



**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: September 17, 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: Partial Non-Renewal of Agricultural Preserve Contract and Land Conservation Contract Amendment

REQUEST(S):

Request that the Board of Supervisors:

- 1) Authorize the filing of a Notice of Partial Non-Renewal for the following Land Conservation Contract as provided in the Williamson Act. The request fulfills conditions resulting from a lot line adjustment:

PNR 13-017 - Williamson Act Contract No. 2786, Ag Preserve No. 321, located at 1876 West Waddell, Lindsay, CA 93247 (LaWanda J. Wollenman) (1.43 acres from 20.02 acres to be non-renewed as a condition of PLA 13-020) (20.02 acres in two parcels subject to contract amendment).

- 2) Approve the execution of amendments to the Land Conservation Contract as a condition of approval for the aforementioned partial non-renewals; and
- 3) Authorize the Chairman to sign the amendment to the Williamson Act Contract.

SUMMARY:

The Notice of Partial Non-Renewal of Williamson Act Contract has been received pursuant to Government Code Section 51245 (Williamson Act). The notice was filed to meet conditions of approval for a lot line adjustment. The notice will affect a total of 1.43 acres. The amended Land Conservation Contract will affect a total of

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DATE: September 17, 2013

20.02 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-listed Partial Non-Renewal was submitted after July 22, 2008 and is 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 1.43 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.

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 application for the PNRs has a flat filing fee of \$373.

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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:


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 13-017 (Wollenman)

IN THE MATTER OF AUTHORIZING)
PARTIAL NON-RENEWAL OF AGRI-) Resolution No. _____
CULTURAL PRESERVE CONTRACT AND)
LAND CONSERVATION CONTRACT)
AMENDMENT)

1. Authorized the filing of a Notice of Partial Non-Renewal for the following Land Conservation Contract as provided in the Williamson Act. The request fulfills conditions resulting from a lot line adjustment:

PNR 13-017 - Williamson Act Contract No. 2786, Ag Preserve No. 321, located at 1876 West Waddell, Lindsay, CA 93247 (LaWanda J. Wollenman) (1.43 acres from 20.02 acres to be non-renewed as a condition of PLA 13-020) (20.02 acres in two parcels subject to contract amendment).
2. Approved the execution of amendments to the Land Conservation Contract as a condition of approval for the aforementioned partial non-renewals; and
3. Authorized the Chairman to sign the amendment to the Williamson Act Contract.

PNR 13-017

RECORDING REQUESTED BY and
WHEN RECORDED RETURN TO:

Clerk, Board of Supervisors
2800 West Burrel Avenue
Visalia, CA 93291-4582

(No Recording Fee, Per Govt. Code Section 6103)

SPACE ABOVE FOR RECORDER'S USE ONLY

NOTICE OF PARTIAL NON-RENEWAL OF LAND CONSERVATION CONTRACT

[DIRECTIONS: Provide the information requested on Page 1, with all property owners' signatures Notarized; include the legal description of the subject contracted parcel(s) under "Exhibit A" on Page 3; and attach a copy of the most recent Deed for the parcel(s). Return the completed application form and deed to the Tulare County Resource Management Agency (RMA), Permit Center, 5961 S. Mooney Blvd, Visalia, CA 93277, along with the current Filing Fee.]

This is to notify the County of Tulare that a portion of the (Williamson Act Agricultural Preserve) Land Conservation Contract on the property herein described will not be renewed as of January 1, 2014. The legal description of the portion for which the Land Conservation Contract will not be renewed is included as "Exhibit A". I/we understand that this notice of partial nonrenewal cannot become effective unless and until the Board of Supervisors authorizes its service under California Government Code Section 51245.

Assessor's Parcel No(s). _____ (Portion)

Acreage Size: 1.43 acres If applicable: Condition of Approval of Planning Project No. PLA 13 - 020

By execution hereof, the undersigned parties declare under penalty of perjury that he/she/they constitute and are all of the fee title owners of the property described herein, and are, or are the successors-in-interest of, the owners of such property who entered into the Land Conservation Contract.

Name, mailing address, and phone number of each current owner of subject property: (please type or print)

LaWanda J. Wollenman

559-562-6394

1876 West Waddell, Lindsay, CA 93247

Signature of each current owner: (witnessed by below-named Notary Public)

LaWanda J. Wollenman

STATE OF CALIFORNIA, COUNTY OF Tulare) S. S.

On June 26, 2013 before me, Patsy L. Anderson a Notary Public in and for said County and State, personally appeared (printed names):

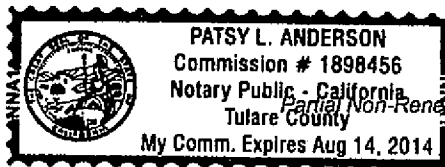
LaWanda Wollenman

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature
Page 3 of 5

Patsy L. Anderson



Partial Non-Renewal April 2013

PNR 13-017

NOTE to Applicants: This form can be used to Nonrenew only one Land Conservation Contract. If your application involves more than one Assessor's Parcel Number (APN) and said APNs are under different contracts (or are under different vestings/ownerships), then you must file separate Nonrenewal applications for each contract or vesting. Please contact RMA staff at 559-624-7000 for verification if more than one APN is applied for.

(Below For Official Use Only)

The County of Tulare RMA, Countywide Planning Division, has advised the Clerk of the Board of Supervisors that the foregoing Notice of Non-Renewal applies to a portion of property as described by "Exhibit A" under the following Land Conservation Contract:

Agricultural Preserve No. 321

Land Conservation Contract No. 2786

Recorded on (Date) Feb. 27, 1969 as Document No. 1969-7376

Name(s) of Original/Contract Owner(s) William J. Wollenman and Lucinda J. Wollenman

The Tulare County Board of Supervisors authorized and accepted service of the foregoing Notice of Partial Nonrenewal on _____ by Resolution No. _____

Dated: _____

Deputy Clerk of the Board of Supervisors of the County of Tulare

STATE OF CALIFORNIA)

COUNTY OF TULARE)

On _____ before me, a Deputy Clerk _____ of the Board of Supervisors of the County of Tulare, appeared _____ who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness by hand and official seal.

Clerk of the Board of Supervisors
County of Tulare, pursuant to the
Authority of Civil Code
Sections 1181 and 1184.

Signature: _____
Deputy Clerk

COPIES SENT TO:

RMA, Countywide Planning Division
County Assessor - 2
State Dept. of Conservation

DATE: _____

"Exhibit A"

Legal Description of land affected by this Notice of Partial Nonrenewal of Land Conservation Contract

PARCEL 2

That portion of Lot 8 of the Plat of the Garden of Lindsay as recorded December 05, 1905 in Volume 7 of Maps, at Page 23, Tulare County records, and a portion of the abandoned Magnolia Avenue described as follows:

Beginning at the northeast corner of Lot 8 of the Plat of the Garden of Lindsay, as recorded December 05, 1905, in Volume 7 of Maps at Page 23, Tulare County records; Thence, North 87° 47' 17" West, 235.93 feet, along the North line of said Lot 8; Thence, South 00° 00' 00" West, 119.70 feet; Thence, South 46° 20' 01" West, 33.44 feet; Thence, South 00° 00' 00" West, 90.58 feet; Thence, South 87° 47' 17" East, 260.33 feet, to the East line of said Lot 8; Thence, North 00° 02' 54" West, 234.31 feet, along the East line of said Lot 8 to the Point of Beginning; along with the North 234.31 feet of the western half (20.00 feet) of Magnolia Avenue lying between Lots 7 & 8 of said Plat of the Garden of Lindsay as abandoned by Order of Tulare County Board of Supervisors, recorded in Book 6 of Miscellaneous Records, at Page 332, Tulare County records.

Containing 1.43 acres, more or less.

1 RECORDING REQUESTED BY and
2 WHEN RECORDED RETURN TO:

3
4 Clerk, Board of Supervisors
5 2800 West Burrel Avenue
6 Visalia, CA 93291-4582
7 (No Recording Fee, Per Govt
8 Code Section 6103)
9

10
11 AG PRESERVE NO. 321
12 RESOLUTION NO. 69-241

Area for Recorder's Use Only

13
14 AMENDMENT
15 TO
16 LAND CONSERVATION CONTRACT NO. 2786
17 RECORDED ON 02/27/1969 AS DOCUMENT NO. 1969-7376
18
19

20 THIS AMENDMENT TO LAND CONSERVATION CONTRACT HEREBY
21 REFERRED TO AS AGREEMENT NO. 2786A, RESOLUTION NO. _____,
22 is made and entered into as a result of a Lot Line Adjustment Application for APN No(s).
23 199-160-001 and 199-160-002, as of this _____ day of
24 _____, 20____, by and between LaWanda Jean Wollenman,
25 Trustee of the William J. Wollenman Bypass Trust (under the Trust agreement dated June
26 4, 1981) hereinafter referred to as the "Owner", and the COUNTY of TULARE,
27 hereinafter referred to as the "County";

28
29 WITNESSETH
30

31 WHEREAS, the Owner owns real property in the County of Tulare, State of
32 California, under Land Conservation Contract No. 2786 hereinafter referred to as
33 "Subject Property", which is described for A.P.N. No(s). 199-160-001 and 199-160-002
34 with legal description as described in Exhibit A and illustrated in Exhibit B.

1 WHEREAS this contract amendment applies only to the owners of the Subject
2 Property: A.P.N. No(s). 199-160-001 and 199-160-002;

3 WHEREAS, the original Land Conservation Contract was entered into pursuant
4 to the Williamson Act (Government Code, Section 51200, et seq.) and constitutes an
5 enforceable restriction under the provisions of Section 421 et seq. of the State Revenue
6 and Taxation Code;

7 WHEREAS, the Owner has applied for a Partial Nonrenewal of said Land
8 Conservation Contract Number 2786 in regards to all or a portion the Subject Property
9 APN # 199-160-001 and 199-160-002 to satisfy the conditions set forth as a Condition of
10 Approval of Project Number (if applicable) PLA 13-020 owner's application for a Lot
11 Line Adjustment.

12 WHEREAS, the County in consideration for granting the Lot Line Adjustment,
13 desires to amend Land Conservation Contract Number 2786 in regards to the land owned
14 by Owner to include a provision which states that the original contract and that portion
15 subject to the project, will continue to be in full force and effect, subject to the express
16 condition that funds be annually appropriated by the State of California, and that annual
17 payments continue to be made to the County by the State Controller, under the provisions
18 of the Open Space Subvention Act (California Government Code section 16140, et. seq.),
19 and that if said funds are not appropriated or dispersed the County may terminate the
20 Contract in regards to the land owned by Owner and declare it null and void.

21 WHEREAS, this amendment does not change any of the terms and conditions of
22 the original Land Conservation Contract other than those stated herein.

23 NOW, THEREFORE, IT IS AGREED as follows:

1 1. This Amendment to Land Conservation Contract Number 2786 is entered
2 into pursuant to the Williamson Act and all of the provisions of said Act, including any
3 amendments hereafter enacted, are hereby incorporated by reference and made a part of
4 this Contract as if fully set forth herein.

5 2. The Board of Supervisors of the County may from time to time during the
6 term of the Contract and any renewals thereof, by resolution or ordinance, add to the
7 permissible uses of the Subject Property listed in the Resolution establishing the
8 Preserve. However, the Board of Supervisors may not during the terms of the Contract
9 and any renewals thereof eliminate any of the permitted uses for the Subject Property, as
10 set forth in said Resolution or Ordinance, without the prior written consent of the Owner.

11 3. Nothing in this Contract shall limit or supersede the planning, zoning, and
12 other police powers of the County, and the right of the County to exercise such powers
13 with regard to the Subject Property. All uses of and actions regarding the Subject
14 Property shall comply with all applicable local ordinances, regulations, resolutions and
15 state laws, as adopted or amended from time to time.

16 4. This Land Conservation Contract is made expressly conditioned upon the
17 State's continued compliance with the provisions of the Open Space Subvention Act. If
18 in any year the State fails to make any of the subvention payments to the County required
19 under the provision of the Open Space Subvention Act, then this Contract, at the option
20 of, and in the sole and absolute discretion of the County, may be terminated by the
21 County and declared null and void. The State's failure to make such payments may be
22 due to non-appropriation of funds by the Legislature, failure to disburse appropriated
23 funds, amendment or repeal of the applicable provisions of the Open Space Subvention

1 Act, or by any other cause whatsoever. The County may exercise its option to declare the
2 Contract null and void by delivering notice to the Department of Conservation, Division
3 of Land Resource Protection, Owner or successors or assigns, and by recording such
4 notice in the Official Records of Tulare County. This Amended Land Conservation
5 Contract No. 2786A, regarding land owned by Owner, shall terminate with no continuing
6 contractual rights of any kind; provided, however, that the owner may apply for a new
7 Land Conservation Contract or Farmland Security Zone Contract as otherwise may be
8 provided by law.

9 5. Any notices required to be given to the County under this Amendment to
10 Land Conservation Contract shall be delivered to the Clerk of the Board of Supervisors of
11 the County, and any notices to be given to the Owner shall be mailed to the following
12 name(s) and address(es):

13 Name, mailing address, and phone number of each current owner of subject property:
14 (please type or print)

15
16 Lalwanda Wallenman 1876 W. Waddell ; Lindsay 93247
559-562-6394
17 _____
18 _____
19 _____
20 _____

21
22 * * *
23
24

25 **By execution hereof, the undersigned parties declare under penalty of perjury that**
26 **he/she/they constitute and are all of the fee title owners of the Subject Property**
27 **described herein, and are, or are the successors-in-interest of, the owners of such**
28 **property who entered into the Land Conservation Contract.**

1 IN WITNESS WHEREOF, the parties have executed this Contract (signature of
2 each current owner, witnessed by below-named Notary Public):
3

4 OWNER(S)

5
6 Laewanda Wollenman Laewanda Wollenman
7 (Print Name) (Signature)
8
9
10
11
12
13
14

15
16
17 STATE OF CALIFORNIA
18 COUNTY OF Tulare } s. s.
19

20 On July 23, 2013 before me,
21

22 Patsy L. Anderson a Notary Public
23 in and for said County and State, personally appeared (printed names) :
24

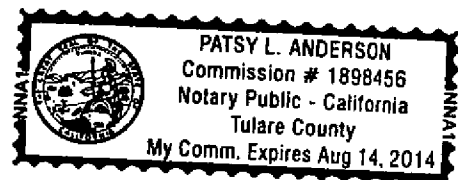
25 Laewanda Wollenman
26

27 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
28 is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~
29 executed the same in his/her/their authorized capacity(ies), and that by ~~his~~/her/~~their~~
30 signature(s) on the instrument the person(s), or the entity upon behalf of which the
31 person(s) acted, executed the instrument.

32 I certify under PENALTY OF PERJURY under the laws of the State of California that the
33 foregoing paragraph is true and correct.
34

35 WITNESS my hand and official seal

36 Signature Patsy L. Anderson
37



1 **COUNTY OF TULARE**

2
3
4 **BY: _____**
5 **Chairman, Board of Supervisors**

ATTEST: County Administrative Officer
Clerk, Board of Supervisors

6
7 **BY: _____**
8 **Deputy Clerk**

9
10
11
12
13 *** AREA TO BE COMPLETED BY BOARD'S NOTARY ***

14
15
16 **STATE OF CALIFORNIA)**
17 **) ss.**
18 **COUNTY OF TULARE)**

19
20 **On _____ before me, _____ a**
21 **Notary Public, and Deputy Clerk of the Board of Supervisors of the County of Tulare,**
22 **personally appeared _____ who proved to me on the**
23 **basis of satisfactory evidence to be the person whose name is subscribed to the within**
24 **instrument and acknowledged to me that he/she executed the same in his/her authorized**
25 **capacity, and that by his/her signature on the instrument the person, or the entity upon**
26 **behalf of which the person acted, executed the instrument.**

27
28 **I certify under PENALTY OF PERJURY under the laws of the State of California**
29 **that the foregoing paragraph is true and correct.**

30
31 **WITNESS my hand and official seal.**

32
33
34 **_____
35 Signature of Notary Public County and State**

36 **Attachment**
37
38
39



EXHIBIT "B"

Land in Amended Contract No. 2786A

PNR 13-017



Owner: WOLLENMAN LAWANDA J (TR W J W BYPAS
Address: 1876 W WADDELL
City, State ZIP: LINDSAY CA 93247

300 0 300 600 900 Feet

Supervisory District #1

Assessors Parcel # 199160001, 199160002

