



# Monterey County

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## Board Report

Legistar File Number: RES 16-067

October 25, 2016

**Introduced:** 10/12/2016

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** BoS Resolution

REF160033 County initiated Notice of Williamson Act Contract Nonrenewal 2017:

- South Monterey County Fire Protection District Land Conservation Contract No. 73-34.A. (APN 423-061-069-000).

Conduct a Public Hearing to consider County initiated Notice of Nonrenewal of Williamson Act Agricultural Preserve Land Conservation Contract No. 73-34.A. effective January 1, 2017.

- a. Consider adoption of Resolution approving County initiated Notice of Nonrenewal for a portion of one (1) Williamson Act Agricultural Preserve Land Conservation Contract due to not meeting Williamson Act Program and County Land Conservation Contract requirements and with the Property Owner's request.
- b. Direct the Clerk of the Board of Supervisors to record County initiated Notice of Nonrenewal for a portion of one (1) Land Conservation Contract with the County Recorder on or before November 1, 2016 and to provide a copy of the recorded Notice of Nonrenewal to the State of California Department of Conservation, Williamson Act Program.

(REF160033 - County initiated Notice of Non-Renewal 2017 - Portion of Williamson Act Agricultural Preserve Land Conservation Contract)

### RECOMMENDATION:

It is recommended that the Board of Supervisors conduct a public hearing to consider and:

- a. Adopt a Resolution approving a County initiated Notice of Nonrenewal for a portion of one (1) Williamson Act Agricultural Preserve Land Conservation Contract due to not meeting Williamson Act Program and County Land Conservation Contract requirements and with the Property Owner's request.
- b. Direct the Clerk of the Board of Supervisors to record County initiated Notice of Nonrenewal for a portion of one (1) Land Conservation Contract with the County Recorder on or before November 1, 2016 and to provide a copy of the recorded Notice of Nonrenewal to the State of California Department of Conservation, Williamson Act Program.

### PROJECT INFORMATION:

**Planning File Number:** REF160033

**Project Location:** 68875 Jolon Road, Lockwood

**APN:** 423-061-069-000 (See "Attachment B")

**Property Owner:** South Monterey County Fire Protection District

**Plan Area:** South County

**CEQA Action:** Exempt per Section 15321 of the CEQA Guidelines

SUMMARY:

A Williamson Act contract is an agreement between a property owner and the County whereby the landowner may receive a reduced property tax assessment by agreeing that their property is to be utilized solely for commercial agricultural production and, potentially, a limited number of compatible uses. The County's annual Williamson Act Questionnaires were mailed to all Williamson Act Property Owners in January, 2016. The purpose of these Questionnaires is to provide the Assessor's Office with information used to evaluate tax assessments pursuant to California Revenue and Taxation Code Section 441(d) and California Department of Conservation Williamson Act Program reporting requirements, as well as to provide the Agricultural Preserve Review Committee with information to confirm ongoing compliance with Williamson Act Program and Agricultural Preserve Land Conservation Contract or Farmland Security Zone Contract requirements, as applicable.

Staff mailed out 925 surveys and had a seventy three percent (73%) return rate. Staff received approximately .004% Questionnaires where Property Owners have clearly stated that the subject property is not in commercial agricultural production in accordance with Williamson Act Program and corresponding Contract requirements. Additionally, twenty seven percent (27%) of Williamson Act Property Owners have not returned their Questionnaires in accordance with California Revenue and Taxation Code Section 441(d). A follow-up courtesy letter was sent to approximately 250 non-responders. Staff has subsequently received and continues to receive completed survey forms.

On October 25, 2016, the County will hold a hearing for the Board of Supervisors to consider a County initiated Notice of Nonrenewal for a portion of Agricultural Preserve Land Conservation Contract No. 73-34.A. (APN 423-061-069-000, a +/- 2.5 acre parcel). This County initiated Notice of Nonrenewal is being processed pursuant to a request by the property owner to nonrenew their contract. By way of registered letter, with receipt of said letter confirmed, Staff has notified the property owner, the South Monterey County Fire Protection District, of the October 25, 2016 hearing date for consideration of this matter, as well as their right to request reconsideration of the County's intent to initiate a Notice of Nonrenewal pursuant to Government Code Section 51245. The Agricultural Preserve Review Committee (APRC) and the Agricultural Advisory Committee (AAC) have recommended nonrenewal of a portion of Land Conservation Contract No. 73-34.A as applicable to this +/- 2.5 acre parcel.

On October 4, 2016, at the Board of Supervisors meeting, the Board set a public hearing for October 25, 2016 to consider County initiated Notices of Nonrenewal and directed the Clerk of the Board of Supervisors to publish a notice of hearing for this date. At that time, the list of potential County initiated Notices of Nonrenewal included portions of four (4) contracts. Since then, the list has been reduced from portions of four (4) contracts to a portion of one (1) contract because property owners have notified County staff of their commercial agricultural activity or their intent to reestablish said activity. Contracts which have been removed from the County's initial list of proposed County initiated Notices of Nonrenewal are as follows: Roth (AGP No. 96-004); Nagai (AGP No. 69-017); and Guzman (AGP No. 75-018).

DISCUSSION:

Williamson Act Contracts are binding agreements between landowners and the County that assume the terms of the Contract continue to be met in exchange for restricted property tax

assessments. As such, landowners must remain in compliance during the entire life of the Contract, even after Notice of Nonrenewal has been initiated.

Pursuant to State Williamson Act provisions, the County is required to monitor its Williamson Act Program by periodically reviewing the continued eligibility and compliance of Williamson Act lands. Accordingly, property owners must demonstrate to the County, upon request, continued eligibility. Methods for identifying and reviewing the continued eligibility of properties include the annual Williamson Act Questionnaire, review of proposed development and activity, and parcel audits. To ensure compliance with the requirements that Williamson Act properties are restricted to commercial agricultural production of food or fiber, and a limited number of compatible uses, staff distributes an annual Williamson Act Questionnaire to all Williamson Act Property Owners. Landowners are required to complete and return this annual Williamson Act Questionnaire as well as maintain records of annual productive acreage and production value.

Reporting requirements are set forth in California Revenue and Taxation Code Section 441(d) which states:

“...At any time, as required by the Assessor for assessment purposes, every person shall make available for examination information or records regarding his or her property or any other personal property located on premises he or she owns or controls. In this connection details of property acquisition transactions, construction and development costs, rental income, and other data relevant to the determination of an estimate of value... are to be considered as information essential to the proper discharge of the assessor's duties.”

A noticed public hearing is required for any action which may change the exterior boundary of an existing agricultural preserve. In addition, State Williamson Act provisions and County Williamson Act Program and County contract provisions require that the County provide sixty days notice of nonrenewal to landowners, that the Clerk of the Board of Supervisors record said County initiated Notice of Nonrenewal sixty days in advance of the January 1 contract renewal and property tax lien date, which is on or before November 1, 2016 and, that the Clerk of the Board provide a copy of the recorded Notice of Nonrenewal to the Department of Conservation, Williamson Act Program. The nonrenewal periods will commence on January 1, 2017. The hearing has been scheduled for October 25, 2016 which provides sufficient time to comply with these noticing and recording requirements.

The parcel being considered for nonrenewal is part of larger contract. Agricultural Preserve Land Conservation Contracts must maintain minimum acreages per Board of Supervisors Resolution No. 01-485 as amended per Resolution No. 03-383, Section 11.c. which provides that an agricultural preserve contain 100 or more acres, or less than 100 acres, but of 40 or more acres if the Board of Supervisors finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area and that the establishment of preserves of less than 100 acres is consistent with the general plan of the County. The subject Land Conservation Contract would retain adequate acreage (100 acres or more) for the remaining parcels to continue under the Williamson Act program. As of January 1, 2037, with the removal of the subject 2.5 acre parcel, the subject Agricultural Preserve and Land Conservation Contract No. 73-34.A. will retain 3,197.5 acres.

OTHER AGENCY INVOLVEMENT:

The following agencies constitute the APRC which is tasked to oversee implementation and compliance of the Williamson Act Program:

- Planning Department
- Office of the County Counsel
- Agricultural Commissioner's Office
- County Assessor's Office

The APRC reviewed this proposal on September 1, 2016. The AAC reviewed this proposal on September 26, 2016. Both the APRC and the AAC have recommended approval of the proposed County initiated Notice of Nonrenewal for the subject Williamson Act Agricultural Preserve and Land Conservation Contract No. 73-34.A. as it applies to the subject +/- 2.5 acre parcel (APN 423-061-069-000).

FINANCING:

Initiating Notice of Nonrenewal will begin a process that may result in an increase of the appraised value of the property equating to a significant property tax increase in the first year following the effective date of the Notice of Nonrenewal, with further annual property tax increases throughout the remaining term of the Contract (nineteen [19] years). Relative increases in revenue are formalized by the particulars of each contract. The parcel that is being reviewed for County initiated Notice of Nonrenewal is owner requested and/or non-producing Agricultural lands. Therefore, the Assessor's office determined that no financial impact would be recognized by either party. If the Board is interested in the financial implications, staff from the Assessor's office will be at the meeting to answer any questions.

The cost to prepare and send the annual Williamson Act Questionnaires is part of the Williamson Act Program cost, which has been included in the FY2016-17 adopted budget for RMA-Planning, Unit 8172, and Appropriation Unit RMA001.

Prepared by: Nadia Amador, Associate Planner, Ext. 5114  
Reviewed by: Jacqueline R. Onciano, Planning Services Manager, Ext. 5193  
Approved by: Carl P. Holm, AICP, Resource Management Agency Director

This report was prepared with assistance by Mary Grace Perry, Office of the County Counsel.

The following attachments are on file with the Clerk of the Board:

- Attachment A - Location Map
- Attachment B - Summary of County initiated Notice of Nonrenewal for 1-1-2017
- Attachment C - Proposed Board Resolution approving County initiated Notice of Nonrenewal
- Attachment D - County initiated Notice of Nonrenewal
- Attachment E - Notice of Public Hearing
- Attachment F - Agricultural Preserve Land Conservation Contract No. 73-34.A
- Attachment G - Resolution No. 01-485 as amended per Resolution No. 03-383

cc: Front Counter Copy; Board of Supervisors (14); Office of the County Counsel; Agricultural Preserve Review Committee (Jacqueline R. Onciano, Nadia Amador, Mary Grace Perry, Robert

A. Roach, Gregg MacFarlane); Carl P. Holm; John Guertin; Property Owner - South Monterey  
County Fire Protection District; The Open Monterey Project; LandWatch; Project File  
REF160033