



Agenda Date: 8/15/2006
Agenda Placement: 9B

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Patricia Tyrrell for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Susan Ingalls, Paralegal, 259-8152
SUBJECT: Adoption of a resolution amending the Type H, Type E and Type A Agricultural (Williamson Act) Preserve Contracts and Rules

RECOMMENDATION

County Counsel requests adoption of a resolution amending the Rules and Contracts for Type H, Type E and Type A Agricultural (Williamson Act) Preserves.

EXECUTIVE SUMMARY

The Proposed Rules and Contracts provide a more flexible approach in both processing and scheduling agricultural preserve contracts and amendments, allowing an expanded processing schedule after a determination is made whether further amendment of the Rules or Contracts are needed, and allowing Conservation, Development and Planning Department (CDPD) to refer the contract applications to other consenting departments that can more expeditiously process the applications in conjunction with other applications -- such as lot line adjustments.

One substantive change to the Rules and Contracts is proposed: the addition of a provision relating to subdivisions permitted by Government Code section 51230.2 for farmlabor housing purposes.

The proposed Rules and Contracts also contain other minor changes and corrections.

FISCAL IMPACT

Is there a Fiscal Impact? No

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 from 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 14 CCR §15317.]

BACKGROUND AND DISCUSSION

As part of the annual review of the County's Williamson Act program, members of the Assessor's Office, Public Works Department, County Counsel's Office, and the Conservation, Development and Planning Department (CDPD) met to consider changes in the processing and the scheduling of agricultural preserve contracts and amendments, as well as changes to the contracts themselves.

The rules and contracts being amended are for Type H, Type E and Type A Agricultural (Williamson Act) Preserves. The Type H contract is for agricultural preserves on lands outside of agricultural preserve zoning districts in Napa County. The Type E contract is for agricultural preserves on lands in Napa County located outside of the agricultural preserve zoning district which contain mineral extraction operations. The Type A contract is for agricultural preserves on lands within the agricultural preserve zoning districts in Napa County.

Based on the information and recommendations provided by the departments, proposed changes to the Rules have been prepared to provide a more flexible processing approach, allowing an expanded processing schedule following a determination of whether further amendment of the Rules or Contracts is needed, and allowing CDPD to refer the contract applications to other consenting departments that can more expeditiously process the applications in conjunction with other applications -- such as lot line adjustments. This will allow contracts to be processed earlier in the year rather than all at once at the end of the year, enabling a broader distribution over time of the processing workload and providing a broader time period for applicants to submit their applications.

In addition to these procedural changes, one proposed substantive change to the Rules and Contracts adds a provision relating to subdivisions permitted by Government Code section 51230.2. Under this change, creation of a parcel less than 5 acres in size for the purpose of farmworker housing as set forth in section 51230.2 will not violate the terms of the Williamson Act contract. This will allow a landowner of agricultural parcels to improve farmworker housing for area workers without affecting the landowner's tax benefits conferred by having the parcel under contract. Presently, Napa County rules do not permit subdivision of contracted parcels except for transfers subject to joint family management agreements. This proposed change is compatible with the County's ongoing programs for improving farm worker housing opportunities funded by County Service Area Number 4 assessments and the Housing Trust Fund.

The proposed Rules and Contracts also contain other minor changes and corrections as noted in the tracking version of the Attachments which is also provided with this agenda item.

Fees for processing the applications are calculated on a time and materials basis. Under the present schedule, noticing occurs for a group of applications leading to one public hearing scheduled in December before the Board of Supervisors. Under the proposed system, it is possible that more than one public hearing may occur at intervals earlier in the year, with a resulting increase in noticing costs.

County Counsel recommends adoption of the resolution.

SUPPORTING DOCUMENTS

- A . Resolution
- B . Type H tracked documents
- C . Type E tracked documents
- D . Type A tracked documents

CEO Recommendation: Approve

Reviewed By: Maiko Klieman