

Recorded at the request of: **Contra Costa County Department of Conservation and Development**

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

Adopted this Resolution on 08/15/2023 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:

Resolution No. 2023/527

IN THE MATTER OF establishing Agricultural Preserve/Land Conservation Contract No. AP-18-0006 at 6300 Old School Road in the Tassajara Valley area.

WHEREAS, the John Lima and Marcela Luna Family Trust (Owner) owns approximately 161.5 acres of land on Old School Road in the Tassajara Valley area, identified as Assessor's Parcel Numbers (APNs) 204-050-027 and 204-050-028 (the subject property), and has applied to establish Agricultural Preserve/Land Conservation Contract No. 18-0006 on the subject property pursuant to the Williamson Act (Government Code Sections 51200 et seq.).

WHEREAS, the Board of Supervisors may, in accordance with the Williamson Act, establish an agricultural preserve containing the subject property after proper notice and a public hearing, and upon finding that establishment of the preserve is consistent with the County General Plan.

WHEREAS, pursuant to Government Code Sections 51230 and 51233, proper notice of a public hearing to establish Agricultural Preserve/Land Conservation Contract No. AP18-0006 was lawfully published in the East Bay Times and provided to the Contra Costa Local Agency Formation Commission and property owners within 300 feet of the subject property, and said public hearing was duly held by the Board of Supervisors on August 15, 2023.

WHEREAS, the property comprising Agricultural Preserve AP18-0006 lies within an area with a General Plan land use designation of Agricultural Lands (AL). Establishment of this agricultural preserve is consistent with the purpose of the AL designation, which is to preserve and protect lands capable of and generally used for production of food, fiber, and plant materials. Establishment of this agricultural preserve is also consistent with General Plan Goal 8-G (encourage and enhance agriculture and maintain and promote a healthy and competitive agricultural economy), Goal 8-H (conserve prime productive agricultural land outside the Urban Limit Line exclusively for agriculture), and Policy 8-38 (agricultural operations shall be protected and enhanced through encouragement of Williamson Act contracts to retain designated areas in agricultural use). The subject property also satisfies the Williamson Act's minimum acreage requirement for establishing an agricultural preserve and the property will be appropriately restricted by a land conservation contract.

WHEREAS, the Williamson Act, 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 comply with the requirements of the Williamson Act and the County's Williamson Act Program.

WHEREAS, the Owner intends to use the subject property primarily for grazing. A single-family residence and barn exist on the property, and a second single-family residence is allowed under Land Conservation Contract No. AP18-0006. These buildings are incidental to the primary agricultural use of the property.

WHEREAS, the subject property will be rezoned from Exclusive Agricultural District (A-80) to Agricultural Preserve District (A-4), as is the practice of the County when a new agricultural preserve is established. Land Conservation Contract No. AP18-0006 will apply to the entire property and will restrict uses on the property to those specifically allowed under contract and allowed in the A-4 Agricultural Preserve District.

WHEREAS, establishment of Agricultural Preserve No. AP18-0006 and approval of Land Conservation Contract No. AP 18-0006 are categorically exempt from environmental review under the California Environmental Quality Act (California Code of Regulations, Title 14, Section 15317). Further, these actions will not cause a significant effect on the environment because they restrict uses on the property and it can be seen with certainty that these restrictions would not have a significant effect on the environment (California Code of Regulations, Title 14, Section 15061(b)(3)).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Contra Costa County: 1. FINDS that establishment of Agricultural Preserve No. AP18-0006 is consistent with the County General Plan.

2. FINDS that establishment of Agricultural Preserve No. AP18-0006 and approval of Land Conservation Contract No. AP18-0006 are consistent with the Williamson Act and the County’s Williamson Act Program.

3. DETERMINES that establishment of Agricultural Preserve No. AP18-0006, approval of Land Conservation Contract No. AP18-0006, and adoption of this resolution are exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Sections 15317 and 15061(b)(3).

4. ESTABLISHES Agricultural Preserve No. AP18-0006 containing approximately 161.5 acres of land in the Tassajara Valley area, known as APNs 204-050-027 and 204-050-028, and more particularly described in Attachment “A” attached hereto and incorporated herein by reference.

5. APPROVES Land Conservation Contract No. AP16-0001 encumbering APNs 204-050-027 and 204-050-028, attached hereto as Attachment “A” and incorporated herein by reference.

6. AUTHORIZES the Chair of the Board of Supervisors, or designee, to execute Land Conservation Contract No. AP18-0006 for APNs 204-050-027 and 204-050-028.

7. DIRECTS the Department of Conservation and Development to record Resolution No. 2023/527 and Land Conservation Contract No. AP18-0006 with the County Clerk-Recorder, and forward copies to the California Department of Conservation and County Assessor's Office.

8. DIRECTS the Department of Conservation and Development to file a CEQA Notice of Exemption with the County Clerk-Recorder.

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: August 15, 2023

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: Will Nelson, (925) 655-2898

By: , Deputy

cc: