



# CALIFORNIA DEPARTMENT OF CONSERVATION

## Division of Land Resource Protection

Public Acquisition of land within agricultural preserves and/or enrolled in the  
Williamson Act:

Example Notification Letter

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The following material is provided to assist you in compiling and submitting information to the Department of Conservation (Department) when your agency plans to acquire land that is located within an agricultural preserve, or is enrolled in the Williamson Act, for public improvements. It is the Department's goal to ensure your project moves forward in a streamlined manner, by providing technical assistance toward meeting the requirements of Government Code §51291.

If you have additional questions, or suggestions for improvement of this document, please contact the Williamson Act Program at 916-324-0850.

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# EXAMPLE NOTIFICATION LETTER

Cascadia County  
Planning and Development Department  
12410 Redwood Drive, Suite 100  
Fern Grove, CA 91120  
Phone (225)-001-8321 • Fax (225)-001-8322 • Website countyofcascadia.net

## NOTIFICATION OF PUBLIC ACQUISITION OF WILLIAMSON ACT LAND

April 23, 2015

David Bunn, Director  
Department of Conservation  
c/o Division of Land Resource Protection  
801 K Street, MS 18-01  
Sacramento, CA 95814

Subject: FOG VALLEY ROAD REALIGNMENT AND WIDENING PROJECT IN  
CASCADIA COUNTY

Dear Director Bunn,

1. *What is the total number of acres of Williamson Act contracted land and/or agricultural preserve land being considered for acquisition?*

The total number of acres of Williamson Act contracted land being considered for acquisition is 17.32. The total number of acres of non-contracted agricultural preserve land being considered for acquisition is 17.53. See Table 1, below, for a breakdown of acreages by Assessor Parcel Number (APN).

Table 1

Assessor Parcel Number (APN)	Parcel Size (Acres)	Proposed Acquisition (Acres)	Proposed Williamson Act Contract (Acres)	Proposed Agricultural Preserve Non-contracted (Acres)
022-0420-008	145.48	2.33	2.33	NA
022-0420-009	149.11	2.37	2.37	NA
022-0420-010	119.34	7.10	7.10	NA
022-0420-014	400.08	5.52	5.52	NA
022-0420-015	755.16	6.93	NA	6.93
022-0420-016	820.95	7.79	NA	7.79
022-0420-017	481.68	2.81	NA	2.81
<b>Total</b>	<b>2,871.80</b>	<b>34.85</b>	<b>17.32</b>	<b>17.53</b>

2. *Is the land considered prime or nonprime agricultural land according to Government Code §51201(c)?*

The total number of acres of Williamson Act Prime being considered for acquisition is 11.80. The total number of acres of Williamson Act Nonprime being considered for acquisition is 5.52. See Table 2, below, for a breakdown of acreages by Assessor Parcel Number (APN).

Table 2

<b>Assessor Parcel Number (APN)</b>	<b>Williamson Act Prime (Acres)</b>	<b>Williamson Act Nonprime (Acres)</b>
022-0420-008	2.33	NA
022-0420-009	2.37	NA
022-0420-010	7.10	NA
022-0420-014	NA	5.52
<b>Total</b>	<b>11.80</b>	<b>5.52</b>

3. *What is the purpose of the acquisition?*

The purpose of the proposed acquisition is to provide targeted safety improvements along Fog Valley Road in Cascadia County that address traffic accident data along this specific section of roadway. The Cascadia County Planning and Development Department is acquiring these properties in order to realign and widen a 3.45-mile section of Fog Valley Road to smooth out a sharp curve and provide shoulders and clear recovery areas for motorists to regain full control of their vehicles should they veer off the traveled way.

4. *Where is the land located?*

The properties to be acquired are located along the north side of Fog Valley Road in Cascadia County between the cities of Stony Creek and Fog Valley (see Vicinity Map, attached). The specific area of Fog Valley Road to be realigned and widened is located on the north side of the road between Buckeye Street and Iris Ave (see Location Map, attached).

5. *What are the characteristics of the adjacent land?*

The majority of the adjacent land is within an agricultural preserve and is zoned as either open-space or agricultural land (see Vicinity Map, Location Map, and Detail Maps A-D, attached). On the northeast side of Buckeye Street, along Fog Valley Road, the land is currently open-space and turns to rolling hills near the

City of Stony Creek. To both sides of Fog Valley Road, heading southwest from Buckeye Street to approximately 1.6 miles southwest, the land is currently open-space. From approximately 1.6 miles to 2.1 miles southwest of Buckeye Street, the land is currently being used for cattle grazing (Williamson Act nonprime) on the north side of Fog Valley Road and is open-space on the south side of the road. From approximately 2.1 miles to 2.7 miles southwest of Buckeye Street, the land is Williamson Act prime and is currently being used to grow row crops on the north side of Fog Valley Road and is open-space on the south side of the road. On both sides of Fog Valley Road, between approximately 2.7 miles southwest of Buckeye Street and Hyacinth Ave, the land is Williamson Act prime on both sides of Fog Valley Road and is currently being used to grow row crops.

6. *Why was this land identified as necessary for the public improvement?*

This land was identified as necessary for the public improvement based on traffic accident data along Fog Valley Road. Numerous accidents; including spin-outs, rollovers, and a head-on collision have been documented along this stretch of roadway (see Table 3: Traffic Accident Data, attached). Fog Valley Road has a sharp curve to be realigned and the road is narrowed in this section due to the presence of a creek running adjacent to the south side of the road (see Location Map and Detail Maps A-D, attached). The presence of the creek along the south side of the road makes it necessary to acquire the land on the north side of the road for the public improvement. Also, since all the surrounding land is part of the agricultural preserve, there is no other non-preserve land that can be acquired.

Cascadia County is currently seeking to acquire these properties through the eminent domain process. The county has contacted the landowners and an initial appraisal of each property has been conducted. An offer to purchase the property from each landowner will be made in the near future. A copy of the written offers and the final appraisals, the Resolution of Necessity, and the documentation from the eminent domain court case, if necessary, will be provided to the Department of Conservation when they become available.

Cascadia County is a political subdivision of California and authorized by Government Code §25350.5 to acquire by eminent domain any property necessary to carry out any of the powers or functions of the county and by Code of Civil Procedure §1240.010 et seq. to use the power of eminent domain to acquire property only for a public use.

7. *How does this acquisition meet the findings required under Government Code §51292(a) and 51292(b)?*

- *"The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve (§51292(a))."*

Cost was not a factor in the consideration of acquiring these properties within an agricultural preserve. The location of these properties being considered for acquisition is based solely on traffic accident data along this specific stretch of Fog Valley Road.

- *"If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement (§51292(b))."*

There is no other land within or outside the preserve that is reasonably feasible to locate the public improvement. The traffic accident data specifically shows that this stretch of Fog Valley Road, between Buckeye Street and Iris Ave, has a high rate of single-car crashes, spin-out accidents, roll-overs, and a head-on collision accident resulting in a fatality. This particular stretch of Fog Valley Road is narrowed due to the presence of a creek running adjacent to the south side. A sharp curve has been identified to be realigned as well. The properties were selected along the north side of Fog Valley Road due to the presence of the creek running along the south side of the road that prevents the public improvement from occurring on that side. All of the surrounding land is located within the agricultural preserve, so no other non-preserve land could be considered for the public improvement. Moreover, the Williamson Act contracted lands are also located within the specific area being targeted for the traffic safety improvements and there are no other non-Williamson Act contracted lands that can be considered.

Fog Valley Road is a county maintained road originally constructed in 1968, so this public improvement is not exempt under Government Code §51293.

8. *Submit a vicinity map and a location map.*

Please see the attached documents: Vicinity Map, Location Map, Detail Map A, Detail Map B, Detail Map C, and Detail Map D.

9. *Submit a copy of the contract(s) covering the land.*

Please see the attached documents: Williamson Act Contracts #14645, #14687, and #15238 and Agricultural Preserve #1022.

*(Note: Examples of a Williamson Act Contract and an Agricultural Preserve Resolution are provided in a separate document; Appendix B: Examples of Supporting Documents.)*

10. *Submit copies of all related Environmental Impact Reviews pursuant to the CEQA process.*

The Mitigated Negative Declaration for the Fog Valley Road Realignment and Widening Project in Cascadia County can be found at <http://www.cascadiacounty.ca.gov/CEQA/Fogvalleyroad30219-1199>.

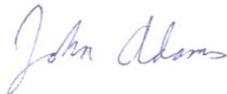
*(Note: Examples of CEQA documentation are provided in a separate document; Appendix B: Examples of Supporting Documents.)*

11. *Submit copies of all related Eminent Domain (or in lieu of Eminent Domain) documents pursuant to Government Code §51295.*

Cascadia County is currently seeking to acquire these properties through the eminent domain process. As of yet, the necessary documents have not been completed. A copy of the written offers and the final appraisals, the Resolution of Necessity, and the documentation from the eminent domain court case, should a court case be necessary, will be provided to the Department of Conservation as soon as they become available.

*(Note: Examples of Eminent Domain documentation are provided in a separate document; Appendix B: Examples of Supporting Documents.)*

Sincerely:

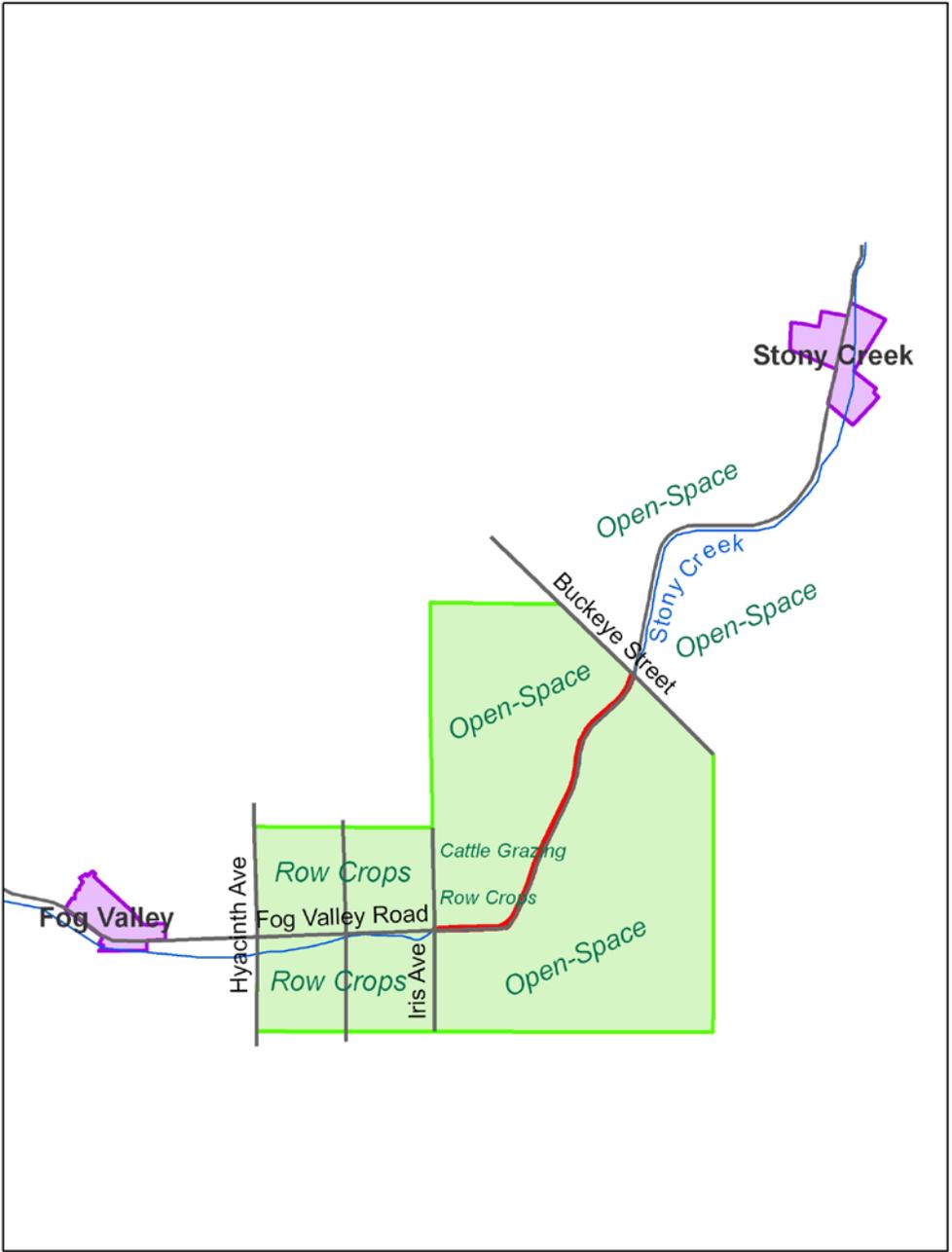


John Adams  
County Planner

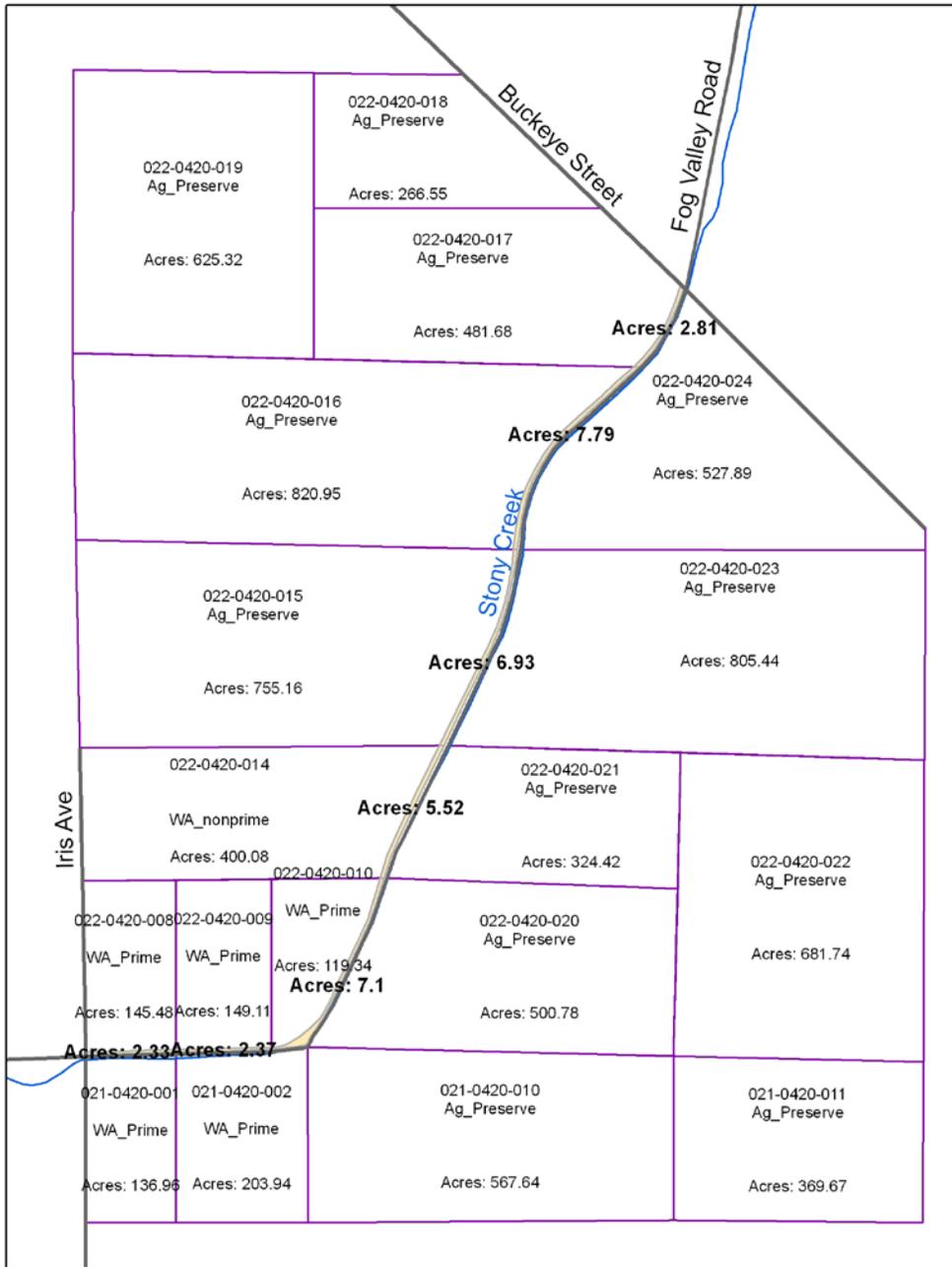
Enclosures

cc: Cascadia County Board of Supervisors  
12410 Redwood Drive, Suite 110  
Fern Grove, CA 91120

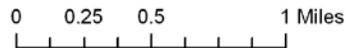
# Vicinity Map



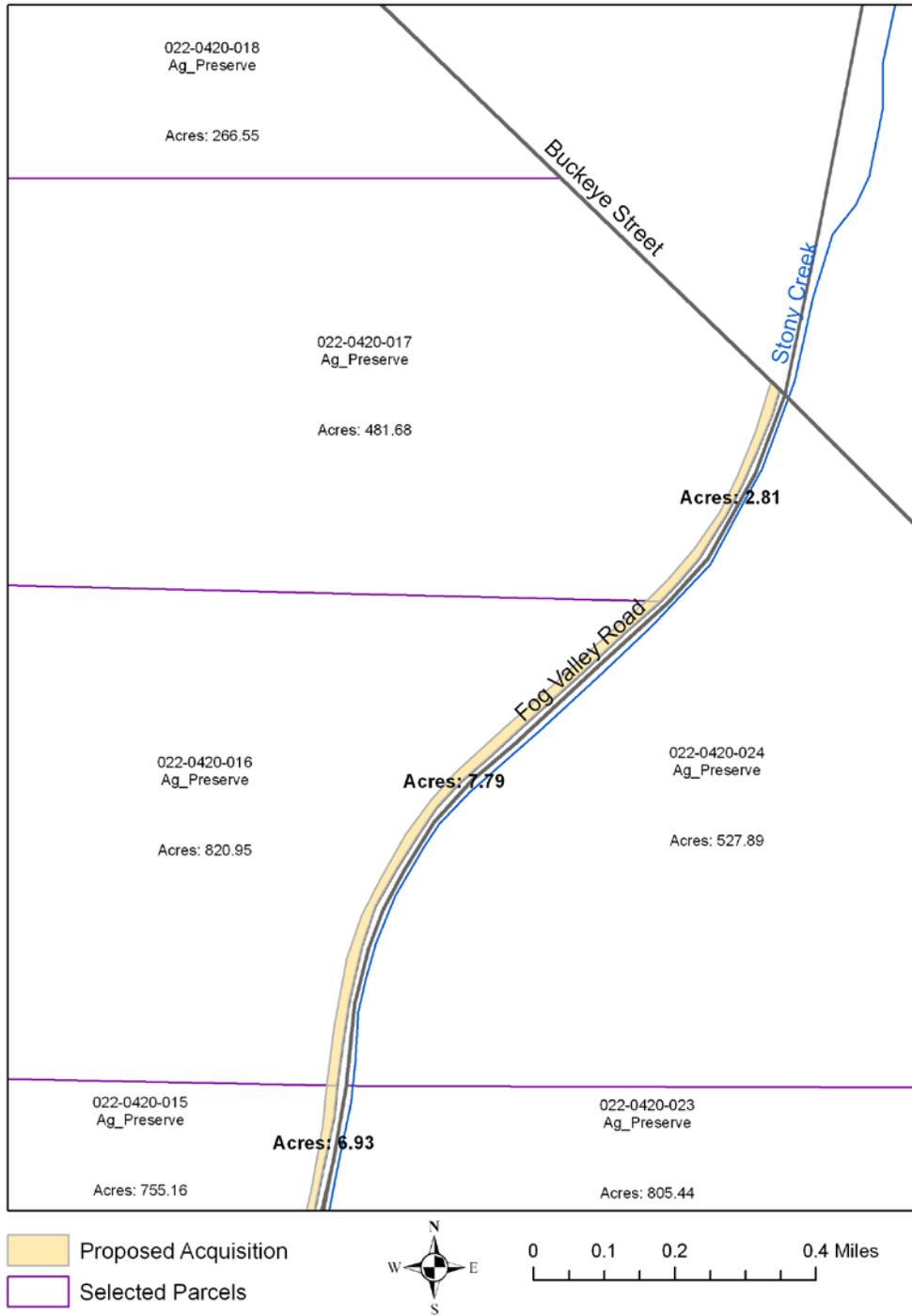
# Location Map



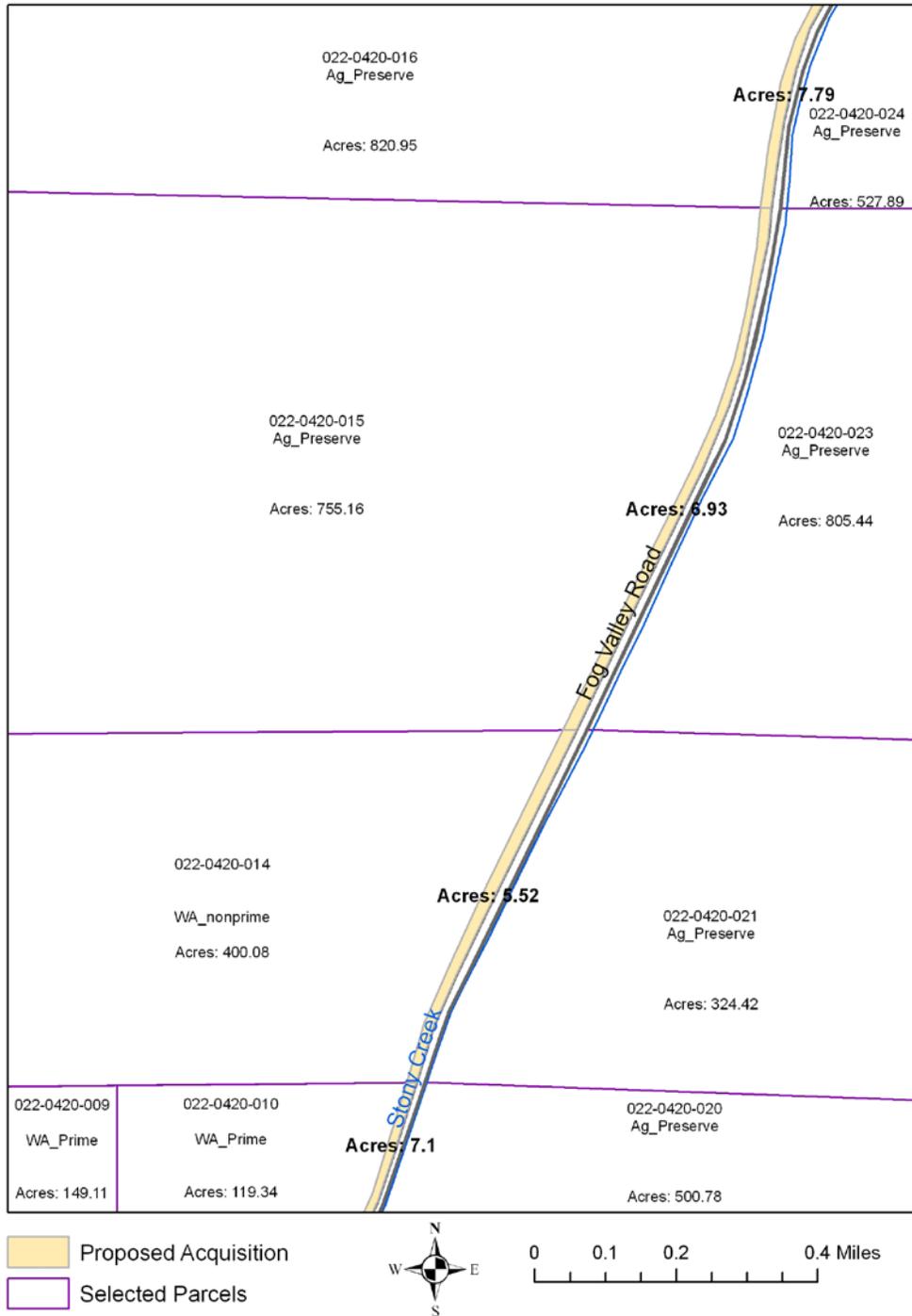
Proposed Acquisition  
 Selected Parcels



# Detail Map A



# Detail Map B



# Detail Map C



# Detail Map D

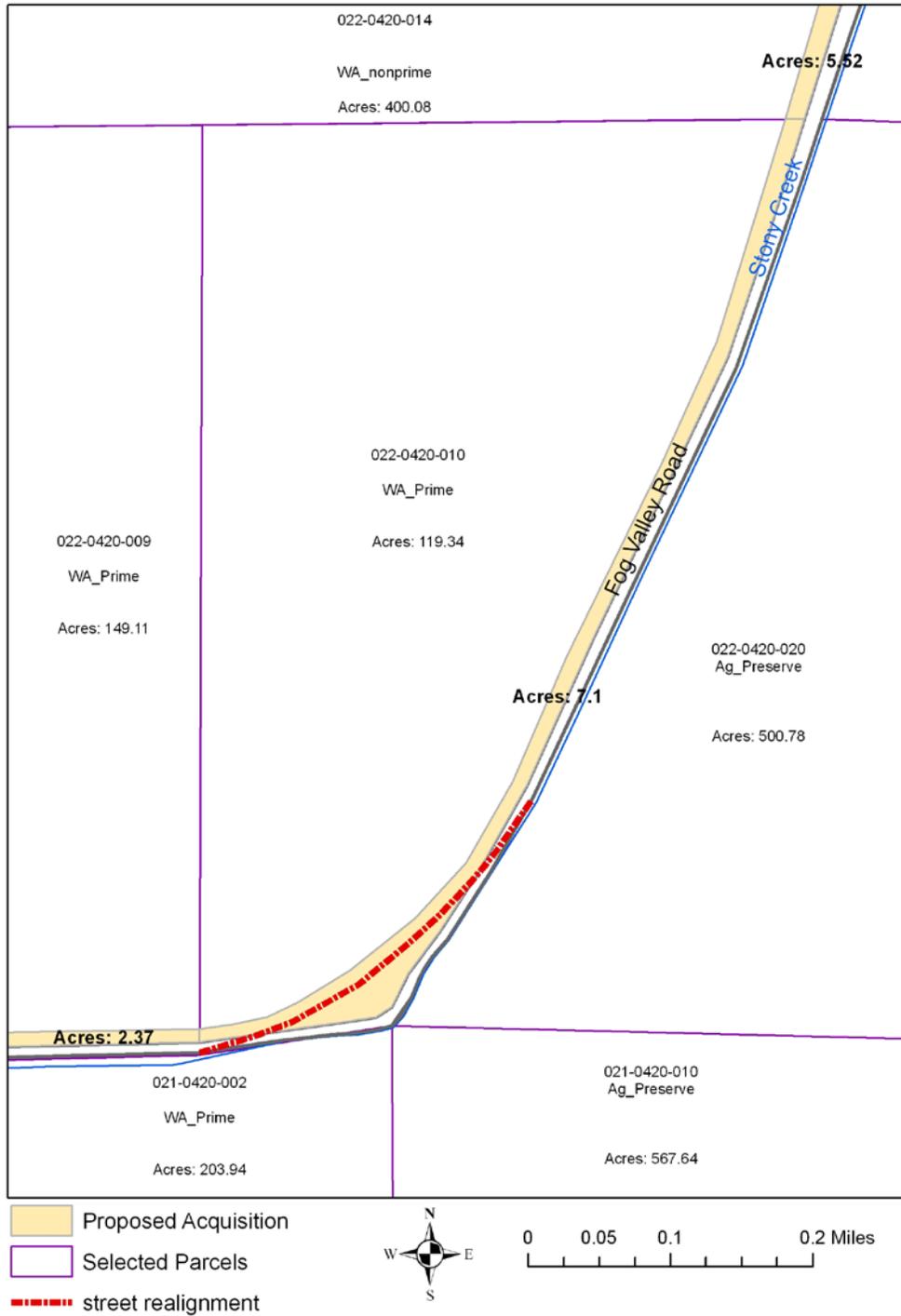


TABLE 3  
Traffic Accident Summary Report  
Fog Valley Road

From intersection with Buckeye Street to Iris Ave  
Date Range Reported: July 1, 2008- June 30, 2011

Report Number	Date	Time	Distance From Intersection (feet)	Direction	Location	Type of Collision	Motor Vehicle Involved With	Direction 1	Motion Preceding Collision 1	Direction 2	Motion Preceding Collision 2	Primary Cause	Injury	Killed
80713	7/13/2008	21:15	3,962	East of	Fog Valley Road/ Iris Ave	Overturned	Fixed Object	East	Unsafe Turning	NA	NA	Unsafe Speed	1	0
81006	10/6/2008	6:35	0	In Intersection	Fog Valley Road/ Iris Ave	Rear End	Other Motor Vehicle	West	Proceeding Straight	West	Proceeding Straight	Unsafe Speed	1	0
90219	2/19/2009	2:20	7,925	West Of	Buckeye Street/ Fog Valley Road/	Head-On	Other Motor Vehicle	West	Passing Other Vehicle	East	Proceeding Straight	Wrong Side of Road	3	1
90529	5/29/2009	23:45	3,965	East of	Fog Valley Road/ Iris Ave	Overturned	Non-Collision	East	Unsafe Turning	NA	NA	Improper Turning	0	0
90814	8/14/2009	7:15	4,873	West Of	Buckeye Street/ Fog Valley Road/	Hit Object	Fixed Object	West	Ran Off Road	NA	NA	Unsafe Speed	1	0
100304	3/4/2010	15:50	0	In Intersection	Fog Valley Road/ Buckeye Street/ Fog Valley Road/	Rear End	Other Motor Vehicle	West	Proceeding Straight	West	Proceeding Straight	Unsafe Speed	0	0
100627	6/27/2010	22:00	5,268	East of	Iris Ave/ Fog Valley Road/	Hit Object	Fixed Object	East	Ran Off Road	NA	NA	Unsafe Speed	1	1
100902	9/2/2010	1:30	9,620	West Of	Fog Valley Road/ Buckeye Street/ Fog Valley Road/	Hit Object	Fixed Object	West	Ran Off Road	NA	NA	Unsafe Speed	2	0
101017	10/17/2010	20:25	3,955	East of	Iris Ave/ Fog Valley Road/	Overturned	Fixed Object	East	Unsafe Turning	NA	NA	Unsafe Speed	1	0
110411	4/11/2011	18:10	6,230	East of	Fog Valley Road/ Iris Ave/ Fog Valley Road/	Hit Object	Fixed Object	East	Ran Off Road	NA	NA	Unsafe Speed	0	0
110531	5/31/2011	23:25	3,986	West Of	Buckeye Street/	Overturned	Non-Collision	West	Unsafe Turning	NA	NA	Improper Turning	2	0

Total Number of Traffic Accidents: 11