




COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building Department



DATE: January 31, 2011
BOARD MEETING DATE: February 15, 2011
SPECIAL NOTICE/HEARING: 10-Day Notice
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Jim Eggemeyer, Community Development Director 

SUBJECT: EXECUTIVE SUMMARY: A County-Initiated Notice of Non-Renewal of California Land Conservation Contracts

RECOMMENDATION:

Adopt a Resolution authorizing the Planning and Building Department to file a Notice of Non-Renewal of California Land Conservation Contracts (En Masse) pursuant to the California Land Conservation Act of 1965 (Williamson Act) for the identified non-compliant parcels.

BACKGROUND:

Enacted by the State Legislature in 1965, the California Land Conservation Act (Williamson Act) authorizes local governments to enter into contracts with private landowners for the purpose of restricting development to agricultural, open space, and recreational related uses on certain parcels in exchange for reduced property tax assessments. To offset the loss in property taxes, local governments receive subvention funds from the State through the Open Space Subvention Act (OSSA) of 1971.

The State Department of Conservation (DOC) conducted audits of all counties with Williamson Act contracted parcels statewide, including the County of San Mateo, beginning in 2007. In its audit of this County, the DOC found non-compliance with certain State regulations implementing the Williamson Act and the OSSA. In response, the Planning and Building Department has developed a multi-step plan to address these audit findings, including preparation of a response to the DOC audit and now requests authorization from the Board to undertake action necessary to ensure compliance of all Williamson Act contracted parcels with applicable regulations.

DISCUSSION:

The Planning and Building Department has identified 128 contracted parcels as non-compliant based on landowner responses to the Planning and Building Department and Assessor's Office surveys.

Should the Board authorize the non-renewals, the Planning and Building Department will file a Notice of Non-Renewal of California Land Conservation Contract (en masse non-renewal) with the Assessor's Office. The recordation will trigger property tax reassessment of the affected parcels and a nine-year period contract phase out will commence.

Landowners may choose to file a written protest of the County-initiated non-renewal which will effectively stay the increase in property tax assessment for up to three years by which time the written protest must be resolved. During this time, the landowner must substantiate compliance with the Williamson Act in order to remain under contract. If evidence is submitted, the County may rescind the notice of non-renewal.

County Counsel has reviewed and approved the Resolution as to form and content.

Non-renewal of the identified non-compliant parcels contributes to the 2025 Shared Vision outcome of a Livable Community by assuring Land Conservation Contracts and development are not in conflict.

FISCAL IMPACT:

Costs associated with processing the non-renewals include staff time, which, over time, will be offset by the increase in property tax revenues resulting from reassessment of those parcels exiting the Williamson Act program.




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FROM: Jim Eggemeyer, Community Development Director 

SUBJECT: A County-Initiated Notice of Non-Renewal of California Land Conservation Contracts

County File Number: PLN 2010-00407 (Planning and Building Department)

RECOMMENDATION:

Adopt a Resolution authorizing the Planning and Building Department to file a Notice of Non-Renewal of California Land Conservation Contracts (En Masse) pursuant to the California Land Conservation Act of 1965 (Williamson Act) for the identified non-compliant parcels.

BACKGROUND:

Enacted by the State Legislature in 1965, the California Land Conservation Act (Williamson Act) authorizes local governments to enter into contracts with private landowners for the purpose of restricting development to agricultural, open space, and recreational related uses on specific parcels in exchange for reduced property tax assessments. To offset the loss in property taxes, local governments receive subvention funds from the State through the Open Space Subvention Act (OSSA) of 1971.

The State Department of Conservation (DOC) conducted audits of all counties with Williamson Act contracted parcels statewide, including the County of San Mateo, beginning in 2007. In its audit of this County, the DOC found non-compliance with certain State regulations implementing the Williamson Act and the OSSA. In response, the Planning and Building Department has developed a multi-step plan to address these audit findings, including preparation of a response to the DOC audit, conducting a full review of existing contracts for compliance with the Williamson Act and updating the County's implementation processes for the Williamson Act. The County has prepared a response to the DOC audit and now requests authorization from the Board to undertake action necessary to ensure compliance of all Williamson Act-contracted parcels with applicable regulations.

Report Prepared By: Melissa Ross, Project Planner, Telephone 650/599-1559

Owners: Identified property owners of Williamson Act contracted lands

Applicant: County of San Mateo, Planning and Building Department

Location: Multiple

APNs: Multiple. Refer to the list at the end of this report.

Size: Various

Existing Zoning: PAD/CD, RM, RM-CZ, R-1, TPZ-CZ, TPZ

General Plan Designation: Agriculture, Open Space, Residential

Environmental Evaluation: Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3); no potential for causing a significant effect on the environment, therefore, not subject to CEQA.

Chronology:

<u>Date</u>	<u>Action</u>
June 2007	- First DOC audit of San Mateo County.
May 2008	- Response to DOC audit completed.
February 2008	- Planning and Building Department surveys mailed to landowners of contracted parcels.
February 2010	- Subsequent letters mailed to landowners of identified non-compliant contracts.

DISCUSSION:

A. KEY ISSUES

1. Contract Non-Compliance

In response to the 2007 DOC audit, the Assessor's Office and the Planning and Building Department mailed surveys in 2008 and 2009 to landowners of all Williamson Act-contracted parcels to determine the extent of agricultural activity and compliance with the Williamson Act for each contracted parcel. Based on the survey responses and documentation submitted by landowners from both the Planning and Building Department and Assessor's Office surveys, staff has determined that approximately 25% of the contracted parcels

(128 parcels) are non-compliant. Staff deemed parcels non-compliant in each of the following circumstances: (1) surveys returned for a parcel indicates the absence or inadequacy of commercial agriculture on the parcel, (2) surveys were not returned for the parcel, or (3) commercial agriculture cannot be conducted on the parcel due to current zoning that is inconsistent with such use (e.g., Timberland Preserve Zone).

Subsequent Planning Department letters were mailed in February 2010 to provide another response opportunity for landowners who did not respond to the initial survey or who indicated an absence of commercial agriculture in the initial survey response. A separate letter was mailed to landowners of parcels that are ineligible due to the current zoning designation. Zoning changes occurred after the original contract execution and resulted from modifications to the County Zoning Regulations or through exclusion under the Williamson Act (Section 51246(b)).

A list of the contracted parcels identified as non-compliant can be found at the end of this report.

2. Authority to Non-Renew Contracts

Pursuant to Section 51245 of the Government Code, a landowner or county may non-renew a contract provided written notice is served by the other party in advance of the renewal date (a County-initiated non-renewal notice requires at least 60 days prior to the renewal date). If the County files a notice of non-renewal, the landowner, upon receipt of the notice, may file a written protest of the notice of non-renewal. The County may withdraw the notice prior to the renewal date.

3. Non-Renewed Contracted Parcels

Should the Board authorize the County-initiated notice of non-renewal, the Planning and Building Department will prepare an en masse notice for recordation with the County Assessor's Office. A form of such notice is included with the materials provided to the Board in connection with this matter. Copies of the recorded notice will be mailed to the affected landowners along with a form that they can use to make a written protest. Recordation will prompt a property tax reassessment of each non-renewed parcel by the Assessor's Office. Tax benefits associated with the contract will phase out over a nine-year period, with the contract terminating at the end of this nine-year non-renewal period.

If a landowner believes the notice of non-renewal has been recorded in error with or without just cause, a written protest must be filed with the Planning and Building Department within 60 days of non-renewal recordation. Once the Planning and Building Department records the written protest with the Assessor's Office, the written protest will effectively stay the increase in property tax assessment, resulting from the recordation of the notice of non-

renewal, for up to three years (California Revenue and Taxation Code Section 426(b)) by which time the written protest must be resolved.

During this time, the landowner must submit documentation to the Planning and Building Department substantiating compliance with the Williamson Act and applicable County regulations and policies (e.g., quantifiable commercially-viable agriculture is present as required and defined). If such documentation is submitted, the Planning and Building Department will withdraw the notice of non-renewal. In absence of such documentation, the annual property tax assessment will increase incrementally each year until the contract expires at the end of nine years.

Pursuant to Section 51246(a) of the Government Code, development restrictions on non-renewed contracted parcels will remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract.

Parcels for which notices of non-renewal have been recorded are not prohibited from entering into new contracts provided the landowner submits evidence of commercial agriculture satisfying the requirements set forth in the California Land Conservation Act of 1965 as well as current County regulations and future program updates, when applicable. If a notice of non-renewal has been recorded on a parcel for which qualifying commercial agriculture is present, the County will withdraw its notice of non-renewal and process a new updated contract.

B. ENVIRONMENTAL REVIEW

The proposed non-renewal of the identified Williamson Act contracted parcels is exempt from CEQA pursuant to Section 15061(b)(3) in that the non-renewal of non-compliant contracts does not have the potential for causing a significant effect on the environment, therefore, not subject to CEQA. The non-renewals will not result in land use changes and the current zoning designation of each parcel restricts uses to those comparable to the restrictions of the Williamson Act.

C. REVIEWING AGENCIES

Assessor's Office
County Counsel
San Mateo County Farm Bureau
Agricultural Advisory Committee

County Counsel has reviewed and approved the Resolution as to form and content.

Non-renewal of the identified non-compliant parcels contributes to the 2025 Shared Vision outcome of a Livable Community by assuring Land Conservation Contracts and development are not in conflict.

FISCAL IMPACT:

Costs associated with processing the non-renewals include staff time, which, over time, will be offset by the increase in property tax revenues resulting from reassessment of those parcels exiting the Williamson Act program.

ATTACHMENTS:

- A. List of Identified Non-Compliant Parcels
- B. Statement of Written Protest Application Form
- C. Notice of Non-Renewal of California Land Conservation Contract (en masse)

ATTACHMENT A

IDENTIFIED NON-COMPLIANT WILLIAMSON ACT CONTRACTED PARCELS

047-350-010	078-190-080	081-070-121	083-260-020
047-350-020	078-190-100	081-070-122	083-310-060
047-350-030	078-190-130	081-070-160	083-340-140
047-360-020	078-190-180	081-090-020	084-102-050
047-360-030	078-200-030	081-090-050	085-070-050
047-360-040	078-200-080	081-100-080	085-110-090
047-370-020	078-200-100	081-180-060	085-110-180
047-380-030	078-210-030	081-180-120	085-120-090
047-380-050	078-220-020	081-190-070	085-120-130
048-350-010	078-270-010	081-310-130	085-130-080
056-360-050	078-270-020	081-310-140	085-170-020
056-360-070	078-270-030	081-310-230	085-170-230
056-382-030	080-320-150	081-320-060	085-170-290
056-520-050	080-320-160	081-320-170	086-112-010
056-530-010	080-350-320	081-320-180	086-112-130
064-370-120	080-350-360	081-340-030	086-280-200
065-210-050	080-350-460	081-340-040	087-060-010
066-121-020	080-350-470	081-340-050	087-090-040
066-152-120	080-350-480	081-350-010	087-100-030
066-152-130	080-350-490	081-350-140	087-140-040
066-240-020	080-350-500	081-370-040	087-150-060
066-240-060	080-360-020	081-370-060	087-150-130
066-240-120	080-390-070	081-370-090	087-150-140
066-260-020	080-390-080	081-370-100	087-150-190
066-260-030	080-390-090	082-090-010	087-150-220
066-260-070	080-390-100	082-090-020	087-180-130
066-330-170	080-390-130	082-110-020	087-180-150
067-410-060	080-400-050	082-110-050	087-220-220
067-410-070	080-400-080	082-120-110	088-010-060
078-110-040	080-400-090	082-140-060	088-020-130
078-130-200	081-060-110	082-140-080	088-030-110
078-190-020	081-070-170	082-150-040	088-050-270

Total Count = 128 Parcels

San Mateo County Board of Supervisors' Meeting

Applicant: **County of San Mateo Planning & Building Department** Attachment: **A**

File Numbers: **PLN 2010-00407**

ATTACHMENT B

Statement of Written Protest (Williamson Act)

455 County Center • Redwood City CA 94063
(650) 363-4161 • FAX (650) 363-4849

Agriculture Preserve No.: _____

Written protest must be submitted within 60 days from the date of nonrenewal recordation.

Owner Information

Name of Owner: _____	Name of Owner (2): _____
Mailing Address: _____	Mailing Address: _____
Zip: _____	Zip: _____
Phone,W: _____	Phone,W: _____
H: _____	H: _____
Email Address: _____	Email Address: _____

Parcel Information

APN(s) and corresponding site address

Is subject Assessor's Parcel Number(s) part of an original Williamson Act Contract that included additional parcels?

Basis of Protest

Indicate reason(s) for protest and provide documentation (e.g. Agricultural Lease Agreement and photos) of ongoing Commercial Agriculture, occurring within the past 3 years, in compliance with the Williamson Act and applicable County Regulations.

Signatures

I (We) the property owner(s) of the property identified above hereby file this written protest, protesting the proposed Nonrenewal (or partial nonrenewal) of Agriculture Preserve Contract Number _____, and request that said contract continue in force and automatically renew annually.

Owner's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

ATTACHMENT C

Recorded at the Request of, and When Recorded Return to: Melissa Ross, Project Planner County of San Mateo Planning and Building Department 455 County Center, 2nd Floor Mail Drop PLN122 Redwood City, CA 94063	For Clerk Use Only
County File Number: PLN 2010-00407	
Exempt from Fees Pursuant to Government Code § 6301	

County of San Mateo
 Planning and Building Department

NOTICE OF NON-RENEWAL OF CALIFORNIA LAND CONSERVATION CONTRACTS

Pursuant to Resolution No. _____ of the San Mateo County Board of Supervisors, dated February 15, 2011, the Board of Supervisors has authorized the County Planning and Building Department to record an en masse County-Initiated Notice of Non-Renewal for the following identified Williamson Act contracted parcels:

047-350-010	078-190-080	081-070-121	083-260-020
047-350-020	078-190-100	081-070-122	083-310-060
047-350-030	078-190-130	081-070-160	083-340-140
047-360-020	078-190-180	081-090-020	084-102-050
047-360-030	078-200-030	081-090-050	085-070-050
047-360-040	078-200-080	081-100-080	085-110-090
047-370-020	078-200-100	081-180-060	085-110-180
047-380-030	078-210-030	081-180-120	085-120-090
047-380-050	078-220-020	081-190-070	085-120-130
048-350-010	078-270-010	081-310-130	085-130-080
056-360-050	078-270-020	081-310-140	085-170-020
056-360-070	078-270-030	081-310-230	085-170-230
056-382-030	080-320-150	081-320-060	085-170-290
056-520-050	080-320-160	081-320-170	086-112-010
056-530-010	080-350-320	081-320-180	086-112-130
064-370-120	080-350-360	081-340-030	086-280-200
065-210-050	080-350-460	081-340-040	087-060-010
066-121-020	080-350-470	081-340-050	087-090-040

Notice of Non-Renewal of California Land Conservation Contracts

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066-152-120	080-350-480	081-350-010	087-100-030
066-152-130	080-350-490	081-350-140	087-140-040
066-240-020	080-350-500	081-370-040	087-150-060
066-240-060	080-360-020	081-370-060	087-150-130
066-240-120	080-390-070	081-370-090	087-150-140
066-260-020	080-390-080	081-370-100	087-150-190
066-260-030	080-390-090	082-090-010	087-150-220
066-260-070	080-390-100	082-090-020	087-180-130
066-330-170	080-390-130	082-110-020	087-180-150
067-410-060	080-400-050	082-110-050	087-220-220
067-410-070	080-400-080	082-120-110	088-010-060
078-110-040	080-400-090	082-140-060	088-020-130
078-130-200	081-060-110	082-140-080	088-030-110
078-190-020	081-070-170	082-150-040	088-050-270

In compliance with Section 51245 of the Government Code, the County has served the Notice of Non-Renewal at least 60 days prior to contracts' renewal dates of January 1, 2012.

The contracts for the aforementioned parcels will fully expire on December 31, 2021.

Jim Eggemeyer, Community Development Director
County of San Mateo

Date

MAR:fc – MARV0080_WFP.DOC
FRM00399.DOC (6/11/10)

State of California)

County of San Mateo)

On _____, before me, _____,
a Notary Public, personally appeared JIM EGGEMEYER, who proved to me on the basis of
satisfactory evidence to be the person whose name is subscribed to the within instrument and
acknowledged to me that he executed the same in his authorized capacity, and that by his
signature on the instrument the person, or the entity upon behalf of which the person acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____