



Agenda Date: 12/18/2007
Agenda Placement: 8A
Set Time: 9:00 AM PUBLIC HEARING
Estimated Report Time: 5 Minutes
Continued From: December 11, 2007

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 rescinding one existing contact and replacing with one new contract, due to a lot line adjustment with Patrick and Julie Garvey 1988 Family Trust in the general location of South Whitehall Lane, establishing certain Agricultural Preserves (Type H), and approval of and authorization for the Chair to execute the Williamson Act related contract.
(CONTINUED FROM DECEMBER 11, 2007)

EXECUTIVE SUMMARY

In total, there will be an increase of 0.7 acres of new contracted land under the Williamson Act brought about by the requested action.

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.

This item was continued from the December 11, 2007, Board hearing due to inadequate notarization of the signatures on the rescission document of the existing contract and new contract. The applicants have been notified of this and have returned a duly signed and notarized versions of the rescission document and new contract for action by the Board.

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 rescinding one existing contract and replacing with one new contract, due to a lot line adjustment, establishing certain Agricultural Preserves (Type H) and approving the following new Type "H" agricultural preserve contract within the resulting preserve.

Rescinding one existing contract and replacement with a new contract

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.

Requestor	Type	APN	Acres	General Location
Patrick & Jullie Garvey 1988 Family Trust	H	027-460-036	30.3	South Whitehall Lane

SUPPORTING DOCUMENTS

A . 2007 Preserve Resolution II

CEO Recommendation: Approve

Reviewed By: Helene Franchi