



# Resource Management Agency COUNTY OF TULARE AGENDA ITEM

## BOARD OF SUPERVISORS

ALLEN ISHIDA  
District One

PETE VANDER POEL  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** April 2, 2013

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"/>
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 type="checkbox"/>	N/A <input checked="" type="checkbox"/>

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

**SUBJECT:** Authorize Partial Non-Renewal of Agricultural Preserve Contracts and Approve Land Conservation Contract Amendments

**REQUEST(S):**

Request that the Board of Supervisors:

- 1) Authorize the filing of Notices of Partial Non-Renewal for the following three (3) Land Conservation Contracts as provided in the Williamson Act. Three of the requests fulfill conditions resulting from the creation of three parcel maps:

PNR 08-025 - Williamson Act Contract No. 9139, Ag Preserve No. 3180, located on Avenue 180 southeast of Tulare (Antonio Simoes and Maria Simoes) (1.49 acres from 39.77 acres to be non-renewed as a condition of PPM 08-047) (39.77 acres in two parcels subject to contract amendment).

PNR 08-028 - Williamson Act Contract No. 5612, Ag Preserve No. 1964, located at Avenue 392 south of Dinuba (Elvin L. Goertz, Clarice B. Goertz, and Ralph C. Levin) (1.01 acres from 37.37 acres non-renewed as a condition of PPM 08-001) (37.37 acres in two parcels subject to contract amendment).

PNR 08-041 - Williamson Act Contract No. 9593, Ag Preserve No. 3292, located on Road 80 south of Dinuba (Joseph H. Peacock and Lynda S. Peacock) (1.81 acres from 39.24 acres non-renewed as a condition of PPM 07-124) (39.24 acres in two parcels subject to contract amendment).

**SUBJECT:** Authorize Partial Nonrenewal of Agricultural Preserve Contracts and  
**DATE:** Approve Land Conservation Contract Amendments  
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- 2) Approve the execution of amendments to the Land Conservation Contracts as a condition of approval for the aforementioned partial non-renewals; and
- 3) Authorize the Chairman to sign the amendments to the Williamson Act Contracts.

**SUMMARY:**

The three (3) Notices of Partial Non-Renewal of Williamson Act Contracts have been received pursuant to Government Code Section 51245 (Williamson Act). Three notices were filed to meet conditions of approval for parcel maps. The notices will affect a total of 6.31 acres. The amended Land Conservation Contracts will affect a total of 473.18 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. 4<sup>th</sup> 1476 (CA 1<sup>st</sup> 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.

Three of the above-listed Partial Non-Renewals were 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 6.31 acres of Williamson Act contracted lands. However, increased property taxes on contracts in nonrenewals 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 nonrenewal and reach full market value when the property completes nonrenewal. The County General Fund receives only sixteen percent (16%) of total property tax revenue charged to a property.

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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 the County will be authorized to recapture 10% of the participating landowners' property tax savings. This legislation is authorized from January 1, 2011 through January 1, 2016 (Government Code Section 51244). The applicant pays the filing fees to process the partial non-renewal applications. The applications for one of the PNRs had a flat filing fee of \$363, while two older applications had a filing fee of \$163, totaling \$689 for the 3 applications submitted.

**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-renewals would allow for the reorganization and separation of home sites from agricultural portions of the identified parcels.

**ADMINISTRATIVE SIGN-OFF:**

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Michael C. Spata  
RMA Assistant Director, Planning

cc: Auditor-Controller  
County Counsel  
County Administrative Office (2)

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

1. PNR 08-025 (Simoes)
2. PNR 08-028 (Goertz)
3. PNR 08-041 (Peacock)

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

IN THE MATTER OF AUTHORIZING )  
PARTIAL NONRENEWAL OF ) Resolution No. \_\_\_\_\_  
AGRICULTURAL PRESERVE CONTRACTS )  
AND APPROVE LAND CONSERVATION ) Agreement No. \_\_\_\_\_  
CONTRACT AMENDMENTS )  
)

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: JEAN M. ROUSSEAU  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

That the Board of Supervisors:

- 1) Authorized the filing of Notices of Partial Non-Renewal for three (3) Land Conservation Contracts as provided in the Williamson Act. Three of the requests fulfill conditions resulting from the creation of three parcel maps; and
- 2) Approved the execution of amendments to the Land Conservation Contracts as a condition of approval for partial nonrenewal; and
- 3) Authorized the Chairman to sign the amendments to the following Williamson Act Contracts:

PNR 08-025 - Williamson Act Contract No. 9139, Ag Preserve No. 3180, located on Avenue 180 southeast of Tulare (Antonio Simoes and Maria Simoes) (1.49 acres from 39.77 acres to be non-renewed as a condition of PPM 08-047) (39.77 acres in two parcels subject to contract amendment).

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