

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

Adopted this Resolution on 03/28/2017 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2017/26

WHEREAS, Donald and Wendy Cooper (Owners) recently purchased a 20-acre parcel located in the Tassajara Valley area, commonly known as Assessor's Parcel Number 006-190-009 (the "Property"). The Property is currently encumbered under Land Conservation Contract AP 20-70, which was established by the Board of Supervisors on January 20, 1970 between the County and the then-owners Henry and Christine Reinstein. The Property is currently used for grazing and there are no structures on the Property. The current Owners have applied to rescind existing Land Conservation Contract AP 20-70, only as to the Property, and simultaneously enter into a new Land Conservation Contract AP16-0005 encumbering the Property.

WHEREAS, the Williamson Act (Government Code Section 51200 et seq.), through Land Conservation Contracts, restricts land uses and structures on property under contract. Under the Williamson Act, property may be encumbered by a Land Conservation Contract by mutual agreement between the County and landowner, provided that the land and land uses complies with the requirements of the Williamson Act and County's Williamson Act program. The Williamson Act provides for a process to rescind and existing Land Conservation Contract and simultaneously enter into a new contract by mutual agreement between the parties, provided the new contract remains consistent with the intent and purpose of the Williamson Act.

WHEREAS, the Property is currently used for grazing, and the Owners intend to use the property for grazing, orchards, and row crops, and the new contract would authorize construction of a single-family residence, a residential second unit, a ranch manager's unit and several agriculturally related outbuildings. The new structures would be incidental to the primary agricultural use on the Property, would not conflict with ongoing and proposed agricultural uses, and thus are consistent with the intent and purpose of the Williamson Act Program and the County's Williamson Act Program.

WHEREAS, Government Code Section 51222 declares that it is in the public interest for local officials and landowners to retain agricultural lands which are subject to contracts entered into pursuant to the Williamson Act in parcels large enough to sustain agricultural uses permitted under the contract.

WHEREAS, Staff recommends that the Board of Supervisors find that the Property is large enough to sustain the contracted agricultural uses for the following reasons: the Property has been in continuous agricultural use since at least 1970, including after 2002 when the Property was reconfigured in its current state as a 20-acre parcel; the Owners propose to continue current agricultural uses and practices; the proposed structures will cover a small percentage of the Property and will not conflict with ongoing and proposed agricultural uses.

WHEREAS, the making of Land Conservation Contract under the Williamson Act is categorically exempt from environmental review under the California Environmental Quality Act (California Code of Regulations, Title 14, Section 15317).

BE IT RESOLVED that the Board of Supervisors:

1. FINDS that the proposed actions are consistent with the Williamson Act and the County's Williamson Act Program.
2. FINDS that the 20-acre parcel, commonly identified as APN 006-190-009, and more particularly describe in Attachment " A" attached hereto and incorporated herein by reference is large enough to sustain the agricultural uses permitted under the contract.
3. FINDS that the proposed actions and adoption of this resolution are categorically exempt from environmental review under the California Environmental Quality Act (California Code of Regulations, Title 14, Section 15317).

4. RESCINDS Land Conservation Contract AP20-70 as to APN 006-190-009 only.
5. APPROVES Land Conservation Contract AP16-0005, attached hereto as Exhibit "B" and incorporated herein by reference.
6. AUTHORIZES the Chair of the Board of Supervisors to execute, on behalf of the County, Land Conservation Contract AP16-0005 with owners Donald and Wendy Cooper.
7. DIRECTS the Department of Conservation and Development to record Resolution No 2017/26 and Land Conservation Contract AP16-0005 with the County Clerk Recorder and forward a copy to the California Department of Conservation and the County Assessor's Office.
8. DIRECTS the Department of Conservation and Development to file a CEQA Notice of Exemption for this project.

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.

ATTESTED: March 28, 2017

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

Contact: John Osborne, 925-674-7793

By: , Deputy

cc: