



CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT
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MARTY VAN DUYN
PLANNING DIRECTOR

APPROVED
BY THE CITY COUNCIL

FEB 4 1982

OFFICE OF THE
CITY CLERK

City Council
Sacramento, California

Honorable Members in Session:

Subject: SPECIAL WILLIAMSON ACT CANCELLATION PROCEDURES UNDER
AB 2074 (M-641)

SUMMARY

Last year the Legislature passed amendments to the Williamson Act under AB 2074. These changes partially codified the Supreme Court's decision in Sierra Club v. City of Hayward and additionally established a more simplified procedure for cancellations during a one-time five month application window ending May 31, 1982.

In order to properly inform owners of land under Williamson Act contracts of eligibility criteria and application steps, the City Planning Commission and staff have recommended that the City Council adopt the specific guidelines and procedures outlined in this report.

BACKGROUND INFORMATION

The California Supreme Court in Sierra Club v. City of Hayward required a number of specific findings to cancel Williamson Act contracts, and thereby narrowed the circumstances under which they could be cancelled. After intensive debate and many amendments, AB 2074 was enacted in order to resolve ambiguities and problems created by the Sierra Club decision. The new legislation modifies the normal cancellation procedure and also creates a simplified, one-time cancellation procedure.

APPLICATION OF AB 2074 LOCALLY

A. Modification of the Normal Cancellation Procedure

Prior to AB 2074 the City Council could cancel contracts only after making two general findings:

- 1) that a cancellation is consistent with the purposes of the Williamson Act; and

- 2) that cancellation is in the public interest. Furthermore, a landowner's petition for cancellation did not need to include a proposal for a specified alternative land use.

AB 2074 now requires that a cancellation petition include a specific development proposal. Furthermore, the City Council is required to make only one of the two general findings. In making this single general finding, however, the City Council is required to make numerous specific findings delineated in the Sierra Club decision. To be consistent with the Williamson Act the Council must make all of the following findings:

- 1) the cancellation is for land on which a notice of non-renewal has been served; and
- 2) the cancellation is not likely to result in the removal of adjacent lands from agricultural use; and
- 3) cancellation is for an alternative use which is consistent with the applicable provisions of the City or County general plan; and
- 4) cancellation will not result in discontinuous patterns of urban development; and
- 5) there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

To be in the public interest, the Council must find that:

- 1) other public concerns substantially outweigh the need to preserve open space and agricultural land; and
- 2) there is no proximate noncontracted land... (identical to specific finding (5) above).

B. Simplified One-Time Cancellation Procedure

The legislature also provided a one-time opportunity "to correct inconsistent applications of the Williamson Act and thereby to alleviate present and potential hardships both for affected cities and counties and for affected landowners."

1. The first part of the document is a list of names and addresses of the members of the committee.

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Section 1

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Prior to March 1, 1982, the City must provide notice by first class mail to each property owner whose City land is under a Williamson Act contract. The notice must explain the eligibility criteria for the special one-time cancellation procedure. The deadline of June 1, 1982 for filing the petition must also be included, as well as a processing time schedule.

Upon receipt of a petition, the City may request further information regarding the specific development proposal or any other information relevant to two findings which must be made at a tentative cancellation hearing:

- 1) that the cancellation and alternative use will not result in discontinuous patterns of urban development; and
- 2) that the alternative use is consistent with applicable provisions of the City general plan.

These are minimum requirements. The Council may impose other findings if deemed appropriate.

The petition must then be heard at a tentative cancellation hearing(s). If the City Council makes the findings of plan consistency and contiguous growth pattern and elects to grant tentative cancellation approval, the action and a description of the conditions and contingencies which must be satisfied prior to final approval must be recorded. Mandatory conditions include payment of a cancellation fee and additional deferred taxes, and the obtaining of all permits necessary to commence development.

If the property owner is unable to satisfy all conditions within one year of tentative cancellation approval, the landowner must so notify the City. At this point, the City

- 1) may grant a time extension for a reasonable period upon a finding that the landowner has proceeded with due diligence and has been prevented from satisfying the conditions by circumstances beyond his control (Sec. 51282.1(g)); or
- 2) must execute a certificate of withdrawal of tentative cancellation upon a determination that the landowner has not proceeded with due diligence and could have satisfied all conditions within the one year time frame (Sec. 51283.4(C)). There is one exception to this mandatory withdrawal of tentative approval: if the landowner has paid the full cancellation fees on a non-refundable basis, the City may grant a time extension (Sec. 51282.1(g)).

A final cancellation hearing(s) is required once all conditions imposed on tentative cancellations have been satisfied. Applicants who fail to utilize the special cancellation procedure can still cancel under the normal procedure.

GUIDELINES AND PROCEDURES FOR ONE-TIME CANCELLATION PROCEDURE

In order to inform property owners of land under Williamson Act contract of the window provision's eligibility criteria and application requirements, the following guidelines and procedures are recommended:

A. Eligibility Criteria

1. Consistency with the General Plan

AB 2074 states that the alternative use submitted with the cancellation petition must be consistent with the applicable General Plan in effect on October 1, 1980, or with the plan that was amended after October 1, 1981, as a result of proceedings which were formally initiated by the landowner or the City prior to January 1, 1982. It is the opinion of staff and the City Attorney that "proceedings to amend the General Plan", as that phrase is used in AB 2074, have been initiated by the City. The general legislative intent of AB 2074 was to allow development consistent with a growth plan consciously and systematically considered by a City prior to January 1, 1982. Due to the widespread publicity, consulting and staff time devoted in 1981 to the possibility of amending our General Plan to permit development in North Natomas, the City has already initiated the process of amending its General Plan. Therefore, decisions to tentatively approve cancellations may be premised on consistency with the new General Plan, scheduled for adoption in early 1983, if such new plan (1) permits development on the subject site, and (2) has been finally adopted on or before the tentative cancellation date. Any tentative cancellation decisions made prior to the adoption of the new General Plan must be based on the existing plan.

2. Cancellation will not result in Discontiguous Patterns of Urban Development

The second mandatory criterion which must be satisfied by an applicant is that relating to discontiguous patterns of urban development. Since AB 2074 does not define this phrase, the following definition is recommended by staff:

Discontiguous patterns of urban development are defined as meaning any property within the City that is:

- . designated for permanent agriculture on the City's General Plan; or
- . not immediately abutting to or within the City's Sphere of Influence (Attachment A shows relationship of contract properties to the S.O.I. boundary); or

- . not within adopted assessment districts abutting areas already having public services; or
- . not serviced by major water, sewer, and drainage trunk lines which can accommodate the proposed use; or
- . so situated with its proposed use as to result in an undue economic burden on the City for the premature extension of facilities and services.

If one or more of the above factors occur, the property will be deemed discontinuous. The definition was developed using the following adopted 1974 General Plan and 1978 South Natomas Community Plan goals and policies:

a. General Plan

- . It is also the policy of the City of Sacramento to support contiguous growth by preserving agricultural lands from urbanization, by placing lands not ready for urbanization into agricultural-open space until such time as they are needed, and by encouraging orderly expansion of urban utilities and facilities without their major, unwarranted extension (Urban growth, page 5).
- . It is the policy of the City of Sacramento to continue to direct urban growth through orderly expansion of development adjacent to its existing urban fringe.

The City has experienced to date little of the leap frog urban sprawl type of development characteristic of many cities in California. The existing relatively compact urban pattern has largely been achieved through judicious extension of public utilities necessary for urban growth, coupled with a longstanding City policy of requiring a full range of municipal facilities as the first step in the urban development process.

Secondly, there has been a continuing opportunity to expand these urban services on a reasonably rational step by step, acreage by acreage, parcel by parcel basis.

Finally, as the historic center of the metropolitan area and as the location of a concentrated employment base, Sacramento has continued to experience over the years a demand for close-in residential neighborhood development. It is believed that as the overall Sacramento metropolitan urban area continues to expand in terms of population growth, regardless of the pace, there will always be a demand for close-in compact urban living as contrasted to outer suburban fringe living (Effectuation, page 44).

b. South Natomas Community Plan

- . Approve development that is coordinated with available community facilities and is compatible with the public ability to provide essential services and facilities such as schools, streets, etc. by prohibiting premature development which constitutes an undue economic burden on the general public for the premature extension of facilities or services, and results in growth pressures in inappropriate areas (Goal 2, page 2).
- . New assessment districts for urban expansion should be timed so that they are established as adjacent areas already being serviced... (Relevant City policies for implementing the Plan, page 74).

B. Application Requirements

A petition for cancellation should include the requirements in the City's standard application packet plus a property ownership map and list of owners within one mile of the exterior boundary of the land proposed for contract cancellation. In addition, the application should contain the following information:

1. Detailed site plans showing the location, size, and intensity of the proposed use. These plans shall be of sufficient detail as to document levels of public facilities and services generated by the proposal.
2. Existing and proposed facilities providing water, sewer, and drainage service as well as how proper access will be provided to the property.

3. A soils report and a history of agricultural production for the past 5 years.
4. A detailed documentation of why the cancellation is necessary and the proposed use cannot be accommodated on other lands.

C. Fees

In order to review the application for completeness and to prepare an Environmental Determination, the City will charge a fee of \$1,510. Additional money will be charged if it is found that an EIR should be prepared.

D. Staffing

The Planning Department charges fees for staff time necessary to process Williamson Act cancellation requests. If too many petitions for cancellation are submitted, additional staff must be hired on a limited term basis in order to process the application within the mandated one year time frame. The additional staffing would require fee adjustments paid for by the applicant(s).

E. Scheduling

Attachment B outlines a time schedule for processing tentative cancellation petitions. The schedule conforms to the State requirement of a one year review period and presents the major steps which must be accomplished during this period. Each petition will be reviewed on its own merits. In the event that more than one is filed, staff may elect to process petitions concurrently.

F. Consulting Services

If it is determined that an EIR is necessary because of the magnitude and complexity of the issue, staff would like to solicit, through an accelerated process, qualified consultants who are knowledgeable and have expertise in preparing Environmental Impact Reports for Williamson Act cancellations. An accelerated process that will reduce the time to prepare requests for proposals, screenings, and interviewing is recommended. This procedure would be a deviation from the City's adopted method of retaining professional consultant services for City projects; but it will not reduce the ability of the City to conform to CEQA Guidelines.

ENVIRONMENTAL DETERMINATION

The Environmental Coordinator has determined that the proposed action is an administrative procedure not requiring environmental assessment (State EIR Guidelines, Section 15037(b)(3)).

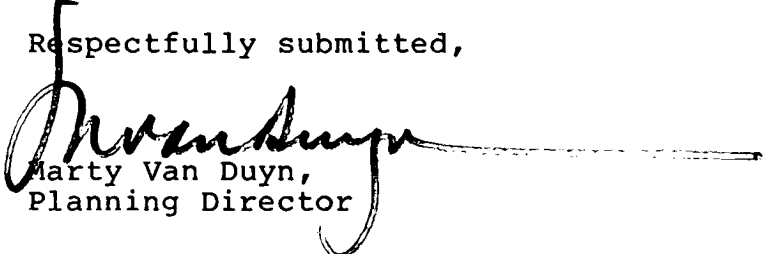
VOTE OF COMMISSION

The Planning Commission, at their January 21, 1982 meeting, unanimously (nine ayes) passed a motion that the City Council adopt the recommended Guidelines and Procedures for Special Williamson Act Cancellations (Attachment C).

RECOMMENDATION

The City Planning Commission recommended that the Council adopt the Resolution (Attachment D) establishing Guidelines and Procedures for Special Williamson Act Cancellations within Sacramento.

Respectfully submitted,



Marty Van Duyn,
Planning Director

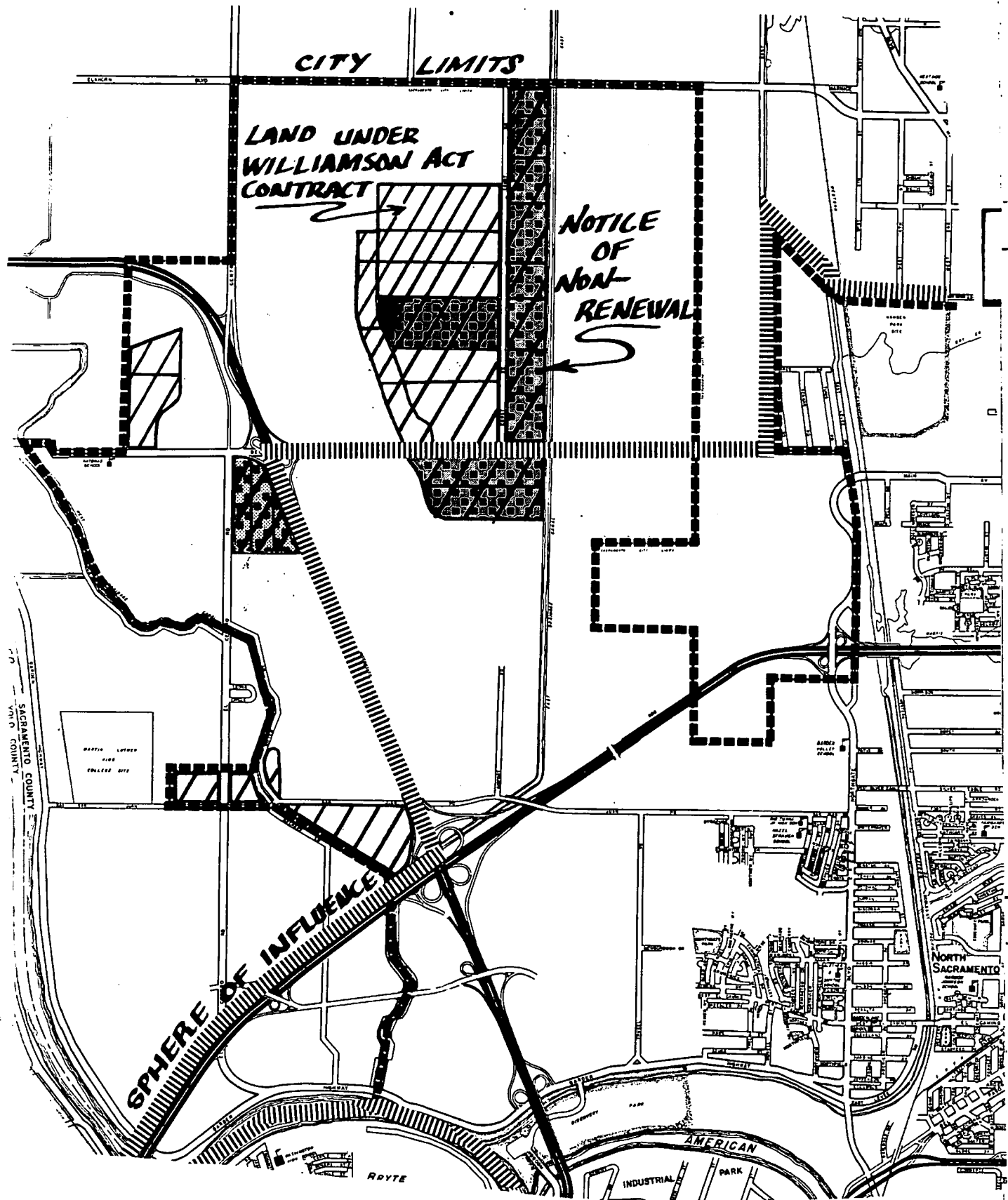
For City Council Information
Walter J. Slipe,
City Manager

February 2, 1982
Districts: All

MVD:GZ:sg

M-641

ATTACHMENT A



TENTATIVE PROCESSING TIME SCHEDULE

<u>Procedure</u>	<u>Time</u>	<u>Date</u>
Receive Application for Petition of Cancellation		
Determine Application Complete If complete - starts one year time requirement If not complete - request for additional information in writing. If not supplied in 30 days application deemed withdrawn	30 days*	
Complete Application	0	
Environmental Determination Consultation to prepare Initial Study Prepare Initial Study either Neg Dec or EIR If EIR - the City sends letter requiring EIR Applicant appeals EIR determination or deposits EIR Consultant Selection Fee or application deemed withdrawn	45 days* 10 days*	
EIR Process		
City selects EIR Consultant through accelerated process	2 weeks	
City determines EIR cost and request deposit Applicant deposits estimated preparation cost or application deemed withdrawn	10 days*	
If money deposited, Council amends department budget		
Consultant begins preparation of EIR Distributes Notice of Preparation (45 days*) Review with Planning Commission within 45 day comment period	12 weeks	
City Reviews Preliminary EIR	2 weeks	
Consultant Makes Revisions	2 weeks	
City Review Revisions	1 week	
City Publishes and Distributes Draft EIR	1 week	
Draft EIR Review Period (CPC Hearing to receive comments within Review Period)	45 days*	
Consultant Prepares Preliminary Final EIR	3 weeks	
City Review of Preliminary Final EIR	2 weeks	
City Publishes and Distributes Final EIR	1 week	
Final EIR Review Period (7 days)*	2 weeks	
Receive Comments and Prepare Staff Reports	2 weeks	
Planning Commission Hearing on Final EIR and Project (Recommendation)		
Determine Actual Cost (bill or refund money)	2 weeks	
Council Hearing on Final EIR and Project Final Action		
		50 weeks

*Mandatory Time Frame

(10)

wp

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE 1-21-82
 ITEM NO. 2 FILE NO. P-
 M-641

- GENERAL PLAN AMENDMENT TENTATIVE MAP
 COMMUNITY PLAN AMENDMENT SUBDIVISION MODIFICATION
 REZONING ENVIRONMENTAL DET.
 SPECIAL PERMIT OTHER WILLIAMSON ACT
 VARIANCE Cancellation Pro-
cedures (Per AB 2074)

Recommendation: Favorable
 Unfavorable
 LOCATION: WILLIAMSON ACT LANDS CITY WIDE (NORTH
NADMAS)
 Petition Correspondence

PROPOSERS		
NAME	ADDRESS	
OPPOSITION		
NAME	ADDRESS	

MOTION NO. 1

	YES	NO	MOTION	2ND
Augusta	✓			
Fong	✓			
Goodin	✓			
Holloway	✓			
Hunter	✓			✓
Larson	✓			
Muraki	✓			
Silva	✓		✓	
Simpson	✓			

- MOTION:
- TO APPROVE
 - TO DENY
 - TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
 - INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE _____
 - TO RECOMMEND APPROVAL OF STAFF REPORT & FORWARD TO CITY COUNCIL
 - TO RATIFY NEGATIVE DECLARATION
 - TO CONTINUE TO _____ MEETING
 - OTHER
- (4)

RESOLUTION NO. 82-066

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

February 2, 1982

A RESOLUTION REGARDING GUIDELINES AND PROCEDURES FOR SPECIAL WILLIAMSON ACT CANCELLATIONS WITHIN SACRAMENTO (M-641)

WHEREAS, the Legislature has amended the Williamson Act under AB 2074 to allow a special one-time five-month cancellation window ending May 31, 1982; and

WHEREAS, this legislation requires that the City must, prior to March 1, 1982, notify all holders of Williamson Act contracts within the City of eligibility criteria for the special one-time cancellation procedure, the deadline of June 1, 1982 for filing, and a time schedule for processing; and

WHEREAS, the City Planning Commission has at a public hearing reviewed and recommended adoption of the proposed Guidelines and Procedures; and

WHEREAS, the City Council finds that the proposed Guidelines and Procedures will comply with applicable State law (AB 2074) and will permit a timely and satisfactory review of petitions for special cancellation;

NOW THEREFORE, the City Council does resolve that the Guidelines and Procedures presented in the staff report (M-641) be used for the review and processing of special one-time only Williamson Act cancellation petitions.

MAYOR

ATTEST:

CITY CLERK

APPROVED
BY THE CITY COUNCIL

FEB 2 1982

OFFICE OF THE
CITY CLERK

M-641