septic systems, that no LAFCO action would be required.

## **VII. ENVIRONMENTAL REVIEW**

Staff conducted an Initial Study assessment of potentially significant adverse environmental impacts that could result from the proposed 18320 Bollinger Canyon Road Minor Subdivision and Rezoning Project. Staff determined that although the proposed project could have potentially significant adverse environmental impacts,

with implementation of mitigation measures that have been agreed to by the applicant, the project would not result in significant environmental impacts. The identified significant impacts include:

- Construction period air quality and odors;
- Accidental discovery of buried archaeological resources, human remains, buried fossils and other paleontological resource, and hidden geologic features;
- Geotechnical risks on the upland portion of the project site due to ground failure (soil creep), landslides, and adverse soil conditions;
- Geotechnical and hydrological risks of exposed soil on the upland portion of the project site;
- Severe limitations of the upland soils on the project site for use as a filter field for septic systems;
- Construction period noise and vibration; and,
- Potential adverse impacts on Native American cultural resources.

A draft MND was prepared and published for the proposed project. The draft MND is included as Attachment 6. The 21-day public review period for the draft MND started on October 18, 2019 and ended on November 8, 2019.

A Final MND has been prepared that includes the written comments received on the draft MND, responses to the comments received, and staff-initiated text changes, including minor corrections and technical changes. The text changes update the MND to reflect that: two of the existing single-family residences on Parcel A have been converted to accessory structures; an additional single-family residence could be constructed on a minor subdivision parcel with a land use permit, the project site had been in the CM Controlled Manufacturing District prior to the rezoning to the A-4 Agricultural Preserve District; and, the southerly asphalt driveway provides access to a property located northeast of Parcel B as well as to the residence on Parcel B. The text changes are not the result of any new significant adverse environmental impact, do not alter the effectiveness of any mitigation included in the pertinent section, and do not alter any findings in the section. The Final MND is included as Attachment 7.

Written comments from eight commenters were received during the October 18, 2019 to November 8, 2019 public review period for the draft MND, including letters

and emails from (1) the Contra Costa LAFCO, (2) the Wilton Rancheria, (3) Kenneth Sheets, (4) Jason and Dana Dombrosky (5) Duane Dohse, (6) John Reese, (7) Charles and Lorraine Farr, and (8) Allan Moore of Wendel Rosen LLP. The written comments have been coded by commenter and the commenter's numbered comment, as shown in Attachment A of the Final MND. The comments are related to the project description, land use and planning, and tribal cultural resources. Five commenters stated their support of the proposed project. Neither the comments nor the staff responses to the comments result in any substantial changes to the draft MND, and the impacts, mitigation measures, and findings of the MND are unchanged.

Pursuant to CEQA Section 15097, a Mitigation Monitoring Program has been prepared, based on the identified significant impacts and mitigation measures in the MND. The Mitigation Monitoring Program is intended to ensure that the mitigation measures identified in the MND are implemented. The Mitigation Monitoring Program is included in Attachment 8. All mitigation measures are included in the Conditions of Approval and Advisory Notes.

## **VIII. PUBLIC COMMENT**

In addition to comments submitted during the public review period for the draft MND, staff received a letter from Ronald Gatti on November 26, 2019, stating support for the proposed project. The letter is included in Attachment 5.

## **IX. STAFF ANALYSIS**

A. General Plan Consistency: The proposed 18320 Bollinger Canyon Road Minor Subdivision and Rezoning Project is consistent with the General Plan, as discussed below.

Land Use Element: The project site is in the AL, Agricultural Lands, General Plan Land Use designation. The AL designation allows for agricultural production and related activities. The project site is in use for raising and keeping horses, and is consistent with the AL designation. The requested exception to the County Code requirements for onsite collect and convey would not alter the relationship of the proposed project to the General Plan, and the minor subdivision would be consistent with the AL land use designation.

Conservation Element: A subdivision of land within the AL designation is required to include conditions of approval to ensure that the proposed project will

conform with the Rural Residential Development policies #8-v of the General Plan Conservation Element, which include locating wells and septic systems on each minor subdivision parcel. The intent of the policies is to maintain long-term, predominantly agricultural use of the land, while allowing development of a single-family residence on a parcel of at least five acres. Each minor subdivision parcel includes an existing single-family residence. The proposed minor subdivision does not include any construction and does not propose any future single-family residence; however, the A-2 District allows an additional single-family residence with a land use permit. In addition, pursuant to the Accessory Dwelling Unit (ADU) Ordinance, each parcel could include an ADU in the future. If a land use permit for an additional single-family residence or an ADU Permit is issued for either parcel, the Environmental Health Division will review all uses on the parcel to evaluate whether the onsite water and septic systems would be sufficient to serve all uses, as discussed in Section VI.G (Agency Comments - Contra Costa County Health Services Department, Environmental Health Division). Accordingly, as required by Condition of Approval #8, the project will be required to be consistent with Rural Residential Development policies #8-v of the General Plan Conservation Element at the time subsequent development on a minor subdivision parcel is proposed. As conditioned, the minor subdivision would consistent with the Rural Residential Development policies.

Transportation and Circulation Element: Figure 5-2, Roadway Network Plan, in the General Plan Transportation and Circulation Element shows designated arterials and expressways that are part of the County roadway network. Crow Canyon Road, which is approximately 2.5 miles southeast of the project site, is the nearest designated arterial. Given that the proposed project maintains the current agricultural use the site and does not propose any construction, there would not be any effect on Crow Canyon Road.

- B. Zoning Compliance: As discussed previously in Section V (Project Description), the project site is in the A-4 Agricultural Preserve District, which requires a minimum lot size of 40 acres. In order to implement the proposed minor subdivision, which would include an 81.38-acre Parcel A and a 20.84-acre Parcel B, Rezoning RZ16-3234 is required to allow a parcel that is less than 40 acres. With the rezoning from the A-4 District to the A-2 General Agricultural District, the minor subdivision can be implemented.

The proposed Rezoning to the A-2 District would require the minor subdivision parcels to conform to the A-2 requirements for minimum lot area, lot width, and

lot depth, setbacks, side yards, and rear yards. The applicant has identified two accessory structures on proposed Parcel A and a shed on proposed Parcel B that would be subject to compliance with the setback and side yard requirements of the A-2 District. Accordingly, Condition of Approval #15, addresses this compliance issue. As conditioned, the minor subdivision would be consistent with the A-2 requirements.



In approving a Rezoning, uses on the project site must be compatible with the new zoning district and with uses in adjacent districts. The project site is located within the established agricultural area along Bollinger Canyon Road. The surrounding area includes other agricultural parcels and open space properties, including an 86.76-acre parcel owned by the East Bay Regional Park District to the north, parcels ranging from 21.5 acres to over 110 acres to the east in the A-4 District and the A-20 Exclusive Agricultural District, and parcels ranging from 5.69 acres to 10.75 acres to the west in the A-2 District. Thus, the project is in harmony with the surrounding area and the uses established in the area.

- C. Traffic and Circulation: The applicant had requested an exception to the requirements of County Code Section 96-14.002 for the improvement of County streets. As discussed in Section IV, Site/Area Description, Bollinger Canyon Road is a two-lane, approximately 20-foot wide road within a 60-foot right-of-way along the project frontage. The Engineering Services Division has determined that Bollinger Canyon Road has adequate right-of-way and that no right-of-way dedication would be required of the proposed project. Further, given the rural character of the project area, the Engineering Services Division has stated that no frontage improvements would be required. As a result, the applicant's request

for an exception to County Code Section 96-14.002 is not required.

- D. Undergrounding Utilities: The applicant had requested an exception to the requirements of County Code Chapter 96-10 regarding underground utilities. The Engineering Services Division reviewed applicable County requirements for undergrounding utilities and determined that undergrounding would be required for all new utility distribution services. The proposed minor subdivision would subdivide the project site into two parcels; however, the current ongoing agricultural use of the property would continue, and there would be no construction on the parcels. Thus, Division staff determined that undergrounding of existing utilities would not be required. At the time subsequent development of a minor subdivision parcel is proposed, undergrounding of any new utilities to serve the future development would be required. Thus, the applicant's request for an exception to County Code Chapter 96-10 is not required.
- E. Drainage: The applicant has requested an exception from County Code Section 914-2.002 for the onsite collect and convey requirements. Engineering Services Division staff notes that the Tentative Parcel Map does not include any proposed drainage facilities, but that there are no existing drainage problems in the area, and that since there is no construction on the project site, no additional concentrated runoff would be directed to adjacent parcels, and the existing drainage pattern would be maintained. Thus, Engineering Services Division staff does not oppose the granting of the exception. Accordingly, the granting if the exception is recommended for the following reasons.
- (1) An unusual circumstance exists in that the minor subdivision application consists of the subdivision of the existing rural parcel in to two rural parcels. The new property line between proposed Parcel A and proposed Parcel B has been set to preserve the existing, occupied single-family residences. No new residential structures or improvements are proposed, and therefore, there would be no incremental impacts on existing drainage facilities.
  - (2) The exception is necessary because no construction is proposed and all existing infrastructure improvements, both public and private, will be retained in their current locations and configurations. Thus, implementation of the collect and covey requirements would unfairly impact the applicant and owner by forcing new infrastructure in the absence of any new construction or development.

- (3) The granting of the exceptions would not be materially detrimental to the public welfare or injurious to other property. As stated previously, no new construction is proposed with the minor subdivision, and all existing infrastructure improvements, both public and private, will be retained in their current locations and configurations. The existing uses on the project site would be maintained, are compliance with the regulations of the A-4 District, and as conditioned, would be compliant with the regulations of the A-2 District.

With the requested exception to the County Code, the proposed MS16-0014 Minor Subdivision would be consistent with County drainage requirements.

## **X. CONCLUSION**

The proposed MS16-0014 Minor Subdivision would be consistent with the AL, Agricultural Lands, General Plan Land Use designation. The proposed project would continue the use of the project site for raising and keeping horses, and for rural residential uses, consistent with applicable goals and policies of the General Plan. As conditioned, the MS16-0014 Minor Subdivision would be consistent with the proposed A-2 General Agricultural District under Rezoning RZ16-3234. Accordingly, the proposed project would be consistent with the surrounding area and would maintain the rural character along this section of Bollinger Canyon Road. Staff recommends that the County Planning Commission approve Minor Subdivision MS16-0014 and recommend approval of Rezoning RZ16-3234 by the Board of Supervisors.