



Agenda Date: 12/11/2007
Agenda Placement: 8A
Set Time: 9:00 AM PUBLIC HEARING
Estimated Report Time: 15 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Gitelman, Hillary - Director
Conservation, Development & Planning
REPORT BY: DONALD BARRELLA, PLANNER III , 707-299-1338
SUBJECT: Williamson Act Agricultural Preserves and Contracts

RECOMMENDATION

Director of Conservation, Development and Planning requests adoption of a resolution amending or establishing certain Agricultural Preserves (Types A & H), and approval of and authorization for the Chair to execute the following Williamson Act related amendments and contracts:

1. Three new contracts for 2007 with the following applicants:
 - a. Gregory and Kanren Crouse, in the general location of Mount Veeder School Road;
 - b. Karl VanOrsdol, in the general location of Aetna Springs;
 - c. Marin Artukovich, in the general location of Greenfield Road and Greenfield Way.
2. Rescinding of five existing contracts and replacing with seven new contracts with the following applicants:
 - a. Silver Oak Wine Cellars LP, in the general location of Oakville Cross Road;
 - b. SCV-EPI Vineyards Inc., in the general location of Oakville Cross Raod;
 - c. John and Leslie Painter, in the general location of Steel Canyon Road and Monticello Road;
 - d. Patrick and Julie Garvey 1988 Family Trust, in the general location of South Whitehall Road;
 - e. Marjorie Brown, in the general location of Atlas Peak;
 - f. Two with Rawah Vineyrads LLC, in the general location of Feliz Ranch Road.
3. Amendment of one existing contract with two associated new contracts with the following applicants:
 - a. Komes Ranch 2007-A LLC, in the general location of West Zinfandel Road;
 - b. Komes Ranch 2007-B LLC, in the general location of West Zinfandel Road.

EXECUTIVE SUMMARY

In total, there will be an increase of 313.37 acres of new contracted land under Williamson Act brought about by the requested actions. There are three new contracts proposed for a total of 116.62 acres. Five existing contracts are proposed for rescission and replacement with seven new contracts for an increase of 37.32 acres of new contracted land. One existing contract is proposed to be amended with two new associated contracts for an increase of 159.43 acres of new contracted land.

Procedural Requirements

1. Chairman shall announce the agenda item.
2. Declare the Public Hearing open.
3. Staff to report on the item.
4. Public Comment.
5. Questions by Board.
6. Declare the Public Hearing closed.
7. Invite a motion.
8. Second the motion.
9. Board discussion and debate.
10. Take the Vote.
11. Announce the result.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Potential fiscal impacts would derive from uncollected property tax revenue following execution of Williamson Act contracts. No alternate source of revenue has been identified.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The Board of Supervisors has the power to accept or deny the request for these contracts.
Is the general fund affected?	Yes
Future fiscal impact:	CDPD collects an application fee for each new contract or contract modification based on an estimate of the costs associated with processing time and materials. On average, the fee is estimated at \$1,220 per application.
	Property taxes for properties covered by a Williamson Act contract may be assessed at a lower level than other properties. To the extent properties are assessed at a lower level, the County will receive reduced tax revenue.
Consequences if not approved:	The County would not be providing an incentive for keeping land in agricultural production, which is the intent of the General Plan.
Additional Information:	

ENVIRONMENTAL IMPACT

Categorical Exemption Class 17: It has been determined that this type of project does not have a significant effect on the environment and is exempt for the California Environmental Quality Act. [See Class 17 (Open Space Contracts or Easements) which may be found in the guidelines for the implementation of the California Environmental Quality Act at Title 14 CCR Section 15317.]

BACKGROUND AND DISCUSSION

The California Land Conservation Act of 1965--commonly referred to as the Williamson Act--enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are lower than normal because they are based upon farming and open space uses as opposed to full market value. Local governments receive an annual subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971. Agricultural preserve contracts have a rolling 10 year term: each year the contract is automatically renewed for an additional year, unless a notice of nonrenewal is given. Pursuant to California Government Code (CGC) Section 51230, the County -- by resolution and after a public hearing -- may establish agricultural preserves and subsequently enter into agricultural preserve contracts pursuant to Section 51240 of the CGC.

Director of Conservation, Development and Planning requests that the Board open the public hearing, hear public testimony, close the public hearing, and adopt a resolution amending or establishing certain Agricultural Preserves (Types A & H), and approving the following new, replacement, or amended Type "A" and "H" agricultural preserve contracts within the resulting preserves.

Three new contracts for year 2007

Requestor	Type	APN	Acres	General Location
Gregory & Karen Crouse	H	034-100-020	78.95	Mount Veeder School Road
Karl VanOrsdol	H	016-090-011	19.89	Butts Canyon Road & James Creek Road
Marin Artukovich	H	025-380-021	17.78	Greenfield Road & Greenfield Way

Rescinding of five existing contracts and replacement with seven new contracts

1. Contract 484/86/A is being rescinded and replaced with two new contracts due to a lot line adjustment, SCV-EPI Vineyards, Inc.
2. Contract 452/85/H is being rescinded and replaced with a new contract due to a lot line adjustment, John and Lesley Painter.
3. Contract 585/90/A is being rescinded and replaced with a new contract due to a lot line adjustment, Patrick & Jullie Garvey 1988 Family Trust.
4. Contract P04-0459-AGK is being rescinded and replaced with a new contract due to a lot line adjustment, Marjorie Brown.
5. Contract 96-306-AGK is being rescinded and replaced with two new contracts due to a lot line adjustment, Rawah Vineyards LLC.

Requestor	Type	APN	Acres	General Location
SCV-EPI Vineyards Inc.	A	031-080-031	213	Oakville Cross Road
Silver Oak Wine Cellars LP	H	031-080-030	22.54	Oakville Cross Road
John & Leslie Painter	H	PTN 032-140-028, -051 & -052	46.23	Steel Canyon Road
Patrick & Jullie Garvey 1988 Family Trust	H	027-460-036	11.02	South Whitehall Lane

Marjorie Brown	H	032-080-093	22	Atlas Peak
Rawah Vineyards LLC	H	039-150-089	19.6	Feliz Ranch Road
Rawah Vineyards LLC	H	039-150-088	10.2	Feliz Ranch Road

Amendment of one existing contract with two associated new contracts

Contract 2/69/A is being amended to remove parcel numbers 027-100-037 and -038 from the original contract, due to a lot line adjustment, and subsequently be placed under new contracts.

Requestor	Type	APN	Acres	General Location
Komes Ranch 2007-B LLC	A	027-100-038	19	West Zinfandel Lane
Komes Ranch 2007-A LLC	H	027-100-037	203	West Zinfandel Lane

SUPPORTING DOCUMENTS

A . 2007 Agricultural Preserve Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi