

MONTEREY COUNTY PLANNING COMMISSION

MEETING: March 9, 2011 at 9:00 a.m.	AGENDA NO: 1
SUBJECT: Accept a report on the Williamson Act and related Legislative Updates. (Planning Commission Referral No. 2010.07, Countywide)	
Project Location: Countywide	APN: Countywide
Planning Number:	Name: County of Monterey
Plan Area: Countywide	Flagged and Staked: N/A
CEQA Action: Categorically Exempt, per Section 15306 (Information Collection)	
DEPARTMENT: RMA – Planning Department	

RECOMMENDATION:

It is recommended that the Planning Commission accept a report on the Williamson Act .

PROJECT OVERVIEW:

The following report is intended to provide a brief overview of the Williamson Act program in Monterey County. Past, current and potential future implications are discussed herein.

DISCUSSION:

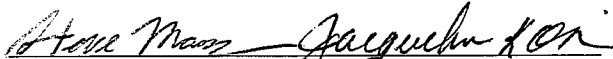
See Exhibit "A"

OTHER AGENCY INVOLVEMENT:

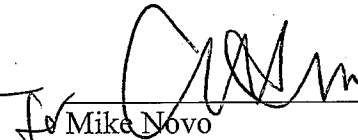
The report was prepared by the RMA – Planning Department Staff in collaboration with the Agricultural Preserve Review Committee, consisting of Staff from the Offices of the Assessor-Recorder, Agricultural Commissioner and County Counsel.

Prepared by:

Approved by:



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Director, RMA – Planning Department

Revised Date: March 1, 2011

cc: Front Counter; Planning Commission (10); County Counsel; Environmental Health Division; Public Works; Monterey County Water Resources Agency; James McPharlin, Fire Protection District Representative; Mike Novo; Carl Holm; Jacqueline R. Onciano, Planning Services Manager; Steve Mason, Assistant Planner; Agricultural Preserve Review Committee

EXHIBIT "A" DISCUSSION

Overview and History:

The California Land Conservation Act of 1965--commonly referred to as the Williamson Act--enables local governments to enter into Contracts with private landowners for the purpose of restricting specific parcels of land to commercial agricultural uses. In return, landowners receive reduced property tax assessments as opposed to those levied against full market value. Monterey County entered into the program in 1968.

Contracts fall into two categories: Agricultural Preserve Land Conservation Contracts (AgP) and Farmland Security Zone Contracts (FSZ). Both Agricultural Preserves and Farmland Security Zones (collectively referred to as "Williamson Act Lands") are restricted to commercial agricultural production of food or fibre. However, FSZs must consist of predominantly prime soil, and are typically in row crop production. For assessment purposes, FSZs are typically valued at 65% of the Williamson Act (AgP) value. FSZs also enjoy greater protections from annexation into a City or Special District and from acquisition by a School District. Entrance requirements into the program stipulate a minimum annual gross income of \$8,000.00 on the property over three of the previous five years, regardless of Contract type. Williamson Act Contracts, which are established for an initial 20-year term (note: 1968 Contracts are of 10-year term in Monterey County), automatically renew on the property tax lien date of January 1 on an annual basis, unless a Notice of Non-Renewal has been filed by the Owner or by the County

Williamson Act Contracts can be terminated through either a **non-renewal** or a **cancellation** processes. A landowner may file a notice of **non-renewal**, or the non-renewal may be initiated by the County. Starting at the next Contract anniversary date, the Contract winds down over the remaining (usually nineteen-year) term, with the property taxes gradually increasing to the full unrestricted value at the end of the non-renewal period. The **cancellation** of a Contract, which must be owner-initiated, results in immediate termination. However, the cancellation process requires specific statutory findings by the Board of Supervisors, and approval by the State Department of Conservation (DoC). Cancellation also requires that the landowner pay a fee to both the County and the State totaling 25% of the assessed value of the property. To date, there has never been a cancellation of a Williamson Act Contract in Monterey County.

Budget Issues:

The Open Space Subvention Act (OSSA) was enacted on January 1, 1972, to provide for the partial replacement of local property tax revenue lost as a result of participation in the Williamson Act. Participating local governments have typically received annual subvention payments on the basis of the quantity (number of acres), quality (soil type and agricultural productivity), and, for Farmland Security Zone Contracts, location (proximity to a city) of land enrolled.