

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. 2017/25

WHEREAS, Jeff and Angie Pedersen, as Trustees of the Jeff and Angie Pedersen 2014 Family Trust, dated December 18, 2014 (Owners) recently purchased a 20-acre parcel located in the Tassajara Valley area, commonly known as Assessor's Parcel Number 006-190-010 (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 land 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 AP16-0004 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 solar power array for farm use only, and several agriculturally related outbuildings. The residential structures would be limited to a 2-acre building envelope on the Property.

WHEREAS, construction of a solar power array on contracted lands is not addressed in the County's Williamson Act Program but may be approved if consistent with the compatibility principles found in Government Code Section 51238.1.

WHEREAS, the proposed solar power array is intended for farm use only, will be limited in scale, will not significantly displace or impair agricultural operations, will directly promote agricultural production by serving as a power source, and is otherwise a use compatible with the agricultural use of the Property.

WHEREAS, 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 purposed of the Williamson Act 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.

The making of a 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. FIND that the proposed actions are consistent with the Williamson Act and the County's Williamson Act Program.
2. FIND that the construction of a solar power array for farm use only is compatible with the agricultural use of the property.
3. FIND that APN 006-190-010 is large enough to sustain the agricultural uses authorized under the proposed contract.
4. 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).
5. ADOPT Resolution no. 2017/25 to (1) RESCIND Land Conservation Contract AP 20-70 as to APN 006-190-010 only; and (2) APPROVE Land Conservation Contract AP16-0004 over APN 006-190-010.
6. AUTHORIZE the Chair of the Board of Supervisors to execute, on behalf of the County, Land Conservation Contract AP16-0004 with Owners Jeff and Angie Pedersen, as Trustees of the Jeff and Angie Pedersen 2014 Family Trust, dated December 14, 2014.
7. DIRECT the Department of Conservation and Development to record Resolution No 2017/25 and Land Conservation Contract AP16-0004 with the County Clerk Recorder and forward a copy to the California Department of Conservation and the County Assessor's Office.
8. DIRECT 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.

Contact: John Osborne, 925-674-7793

ATTESTED: March 28, 2017

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

By: , Deputy

cc: