



## Board Report

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**File #:** 12-954, **Version:** 1

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PLN120564 - Conduct a Public Hearing to consider County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2013

- a. Consider adoption of Resolution approving County-initiated Notices of Non-Renewal for portions of three (3) 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 three (3) Contracts with the County Recorder on or before November 1, 2012 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.

(PLN120564 - County initiated Notices of Non-Renewal 2013 - Portions of Williamson Act Agricultural Preserve Land Conservation Contract No. 68-011, No. 69-009 and No. 69-017)

**PROJECT INFORMATION:**

**Planning File Number:** PLN120564

**Project Location:** AgP No. 68-011; AgP 69-009; AgP 69-017

**APN(s):** 413-011-011-000, 413-013-010-000, 421-111-068-000, 422-073-006-000 & 422-073-007-000

**Agent:** n/a

**Plan Area:** North County Land Use Plan; South County Area Plan

**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 County-initiated Notices of Non-Renewal for portions of three (3) 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 three (3) Contracts with the County Recorder on or before November 1, 2012 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 13, 2012. 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 three (3) 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.

Two of these completed Questionnaires were in regards to parcels which comprise separate portions of a single Agricultural Preserve and Land Conservation Contract (AgP No. 68-011) which are under separate ownership; including Assessor's Parcel Number (APN) 413-011-013-000, a 2.8 acre home site owned by Frank L. and

Betty J. Capurro and APN 413-011-001-000 a 20.8 acre (non-contiguous) parcel of dune habitat with no apparent history of agricultural use owned by Capurro Properties LLC (Frank C. Capurro & Son).

One completed Questionnaire concerned Agricultural Preserve and Land Conservation Contract No. 69-017 (AgP No. 69-017) consisting of an 83.5 acre parcel and an adjoining 83.3 acre parcel owned by "Get Away" (Samuel Nagai) which have not been in commercial agricultural production for thirty years, according to Mr. Nagai. In addition, the County has been approached by Property Owners, James N. and Trina Hearne, concerning APN 421-111-068-000, an 82.8 acre parcel within a large Agricultural Preserve and Land Conservation Contract (AgP No. 69-009). Mr. Hearne and Ms. Hearne have requested County-initiated Notice of Partial Non-Renewal of the portion of AgP No. 69-009 overlaying their parcel.

All of the acreage proposed for Non-Renewal is comprised of minor portions (1-2 parcels) of significantly larger overall Preserves which were established in either 1968 or 1969. 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. Following the proposed Non-Renewals, all of the related Preserves would continue to retain well over 100-acres in a contiguous form to Williamson Act Program requirements.

The portions of these three (3) Contracts proposed for County-initiated Notice of Non-Renewal total five (5) parcels and approximately 273.2 acres. On September 7, 2012, staff mailed each of the four 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 16, 2012 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.

#### 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. At the September 27, 2012 meeting of the Agricultural Advisory Committee, the Committee moved to fully support staff's recommendation to move forward with the four (4) County-initiated Notices of Non-Renewal for portions of three (3) Williamson Act Agricultural Preserve Land Conservation Contracts. Said motion was approved unanimously by those members present (8-0).

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 (9 years for Contracts initiated in 1968, 19 years for all other Contracts). Two of the Contracts recommended for partial Non-Renewal, No. 69-009 and No. 69-017, will terminate effective January 1, 2032, while the portions of Contract No. 68-011 will terminate on January 1, 2022.

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 2012-13 Adopted Budget for Planning Unit 8172, RMA001.

Approved by:

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Carl P. Holm, AICP  
Deputy Director  
Resource Management Agency  
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Benny Young  
Director  
Resource Management Agency

Attachments:

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

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; California Coastal Commission; Mike Novo; Carl Holm; Property Owners; The Open Monterey Project; LandWatch; Project File PLN120564