

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 05/09/2017 by the following vote:

AYE:	5	John Gioia Candace Andersen Diane Burgis Karen Mitchoff Federal D. Glover
NO:	/	
ABSENT:	/	
ABSTAIN:	/	
RECUSE:	/	



Resolution No. 2017/113

WHEREAS, Terry and Lisa Howland, as trustees of the Terrance E. Howland and Lisa Beth Howland Revocable Trust, dated January 24, 2001, (Owners) own 40 acres of land in the Tassajara Valley area, known as Assessor's Parcel Number 006-160-009 (Property), and have applied to establish a land conservation contract on the Property pursuant to the Williamson Act (Government Code Sections 51200 et seq.).

WHEREAS, the Property alone is not large enough to satisfy the Williamson Act requirement that an agricultural preserve be a minimum of 100 acres, but is contiguous to existing Agricultural Preserve No. 13-74.

WHEREAS, the Board of Supervisors may, in accordance with the Williamson Act, alter the boundary and enlarge the size of an established agricultural preserve after proper notice and a public hearing, and upon finding that the addition of land area to the agricultural preserve is consistent with the General Plan.

WHEREAS, pursuant to Government Code Sections 51230 and 51233, proper notice of a public hearing to add APN 006-160-009 to Agricultural Preserve No 13-74 was lawfully published in the East Bay Times and given to the Contra Costa Local Formation Commission (LAFCO).

WHEREAS, the subject Property to be added to Agricultural Preserve No. 13-74 lies within an area with a General Plan designation of Agricultural Lands (AL) and is being used for agricultural purposes. The addition of the Property to the agricultural preserve furthers the purpose of the AL designation which is to preserve and protect land capable of and generally used for production of food, fiber and plant materials.

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 purposes, and the Owners intend to continue the agricultural use of the Property in the future. The new land conservation contract will restrict uses on the Property to those consistent with the Williamson Act and the County's Williamson Act Program.

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 Codes 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 establishment of an agricultural preserve and the making of a land conservation contract 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).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors:

1. FINDS that the addition of APN 006-160-009 to existing Agricultural Preserve No. 13-74 is consistent with the General Plan.
2. FINDS that the addition of APN 006-160-009 to existing Agricultural Preserve No. 13-74 and establishment of Land Conservation Contract AP12-0001 are consistent with the Williamson Act and the County's Williamson Act Program.
3. FINDS that the proposed actions and adoption of this resolution are exempt from environmental review under the California Environmental Quality Act (California Code of Regulations, Title 14, Section 15317 and Section 15061 (b) (3).
4. APPROVES the addition of APN 006-160-009 to existing Agricultural Preserve No. 13-74. A map showing the adjusted boundaries of Agricultural Preserve is attached hereto in Attachment A - Legal Description.
5. APPROVES Land Conservation Contract AP12-0001 encumbering APN 006-160-009, attached hereto as Attachment B. .
6. AUTHORIZES the Chair to execute, on behalf of the County, Land Conservation Contract AP12-0001.
7. DIRECTS the Director of Conservation and Development, or his desinee, to record Resolution No. 2017/113 and Land Conservation Contract AP12-0001 with the County Clerk Recorder, and forward a copy to the California Department of Conservation and the County Assessor's Office.
8. DIRECTS the Director of Conservation and Development, or his designee, 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.

Contact: John Osborne, 925-674-7793

ATTESTED: May 9, 2017

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


By: June McHuen, Deputy

cc:

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