

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 12/20/2016 by the following vote:

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

NO: ☐ /

ABSENT: ☐ **Federal D. Glover**

ABSTAIN: ☐ /

RECUSE: ☐ /



Resolution No. 2016/325

WHEREAS, Robert J. Nielsen, Jr. (Owner) owns approximately 835 acres of land in the Tassajara Valley area, known as Assessor's Parcel Number 205-050-007 (Property), and has applied to re-establish a Land Conservation Contract / Agricultural Preserve on the Property pursuant to the Williamson Act (Government Code, Sections 51200 et seq.)

WHEREAS, the Property was a portion of Land Conservation Contract 6-72, and on December 6, 1989 the owner at that time filed a Notice of Non-Renewal and the Contract expired on February 28, 1999. The new owner now wishes to establish a new Land Conservation Contract on the Property.

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

WHEREAS, pursuant to Government Code Sections 51230 and 51233, proper notice of a public hearing to establish Agricultural Preserve AP16-0001 was lawfully published in the Contra Costa Times and given to the Contra Costa Local Agency Formation Commission and the City of San Ramon, and said public hearing was duly held by the Board of Supervisors on June 21, 2016.

WHEREAS, the subject Property composing Agricultural Preserve AP16-0001 lies within an area with a General Plan designation of Agricultural Lands (AL) and is being used for agricultural purposes. The establishment of this Agricultural Preserve furthers 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. 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 the proposed 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 land owner, provided that the land and land use complies with the requirements of the Williamson Act and the County's Williamson Act Program.

WHEREAS, the Property is currently being used for grazing and the Owner intends on continuing the use on the land. There are no structures on the Property and the Owner does not propose any new structures. The Property is zoned A-80, Exclusive Agricultural District. The proposed Land Conservation Contract would apply to the entire Property and would restrict uses on the Property to those specifically allowed under contract or those allowed in the A-4, Agricultural Preserve District. The uses allowed in the A-80 District are generally consistent with the uses allowed in the A-4 District.

WHEREAS, the establishment of Agricultural Preserve AP16-0001 and the making of Land Conservation Contract AP 16-0001 are categorically exempt from environmental review under the California Environmental Quality Act (California Code of Regulations, Title 14, Section 15317). Further, these actions would 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)).

THEREFORE, BE IT RESOLVED that the Board of Supervisors of Contra Costa County:

1. FINDS that the establishment of Agricultural Preserve AP16-0001 is consistent with the General Plan.

2. FINDS that the establishment of Agricultural Preserve AP16-0001 and approval of Land Conservation Contract AP16-0001 are consistent with the Williamson Act and the County's Williamson Act Program.
3. FINDS that establishment of Agricultural Preserve AP16-0001, approval of Land Conservation Contract AP16-0001, and adoption of this resolution are exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Section 15317, and Section 15061 (b) (3).
4. ESTABLISHES Agricultural Preserve AP16-0001 containing approximately 835-acres of land in the Tassajara Valley area, known as APN 205-050-007, and more particularly described in Attachment "A" attached hereto and incorporated herein by reference.
5. APPROVES Land Conservation Contract AP16-0001 encumbering APN 205-050-007, attached hereto as Attachment "B" and incorporated herein by reference.
6. AUTHORIZES the Chair to execute on behalf of the County Land Conservation Contract AP16-0001.
7. DIRECTS the Department of Conservation and Development to record Resolution No. 2016/325 and Land Conservation Contract AP16-0001 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 Notion 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: December 20, 2016

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

Contact: John Osborne, 925-674-7793

By: June McHuen, Deputy

cc: