



PLANNING DIVISION
COMMUNITY DEVELOPMENT SERVICES

COUNTY OF HUMBOLDT

3015 H STREET

EUREKA, CALIF. 95501-4484 PHONE (707) 445-7541

AGRICULTURAL PRESERVE PROGRAM ***OWNER-INITIATED NOTICE OF NON-RENEWAL INFORMATION & APPLICATION***

Land Conservation Contracts executed under the Land Conservation Act of 1965 (Williamson Act) are in effect for nine years from the anniversary date of the Contract. Contracts are automatically renewed for one additional year on each anniversary date of the contract. Therefore, the contract will be in effect indefinitely.

To terminate the automatic renewal of the contract, a Notice of Non-Renewal must be recorded with the County Recorder. Such Notice of Non-Renewal must be received by the Planning Division at least 90 days prior to the anniversary date, or the contract shall be considered renewed for one additional year. The information required in order to record the Notice of Non-Renewal is completed and submitted by the landowner(s) and returned to the Planning Division with the appropriate filing fee. Please refer to the attached pages for the required information.

This application will be reviewed for completion and correctness by the Planning Division before being recorded. Once the packet for Notice of Non-Renewal is filed with the Humboldt County Planning Division, the Department will review it within thirty (30) days of receipt to determine if it is complete and correct. Once the application for Notice of Non-Renewal is determined to be complete and correct, the Notice of Non-Renewal will be recorded within twenty (20) days by the Clerk of the Board of Supervisors pursuant to Section 51245 of the Government Code (or as soon thereafter as possible if the owner elects to non-renew only a portion of owner's land under contract –see below). Should the application be determined to be incomplete for processing, within thirty (30) days of receipt, our office will notify the applicant in writing of what additional information needs to be submitted in order to complete the application. A separate Notice of Non-Renewal is required for each individual Land Conservation Contract for which non-renewal is requested.

Once the Notice of Non-Renewal is recorded, the Land Conservation Contract to which it pertains will not be renewed. The annual tax assessments will gradually increase. Usually the greatest percentage increase occurs during the first year. At the end of the nine-year, non-renewal process, the contract will be terminated. For more information regarding changes to the tax assessment, contact the Humboldt County Assessor's Office at (707) 445-7276.

Upon a request by the landowner, the Board of Supervisors may authorize the land owner(s) to serve a Notice of Non-Renewal on a portion of that owner's land under contract within an individual agricultural preserve. Unless authorized by the Board to serve a Notice of Non-renewal on a portion of the owner's land within an individual agricultural preserve, the Notice of Non-renewal shall be for non-renewal of the contract for all of the owner's land within an individual preserve. Additionally, if there is more than one owner of lands under contract within the preserve, the Board must also determine that the balance of the lands within the same preserve and remaining under contract are of sufficient size to conform with the minimum requirements for that particular preserve class. If not, it may be necessary for the Board to initiate non-renewal on the balance of the lands under contract pursuant to Section 51245.

Finally, since the Board of Supervisors forms agricultural preserves in Humboldt County at the specific request of landowners seeking to enter into land conservation contracts, the size and description of real property under contract and the boundaries of the preserve are usually identical (i.e., co-terminus). Consequently, the removal of lands under contract by non-renewal may negate the reason for the existence or extent of the preserve and in most instances will require the disestablishment or reduction in the size of the subject agricultural preserve. Per Section 51231 of the California Government Code, the County must follow the same procedure that is required to establish an agricultural preserve (i.e., review by the Williamson Act Committee, and a public hearing before both the Planning Commission and Board of Supervisors) to disestablish or reduce the size of the preserve. Fees for the processing of the reduction or disestablishment of the preserve are the responsibility of the party seeking to change the status or size of the preserve and will normally be required at time of filing for non-renewal.

If you have any questions, please do not hesitate to call the Planning Division at (707) 445-7541.

APPLICATION FOR A NOTICE OF NON-RENEWAL

Complete and return to the Humboldt County Planning Division, 3015 H Street, Eureka, CA 95501. All four of the following items listed below must be submitted for a complete application.

1. Provide the following information:

Date of Contract: _____; Name of Ag Preserve: _____

Date Contract Recorded: _____; Recorder's Reference No. _____

Number of Acres: _____; Number of Assessor Parcels: _____

A complete list of Assessors Parcel Numbers (APNs) (attach additional sheets as needed).

Property Owner(s) of Record (attach additional sheets as needed):

Name:	
Address:	
City, State & Zip Code	
Name:	
Address:	
City, State & Zip Code	
Name:	
Address:	
City, State & Zip Code	

2. Contact a title company to obtain a copy of either a preliminary title report or lot book guarantee less than six (6) months old. The preliminary title report or lot book guarantee must cover all of the property for which Notice of Non-Renewal is being filed.
3. The attached Notice of Non-Renewal must be signed by all owners of record before a Notary Public. (An incorrectly notarized Notice of Non-renewal cannot be accepted by the Planning Division for filing.) See Item #5 for particulars.

There are three pages included in the Notice of Non-Renewal to be recorded:

- Page 1: The Planning Division will complete the notarized title page signed by the Director of Community Development Services.
- Page 2: Owner's Representation Sheet. This page is to be signed by all the property owner(s) of record and notarized by a public notary. Attach additional representation sheets as appropriate.
- Page 3: Exhibit A: Insert the legal description of the property concerned.

The signed and notarized Notice of Non-renewal, and any required attachments must be accompanied by a separate check payable to "Humboldt County Recorder" in the amount necessary to cover the cost of recording each document: currently \$7.00 for the first page, and \$3.00 for each additional page. This check is in addition and separate to the filing fees specified in Item #4 below.

4. Filing Fees: (Submit a check or checks payable to Humboldt County Planning.)

a. (1) Notice of Non-Renewal on the entirety of an agricultural preserve contract:

The current filing fee is \$201.00 (as of 8/12/05) [Note to staff: \$55.00 deposit for Agency Review; \$55.00 Planning Division legal document review fee; \$80.00 Department of Public Works legal document review fee; \$10.00 notary fee; \$1.00 document fee.]

OR

a. (2) Notice of Non-Renewal only on a portion of an agricultural preserve contract:

The current filing fee is \$871.00 (as of 8/12/05) [Note to staff: \$300.00 deposit for Agency Review; \$225.00 County Counsel Review fee; \$200.00 Board of Supervisors Public Notice Hearing; \$55.00 Planning Division legal document review fee; \$80.00 Department of Public Works legal document review fee; \$10.00 notary fee; \$1.00 document fee.]

(OPTIONAL)

b. Fee for the reduction in the size or disestablishment of the agricultural preserve as it will exist upon completion of the non-renewal process (i.e., 9 years after the effective date of the notice of non-renewal) is \$1,932.00 (as of 8/12/05). [Note to staff: \$850.00 deposit for Planning Services; \$90.00 Public Works; \$792.00 deposit for County Counsel Review; \$200.00 Board of Supervisors public notice fee].

NOTE: The party seeking Non-Renewal of lands under contract may wish to request the reduction in size or disestablishment of the Preserve itself. Pursuant to Government Code Section 51230, as long as the land is located within an established agricultural preserve, zoning classifications applicable to all lands within the boundaries of the preserve, including minimum parcel sizes, shall be restricted so as not to be incompatible with the agricultural uses permitted under Williamson Act Program.

5. Recorder's Requirements

a. A separate Notice of Non-renewal is required for each individual Land Conservation Contract for which non-renewal is requested. This page must be signed by the owner(s) of record exactly as the name(s) and vesting appear on the vesting page of the grant deed by which the owner acquired his/her interest in the property.

b. A General Partner may sign on behalf of a partnership; a corporate officer may sign on behalf of a corporation. However, if the Notice of Non-renewal is signed on behalf of a partnership or corporation, the jurat completed by the Notary Public must indicate that the person signing the Notice of Non-renewal is authorized to act on behalf of the partnership or corporation. (The Notary Public should have specific jurats for persons acting on behalf of partnerships or corporations, or when acting under a power of attorney. Be sure that the appropriate jurat is used.)

The Recorder's Office will reject a legal document or require payment of fees in addition to those listed in Item #3 above for "non conforming" documents. Please make sure that your document is conforming by using the following checklist:

- All pages must be 8 1/2" x 11" in size
- Return address in Upper Left Corner (2 1/2" x 3 1/2")
- Blank Space 2 1/2" x 5" in Upper Right Corner
- 1/2" Margin on Sides and Bottom of each page
- Title of Document shall appear on first page immediately below the spaces reserved for the return address and the Recorder's Information.

Sheets measuring as large as 8 1/2" x 14" may be accepted but will result in additional fees for a "non conforming" document.