

March 27, 2006

Subject: **Administrative Policies and Guidelines for Land Conservation (Williamson Act) Contracts**

Dear Interested/Affected Party,

I am writing to advise you of several actions taken by the County of Santa Clara Board of Supervisors (Board) on March 14, 2006, concerning the County's Williamson Act Program. In addition, I'd like to invite you to attend the upcoming Board meeting on May 2, 2006, when additional Williamson Act Program elements will be addressed.

March 14, 2006 Board of Supervisors Actions

At its March 14, meeting, the Board approved the following guidelines governing the County's Williamson Act program:

1. "Guideline for Commercial Agricultural Use"
2. "Guideline for Compatible Use Development on Restricted Lands"
3. "Guideline for Procedures for County Non-renewal of Williamson Act Contracted Parcels Substandard in Size"
4. "Guideline for General Administration, Monitoring and Enforcement of Williamson Act Contracts and Open Space Easement Agreements"; and a
5. "Guideline for Policies Governing the Exchange of an Existing Williamson Act Contract for an Open Space Easement Agreement"

The Board also approved a three-tiered appeals process regarding Williamson Program policy and guideline interpretations, with the Board of Supervisors being the final (third level) appeal.

The adopted guidelines can be downloaded from the County Planning Department's website (www.sccplanning.org, scroll down to "Spotlight" and click on the "Williamson Act Updates" link). You can also access by going to www.sccgov.org/williamsonact.)

Additionally, the Board directed staff to use the adopted guidelines to administer new and existing County Williamson Act contracts, and to:

- Process discretionary permit applications under the June, 2005 Interim Program Guidelines, if they were deemed complete by March 14, 2006 and filed by existing Williamson Act contract holders;
- Prepare necessary Williamson Act and Open Space easement ordinances for Board consideration on May 2, 2006; and
- Provide all required noticing for adoption of the revised Agricultural Preserve Map, and to return to the Board for final Map adoption on May 2, 2006.

The Board directed staff to prepare an Open Space Easement (OSE) ordinance to provide an opportunity for property owners to exchange Williamson Act contracts for open space easements, subject to specific findings. The OSE's will provide the following:

- a 15-year term, automatically renewing annually for an additional year;
- a 5-acre minimum size;
- Development restrictions that preserve the natural or scenic character of the land, prohibiting subdivision but allowing single family residential and agricultural uses; and
- **Does not** require public use or public access to the open space.

Staff anticipates that property owners will be able to apply for an OSE early this summer. Each application will be considered on a case-by-case basis.

As a result of the Board's action, staff will initiate the non-renewal process for substandard sized Williamson Act properties (parcels less than 10 acres prime and 40 acres non-prime) this calendar year. **If your parcel is substandard in size, you will receive a Notice of Non-renewal from the County this year** (see Attachment 1 for further details).

Upcoming May 2, 2006 Board of Supervisors Meeting

As part of its regular agenda, on May 2, the Board will consider:

- Revisions to the County's Williamson Act Ordinance (primarily procedural in nature)
- Adoption of an Open Space Easement Ordinance
- Adoption of a County Agricultural Preserve Map.
- Extending the expiration date of valid Williamson Act contracted property Building Site Approvals to September 30, 2006.

The meeting is scheduled for 2:00 p.m. in the Board of Supervisors Chambers, 1st floor, County Government Center, 70 W. Hedding Street, San Jose. We encourage you to attend. *(To download relevant Agenda materials, go to www.sccgov.org, under the heading: "Connect with your Elected Officials," click on the following links: "Board Agendas," "May 2, 2006." Agenda materials will be available on Friday, April 28th).*

If you have additional questions, please feel free to contact the County staff members listed below:

Planning and Development Department

Re: Compatible Use Development, Non-renewal, Open Space Easements

Michael Lopez (408) 299-5772 or Mike.Lopez@pln.sccgov.org

Dana Peak (408) 299-5798 or Dana.Peak@pln.sccgov.org

Cherry Maurer (408) 299-5746 or Cherry.Maurer@pln.scc.gov

Assessor's Office

Re: Property Valuation

Frank Giordano - (408) 299-5350 or Frank.Giordano@asr.sccgov.org

Agricultural Commissioner's Office

Re: Commercial Agricultural Guidelines:

Greg Van Wassenhove – (408) 918-4600 or Greg.Van.Wassenhove@aem.sccgov.org

Kevin O'Day – (408) 465-2902 or Kevin.O'Day@aem.sccgov.org

Thank you for your attention.

Sincerely,

Valentin Alexeeff
 Planning and Development Director