

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

Adopted this Resolution on 02/14/2012 by the following vote:

**AYES:** ☐

**NOES:** ☐

**ABSENT:** ☐

**ABSTAIN:** ☐

**RECUSE:** ☐



**Resolution No. 2011/408**

SUBJECT: RESCIND existing Land Conservation Contract No. 14-70 as to land commonly known as Assessor Parcel No. 208-220-017 ("Property") and APPROVE Land Conservation Contract No. AP11-0004 for said parcel with Kathryn R. Stewart, ("Owner") to authorize an additional single-family residence on the parcel.

Whereas, Kathryn R. Stewart, owns a 258 acre property commonly known as Assessor Parcel No. 208-220-017 described in Attachment A. The parcel is located in Agricultural Preserve No. 14-70 , established on March 9, 1970, by Board Resolution No. 69/809 between the County and Karl and Louise Maier . The Property is currently restricted under Land Conservation Contract No. 14-70.

Whereas, the Williamson Act program (Government Code, Sections 51200 et. seq.), through Land Conservation Contracts, restricts land uses and structures on property under contract. The Williamson Act provides for a process to rescind an existing Land Use Contract and enter into a new contract by mutual agreement between the parties, provided that the new contract remains consistent with the intent and purpose of the Williamson Act.

Whereas, Owner intends to continue agricultural uses on the Property. There is currently a single family residence on the property under the current contract. This new contract will allow for the establishment of an additional single-family residence with detached garage for the Owner's daughter and her family. The Owner desires to rescind the existing Land Conservation Contract No. 14-70 for this Property for the purpose of entering into a new Land Conservation Contract No. AP11-0004 which will allow for an additional single family residence with detached garage.

Whereas, the new home would be incidental to the primary agricultural use of the Property, would not conflict with ongoing agricultural uses, and thus are consistent with the intent and purpose of the Williamson Act and County Code ( Chapter 84-42).

Whereas, the new home would be consistent with the Williamson Act's principles of compatibility found at Government Code section 51238.1 (a) in that it would not significantly compromise the long-term productive agricultural capability of the land nor would it displace or impair current or reasonably foreseeable agricultural operations on this contracted land or parcels on other contracted land.

Whereas, the actions associated with the establishment of a Land Conservation Contract under the Williamson Act are categorically exempt from environmental review under the California Environmental Quality Act (CEQA Regs, Section 15317, (Class 17) and 15061 (b) (3). Further, the rescission of the existing contract and approval of the new contract will not cause a significant effect on the environment because the County will enter into a new contract that will authorize uses of the property such that the action will not have a significant effect on the environment.

BE IT RESOLVED that the Board of Supervisors FINDS that the proposed rescission of Contract No. 14-70 and approval of Land Conservation Contract No. AP11-0004 is consistent with the provisions of the Williamson Act and with the County's Williamson Act Program.

BE IT FURTHER RESOLVED that the Board of Supervisors FINDS that the use is consistent with the Williamson Act's principles of compatibility found at Government Code section 51238.1 (a) in that the new home will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or on other contracted lands in the agricultural preserve nor will it significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels on other contracted lands in agricultural preserves ; nor will it result in removal of any

adjacent contracted land from agricultural or open space use.

BE IT FURTHER RESOLVED that the Board of Supervisors RESCINDS existing Land Conservation Contract No. 14-70 as to Assessor's Parcel No. 208-220-017 , the Property owned by Kathryn R. Stewart.

BE IT FURTHER RESOLVED that the Board of Supervisors APPROVES Land Conservation Contract No. AP11-0004 as to Assessor's Parcel No. 208-220-017, and AUTHORIZES the Board Chair to execute that contract. The contract is attached as Attachment B. The Department of Conservation and Development shall record Resolution No. 2011/408 and Land Conservation Contract No. AP11-0004 with the County Recorder and forward copies of the recorded resolution and contract to the State Department of Conservation and County Assessor.

BE IT FURTHER RESOLVED that the Board of Supervisors FINDS and DETERMINES that the rescission of Contract No. 14-70 and approval of Land Conservation Contract No. AP11-0004 is exempt from CEQA pursuant to Guidelines 15317 (Class 17) and 15061 (b) (3). The Department of Conservation and Development shall prepare and file a CEQA Notice of Determination.

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, 925-335-1207**

**ATTESTED: February 14, 2012**

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

By: , Deputy

**cc:**