



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 12/3/2013
Agenda Placement: 9E
Set Time: 9:30 AM PUBLIC HEARING
Estimated Report Time: 5 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Pete Parkinson - Interim Director
Planning, Building and Environmental Services
REPORT BY: DONALD BARRELLA, PLANNER III - 707-299-1338
SUBJECT: Williamson Act Agricultural Preserves and Contracts 2013

RECOMMENDATION

Interim Director of Planning, Building and Environmental Services requests adoption of a resolution amending an existing Type F contract and establishing certain Agricultural Preserves (Types A & H), and approval of and authorization for the Chairman to execute the following Williamson Act related contracts:

1. Approving fifteen (15) new contracts with the following applicants:
 - a. Parkway Plaza Venture, General Partnership, in the general location of Petrified Forest Road;
 - b. Duckhorn Wine Company, (6 new contracts), in the general locations of Silverado Trail and Larkmead Lane, White Cottage Road and Summit Lake Drive, Terminus of Summit Lake Drive, Silverado Trail and Yountville Crossroad and Silverado Trail and Lodi Lane;
 - c. Stags Leap Vineyards, Limited Partnership, in the general location of Silverado Trail and Ridge Court;
 - d. Stags Leap Wine Cellars, Limited Partnership, in the general location of Big Ranch Road and Oak Knoll Avenue;
 - e. Sullivan Vineyards, General Partnership, in the general location of North St. Helena Highway and Zinfandel Lane;
 - f. Kenneth F. Monnens, Trustee under declaration of Trust dated July 20, 2006, in the general location of Big Ranch Road and Trancas Street;
 - g. Beckstoffer Vineyards XVI, Limited Liability Corporation, in the general location of Duhig Road and Las Amigas Road;
 - h. Dennis I. and Ingeborg E. Armstrong, Husband and Wife, in the general location of Monticello Road and Vichy Avenue;
 - i. John Alex Bremer and Laura Joyce Bremer, Trustees of the Bremer Family 1995 Living Trust (2 new contracts), in the general location of Deer Park Road and the northern end of Sanitarium Road;
2. Rescinding of four (4) existing contract and replacing with five (5) new contracts with the following applicants:
 - a. Michael J. Eoff and Kelly Ann Eoff, husband and wife as joint tenants, rescinding Contract #456/85/H

- and replacing with 2 new contracts due to a lot line adjustment, in the general location of Chiles Pope Valley Road and Pope Canyon Road;
- b. Stags Leap Wine Cellars, Limited Liability Company, rescinding Contract #P04-0384-A and replacing with 1 new contract due to a lot line adjustment, in the general location of Silverado Trail and Capps Drive;
 - c. Phillips Family Trusts, rescinding Contracts #114/76/A and #116/76/A and replacing with 2 new contracts due to a lot line adjustment, in the general location of State Route 29 and Washington Street;
3. Partially rescinding one (1) existing contact (#153/77/F) and replacing with one (1) new contract with the following applicants:
 - a. Donalee Shackelford, Trustee of the Donalee Shackelford Trust of 2011, and Thomas C. Mazzucco and Kelly Mazzucco, husband and wife as community property with right of survivorship, due to a lot line adjustment, in the general location of Chiles Pope Valley Road and Pope Canyon Road.

EXECUTIVE SUMMARY

In total, there will be an increase of approximately 656.5-acres of new contracted land under Williamson Act brought about by the requested actions. In addition to the 15 new contracts, 4 existing contracts are proposed for rescission and replacement with 5 new contracts, and 1 existing contract proposed for partial rescission and replacement with 1 new contract.

Procedural Requirements

1. Open Public Hearing.
2. Staff reports.
3. Public Comment.
4. Close Public Hearing.
5. Motion, second, discussion and vote on the requested actions.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	None. Potential fiscal impacts would derive from lower property tax revenues following execution of new Williamson Act contracts. With regard to the proposed rescission and replacement of existing contracts, those requested actions would not result in changes in the total amount of land currently under Williamson Act contract therefore there would be no further potential negative impact to the County associated with rescinding and replacing existing contracts. No alternate source of revenue has been identified.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The Williamson Act program in general, and these contracts specifically, contribute to the preservation of agriculture in Napa County.
Is the general fund affected?	Yes
Future fiscal impact:	Property taxes for properties covered by a Williamson Act contract may be

assessed at a lower level than other comparable properties. To the extent properties are assessed at a lower level, the County Receives reduced tax revenue. In 2012-2013, the County received approximately \$1.3 million less in tax revenue to the General Fund than it would have if there were no Williamson Act program.

Consequences if not approved: The County would not be providing an incentive for keeping land in agricultural production, which is the intent of the County's approved General Plan.

Additional Information:

ENVIRONMENTAL IMPACT

Categorical Exemption Class 17: Agricultural Preserves and Open Space Contracts or Easements. 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 (Agricultural Preserves and 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, which is 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 that are lower than normal because they are based upon farming and open space uses as opposed to full market value. Agricultural preserve contracts have a rolling 10 year term: each year the contract is automatically renewed for an additional year, unless a notice of non-renewal 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. There are currently 651 parcels with Williamson Act Contracts within the County covering approximately 72,010-acres.

The Interim Director of Planning, Building and Environmental Services requests that the Board open the public hearing, hear public testimony, close the public hearing, and adopt a resolution amending a Type F contract and establishing certain Agricultural Preserves (Types A & H), and approving the following new, Type "A" and "H" agricultural preserve contracts within the resulting preserves.

15 new contracts for year 2013

Requester	Type	APN	Acres	General Location
Parkway Plaza Venture, General Partnership	H	020-430-018	40.1	Petrified Forest Road
Duckhorn Wine Company	A	021-010-006	42.9	Silverado Trail and Larkmead Lane
Duckhorn Wine Company	H	018-180-005	43.7	White Cottage Road & Summit Lake Drive
Duckhorn Wine Company	H	018-040-030	40.4	Terminus Summit Lake Drive

Duckhorn Wine Company	H	018-040-017	40	Terminus Summit Lake Drive
Duckhorn Wine Company	A	031-170-019	45.5	Silverado Trail & Yountville Cross Road
Duckhorn Wine Company	A	022-130-010	10.6	Silverado Trail & Lodi Lane
Stag's Leap Vineyards, Limited Partnership	A	039-030-028	46.2	Silverado Trail & Ridge Court
Stag's Leap Wine Cellars, Limited Partnership	A	036-170-037	44.5	Big Ranch Road & Oak Knoll Avenue
Sullivan Vineyards Partners, General Partnership	A	030-070-010	26.1	North St. Helena Highway & Zinfandel Lane
Kenneth F. Monnens, Trustee under Declaration of Trust dated July 20, 2006	A	038-190-001	20	Big Ranch Road & Trancas Street
Beckstoffer Vineyards XVI, Limited Liability Company	H	047-320-013	195.9	Duhig Road & Las Amigas Road
Dennis L. and Ingeborg E. Armstrong, husband and wife	H	049-010-036	18.3	Monticello Road and Vichy Avenue
John Alex Bremer and Laura Joyce Bremer, Trustees of the Bremer Family 1995 Living Trust	H	021-400-005	10.6	Deer Park Road & Sanitarium Road (north end)
John Alex Bremer and Laura Joyce Bremer, Trustees of the Bremer Family 1995 Living Trust	H	021-400-004	11	Deer Park Road & Sanitarium Road (north end)

Rescinding 4 existing contracts and replacement with 5 new contracts

1. Contract 456/85/H is being rescinded and replaced by two (2) new contracts due to a lot line adjustment: Michael J. Eoff and Kelly Ann Eoff, husband and wife.
2. Contract #P04-0384 is being rescinded and replaced by one new contract due to a lot line adjustment, Stag's Leap Wine Cellars LLC,
3. Contracts #114/76/A and #116/76/A are being rescinded and replacing with two (2) new contracts due to a lot line adjustment, Phillips Family Trusts,

New contracts being entered into due to the rescission of the contracts identified in 1 through 3 above:

Requester	Type	APN	Acres	General Location
Michael J. Eoff and Kelly Ann Eoff	H	018-150-031 & ptn 018-150-021	41	Chiles Pope Valley Road & Pope Canyon Road
Michael J. Eoff and Kelly Ann Eoff	H	018-150-032 & ptn 018-150-021	51.3	Chiles Pope Valley Road & Pope Canyon Road
Stag's Leap Wine Cellars, LLC	H	039-030-038 and ptn 039-030-034	40.4	Silverado Trail and Capps Drive
Phillips Family Trusts	A	027-381-015	36.5	State Route 29 & Washington Street
Phillips Family Trusts	A	027-381-016	10.6	State Route 29 & Washington Street

Partially rescinding 1 existing contract and replacement with 1 new contract

Contract 153/77/F is being partially rescinded and replaced by one new contract due to a lot line adjustment. The lands of Thomas C. Mazzucco and Kelly Mazzucco (APN 018-120-034) will remain under Contract 153/77/F and the

Lands of Donalee Shackelford (APNs 018-120-035 SFAP with 018-150-021) currently covered by Contract 153/77/F will be replaced with a new contract.

New contract being entered into due to the partial rescission of the contract identified above:

Requester	Type	APN	Acres	General Location
Donalee Shackelford, Trustee of the Donalee Shackelford Trust of 2011	H	ptn 018-120-035 & 018-150-021	200.6	Chiles Pope Valley Road & Pope Canyon Road

Subvention Payments

Early in 2011 the Board elected to continue Napa County's participation in the Williamson Act program, as currently administered, in spite of the uncertainty of future subvention payments from the State and the adoption of legislation which would have permitted counties to unilaterally reduce the term of contracts and give contract holders the choice of non-renewing their contract or paying a surcharge of approximately 10% of their restricted property tax savings.

Historically, Napa County has received subvention payments from the State (via the Open Space Subvention Act of 1971) to replace some of the property tax lost due to participation in the Williamson Act; however the County has not received a subvention appropriation since 2010.

SUPPORTING DOCUMENTS

A . Agricultural Preserve Rosolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi