

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 12/13/2016 by the following vote:

AYE: ☒ 5 **John Gioia**
Candace Andersen
Mary N. Piepho
Karen Mitchoff
Federal D. Glover

NO: ☐ /

ABSENT: ☐ /

ABSTAIN: ☐ /

RECUSE: ☐ /



Resolution No. 2016/548

In the matter of minor lot line adjustments, 0.8-acre agricultural preserve boundary adjustment, and Williamson Act contract rescission and affecting Assessor's Parcel Nos. 003-010-016, 003-010-017, 007-140-006, 007-150-017 and 007-150-018, owned by Ronald and Shirley Nunn.

Whereas, Ronald and Shirley Nunn ("Owners") own one approximately 585-acre legal parcel in the Brentwood area, consisting of Assessor's Parcel Nos. 003-010-016, 003-010-017, 007-140-006, 007-150-017 and 007-150-018 (the "Property"). The Property is currently restricted under Land Conservation Contract 5-74, within Agricultural Preserve 5-74, and is used for growing olive trees, cherry orchards, and vineyards.

Whereas, Owners inadvertently planted fruit trees on a small portion of Contra Costa County Water District's (CCWD) Transfer Facility site adjacent to the Property. Instead of abating the trees, CCWD has agreed to exchange 0.8 acres of the Transfer Facility site for 0.8 acres of unused agricultural land at the intersection of the Old River Pipeline and Vasco Road rights-of-way. The exchange will be effectuated by lot line adjustments LL15-0019 and LL15-0020.

Whereas, the lot line adjustments will make minor adjustments to the existing boundaries of Agricultural Preserve 5-74, which requires a noticed hearing to be held in accordance with Government Code sections 51232 and 51233.

Whereas, Government Code Section 51257 allows the rescission of a Williamson Act contract and the simultaneous approval of a new contract to facilitate a minor lot line adjustment in accordance with Government Code section 66412, provided that certain findings are made.

Whereas, Land Conservation Contract AP16-0002 will enforceably restrict the adjusted boundaries of the Property for an initial term for at least as long as the unexpired term of the rescinded contract, but for not less than 10 years.

Whereas, the Owners will exchange 0.80 acres of their Property for 0.80 acres of CCWD property. Because areas of equal size will be exchanged by the lot line adjustments, the new contract will encumber the same amount of land as the contract to be rescinded.

Whereas, the approval of these lot line adjustments will remove 0.80 acres of the existing 585-acre Property covered under the current Williamson Act contract. Therefore, over 99 percent of land under the current contract will remain under the new contract.

Whereas, the Property is not considered prime agricultural land and its approximately-585-acre size after the lot line adjustments is larger than the minimum parcel size in Government Code section 51222 (40 acres).

Whereas, the Property will continue to be used for agricultural purposes after the lot line adjustments are approved, and the new Williamson Act contract encumbers the Property. The proposed actions will not change the existing use of the Property, or affect the long-term agricultural productivity of the Property or other lands under contract.

Whereas, the approval of the lot line adjustment does not affect any adjacent land that is being used for agricultural purposes. Department of Conservation and Development staff have determined that the Property with adjusted lot lines will remain consistent with the County's General Plan.

Whereas, two parcels currently exist – the Property and CCWD’s property. After the lot line adjustments, the same two parcels will exist, with slightly adjusted boundaries.

Whereas, a hearing was held, notice of which was given and published in accordance with Government Code section 51232 and 51233.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS:

1. FINDS:

- A. Land Conservation Contract AP16-0002 will enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- B. There is no net decrease in the amount of the acreage restricted.
- C. At least 90 percent of the land under the former contract or contracts remains under the new contract.
- D. After the lot line adjustments, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
- E. The lot line adjustments will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- F. The lot line adjustments are not likely to result in the removal of adjacent land from agricultural use.
- G. The lot line adjustments do not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

2. RESCINDS Land Conservation Contract No. 5-74 establishing Agricultural Preserve 5-74, which is conterminous with the boundaries of the Property.

3. APPROVES Lot Line Adjustments LL15-0019 and LL15-0020, which adjust the boundaries of the Property and the agricultural preserve in which the Property is located.

4. APPROVES Land Conservation Contract AP16-0002 covering the Property and the adjusted boundaries of the agricultural preserve in which the Property is located. A map showing the adjusted boundaries of the agricultural preserve subject to Land Conservation Contract AP16-0002 is attached hereto as Exhibit A.

5. FINDS that the proposed actions are exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Sections 15305, 15317, and 15061 (b)(3).

6. DIRECTS the Director of Conservation and Development, or his designee, to record on the deed for the reconfigured property Lot Line Adjustments LL15-0019 and LL15-0020, and record this Resolution No.2016/548 and Land Conservation Contract AP16-0002, with the County Clerk-Recorder, and to forward copies of the recorded documents to the California Department of Conservation and the County Assessor’s Office.

7. DIRECTS the Director of Conservation and Development, or his designee, to file a CEQA Notice of Exemption with the County Clerk-Recorder, and to pay the \$50 filing fee.

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: December 13, 2016

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

By: June McHuen, Deputy

cc: