



# Monterey County

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## Board Report

Legistar File Number: RES 14-098

October 14, 2014

Introduced: 10/2/2014

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Public Hearing to consider County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2015

a. Consider adoption of Resolution approving County-initiated Notices of Non-Renewal for portions of fifteen (15) 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 County-initiated Notices of Non-Renewal for portions of fifteen (15) Contracts with the County Recorder on or before November 1, 2014 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.

(REF140054 - County initiated Notices of Non-Renewal 2014 - Portions of Williamson Act Agricultural Preserve Land Conservation Contracts)

### PROJECT INFORMATION:

**Planning File Number:** REF140054

**Project Location:** AgP 81-005; AgP 68-003; AgP 89-004; AgP 71-056; AgP 71-040; AgP 82-002 AgP 71-050; AgP 69-031; AgP 71-046; AgP 68-095; AgP 68-082; AgP 96-004; 68-006; AgP 71-046; AgP 71-047; AgP 00-006B; AgP 71-046; AgP 68-045

**APN(s):** 417-181-012; 415-071-028; 422-181-033; 422-161-041; 422-181-044; 149-031-035; 257-171-003; 257-171-005; 422-171-031; 418-301-059; 422-301-007; 109-301-007; 107-041-018; 419-491-004; 422-211-005; 418-191-010; 109-301-008; 137-161-016; 181-011-032; 109-311-004; 257-021-019

**Agent:** N/A

**Plan Area:** North County LUP, Greater Salinas, Central Salinas Valley, Cachagua, South County

**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 fifteen (15) County-initiated Notices of Non-Renewal for portions of fifteen (15) 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 fifteen (15) County-initiated Notices of Non-Renewal for portions of fifteen (15) Contracts with the County Recorder on or before November 1, 2014 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.

SUMMARY:

The County's annual Williamson Act Questionnaires were mailed to all Williamson Act Property Owners on January 29, 2014. The purpose of these Questionnaires is to provide the Assessor's Office with information used to evaluate tax assessments as well as to provide the County with information to confirm ongoing compliance with Williamson Act Program and corresponding Contract requirements.

Staff has received several completed Questionnaires where Property Owners have clearly stated that the subject property is not in commercial agricultural production in accordance with the Williamson Act Program and corresponding Contract requirements. Additionally, Questionnaires were not returned by numerous property owners and subsequent investigation by the Assessor's Office indicates that some of the related properties are no longer being utilized for the commercial production of food and/or fiber.

All of the acreage proposed for Non-Renewal is comprised of smaller sections (1-3 parcels) of significantly larger overall Preserves which were established from 1968-2000. 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 fifteen (15) Contracts proposed for County-initiated Notice of Non-Renewal total twenty-one (21) parcels and approximately 1,019 acres. On September 5, 2014, 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 14, 2014 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.

Staff has been able to verify notification of all of the property owners of their scheduled non-renewals, with the following two exceptions:

- Cal-West Land & Livestock Co - The registered letter was returned with the note: "Unclaimed - Unable to Forward." Staff research indicates that the company has gone out of business. The listed phone number has been disconnected.
- Nine Mile Properties LLC - The registered letter was returned with an "invalid address". A phone number for a "Nine Mile Properties LLC" was found online and a message was left explaining the pending non-renewal. No reply was received. Note that LLC names are required to be unique.

Having made a diligent effort to contact the two above-listed property owners, Staff is recommending Non-Renewal of the subject parcels.

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."*

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:

RMA-Planning  
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.

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) Contracts which have been recommended for partial Non-Renewal will terminate entirely effective January 1, 2024. The portions of the remaining thirteen (13) Contracts which have been recommended for partial Non-Renewal will terminate entirely effective January 1, 2034.

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 2014-15 adopted budget for RMA-Planning, Unit 8172, Appropriation Unit RMA001.

Prepared by: Steve Mason, Assistant Planner, ext. 5228 

Approved by: <sup>MNJ</sup> Mike Novo, Resource Management Agency Planning Director  
Carl P. Holm, AICP, Resource Management Agency Acting Director 

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 - 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 (14); County Counsel; Agricultural Preserve Review Committee - Ag Commissioner's Office - Robert A. Roach, Planning - Steve Mason, Assessor's Office - Gregg MacFarlane, Office of the County Counsel - Mary Grace Perry; Mike Novo; Carl Holm; Property Owners; The Open Monterey Project; LandWatch; Project File REF140054