



**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 05-024, 09-008, 09-011, and 09-022 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 one (1) Tentative Parcel Map and three (3) Lot Line Adjustments:

PNR 09-008 – Williamson Act Contract No. 15656, Ag Preserve No. 2180, located on the east side of Road 48 approximately 780 feet north of the intersection of Avenue 424 and Road 48, northeast of Dinuba (APN 012-140-039, and 012-140-040), (Wawona Packing Co. LLC, and Norma Razo) (2.0 acres to be non-renewed as a condition of Tentative Parcel Map No. PPM 05-025) (16.69 acres subject to contract amendment).

PNR 05-024 – Williamson Act Contract No. 4933, Ag Preserve No. 1540, located on the northeast corner of Avenue 400 (State Rt. 201 and Road 172, east of Seville (APN 036-130-011 and 036-130-012), (Nancy Cardenas, Mary E. Meling Family LTD Partnership, and Gladys E. Meling Family LTD Partnership) (1.0 acre home-site to be non-renewed as a condition of Lot Line Adjustment No. PLA 05-055) (16.24 acres subject to contract amendment).

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PNR 09-011 – Williamson Act Contract No. 7376, Ag Preserve No. 2320, located on the northeast corner of the intersection of Avenue 228 and Road 148 approximately 3.25 miles east of Tulare (APN 195-070-049 and 195-070-050), (Joseph P. and Tawni L. Fernandes) (0.37 acres to be non-renewed as a condition of Lot Line Adjustment No. PLA 08-006) (38.3 acres subject to contract amendment).

PNR 09-022 – Williamson Act Contract No. 5851, Ag Preserve No. 2076, located on the northwest corner of Avenue 328 and Road 164 approximately 1,400 feet east of Ivanhoe (APN 108-070-040 and 108-070-041), (Robert Hardin) (1.49 acres to be non-renewed as a condition of Lot Line Adjustment No. PLA 09-016) (29.02 acres subject to contract amendment).

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:

Four (4) 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 partial notices of non-renewal were filed to meet conditions of approval for one (1) Tentative Parcel Map and three (3) Lot Line Adjustment. The non-renewal notices will affect 4.86 acres. The amended Land Conservation Contracts will affect a total of 100.25 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 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

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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 4.86 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. Three of the PNR applications, each has a flat filing fee of \$363 and one has a flat fee of \$50 for a total of \$1,139 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.

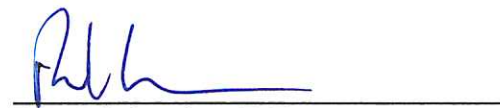
LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

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

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

1. PNR 09-008 – Wawona Packing Co., LLC/Razo
2. PNR 05-024 – Cardenas/Mary E. Meling LTD Family Partnership, and Gladys E. Meling Family LTD Partnerships
3. PNR 09-011 – Fernandes
4. PNR 09-022 - Hardin

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

IN THE MATTER OF PARTIAL NON-RENEWAL NOS. PNR 05-024, 09-008, 09-011, AND 09-022 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

* * * * *

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