

PLANNING COMMISSION
RESOLUTION NO. 2009-28

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF
RULES AND PROCEDURES FOR ADMINISTERING LAND SUBJECT TO A
WILLIAMSON ACT CONTRACT

WHEREAS, the City of Modesto Planning Division does not have a policy administering land subject to a Williamson Act contract; and

WHEREAS, City staff has prepared draft Williamson Act Contract Rules and Procedures that, when adopted, will provide the specific requirements for administering land under a Williamson Act contract; and

WHEREAS, the draft Williamson Act Contract Rules and Procedures is not a project under CEQA, as the activity will not cause a direct nor reasonably foreseeable indirect physical change in the environment; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The draft Williamson Act Contract Rules and Procedures conforms to the City's adopted 2008 Urban Area General Plan because Chapter VII includes the following policies that support agriculture in the Planned Urbanizing Area:
 - VII.D.4.a. The City will not annex agricultural land unless urban development consistent with the General Plan has been approved by the City.
 - VII.D.4.b. The City shall support the continuation of agricultural uses on lands designated for urban uses until urban development is imminent.
 - VII.D.4.c. The City shall encourage the County to retain agricultural uses on lands surrounding the General Plan area and on lands within the General Plan area pending their annexation to the City or development by mutual agreement with the County.
 - VII.D.4.e. For any subsequent project that is adjacent to an existing agricultural use, the project proponent may incorporate measures to reduce the potential for conflicts with the agricultural use. Potential measures to be implemented may include the following:
 - (1) Include a buffer zone of sufficient width between proposed residences and the agricultural use.
 - (2) Restrict the intensity of residential uses adjacent to agricultural lands.
 - (3) Inform residents about the possible exposure to agricultural chemicals.
2. Until such time as a standardized and periodically updated fee is established for the processing of Williamson Act-related applications, the interim fee for processing such applications shall be assessed on a time-and-materials basis with an initial deposit of \$3,000, due at the time of application.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on November 16, 2009, by Chris Tyler, who moved its adoption, which motion was seconded by Ted Brandvold, and carried by the following vote:

Ayes: Berglund, Brandvold, Carter, Gillum, Sanders, and Tyler
Noes: None
Absent: Bernal

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD
Patrick Kelly, Secretary

Attachment: Exhibit A

EXHIBIT A

Draft Williamson Act Contract Policy

**Draft on File with the Community and Economic Development Department,
Planning Division**

Final will be on File with the City Clerk and the Community and Economic Development
Department, Planning Division