

**SOLANO COUNTY
AGRICULTURAL ADVISORY COMMITTEE (AAC)
MINUTES OF THE REGULAR MEETING ON
February 8, 2006**

The meeting of the Solano County Agricultural Advisory Committee (AAC) was held at the Department of Agriculture, Downstairs Conference room, 501 Texas Street, Fairfield, CA.

Members Present:

Bruce Brazelton, Barbara Comfort, Jeff Dittmer, Donald Johnson, John Mangels, Betty Mason, Albert Medvitz, Mary Helen Seeger, Craig Gnos, Craig Leathers, Russell Lester

Others Present:

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| Jearl Howard | Agricultural Commissioner |
| Carole Paterson | Director, Cooperative Extension |
| Harry Englebright | Principal Planner, Resource Management |
| Mike Yankovich | Department of Resource Management |
| Matt Walsh | Department of Resource Management |
| Lance Houser | Chief Appraiser, Assessor/Recorder |
| Chris Rogers | County Administrators Office |
| Charlene Ping | County Administrators Office |
| Sabine Goerke-Shrode | Assistant Board of Supervisor, District 3 |
| Steve Pierce | Assistant Board of Supervisor, District 5 |
| Carmen Ward | Assistant Board of Supervisor, District 1 |
| John Gamper | California Farm Bureau Federation |
| Robert Fox | Thoroughbred Breeders Association |
| Jim Laughlin | Deputy County Counsel |
| Shaun Pritchard | LAFCO Executive Officer |
| Dennis O'Bryant | Department of Conservation |
| Adele Lagomarsino | Department of Conservation |
| Patricia Gatz | Department of Conservation |
| Pat Skelton | Solano County Fair |
| Joetta Griffin | |
| Edward Griffin | |
| Jonnie Thrower | |

Item 1 Call to Order/Roll Call

The meeting was called to order at 1:10 p.m.

Item 2 Introductions of Members and Guests

Members and Guests in attendance introduced themselves.

Item 3 Changes and Approval of the Agenda

There were no changes to the agenda.

Item 4 Review/Approval of the Meeting Minutes of January 11, 2006

A typographical error was noted under item 5e. The minutes of January 11, 2006 were approved after correction of the error noted above.

Item 5 New Business

(a) Report on Board of Supervisors Meeting – Topics Related to the Subject Matter of the AAC – Harry Englebright for Birgitta Corsello.

Recent Board Actions of interest to the AAC involve items already on the agenda and will be discussed in detail under those items.

(b) Presentation by Department of Conservation on Williamson Act – Dennis O’Bryant/Adele Lagomarsino

Ms. Lagomarsino reviewed the history and purpose of the Williamson Act. The Williamson Act was passed by the legislature in 1965 in response to increasing urban sprawl encroaching on agricultural land. The intent of the Act is to discourage premature conversion of land in commercial agricultural production and for certain specified open space uses. The Williamson Act is administered by participating cities and counties. The act is a voluntary program that gives participating landowners preferential tax relief in exchange for entering into rolling 10 year contracts with the administering entity which restricts the use to agricultural and certain compatible uses of the land for the life of the contract.

16.9 Million acres are currently enrolled in the Williamson Act statewide. \$40 Million in state subventions are paid to participating cities and counties annually to compensate them for the lost property tax revenues. 54 of 58 counties currently participate in the Williamson Act program.

Farmland Security Zones are similar to the Williamson Act, but are more restrictive. The Farmland Security Zone requires participants to enter rolling 20-year contracts with a guaranteed 35% minimum tax reduction. Farmland Security Zone contracts are harder to cancel and if the conditions for cancellation can be met require a 25% cancellation fee compared to a 12 ½ % cancellation fee for traditional Williamson Act contracted land. 19 Counties currently participate in the Farmland Security Zone option. 760,000 acres of land are restricted by Farmland Security Zone contracts statewide.

Ms. Lagomarsino stated that some of the problem areas associated with the Williamson Act are: subdivision of contract land; ranchettes on contracted land; construction of “McMansions” that make the agricultural use incidental to the residential use; and liberal interpretations of allowed compatible uses on contracted land.

She went on to say that about one-third of those who participate in the Williamson Act Program say it is what has allowed them to stay in business. She stated that there is broad support for the Williamson Act Program not only among the agricultural community, but by the general public as well. This is because it prevents “leap frog” development and maintains open space between cities. She stated that because the program is subsidized with public funds, it is imperative to control abuses of the Act in order to maintain the support of the general public.

Dennis O'Bryant gave a presentation on A.B. 1492 or what is now Section 51250 of the Government Code. He stated that the purpose of the legislation was to deter incompatible development on land that is restricted by Williamson Act contracts. Under the provisions of A.B. 1492, traditional contract cancellation provisions do not apply.

Mr. O'Bryant summarized what the bill does not do: it does not prohibit new buildings for agricultural use; it does not change the contract cancellation requirements; it does not prohibit buildings over 2,500 square feet in size; and it does not penalize pre-existing buildings that were constructed prior to January 1, 2004.

Mr. O'Bryant explained what A.B. 1492 did do: it established serious penalties (25%) for a material breach; it established involuntary termination of contract provisions; it allows for removal of material of non-conforming structures to resolve a material breach condition; it authorizes the state to enforce material breach provisions if a county fails to act; and it extended existing "lot line" adjustment provisions for contracted land until 2009.

Mr. O'Bryant stated there are several things the county can do to assist owners of contracted land avoid situations that may constitute a material breach condition. These include: insuring residential uses are incidental to commercial agricultural uses; clearly define commercial agricultural uses; remember that if the Williamson Act is more restrictive than local zoning requirements, the Williamson Act takes precedence over local zoning; advise land owners to be very aware of the restrictions imposed by their contracts; verify the existence of a viable commercial agricultural use prior to approving contracts; review compatible uses with land owners; and contact the Department of Conservation with any questions.

At the conclusion of Mr. O'Bryant's presentation, numerous questions were asked by the committee and members of the audience. Some of the more notable issues raised in this exchange were:

Q: What if a house was originally built as quarters for a ranch manager, and due to changes in the agricultural operation, it is no longer needed for that purpose, can it be used as a rental?

A: If the dwelling was legitimately built for a ranch manager that is no longer needed, renting the unit as a private residence would not be enforceable under the material breach provisions.

Mr. O'Bryant stated that the Department of Conservation does not view raising and breeding horses compatible with the Williamson Act.

It was stated that horse boarding and horse breeding are completely different types of operations; Thoroughbred race horses are a agricultural commodity.

Mr. O'Bryant responded by saying horses are not included in the definition of the Food and Agricultural Code.

It was stated that horse by-products are used as an ingrediaent in many processed commodities including animal food.

It was noted that it is very difficult to farm near horse operations.

Some felt that proposed horse facilities should be considered on a case-by-case basis and that compatibility issues could be addressed by limiting the size of the facility, parking, arenas, stables, etc.

Mr. O'Bryant stated that it is important to remember that the Williamson Act is a land conservation act, not a rural economy enhancement act. He also noted that the Department of Conservation can withhold subvention payments to non-compliant counties.

One member of the audience commented that if you applied the reasonable person rule, "a reasonable person would tell you horses are agriculture".

Mr. O'Bryant stated that facilities for processing agricultural commodities covered under the act can be located on contracted land if they are not too big; very large facilities may be considered industrial and not allowed on contracted land. He also stated that wineries are a compatible use, but tasting rooms are not.

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| <p>(c) Draft Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts – Harry Englebright</p> |
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Mr. Englebright stated the three most controversial issues with respect to the Williamson Act are:

1. What is considered commercial agriculture
2. Equestrian facilities
3. Residential land uses

He stated that Solano County does not currently have a standard for determining what is a commercial agriculture use. Mr. Englebright stated the U.S.D.A. definition is \$1,000 per farm. He said that prior to the next meeting, he will get together with the Assessor in an attempt to determine what might constitute reasonable values based on reports received by that office.

Mr. Englebright said he would be seeking direction from the committee on horse facilities. He noted that horses are not considered to be an agricultural use under current Solano County Williamson Act Uniform Rules and Procedures. He requested the committee to consider; compatibility issues, size issues, and setback issues with regard to horse/equestrian facilities. Mr. Englebright stated that committee input and direction is needed for: private stables, public stables, and breeding operations.

Private Stables: Mr. Englebright stated that under current zoning, everyone can have one or more horses for their own private use. He asked the question, how many are a reasonable number? It was noted that ten or more horses in a stable constitutes a "Confined Animal Facility" under current zoning. There is no numerical threshold on how many horses can be maintained in a private stable.

It was moved and seconded to recommend that private stables be allowed on Williamson Act land provided such use is incidental to the agricultural operation.

Under discussion, the motion and second to the motion were withdrawn.

It was moved and seconded to accept Resource Management Departments Staff recommendations for private stables. The motion carried.

Public Stables: Mr. Englebright stated that public stables are not currently considered an agricultural use. One AAC member expressed the opinion that public stables should be considered to be a compatible use if the facility occupies 3% or less of the contracted land. Another member stated horses at public stables are pets that are maintained for recreational use.

Mr. Fox of the Thoroughbred Breeders Association commented that para-mutual racing supports 85 fairs in the state. Horse operations should be given consideration on that basis alone.

It was moved and seconded to recommend that public stables not be allowed on Williamson Act land. The motioned carried.

Discussion continued on whether or not public stables should be allowed. One AAC member offered that a small number of horses might be acceptable if it is incidental to the main agricultural operation. Mr. Laughlin stated that public stables are open to the public; it is a business, the number of horses kept at a public stable is irrelevant. It was stated that areas of the county that are devoted chiefly to grazing (Extensive Agriculture Zone) should not be a problem.

It was moved to amend the prior recommendation to allow public stables on contracted land if they do not trigger the Confined Animal Facility (less than ten horses) requirements and such use is incidental to the primary agricultural use. The motion died for lack of a second.

It was moved to limit public stables to the Agriculture 160 zone provided they occupy no more that 5 acres or 5%, which ever is less, of the contracted land. This motion also died for lack of a second.

It was moved and seconded to reconsider the previous motion. The motion failed.

Horse Breeding Operations: Mr. Englebright asked the committee the following question: Should horse breeding operations be a primary agricultural use or a compatible use?

One AAC member commented that horse breeding operations and training facilities cannot be considered together, they are different.

It was moved to recommend that horse breeding operations be allowed on Williamson Act Contracted land provided the necessary ancillary facilities be restricted to 5 acres or 12 ½ %, whichever is greater, of the contracted land. The motion died for lack of a second.

It was suggested that the committee be polled to determine how many favored allowing horse breeding operations on contracted land compared to the number in opposition. A show of hands by the committee indicated there was not support to pursue the issue further.

It was moved and seconded to continue the discussion on horse breeding operations to a future AAC meeting. The motion failed.

(d) Youth Ag Day Presentation – Pat Skelton

Pat Skelton, Solano County Fair, announced that Youth Ag Day will be held at the Solano County Fairgrounds from 9:00 a.m. to 1:00 p.m. on Tuesday, March 28, 2006. Mr. Skelton stated that purpose of the event is to provide an opportunity for all Solano County 3rd grade students and teachers to experience agriculture first hand. He stated they already have 1,500 students registered to attend. He also told the committee that they always welcome new presenters and volunteers to act as group leaders. Mr. Skelton also stated they are fund raising to assist schools with busing costs associated with the event and that any donations to assist with transportation costs would be gratefully accepted.

Item 6 Continuing Business

(a) LAFCO Review of Resource Conservation Districts – Shaun Pritchard, Executive Officer, Solano LAFCO

Mr. Pritchard informed the members of the AAC that LAFCO is getting ready to conduct a study of the three resource conservation districts in Solano County. He said this is a state mandate study to insure the districts are performing their required duties in an appropriate manner. The study will focus on nine specified subject areas. These areas include: infrastructure needs or deficiencies, growth and population projections for the affected area, financing constraints and opportunities, cost avoidance opportunities, opportunities for rate restructuring, opportunities for shared facilities, government structures options, including advantages and disadvantages of consolidation and/or reorganization of service providers, evaluation and management efficiencies, and local accountability and governance.

Mr. Pritchard was asked if there is any way that a resource conservation district could expand its boundaries. He stated that there is nothing to prevent a district from applying to LAFCO to expand their area of jurisdiction. He did note, however that if such an expansion were to occur, the expanded district would receive no additional tax base. He also stated that the Suisun Resource Conservation District is state mandated.

(b) Dixon Downs (Racetrack) Project EIR Update – Harry Englebright

Mike Yankovich reported for Mr. Englebright that the Dixon City Counsel is currently reviewing the proposed development agreement and that they will be holding public hearings on the EIR in the near future.

(c) Ag Sustainability Study Update – Carole Paterson

Carole Paterson reported that she is in the process of finalizing the Board of Supervisors Agenda submittal for approval of the Scope of Work for the study. She anticipates the matter will be presented to the Board on February 28th. Ms. Paterson further reported that the Suisun Valley Fund has agreed to be a partner in the study and to contribute \$30,000 toward the study providing the study includes a sub-study of the Suisun Valley and its unique characteristics. Provided the Board approves the Scope of Work, contracts will be drawn up and submitted for Board approval in the near future.

(d) General Plan Update – Harry Englebright

There was no new information to report on this item.

(e) Solano Economic Development Corporation – Marketing Subcommittee – Jerry Howard

Jerry Howard discussed a recent correspondance he had received from former Solano County Director of Co-Operative Extension, Larry Clement regarding his continued participation on the Marketing Sub-Committee. Mr. Howard reported that Mr. Clement feels that is very important for the AAC to be represented on the sub-committee. He also stated that Mr. Clement feels it is inappropriate for him to be the committee's representative to that body as he no longer has any ties to the county or the AAC since he is now retired.

Following a brief discussion, AAC member Barbara Comfort volunteered to represent the AAC on the Solano Economic Development Corporation Marketing Subcommittee. She was appointed by consensus of the committee.

(f) Habitat Conservation Plan Update – Harry Englebright

There was no new information to report on this item.

Item 7 Identify and Clarify Future Agenda Topics and Timing of Discussion

Due to the length of the meeting, no discussion of the topics under this item was held.

- (a) Items from Board of Supervisors Discussions on the Subject Matters of the AAC – Ongoing.
- (b) Dixon Downs (Racetrack) Project EIR (Update) – Ongoing
- (c) Trails – Update on Regional Project Efforts

- (d) Resource Conservation Districts (RCD's) LAFCO Study Update – Ongoing
- (e) Horse Facilities/Farming Operations Update
- (f) Streambed Cleanup Issues
- (g) Agricultural Disaster Notification Network
- (h) Agriculture Center – April/May

Item 8 Public Comments/Announcements/Correspondence

- (a) Public Comments
There were no public comments.
- (b) Announcements
There were no announcements.
- (c) Correspondence
There were no correspondences.

Item 9 Next Meeting Date

March 8, 2006 at 3:00 p.m., first floor conference room, 501 Texas Street, Fairfield.

Item 10 Adjourn Meeting

The meeting was adjourned at 4:58 p.m.