



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: October 29, 2014
Board Meeting Date: December 9, 2014
Special Notice / Hearing: 10-Day Notice
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Acting Community Development Director

Subject: EXECUTIVE SUMMARY: Public hearing to consider California Land Conservation Act (Williamson Act) Contract Notice of Non-Renewal appeals

RECOMMENDATION:

Adopt Resolutions:

- A) Denying certain appeals to the 2011 County-initiated Williamson Act Notice of Non-Renewal thereby resuming the full effects of the recorded non-renewal until contract expiration on December 31, 2020 for the specified parcels.
- B) Upholding certain appeals to the 2011 County-initiated Notice of Non-Renewal of certain Williamson Act contracts; authorizing the Planning and Building Department to record a Withdrawal of Notice of Non-Renewal and retaining the specified parcels under Williamson Act contracts.

BACKGROUND:

In 2011, the Board of Supervisors authorized the Planning and Building Department (Department) to record a California Land Conservation Contract Notice of Non-Renewal for 128 contracted parcels. The parcels were identified as non-compliant based on a review of zoning criteria and landowners' responses to Planning and Building Department and Assessor's Office Agricultural Questionnaires. The Notice of Non-Renewal was recorded on September 23, 2011 (effective January 1, 2012).

Pursuant to the California Land Conservation Act of 1965, a property owner may file a written protest (appeal) of a County-initiated Notice of Non-Renewal. In filing a written protest, a landowner has up to three years to substantiate compliance with the County's Williamson Act Program in order for the parcel to remain under contract. If evidence of compliance is submitted, the County may rescind the Notice of Non-Renewal thereby retaining the contract. Otherwise, the Board may deny the appeal, which will result in lifting of the property tax stay and continuing the contract non-renewal phase out until

contract expiration on December 31, 2020. Of the 128 contracted parcels, 16 parcels have been appealed by 11 landowners for a total of 11 appeals filed.

DISCUSSION:

The Department has reviewed the Assessor's Office Agricultural Questionnaires for the 2013 and 2014 mailing years, General Plan and Zoning designations, mapped prime soils and parcel size for Williamson Act Program compliance for the 11 appeals. A letter was prepared and mailed on August 4, 2014 to the landowners evaluating overall Program compliance and requesting supplemental information for review by Department staff, the Agricultural Advisory Committee (AAC), and the Agricultural Commissioner. Supplemental information was requested for purposes of completing the required compliance review in addition to providing an opportunity for landowners to request minimum eligibility requirement exceptions as allowed under the Program.

On September 8, 2014 and October 14, 2014, the AAC held public meetings, attended by the Agricultural Commissioner, to consider the appeals. The AAC recommends denial of seven appeals thereby allowing the contract to expire on December 31, 2020 and upholding four appeals in order to retain the parcels under contract.

Staff recommends denial of nine appeals and upholding two appeals.

Resolution of the appeals must occur prior to December 31, 2014; the end of the three-year appeal process.

If a landowner is able to achieve Program compliance during the non-renewal phase out period or after contract expiration, he/she may request a new contract subject to Program compliance, review and recommendation to the Board by the Department, Agricultural Advisory Committee, and Agricultural Commissioner.

Department staff will coordinate with the Assessor's Office to ensure resolution of the appeals.

County Counsel has reviewed and approved the Resolutions as to form.

Approval of the Amended California Land Conservation Contract contributes to the 2025 Shared Vision outcome of a Livable Community by assuring that the use of the land encumbered by Williamson Act contracts comply with County and State requirements.

FISCAL IMPACT:

Costs associated with Program management include staff time, which over time, will be offset by the increase in property tax revenues resulting from reassessment of parcels existing the Williamson Act Program.