



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: March 28, 2017

Subject: Williamson Act Contract/ Cooper/ AP16-0005/ Tassajara Valley Area

RECOMMENDATION(S):

1. FIND the proposed actions are consistent with the Williamson Act and the County's Williamson Act Program.
 2. FIND that APN 006-190-009 is large enough to sustain the agricultural uses authorized under the proposed contract.
 3. FIND the proposed actions are categorically exempt from environmental review under the California Environmental Quality Act (California Code of Regulations, Title 14, Section 15317).
 4. ADOPT Resolution No. 2017/26 to (1) RESCIND Land Conservation Contract AP20-70 as to APN 006-190-009 only; and (2) APPROVE Land Conservation Contract AP16-0005 over APN 006-190-009.
 5. AUTHORIZE the Chair of the Board of Supervisors to execute, on behalf of the County, Land Conservation Contract AP16-0005 with Owners Donald and Wendy Cooper.
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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/28/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: Candace Andersen, District II
Supervisor
Diane Burgis, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: John Gioia, District I
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: March 28, 2017

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

By: Stephanie Mello, Deputy

Contact: John Osborne,
925-674-7793

cc:

6. DIRECT the Department of Conservation and Development to record Resolution No. 2017/26 and Land Conservation Contract AP16-0005 with the County Clerk Recorder and forward a copy to the California Department of Conservation and the County Assessor's Office.

7. DIRECT the Department of Conservation and Development to file a CEQA Notice of Exemption

RECOMMENDATION(S): (CONT'D)

for this project.

FISCAL IMPACT:

None. All costs are borne by the applicant.

BACKGROUND:

Donald and Wendy Cooper (Owners) recently purchased a 20-acre parcel located in the Tassajara Valley area, commonly known as Assessor's Parcel No. 006-190-009 (the "Property"). The Property is currently encumbered under Land Conservation Contract AP 20-70, which was established on January 20, 1970 by the Board of Supervisors between the County and the then-owners Henry and Christine Reinstein. The Property is currently used for grazing and there are no structures on the Property. The current Owners have applied to rescind existing Land Conservation Contract AP 20-70, only as to the Property, and simultaneously enter into a new Land Conservation Contract AP16-0005 encumbering the Property. The restricted parcel is assessed for property tax purposes at a rate that is consistent with the actual use, rather than the potential use.

The Williamson Act (Government Code Section 51200 et seq.), 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 complies with the requirements of the Williamson Act and County's Williamson Act program. The Williamson Act provides for a process to rescind an existing Land Conservation Contract and simultaneously enter into a new contract by mutual agreement between the parties, provided the new contract remains consistent with the intent and purpose of the Williamson Act.

The Owners have applied to rescind the existing Land Conservation Contract AP 20-70, only as to the Property, and simultaneously enter into a new Land Conservation Contract AP 16-0005 encumbering the Property. 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 enumerated by the Contract. The uses allowed in the A-80 District are consistent with the uses allowed in the A-4 District. The Owners intend to use the Property for grazing, livestock, orchards, and row crops. The new contract would authorize construction of a single-family residence, a residential second unit, a covered arena for personal use, and several agricultural-related outbuildings. The Owners would be required to obtain all necessary permits for construction (e.g. building permits, etc.). The new structures would be incidental to the primary agricultural use of the Property, would not conflict with ongoing and proposed agricultural uses, and thus are consistent with the intent and purpose of the Williamson Act and the County's Williamson Act Program. The residential structures would be limited to a 2-acre building envelope.

Government Code Section 51222 declares that it is in the public interest for local officials and landowners to retain agricultural lands which are subject to contracts entered into pursuant to the Williamson Act on parcels large enough to sustain agricultural uses permitted under the contract. It has been the County's practice to honor the original 20-acre minimum parcel size for contracts under the Williamson Act that were established prior to 2003, before the County amended the A-4, Agricultural Preserve District to follow the State of California minimum of 40-acres. or Staff recommends that the Board of Supervisors find that the Property is large enough to sustain the contracted agricultural uses for the following reasons: the Property has been in continuous agricultural use since at least 1970, including after 2002 when the Property was reconfigured in its current state as a 20-acre parcel; the Owners propose to continue current agricultural uses and practices; the proposed structures will cover a small percentage of the Property and will not conflict with ongoing and proposed agricultural uses.

The making of a Land Conservation Contract under the Williamson Act is categorically exempt from environmental review under the California Environmental Quality Act (California Code of Regulations, Title 14, Section 15317).

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not approve Land Conservation Contract AP16-0005, the Property will remain encumbered by Land Conservation Contract AP20-70 and the proposed structures would not be authorized.

CHILDREN'S IMPACT STATEMENT:

None. This is a proposal to enter into a new Land Conservation Contract.

ATTACHMENTS

Resolution No. 2017/26

Exhibit A- Legal Description

Exhibit B - Williamson Act Contract AP 16-0005