

EL DORADO COUNTY PLANNING DEPARTMENT

2850 Fairlane Court, Placerville, CA 95667

<http://www.co.el-dorado.ca.us/planning>

phone: (530) 621-5355 | fax: (530) 642-0508

AGRICULTURAL PRESERVES

HOW TO CANCEL

AUTHORITY: California Land Conservation Act of 1965, Article 5, Cancellation.

OPTIONS:

- 1) 10-year or 20-year roll-out
- 2) Immediate cancellation

OPTION 1 10-YEAR ROLL-OUT

HOW: Applicant files a notice of non-renewal with the Board of Supervisors and records the notice with the Recorder's Office (see attached example).

WHEN: Notice of non-renewal must be filed ninety (90) days prior to the anniversary date of the contract.

NOTE: Upon completion of the roll-out period, the zoning will remain "AE" (Exclusive Agricultural) until and unless a Zone Change application is filed with the Planning Department by the property owner.

OPTION 2 IMMEDIATE CANCELLATION

(NOTE: Does not apply to Farmland Security Zone Contracts)

1. Property owner files applications for immediate cancellation, Zone Change, and any other applicable development application with the Planning Department. The application must state the reasons for the cancellation and how the required findings, pursuant to California Government Code 51282, have been met. Those findings are as follows:

- a. The cancellation is consistent with the purpose of the Williamson Act:
 - i. Notice of non-renewal has been filed;
 - ii. Cancellation is not likely to remove adjacent lands from agricultural use;
 - iii. The proposed alternative use is consistent with the General Plan;
 - iv. It will not result in discontinuous patterns of urban development; and
 - v. There is no other proximate land which is suitable for the proposed use, or that it would provide more contiguous patterns of development than the development of proximate, non-contracted lands.

- OR -

- b. It is in the public interest:
 - i. Other public concerns outweigh the objectives of the Williamson Act; and
 - ii. There is no other proximate land which is suitable for the proposed use, or that it would provide more contiguous patterns of development than the development of proximate, non-contracted lands.

2. Planning Department distributes letter for comments and recommendations to Agricultural Commission and Assessor's Office.
3. Agricultural Commission reviews request for cancellation, General Plan Amendment, and other development application, and makes recommendations to Planning Commission.
4. Assessor's Office determines cash value of property as though the land is free from contractual restrictions and forwards report to Planning Department.
5. Planning Commission conducts public hearing and makes recommendation to Board of Supervisors.
6. Board of Supervisors conducts public hearing and will:
 - a. Approve or disapprove request for cancellation, General Plan Amendment and Zone Change (if disapproved, no further action);
 - b. If approved, Board of Supervisors advises applicant of amount of cancellation fees that must be paid prior to effective date of cancellation, General Plan Amendment and Zone Change.

**NOTICES OF NON-RENEWAL
FILED PURSUANT TO GOVERNMENT CODE SECTION 51245
(WILLIAMSON ACT CONTRACTS)**

The purpose of this informational sheet is to assist you with the preparation of a notice of non-renewal filed pursuant to the Williamson Act, Government Code Section 51245.

Williamson Act notices of non-renewal must be served upon the Board at least 90 days prior to the annual renewal date of the contract. The County Assessor has determined the annual renewal date of all contracts to be January 1st. Therefore, in order for the roll-out from the preserve to start by the upcoming year, the notice must be filed by October 1st. If the notice of non-renewal concerns only a portion of the land which is covered under the contract, a request must be made to the Board to allow such notice to be served (Government Code Section 51245). If the County allows such notice to be served, the County will then determine whether the remainder of the land subject to the Williamson Act Contract still qualifies for protection afforded by the Williamson Act. If it does not, a notice of non-renewal may be filed by the County on the remainder of the land under the contract. This may substantially affect your tax liabilities.

If the notice of non-renewal includes more than one property owner, each owner must sign the notice. The property involved in the non-renewal should be identified by Assessors Parcel Number and owner (see filing sheet).

You should include on your notice of non-renewal sufficient information to identify the land involved with the notice of non-renewal, including a legal description. The attached filing sheet will assist you with this information, but does not constitute a notice in and of itself. Please return this information sheet with your notice. It will be utilized by the County in analyzing the consequences of your notice.

**FILING SHEET TO ACCOMPANY
ALL NOTICES OF NON-RENEWAL
FILED PURSUANT TO GOVERNMENT CODE SECTION 51245
(WILLIAMSON ACT CONTRACTS)**

NOTE TO PROPERTY OWNER: Please fill out this form as completely as possible to assist the County in properly processing your notice of non-renewal. It does not constitute a notice of non-renewal, and you are still responsible for insuring that a notice of non-renewal, which complies with all statutory criteria, is served.

1. Agricultural preserve involved: _____

2. Date of Adoption by County of Williamson Act Contract to which this notice applies:
Date: _____ Resolution: _____

3. Recording information for contract:
Book _____ Page No. _____ Date: _____

4. Does your notice of non-renewal concern the entire agricultural preserve involved?
Yes _____ No _____

If no, please list all parcels and property owners within the agricultural preserve affected by this notice:

<u>APN</u>	<u>Owner</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Please note that all property owners affected by the notice of non-renewal must sign the notice.)

5. Please provide a copy of the legal description for each parcel affected by the notice.