

**EAST CONTRA COSTA COUNTY
HABITAT CONSERVATION PLAN ASSOCIATION (HCPA)
EXECUTIVE GOVERNING COMMITTEE**

DATE: November 6, 2006
TO: Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: Addendum to Meeting Packet for EGC Meeting on Wednesday, November 8, 2006

One item was inadvertently omitted from the meeting packet sent on November 3, 2006. That item is an additional, optional finding that has been prepared in the event that Measure L (Urban Limit Line) is adopted by the voters on November 7, 2006. This finding states that the HCP/NCCP has already anticipated potential ULL changes in the design of the conservation strategy and the use of the initial and maximum urban development areas and that no further revisions or recirculation of the EIR is necessary. The additional finding is referenced in the staff report for item 6c, but was not attached to staff report. The proposed finding is attached.

If you need additional information regarding this meeting please contact John Kopchik of the Contra Costa County Community Development Department at (925) 335-1227 (email: jkopc@cd.cccounty.us).

Attachments.

Additional CEQA Finding Re: Contra Costa County Measure L - Proposed Urban Limit Line

Introduction

Contra Costa County Measure L: Contra Costa County Urban Limit Line was placed on the November 7, 2006 ballot by the Contra Costa County Board of Supervisors.

If this ballot measure is approved by the voters, the measure would amend the County's General Plan (2005-2020) and the 65/35 Ordinance to accomplish the following: (1) extend the term of the 65/35 Ordinance from December 31, 2010, to December 31, 2026; (2) require four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres (but voter approval is not required if four-fifths of the Board finds after a public hearing that there is substantial evidence in the record that the ULL expansion is necessary to avoid an unconstitutional taking of private property or is necessary to comply with state or federal law); (3) provide for periodic reviews of the ULL by the Board of Supervisors and a required review in 2016 involving an evaluation of housing and job needs; (4) adopt a new ULL map; and (5) retain the 65/35 land preservation standard and protections for the County's prime agricultural land.

Within the HCP/NCCP Inventory Area, Measure L would change the County's ULL near the cities of Clayton, Pittsburg and Antioch. The proposed ULL would match the City-adopted ULLs for Pittsburg and Antioch that were approved by the respective City covers in November 2005. The proposed ULL would match that requested by the Clayton City Council. Maps showing the proposed ULL changes are enclosed.

Pittsburg and Clayton are participants in the HCP/NCCP. Antioch is not.

Contra Costa County prepared an Initial Study evaluating the proposed changes in the ULL. The Initial Study concluded that the adoption of the proposed ULL would not result in any significant impacts to the environment. A Mitigated Negative Declaration was adopted by the County accordingly.

Additional CEQA Finding

The HCP/NCCP defines two urban development areas for the purposes of the analysis.

The *initial urban development area* is most of the area within the current (pre-Measure L) County ULL and city limits. Urban development within the initial urban development area is expected to result in 8,670 acres of impact to land cover types that may support covered species (see Figure 2-3 in Chapter 2 of the HCP/NCCP).

The *maximum urban development area* is the largest area to which urban development could expand under the terms of the HCP/NCCP. Under this scenario, an additional 3,183 acres of ground-disturbing urban development activities within the permit area would be allowed, as long as the conditions of the proposed HCP/NCCP are met. The size and impacts of the maximum urban development area were established by:

- analyzing areas outside the initial urban development area that are proposed for future development in the general plans of Brentwood, Clayton, Pittsburg, and the County, and
- ensuring consistency with the biological goals and objectives of the Plan and with the conservation strategy (see Chapter 5 of the HCP/NCCP).

As described in Chapter 2 of the Final HCP/NCCP and Chapter 2 of the Final EIS/EIR, if a participating city expands or shrinks its city limit or if the County ULL shrinks or expands, the permit area for the HCP/NCCP would automatically expand or shrink to reflect the land use policy change, as long as the conditions below apply.

- The revised urban development area, together with projected impacts from covered activities outside the urban development area, does not exceed the maximum land cover or total impact projections (i.e., take limits) in Chapter 4 (of the HCP).
- The revised urban development area excludes areas designated as high priorities for acquisition under the HCP/NCCP conservation strategy, as designated in Figure 5-3, Acquisition Priorities Under the Maximum Urban Development Area Scenario (see Chapter 5 of the HCP).
- The revised urban development area is consistent with successful implementation of the HCP/NCCP conservation strategy (see Chapter 5 and Figures 5-2 and 5-3 of the HCP).

The urban development area covered under the HCP/NCCP at the end of the permit term could fall anywhere in the range defined by the initial urban development area and the maximum urban development area, depending on local land use decisions that occur during the permit term.

The proposed revised County ULL includes the following specific areas, totalling 2,268 acres of additional area within the ULL, that are within the ECCC HCP/NCCP Inventory Area:

- Pittsburg - Hills (429 acres) and Kirker Pass (697 acres);
- Antioch - South (1,111 acres); and
- Clayton (inside the ULL - 40 acres; outside the ULL - 9 acres)

This total area proposed to be added to the ULL is approximately 1,000 acres less than allowed by the HCP/NCCP for the maximum urban development area. The potential adoption of a revised County ULL was thus anticipated as an action by the HCP/NCCP and the biological impacts have been accounted for in the conservation strategy in the HCP/NCCP and in the analysis of biological impacts in the EIR.

It is important to note that the HCP/NCCP does not approve urban development or infrastructure projects that are included as covered activities. Such approval is the jurisdiction of the respective land use authorities. The HCP/NCCP is an alternative means of compliance with state and federal endangered species acts and would replace the current project-by-project approach. The EIS/EIR analyzed biological impacts to covered species because the HCP/NCCP would change the way in which such impacts are addressed for covered activities. However, adoption of the HCP/NCCP does not represent any entitlement for development to occur. Thus, while the proposed revisions to the County ULL would change the HCP/NCCP permit area, as discussed below, the relevant impacts of such a change are the impacts of changing how endangered species act compliance is handled, not the impacts of potential development itself, which is outside the authority of the HCP/NCCP. Since the HCP/NCCP and its EIS/EIR anticipated far higher biological impacts through analysis of the maximum UDA, the potential impacts on covered species through additional development in an expanded ULL has been adequately disclosed and analyzed. Impacts of development itself is the purvey of the individual land use authorities, their general plans, and their project-level review.

The Pittsburg-Hills adjustment to the County ULL includes a small area (85 acres) of high-acquisition priority for conservation. Per the HCP/NCCP requirements noted above, the revised UDA and revised permit area will not include the high-priority area. The Pittsburg-Kirker Pass adjustment to the County ULL and the Clayton adjustments are all within low-acquisition priority areas and thus the revised permit area can expand to include these areas.

The Antioch adjustment to the County ULL includes some high-acquisition priority areas in the Roddy Ranch area. Since Antioch is not a participant in the HCP/NCCP, the permit area for the HCP/NCCP does not presently include present or future urban development in Antioch in the UDA. Thus, the adjustment to the County ULL relative to Antioch will not result in any revision to the HCP/NCCP permit area if Antioch ultimately annexes these lands.

The potential land use conflicts between the high conservation priority areas designated by the HCP/NCCP within the City of Pittsburg and Antioch ULLs were an issue raised in comment on the Draft EIR. Potential conflicts were analyzed in the Draft and Final EIR and the comments on this issue were responded to in the response to comments in detail as they relate to land use planning, housing and affordable housing, socioeconomics and environmental justice. These potential conflicts are not considered significant environmental impacts because:

- the amount of land that may be acquired within areas inside the city ULLs is limited and thus disruption to future land use patterns would also be limited;
- the amount of available land for housing and affordable housing is ample for both existing and future housing needs, even if a limited amount of residentially-designated land is acquired for conservation purposes;
- the Final HCP/NCCP adjusted conservation priorities in some of the areas within the Pittsburg ULL and the Antioch ULL to reduce the potential for conflict; and
- there is ample flexibility in preserve assembly to adapt conservation acquisitions to minimize potential conflicts with city planning; and
- the mitigation/conservation requirements will automatically increase in proportion to the increase amount of development that may ultimately be allowed by the applicable land use authority under the expanded ULL.

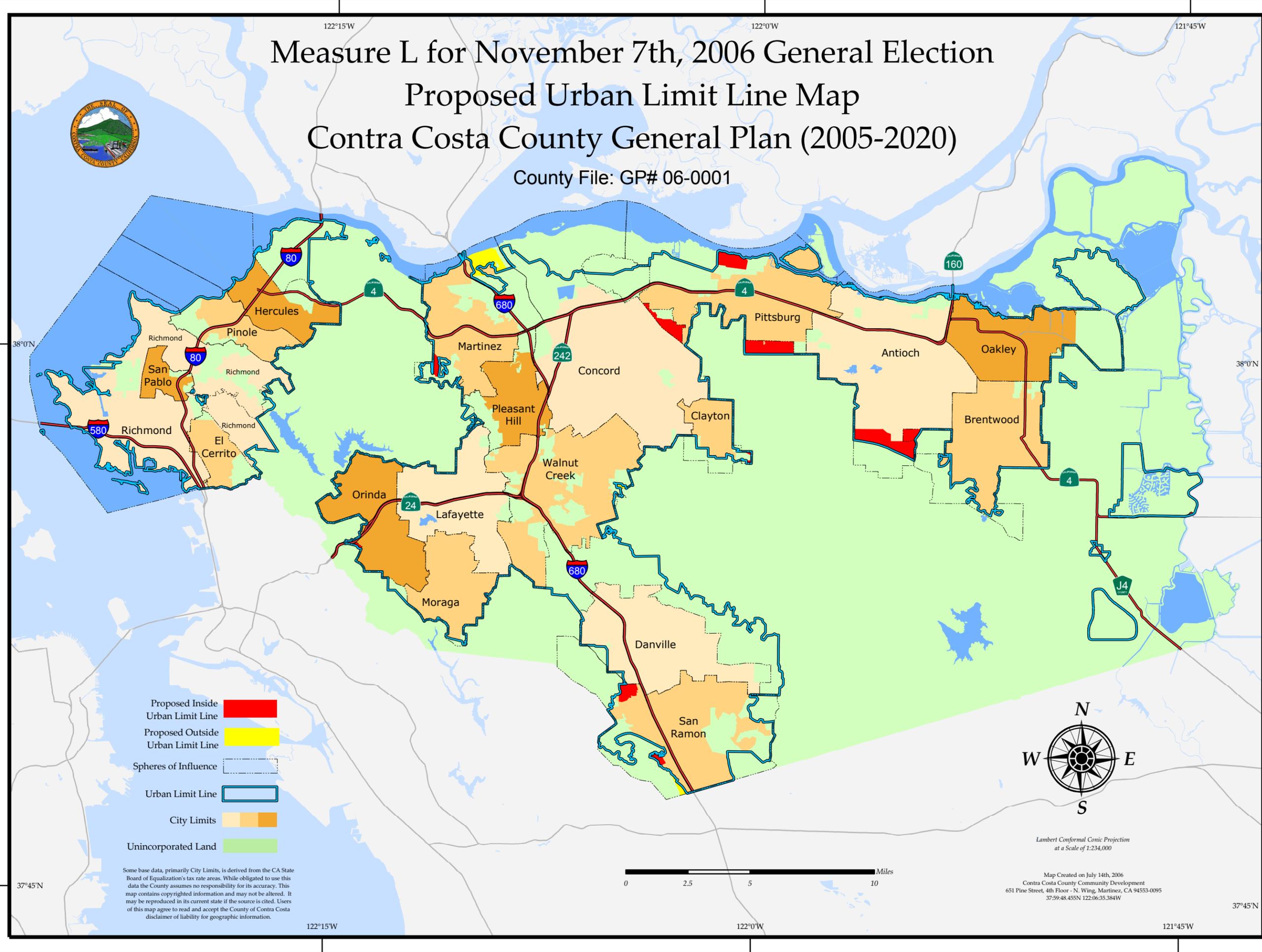
The proposed changes to the ULL near Clayton are limited in scope (40 acres moved inside the proposed ULL with 9 acres moved outside the ULL). The areas moved inside the proposed ULL are all located in areas with a low conservation acquisition priority. Thus, the potential for land use conflicts and any resultant impacts on land use planning, housing, affordable housing, socioeconomics or environmental justice is considered low and less than significant.

Proposed ULL changes outside the HCP/NCCP inventory and permit area, such as in the Pittsburg Waterfront area, have no effect on the HCP/NCCP.

The potential ULL expansion would not affect or change other CEQA findings because it was anticipated by the EIR and thus would not change the characterization of impacts in the EIR.

Measure L for November 7th, 2006 General Election Proposed Urban Limit Line Map Contra Costa County General Plan (2005-2020)

County File: GP# 06-0001



- Proposed Inside Urban Limit Line
- Proposed Outside Urban Limit Line
- Spheres of Influence
- Urban Limit Line
- City Limits
- Unincorporated Land



Lambert Conformal Conic Projection
at a Scale of 1:234,000

Map Created on July 14th, 2006
Contra Costa County Community Development
651 Pine Street, 4th Floor - N. Wing, Martinez, CA 94553-0095
37:59:48.455N 122:06:35.384W

Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.

37°45'N

37°45'N

122°15'W

122°0'W

121°45'W

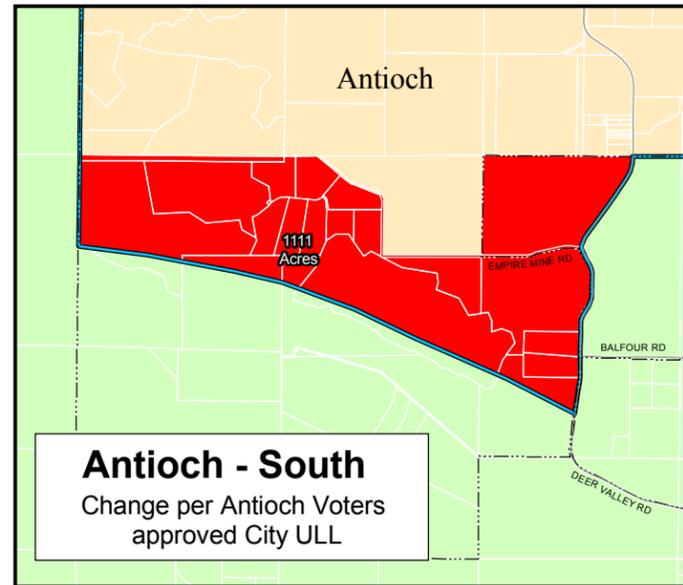
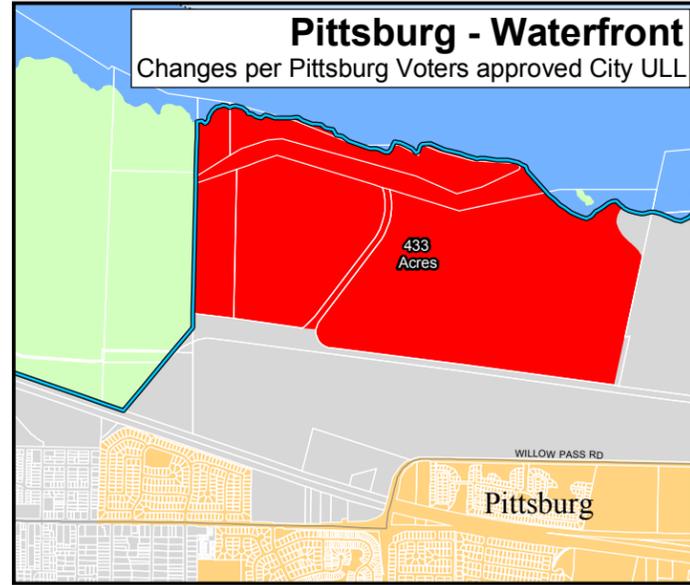
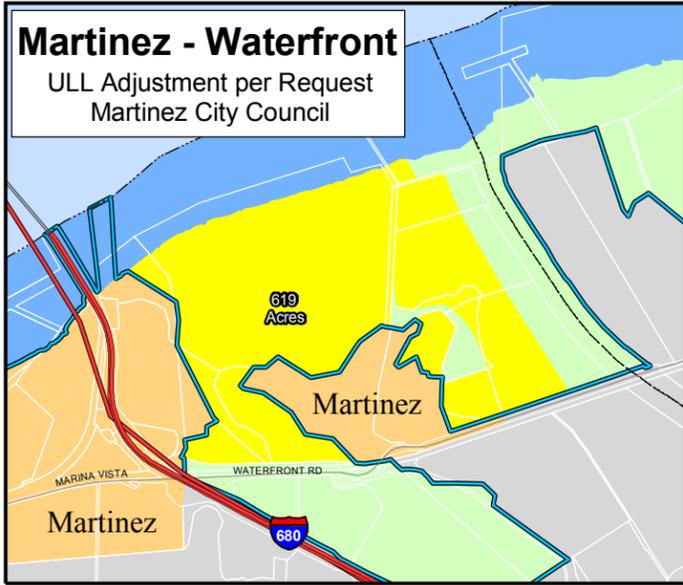
122°15'W

122°0'W

121°45'W

38°0'N

38°0'N



Measure L - November 7th, 2006 General Election
Proposed Urban Limit Line
Closeup Maps
Contra Costa County
General Plan (2005-2020)

- Proposed Inside Urban Limit Line ■
- Proposed Outside Urban Limit Line ■
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