Williamson Act

Housing, Land Use, Environment and Transportation Committee

November 29, 2005
Topics

• Agricultural Preserve Map
• Guideline for Commercial Agricultural Use
• Guideline for Compatible Use Development
• Non-Renewal Procedures for Substandard Parcels
• Guideline for Monitoring and Enforcement
• Guideline for Open Space Easements
• Additional Staff Recommendations
• Statistical Breakdown of Williamson Act Parcels
• Hypothetical Examples
Guideline for Commercial Agriculture

• Evaluation criteria focus on four elements:
  1. Parcel Size
  2. % Coverage
  3. Income
  4. History

• State law presumes the minimum size needed to sustain an agricultural use is 10 acres prime land / 40 acres non-prime land
Guideline for Commercial Agriculture

Criteria:

Standard Prime and Non-Prime Land

- No minimum revenue requirement, but farm revenue in 3 of last 5 years must be demonstrated through tax documents

- At least 60% of property used for commercial agriculture
Guideline for Commercial Agriculture

Substandard Prime Land

• At least $3,500 annual gross revenue in 3 of last 5 years
• At least 75% of property used for commercial agriculture

Substandard Non-Prime Land

• At least $2,000 annual gross revenue in 3 of last 5 years
• At least 75% of property used for commercial agriculture
Guideline for Commercial Agriculture

All Parcels – Income Option

- Prime Land -- At least $1,000 in annual gross revenue per acre (based on total parcel acreage) or $10,000, whichever is greater

- Non-prime Land -- At least $250 in annual gross revenue per acre (based on total parcel acreage) or $10,000, whichever is greater

- For compatible use development, at least 50% of property must be used for commercial agriculture
Guideline for Commercial Agriculture

• “Farmable area”:
  – Includes all types of agricultural uses
  – Land coverage requirements reduced from 90% to 75% (substandard) and from 75% to 60% (standard)
  – “The Agricultural Commissioner may consider exceptions to the land coverage standards … when there are natural land features present, such as streams or rock outcroppings, which the owner demonstrates are not conducive to the commercial agricultural uses appropriate for the property.”

• Vineyards
  – Land coverage standard reduced
  – “Income Option” added
Guideline for Commercial Agriculture

• Fallow Land
  – “Crops lands temporarily fallowed or grazing lands temporarily unused through rotational grazing may be considered as being in agricultural production if the applicant demonstrates such practice is a typical and appropriate agricultural management strategy.”

• Seasonal Grazing
  – “For livestock production, land that is fenced and available for grazing will be considered as being in agricultural production, even though grazing may only occur on a seasonal basis.”
Guideline for Compatible Use

• Land proposed for development must be primarily in commercial agriculture

• Commercial agriculture must continue to be the primary use of the property

• When the “Income Option” is used to establish eligibility, at least 50% of the parcel must be in use for commercial agricultural production
Non-Renewal Procedures for Substandard Parcels

• Joint Management Agreement – intended to formalize an existing agricultural use and operational relationship on multiple adjacent parcels

• Eliminate prohibition on sale of substandard parcels subject to joint management agreements
Contract Monitoring/Enforcement

• **No Fee:**
  – Parcel audit process
  – Self-certification through annual questionnaire from Assessor’s Office

• **Cost recovery fees if:**
  – Failure to file annual questionnaire
  – Development is proposed
  – Request to exchange Williamson Contract for an Open Space Easement
  – Enforcement action
Open Space Easements

• State law allows owner to exchange Williamson Act contract for an Open Space Easement; no requirement for public access

• Proposed duration of contract is 15 years

• Proposed minimum acreage for exchange is 5 acres

• Board of Supervisors must make certain findings before approving exchange
Open Space

Three types of easements proposed (owner’s option):

1. No development
2. Residence limited to 1,000 square feet; no secondary dwellings
3. No restriction to size of dwelling

• Proposed development is subject to enhanced Design Review

• Proposed limit on development is 5% of parcel, not to exceed 5 acres
Open Space

- Sub-surface utilities exempted from the 5% maximum development limit
- Road, driveway and required turn-around serving the primary residence exempted from the 5% maximum development limit
Additional Recommendations

- Requests for interpretation of guidelines to be considered by a committee of staff

- Appeals of staff’s decisions to be decided by Director of Planning & Development, Agricultural Commissioner and Deputy County Counsel

- All interpretations and decisions to be included in a twice yearly report to the HLUET Committee
# Statistical Breakdown of Parcels

**APN’s – Incorporated and Unincorporated**

<table>
<thead>
<tr>
<th></th>
<th>Total APN’s</th>
<th>Non-Renewal</th>
<th>Non-Renewal w/ home site</th>
<th>Not in Non-Renewal</th>
<th>Not in Non-Renewal w/ home site</th>
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</thead>
<tbody>
<tr>
<td><strong>City</strong></td>
<td>164</td>
<td>4</td>
<td>3</td>
<td>160</td>
<td>58</td>
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<tr>
<td><strong>County</strong></td>
<td>2,977</td>
<td>72</td>
<td>28</td>
<td>2,905</td>
<td>983</td>
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<tr>
<td><strong>Total</strong></td>
<td>3,141</td>
<td>76</td>
<td>31</td>
<td>3,065</td>
<td>1,041</td>
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</tbody>
</table>
# Statistical Breakdown of Parcels

## APN’s – Unincorporated

<table>
<thead>
<tr>
<th>Acres</th>
<th>Total APN’s</th>
<th>Non-Renewal</th>
<th>Non-Renewal w / home site</th>
<th>Not in Non-Renewal</th>
<th>Not in Non-Renewal w / home site</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.01 - 4.99</td>
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<td>3</td>
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<td>144</td>
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<td>5.00 - 9.99</td>
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<tr>
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<td>16</td>
<td>4</td>
<td>1,271</td>
<td>264</td>
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<tr>
<td>Total</td>
<td>2,977</td>
<td>72</td>
<td>28</td>
<td>2,905</td>
<td>983</td>
</tr>
</tbody>
</table>
Hypothetical Examples

• **Example #1:** Property is less than 10 acres of prime land or less than 40 acres of non-prime land, no existing agricultural use, no development on parcel

• **Options:**
  – Non-renew Williamson Act contract
  – Transfer to Open Space Easement if property meets criteria
Hypothetical Examples

• **Example #2:** Property is less than 10 acres of prime land or less than 40 acres of non-prime land, no existing agricultural use, no existing development but owner wants to build a house

• **Options:**
  – Wait until end of non-renewal period, then submit for development
  – Transfer to Open Space Easement if parcel meets criteria
  – Establish commercial agriculture, then submit for development

*Note:* If crop not maintained throughout non-renewal period, enforcement action will be pursued
Hypothetical Examples

• **Example #3:** Property is less than 10 acres of prime land or less than 40 acres of non-prime land, owner wants to sell the property

• **Options:**
  – Assume responsibility for disclosure and proceed to market the property
  – Transfer to Open Space Easement if parcel meets criteria
  – **Note:** New owner is held to all contract requirements for the length of the non-renewal period
Hypothetical Examples

• **Example #4:** Property is less than 10 acres of prime land or less than 40 acres of non-prime land, owner receives non-renewal notice, but *has* existing agriculture on the property

• **Options:**
  – Submit documentation that the existing agriculture meets the criteria for commercial agriculture; County withdraws notice of non-renewal
  – Non-renew if the property does not meet the criteria for commercial agriculture
  – Transfer to Open Space Easement if parcel meets criteria
Hypothetical Examples

• **Example #5:** Property is less than 10 acres of prime land or less than 40 acres of non-prime land, some agriculture but does not meet the land coverage requirement nor the annual income requirement

• **Options:**
  – Non-renew
  – Transfer to Open Space Easement if parcel meets criteria
  – Cancellation may be possible
Hypothetical Examples

• **Example #6:** Property is 100 acres of non-prime land with no existing agriculture and no existing development

• **Options:**
  – Establish commercial agriculture or property is subject to non-renewal when audited by the County
  – Non-renew
  – Transfer to Open Space Easement if parcel meets criteria
Hypothetical Examples

- **Example #7:** Property is 20 acres of prime land with three acres in hay (less than 60% coverage)

- **Options:**
  - Increase agricultural use to meet the 60% coverage requirement for standard parcels or parcel is subject to non-renewal when audited by the County
  - Non-renew
  - Transfer to Open Space Easement if parcel meets criteria
Hypothetical Examples

• **Example #8:** Property is 40 acres of prime land with 20 acres planted in peaches (high income crop), less than 60% coverage

• **Options:**
  – Commercial agriculture criteria is met if revenue is at least $1,000 per acre; could propose development under this option since 50% coverage
  – If property does not meet the “Income Option”, could increase agricultural uses to meet the 60% coverage requirement for standard parcels
  – Non-renew
  – Transfer to Open Space Easement if parcel meets criteria
Hypothetical Examples

• **Example #9:** Property is 75 acres of non-prime land with 40 acres planted in hay (low income crop), less than 60% coverage, no development, several streams and rock outcroppings on parcel

• **Options:**
  – Increase agricultural uses to meet the 60% coverage requirement for standard parcels or property is subject to non-renewal when audited by the County
  – Request the County consider an exception to the 60% coverage requirement and present evidence that a portion of the land is not conducive to commercial agriculture
  – Non-renew
  – Transfer to Open Space Easement if parcel meets criteria
Hypothetical Examples

• **Example #10:** Property is 75 acres of non-prime land with 45 acres planted in hay (60% coverage), 15% of parcel is in existing compatible use development

• **Options:**
  - Property meets the criteria for commercial agriculture
  - Non-renew
  - *Note:* No additional or replacement development will be allowed unless existing development is reduced to a maximum 10% of parcel
Hypothetical Examples

• Example #11: Property is 20 acres of prime land with 2 acres planted in grapes and 12 acres developed with a home, barn, horse stables and arena. Annual revenue from grapes is $5,000. Annual revenue from horse-related uses is $6,000.

• Options:
  – Increase agricultural uses to meet the criteria for commercial agriculture
  – Non-renew
  – Cancellation (possible)
  – Note: Only revenue derived from commercial agricultural production may be used to meet income requirements
  – Note: No additional or replacement development will be allowed unless existing development is reduced to a maximum 10% of parcel