



**Resource Management
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: October 30, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: 559-624-7000

SUBJECT: Partial Non-Renewal Nos. PNR 08-023, 08-031, 09-013, 09-016, 09-017, and 10-011 of Agricultural Preserve Contracts and Land Conservation Contract Amendments

REQUEST(S):
That the Board of Supervisors:

1. Authorize the filing of a Notice of Partial Non-Renewals for the following Land Conservation Contracts, as provided in the Williamson Act. The request fulfills a condition resulting from two (2) Tentative Parcel Maps, three (3) Lot Line Adjustments, and one (1) Site Plan Review:

PNR 08-031 – Williamson Act Contract No. 4842, Ag Preserve No. 1584, located on the northwest corner of the intersection of Road 36 and Avenue 396, east of Kingsburg (APN 028-070-057, and 028-070-058), (Brook R. and Tara Paulsen) (1.24 acres to be non-renewed as a condition of Tentative Parcel Map No. PPM 08-063) (17.65 acres subject to contract amendment).

PNR 10-011 – Williamson Act Contract No. 7101, Ag Preserve No. 1754, located on the east side of Road 168, approximately 1,500 feet north of Avenue 308, east of Visalia (APN 111-020-014 and 111-020-015), (Florence Watts Johnston) (Trust, Separate Property), Florence Watts Johnston and James F. Simons) (1.02 acre home-site to be non-renewed as a condition of Tentative Parcel Map PPM 09-054) (34.34 acres subject to contract amendment).

PNR 08-023 – Williamson Act Contract No. 3270, Ag Preserve No. 0542,

SUBJECT: Partial Non-Renewal Nos. PNR 08-023, 08-031, 09-013, 09-016, 09-017, and 10-011 of Agricultural Preserve Contracts and Land Conservation Contract Amendments

DATE: October 30, 2018

located on the southwest corner of the intersection of Avenue 264 and Road 176 approximately 1.83 miles southwest of Exeter (APN 153-100-014 and 153-100-018), (Keith B. and Michele Lee Tharp, and Barbara J. Tharp) (1.26 acres to be non-renewed as a condition of Lot Line Adjustment No. PLA 08-023) (23.89 acres subject to contract amendment).

PNR 09-016 – Williamson Act Contract No. 14573, Ag Preserve No. 4089, located on the east side of Road 56 approximately 950 feet south of Avenue 416, east of Dinuba (APN 012-230-052 and 012-230-053), (Leonard E. and Rose Hughes, and Smittcamp AG. Enterprises Series DL) (0.36 acres to be non-renewed as a condition of Lot Line Adjustment No. PLA 09-008) (10.78 acres subject to contract amendment).

PNR 09-017 – Williamson Act Contract No. 14572, Ag Preserve No. 4089, located on the east side of Road 56 approximately 750 feet south of Avenue 416, east of Dinuba (APN 012-230-052 and 012-230-053), (Leonard E. and Rose Hughes, and Smittcamp AG. Enterprises Series DL) (1.13 acres to be non-renewed as a condition of Lot Line Adjustment No. PLA 09-008) (4.06 acres subject to contract amendment).

PNR 09-013 – Williamson Act Contract No. 2623, Ag Preserve No. 0080, located approximately 1,600 feet east of Powell, between Palm and Fritz in the Lindcove Reality Company Subdivision, north of Exeter (APN 115-110-040), (Joan I. Ayers) (6.14 acres to be non-renewed as a condition of Final Site Plan PSR 06-004).

2. Approve the execution of the amendments to the Land Conservation Contracts as conditions of approval for the aforementioned Partial Non-Renewals; and
3. Authorize the Chairman to sign the amendments to the Williamson Act Contracts.

SUMMARY:

Six (6) Notices of Partial Non-Renewal of Williamson Act Contracts and Contract Amendments to the Land Conservation Contracts have been received pursuant to Government Code Section 51245 (Williamson Act). The notices of partial non-renewals were filed to meet conditions of approval for two (2) Tentative Parcel Maps, three (3) Lot Line Adjustments, and one (1) Final Site Plan. The non-renewal notices will affect 11.15 acres. The amended Land Conservation Contracts will affect a total of 90.72 acres.

On February 10, 2009, your Board adopted policy (Resolution No. 2009-0091) applicable to actions involving Williamson Act Contracts occurring after July 22, 2008, including Partial Non-Renewals that require that when taking the above actions, the Williamson Act contract will be amended to include language giving the

SUBJECT: Partial Non-Renewal Nos. PNR 08-023, 08-031, 09-013, 09-016, 09-017, and 10-011 of Agricultural Preserve Contracts and Land Conservation Contract Amendments

DATE: October 30, 2018

Board authority to unilaterally declare the contract terminated, as null and void should the State of California fail to pay subvention funds off-setting property tax loss as required by the Open Space Subvention Act and language suggested from the County of Humboldt vs. McKee case (165 Cal. App. 4th 1476 (CA 1st Dist. 2008)) requiring compliance with new land use regulations and policies upon the annual renewal of existing contracts. Your Board required the new provision for termination to be implemented for alterations to Land Conservation Contracts, including Partial Non-Renewal applications, submitted after July 22, 2008.

The above-referenced Notice of Partial Non-Renewals was submitted after July 22, 2008, and are subject to the requirements for an amended contract.

FISCAL IMPACT/FINANCING:

In 2011 approval of Senate Bill 80 (Chapter 11, Statutes of 2011) eliminated all state subvention payments to eligible counties and cities. Therefore, the current impact to the General Fund will be a decrease of \$0 in annual State subvention revenue from the removal of 11.15 acres of Williamson Act contracted lands. However, increased property taxes on contracts in Non-Renewal will increase revenue to the County.

The Non-Renewal process typically takes ten years for the Land Conservation Contract to end. Property assessments and tax revenue increase incrementally during Non-Renewal and reach full market value when the property completes Non-Renewal. The County General Fund receives only sixteen percent (16%) of total property tax revenue charged to a property.

With the passage of AB 1265 in 2011, if counties receive less than one-half of their foregone General Fund property tax revenue from the State Open Space Subvention Program, they are authorized to implement a new provision of the Williamson Act to allow contracts to be shortened from ten years to nine years. The policies of AB 1265 were implemented by the Tulare County Board of Supervisors Res. No. 2010-0926.

In addition, pursuant to Government Code Section 51244, the County will be authorized to recapture 10% of the participating landowners' property tax savings. The applicants pay the filing fees to process the partial Non-Renewal application. There are six PNR applications, two of each has a flat filing fee of \$368, two of each has a flat fee of \$363, and two of each has a flat fee of \$163 for a total of \$1,788 for the applications submitted. Applications for Land Conservation Contract Amendments without Partial Non-Renewals are not currently charged a filing fee. There is currently no applicant fee for staff time involved in preparing amended Williamson Act Contracts.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the economic well being initiative to

SUBJECT: Partial Non-Renewal Nos. PNR 08-023, 08-031, 09-013, 09-016, 09-017, and 10-011 of Agricultural Preserve Contracts and Land Conservation Contract Amendments

DATE: October 30, 2018

promote economic development opportunities and effective growth management. The approval of the partial non-renewal would allow for the reorganization and separation of home sites from agricultural portions of the identified parcels.

ADMINISTRATIVE SIGN-OFF:



Michael Washam
Associate Director



Reed Schenke, P.E.
Director

cc: County Administrative Office

Attachment(s) Related Documents and Amended Contracts for each of the following:

1. PNR 08-031 – Paulsen
2. PNR 10-011 – Johnston/Simons
3. PNR 08-023 – Tharp
4. PNR 09-016 – Hughes and Smittcamp AG. Enterprises DL
5. PNR 09-017 – Hughes and Smittcamp AG. Enterprises DL
6. PNR 09-013 – Ayers

BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF PARTIAL NON-RENEWAL NOS. PNR 08-023, 08-031, 09-013, 09-016, 09-017, AND 10-011 OF AGRICULTURAL PRESERVE CONTRACTS AND LAND CONSERVATION CONTRACT AMENDMENTS)
) Resolution No. _____
)
)
)
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____, BY THE FOLLOWING VOTE:

AYES:
 NOES:
 ABSTAIN:
 ABSENT:

ATTEST: JASON T. BRITT
 COUNTY ADMINISTRATIVE OFFICER/
 CLERK, BOARD OF SUPERVISORS

BY: _____
 Deputy Clerk

* * * * *

1. Authorized the filing of a Notice of Partial Non-Renewals for the following Land Conservation Contracts, as provided in the Williamson Act. The request fulfills a condition resulting from one (1) Tentative Parcel Map and three (3) Lot Line Adjustments:

PNR 08-031 – Williamson Act Contract No. 4842, Ag Preserve No. 1584, located on the northwest corner of the intersection of Road 36 and Avenue 396, east of Kingsburg (APN 028-070-057, and 028-070-058), (Brook R. and Tara Paulsen) (1.24 acres to be non-renewed as a condition of Tentative Parcel Map No. PPM 08-063) (17.65 acres subject to contract amendment).

PNR 10-011 – Williamson Act Contract No. 7101, Ag Preserve No. 1754, located on the east side of Road 168, approximately 1,500 feet north of Avenue 308, east of Visalia (APN 111-020-014 and 111-020-015), (Florence Watts Johnston (Trust,

Separate Property), Florence Watts Johnston and James F. Simons) (1.02 acre home-site to be non-renewed as a condition of Tentative Parcel Map PPM 09-054) (34.34 acres subject to contract amendment).

PNR 08-023 – Williamson Act Contract No. 3270, Ag Preserve No. 0542, located on the southwest corner of the intersection of Avenue 264 and Road 176 approximately 1.83 miles southwest of Exeter (APN 153-100-014 and 153-100-018), (Keith B. and Michele Lee Tharp, and Barbara J. Tharp) (1.26 acres to be non-renewed as a condition of Lot Line Adjustment No. PLA 08-023) (23.89 acres subject to contract amendment).

PNR 09-016 – Williamson Act Contract No. 14573, Ag Preserve No. 4089, located on the east side of Road 56 approximately 950 feet south of Avenue 416, east of Dinuba (APN 012-230-052 and 012-230-053), (Leonard E. and Rose Hughes, and Smittcamp AG. Enterprises Series DL) (0.36 acres to be non-renewed as a condition of Lot Line Adjustment No. PLA 09-008) (10.78 acres subject to contract amendment).

PNR 09-017 – Williamson Act Contract No. 14572, Ag Preserve No. 4089, located on the east side of Road 56 approximately 750 feet south of Avenue 416, east of Dinuba (APN 012-230-052 and 012-230-053), (Leonard E. and Rose Hughes, and Smittcamp AG. Enterprises Series DL) (1.13 acres to be non-renewed as a condition of Lot Line Adjustment No. PLA 09-008) (4.06 acres subject to contract amendment).

PNR 09-013 – Williamson Act Contract No. 2623, Ag Preserve No. 0080, located approximately 1,600 feet east of Powell, between Palm and Fritz in the Lindcove Reality Company Subdivision, north of Exeter (APN 115-110-040), (Joan I. Ayers) (6.14 acres to be non-renewed as a condition of Final Site Plan PSR 06-004).

2. Approved the execution of the amendments to the Land Conservation Contracts as conditions of approval for the aforementioned Partial Non-Renewals; and
3. Authorized the Chairman to sign the amendments to the Williamson Act Contracts.