



**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:** 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 2007 the California Department of Conservation (DOC) conducted a statewide audit of counties with Williamson Act contracts. In reviewing San Mateo County, the Department of Conservation identified the need for the County to update its method for implementing the Williamson Act.

In response to the audit, the Planning and Building Department (Department) outlined a multi-step plan to address the audit findings. 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.

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

Owners: Identified property owners of Williamson Act contracted lands and owners within the proposed Agricultural Enterprise Area. Refer to the list at the end of this report.

Existing Zoning: PAD/CD (Planned Agricultural District/Coastal Zone), RM (Resource Management District), RM-CZ (Resource Management District-Coastal Zone)

General Plan Designation: Agriculture and Open Space

<u>Date</u>	<u>Action</u>
June 2007	- First DOC audit of San Mateo County.
February 2008	- Planning and Building Department surveys mailed to landowners of contracted parcels.
May 2008	- Response to DOC audit submitted.
February 2010	- Subsequent letters mailed to landowners of identified non-compliant contracts.
February 2011	- Board of Supervisors hearing regarding proposed contract non-renewals; referred to the Environmental Quality Committee (EQC).
May 2011	- EQC meeting.
August 2011	- Resolution adopted authorizing an En Masse Notice of Non-Renewal.
September 2011	- En Masse Notice of Non-Renewal recorded.
November 2011	- Appeals received from 10 landowners.
January 2012 Present	- Department collaboration with Williamson Act Subcommittee of the Agricultural Advisory Committee to draft the updated rules and procedures for program implementation.
April 2012	- Draft rules and procedures sent to the DOC for review.

- September 2012            -    Department of Conservation comments received.
- October 2012            -    Meeting with the Department, Williamson Act Subcommittee, and DOC to review the comments and Draft Program.
- November 2012           -    Board of Supervisors Study Session.

### **DISCUSSION:**

Through the Williamson Act Program, the County and landowners have agreed to enter into contracts that enforceably restrict certain lands to agricultural and compatible uses while providing the landowner a property tax incentive. The County's existing 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 are 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.

### **Agricultural Enterprise Area (AEA)**

For land to qualify for a Williamson Act contract, the property must be located within an Agricultural Preserve (AGP). The current AGP includes only contracted and previously contracted lands. To assist landowners in determining if their property may be considered for an AGP and contract, the Department proposes an Agricultural Enterprise Area that identifies privately-owned parcels that meet zoning designation and general land use criteria for eligibility under the Williamson Act. The area expands upon the existing AGP boundary but is non-regulatory and non-obligatory. Lands placed within the AEA are not subject to additional regulations or tax assessments and landowners are under no obligation to apply or enter into an AGP or contract. Simply, the AEA identifies potential lands the County wishes to preserve for agricultural purposes and provides a guide to landowners who are considering entering into an AGP and contract.

### **Agricultural and Compatible Uses**

Agricultural commodities for commercial production are now defined in the Draft Program and include unprocessed farm products such as fruits, Christmas trees, cattle, and hay. Grazing and timber harvesting may be deemed an agricultural use provided

the grazing is for commercial purposes and timber harvesting occurs under an active Non-Industrial Timber Harvest Management Plan. Compatible uses include all uses allowed by the underlying zoning district, provided that the type and extent of such uses do not significantly reduce the amount of land being used for agricultural purposes.

### Minimum Thresholds

In addition to being located within the AEA, a property must be devoted to an agricultural use in order to be eligible to enter into or maintain a Williamson Act contract. The draft rules and procedures include specific criteria for determining the viability of an agricultural operation based on minimum income and parcel size requirements. The criteria for commercial crop production contracts depend upon soil classification (i.e., amount of prime and non-prime agricultural lands), while the criteria for grazing and timber harvesting have a set minimum parcel size requirement independent of soil classification. Income requirements for commercial crop and timber production are linked to parcel size; a minimum land utilization criteria, as a percentage of parcel size, are required for grazing.

### Department of Conservation Comments

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.

**ATTACHMENTS**

- A. Williamson Act Program 1995
- B. Updated Draft Williamson Act Program
- C. Department of Conservation September 4, 2012 Comments