

From: Christine Nagel
Sent: Monday, July 12, 2021 11:14 AM
To: Clerk of the Board
Subject: 7/13 Public Comment Tassajara

Contra Costa County Board of Supervisors ,

Hello,

I strongly urge you to reject the Tassajara Parks development proposal. Urban boundaries were created for a reason; we need to protect our open spaces and focus growth inside the city limits. An amendment to the General Plan to allow development beyond city lines would have severe environmental and safety implications for generations to come.

Protecting the Urban Limit Line is a critical way to maintain fire boundaries and reduce our greenhouse gas emissions. In December 2016 the Board of Supervisors approved the Urban Limit Line in their Mid-Term review, which stated that the ULL analysis demonstrates that sufficient capacity exists countywide inside the ULL to accommodate housing and growth through 2036. Contra Costa County has space to grow in a climate-smart way. Do not move the ULL, thereby risking the health of our communities and the resilience of our region.

Thank you!

Christine Nagel

San Jose, California 95126

From: Ray Brant t>
Sent: Monday, July 12, 2021 2:18 PM
To: Clerk of the Board
Subject: Tassajara Parks Project

Honorable Board of Supervisors,

I request that you deny the Tassajara Parks Project for the following reasons.

- * By approving this project you are changing the Urban Limit Line which was established by a vote of the people.
- * This project will add additional traffic to already congested local streets.
- * We are in a drought (climate change) and we are being asked to restrict water use! Approval of this project will just create more water demand.

Thank you for your consideration,

Raymond F. Brant

From: Brian Holt <
Sent: Monday, July 12, 2021 2:31 PM
To: Clerk of the Board
Cc: Sean Tully; John Kopchik; Sabrina Landreth; Mary Mattingly; Kristina Kelchner
Subject: EBRPD Comments on Tassajara Parks - July 13th BOS Meeting
Attachments: To CoCoCo_BOS_TassajaraParks_07.12.2021.pdf

Good afternoon –

On behalf of East Bay Regional Park District General Manager, Sabrina Landreth, please accept the attached comments on the Tassajara Parks project. Please distribute these comments to the full Board.

Thank you.



Brian Holt
 Chief | *Planning, Trails and GIS* | Planning, Trails, and GIS
 Pronouns: he, him, his
 East Bay Regional Park District
 2950 Peralta Oaks Court, Oakland, CA 94605
 T: 510-544-2623
BHolt@ebparks.org | www.ebparks.org

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July 12, 2021

Contra Costa County
 Board of Supervisors
 Department of Conservation & Development
 30 Muir Road
 Martinez, CA 94553

RE: Tassajara Parks Project

Board of Supervisors -

The East Bay Regional Park District (Park District) appreciates the opportunity to express support of the Tassajara Parks Project (Project) in the Tassajara Valley in unincorporated Contra Costa County. The Project includes construction of 125 single-family residential homes on a 30-acre portion of the project site. The Project also includes dedication of a majority of the project site (approximately 727 acres) to the Park District for the permanent protection and preservation for open space, park, recreation, and other non-urban uses.

The Project is adjacent to the Park District's existing Tassajara Creek Regional Trail. When complete, the Tassajara Creek Regional Trail will connect the communities of Dublin and San Ramon to Morgan Territory Regional Preserve, Mount Diablo State Park, and beyond. The southern piece of the Tassajara Parks open space intended for donation (over 609 acres) abuts Windemere Ranch Preserve and is near other protected open space including Doolan Canyon Regional Park, Camp Parks, and the Richley and Brown ranches. Taken together, this network of protected lands creates a green open space buffer on the eastern edge of San Ramon, preventing further development into this historic ranch community and preserving the area's rural character. Limiting development deeper into this fire-prone landscape protects the surrounding communities by reducing potential sources of ignition in and around newly developed areas. This open-space buffer also acts as a wildlife corridor, enhancing connectivity for species movement within and across the Tassajara Valley.

The Park District does not generally support exceptions or expansion of the Urban Limit Line (ULL). However, the substantial open space protection provided by the Tassajara Parks project ensures that the Tassajara Valley will be forever protected and further expansion of the ULL could not be approved by future Board or voter initiatives. Open space donated to the Park District will be dedicated parkland pursuant Public Resources Code Section 5540 ensuring that it can never be sold and will be maintained permanently as public parkland.

We appreciate the Board of Supervisors' consideration of these comments and look forward to continuing to partner to protect Contra Costa County's regional parks and open spaces.

Respectfully,

Sabrina Landreth
 General Manager

cc: Board of Directors, East Bay Regional Park District

Board of Directors

Dee Rosario President Ward 2	Colin Coffey Vice-President Ward 7	Beverly Lane Treasurer Ward 6	Dennis Waespi Secretary Ward 3	Elizabeth Echols Ward 1	Ellen Corbett Ward 4	Ayn Wieskamp Ward 5	Sabrina B. Landreth General Manager
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From: Jami Morritt
Sent: Monday, July 12, 2021 1:43 PM
To: Stacey Boyd; June McHuen
Subject: FW: Support the Tassajara Parks Project

For BGO & minutes.

From: mark buck <info@sg.actionnetwork.org>
Sent: Monday, July 12, 2021 11:51 AM
To: John_Gioia <John_Gioia@bos.cccounty.us>; Supervisor Candace Andersen <SupervisorAndersen@bos.cccounty.us>; Supervisor_Burgis <Supervisor_Burgis@bos.cccounty.us>; SupervisorMitchoff <SupervisorMitchoff@bos.cccounty.us>; Federal Glover <Federal.Glover@bos.cccounty.us>; Jami Morritt <Jami.Morritt@cob.cccounty.us>
Subject: Support the Tassajara Parks Project

Contra Costa BOS ,

As a resident of the San Ramon Valley, I am writing to you today to urge you to approve the Tassajara Parks Project. This project will provide significant benefits for my community. Over 727 acres will be given to the Park District permanently protecting that acreage from development. It dedicates seven acres to a potential fire facility training center. It will provide the County \$6.5 million in funds dedicated to agricultural enhancements among other uses.

It will also be built under a Project Labor Agreement, which will result in good middle-class jobs for local residents and an opportunity for apprentices to learn their trade.

Please join with labor, environmental, and agricultural advocates in supporting this important project.

mark buck

san ramon, California 94583

6

From: Jami Morritt
Sent: Monday, July 12, 2021 9:44 AM
To: June McHuen; Stacey Boyd
Subject: FW: Support the Tassajara Parks Project

Follow Up Flag: Follow up
Flag Status: Completed

For BGO & the minutes.

Jami

From: Scott Stephan <info@sg.actionnetwork.org>
Sent: Monday, July 12, 2021 9:11 AM
To: John_Gioia <John_Gioia@bos.cccounty.us>; Supervisor Candace Andersen <SupervisorAndersen@bos.cccounty.us>; Supervisor_Burgis <Supervisor_Burgis@bos.cccounty.us>; SupervisorMitchoff <SupervisorMitchoff@bos.cccounty.us>; Federal Glover <Federal.Glover@bos.cccounty.us>; Jami Morritt <Jami.Morritt@cob.cccounty.us>
Subject: Support the Tassajara Parks Project

Contra Costa BOS ,

As a resident of the San Ramon Valley, I am writing to you today to urge you to approve the Tassajara Parks Project. This project will provide significant benefits for my community. Over 727 acres will be given to the Park District permanently protecting that acreage from development. It dedicates seven acres to a potential fire facility training center. It will provide the County \$6.5 million in funds dedicated to agricultural enhancements among other uses.

It will also be built under a Project Labor Agreement, which will result in good middle-class jobs for local residents and an opportunity for apprentices to learn their trade.

Please join with labor, environmental, and agricultural advocates in supporting this important project.

Scott Stephan


San Ramon, California 94583

From: Jim Blickenstaff
Sent: Monday, July 12, 2021 2:19 PM
To: Clerk of the Board
Cc: 'Jim Blickenstaff'
Subject: CCC BOS Hearing, 7/13/21: Sierra Club Comments on "Tassajara Parks" Project.

From: Jim Blickenstaff <>
Sent: Monday, July 12, 2021 2:14 PM
To: 'district5@bos.cccounty.us' <district5@bos.cccounty.us>; 'supervisormitchoff@bos.cccounty.us' <supervisormitchoff@bos.cccounty.us>; 'supervisoranderson@bos.cccounty.us' <supervisoranderson@bos.cccounty.us>; 'jgioi@bos.cccounty.us' <jgioi@bos.cccounty.us>; 'supervisor_burgis@bos.cccounty.us' <supervisor_burgis@bos.cccounty.us>; 'planninghearing@dcd.cccounty.us' <planninghearing@dcd.cccounty.us>; 'sean.tully@dcd.cccounty.us' <sean.tully@dcd.cccounty.us>
Cc: 'narnerich@danville.ca.gov' <narnerich@danville.ca.gov>; 'lblackwell@danville.ca.gov' <lblackwell@danville.ca.gov>; 'rmorgan@danville.ca.gov' <rmorgan@danville.ca.gov>; 'rstorer@danville.ca.gov' <rstorer@danville.ca.gov>; 'Rewing@Danville.ca.gov' <Rewing@Danville.ca.gov>; 'n.laforce@comcast.net' <n.laforce@comcast.net>; 'Paul Seger' <psseger65@gmail.com>; 'ccoffey@ebparks.org' <ccoffey@ebparks.org>; 'slandreth@ebparks.org' <slandreth@ebparks.org>; 'blane@ebparks.org' <blane@ebparks.org>; 'awieskamp@ebparks.org' <awieskamp@ebparks.org>; 'ecorbett@ebparks.org' <ecorbett@ebparks.org>; 'dwaespi@ebparks.org' <dwaespi@ebparks.org>; 'drosario@ebparks.org' <drosario@ebparks.org>; 'eechols@ebparks.org' <eechols@ebparks.org>; 'frank.mellon@ebmud.com' <frank.mellon@ebmud.com>; 'william.patterson@ebmud.com' <william.patterson@ebmud.com>; 'douglas.linney@ebmud.com' <douglas.linney@ebmud.com>; 'marguerite.young@ebmud.com' <marguerite.young@ebmud.com>; 'john.coleman@ebmud.com' <john.coleman@ebmud.com>; 'lesa.mcintosh@ebmud.com' <lesa.mcintosh@ebmud.com>; 'Katz Andy' <andykatz@sonic.net>; 'Jcalabrigo@danville.ca.gov' <Jcalabrigo@danville.ca.gov>; 'dfriedmann@danville.ca.gov' <dfriedmann@danville.ca.gov>; 'Rachel Doughty' <rdoughty@greenfirelaw.com>; 'Jessica Blome' <jblome@greenfirelaw.com>; 'Zoe Siegel' <zsiegel@greenbelt.org>; 'slewis@bargcoffin.com' <slewis@bargcoffin.com>; 'rcoffin@bargcoffin.com' <rcoffin@bargcoffin.com>; 'jbarg@bargcoffin.com' <jbarg@bargcoffin.com>; 'william.nelson@dcd.cccounty.us' <william.nelson@dcd.cccounty.us>; 'aruna.bhat@dcd.cccounty.us' <aruna.bhat@dcd.cccounty.us>; 'john.kopchik@dcd.cccounty.us' <john.kopchik@dcd.cccounty.us>; 'Danielle.Kelly@dcd.cccounty.us' <Danielle.Kelly@dcd.cccounty.us>
Subject: CCC BOS Hearing, 7/13/21: Sierra Club Comments on "Tassajara Parks" Project.

DATE : July 12th, for the 13th, 2021
TO : CONTRA COSTA BOARD of SUPERVISORS
FROM : Jim Blickenstaff, Sierra Club
RE : 7/13/21 Board Hearing on "Tassajara Parks" proposal
NOTE : Please make this entire comment letter part of this hearing's public record.

////////////////////////////////////

*On behalf of the Sierra Club, Mt. Diablo Group / SF Bay Chapter,
 I'd like to re-emphasis once more our strong and long standing*

opposition to the "Tassajara Parks" 125u mitigated development plan. The "mitigations" in this case are an attempt to distract from the fact this development plan represents a classic sprawl development in almost every aspect. But, adding to that and a weak and incomplete CEQA evaluation, is a dependence on legally dubious 'agreements,' contracts, and interpretations of County statutes, strictly governing exceptions to protections established by County Urban Limit Line. Listed below are a few examples:

- > It's on the protected side of the County's Growth Boundary.
- > Outside San Ramon's own voter approved City Growth Boundary.
- > Outside East Bay MUD's Ultimate Service Boundary. [See Summary Example:, and EAST BAY M. U. D.:, below].
- > Outside both Danville and San Ramon's City Limits and Spheres of Influence.
- > It should be noted that the 'mitigation' acreage that would be further protected from a development "threat" is already very well protected by the fact it is also outside ALL these service and jurisdictional growth boundaries.
- > 'Tassajara Parks' will be only expensive market rate houses, and as an edge development, will be heavily car dependent, increasing un-necessary greenhouse gas pollutants and traffic congestion – primarily in the Town of Danville.
- > The City / Town of Danville, will bear the brunt of direct and negatively impacts but is inexplicably and specifically excluded from this mitigated development agreement, mis-labelled with the feel good title of "Agricultural Preservation Agreement." [See below, THE "A. P. A.": for an authentic preservation agreement: The Briones Hills Agricultural Preservation Area Agreement].
- > The "lead" and only City in this 3 party agreement is over 5 road mile from the development site – With open space between its City Limit and Growth Boundaries, and the "T. P." site. While a primary -and unrepresented- stakeholder, Danville, is just 2 mile away, has the primary direct road accesses, and some developed land next to the site.
- > Typical of sprawl projects, The negative sprawl impacts of this plan will be amplified by inducing and encouraging other similar plans, that will, as in this case, open up more of the protected side of the County's Growth Boundary to

TO : C. C. County Planning Commission
 RE : Proposal for 125u 'Tassajara Parks' residential development on the protected side of the U.L.L.
 NOTE : Please make this submission part of the public record for this item. Copy of Sept. 30, 2020 Sierra Club comments attached below this email for reference –Since most all issues are still applicable.

I, as rep. for the Sierra Club, find no substantive justification to return this item to the County Planning Agenda. The same fundamental issues relating to an edge/sprawl development remain in place. I would very much appreciate the County explanation for agendizing the same basic concept of Sept., 30, 2020? Please regard the attached commentary below this email, as part of the overall issues and problems continuing to face this Sept. 30,2020 and June 9, 2021 proposal.

As a Summary Example:

The fact is this plan remains on the wrong side of the County growth boundary, the wrong side of the voter approved San Ramon Urban Growth Boundary (and there is no ballot update vote until late 2022), the wrong side of San Ramon’s Sphere of Influence, and, in particular, the wrong side East Bay MUD’s Ultimate Service Boundary. One difference I note between now and the County hearing on this proposal Sept. 30., is that EBMUD is now under more pressure to comply with growing demands for water within its USB -as the extended (global warming driven) drought has reached crisis proportions. All this is telling indication (along with many others, listed below), of the numerous problems inevitably associated with a classic sprawl project.

Second Example [Noted in the doc. below] :

*Danville, as a Primary Stakeholder –the City closest to the project site, and having direct, primary traffic connections, as well as the commiserate negative impacts— is excluded from the agreement! Raising serious questions as to both the ethics and legitimacy of a so called “APA” – **Which is essentially a mitigated development plan.***

-- Jim Blickenstaff

incremental development. Witnessed by the number of development companies holding or otherwise controlling property on protected side of the line – and waiting patiently to have the opportunity to go forward with their own 52 acre, line busting, T.P. style, development plan. Or should I say : “Agricultural Preserve Agreement.”

- > Consequently, this plan will undermine and set the stage for further breaking down of a powerful and proven protection mechanism for edge, and beyond edge, Ag and Open Space: The Urban Limit Line.*
- > The development envelop for building, drainage configurations, and grading for artificial slopes and plains, required for this particular site is over 50 acres. 20 more than allowed. But, to comply with the County’s 30 acre maximum, the proponents maintain they would not generate enough (sprawl) profits needed for the mitigations proposed.*
- > It’s worth repeating, because it is as true today as when this plan was first proposed a decade ago: Incentivizing sprawl is inherently a bad idea.*

It’s time to re-enforce the sanctity of the U. L. L. – the best tool the County has ever had to contain sprawl, induce smart growth, and protect Ag and Open Space. It has been doing its protection job quite well for the last 31 years! There is no reason to believe it won’t continue in this proud tradition for the next 31 years. In 2006 voters strongly re-enforced the U. L.L. until at least 2026. In 2016 the BOS’s confirmed there was plenty of buildable space within the boundary until 2036. Please take the well-considered recommendation of your Planning Commission -- deny this classic sprawl project, and its direct ‘open door’ threat to the U.L.L.

*Thank You. [Please refer to commentary below for further legal connotations, and expanded detail of points made here].
-- Jim Blickenstaff, Rep, Sierra Club.*

From: Jim Blickenstaff <jpblick@comcast.net>
Sent: Wednesday, June 9, 2021 1:45 PM

DATE : June 9, 2021
FROM : Jim Blickenstaff, Sierra Club

way abides by the standard set by Briones. In that regard, it is a misuse of the English language. It serves more as a mechanism to weaken the U. L. L., and less as a mechanism for protecting, or “preserving” Tassajara Valley. In that regard, it fails completely. In addition, it can be dissolved at the request of any of the signing parties. Still worse, were it to be put into effect, it would better serve as a templet and a means to initiate further incremental development on the protected side of the Line! By this new “T. P.” precedent, a minimum of 1,133 acres of land, just in Tassajara Valley alone, and currently protected by a historically founded Urban Limit Line, would be made vulnerable to similar 50 acre sprawl “pocket” developments. A better title for this A. P. A. would be T. U. U. L. L., or Tool to Undermine the Urban Limit Line. Truth in labeling.

INDUCED GROWTH ON THE PROTECTED SIDE OF THE U.L.L.:

There are numerous development companies, and/or their holding companies, controlling property on the protected side of the ULL. There is only one reason for this: Anticipation, or more correctly, speculation for future opportunities to develop their land. They await a decision on this T. P. Plan with great anticipation. A go ahead on Tassajara Parks will end up being the “gift that keeps on giving” -- for development interests elsewhere along the U. L. L. It will induce more “Tassajara Parks” along the County’s once resolute U. L. L. Beyond the negative impacts from the project itself, T. P.’s growth inducing consequences will further weaken and damage the protective line, the ag and open space behind it, and the environment overall, from, multiple ‘copycat’ edge/sprawl projects.

Here’s a Check List of what they’ll need:

- > A pretend Preservation Agreement.
- > A few hundred acres of land already well protected - to be “even more protected.” (conversely: no protection at all, for acreage actually “at risk”).
- > Sharing a small percentage of their sprawl profits for a feel good County fund.
- > And, if need be, get an APA with a sympathetic city somewhere in the area to override resistance from the more impacted adjacent city. Have no illusions: and watch it happen. Where there’s a -well monied- will , there’s a way.

EAST BAY M. U. D.:

As the door is opened for breaches of the ULL, it will also usher in problematic expansions of East Bay MUD’s Ultimate Service Boundary. It is an Ultimate boundary for a reason -- made even more critical by Climate Change impacts, including current and future droughts, declining snowpack, less spring runoff, destruction of natural drainages , and higher temperatures - all contributing to an ongoing reduction of an already depleted EBMUD fresh water supply. East Bay MUD does not have the time or the means to accommodate wasteful, edge, sprawl projects that only serve to expand their service boundary limits. They, by necessity, have to focus on the daunting challenge of 1,000’s more homes and businesses planned, and soon demanding water, within their Ultimate Service Boundary. The Utility’s USB needs to be

From: Jim Blickenstaff <[REDACTED]@comcast.net>
Sent: Tuesday, September 29, 2020 12:31 AM
Date: Sept. 29, 2020
From: Jim Blickenstaff, S. F. Bay Chapter, Sierra Club
To: Planning, County Planning Commission, Supervisors
Re: Sept. 30 Hearing on Tassajara Parks Plan; and Sierra Club's opposition to the concept and the latest iteration.
Note: Our request earlier to delay a Hearing on this subject to allow sufficient time to properly review and analyze related and new information.

First, it is inappropriate to be rushing forward with such a problematic project at this time – 4 weeks before a local and National election. While, at the same time, we're in the midst of a pandemic crisis, and its severe restrictions of normally unfettered public participation.

DEVELOPMENT ENVELOPE OF 50 ACRES:

The Sierra Club remains opposed to the "Tassajara Parks" Plan to develop 50 acres of land on the protected side of the County's Urban Limit Line. Specifically, the development envelope, including streets, houses, and grading essential for the project, means a developed site of 50 acres. Acreage graded and built upon is not open space, and landscape treatment, while a common adjunct to any given project, is not open space.

DANVILLE: A MAJOR STACKHOLDER IS EXCLUDED:

This new proposal reminds one of the phrase: "The more things 'change', the more they stay the same!" The new jurisdictional agreement, the APA, is simply a way to exclude a key jurisdiction from this process -- Danville. They are the closest City, their current Sphere of Influence is closer, their City Limit is closer, and they have the direct street connections. Danville's road way access to the development site is 1.2 miles from their City/Town Limit. San Ramon street access to the T. P. Property is roughly 5.1 miles from their City Limit! Direct map distance is 1.1 miles for Danville, and 2.2 miles for San Ramon – about twice as far. Danville will receive the majority of the negative impacts, while another city, further away, and less connected, will get the mitigations. Yet, incredibly, Danville, is not included in a County – City decision making process affecting their jurisdiction more than any other. The sad reason for that is obvious. And it is unacceptable.

THE "A. P. A.":

Further, Agriculture Preservation Agreement, is such in name only. It fails to constitute a legally founded Preservation Agreement in the same manner as the earlier MOU failed. It fails completely as a preservation agreement in the likeness of the original standard set for Preservation Agreements - the 1987 Briones Hills Preservation Agreement. In that case it was not to facilitate a sprawl development, it was a multi-jurisdictional agreement only for the purpose to permanently protect 100's of acres that would otherwise have been at risk! [See M/R/Wolfe and Associates, July 18, 2016 Memorandum]. This preservation agreement in no

respected and safeguarded. Their consistent long term opposition should be a warning (among several) for the County.

SAN RAMON AS THE LEAD CITY:

Also, there's been little attention paid to San Ramon's constraints in pursuing this property, with all its great 'mitigations' → for San Ramon. One, being, their well-established updated 2020 Urban Growth Boundary. It is coterminous with both their 2020 eastern City limit, as well as their 2020 eastern Sphere of influence. Further, the UGB would cause a problematic ballot issue when attempting to incorporate this distant development site into the City – for, at least, the foreseeable future. Does that mean the County is once again in the development business, holding land indefinitely, and facilitating development on certain properties next to a Town, or City, protesting the idea, because of the negative sprawl impacts on them? Making San Ramon the 'Lead City' for this process means they would also, at some point, be the city annexing the "T.P." site. But, for all the reasons already mentioned, that would violate basic LAFCO protocols. Unlike Danville, there is a lot of undeveloped land and/or open space between San Ramon's developed areas/City Limit and this project. Therefore it would be a classic example of "Hop Scotch" development – not contiguous with San Ramon, and an unacceptable choice for the Lead City. When, in fact, Danville would be the natural choice -- with contiguous, developed land, and a much closer, more direct, roadway connection. Clearly, its Danville, not San Ramon, that should be the lead Town/City, and directly involved with any decisions about this development site. It should not be forced on them by a cooperative effort between the County another City (further away) – while being facilitated by a County process that favors one City, and discriminates against the other.

*On so many levels, the cautionary note sounded earlier by the Sierra Club rings even truer today: **"Incentivizing sprawl is inherently a bad idea."***

Jim Blickenstaff, Chair-- Mt. Diablo Sierra Club, Board Member – Executive Committee, S. F. Bay Chapter, Sierra Club.

cc: Interested parties.

~~June McHuen~~

From: mulvihill <1190@comcast.net>
Sent: Monday, July 12, 2021 12:34 PM
To: District5; SupervisorMitchoff; Supervisor_Burgis
Cc: Supervisor Candace Andersen; John_Gioia; Clerk of the Board
Subject: Agenda Item D4: 888-251-2949

To the Contra Costa Board of Supervisors:

My name is Thomas Mulvihill and I reside at 4490 Fleetwood Road, Danville, CA; my telephone number is 510-453-3814. I am writing to each of you via email to express my deep concerns and objections to the efforts of developers and land owners in the Tassajara Valley to encroach upon the established urban limit line restrictions for development outside the urban limit line.

The voters in this County have spoken many times in opposition to expanding the urban limit line (at least two actual countywide referendum votes in addition to multitudes of regional opposition venues). It is incredible that this matter is even coming before the Board yet again! Aside from the fact that any successful approval of encroaching upon this urban limit line would just negate the overwhelming will and mandate of the voters, the idea of building homes and infrastructure in the midst of an unprecedented drought is incredulous! Traffic impacts cannot be mitigated for this project, nor can water and utility provisions be accommodated. Additionally, how can any of you advocate for the removal of (19) protected trees at the proposed construction site?

The fact that this issue keeps reappearing is enraging. Please support the strong opposition of the voters in this region when considering this matter. Such a proposal is unwelcome and not sustainable without significantly endangering the already overburdened infrastructure in the area, and seriously impacting the limited and strained water and utility services now in place.

Respectfully Submitted,

Thomas Mulvihill

June McHuen

From: Helena Sheyman <helenasheyman@gmail.com>
Sent: Monday, July 12, 2021 1:16 PM
To: Clerk of the Board
Cc: Supervisor_Burgis; Supervisor Candace Andersen; District5; John Gioia; SupervisorMitchoff
Subject: Comments Regarding the Tassajara Parks Housing Development

Hi there,

My husband is a lifelong resident of San Ramon and I moved here about 10 months ago.

I would like to add my comments regarding this proposed development.

We are unequivocally AGAINST this development and any other developments in San Ramon. This will violate the Urban Limit Line and we are very much against that.

Thank you,
Helena & David Sheyman

From: Lynda Deschambault <info@cccclimateleaders.org>
Sent: Monday, July 12, 2021 4:29 PM
To: Clerk of the Board
Subject: 7/13 Public Comment Tassajara

Contra Costa County Board of Supervisors ,

Hello,

I am writing to ask you to please reject the Tassajara Parks development proposal. Urban Limit Lines were approved by the voters, because the majority understand we need to do infill develop and save our few remaining open space areas. Once it is gone, it is gone for ever. It would have severe environmental and safety implications for generations to come

Please save for the next generation, areas to enjoy in their natural state! Please focus growth inside the city limits.

Please do NOT amendment to the General Plan to allow development beyond city lines.
Please Do not move the ULL, Thank you!

Lynda Deschambault

Moraga, California 94556

June McHuen

From: Sandee Wiedemann
Sent: Monday, July 12, 2021 6:48 PM
To: Clerk of the Board
Cc: Supervisor_Burgis; Supervisor Candace Andersen; District5; John Gioia; SupervisorMitchoff; John Kopchik; Sean Tully
Subject: Objection to "Agricultural Preservation Agreement"

To Our Esteemed Supervisors Burgis, Andersen, Gioia, Mitchoff, & Glover,

You sure have a challenging position, and I'm grateful for your time and energy on this important issue.

Like my Grandfather, also born in San Ramon, I strongly feel, "I get to live here, why shouldn't they." I am not opposed to the development of housing for our new neighbors. I am, however, very concerned that the rights of owners of **17,000** acres are being abused to allow this. Should all of us be penalized so that the developer can work around the will of the voters? I understand there are other work-around options to move the line that do not include such consequences for ranchers, farmers, and landowners.

As the fifth generation of Wiedemanns is now involved in the management of the family's ranch, I am very concerned about even more restrictions being placed on the land. We have been told that the Agricultural Preservation Agreement is relatively harmless, although it is clearly open to interpretation by current and future governing bodies.

From my youth, our family has had to leave their work and their peace to discuss more regulations proposed on our land. At the same time as we are told how important preservation of agriculture is as a key goal in this Valley, the farmers and ranchers are the ones required to provide "open space" for neighbors to enjoy with rarely any help to keeping an operation surviving. Hopefully, you understand that continuing agriculture is made even more difficult by each restriction.

Respectfully, I urge you NOT to allow the "Agricultural Preservation Agreement" to be used as the tool to move the ULL. I request that the MOU be changed to apply **ONLY to the open space the developer owns**, instead of affecting 17,000 acres privately owned by families who are trying to keep their businesses going .

Please do not allow this Agricultural Preservation Agreement!!

Thank you for "listening." I appreciate your time and consideration.

Sandee Wiedemann
6500 Highland Road
Unincorporated CCC

June McHuen

From: Christian Wiedemann >
Sent: Monday, July 12, 2021 10:08 PM
To: Clerk of the Board
Subject: Letter of Opposition - Tassajara Parks "Agricultural Preservation Agreement"
Attachments: 170202 Hoge Fenton Tassajara Parks MOU Memorandum.PDF

Members of the Contra Costa County Board of Supervisors,

I'm writing to you as a landowner in the Tassajara Valley, and also as a representative of the Tassajara Valley Property Owners Association (TVPOA), a group of famers, ranchers, and landowners that represents over 90% of all agricultural lands in the Tassajara Valley. On behalf of these stakeholders, I respectfully request that you reject the proposed "agricultural preservation agreement" attached to the Tassajara Parks project, and require the developer to pursue a legitimate means of modifying the Urban Limit Line.

Simply stated, the proposed "agricultural preservation agreement" is fraudulent. It was written by the developer as a means to move the Urban Limit Line for the project without a public vote. It has so far been authorized for approval by the City of San Ramon and East Bay Regional Parks, presumably because they expect to share in the \$4 million dollars the developer is attaching to the agreement. The Town of Danville was invited to sign the agreement but correctly rejected it.

The only reason the agreement exists is to allow the developer to avoid a public vote on the project. The agreement does not actually preserve anything. It applies to an area that is outside of the Urban Limit Line, zoned A-80 Agricultural, and encumbered by the Williamson Act. In other words, the agreement "preserves" an area that is already completely preserved. Multiple legal opinions have confirmed this, including the attached opinion from Hoge Fenton.

Additionally, by approving this agreement, the County would signal to every other developer in Northern California that by offering a similar "preservation agreement" and contributing several million dollars to the County, they too can move the Urban Limit Line without bothering with a public vote. These are some of the reasons why two of the most prominent conservation groups in California, Sierra Club and Greenbelt Alliance, both specifically oppose the "preservation agreement" attached to this project.

Please reject the proposed "agricultural preservation agreement" attached to the Tassajara Parks project. Do not allow the Tassajara Parks developer to perpetrate a fraud in order to gain approval for this project.

Thank you for your consideration on this important issue.

Sincerely,

Christian Wiedemann

--
Christian Wiedemann | *Wiedemann Ranch, Inc.*
415.794.3394 direct | 925.371.9663 fax
wiedemannranch.com

HOGGE · FENTON

ATTORNEYS

Sblend A. Sblendorio
925.460.3365
sblend.sblendorio@hoggefenton.com

February 2, 2017

Christian Wiedemann
6989 Highland Road
Pleasanton, CA 94588

Re: Proposed Memorandum of Understanding is Not a "Preservation Agreement"
under *Contra Costa County Ordinance Code § 82-1.018*
Our File No.: 89509

Dear Christian:

I. INTRODUCTION

Under Contra Costa County's ordinance code, one way to accomplish development beyond the county-created Urban Limit Line ("ULL") is to effectuate a "preservation agreement" that is signed onto by a "majority of cities." *Contra Costa County Ordinance Code § 82-1.018(a)(3)*. This section of the code provides no definition for the term "preservation agreement." No other portion of the ordinance code, or any other County law for that matter, provides definitional guidance for interpreting what exactly a "preservation agreement" is or what it should be designed to accomplish.

On September 23, 2016, a Memorandum of Understanding ("MOU") was proposed pertaining to Tassajara Parks, which purports to be a "preservation agreement" per the County ordinance code. However, aside from reaffirming current sections of the code, it does little to accomplish its supposed environmental protectionist goals and instead creates a significant loophole at the end of the memorandum that provides for quick approval to urban development outside of the ULL.

As a result, the proposed MOU is not sufficient to serve as a "preservation agreement" under *Contra Costa County Ordinance Code §82-1.018*.

II. CURRENT CONTRA COSTA COUNTY LAW

The Contra Costa County Ordinance Code provides that, generally, urban development within the county must be limited to occurring on no more than thirty-five percent of the county's land. *Contra Costa County Ordinance Code §82-1.006*. The remaining sixty-five percent must be "preserved for agriculture, open space, wetlands, parks and other nonurban uses." *Id.* According to the Contra Costa County General Plan 2005 – 2020, Contra Costa County has adopted as a Countywide policy the goal of promoting "cooperation between the County and cities to preserve agricultural and open space land." *Section 3-13*.

Christian Wiedemann
 February 2, 2017
 Page 2

To ensure this standard is maintained, the County established an Urban Limit Line ("ULL"), which was determined and adopted by the voters on November 7, 2006. See *Contra Costa County Ordinance Code §82-1.010*. The adoption of the ULL in 2006 was an extension of an earlier voter-approved measure on the same topic – Measure C-1990 – which was passed in November of 1990. The purpose of the ULL is to limit "potential urban development in the county to thirty-five percent of the land in the county and prohibits the county from designating any land located outside the urban limit line for an urban land use." *Id.*

The ULL cannot be changed in a manner that would violate the 65/35 standard. The boundaries of the line itself, however, can be changed "by a four-fifths vote of the board of supervisors after holding a public hearing" so long as the board makes one of seven findings based upon "substantial evidence in the record." *Contra Costa County Ordinance Code §82-1.018*. One of those seven findings reads 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." *Contra Costa County Ordinance Code §82-1.018(a)(3)*.

III. DEFINING "PRESERVATION AGREEMENT"

The Contra Costa County Ordinance Code does not define "preservation agreement." Likewise, the General Plan does not provide any additional guidance as to what a "preservation agreement" is or requirements for the enactment of one. Instead, the Code and all other Contra Costa County sources of legal authority make no mention of definitional guidance for interpreting the term. Furthermore, no legislative history pertaining to the enactment of *Contra Costa County Ordinance Code § 82-1.018* reveals any additional guidance for defining "preservation agreement" under the code.

Counsel spoke with a County Planner in late December 2016. The County Planner was unable to point to any authority that would shed additional light on what a "preservation agreement" must be comprised of under County law. Instead, the County Planner alluded to the idea that the term was intuitive – that a preservation agreement is simply an agreement signed onto in order to preserve some sort of environmental resource.

Furthermore, the County Planner informed Counsel that perhaps the only example of a "preservation agreement" to which the County is a party is a document that was signed on August 4, 1987 to establish an "agricultural preservation area in the Briones Hills." Although the document is titled as a "Resolution," the document itself refers to its contents as a "preservation agreement." *Resolution No. 87/483*. The contents of the agreement explicitly serve the purpose of preserving land within a specific portion of the Briones Hills and the parties signing the agreement agreed "to a policy of non-annexation to urban service districts and cities for agricultural and open space properties..." *Id.* Aside from this particular document, Contra Costa County provides no additional guidance on defining "preservation agreement."

Some laws in California have clearly defined preservation agreements for the purposes of compliance with a particular statute. For example, The Mills Act provides tax breaks for property owners that purchase certain "historic" properties and agree to sign historic property preservation agreements. *Cal. Gov. Code §50280 et seq.* Although the act itself describes such agreements as "contracts," such contracts are typically referred to as "historic property preservation agreements" (See examples of preservation agreements under the Mills Acts from the following municipalities: Contra Costa County, Benicia, City of

Orange, Escondido, and Coronado). California Government Code §50281 clearly sets forth the requirements for such agreements:

Any contract entered into under this article shall contain the following provisions:

- (a) The term of the contract shall be for a minimum period of 10 years.*
- (b) Where applicable, the contract shall provide the following:*
 - (1) For the preservation of the qualified historical property and, when necessary, to restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.*
 - (2) For an inspection of the interior and exterior of the premises by the city, county, or city and county, prior to a new agreement, and every five years thereafter, to determine the owner's compliance with the contract.*
 - (3) For it to be binding upon, and inure to the benefit of, all successors in interest of the owner. A successor in interest shall have the same rights and obligations under the contract as the original owner who entered into the contract.*

Cal. Gov. Code §50281

The Mills Act, at the very least, serves as a definitive example of how a California legislature envisions a preservation agreement. Note that it does not provide any carve outs or exceptions to preserving the property; instead, it truly *preserves* the designated property and seeks to ensure it maintains its historic character.

IV. THE PROPOSED MOU CANNOT SERVE AS A "PRESERVATION AGREEMENT" BECAUSE IT FULFILLS NO REASONABLE INTERPRETATION OF THE TERM.

As addressed above, there is no dispute that Contra Costa County has failed to define "preservation agreement" per *Contra Costa County Ordinance Code § 82-1.018* within any of its sources of law. Instead, the term is used in *Contra Costa County Ordinance Code § 82-1.018* without any definitional support. However, as is demonstrated through both the Briones Hills preservation agreement – which is evidently the County's only historical example of a preservation agreement signed within the County – and California statutes like the Mills Act, the proposed MOU cannot serve as a preservation agreement because it meets no reasonable definition of the term.

First, the proposed MOU does not embody the same or even similar content to the Briones Hills preservation agreement, which allowed for definite preservation of specific land for agricultural and open space purposes. The proposed MOU serves only one purpose – it creates an unprecedented mechanism for the County to singlehandedly approve projects invading the ULL without further scrutiny, so long as the project agrees to "permanently preserv[e]" 500 acres of land and dedicates \$4 million to an "agricultural enhancement

Christian Wiedemann
February 2, 2017
Page 4

fund." Unlike the Briones Hills preservation agreement, the proposed MOU does not serve the exclusive purpose of preserving lands for agricultural and open space purposes but instead simply permits development with the caveat that 500 acres of the land sought to be developed are protected. It gives no further consideration to *which* 500 acres of land must be preserved within the proposed development, and does not even seem to require that those 500 acres of land exist within the proposed development.

Additionally, it is worth noting that the ULL and procedures for development outside it were originally adopted in 1990. The Briones preservation agreement was enacted three years prior. Given that we have been unable to find any other examples of preservation agreements that pre-date 1990, the Briones preservation agreement must have been in mind when the ULL was originally established. Thus, the Briones preservation agreement serves as the best example of how the term "preservation agreement" is to be interpreted and, as detailed above, it and the proposed MOU do not serve the same or even similar goals.

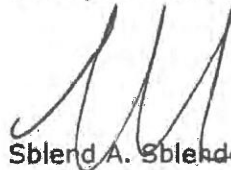
Second, the proposed MOU does not embody any similarities to the Mills Act, which serves as an example of how the California legislature has sought to define the term preservation agreement under other statutory law. Unlike the Mills Act, which requires documents – often referred to as "preservation agreements" – to be clearly crafted for the exclusive purpose of preserving historic properties without exception, the proposed MOU fails to serve an analogous purpose. Instead, the proposed MOU operates with the ultimate goal of easing urban development, with the small caveat that an unidentified 500 acres be excluded from development during the process. Thus, the proposed MOU bears little to no similarity to the preservation agreements adopted under the Mills Act.

V. CONCLUSION

Contra Costa County provides no determinative authority defining the term "preservation agreement" as it appears in *Contra Costa County Ordinance Code § 82-1.018*. Further research into both the County's past practice and California statutory law reveals that the current MOU as proposed meets no colloquial definition of "preservation agreement" because instead of operating to preserve lands within the County, it actually provides a mechanism through which urban development can be achieved with more ease than ever before. Therefore, the proposed MOU cannot serve as a "preservation agreement" under *Contra Costa County Ordinance Code § 82-1.018* and must be rejected for the purposes of expanding the ULL.

Very truly yours,

HOGUE, FENTON, JONES & APPEL, INC.



Sblend A. Sblendario

SAS: rag

From: Richard Fischer .it.net>
Sent: Tuesday, July 13, 2021 8:32 AM
To: Clerk of the Board
Subject: Submission for BOS meeting 7.13.2021

Dear Clerk,

Please print this link and submit to today's board hearing on Tassajara Parks

Thank you,

Richard Fischer

www.eastbaytimes.com/2021/07/12/editorial-contra-costa-should-reject-attempt-to-bust-growth-boundary/



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OPINION > EDITORIALS • Editorial

Editorial: Contra Costa should reject attempt to bust growth boundary

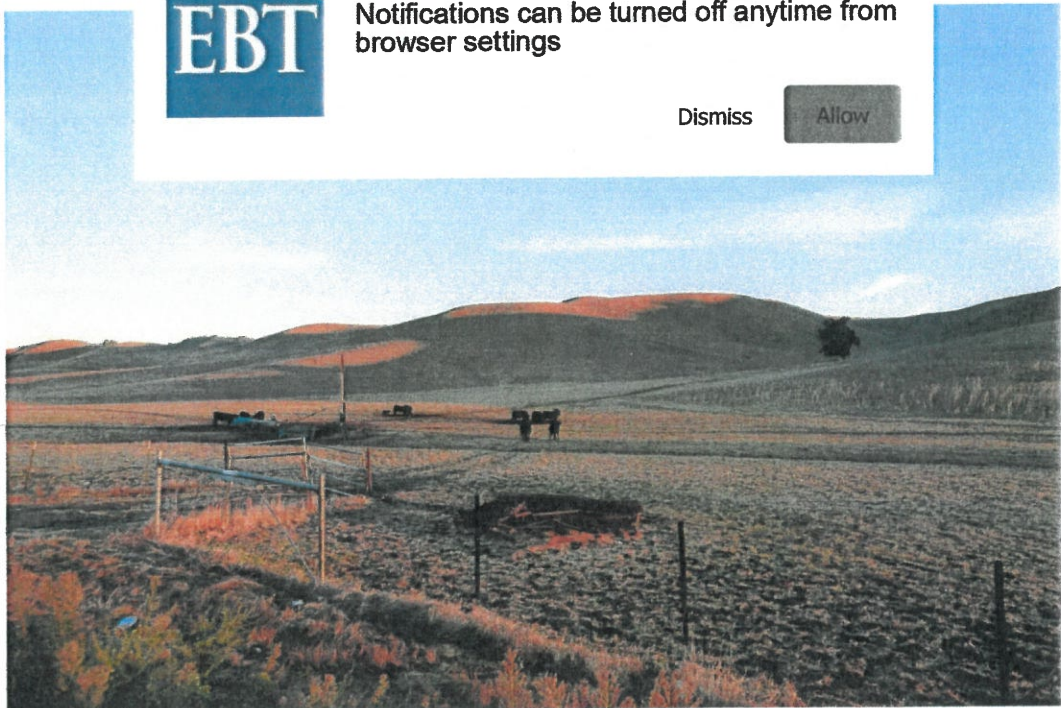
Tassajara Parks epitomizes the traffic-inducing sprawl that voters wanted to stop with the county's Urban Limit Line





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Undeveloped land is seen in Contra Costa County near Danville, Calif., on Thursday, Oct. 20, 2016. The Contra Costa Board of Supervisors will soon decide whether to approve a new housing project in the Tassajara Valley. (Kristopher Skinner/Bay Area News Group)

By **EAST BAY TIMES EDITORIAL** |

PUBLISHED: July 12, 2021 at 1:20 p.m. | UPDATED: July 13, 2021 at 6:06 a.m.

The Contra Costa Board of Supervisors will decide today whether to protect the integrity of the county's 31-year-old, voter-approved growth boundary — or not.

At issue is a proposal for 125 homes on 30 acres of rural land east of Blackhawk on the edge of the Tassajara Valley. This isn't affordable housing. This isn't smart growth. These would be multi-million-dollar homes nowhere near public transit and five miles from Interstate 680.

The project, dubbed Tassajara Parks, is the very sort of traffic- and pollution-inducing sprawl that voters in 1990 intended to stop when they approved the county's Urban Limit Line. Supervisors should reject the development plan.

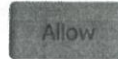


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When that ran into a buzzsaw of opposition, they scaled back their plan to the 125 homes on the 30-acre portion of the property closest to the urban limit line and rebranded it Tassajara Parks. Most of the remaining land, some 727 acres, would be given to the East Bay Regional Park District. Koch's role in the project today is unclear; he refused to comment on Sunday.

By limiting the development to 30 acres, backers hope to wiggle through the legal constraint of the county's growth boundary. Under a provision in a ballot measure voters approved in 2006, the Urban Limit Line may be altered for parcels up to 30 acres by a four-fifths vote of county supervisors.

To date, no private developer has used the 30-acre provision to win approval for a growth-boundary adjustment. The provision, which was aimed at ensuring the lines were only altered for very compelling reasons, requires that such change must meet at least one of seven specified conditions.

In a hair-splitting legal argument, county planners claim that Tassajara Parks has met one of the necessary conditions, which requires that a majority of cities that are party to an associated land preservation agreement approve the change to the Urban Limit Line.

The city of San Ramon is the only city that is a party to the open space land preservation agreement that's part of the Tassajara Farms plan. San Ramon supports the Urban Limit Line change.

Danville, which opposes it and would be most affected by it, says it was excluded by the county from being a signatory to the preservation agreement. The exclusion of Danville leaves San Ramon as the only city signatory to the agreement and, hence, the "majority" city supporter of the Urban Limit Line change.

The land preservation group Save Mount Diablo, which for years challenged the project, now supports it because of the land preservation provisions. But [Greenbelt Alliance](#) opposes the project, noting that protecting the Urban Limit Line is critical for maintaining fire boundaries and reducing greenhouse gas emissions.

Ditto for the Sierra Club. On behalf of the group, in comments submitted for today's meeting, Jim Blickenstaff, writes, "It's time to re-enforce the sanctity of the (Urban Limit Line) — the best tool the county has ever had to contain sprawl, induce smart growth, and protect ag and open space."



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the growth boundary to meet housing needs through at least 2036.

Approval would set a horrible precedent — especially with the Urban Limit Line expiring in 2026 and expected to be brought back to voters before then for an extension. Nevertheless, nearly a decade after the new iteration of this development was unveiled, it will come before county supervisors.

We'll find out today whose interest they intend to protect.

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The Trust Project

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East Bay Times
editorial

