



**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: January 12, 2016

Subject: Lewis Rezoning, County File RZ09-3213

**RECOMMENDATION(S):**

1. OPEN the public hearing and take testimony on the project, which is located at 1130 Christie Road in the Martinez area.
2. CLOSE the public hearing.
3. CERTIFY the Negative Declaration dated February 2, 2015 (Attachment B), finding it to be adequate and complete, finding that it has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, and finding that it reflects the County's independent judgment and analysis.
4. ADOPT the proposed Negative Declaration.
5. ADOPT findings and rezone the subject property from A-4, Agricultural Preserve District to A-2, General Agricultural District as recommended in County Planning Commission Resolution No. 8-2015 (Attachment A).
6. ADOPT Ordinance No. 2016-1 giving effect to the rezoning ( Attachment C).
7. DIRECT Department of Conservation and Development staff to file a Notice of Determination with the County Clerk.

**FISCAL IMPACT:**

None. The Applicant is responsible for all costs associated with processing this application.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/12/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Mary N. Piepho, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

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: January 12, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: John Osborne  
925-674-7793

cc:



## BACKGROUND:

### Proposed Project

The applicant requests approval to rezone 22.25-acres from A-4, Agricultural Preserve District to A-2, General Agricultural District. The subject property is located at 1130 Christie Road in the Martinez area.

### History of the Project Site

The property was originally zoned A-2, General Agricultural District. Then, in 1973, the property entered into a Williamson Act Contract (AP 3-73) and the property was rezoned to A-4, Agricultural Preserve District. The A-4 zoning designation is for Williamson Act contracted land only. In 1997 the property came out of the Williamson Act program, but the land remained in the A-4 zoning district. The County does not automatically rezone property back to its prior zoning; its up to the land owner to rezone the property. Since the land owner at that time did not rezone the property, the current land owner is applying for the rezoning of the property.

### Appropriateness of Rezone

The County Planning Commission found the request reasonable because the land is no longer subject to a Williamson Act contract and therefore the A-4 zoning is inappropriate. The rezoning of the land to its previous zoning of A-2 is consistent with County practices.

### General Plan Consistency

The General Plan designation for the property is Agricultural Lands (AL). The AL designation allows for a wide range of agricultural uses and limits density to one living unit per five acres. The A-2 zoning is consistent with the AL designation in terms of density as well as general uses allowed. This AL designation includes most of the privately owned rural lands in the County, excluding private lands that are composed of prime soils or lands that are located in or near the Delta. Most of these lands are in hilly portions of the County and are used for grazing livestock, or dry grain farming. The purpose of the AL designation is to preserve and protect lands capable of and generally used for the production of food, fiber and plant materials. The uses that are allowed in the AL designation include all land-dependent and non-land dependent agricultural production and related activities. In addition, the following uses may be allowed by issuance of a land use permit, which includes conditions of approval that mitigate impacts of the use upon nearby agricultural operations through the establishment of buffer areas and other techniques:

- Small scale wineries including small tasting rooms
- Dude ranches, riding academies and stables

- Commercial agricultural support services which are ancillary to the agricultural use of a parcel such as veterinarians, feed stores and agricultural equipment repair and welding.

#### Land Use Element - Urban Limit Line (ULL)

The purpose of the ULL is two-fold: (1) to ensure preservation of identified non-urban agricultural land, open space and other areas by establishing a line beyond which no urban land uses may be established; and (2) facilitate the enforcement of the 65/35 Land Preservation Standard.

The subject property is located outside the ULL and the proposed zoning designation is consistent with the intent and purpose of the ULL because it is agricultural (non-urban).

#### Land Use Element - 65/35 Land Preservation Standard

The 65/35 Land Preservation Standard limits urban development to no more than 35 percent of the land in the County, and requires the remaining 65 percent of all land be preserved for agriculture, open space, wetlands, parks and other non-urban uses. The proposed zoning designation is consistent with the intent and purpose of the 65/35 Standard because it is agricultural.

#### Conservation Element - Agricultural Resources

The Conservation Element of the General Plan includes goals and policies related to protection of agricultural resources and encouragement of agricultural production. The Conservation Element does not specifically favor one agricultural zoning district over another. Rezoning the property from A-4 to A-2 would not threaten agricultural resources or hinder agricultural production.

#### County Planning Commission (CPC) Hearing

On November 10, 2015 the CPC held a public hearing on the proposed rezoning. At that hearing they voted to recommend that the Board of Supervisors adopt the rezoning.

#### Conclusion

The subject property was at one time zoned A-2 but was rezoned to A-4 when it entered into a Williamson Act contract. When the property came out of the Williamson Act Program the A-4 zoning became inappropriate for the property. Therefore, staff recommends that the Board of Supervisors adopt the Negative Declaration and adopt a motion to rezone the property from A-4, Agricultural Preserve District to its previous zoning designation of A-2, General Agricultural District.

### CONSEQUENCE OF NEGATIVE ACTION:

If the Board of Supervisors does not rezone the property, then the zoning designation for the property would remain A-4, Agricultural Preserve District.

### CLERK'S ADDENDUM

***CLOSED the public hearing; CERTIFIED the Negative Declaration; ADOPTED the proposed Negative Declaration; ADOPTED findings and rezoned the subject property from A-4, Agricultural Preserve District to A-2, General Agricultural District; ADOPTED Ordinance No. 2016-01 giving effect to the rezoning; and DIRECTED Department of Conservation and Development staff to file a Notice of Determination with the County Clerk.***

### ATTACHMENTS

Attachment A - CPC Resolution No. 8-2015

Attachment B - CEQA Determination IS / ND

Attachment C - Ordinance No. 2016-1

Attachment D - CPC Staff Report 11-10-15

Attachment E - Notification List