

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

DATE: July 21, 2009 at 2:05 p.m.

TO: Board of Supervisors

FROM: Jim Maertz, Project Planner

SUBJECT: Agricultural Preserve enlargement and Williamson Act contract authorization;
[REDACTED]; AGP09-0030; 142-052-020

Background: A Land Conservation (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. A Williamson Act contract can only be executed if the subject land is within an Agricultural Preserve. The preserves are established for the purpose of defining the boundaries of those areas within which the County is willing to enter into contracts. This staff report is submitted pursuant to §51234 of the Government Code, which requires the Board of Supervisors to consider the establishment or alteration of an Agricultural Preserve. The project has also been duly noticed pursuant to §51233.

The property owners, [REDACTED] have requested the Board of Supervisors enlarge an existing Agricultural Preserve (#1-239) to include their 25.31 acres. By including the land into the preserve, the Board could then execute a new Type I Williamson Act contract for the same 25.31 acres if all other requirements for the contract are met.

The site is located along Stage Gulch Road (Hwy 116) approximately .25 miles west of the intersection with Donnell Road. The property is one legal parcel and is planted in approximately 16 acres of vineyard. Champlin Creek and access roads traverse the property and account for the majority of the unplanted area. There are no structural improvements on site, save fencing, vineyard fans, and other minor vineyard appurtenances.

Requirements for Expansion of Existing Agricultural Preserve (1-239)

An Agricultural Preserve is defined as “an area devoted to...agricultural use” (GC §51201(d)) and is established for the purpose of defining the boundaries of those areas within which the County is willing to enter into contracts. Typically, Preserves must be 100 acres unless certain findings are made (GC §51230; Sonoma County Rules and regulations for the Administration of Agricultural Preserves, Type A-1). In order to qualify for inclusion in a Type I Agricultural Preserve, the land must meet one of the five following criteria:

1. All land which qualifies for rating as Class I or Class II in the soil conservation service land use capability classification.

2. Land which qualifies for rating 80 through 100 in the Storie Index rating.
3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.
4. Land planted with fruit or nut bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200.00 per acre.
5. Agricultural enterprises or land which has returned from the production of unprocessed agricultural plant or animal products an annual gross value of not less than \$200.00 per acre. The dollar value per acre to be computed on the basis of the total gross income from the operation. (Sonoma County Rules and Regulations for the Administration of Agricultural Preserves, Type A-1).

In this case, the applicant proposes to enlarge an existing Agricultural Preserve (#1-239). The preserve already meets the 100 acre minimum, and the applicant has provided copies of tax documents that demonstrate that the agricultural use will meet the \$200.00 per acre income requirement listed above. The proposal is also consistent with the General Plan which promotes participation in the Williamson Act program. The property is designated as agricultural land and meets the minimum parcel size prescribed in General Plan policy AR-8c

The establishment or enlargement of an Agricultural Preserve includes certain procedural requirements. Such an action must be passed by Board of Supervisors' resolution after a noticed public hearing (GC §51230, 51231, 51233). Staff has ensured that all of the procedural requirements have been met, including the appropriate newspaper publication and notification to the Local Agency Formation Commission. This report satisfies the requirements of Government Code §51234 and the maps required by §51237 will be updated after the Board's action.

Eligibility for Requested Williamson Act Contract

In order to be eligible for a Type I contract, the land must meet one of the five criteria listed above for the establishment of an Agricultural Preserve and must be dedicated to agricultural and compatible uses, as specified in the County's Rules and Regulations for the Administration of Agricultural Preserves, Type A-1. The property must also meet a 10 acre minimum in order to be considered large enough to sustain its agricultural use (GC §51222; Sonoma County Rules and Regulations for the Administration of Agricultural Preserves, Type A-1)

As previously discussed, the applicant has provided evidence that the property meets the \$200.00 per acre income requirement. The property is 25.31 acres and is planted in approximately 16 acres of vineyard. The site meets the minimum acreage restriction and is clearly dedicated to an agricultural use.

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Recommendation

The proposal is consistent with the General Plan and the property qualifies for inclusion into Agricultural Preserve #1-239. The site is dedicated to an agricultural use and generates enough income and is large enough to qualify for a Type I contract. Staff recommends the Board of Supervisors include the subject 25.31 acres into Agricultural Preserve #1-239 and authorize the Chair to sign a new Type I contract for said land.

List of Attachments:

Draft Board of Supervisors Resolution
EXHIBIT A: Agricultural Preserve Modification Map
EXHIBIT B: Assessor's Parcel Map
EXHIBIT C: Aerial Photo

Resolution Number

County of Sonoma
Santa Rosa, California

July 21, 2009
AGP09-0030 Jim Maertz

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, GRANTING THE REQUEST BY [REDACTED] FOR THE EXPANSION OF AN EXISTING AGRICULTURAL PRESERVE (#1-239) TO INCLUDE 25.31 ACRES AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO SIGN A NEW TYPE I WILLIAMSON ACT CONTRACT FOR THE SAME 25.31 ACRE SITE LOCATED AT 21711 CHAMPLAIN CREEK LANE, SONOMA, APN 142-052-020

WHEREAS, the applicant, [REDACTED], filed an application with the Sonoma County Permit and Resource Management Department to expand an existing Agricultural Preserve (#1-239) to include 25.31 acres and authorize the Chair of the Board of Supervisors to sign a new Type I Williamson Act Contract for the same 25.31 acres located at 21711 Champlain Creek Lane, Sonoma, APN 142-052-020; Zoned DA (Diverse Agriculture), B6-20 acre density, F1 (Floodway Combining District), SR (Scenic Resource), VOH (Valley Oak Habitat); Supervisorial District No. 1; and

WHEREAS, the Board of Supervisors finds the inclusion of the subject property in Agricultural Preserve #1-239 to be consistent with the Sonoma County General Plan and the applicable provisions of state law; and

WHEREAS, the subject property is used for vineyard and is devoted to commercial agricultural pursuits; and

WHEREAS, the subject property qualifies for a Type I Williamson Act contract under the County's Rules and Regulations for Administration of Agricultural Preserves, Type A-I, and under the State Williamson Act (Government Code § 51200 et seq.); and

WHEREAS, the project described in this resolution is exempt from the requirements of the California Environmental Quality Act under Section 15317 Class 17 of Title 14 of the California Code of Regulations (CEQA Guidelines) in that it involves the enlargement of an existing Agricultural Preserve and the authorization of a Williamson Act contract; and

WHEREAS, in accordance with the provisions of law, the Board of Supervisors held a public hearing on July 21, 2009, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors finds, declares, and determines that all of the above recitals are true and correct; and on that basis grants the request by [REDACTED] for the expansion of Agricultural Preserve #1-239 to include those lands which are described on the tax rolls of the County of Sonoma by Assessor's Parcel Number 142-052-020; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to sign a new Type I Williamson Act Contract for the lands which are described on the tax rolls of the County of Sonoma by Assessor's Parcel Number 142-052-020;

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and; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is hereby instructed to record this Resolution and the Agricultural Preserve Area map with the Office of the Sonoma County Recorder; and

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

SUPERVISORS VOTE:

Brown: Kerns: Zane: Carrillo: Kelley:

 Ayes: Noes: Absent: Abstain:

SO ORDERED.

Existing Agricultural Preserve Area

Proposed Agricultural Preserve Area

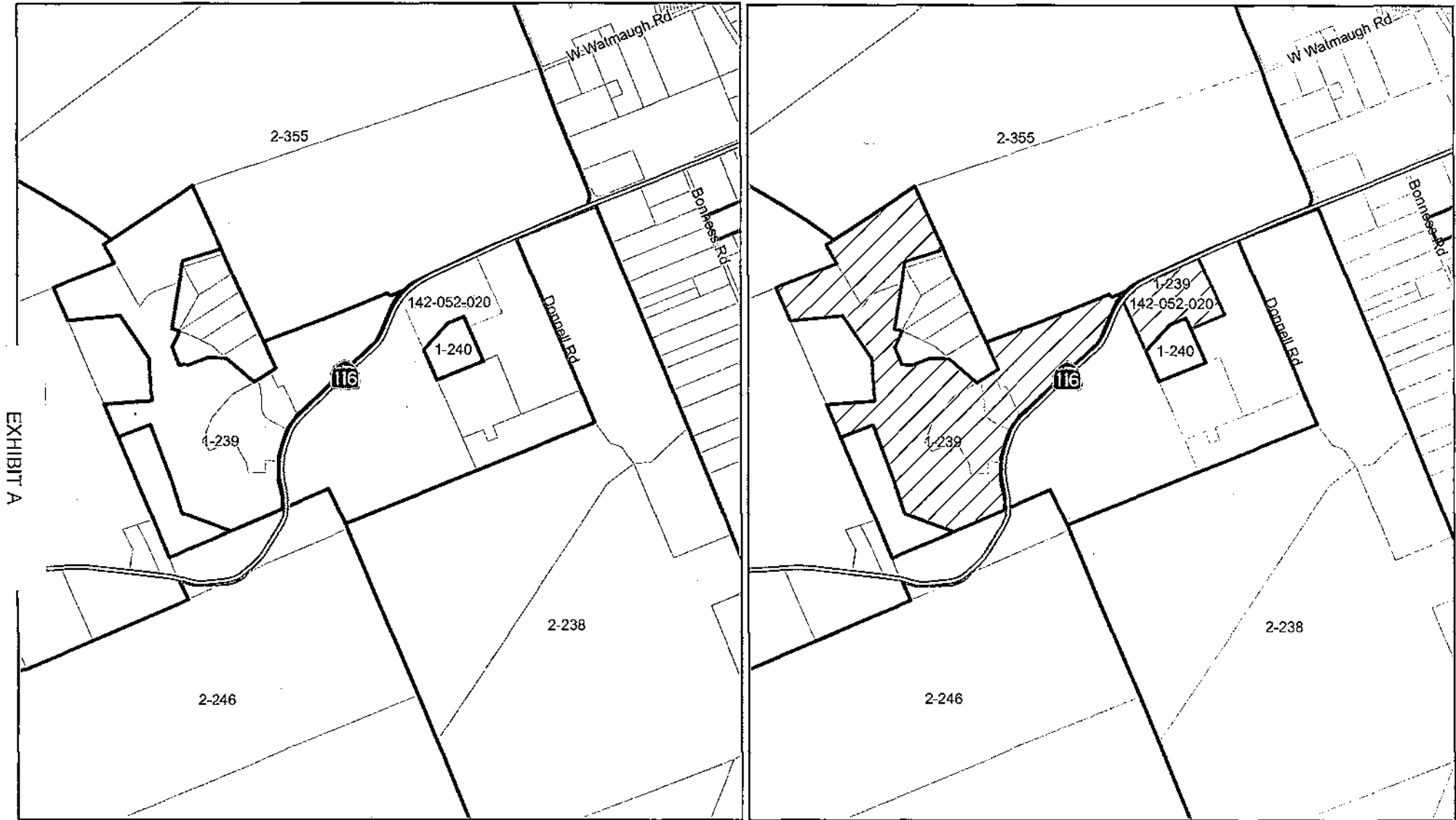






EXHIBIT A

AGP 09-0030



1 inch equals 2,000 feet

Base Data

-  Existing Agricultural Preserve Boundary
-  Proposed Agricultural Preserve Boundary
-  Parcels
-  Subject Area [APN 142-052-020]

Map Scale and Reproduction methods limit precision in physical features displayed. This map is for illustrative purpose only, and is not suitable for parcel-specific decision making. The parcels contained here-in are not intended to represent surveyed data. Site-specific studies are required to draw parcel-specific conclusions. Assessor's parcel data are current as of January 5, 2009. For more current parcel data consult the County of Sonoma Assessor's Office.

No part of this map may be copied, reproduced, or transmitted in any form or by any means without written permission from the Permit and Resource Management Department (PRMD), County of Sonoma, California.

Permit and Resource Management Department
Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1965 Fax (707) 565-1103



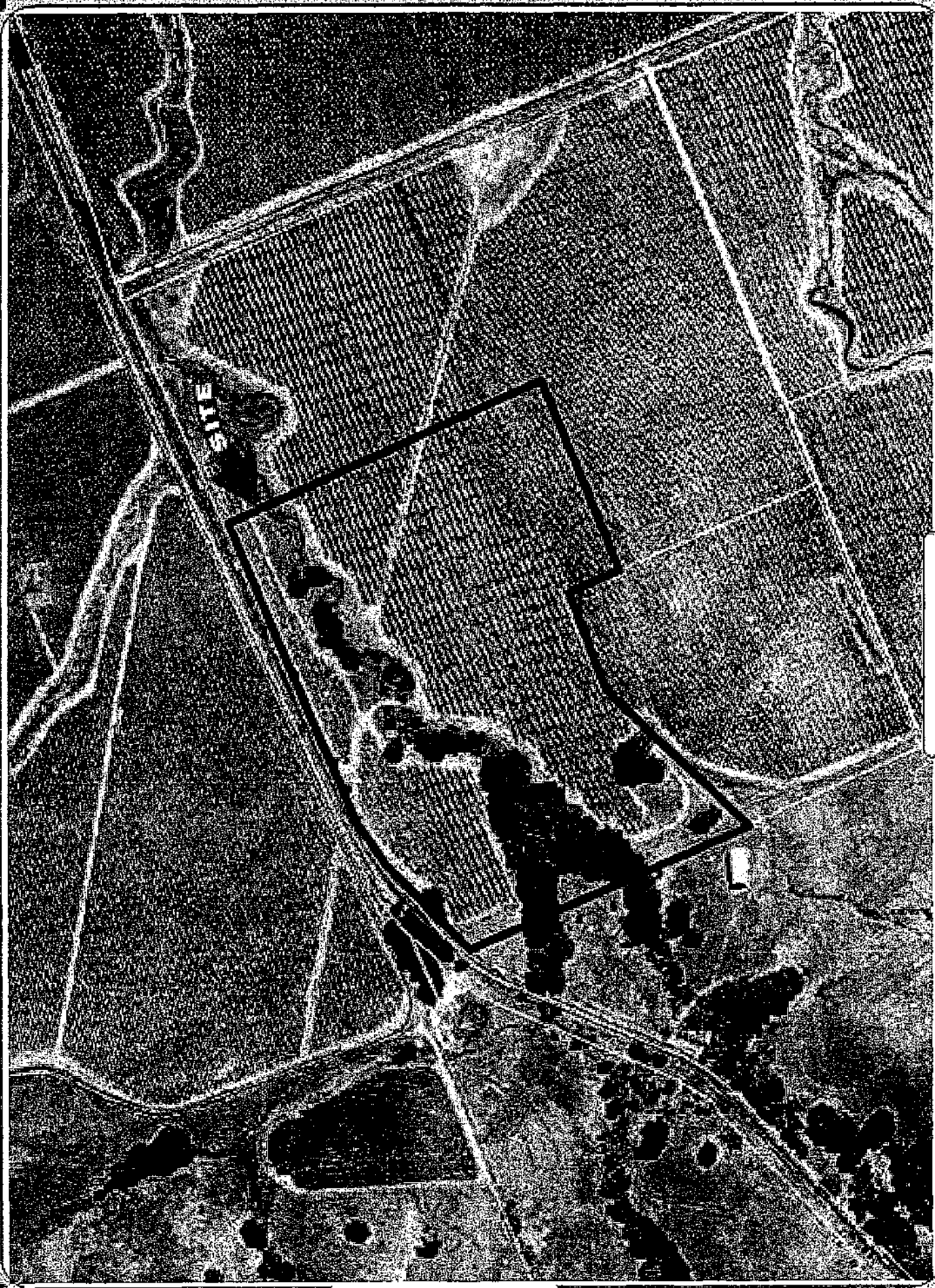


EXHIBIT C

Supporting maps are on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

They can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.