

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

Adopted this Resolution on 02/07/2012 by the following vote:

AYES: ☐

NOES: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2010/487

SUBJECT: An application submitted by Stephen E. Roberts, trustee of the Steven E. Roberts Trust - 1990 UDT, dated September 28, 1990 (Owner) to (1) Rescind existing Land Conservation Contract No. 3-77; (2) Approve Lot Line Adjustment LL10-0001; and (3) Approve Land Conservation Contract No. AP10-0001.

Whereas, Stephen E. Roberts, Trustee of the Stephen E. Roberts Trust - 1990 is the Owner of land commonly known as APN's 258-110-001 and 258-110-002 and described in Attachment D ("Property"). This Property, also known as Roberts Ranch, is located in Agricultural Preserve No. 3-77, established on February 8, 1977 by Board Resolution No. 77/121 between the County and Alfred Perez. The Property is currently being used for grazing purposes and there are no structures on the land. As described below, the owner proposes to continue grazing on the land under the new land conservation contract, and will not construct any structures on the land. The parcels are currently accessed from Bollinger Canyon Road and under the new contract all the parcels would continued to be accessed from a shared driveway off of Bollinger Canyon Road.

Whereas, in April 2006 the Owner obtained from the County three Certificates of Compliance (County File No's. ZC-06-689, ZC-06-690 & ZC-06-691) that showed that the Property consisted of three legal parcels under the Subdivision Map Act and County's Subdivision Ordinance, which collectively are known as APNs 258-110-001 and 258-110-002.

Whereas, on January 13, 2010 the Owner applied to the County for a Lot Line Adjustment (County File # LL10-0001) on the Property. The proposed Lot Line Adjustment would, among other things, include within lot 3 approximately 16 acres of property that would be conveyed by East Bay Municipal Utility District (EBMUD) to the Owner in exchange for 16 acres of the Owner's land, and subject to the proposed Land Conservation Contract AP10-0001. The proposed Lot Line Adjustment as shown on Attachment A would also reconfigure the three parcels so that they meet both the 40-acre minimum parcel size that is required by the Williamson Act and it would allow the owner to create two separate 100-acre Agricultural Preserves in the future. The proposed lot line adjustment is part of this approval.

Whereas, the proposed lot line adjustment also would facilitate a property exchange between the Owner and EBMUD. As noted above the Owner wishes to exchange approximately 16-acres of tree covered hillside area of his property, along his property's westerly border, for approximately 16-acres of adjacent open grassland area that EBMUD owns, which is also located along his property's westerly border. EBMUD would prefer to own the hillside area, versus grassland area, for watershed purposes. Alternatively, the Owner would prefer the grassland area, which is flatter, for grazing purposes. The property exchange agreement includes the granting of reciprocal easements for the benefit of EBMUD and the Owner to be able to access their properties. The Agreement (Attachment E) is contingent upon the Board's approval of the rescission of Land Conservation Contract No. 3-77, approval of Lot Line Adjustment LL10-0001 and Land Conservation Contract AP10-0001.

Whereas, pursuant to Government Code section 51222, Land Conservation Contract AP10-0001 requires Owner to rezone the property that is received from EBMUD from its current zoning designation to A-4, Agricultural Preserve District.

Whereas, the proposed Lot Line Adjustment LL10-0001 involves the adjustment of lot lines that will not create any new parcel, or authorize any new uses on the Property, or cause any significant effect on the physical environment; and the proposed rescission of Williamson Act Contract No. 3-77 and approval of proposed Williamson Act Contract No. AP10-0001 will not alter the approved uses of the Property, and will not cause a significant effect on the physical environment.

Therefore it is hereby **RESOLVED** that the Board of Supervisors, pursuant to Section 51257 FINDS the following:

1. Land Conservation Contract No AP10-0001 will enforceably restrict the Property for 10 years, which is at least as long or longer than the unexpired term of the existing Land Conservation Contract No. 3-77;

2. There will be no net increase in the amount of acreage that will be covered under Land Conservation Contract No. AP10-0001 after Lot Line Adjustment LL10-0001 is approved;
3. No more than 10% of the land covered by existing Land Conservation Contract No 77-3 will be removed as a result of the approval of Lot Line Adjustment LL10-0001;
4. After Lot Line Adjustment LL10-0001, the parcels of land that would be subject to Land Conservation Contract No AP10-0001 will be large enough to sustain their agricultural use, as defined by Government Code section 51222;
5. Lot Line Adjustment LL10-0001 will not compromise the long-term agricultural productivity of the Property or other agricultural lands that are subject to a Williamson Act Contract;
6. Lot Line Adjustment LL10-0001 in not likely to result in the removal of adjacent land from agricultural use; and
7. Lot Line Adjustment LL10-0001 will not result in (a) a greater number of parcels of developable parcels than existed prior to the adjustment, or (b) and adjusted lot that is inconsistent with the County's General Plan.

BE IT FURTHER RESOLVED that the Board of Supervisors FINDS that the proposed Lot Line Adjustment is exempt from environmental review under the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines 15305 (a); and that the proposed rescission of Williamson Act Contract No. 3-77 and approval of Williamson Act Contract No. AP10-0001 are exempt from review under CEQA pursuant to CEQA Guidelines section 15317.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby (1) RESCINDS existing Williamson Act Contract 3-77; (2) APPROVES Lot Line Adjustment LL10-0001 which is depicted in Attachment A and described in Exhibit A of Land Conservation Contract AP10-0001 and (3) APPROVES Land Conservation Contract AP10-0001, which is attached as Attachment C to cover the newly configured lots.

BE IT FURTHER RESOLVED that the Board of Supervisors DIRECTS the Conservation and Development Department Director, or designee, to: record a deed memorializing Lot Line Adjustment LL10-0001, and a copy of this resolution and Land Conservation Contract AP10-0001; and file a CEQA Notice of Exemption.

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.

Contact: John Osborne 674-7793

ATTESTED: February 7, 2012

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

By: , Deputy

cc: