



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** February 12, 2004

**COUNCIL DISTRICT:** Citywide

**SNI AREAS:** All

**SUBJECT: PROPOSED ORDINANCE AMENDING TITLE 20, THE ZONING CODE,  
PERTAINING TO PROVISIONS TO STREAMLINE THE WILLIAMSON  
ACT CONTRACT CANCELLATION PROCESS**

## **RECOMMENDATION**

The Planning Commission voted 7-0-0 to recommend that the City Council adopt the proposed ordinance amending Chapters 20.110 and 20.200 of Title 20 to streamline the Williamson Act contract cancellation process.

## **BACKGROUND**

As a part of the "Getting Families Back to Work" initiative, the Council directed staff to identify ways to simplify or streamline current processes. The proposed Zoning Ordinance change to streamline the Williamson Act Contract cancellation process is one direct response to that directive.

On February 11, 2004, the Planning Commission held a public hearing to consider the proposed streamlining ordinance to add provisions to authorize the Director of Planning, Building and Code Enforcement, under certain circumstances, to make determinations and take actions on the cancellation or partial cancellation of Williamson Act contracts relating to prime agricultural land.

Planning staff recommended approval of the proposed ordinance, as outlined in the attached staff report. There was no one from the public present to speak on the proposed ordinance. Commissioner Zamora supported the efforts to streamline the process.

Commissioner Levy inquired about the number of cancellations typically processed and had concerns regarding an appeal process as part of the streamlining efforts. Staff explained that only a few cancellations occur every few years and that the delegation of authority to the

Director would not change the existing State mandated process. All cancellations require specific findings for the determination and require public hearings. The public hearing is the opportunity for protests to the cancellation. Existing State law does not provide for an appeal of cancellations. In addition, staff explained that the fees (or higher property assessment rates, depending on the method of cancellation employed) associated with a cancellation discourage property owners from considering a cancellation.

Commissioner Levy asked if this ordinance proposal was in anticipation of the development of Coyote Valley. Staff indicated that the ordinance change is not related to the process of planning the Coyote Valley area, and is only related to process streamlining per the "Getting Families Back to Work" efforts of the City Council. Commissioner Zito raised a concern about possible fee waivers granted by the Director. Staff responded that the County Assessor determines the valuation of land, and that fees to be paid by the property owner could not be changed or waived by the Director.

### **PUBLIC OUTREACH**

Public hearing notices were either mailed or delivered to the Open Space Authority, Greenbelt Alliance, Santa Clara County Farm Bureau, County Assessor's Office, County Recorder's Office, County Executive Office, Local Area Formation Commission and California Agriculture Commissioner for the proposed Williamson Act contract cancellation process change. As standard practice, staff posted the staff report and draft ordinance as well as the hearing dates on the Department's website.

### **COORDINATION**

Preparation of the proposed ordinance has been coordinated with the City Attorney's Office.

### **CEQA**

Not a project.

STEPHEN M. HAASE, SECRETARY  
Planning Commission

Attachment