



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: March 28, 2017

Subject: Williamson Act Contract/ Pedersen/ AP16-0004/ 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 the construction of a solar power array for farm use only is compatible with the agricultural use of the property.
3. FIND that APN 006-190-010 is large enough to sustain the agricultural uses authorized under the proposed contract.
4. FIND the proposed actions are categorically exempt from environmental review under the California Environmental Quality Act (California Code of Regulations, Title 14, Section 15317).
5. ADOPT Resolution No. 2017/25 to (1) RESCIND Land Conservation Contract AP20-70 as to APN 006-190-010 only; and (2) APPROVE Land Conservation Contract AP16-0004 over APN 006-190-010.
6. AUTHORIZE the Chair of the Board of Supervisors to execute, on behalf of the County, Land Conservation Contract AP16-0004 with Owners Jeff and Angie Pedersen, as Trustees of the Jeff and Angie Pedersen 2014 Family Trust, dated December 18, 2014.
7. DIRECT the Department of Conservation and Development to record Resolution No. 2017/25 and Land Conservation Contract AP16-0004 with the County Clerk Recorder and

☒ 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: June McHuen, Deputy

Contact: John Osborne,
925-674-7793

cc:

forward a copy to the California Department of Conservation and the County Assessor's Office.

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

RECOMMENDATION(S): (CONT'D)

FISCAL IMPACT:

None. All cost are borne by the applicant.

BACKGROUND:

Jeff and Angie Pedersen, as Trustees of the Jeff and Angie Pedersen 2014 Family Trust, dated December 18, 2014 (Owners) recently purchased a 20-acre parcel located in the Tassajara Valley area, commonly known as Assessor's Parcel Number 006-190-010 (the "Property"). The Property is currently encumbered under Land Conservation Contract AP 20-70, which was established by the Board of Supervisors on January 20, 1970 between the County and the then-owners Henry and Christine Reinstein. The land 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 AP16-0004 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 AP20-70, only as to the Property, and simultaneously enter into a new Land Conservation Contract AP16-0004 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, orchards, and row crops. The new contract would authorize construction of a single-family residence, a residential second unit, a solar power array for farm use only, and several agricultural-related outbuildings. The residential structures would be limited to a 2-acre building envelope on the Property.

The construction of a solar power array on contracted lands is not addressed in the County's Williamson Act Program, but can be approved as compatible with the agricultural use of the Property if consistent with the principles found in Government Code 51238.1, specifically:

1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or on other contracted lands in the agricultural preserve.
2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or other contracted parcels in the agricultural preserve. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if the related use is directly related to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
3. The use will not result in the removal of adjacent contracted land from agricultural or open space use.

The proposed solar power array is intended for farm use only, not commercial solar power generation, and will therefore be limited in scale. Agricultural operations will not be significantly displaced or impaired. The proposed solar power array will be directly related to agricultural production as it will serve as a power source, promoting the agricultural use of the property. 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. 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 in 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. 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 AP16-0004, 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 for a new Land Conservation Contract.

ATTACHMENTS

Resolution No. 2017/25

Exhibit A- Legal Description

Exhibit B - Williamson Act Contract AP16-0004