



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: December 20, 2016

Subject: Williamson Act Contract AP16-0001 / Robert Nielsen

RECOMMENDATION(S):

1. OPEN a public hearing on a proposal to establish Agricultural Preserve AP16-0001; ACCEPT testimony.
2. CLOSE the public hearing.
3. FIND that the establishment of Agricultural Preserve AP16-0001 is consistent with the General Plan.
4. FIND the proposed actions are consistent with the Williamson Act and the County's Williamson Act Program.
5. FIND the proposed actions are exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Section 15317, and Section 15061 (b) (3).
6. Adopt Resolution No. 2016/325 to (1) ESTABLISH Agricultural Preserve AP16-0001; (2) APPROVE Land Conservation Contract AP16-0001; (3) AUTHORIZE the Chair to

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/20/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Candace Andersen, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Karen Mitchoff, District IV
Supervisor

ABSENT: Federal D. Glover, District V
Supervisor

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 Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: John Osborne,
925-674-7793

cc:

execute on behalf of the County Land Conservation Contract AP16-0001.

7. DIRECT 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.

RECOMMENDATION(S): (CONT'D)

8. DIRECT the Department of Conservation and Development to file a CEQA Notice of Exemption for this project.

FISCAL IMPACT:

None. The cost to review and process this application is borne by the Applicant.

BACKGROUND:

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). The Owner 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.). This property was previously included in Land Conservation Contract 6-72. On December 6, 1989, the then-owner filed a Notice of Non-Renewal and Contract 6-72 expired on February 28, 1999. The current owner now wishes to establish a new Land Conservation Contract on the Property.

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. Under the Williamson Act, lands eligible to be encumbered by a Land Conservation Contract must be located within an agricultural preserve designated by the County and be dedicated to agricultural use. The restricted parcel is assessed for property tax purposes at a rate consistent with its actual use, rather than potential market value.

The Property is currently being used for grazing and the Owner intends on continuing that 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. Land Conservation Contract AP16-0001 appropriately restricts the Property to agricultural uses consistent with the Williamson Act and the County's Williamson Act program.

The Board of Supervisors may establish an agricultural preserve containing the Property in accordance with the Williamson Act. Pursuant to Government Code Sections 51230 and 51233, the Board must conduct a noticed public hearing on the establishment of an agricultural preserve, and provide notice of this hearing to the Local Agency Formation Commission and to any city within one mile of the exterior boundaries of the proposed agricultural preserve. Notice of a public hearing to establish Agricultural Preserve AP16-0001 has been lawfully published in the Contra Costa Times and given to the

Contra Costa Local Agency Formation Commission. Although slightly more than a mile from the exterior boundary of the Property, the City of San Ramon was sent a notice.

Staff recommends that the Board conduct a public hearing as required by the Williamson Act and determine that the establishment of Agricultural Preserve AP16-0001 is consistent with the General Plan and the provisions of the Williamson Act. The subject Property 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 100-acre minimum for establishing an agricultural preserve and the Property will be appropriately restricted as described above.

The establishment of Agricultural Preserve AP16-0001 and the making of Land Conservation Contract AP16-0001 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)).

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve Agricultural Preserve AP16-0001 for the Property the land would not be encumbered by a Williamson Act contract.

CHILDREN'S IMPACT STATEMENT:

None.

CLERK'S ADDENDUM

CLOSED the hearing; FOUND that the establishment of Agricultural Preserve AP16-0001 is consistent with the General Plan; FOUND the proposed actions are consistent with the Williamson Act and the County's Williamson Act Program; FOUND the proposed actions are exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Section 15317, and Section 15061 (b) (3); ADOPTED Resolution No. 2016/325 to (1) ESTABLISH Agricultural Preserve AP16-0001; (2) APPROVE Land Conservation Contract AP16-0001; (3) AUTHORIZE the Chair to execute on behalf of the County Land Conservation Contract AP16-0001; DIRECTED 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.; DIRECTED the Department of Conservation and Development to file a CEQA Notice of Exemption for this project.

ATTACHMENTS

Resolution No. 2016/325

Attachment A - Legal Description

Attachment B - Land Conservation Contract AP16-0001