

# COUNTY OF SONOMA AGENDA ITEM SUMMARY REPORT

Department: Permit and Resource Management  
Department

( ) 4/5 Vote Required

Contact:  
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Board Date:  
July 21, 2009

Deadline for Board Action:

## AGENDA SHORT TITLE:

Partial Williamson Act Contract Non-Renewal: Rodgers Creek Vineyards, LLC, AGP09-0021

## REQUESTED BOARD ACTION:

Resolution authorizing land owner to serve Notice of Partial Non-Renewal for 34.76 acres (APN 142-051-010(ptn) & 142-051-033(ptn)) encumbered by a Type I Land Conservation (aka Williamson Act) Contract (Official Record #2008-102118). 105.49 acres of the originally contracted land (APN 142-051-010 & 142-051-033) will remain under contract. Property located at 4202 & 4270 Stage Gulch Road, Petaluma; Supervisorial District 1.

## CURRENT FISCAL YEAR FINANCIAL IMPACT

### EXPENDITURES

Estimated Cost \$

Amount Budgeted \$

Other Avail Approp \$  
(Explain below)

Additional Requested: \$

### ADD'L FUNDS REQUIRING BOARD APPROVAL

Contingencies \$  
(Fund Name: )

Unanticipated Revenue \$  
(Source: )

Other Transfer(s) \$  
(Source: )

Add'l Funds Requested: \$

Explanation (if required):

### Prior Board Action(s):

Board approved the Type I Land Conservation (aka Williamson Act) Contract encumbering the property on March 11, 2008 by Resolution No. 08-0183.

### Alternatives - Results of Non-Approval:

Owner would not be authorized to serve Notice of Partial Non-Renewal.

**On File With Clerk:** Plat of Partial Non-Renewal Area, Assessor's Parcel Map

**Background:**

A Williamson Act contract between the County and a property owner restricts specific parcels of land to agricultural or related open space uses. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. Each contract is for an initial term of no less than 10 years and renews automatically at the end of each year unless a notice of non-renewal is served by either party. Typically, a property owner can non-renew *all* land under a contract by providing notice to the County 90 days prior to the renewal date. In this case, the Board must provide authorization for the property owner to serve the notice because only a *portion* of contracted lands will be non-renewed (Government Code §51245).

The subject contract (Doc. No. 2008-102118) encumbers one legal lot (APNs 142-051-033 & 142-051-010) of 140.25 acres. The site is developed with approximately 86 acres of vineyard, as well as a quarry which has operated for over 20 years. The applicant intends to non-renew the 34.76 acre area of the contract where the quarry is located. Once the 34.76 acre area has completely phased out of the contract, a Lot Line Adjustment with adjacent non-contracted land would be able to facilitate the sale of the quarry.

The 105.49 acres to remain under contract would maintain 82 acres of vineyard. The applicant has provided income statements that demonstrate that the remaining contracted lands would continue to meet the agricultural obligations of the Williamson Act. Specifically, the 82 acres of vineyard will continue to generate more than \$200 per acre, and the parcel meets the minimum size required by Government Code §51222. Upon completion of the partial non-renewal, the remaining contracted lands would be devoted entirely to an agricultural use. The underlying Agricultural Preserve (1-239) will not be affected.

Partial non-renewals are allowed under the Williamson Act and the request appears reasonable. The applicant is requesting non-renewal of an area that is not devoted to an agricultural use and the remaining lands will continue to meet the contractual obligations of the Williamson Act. While normally it is preferred that whole legal parcels be non-renewed, instead of portions of legal parcels, the existence of the quarry and other facts present unique circumstances warranting the requested partial non-renewal.

**Attachments:**

Draft Resolution  
EXHIBIT A: Legal Description

**On File With Clerk:** Plat of Partial Non-Renewal Area, Assessor's Parcel Map

**CLERK OF THE BOARD USE ONLY**

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

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**Vote:**