

Williamson Act

Public Information Meeting

March 6, 2006

Topics

- **General Williamson Act Principles**
- **Agricultural Preserve Map**
- **Guideline for Commercial Agriculture**
- **Guideline for Compatible Use Development**
- **Non-Renewal Procedures – Substandard Parcels**
- **Open Space Easements**
- **General Administration, Monitoring & Enforcement**

General Principles

- **Contracted land must be devoted to commercial agriculture; compatible uses allowed if land is devoted to agriculture**
- **State law presumes prime land can sustain commercial agriculture if at least 10 acres, or 40 acres if non-prime land. Staff recommends that new contracts meet these minimum sizes.**
- **Prime / Non-prime land designation is based upon soil resource quality**

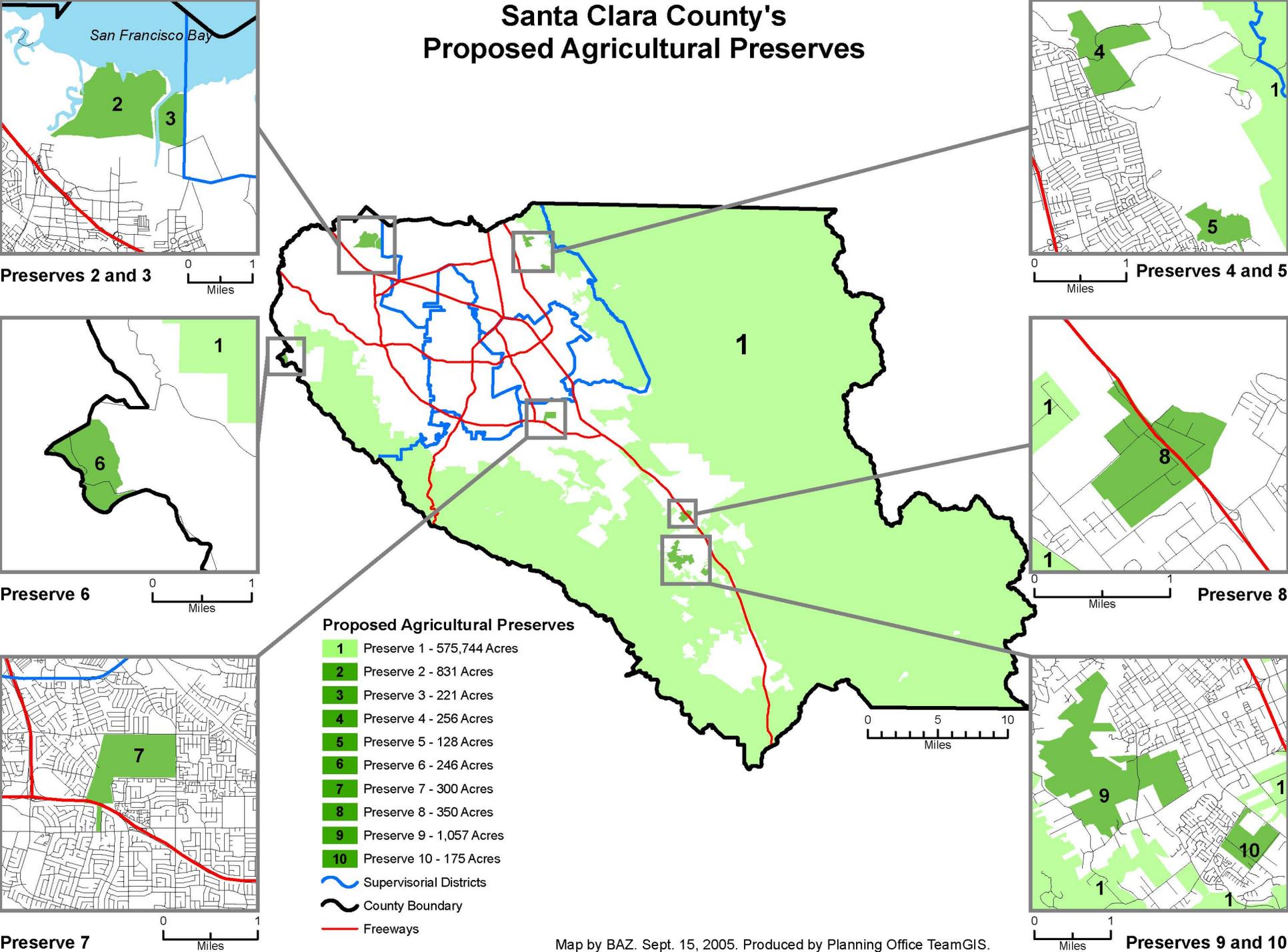
General Principles

- **Property is assessed at the lower of its (i) current market value, (ii) Williamson Act value for agricultural use, or (iii) Prop. 13 value**
- **Residences and other compatible uses are assessed at normal values (lower of current market value or Prop. 13 value)**
- **Contracts last for 10 years. May only be terminated through non-renewal (9-year phase out) or cancellation (strict findings, high fee).**

Agricultural Preserve Map

- **Preserves are at least 100 contiguous acres**
- **10 Preserves are proposed (1 large, 9 small)**
- **Zoning: AR, A, HS, and some RR parcels**
- **No harm to owners in Preserve that are not under contract**

Santa Clara County's Proposed Agricultural Preserves



Guideline for Commercial Agriculture

- **Agricultural commodities are unprocessed products of farms, ranches, production nurseries and forests.**
- **Contracted land must be devoted to the commercial production of agricultural commodities.**
- **Horse-related uses may be compatible (but not primary use of the property)**

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 (“Standard Parcels”)**

Guideline for Commercial Agriculture

Standard Parcels (Prime and Non-Prime)

- At least 60% of property used for commercial agriculture
- No minimum revenue requirement, but farm revenue in 3 of last 5 years must be validated by affidavit and substantiated with verifiable documents (i.e. tax records)

Guideline for Commercial Agriculture

Substandard Prime Land

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

Substandard Non-Prime Land

- At least 75% of property used for commercial agriculture
- At least \$2,000 annual gross revenue in 3 of last 5 years

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

Timber and Forest Products

- Property is at least 40 acres
- Property produces timber under:
 1. a Non-Industrial Timber Management Plan
 2. an active Timber Harvest Plan
 3. a Timber Harvest Plan filed and executed within the last 15 years.

Guideline for Compatible Use

- **Land proposed for development must be devoted to commercial agriculture**
- **Development must be both “compatible” and “incidental” to the agricultural use of the property; commercial agriculture must continue to be the primary use of the property**
- **Compatible uses are limited to 10% of the parcel, not to exceed 5 acres**

Guideline for Compatible Use

- **Compatible uses must comply with siting criteria (minimal grading, clustering, etc.)**
- **Properties using the “Income Option” must use at least 50% of the parcel for commercial agriculture**
- **Development restrictions apply during contract non-renewal**

Non-Renewal Procedures for Substandard Parcels

- **All substandard parcels will be non-renewed in 2006 (will take effect in 2007)**
- **Owner has 60 days to protest notice of non-renewal. County will withdraw notice if owner demonstrates land has commercial agriculture.**
- **During 9-year phase out, Act restrictions continue**

Non-Renewal Procedures

- **Substandard parcels used collectively for commercial agriculture may remain under contract if owners sign and record a joint management agreement**
- **Property taxes increase during non-renewal period in accordance with a formula established by State law**
- **Tax increases may be delayed for first 4 years if owner protests non-renewal**

Open Space Easements

- **State law allows owner to exchange Williamson Act contract for an Open Space Easement**
- **Definition of “open space” is very broad**
- **Land must be at least 5 acres and meet other findings. *Public access is not required.***
- **Easement must last at least 15 years and automatically renews for an additional year unless non-renewed**

Open Space

- **Three levels of easements proposed:**
 1. No development
 2. Development restricted to 1,000 sq.ft.
residence; no secondary dwellings
 3. Development restricted to 5% of property, not to exceed 5 acres
- **Tax benefit depends on how easement affects property value**
- **Williamson Act properties with no agriculture may qualify to transfer into Open Space and construct a residence**

General Administration, Monitoring & Enforcement

- **Enhanced public education and outreach. Ordinance to require disclosure as part of real estate transactions.**
- **Establishes process for interpretation of guidelines. Interpretation decisions may be appealed.**
- **Development proposals will trigger compliance review. No permits issued until all criteria met.**

General Administration, Monitoring & Enforcement

- **Staff to review all contracted lands at least once every three years to ensure compliance**
- **Increased follow-up on agricultural questionnaire mailed by Assessor**
- **Fees charged for transfers to Open Space Easement, development proposals, enforcement actions, monitoring substandard parcels, and for those failing to return Assessor's questionnaire**
- **Enforcement/penalties for “material breaches” under new state law**

Web Sites

- Planning Office:
<http://www.sccplanning.org>
- Santa Clara County:
<http://www.sccgov.org>
 - Scroll to “Connect with your Local Officials”
 - Click on “Board Agendas”
- California Department of Conservation:
<http://www.consrv.ca.gov/DLRP/lca/lrcc/2004.htm>

Williamson Act

Board of Supervisors Meeting

March 14, 2006

2 p.m.

***THANK YOU FOR
YOUR
PARTICIPATION!***