



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: October 22, 2012
Board Meeting Date: November 6, 2012
Special Notice / Hearing: 10-Day Notice
Vote Required: None

To: Honorable Board of Supervisors

From: Jim Eggemeyer, Community Development Director

Subject: EXECUTIVE SUMMARY: Study Session: San Mateo County Land Conservation (Williamson Act) Uniform Rules and Procedures

RECOMMENDATION:

1. Receive staff's presentation and public comment regarding the draft update to the County's rules and procedures for implementing the Williamson Act.
2. Provide direction to staff regarding the draft update.

BACKGROUND:

In response to the 2007 Department of Conservation (DOC) statewide audit of counties with Williamson Act contracts, the Planning and Building Department outlined a multi-step plan to address the audit findings for San Mateo County. This included a full compliance review of existing contracts, and an update to the County's procedures for carrying out the Williamson Act.

At the August 9, 2011, Board of Supervisors hearing, the Board adopted a Resolution authorizing the Department to file an En Masse Notice of Non-Renewal for 128 non-parcels on which there was no evidence of any agricultural activity, or were located within a Timber Preserve or single-family residential zoning district. This was a first step in reviewing existing contracts. Subsequent reviews will take place after the new procedures are adopted, and will apply additional criteria to determine whether contracted parcels are truly dedicated to agricultural use.

To this end, the Department has continued its efforts and collaborated with the Williamson Act Subcommittee of the Agricultural Advisory Committee to develop the updated Draft Williamson Act Program. The Draft was sent to the Department of Conservation on April 18, 2012 for review and comment.

DISCUSSION:

The County's current Williamson Act Program reflects the language adopted by the State under the California Land Conservation Act of 1965, including subsequent revisions. As it is meant to apply to multiple cities and counties within California, the California Land Conservation Act establishes, in general terms, basic restrictions, requirements and definitions for participation in the program. Adoption of more detailed rules and procedures is at the discretion of the local jurisdiction.

In collaboration with the Williamson Act Subcommittee, the Department has developed a more comprehensive set of proposed rules and procedures for carrying out the Williamson Act in the unincorporated lands of San Mateo County. Among other things, the draft rules and procedures delineate an Agricultural Enterprise Area, define agricultural and compatible uses, and establish minimum thresholds.

The updated Draft program was sent to the DOC on April 18, 2012. Please refer to the attached DOC's comment letter received on September 4, 2012.

County Counsel has reviewed and approved the updated Draft Program as to form.

Adoption and implementation of an updated Williamson Act Program contribute to the 2025 Shared Vision outcome of a Livable Community by assuring that the use and development of the land with Land Conservation Contracts comply with County and State requirements.

NEXT STEPS

After review of the Draft Program and consideration of public comment, staff requests that the Board provide direction regarding the County's proposed rules and procedures.

FISCAL IMPACT

The cost of County participation in the Williamson Act program includes the allocation of limited staff resources for administering and updating the program, and a reduction in the amount of property taxes received from contracted lands. The estimated cost of staff time spent on the program exceeds \$140,000 since the State's audit of the County's program in 2007. The County, upon application to the State, is eligible to receive subvention payments to offset the loss of tax revenues administering parcels under contract. The County has not received any subvention payments since 2006 (last payment received totaled \$57,909) as a result of the State's audit. The County will not be eligible for subvention payments until such time that we can submit an accurate count of total acreage under compliant contracts, less all acreage where contracts have been non-renewed or amended in compliance with updated Williamson Act regulations.