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Long delay likely for East Cypress corridor plan

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Contra Costa Times

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An environmental group's successful lawsuit against Oakley will likely keep the city's East Cypress corridor closed to further development for at least another year.

Oakley must find better ways to offset the loss of 828 acres of farmland along East Cypress Road past Jersey Island Road, Contra Costa County Superior Court Judge Barry Baskin ruled this month in a suit brought by the Greenbelt Alliance.

Though the city and potential developers may need as long as a year to make required changes to the East Cypress Specific Plan's environmental report, no development was expected to take place during that span, City Manager Bryan Montgomery said.

"With the housing market as it is," he said, "the development out there was way beyond a year off anyway."

The city hasn't decided whether to appeal the judge's ruling. It is also too soon to know what measures might be considered in revising the plan, Community Development Director Rebecca Willis said.

"At this point," Willis said, "we're just exploring options."

Oakley needs to revise the agricultural element of

the environmental report, which will be paid for by developers. The revisions will be made available to the public for 45 days, followed by a public hearing at a City Council meeting. The city will then return to court to try to have the document certified.

Meanwhile, the only development in the area will continue to be houses built by Shea Homes, which has been permitted to build since 1993, Willis said. Projects on other land will have to wait until the environmental revisions are approved.

"The lawsuit is postponing the coordinated development," Willis said.

Baskin ruled that the city "failed to consider a reasonable range of mitigation measures or potentially feasible alternatives to lessen the impact to important farmland."

A judge ruled in 2007 that the city's environmental impact report did not address the loss of farmland, forcing it to make changes to the document.

Oakley hired a consultant to study the quality of the land and told developers to contribute money to East Contra Costa County's Habitat Conservation Plan, Willis said. The city also is following the county's 65/35 land-preservation plan, which keeps 65 percent of the county for nonurban use.

"What the court has said was 'That's not enough,'" Willis said. "They wanted us to look for other available tools that are out there."

The Greenbelt Alliance sued the city in 2006 for failing to address environmental impacts of development on more than 1,600 acres of land on Hotchkiss Tract in the East Cypress Specific Plan. The group has also argued that development of the area is inappropriate because it's in a floodplain.

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The plan would add more than 4,500 new homes, several new schools, open space, wetlands, trails and parks.

"It was going to be an entire community," Willis said.

Greenbelt Alliance hopes Oakley will preserve the land by agreeing to protect it from development forever, field representative Christina Wong said. She said the city's participation in the habitat-conservation plan doesn't save farmland.

"It goes to protect wildlife," she said. "It's comparing apples to oranges."

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