

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 06/09/2015 by the following vote:

AYE: ☒ **John Gioia**
☒ **Candace Andersen**
☒ **Mary N. Piepho**
☒ **Karen Mitchoff**

NO: ☐

ABSENT: ☐ **Federal D. Glover**

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2015/58

WHEREAS, an application submitted by John Barey (Owner) to RESCIND existing Land Conservation Contract AP 13-77 on Assessor's Parcel Number (APN) 001-051-009 only and APPROVE Land Conservation Contract AP15-0001 on APN 001-051-009 as described in Exhibit A, attached hereto.

WHEREAS, John Barey (Owner) recently purchased a 20-acre parcel commonly known as APN 001-051-009 (Property) in the Byron area. The Property is used for growing grapes and is part of a larger Agricultural Preserve of 585 acres that has been in active agricultural production for a number of years under Land Conservation Contract AP 13-77. Land Conservation Contract AP13-77 was established on February 8, 1977, between the County and Frank Bettencourt and Leroy Simonich.

WHEREAS, the Williamson Act program (Government Code, Section 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 Conservation Contract and simultaneously 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 Program.

WHEREAS, the subject 20-acre parcel was legally created in 1988, as Parcel C by Minor Subdivision MS 6-88. The zoning at that time was A-4 Agricultural Preserve District, which allowed 20-acre minimum parcel size for non-prime agricultural land because this was the parcel size originally authorized under the Williamson Act Program. Subsequent state legislation increased the minimum parcel size requirement to 40-acres for non-prime agricultural land. In 2003 the County amended the A-4 District so that all new Land Conservation Contracts meet the 40-acre minimum parcel size requirement. However, if a 20-acre parcel was zoned A-4 before 2003 and was subject to a Williamson Act contract, the contract may be rescinded and a new contract may be established for the 20-acre parcel if the Board finds that the parcel remains viable for an agricultural use, as intended by the Williamson Act Program.

WHEREAS the Owner has applied to rescind the existing Land Conservation Contract, AP 13-77, only as to his Property and simultaneously enter into a new Land Conservation Contract, AP15-0001, on his Property. The new contract would authorize him to construct a home for himself and a living quarters for a farm manager. The owner intends on continuing the grape growing production on the Property. The 20-acre parcel is, and will continue to be, large enough to sustain the Owner's grape-growing production, which is allowed under the A-4 District and the County's Williamson Act Program. The surrounding lands that are currently under Land Conservation Contract AP 13-77 would continue agricultural production under Land Conservation Contract AP 13-77. The new structures would be incidental to the primary agricultural use of the Property, would not conflict with the ongoing agricultural uses on the Property, and thus are consistent with the intent and purpose of the Williamson Act and the County's Williamson Act Program. The owner would be required to obtain all the necessary permits to accomplish this (e.g. building permits, etc.).

WHEREAS, the actions associated with the establishment of Land Conservation Contracts under the Williamson Act are categorically exempt for the California Environmental Quality Act under Article 19, Section 15317, Class 17 and Section 15061 (b) (3).

BE IT RESOLVED that the Board of Supervisors:

1. FINDS that the rescission of existing Land Conservation Contract AP 13-77 only as to APN 001-051-009 and approval of Land Conservation Contract AP15-0001 on said parcel is consistent with the provisions of the Williamson Act and the County's

Williamson Act Program.

2. FINDS that the parcel subject to Land Conservation Contract AP15-0001 is large enough to sustain agricultural uses.
3. RESCINDS the existing Land Conservation Contract AP13-77 as to APN 001-051-009 only; APPROVES Land Conservation Contract AP15-0001 covering 001-051-009 only; AUTHORIZES the Chair to execute the contract.
4. DIRECTS the Conservation and Development Director, or designee, to record this Resolution and Land Conservation Contract with the County Recorder and forward a copy to the California Department of Conservation and the County Recorder Office.
5. FINDS that the adoption of this resolution is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines 15317, and DIRECTS the Department of Conservation and Development to file a CEQA Notice of Determination with the County Clerk.

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: June 9, 2015

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

By: June McHuen, Deputy

cc: