



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: 14-1058 **Name:** Williamson Act 2015 Non-Renewals

Type: General Agenda Item **Status:** Passed

File created: 9/17/2014 **In control:** Board of Supervisors

On agenda: 9/30/2014 **Final action:** 9/30/2014

Title: a. Set a public hearing for October 14, 2014 at 10:30 a.m. to Consider County-initiated Notices of Non-Renewal for portions of 18 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 publish Notice of Hearing for the Public Hearing to take place on October 14, 2014 at 10:30 a.m., for County-initiated Notices of Non-Renewal for portions of 18 Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting program or Contract requirements and/or with the Property Owner's consent.
 (REF140054/County initiated Notices of Non-Renewal 2015 - Portions of Williamson Act Agricultural Preserve Land Conservation Contracts)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - List of potential non-renewals, 2. Attachment B - Notice of Public Hearing, 3. Completed Board Order

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 9/30/2014 | 1 | Board of Supervisors | approved | |

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PROJECT INFORMATION:

Planning File Number: REF140054

Project Location: Various

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

Agent: N/A

Plan Area: Various

Flagged and Staked: No

CEQA Action: Exempt per CEQA Guideline No. 15321

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Set a public hearing for October 14, 2014 at 10:30 a.m. to Consider County-initiated Notices of Non-Renewal for portions of 18 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.
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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 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 RMA - Planning with information to confirm ongoing compliance with Williamson Act Program and Land Conservation 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 Williamson Act Program and corresponding Contract requirements. Numerous Property Owners have not returned their Questionnaires in accordance with California Revenue and Taxation Code Section 441(d). Subsequent research by RMA - Planning and Assessor's Office indicates that some of the respective properties owned by the non-responders are not in commercial agricultural production in accordance with Williamson Act Program and corresponding Contract requirements.

The portions of these 18 Contracts proposed for County-initiated Notice of Non-Renewal total 21 parcels and approximately 1,019 acres. On September 5, 2014, staff mailed each of the 18 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. The list of potential non-renewals is subject to reduction prior to the October 14, 2014, hearing date in the event that relevant evidence is submitted to County Staff by Property Owners.

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:

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.

FINANCING:

Initiating Non-Renewal 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 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).

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 FY2014-15 adopted budget for RMA-Planning, Unit 8172, Appropriation Unit RMA001.

Prepared by: Steve Mason, Assistant Planner ext. 5228
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192
Benny Young, Director Resource Management Agency

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

cc: Front Counter Copy; Board of Supervisors (6); County Counsel; Agricultural Preserve Review Committee; Mike Novo; Carl Holm; Property Owners; The Open Monterey Project; LandWatch; Project File REF140054

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

Attachment A List of potential non-renewals
Attachment B Notice of Public Hearing