

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

DATE: August 11, 2009 at 2:05 p.m.

TO: Board of Supervisors

FROM: Scott Hunsperger

SUBJECT: Williamson Act Preserve Modification and Contract Authorization; Semisika LLC and Spring Mountain LLC; PLP09-0046

Background: The property owners, Semisika LLC and Spring Mountain LLC, have requested the Board of Supervisors to include .96 acres into an existing Agricultural Preserve (2-503), and authorize the Chair of the Board of Supervisors to sign two replacement Type II Williamson Act Contracts for the 195.7 acres and 91.8 acres. The subject parcel is used for single family residence, farmworker housing, and grazing and has been subject to a Williamson Act Contract since 1972. The applicant received Board approval of the Lot Line Adjustment (LLA08-0020) on August 12, 2008 (Exhibit D) affecting three parcels where .96 acres was removed from the subject parcel (Parcel C). In that resolution, the Board of Supervisors made the findings pursuant to Government Code §51257 required in order to rescind and replace an existing Williamson Act Contract to facilitate a lot line adjustment. As a condition of approval of the Lot Line Adjustment, the owner was required to make application to include the .96 acres into the existing Agricultural Preserve and request authorization for the Chair of the Board of Supervisors to execute replacement Type II Williamson Act contracts for the resulting parcels A and B prior to recordation of the Lot Line Adjustment. The owner submitted the applications, and the deeds have since recorded on June 5, 2009.

Under Government Code section 51234, when an underlying agricultural preserve must be modified before a new or replacement contract may be executed, then the planning department must make a report to the Board as to consistency of the preserve with the general plan. This staff report is submitted pursuant to §51234 pursuant to that requirement. Also under Government Code §51230, the Board must hold a public hearing on the preserve modification. This hearing has been duly noticed pursuant to Government Code 6061. The project has also been duly noticed to LAFCO and every city within one mile of the agricultural preserve boundary, if any, pursuant to Government Code §51233.

Analysis:

Requirements for Modification of Type II Preserve:

a) Size requirement

Under the Sonoma County Rules and Regulations for Administration of Agricultural Preserves Type II, Type II preserves must be a minimum of 100 acres.

b) Characteristics of the land

The land to be added to the preserve must be non-prime land. It is generally used for grazing or dry farming.

c) Income Requirement

The Sonoma County Rules and Regulations for Administration of Agricultural Preserves Type II, paragraph (2), requires land qualified for a Type II preserve to produce "between \$2.50 and \$199.99 gross income per acre and a minimum gross income of \$1,999.99 per farm operation.

d) General Plan Consistency

The above requirements are met because Goal AR-8 of the Sonoma County General Plan 2020 states: "Assist in formulating programs that could provide alternative sources of capital for agricultural production without selling or encumbering the farmland as collateral. These measures include, but are not limited to, voluntary programs for purchase and transfer of development rights." and Objective AR-8.1 states "Continue participation in the Williamson Act and Farmland Security Zone programs." The Type II Agricultural Preserve (2-503) was established in 1972 and the request is to add an additional .96 acres to the preserve as a result of the previously approved Lot Line Adjustment. The two resulting parcels total 286.9 acre which is more than the 100-acre minimum requirement of a Type II Agricultural Preserve.

Consistent with the requirements of Government Code § 51237, a map showing the preserve modification will be recorded in the official records of the Sonoma County Recorder's Office, as an attachment to the resolution approving the modification.

Note that the establishment or enlargement of a preserve is exempt from CEQA. Here the proposal is for the enlargement of the preserve, and will be exempt.

Requirements for Type II Williamson Act Contracts:

The requirements for a new or replacement contract for land within a preserve are separate from the requirements for establishment of a preserve. Requirements for a new Type II contract are:

a) Non-Prime.

The land must be non-prime for a Type II contract. See Gov't Code 51201(c) for definition of prime agricultural land. Land that is not prime is non-prime.

b) Minimum Parcel Size

The land must be at least 40 acres in size for a Type II contract.

c) Agricultural Use of the Land

The land must be devoted to agricultural use. The Williamson Act does not define "devoted to agricultural use" However, presently in Sonoma County generally that means that greater than 50% of the land is used for agriculture.

d) Non-Agricultural Compatible Uses.

Other non-agricultural land uses of the land are compatible under Government Code 51238.1 and listed as allowed under County's Type I or II Rules, whichever is applicable.

e) Income Requirement.

The land proposed for the contract will satisfy the Type II income requirement for lands in a Type II preserve.

A Type II Williamson Act Contract requires the contracted lands to produce at least \$2.50 per gross acre income or \$2,000 for the entire agricultural operation with a minimum parcel size of 40 acres. The subject properties total 195.7 acres and 91.8 acres and meet the 40-acre minimum for each Contract. 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.

Both parcels are “devoted to agricultural use” as required by the Williamson Act because the agricultural operation includes approximately 70 acres of the 195.7 acre parcel and 30 acres of the 91.8 acre parcel for the grazing of cattle. While this is only 30 to 30% percent of the total land proposed to go under contract, most of the balance of the subject parcels have steep topography not conducive to grazing or are used at different times of the year. It is staff’s opinion that even though the 50% threshold is not met, that the land may still be considered “devoted to agriculture”.

The applicant has provided copies of income statements that demonstrate that the agricultural use will meet the income requirements for a Type II Williamson Act contract. Specifically, leasing of portions of each parcel for this year and projected for the next two years will be \$2,000 per parcel per year which exceeds the requirement for qualifying for a Type II Williamson Act Contract.

Recommendation:

The modified Agricultural Preserve meets the minimum 100-acre size requirement and the agricultural use meets the minimum income requirements for a Type II Agricultural Preserve and replacement Williamson Act Contracts. The subject lands meet the minimum parcel size of 40 acres and income requirement for Type II Williamson Act Contracts. Therefore, staff recommends the Board of Supervisors include .96 acres of the subject lands within Agricultural Preserve #2-503 and authorize the Chair of the Board of Supervisors to sign two replacement Type II Williamson Act Contracts for 195.7 acres and 91.8 acres.

List of Attachments:

- Draft Board of Supervisors Resolution
- EXHIBIT A: Lot Line Adjustment Site Plan
- EXHIBIT B: Assessor’s Parcel Map
- EXHIBIT C: Agricultural Preserve Income Statement
- EXHIBIT D: Board of Supervisors Resolution 08-0684 dated August 12, 2008
- EXHIBIT E: Agricultural Preserve Expansion Map

Resolution Number 09-0

County of Sonoma
Santa Rosa, California

August 11, 2009
PLP09-0046 Scott Hunsperger

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, GRANTING THE REQUEST BY SEMISIKA LLC AND SPRING MOUNTAIN LLC TO MODIFY EXISTING AGRICULTURAL PRESERVE 2-503 BY INCLUDING .96 ACRES AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO SIGN TWO REPLACEMENT TYPE II WILLIAMSON ACT CONTRACTS FOR THE 195.7 ACRES AND 91.8 ACRES LOCATED AT 6577 AND 6585 ST. HELENA ROAD, SANTA ROSA APN 028-150-064, -065, AND PORTION OF 028-150-009.

WHEREAS, the applicants, Semisika LLC and Spring Mountain LLC, filed an application with the Sonoma County Permit and Resource Management Department request for an preserve modification to include .96 acres into an existing Agricultural Preserve (2-503-72; Book 2606, Page 663) and to authorize the chair of the Board of Supervisors to mutually rescind an existing Type II Williamson Act contract and establish two replacement Type II Williamson Act contracts on 195.7 acres and 91.8 acres, respectively, pursuant to Government Code § 51257 to meet a Condition of Approval for Lot Line Adjustment LLA08-0020 located at 6577 and 6585 St. Helena Road, Santa Rosa, APN 028-150-064, -065, and portion of 028-150-009; Zoned RRDWA (Resources and Rural Development/Agricultural Preserve), B6 -100 acre density, BR (Biotic Resource); Supervisorial District No. 1; and

WHEREAS, on August 12, 2008 the Board of Supervisors conditionally approved Lot Line Adjustment LLA08-0020 consistent with Government Code § 51257 for replacement contracts following a Lot Line Adjustment that included conditions of approval requiring application for modification of an existing Agricultural Preserve to include the adjusted .96 acres into the Preserve; and for two replacement Williamson Act contracts that reflect the adjusted property lines; and

WHEREAS, the Board of Supervisors finds that the modification of the existing Agricultural Preserve 2-503 to be consistent with the Sonoma County General Plan and the applicable provisions of state law; and

WHEREAS, the Board of Supervisors finds that the modification of the existing Agricultural Preserve 2-503 meets the requirements of the County of Sonoma's Rules and Regulations for the Administration of Type II Agricultural Preserves; and

WHEREAS, the subject property is used for pasture for grazing and is considered devoted to commercial agricultural pursuits; and

WHEREAS, the subject property qualifies for two replacement Type II Williamson Act contracts under the County's Rules and Regulations for Administration of Agricultural Preserves, Type A-II, 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 Williamson Act contracts.

WHEREAS, in accordance with the provisions of law, the Board provided notice and held a public hearing on August 11, 2009, at which time all interested persons were given an opportunity to be heard; and

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 Semisika LLC and Spring Mountain LLC for the modification of Agricultural Preserve 2-503 and two replacement Type II Williamson Act contracts restricting those lands which are described on the tax rolls of the County of Sonoma by Assessor's Parcel Number 028-150-064, 028-150-065, and portion of 028-150-009; and

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is hereby instructed to record this Resolution with the Office of the Sonoma County Recorder, along with the map showing the modification of the preserve boundaries; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to sign two replacement Type II Williamson Act Contracts; 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.

Background information is on file at:

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

It 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.

Supporting maps are on file at:

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575 Administration Drive, Room 100A
Santa Rosa, CA 95403

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