

**FINDINGS AND CONDITIONS OF APPROVAL FOR JACQUELINE G. STEWART  
(APPLICANT) AND JACQUELINE G. STEWART AND STEWART FAMILY TRUST  
(OWNER); COUNTY FILE #AP21-0001**

**FINDINGS**

**A. CA Gov. Code Section 51242 Required Finding**

No city or county may contract with respect to any land pursuant to this chapter unless the land:

1. Required Finding: Is devoted to agricultural use.

Project Finding: Currently, the property is actively utilized for agriculture by means of cattle grazing. The property owners intend to keep the subject property in agricultural use, specifically cattle grazing, subsequent to the completion of this project.

2. Required Finding: Is located within an area designated by a city or county as an agricultural preserve.

Project Finding: The land is not currently encumbered by a Land Conservation Contract or within an agricultural preserve. This request includes establishing an agricultural preserve and Land Conservation Contract for the subject property. With the property's AL land use designation, A-4 zoning district, and other surrounding properties encumbered by contracts, the area meets the eligibility requirements for agricultural preserves.

**B. CA Gov. Code Section 51234 Required Finding**

Required Finding: The report shall include a statement that the preserve is consistent with the general plan, and the board or council shall make a finding to that effect.

Project Finding: The General Plan land use designation for the subject property is Agricultural Lands (AL). The purpose of the Agricultural Lands designation is to preserve and protect rural lands capable of supporting grazing and the production of food, fiber, and plant materials. Currently, the property is actively utilized for grazing, which is a common agricultural use on lands designated AL. The property owners intend that the subject property will be in agricultural use subsequent to the completion of this project. The proposed project is also consistent with the following General Plan goal and policies:

*Goal COS-2: A thriving and resilient agricultural sector based on resource conservation and sustainability practices.*

*Policy COS-P2.1: Preserve and protect productive agricultural land from conversion to urban uses, especially land designated as Prime Farmland, Farmland of Statewide*

*Importance, or Unique Farmland on the Important Farmland Map prepared by the California Department of Conservation; land containing Class 1 or Class 2 soils; and land designated Agricultural Core.*

*Policy COS-P2.8: Encourage owners of qualifying agricultural land to participate in the Williamson Act (Agricultural Preserve) Program.*

As proposed, the project will further protect the property's agricultural use for cattle grazing. Establishing a Williamson Act contract will preserve its agricultural use for at least ten years, but statutorily it will be protected in perpetuity until a property owner requests the contract's automatic renewal to be ended. Therefore, the proposed project will remain consistent with intent and purpose of the Agricultural Lands land use designation and the General Plan overall.

C. CA Gov. Code Section 51238.1.(a) Required Findings

Uses approved on contracted lands shall be consistent with all of the following principals of compatibility:

1. Required Finding: The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

Project Finding: Currently, the property is actively utilized for cattle grazing. The property owners intend the property to remain in agricultural use subsequent to the completion of this project by continuing cattle grazing. Furthermore, this project includes no requests for new buildings or structures, so the property will remain in its current state of agricultural use without interruption.

2. Required Finding: The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including harvesting processing, or shipping.

Project Finding: The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Currently, the property is actively utilized for cattle grazing. The property owners intend the property to remain in agricultural use subsequent to the completion of this project by continuing cattle grazing. Furthermore, this project includes no requests for new buildings or structures, so the property will remain in its current state of agricultural production without interruption.

3. Required Finding: The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

Project Finding: The adjacent parcel to the south, APN 001-021-013, is under contract No. 19-71. The project involves adding establishing a new agricultural preserve for the subject property, thus increasing the amount of contracted land in the area.

## **CONDITIONS OF APPROVAL**

### **Administrative**

1. Approval is granted to establish a new Agricultural Preserve and new Land Conservation Contract No. AP21-0001.

### **Fees**

2. This application is subject to an initial application deposit of \$500.00, which was paid with the application submittal, plus time, and material costs if the application review expenses exceed the initial deposit. **Any additional costs due must be paid prior to issuance of a building permit, within 60 days of the permit's effective date, or prior to use of the permit, whichever occurs first.** The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2013-340, where a fee payment is over 60 days past due from the date of approval, the application shall be charged interest at a rate of ten percent (10%). The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance.

### **ADVISORY NOTES**

**THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.**

- A. Notice of 90-day opportunity to protest fees, dedications, reservation, or other exactions pertaining to the approval of this permit.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservation, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by the approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Department of Conservation and Development, Community Development Division within 90 days of the approval date of this permit.