

Public Hearing to consider County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2016:

- a. Consider adoption of Resolution approving County-initiated Notices of Non-Renewal for portions of ten (10) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent; and
- b. Direct the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal for portions of ten (10) Contracts with the County Recorder on or before November 1, 2015 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.

Williamson Act Non-Renewals 2016:

Borel – Contract # 71-066 - APN 137-081-006-000
Radich – Contract # 04-007 – APN's 420-161-037-000 & 420-161-038-000
Silacci – Contract # 68-052 – APN 415-071-009-000
Nacitone – Contract # 73-034 – APN 423-061-068-000
Jones – Contract # 68-033 – APN 420-151-045-000
C&S – Contract # 71-032 – APN 418-401-011-000
Rosenberg – Contract # 71-060 – APN 237-101-002-000
Cederquist – Contract # 70-015 – APN 418-401-027-000
Braga – Contract # 73-025 – APN's 257-081-026-000 & 257-081-027-000
Herschbach – Contract # 93-001 – APN's 257-041-022-000 & 165-011-012-000

(REF150064 – County initiated Notices of Non-Renewal 2016 – Portions of Williamson Act Agricultural Preserve Land Conservation Contracts)

..Report

PROJECT INFORMATION:

Planning File Number: REF150064

Project Location: AgP 71-066; AgP 04-007; AgP 68-052; AgP 73-034; AgP 68-033; AgP 71-032; AgP 92-003; AgP 71-060; AgP 70-015; AgP 73-025; AgP 93-001

APN(s): 137-081-006-000; 420-161-038-000; 420-161-037-000; 415-071-009-000; 423-061-068-000; 420-151-045-000; 418-401-011-000; 237-101-002-000; 418-401-027-000; 257-081-026-000; 257-081-027-000; 257-041-022-000; 165-011-012-000

Agent: N/A

Plan Areas: Various

Flagged and Staked: No

CEQA Action: Exempt per CEQA Guideline No. 15321

RECOMMENDATION:

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

- a. Adopt a Resolution approving ten (10) County-initiated Notices of Non-Renewal for portions of ten (10) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent.

b. Direct the Clerk of the Board of Supervisors to record ten (10) County-initiated Notices of Non-Renewal for portions of ten (10) Contracts with the County Recorder on or before November 1, 2015 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.

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 on January 2, 2015. 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 Planning Department with information to confirm ongoing compliance with Williamson Act Program and Land Conservation Contract requirements.

Staff has received completed 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. Initially, forty-three (43) Property Owners did not timely return their Questionnaires in accordance with California Revenue and Taxation Code Section 441(d). A follow-up “courtesy letter” was sent to these non-responders and staff has subsequently received completed survey forms. Two (2) of the properties owned by non-responders were initially included in the Williamson Act program as a part of a larger group of parcels and are now separately owned as individual parcels which staff has determined are incapable of supporting commercial agricultural production (Oil field and riverbed). Therefore, staff recommends non-renewal of these parcels, as set forth in Attachment B, in accordance with Williamson Act Program and corresponding Contract requirements.

All of the acreage proposed for Non-Renewal is comprised of smaller sections (1-2 parcels) of significantly larger overall Preserves which were established from 1968-2004. The parcels recommended for Non-Renewal have subsequently been sold to their current owners, thereby subjecting them to their own individual annual review for compliance to the standards and requirements of the Williamson Act program. In the event that all of the proposed parcels are non-renewed, the remaining contiguous acreage under Contract would retain viability for ongoing agricultural production.

The portions of these ten (10) Contracts proposed for County-initiated Notice of Non-Renewal total thirteen (13) parcels and approximately 1,249 acres. On August 20, 2015, staff mailed all of the Property Owners a registered letter to inform them of the County’s intent to initiate Notice of Non-Renewal of the subject Land Conservation Contracts. This letter also informed the Property Owners of the October 13, 2015 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 Non-Renewal pursuant to Government Code Section 51245.

The Monterey County Agricultural Advisory Committee reviewed the proposed non-renewals at the September 24, 2015 meeting, and granted their recommendation of “approval”.

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 Non-Renewal has been initiated, pursuant to the Williamson Act.

The County is required under the Williamson Act to monitor the County Williamson Act Program by periodically reviewing the continued eligibility and compliance of Williamson Act lands. 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 Williamson Act and Contract requirements that Williamson Act properties are restricted to commercial agricultural production of food or fiber, 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."*

Williamson Act program regulations require the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal on or before November 1, 2015 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program. The Non-Renewal periods will commence on January 1, 2016. The hearing has been scheduled for October 13, 2015, which provides sufficient time to comply with these noticing requirements.

OTHER AGENCY INVOLVEMENT:

The following agencies constitute the Agricultural Preserve Review Committee that 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 Monterey County Agricultural Preserve Review Committee has reviewed this proposal and supports the recommended County-initiated Notices of Non-Renewal.

The Monterey County Agricultural Advisory Committee reviewed the proposed non-renewals at their September 24, 2015 meeting and granted their unanimous recommendation of “approval” of the non-renewals to the Board of Supervisors.

FINANCING:

Initiating Non-Renewal will begin a process that may result in an increase of the appraised value of the property equating to a property tax increase in the first year following the effective date of the Notice of Non-Renewal, with further annual property tax increases throughout the remaining term of the Contract (nine [9] years for Contracts initiated in 1968, 19 years for all other contracts in Monterey County). The portions of the two (2) 1968-initiated Contracts which have been recommended for partial Non-Renewal will terminate entirely effective January 1, 2025.

The portions of the remaining eight (8) Contracts which have been recommended for partial Non-Renewal will terminate entirely effective January 1, 2035.

The parcels that are being recommended for non-renewal are either owner requested or non-producing Agricultural lands. Therefore, the Assessor’s office has 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 hearing 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 FY 2015-16 adopted budget for RMA-Planning, Unit 8172, Appropriation Unit RMA001.

Approved by: Carl P. Holm, Director, Resource Management Agency

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

- Attachment A County-wide Non-Renewal Map, individual Aerial Photo Maps
- Attachment B [Proposed] Non-Renewal List
- Attachment C [Proposed] Resolution
- Attachment D [Proposed] County-initiated Notices of Non-Renewal
- Attachment E Notice of Public Hearing

cc: Front Counter Copy; Board of Supervisors (5); Office of the County Counsel; Agricultural Preserve Review Committee (Steve Mason, Mary Grace Perry, Robert A. Roach, Gregg MacFarlane); Mike Novo; Carl P. Holm; Property Owners; The Open Monterey Project; LandWatch; Project File REF150064