

**COUNTY OF SONOMA  
AGENDA ITEM  
SUMMARY REPORT**

**Clerk of the Board Use Only**  
 Meeting Date      Held Until  
 \_\_\_/\_\_\_/\_\_\_      \_\_\_/\_\_\_/\_\_\_  
 Agenda Item No:      Agenda Item No:  
 \_\_\_\_\_      \_\_\_\_\_

Department: Permit and Resource Management  
 Department

( ) 4/5 Vote Required

Contact:  
 Scott Hunsperger

Phone:  
 707-565-2404

Board Date:  
 June 2, 2009

Deadline for Board Action:

**AGENDA SHORT TITLE:**

Williamson Act Contract Establishment within Existing Agricultural Preserve: [REDACTED]  
 AGP09-0003

**REQUESTED BOARD ACTION:**

Resolution authorizing the Chair of the Board of Supervisors to sign a Type II Williamson Act contract as requested by [REDACTED] for 86.6 acres located at 4809 Highway 101 South, Petaluma; Supervisorial District 2.

**CURRENT FISCAL YEAR FINANCIAL IMPACT**

**EXPENDITURES**

**ADD'L FUNDS REQUIRING BOARD APPROVAL**

Estimated Cost      \$

Contingencies      \$  
 (Fund Name:      )

Amount Budgeted      \$

Unanticipated Revenue      \$  
 (Source:      )

Other Avail Approp      \$  
 (Explain below)

Other Transfer(s)      \$  
 (Source:      )

Additional Requested:      \$

Add'l Funds Requested:      \$

**Explanation (if required):**

**Prior Board Action(s):**

None

**Alternatives - Results of Non-Approval:**

Applicant would not receive tax benefits for maintaining property in agricultural use.

**Background:**

**Introduction:** The property owner, [REDACTED], has requested inclusion of the subject 86.6 acre parcel (two Assessor's Parcel Numbers) in a new Type II Williamson Act Contract for grazing land. The Type II Agricultural Preserve was previously established in 1984 (2-607; Document No. 1984-012791) and a Type II Williamson Act contract was signed at that time. Subsequently, the property owner requested a Phase-out of their Williamson Act Contract in 1996 and completed the Phase-out in 2006. The property owner made application in February, 2009 requesting to sign a new Type II Williamson Act Contract since the parcel is used for the grazing of livestock.

The parcel is zoned LEA (Land Extensive Agriculture) B6-60 acre density and LEA (Land Extensive Agriculture), B6-160 acre density, F2 (Floodplain Combining District), SR (Scenic Resource) district. Currently, the parcel has no subdivision potential. The parcel contains an existing single family dwelling and agricultural accessory buildings. The parcel is served by an on-site well and septic system.

**Discussion:** The Board of Supervisors must make certain findings consistent with Government Code 51200 et seq. and the County-adopted Rules and Regulations for Administration of Agricultural Preserves and Williamson Act requirements for new Type II contracts. The following provide the details on how the Board of Supervisors can make the findings to approve the inclusion of the subject property into a new Williamson Act Contract:

*1. Is the land in a Type II Preserve that is at least 100 acres in size?*

The subject parcel is within an existing Agricultural Preserve that is at least 100 acres in size. The Agricultural Preserve did not get disestablished when the property was Phased-out of the original Williamson Act Contract in 2006.

*2. Is the land non-prime agricultural land?*

Non-prime agricultural land, as defined by Gov. Code 51201(c), includes land used for grazing, hay production, dry farming, etc. The applicant has proposed grazing of livestock as the primary agricultural use; the subject site is considered non-prime agricultural land and a Type II Williamson Act Contract is appropriate for non-prime agricultural land.

**Attachments:**

- Draft Resolution
- EXHIBIT A: Location Map
- EXHIBIT B: Aerial Photograph of Subject Parcels
- EXHIBIT C: APN Map

**On File With Clerk:**

**CLERK OF THE BOARD USE ONLY**

**Board Action** (If other than "Requested")

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**Vote:**

**Background: (Continued)**

*3. Is the parcel at least 40 acres in size?*

The subject parcel of 86.6 acres and exceeds the 40-acre minimum size requirement for a Type II Williamson Act Contract.

*4. Is the parcel "devoted to agricultural use" as required by the Williamson Act, Gov. Code 51242?*

The entire parcel (86.6 acres), excluding the home site and agricultural accessory buildings, will be devoted to a qualifying agricultural use which in this case is the grazing of livestock.

*5. Does the land produce income consistent with the income requirements for a Type II contract?*

To qualify for a Type II contract, a minimum of \$2000 per parcel income must be generated from the leasing of the property for grazing livestock. The submitted Income Statement indicates the grazing operation has been in existence since at least 2004, with a total gross annual income of \$4,384.

Overall, the parcel has generated over the last five years, on average, an income of \$4,614 per year for leasing the parcel for grazing.

*6. Are the non-agricultural uses of the land, if any, "compatible uses" under the County's Rules and the Williamson Act?*

The parcel contains an existing single family dwelling and agricultural accessory buildings. The County's Rules classify such a residence as an agricultural use and there are no other uses other than the existing agricultural structures on the property. Any future non-agricultural use of the land must be limited to compatible uses.

**Conclusion:** According to the Income Statement, the agricultural operation exceeds the minimum income requirement of \$2000 per parcel income and the parcel exceeds the 40-acre minimum parcel size requirement. Staff recommends approval of the proposed Williamson Act Contract establishment.