

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 07/13/2021 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2021/216

Approving a General Plan Amendment (County File #CDGP07-00009) for the Tassajara Parks Residential Project.

1. The Contra Costa County Board of Supervisors held a public hearing on July 13, 2021, to consider the Tassajara Parks Residential Project, proposed for the unincorporated Tassajara Valley Area just east of the Town of Danville and the City of San Ramon limits. The Project includes the certification of an EIR and adoption of the mitigation monitoring and reporting program prepared for the Project, a General Plan Amendment (County File #CDGP07-00009), a rezoning ordinance (County File #CDRZ09-03212), a major subdivision (County File #CDS10-09280), a Preliminary and Final Development Plan (County File #CDDP10-03008), and a Development Agreement.
2. The General Plan Amendment for the Tassajara Parks Residential Project changes the Urban Limit Line to include a 30-acre Residential Area consisting of 125 residential lots and related urban improvements.
3. The General Plan Amendment for the Tassajara Parks Residential Project reclassifies land from Agricultural Lands (AL) to Single-Family Residential, High Density (SH), Parks and Recreation (PR), and Public/Semi-Public (PS).
4. The General Plan Amendment for the Tassajara Parks Residential Project is the second General Plan Amendment for calendar year 2021.

NOW, THEREFORE, the Contra Costa County Board of Supervisors resolves as follows:

1. The Board of Supervisors makes the following General Plan Amendment findings:

A. Section 82-1.018(a) of the County Ordinance Code (Changes to the Urban Limit Line) allows for expansions of the Urban Limit Line as long as an expansion does not exceed 30 acres, does not violate the 65/35 Land Preservation Standard, and is approved by a four-fifths vote of the Board of Supervisors. The Board of Supervisors also must make one of the findings specified in Section 82-1.018(a). The Board may authorize an expansion of the Urban Limit Line if it finds as follows:

“A majority of the cities that are party to a preservation agreement and the county have approved a change to the urban limit line affecting all or any portion of the land covered by the preservation agreement.”

As set forth in Section 82-1.024 of the County Ordinance Code, a “preservation agreement” is an agreement designed to preserve certain land in the County for agriculture, open space, wetlands, parks, and other non-urban uses. The County, City of San Ramon, and the EBRPD have negotiated a Preservation Agreement. The Preservation Agreement covers 17,667 acres in the Tassajara Valley area and includes the Project Site and a 727-acre Dedication Area to be permanently preserved through fee title conveyance to EBRPD following Project approval by the County. The Tassajara Valley Agricultural Preservation and Enhancement Area (as defined in the proposed Preservation Agreement) is generally not appropriate for urban growth because of its physical unsuitability for development, unstable geological conditions, inadequate water availability, lack of appropriate infrastructure, distance from existing development, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors. In recognition of those facts, the proposed Agricultural Preservation Agreement is designed to preserve the Tassajara Valley Agricultural Preservation and Enhancement Area for agriculture, open space, wetlands, parks, recreation and other non-urban uses. Under the Preservation Agreement, the parties memorialize and reaffirm each party’s respective commitment to preserving land in the Tassajara Valley Agricultural Preservation and Enhancement Area consistent with the parties’ respective existing policies and principles and requiring urban development to be effectively buffered from land planned for agricultural, open space, parks, recreation or other non-urban uses. The parties’ commitments to these existing policies and principles would preserve the existing non-urban state of the Tassajara Valley Agricultural Preservation and Enhancement Area by reinforcing a buffer of lands that may only be used for non-urban purposes consistent with existing ULL/UGB principles and policies. The Preservation Agreement will protect and enhance agriculture and preserve and enhance

open space, wetlands, parks, recreation, and other non-urban uses. The Board therefore finds that the Preservation Agreement satisfies Section 82-1.018(a)(3).

- B. The Board has evaluated the Project's ULL change and General Plan Amendment in the context of the 65/35 Land Preservation Standard. Based on the County's Geographic Information Systems ("GIS") mapping system, only approximately 30 percent of the total land within the County is currently designated for urban land uses. There are over 8,000 acres of non-urban designated land within the ULL that could be converted to urban land use designations without causing the County to exceed the 65/35 Land Preservation Standard. As such, including the 30-acre Residential Development Area of the Project Site within the ULL will not cause the County to violate the 65/35 Land Preservation Standard. The Board has determined that approval of the ULL change and adoption of this General Plan Amendment to re-designate the 30-acre Residential Development Area from Agricultural Lands (a non-urban land use designation) to Single-Family Residential-High Density (SH) (an urban land use designation) will not conflict with or otherwise impair the County's ability to maintain the 65/35 Land Preservation Standard. The Board has also evaluated the rezoning in the context of the 65/35 Land Preservation Standard and determined that rezoning the entire Project Site from Exclusive Agricultural (A-80) to Planned Unit District (P-1) will not conflict with or otherwise impair the County's ability to maintain the 65/35 Land Preservation Standard. The other portions of the Project Site that would be re-designated to PR (Parks and Recreation) and PS (Public and Semi-Public) and re-zoned to P-1 would allow only non-urban development and thus would not conflict with or otherwise impair the County's ability to maintain the 65/35 Land Preservation Standard.
- C. The Tassajara Valley has been the subject of intense development pressure for decades, in part because the ULL presently ends at Tassajara Hills Elementary School with privately-owned land immediately adjacent to and outside the ULL. The Project and its substantial land dedication of land in fee to EBRPD will facilitate permanent resolution of this issue by preserving and protecting approximately 727 acres of land from the possibility of future urban development. Portions of the conveyed acreage within the Southern Preservation Area will also be subject to a conservation easement, as further described in Section 3.4 of the RDEIR, for purposes of mitigating habitat impacts identified in the RDEIR, all of which will prevent future urban development. The 727 acres of protected land comprises approximately 94% of the Project Site and ensures the permanent preservation of open space, wetlands, hillsides, ridgelines, wildlife and plant habitat, and unique scenery in the Tassajara Valley, consistent with and further implementing the 65/35 Land Preservation Standard. This land dedication to EBRPD will result in the imposition of legal and physical constraints that will effectively establish a "green buffer" to prevent additional urban development in this area
- D. The 30-acre Residential Development Area is in a location of relatively minimal topographical relief and will not extend north to the adjacent hilltops and ridgelines. As discussed in more detail in Section 3.1 of the RDEIR, the improvements proposed within the Residential Development Area will be consistent with existing surrounding communities by avoiding urban development on hillsides and ridgelines. This would in turn preserve foothill and valley views that are visible from adjacent scenic ridgelines and Camino Tassajara. Including the Residential Development Area within the ULL will also constitute a logical extension of urbanized development and services into a relatively flat, geologically stable area that is surrounded by rolling hills and ridges. Moreover, this 30-acre area is devoid of any significant agricultural value or natural resources, as discussed more fully in Section 3.3 of the RDEIR. The permanent preservation of approximately 727 acres of land for non-urban uses will discourage grid-like land division, permanently alleviate the pressure for urban development in this area, and protect the Tassajara Valley from more intensive levels of urban development that might occur as a result of changes in the law that may otherwise facilitate urban development.
- E. All the Project's urban land uses will be located within the Single-Family Residential-High Density (SH) land use designation and within the 30-acre change to the ULL, as allowed by Ordinance Code section 82-1.018(a).

The General Plan describes a broad range of non-urban uses under the 65/35 Land Preservation Standard, including open space, agricultural, recreational, and public/semi-public uses such as schools, public offices, highways, major flood control rights-of-way, and railroads. (General Plan at p. 3-33.) Section 82-1.032 of the County Ordinance defines "nonurban uses" as "rural residential and agricultural structures allowed by applicable zoning and facilities for public purposes, whether privately or publicly funded or operated, which are necessary or desirable for the public health, safety or welfare or by state or Federal law." Section 82-1.006 also characterizes agriculture, open space, wetlands, and parks as a non-exhaustive list of examples of non-urban uses. Accordingly, and consistent with the applicable provisions of the General Plan and with the County's historical land use practice and as discussed more fully in the FEIR, the Project's proposed uses located outside the ULL (including ongoing agriculture in the form of grazing, open space, wetlands, parks, recreation, stormwater detention basin, staging area, trail, and grading) are all non-urban in nature.

- F. By rezoning the site from A-80 (Exclusive Agricultural) to a project-specific P-1 (Planned Unit) zoning district, the Project will substantially reduce the number and intensity of non-urban land uses allowed at the Project Site. Such reduction in intensity is consistent with the 65/35 Land Preservation Standard.

For example, the project-specific P-1 zoning district will allow development of 125 single-family homes, interior roadways, landscaping and utilities, all within the 30-acre Residential Development Area. The respective P-1 district will also allow approximately 27.29 acres of non-urban uses such as a detention basin, a pump station, one pedestrian staging area, a trail, and related grading. Lastly, the respective P-1 zoning district will designate the approximately 118-acre balance of the Northern Site for non-urban uses such as agriculture (including grazing), open space, scenic uses, parks, recreation, wetlands, and habitat mitigation. The ability to establish higher-impact

commercial agricultural land uses, such as wholesale horticulture and floriculture, dairying, livestock production, poultry raising, livestock breeding, aviaries, apiaries, and forestry are permitted by right within the existing A-80 zoning. However, with the project-specific P-1 zoning district, establishment of the uses listed above would require a discretionary review and modification of the P-1 district.

The respective P-1 zoning district will preserve approximately 609 acres of the Southern Site by designating the area for uses such as land for agriculture (including grazing), open space, scenic uses, park, recreation, wetlands, and habitat mitigation. This will in turn prevent the establishment of urban uses and any incompatible land uses within the boundaries of the Southern Site. The P-1 zoning district will also identify a 7-acre area for a potential future public/semi-public use (San Ramon Valley Fire Protection District) in accordance with the County's Urban Limit Line and other relevant County provisions.

G. Pursuant to Government Code Section 65358(a), the General Plan may be amended if the Board of Supervisors deems the amendment to be in the public interest. The General Plan Amendment will promote public health, safety, and welfare, and provide benefits beyond those that could be achieved under the current General Plan. Re-designating the Project to SH (Single-Family Residential, High Density), PR (Parks and Recreation), and PS (Public and Semi-Public) designations will allow the Project to implement and promote the General Plan policies and provisions noted in the "General Plan" section of the Board Order prepared for the Project. The Project will provide extensive public benefits via: (1) permanent preservation of approximately 727 acres of land for non-urban uses; (2) creation of a "green buffer" between existing urban and non-urban uses that will alleviate long-standing development pressures for the Tassajara Valley area; (3) dedication of land and related improvements to EBRPD for a pedestrian staging area that will connect trails; (4) dedication of an approximately 7-acre site for a potential future fire station training facility; (5) installation of circulation and parking improvements at the adjacent Tassajara Hills Elementary School to address existing deficiencies; (6) an irrevocable four million dollar (\$4,000,000) contribution to an agricultural enhancement fund established by the County; and (7) a non-refundable \$2,500,000 contribution to the County Livable Communities Trust Fund.

2. The Board of Supervisors hereby adopts the General Plan Amendment for the Tassajara Parks Residential Project. The General Plan Amendment for the Tassajara Parks Residential Project changes the Urban Limit Line to include a 30-acre Residential Area consisting of 125 residential lots and related urban improvements, and reclassifies land from Agricultural Lands (AL) to Single-Family Residential, High Density (SH), Parks and Recreation (PR), and Public/Semi-Public (PS).

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: July 13, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: Sean Tully, (925) 655-2878

By: , Deputy

cc: