



Agenda Date: 7/19/2005
Agenda Placement: 8G
Set Time: 2:30 PM PUBLIC HEARING
Estimated Report Time: 15 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: C. Renee' Lederer for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Carly Aubrey, Planner III, 265-2325
SUBJECT: Williamson Act Agricultural Contract Cancellation

RECOMMENDATION

Consideration and possible actions regarding applicant's (William Hill Napa, Inc.) request for a partial cancellation of an existing Williamson Act contract number 95255-AGK, rescission of the remaining portion of Williamson Act contract 95255-AGK (APN 039-190-048), rescission of contract number 95256-AGK (APN 039-190-049) in its entirety and execution of one new Williamson Act contract for the proposed 26.6 acre parcel. Actions include:

1. Approval of a final certificate of cancellation;
2. Approval for rescission of two Williamson Act contracts;
3. Approval of one new Williamson Act contract; and
4. Adoption of a resolution establishing the new Williamson Act Preserve and contract.

EXECUTIVE SUMMARY

At an earlier public hearing on July 19, 2005, the Board heard the request of the applicant for a partial cancellation of a Williamson Act Contract and took the following actions: made findings pursuant to Government Code Section 51282; determined and certified to the Auditor the amount of the cancellation fee that the landowner shall pay upon cancellation; and approved the certificate of tentative cancellation of Type H Agricultural Preserve Contract No. 95255-AGK (originally 93284-AGK) for a 1-acre adjusted parcel.

The Board is now requested to consider the following actions: approval of a final certificate of cancellation for the one acre home site, approval for rescission of the remaining portion of Williamson Act contract number 95255-AGK, approval for rescission of Williamson Act contract number 95256-AGK in its entirety, approval of one new Williamson Act contract for the proposed 26.6 acre parcel and adoption of a resolution establishing the new Williamson Act Preserve and contract.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Conservation, Development & Planning
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The Board of Supervisors has the authority to accept or deny this proposal.
Is the general fund affected?	Yes
Future fiscal impact:	There is an application fee of \$8,871.00 assessed for the processing of cancellations based on an estimate of time and materials spent by staff.

The cancellation fee required by the Williamson Act is 12.5% of the cancellation value of the land subject to cancellation when it is assessed at fair market value. The cancellation fee in this case has been established by the County Assessor as \$125,000. The entirety of this fee goes to the State of California's General Fund.

Properties covered by the Williamson Act are assessed at the lower of their factored base year of their income-capitalization restricted value. To the extent that properties are assessed at a lower restricted value the County will receive reduced revenue. Because the proposed vineyard parcel is currently under contract, no reduction in revenue is anticipated.

Consequences if not approved:	None.
Additional Information:	None

ENVIRONMENTAL IMPACT

California Environmental Quality Act Status: Categorically exempt under 14 CFR 15317 ("Class 17") and 15305 ("Class 5")

The establishment of agricultural preserve and execution of contracts under the Williamson Act, and the transfer of lands subject to the Williamson Act from one owner to another is categorically exempt (Class 17).

In addition, minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density are also categorically exempt (Class 5).

BACKGROUND AND DISCUSSION

At an earlier public hearing on July 19, 2005, the Board heard the request of the applicant, William Hill Napa, Inc., for a partial cancellation of a Williamson Act Contract and took the following actions: made findings pursuant to Government Code Section 51282; determined and certified to the Auditor the amount of the cancellation fee that the landowner shall pay upon cancellation; and approved the certificate of tentative cancellation of Type H Agricultural Preserve Contract No. 95255-AGK (originally 93284-AGK) for a 1-acre adjusted parcel.

As a condition of the certificate of tentative cancellation, the applicant has paid the cancellation fee of \$125,000 to

the Treasurer-Tax Collector of Napa County.

The Board is now requested to consider the following actions:

1. Approval of a final certificate of cancellation for the one acre home site (see Attachment A);
2. Approval for rescission of the remaining portion of Williamson Act contract number 95255-AGK, and rescission of Williamson Act contract number 95256-AGK in its entirety;
3. Approval of one new Williamson Act contract for the proposed 26.6 acre parcel; and
4. Adoption of a resolution establishing the new Williamson Act Preserve and contract (see Attachments B and C).

SUPPORTING DOCUMENTS

- A . Final Certificate of Cancellation
- B . William Hill Resolution
- C . William Hill Resolution Attachments

CEO Recommendation: Approve

Reviewed By: Andrew Carey