



COUNTY OF SANTA BARBARA

Planning and Development

# APAC Recommended Draft

## Cannabis Edits to the

### Santa Barbara County

#### Uniform Rules for Agricultural Preserves and Farmland Security Zones



# 2018

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# Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones



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## Uniform Rules for Agricultural Preserves and Farmland Security Zones

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### NOTES:

The Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones were approved by the Board of Supervisors on September 25, 2007 by Resolution 07-193.

This document is updated on a periodic basis in order to include amendments adopted by the Board of Supervisors. Recently adopted amendments may not yet be incorporated into this copy. Please check with the Planning and Development Department Zoning Information Counter located at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, for information on amendments approved subsequent to the date shown on the front of this publication.

### September 2014 Republished

The Uniform Rules for Agricultural Preserves and Farmland Security Zones was republished in September 2014 to reflect revisions resulting from the adoption of the following resolution by the Board of Supervisors in July 2014 and to resolve formatting issues.

Resolution No.	Case No.	Date of Adoption	Subject
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## INTRODUCTION

### PURPOSE OF AGRICULTURAL PRESERVE PROGRAM AND UNIFORM RULES

The *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (hereafter referred to in this document as Uniform Rules or Rules) is the set of rules by which the County administers its Agricultural Preserve Program under the California Land Conservation Act of 1965, better known as the Williamson Act. The purpose of the Williamson Act is the long-term conservation of agricultural and open space lands. The Act establishes a program to enroll land in Williamson Act or Farmland Security Zone contracts whereby the land is enforceably restricted to agricultural, open space, or recreational uses in exchange for reduced property tax assessments. Participation in the program is voluntary by the County and by the eligible landowners.

The Act requires that each participating local government have a set of uniform rules for administering Williamson Act and Farmland Security Zone contracts within its jurisdiction. The County's Uniform Rules establish the basic requirements of all contracts and are incorporated as a part of each contract. As a part of every contract, therefore, any change in the County's Rules applies to every contract currently in effect with the exception of rules specifically applied prospectively and those compatible uses permitted under Section 51238.3 of the Williamson Act.

Conservation of agricultural and open space land benefits the general public by discouraging premature conversion of land to urban land uses, thereby curtailing sprawl and promoting logical urban growth and provision of urban services. The Agricultural Preserve Program both protects agriculture and retains open space for its scenic qualities and value as wildlife habitat. Most directly, it contributes to the state's agricultural economy and the availability of fresh, nutritious, varied and affordable food. To ensure the long-term retention of these benefits, land enrolled in the program is prevented from being readily converted to urban or other non-agricultural uses. This is achieved by the County through conscientious and consistent enforcement of the Uniform Rules and the terms of the contracts, which also maintains the constitutionality of administering preferential property tax assessments for these lands.

#### I. AGRICULTURAL PRESERVES AND WILLIAMSON ACT CONTRACTS

As a participating county, the Williamson Act mandates that areas of the County be designated as agricultural preserves for application of the program. Land within the preserves that meets the eligibility requirements may enroll in the Agricultural Preserve Program through a Williamson Act or Farmland Security Zone contract with the County. It is Santa Barbara County's practice to establish the preserves simultaneously with enrollment in a contract, resulting in coterminous boundaries between the preserves and the contracts. Thus land anywhere within the County that meets the zoning, size, use and other requirements set forth in these Rules may be eligible to participate in the program.

Farmland Security Zone contracts, also referred to as "Super-Williamson Act contracts" are a special type of Williamson Act contract that receive greater tax benefits (35 percent reduction from assessed Williamson Act or Proposition 13 value) in exchange for longer contracts. In Santa Barbara County,



the Farmland Security Zone program is not yet widely used. For this reason, these Uniform Rules refer primarily to Williamson Act contracts when discussing eligibility requirements, compatible uses, and contract termination provisions. However, in most cases the requirements are the same for both Williamson Act and Farmland Security Zone contracts. Therefore, whenever these Rules mention Williamson Act contracts, it shall be presumed to include Farmland Security Zone contracts as well, unless specifically stated otherwise. Requirements specific to Farmland Security Zones are discussed in Rule 5.

Under the Act, contracts are automatically renewed each year following the first year of a 10-year Williamson Act contract (or 20 years for Farmland Security Zones), unless the owner or County serves a notice of nonrenewal or the contract is terminated as may be provided for by the Act and these Rules. When the County or a landowner serves a notice of nonrenewal upon the other party sufficiently prior to the renewal date (i.e. 90 days if served by the landowner, 60 days if served by the County), the contracted land must continue to meet County eligibility and compatible use requirements throughout the remaining duration of the 10-year or 20-year contract. For example, if a landowner non-renews a Williamson Act contract in September of 2006, the contract remains in effect for nine years from the start of the next calendar year (e.g. January 1, 2007). Therefore the contract would expire at the end of 2015.

## **II. CONTRACTS - ASSESSED VALUE OF LAND, IMPROVEMENTS AND LIVING IMPROVEMENTS**

The State Legislature enacted the California Land Conservation Act (Williamson Act) in 1965, with the intent of preserving agricultural lands for food and fiber production. At the time, property taxes were recalculated yearly, on the basis of market value. The Williamson Act changed this practice for open space and agricultural lands. With California taxpayer approval, the law prescribed specific methods for appraising properties under the Williamson Act. The Legislature determined that the assessed value of the agricultural use would be calculated based on the income approach to value, rather than the market approach. Adopting the Williamson Act was an effort to motivate landowners towards the goal of the program. It was *“an attempt to stop or at least slow down increases in real property taxes on farmland by providing methods for restricting land to agricultural purposes.”*<sup>1</sup>

### **Presumptions for Williamson Act Valuation Today**

The spirit and intent of the Williamson Act remain today under Proposition 13. Foremost in the appraisal process is the presumption that the agricultural (restricted) use of the land will continue into the foreseeable future and that the restrictions affect value. The non-restricted uses are valued at their market value, in accordance with Proposition 13.

### **Valuation Procedures for Enforceably Restricted Property**

The basic appraisal method for Williamson Act valuation is by the income approach to value. The assessor capitalizes all income attributed to the agricultural use of the land, (along with income from compatible uses such as radio towers, television repeaters, cell sites, commercial enterprises, the sale of water, mineral exploration leases, production contracts and recreation) into an indication of value. The assessor also capitalizes income produced from living improvements (fruit and nut bearing trees

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<sup>1</sup> SBE Assessment of Agricultural and Open Space Properties, AH521 II-1.

and vines) into an indication of value. The land and living improvement values comprise the restricted portion of the total assessment.

Under the 1999 Farmland Security Zone Act, landowners that enter into a 20-year Farmland Security Zone contract can benefit from an additional 35 percent reduction on the restricted portion of their assessment.

### **Valuation Procedures for Unrestricted Property**

Non-restricted portions of the contracted property are valued at their market value, in accordance with Proposition 13. For example, residences and residential home sites are expressly excluded from the restricted calculation. If a 100-acre avocado ranch has a home with garage, pool, tennis court, guesthouse and an employee house, each home site and each of the structures will be assessed at market (Proposition 13) value. Any physical changes associated with the residential uses, such as driveways, grading, landscaping, domestic wells, etc. are also assessed at market value.

### **Total Assessed Value**

Each year the assessor sums the restricted and unrestricted values to calculate the final Williamson Act or Farmland Security Zone value for the contracted property. The Assessor also calculates the Proposition 13 base value and the current market value. The value placed on the tax roll will be the lesser of: 1) the Williamson Act value or Farmland Security Zone value, 2) the Proposition 13 base value, factored, or 3) the current market value.

## **IV. RELATIONSHIP OF PROGRAM TO OTHER LAND USE REQUIREMENTS**

The Uniform Rules implement the Williamson Act by defining eligibility requirements and compatible uses which each participating landowner must adhere to in order to receive a reduced tax assessment. The Uniform Rules do not authorize any development on agricultural land that is not otherwise permitted by the applicable zone district. Often the Rules are more restrictive than the underlying agricultural zoning requirements. However, the Rules do not supersede the County's land use requirements contained in the Comprehensive Plan and zoning ordinances, nor obviate the need for permits. The Agricultural Preserve Advisory Committee (APAC) is responsible for reviewing a land use application for consistency with the Uniform Rules and the Williamson Act, but does not make a decision on the permit. The land use permit must be reviewed and approved by the appropriate decision-maker in the permit process.

A landowner can obtain an early indication whether or not a proposed land use or activity may be allowed by bringing their proposal to the Agricultural Preserve Advisory Committee (APAC) for advisory review and by consulting with Planning and Development or submitting a pre-application to the County for any required permits.

## **V. AGRICULTURE AND URBAN INTERFACE**

The Board of Supervisors recognizes not only agriculture's contribution to the County but also its vulnerability to conversion to urban or other non-agricultural uses. In addition to the Agricultural Preserve Program, goals and policies in the County's Land Use and Agricultural Elements afford

protection to both prime and nonprime agricultural lands. This includes protection from urban expansion and urban influences. It is important to reaffirm these policies here in the Uniform Rules. Two primary considerations regarding the interface of agricultural and urban lands are:

1. Agriculture does not ordinarily require urban services such as sanitary sewers, transit and lighting, and therefore such service districts should not be extended to cover agricultural land in, or eligible for inclusion in agricultural preserves. Taxing agriculturists for these services may impose an unnecessary tax burden and could hasten conversion to urban land uses.
2. To deter expansion of urban areas onto productive agricultural lands, the County encourages the entry of prime and producing agricultural lands adjoining urban areas into the Agricultural Preserve Program.

## **VI. ROLE OF THE APAC**

The Agricultural Preserve Advisory Committee was created by, and is advisory to, the Board of Supervisors and includes representatives from the Agricultural Commissioner's Office, Assessor's Office, County Surveyor's Office, Cooperative Extension, Planning and Development and the agricultural community. The Committee is responsible for administering the County's Agricultural Preserve Program and the Uniform Rules. Its duties include reviewing applications and making recommendations for creating agricultural preserves, entering new contracts, making revisions to existing preserves or contracts, terminating contracts and disestablishing preserves. In conjunction with these duties, the APAC is responsible for monitoring and enforcement of the Agricultural Preserve Program. When an application for a permit (or other County entitlement) involves land in a Williamson Act contract, the APAC has the responsibility to review the application to determine its consistency with the County's Uniform Rules. In addition, the APAC is responsible for determining the compatibility of land uses under the provisions of the Uniform Rules and the Williamson Act. From time to time it is also responsible for recommending revisions to the Rules to ensure their continuing consistency with the Williamson Act and suitability to Santa Barbara County. The APAC is a committee subject to the Ralph M. Brown Act and the public is welcome to attend meetings and provide input and comments on proposed recommendations or issues being discussed.

## DEFINITIONS

Some of the terms defined below are taken directly from the Williamson Act. The definitions in the Williamson Act (WA) may be amended from time to time by the state legislature. Any changes made to the Act's definitions will supersede the definitions included in these Rules. Other terms are taken directly from County zoning ordinance (Santa Barbara County Code Chapter 35, Zoning). Those definitions are also subject to change in response to future zoning ordinance amendments. In some cases, definitions are derived from County zoning ordinances or the Williamson Act but have been tailored to the requirements of the County's Agricultural Preserve Program and may be more restrictive than the zoning ordinances or the Williamson Act. Lastly, there are those definitions which have been developed specifically for the purposes of these Rules.

**Agricultural commodity:** Any and all plant and animal products produced within the county for commercial purposes, but excluding cannabis.

**Agricultural employee:** A person who primarily works or is engaged in agriculture.

**Agricultural preserve:** An area of contracted land devoted to either agricultural use, recreational use, or open space use, as herein defined, or any combination of those uses and which is established in accordance with the provisions of the Williamson Act and these Rules (derived from WA).

**Agricultural use:** The use of land for the purpose of producing an agricultural commodity for commercial purposes (WA). Notwithstanding any provisions of these Uniform Rules to the contrary, "agricultural use" does not include or mean the use of land for the purpose of cultivating, producing, or manufacturing cannabis or cannabis related products.

**Cannabis:** All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof, the resin whether crude or purified, extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. "Cannabis" also means marijuana. For the purpose of these Rules, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

**Cannabis product:** Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible, or topical product containing cannabis or concentrate cannabis and other ingredients.

**Cancellation:** The immediate removal from contract of a parcel or premises under Williamson Act or Farmland Security Zone contract.

**Commercial:** Any activity or operation involving compensation or remuneration for its products or services.

**Commercial composting facility:** A commercial facility that is operated for the purpose of producing compost from the onsite and/or offsite organic material fraction of the waste stream and is permitted,

designed, and operated in compliance with the applicable regulations contained in the California Code of Regulations, Title 14, Division 7, as may be amended from time to time. Non-commercial composting that is part of an agricultural operation is not included within this definition (derived from the Santa Barbara County Code, Chapter 35, Zoning).

**Contiguous:** Property shall be considered to be contiguous for the purposes of these Uniform Rules if two or more properties are adjoining, touch at a point or share a common boundary, or are separated by a road, street, utility easement, railroad right-of-way or other public facility so long as the property is owned in common and can reasonably be operated as a single agricultural unit (derived from Subdivision Map Act).

**Contract:** The legal document that binds the parties under the terms of the Williamson Act and these Rules.

**Contracted land:** Land under either a Williamson Act or Farmland Security Zone contract; used generally to refer to all land in the County enrolled in the Agricultural Preserve Program.

**Development envelope:** The area of land in an agricultural preserve within which all residential, residential accessory structures, and other structures and uses not associated with the commercial agricultural operation, including landscaping and access to the buildings or structures, are located. Examples of such structures include, but are not limited to, guest houses, non-agricultural roads, and personal horse stables. Septic systems would be included in this development envelope if they take land out of agricultural production.

**Fully planted:** In conjunction with prime and superprime land, land devoted to active crop production, excluding both agricultural and non-agricultural buildings and structures as well as non-producing land. Fully planted land does not include: diseased or otherwise previously producing land which is not currently producing an adequate income for qualification as prime or superprime land; unplanted easements or unplanted setbacks; driveways and roads; waterways, wetlands and other terrain features that will not support commercial agricultural production.

**Guest ranch:** Agricultural tourism that provides accommodation to paying guests incidental to or in conjunction with the principal commercial agricultural operation (derived from Santa Barbara County Code Chapter 35, Zoning).

**Guest house:** Detached living quarters of a permanent type of construction without kitchen or cooking facilities of any kind, intended and used primarily for temporary guests of the occupants of the main building on the parcel on which such guest house is located, and not rented or otherwise used as a separate dwelling (Santa Barbara County Code Chapter 35, Zoning).

**Historic structure:** A structure that was built on or moved onto land prior to the land being placed under a Williamson Act contract and meets the requirements of the Cultural Resource Guidelines Historical Resources Element for a historic structure.

**Immediate family:** The spouse of the landowner, the natural or adopted children of the landowner, the parents of the landowner, the siblings of the landowner, or the grandchildren of the landowner.

**Land reclamation fill:** Fill consisting of solid materials or soil that is non-toxic, noncombustible, non-organic and not hazardous, and which is used as fill to contour existing uneven terrain for the purpose

of reclaiming land for agricultural use (County Grading Ordinance).

**Managed wetland area:** An area, which may be an area diked off from the ocean or any bay, river or stream to which water is occasionally admitted, and which, for at least three consecutive years immediately prior to being placed within an agricultural preserve pursuant to these Rules, was used and maintained as a waterfowl hunting preserve or game refuge or for agricultural purposes (WA).

**Multiple contract preserve:** The situation whereby two or more contiguous prime and/or superprime premises, none of which qualify independently as an agricultural preserve, are combined to meet the minimum preserve size of 40 acres; each ownership remains under a separate contract, but each ownership's continuing individual eligibility depends on remaining within a minimum 40-acre block of contracted land.

**Nonprime land:** land that is not prime (or superprime). This may include, but is not limited to, land used for grazing or dry farming (derived from WA).

**Nonrenewal:** Withdrawal of land under contract whereby the contract remains in effect for the remainder of the term of the contract (i.e. nine years for a Williamson Act contract or 19 years for a Farmland Security Zone contract).

**Notification of Assumption of Williamson Act Contract:** When all the land under a single contract is transferred to a new owner and no changes to contract boundaries result, the new owner shall assume the original contract and all of the requirements therein, and submit to the County such a notification.

**Open space use:** The use or maintenance of land in a manner that preserves its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife, if the land is within a scenic highway corridor, a wildlife habitat area, a saltpond, a managed wetland area, or a submerged area, as these terms are herein defined in these Rules (derived from WA).

**Parcel:** A single parcel of land in one ownership, the boundaries of which are delineated in the latest recorded parcel map, subdivision map, or Certificate of Compliance recorded in the County Recorder's Office or deed provided that such recorded deed does not create or attempt to create a parcel in violation of the provisions of any applicable California law or County ordinance (Santa Barbara County Code Chapter 35, Zoning); also referred to as legal parcel. Unless otherwise specified, the gross acreage of the parcel is considered to be the parcel size.

**Premises:** The area of land under a single Williamson Act or Farmland Security Zone contract; the premises may comprise a single legal parcel or multiple contiguous legal parcels under the same ownership.

**Prime land:** means any of the following:

1. All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.
2. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States

Department of Agriculture.

4. Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than five hundred dollars (\$500) per acre.
5. Land which has returned from production of unprocessed agricultural plant products an annual gross value of not less than five hundred dollars (\$500) per acres for three of the previous five years, except that for irrigated pasture this figure will be two hundred dollars (\$200) per acre for three of the previous five years(derived from WA).
6. In all cases, prime land must have a secure water source adequate to support the agriculture on the premises.
7. Superprime land is a subset of prime land - see definition.

**Principal dwelling:** A dwelling serving as the primary inhabited structure.

**Recreational use:** The use of the land in its agricultural or natural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, wilderness camping, scenic viewing, swimming, boating, fishing, hunting, horseback riding or other similar low intensity recreational activities (derived from WA).

**Replacement contract:** A contract that is required when the boundaries or principal uses (i.e. Agriculture, Open Space, or Recreation) of the original contract are changed.

**Rescission:** The process of simultaneously voiding an existing contract and entering into a new contract where there is no reduction in the amount of land under contract.

**Residential Agricultural Unit (RAU):** An attached or detached single family dwelling unit on a permanent foundation located in the AG-I-40, AG-II-40, AG-II-100, and AG-II-320 zone districts, or a detached duplex on a permanent foundation located in the AG-II-320 zone district, which provides complete, independent living facilities for one or more persons in addition to a principal one-family dwelling. A RAU shall not be sold, transferred, or financed separately from the principal structure, but may be rented or leased on a non-exclusive basis. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be located entirely on the same parcel that contains the principal dwelling (Santa Barbara County Code Chapter 35, Zoning).

**Submerged area:** Any land determined by the Board of Supervisors to be submerged or subject to tidal action and found by the Board to be of great value to the state as open space (WA).

**Superprime land:** Prime agricultural lands of the County south of the Santa Ynez Mountains and east of Gaviota Pass which are highly productive due to the combination of soils and climate that are uniquely suitable to specialty horticultural produce and floral varieties, and that are capable of supporting commercially viable agricultural operations on parcels as small as five acres. Superprime land is a subset of prime land and can be combined with either prime contracts or other superprime contracts to form a prime preserve of at least 40 acres. In order to qualify, it must meet specific production requirements that are different than regular prime land, as outlined in Section 1-2.3 and

Table 1-2 of these Rules.

**Wildlife habitat area:** A land or water area designated by the Board of Supervisors, after consulting with and considering the recommendation of the Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state (WA).

**Winery:** A bonded establishment primarily used for the purpose of processing grapes or other fruit products. Processing includes, but is not limited to, crushing, fermenting, blending, aging, storage, bottling, and wholesale/retail sales (Santa Barbara County Code Chapter 35, Zoning).



# UNIFORM RULE 1

## Requirements for Agricultural Preserves, and Williamson Act and Farmland Security Zone Contracts

*Adopted August 9, 1971; amended by Resolution Nos. 73-28 (January 15, 1973), 74-84 (February 4, 1974), 74-344 (May 13, 1974), 75-825 (October 27, 1975), 76-29 (January 12, 1976), 78-466A (October 30, 1978), 84-464 (October 8, 1984), 99-268 (July 6, 1999), 07-193 (September 25, 2007)*

### 1-1. INTRODUCTION

The Williamson Act establishes certain minimum requirements and encourages participating local governments to establish requirements (which may be stricter than the Act but not more lenient) to tailor the program to better reflect local characteristics and objectives. This Rule sets out the County's criteria to be used in judging the qualifications of parcels for the creation and continuance of Agricultural Preserves and Williamson Act contracts, under the terms of the California Land Conservation Act of 1965 and these Rules, both as amended or to be amended. It includes such requirements as zoning, minimum preserve size, minimum parcel size, and agricultural production.

The signing of the Williamson Act contract and the adoption of the resolution creating the Agricultural Preserve shall be completed concurrently for all proposals.

As mentioned in the Introduction to these Rules, because Farmland Security Zone contracts are similar to Williamson Act contracts in terms of eligibility requirements and compatible uses, references to Williamson Act contracts in this Rule shall be presumed to include Farmland Security Zone contracts as well, unless specifically stated otherwise. Additional eligibility requirements specific to Farmland Security Zones are discussed in Rule 5.

#### 1-1.1 County Objectives

In determining initial and ongoing eligibility or reviewing related proposals, the Agricultural Preserve Advisory Committee shall take into consideration the following objectives of the County:

##### A. Commercial Agricultural Production

Land eligible for inclusion in the Agricultural Preserve Program shall be used principally for the commercial production of agricultural commodities. Lands not used for commercial agricultural production, but desirable for preservation, may qualify for inclusion in the program as preserves for recreational or open space use.

##### B. Land Quality

The quality of agricultural land varies widely, depending on soil, terrain, water availability, climate, and other factors. The County wishes to protect the maximum amount of productive and potentially productive agricultural land, which can be either prime or nonprime land.

## 1-2. ELIGIBILITY REQUIREMENTS

In order to enter land into a Williamson Act contract or amend an existing contract, and maintain continued eligibility during the life of the contract, land must meet all of the applicable requirements identified in this Rule.

Only whole, legally created and recorded parcels shall be accepted in an agricultural preserve. Where a landowner applies to enroll their entire contiguous landholding in a single contract, and the landholding complies with these rules, the landowner shall not be required to provide a certificate of compliance or other evidence that the landholding is a legally created parcel or parcels. Documentation of parcel validity will be required should the landowner make a request for development on the parcel or parcels.

### 1-2.1. Comprehensive Plan and Zoning Requirements

Eligible land shall have land use and zoning designations consistent with those listed in Table 1-1.

**Table 1-1. Comprehensive Plan and Zoning Requirements**

Contract Type	Comprehensive Plan Designation	Zone Districts
Agriculture and Recreation	Agricultural Commercial, Agriculture I, Agriculture II, and Mountainous Area	Agriculture, Mountainous, and Resource Management
Open Space	Agricultural Commercial, Agriculture I, Agriculture II, Mountainous Area, and Other Open Lands	Agriculture, Mountainous, and Resource Management

The zoning designation shall include a minimum parcel size consistent with the provisions of Section 1-2.2 (e.g., AG-I-40 or MT-GOL-40 for a prime preserve or AG-II-100 or MT-TORO-100 for a nonprime preserve). The AG-I-5 zoning district may be used or applied only in conjunction with the provisions of Subsection 1-2.2.C.3, Superprime Land.

Interested landowners with ineligible land use or zoning designations should request and secure a general plan amendment and/or rezone prior to or concurrent with the processing of the agricultural preserve and Williamson Act contract, subject to the provisions outlined in Section 1-2.4. Land zoned under Ordinance 661 is not eligible for a Williamson Act contract unless the application is accompanied by a general plan amendment, rezone, or consistency rezone request.

### 1-2.2. Minimum Preserve and Contract Size

#### A. Preserve Size

Except as provided for in Subsection C.4 below, the minimum size for an agricultural preserve comprising nonprime land shall be 100 acres and the minimum size for an agricultural preserve comprising prime or superprime land shall be 40 acres.

#### B. Existing and Assumed Contracts

Existing prime and nonprime contracts for which no changes are proposed that meet the minimum preserve size, but which are made up of parcels which do not meet the minimum parcel size set forth in Subsection 1-2.2.C below, shall continue to be eligible with respect to minimum preserve and contract size. The assumption of an existing contract shall also continue to be

eligible with respect to minimum preserve and contract size, assuming no changes to contract boundaries occur. If the owner of an existing or assumed contract proposes a change to the contract (e.g. changing the contract boundary or obtaining a permit for development) then the contract would need to adhere to all of the eligibility requirements contained in Section 1-2.2 of this Rule.

### **C. New and Replacement Contracts**

Applications for new or replacement contracts shall be considered for land if its size and type are one of the following:

#### **1. Nonprime Land**

When the land is classified as nonprime, the minimum preserve size is 100 acres under single ownership.

#### **2. Prime Land**

When the land is classified as prime, as defined in these Rules, the preserve can be made up of either of the following:

- a. A single parcel contract of at least 40 acres in size; or
- b. Two or more contiguous parcels (under one or more contracts) which total at least 40 acres, when each parcel (and contract where applicable) is either:
  - (1) A minimum of 20 acres; or
  - (2) A minimum of five acres of superprime land as defined in Subsection C.3 below; or
  - (3) A combination of (1) and (2) above.

Subsections (1) through (3) above apply when contract applications for an aggregate preserve of 40 acres or more are concurrently processed or when a new contract for less than 40 acres is added to other contracts in an existing prime preserve.

#### **3. Superprime Land**

Prime agricultural lands of the County south of the Santa Ynez Mountains and east of the Gaviota Pass which are highly productive due to the combination of soils and climate are uniquely suitable to specialty horticultural produce and floral varieties, and are capable of supporting commercially viable agricultural operations even on smaller properties. The Board of Supervisors has determined that such "superprime" agricultural lands are important to protect and therefore finds that parcels between five acres and less than 20 acres in size are eligible for inclusion in 40-acre minimum prime preserves, pursuant to Subsection 1-2.2.C.2.b above.

#### **4. Prime Preserves Reduced in Size with Special Findings**

Notwithstanding the above, the Board of Supervisors may at its discretion reduce the requirements for minimum size for the creation of a prime preserve to not less than 30 acres in one parcel, or in several contiguous parcels as stipulated in Subsection 1-2.2.C.2, if it finds that such a smaller preserve is necessary due to the unique characteristics of agricultural enterprises in this County, that the establishment of such a preserve of lesser size is consistent with the Comprehensive Plan, as provided for in Section 1-2.1, and that all of the following findings apply to the proposed preserve of lesser size:

- a. No other contiguous owners desire to enroll their land in a Williamson Act contract simultaneously to create a multiple contract preserve of 40 acres or more, pursuant to Subsection 1-2.2.C.2 above;
- b. Each parcel meets the minimum requirements established for prime or superprime land pursuant to Subsection 1-2.2.C.2;
- c. Each landowner maintains annual production records demonstrating that the land is being used for commercial agricultural production and continues to meet the eligibility requirements set forth in Section 1-2.3, and makes such records available to the County upon request;
- d. The contracts will be subject to annual monitoring by the County for a period of no less than five years and thereafter as required pursuant to Section 6-1.7 of these Rules. If at any time it is demonstrated that there is no longer a commercial agricultural operation on the premises, then the County shall proceed with issuing a notice of nonrenewal pursuant to Section 6-1.7 of these Rules.

#### **5. Special consideration**

Other than superprime land, non-preserve islands surrounded by preserve lands may be considered as eligible when all criteria other than size are met.

#### **D. Additions to Contracts**

Additions to existing contracts of contiguous parcels shall be allowed as follows:

##### **1. Nonprime Land**

Any individual parcel 100 acres or greater in size, and which meets the definition of nonprime as set forth in these Rules, may be added to an existing nonprime contract provided the existing parcel(s) and parcel to be added are contiguous and are under the same ownership.

No sub-100 acre additions to nonprime contracts shall be allowed, except when the parcels to be added and existing contract are under the same ownership.

##### **2. Prime and Superprime Land**

Any individual parcel that meets the definition of either prime land or superprime land as set

forth in Subsection 1-2.2.C.2, and is a minimum of 20 acres or five acres, respectively, may be added to an existing prime or superprime contract within a prime preserve that is contiguous and under the same ownership. Any individual parcel that meets the definition of either prime land or superprime land as set forth in Subsection 1-2.2.C.2, and is a minimum of 20 acres or five acres, respectively, may be added to a preserve containing both nonprime and prime land only when the total resulting prime or superprime land in the two or more adjacent parcels is 40 acres or more and when these prime or superprime lands are contiguous and under the same ownership.

No sub-20 acre additions to prime contracts or sub-five acre additions to superprime contracts shall be allowed, except when the parcels to be added and existing contract are under the same ownership and any lot line is eradicated between a parcel within the existing contract and the added land, or adjusted pursuant to Section 1-3 below, provided that all resulting parcels meet the individual parcel size requirements and combine to meet the minimum prime preserve size requirements for Williamson Act contracts as set forth in Subsection 1-2.2.C.2.

### **1-2.3. Commercial Production and Reporting Requirements**

To qualify for a Williamson Act contract and maintain ongoing eligibility, it must be demonstrated that the land is and will be used principally for the production of commercial agricultural products. This is particularly important for prime and superprime land which tends to be enrolled in smaller parcels. Therefore, contracts for prime and superprime land shall comply with the following productive acreage and annual production value/prime soils requirements, as presented in Subsections A and B below. Nonprime land is addressed in Subsection C, while Subsection D applies to all contracted land. Only data from agricultural use of the land shall be used to determine compliance with minimum productive acreage and average annual production value requirements set forth in Subsections A, B, and C below.

#### **A. Prime Land**

In order to qualify and maintain eligibility for a contract, prime land shall comply with the following:

##### **1. Minimum Productive Acreage:**

Prime land must maintain a minimum of either 50 percent of the premises or 50 acres, whichever is less, fully planted (as defined herein) in commercial agricultural production (with allowances for fallow periods, change of crop or production method), unless it can be demonstrated to the APAC that this is unreasonable due to terrain, sensitive resources or other similar constraints. Where constraints are determined to exist, the APAC will recommend the minimum productive acreage particular to the premises.

In addition to meeting this minimum productive acreage requirement, prime contracts shall also comply with either 2 or 3 below.

##### **2. Average Annual Production Value:**

a. Agricultural production on prime land must yield an annual gross product value equal

to or exceeding five hundred dollars (\$500) per gross acre<sup>2</sup> per year averaged over at least three of the previous five years; or

- b. The land is planted with fruit or nut-bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$500<sup>3</sup> per gross acre; or
- c. For irrigated pasture, agricultural production must yield an annual gross product value equal to or exceeding two hundred dollars (\$200) per gross acre per year averaged over at least three of the previous five years, or must be able to support at least one animal unit month (AUM) per acre.

**3. Prime Soils:**

The land is composed of prime soils (i.e. qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classification or 80 through 100 in the Storie Index Rating).

**B. Superprime Land**

In order to qualify and maintain eligibility for a contract, superprime land shall comply with the requirements of either Column 1 or 2 of Table 1-2 below (as described in more detail in Subsections B.1 and B.2 below), though in no case shall superprime land yield an annual gross product value per parcel less than \$5,000 and have fewer than 4.75 acres fully planted in commercial production:

**Table 1-2. Production Requirements for Superprime Land**

<b>Parcel Size (acres)</b>	<b>Column 1 Average Annual Production Value</b>	<b>Column 2 Minimum Productive Acreage per Parcel (acres)</b>
5 to 10	\$5000 per parcel	4.75
> 10 to 11	\$10,000 per parcel	5.00
> 11 to 12		5.50
> 12 to 13		6.00
> 13 to 14		6.50
> 14 to 15		7.00
> 15 to 16		\$15,000 per parcel
> 16 to 17	8.00	
> 17 to 18	8.50	
> 18 to 19	9.00	
> 19 to < 20	9.50	

<sup>2</sup> Gross acre refers to the entire number of acres under a single contract, not just the acres in production. For example, if only 20 acres on a 40-acre contract were in cultivation, the annual gross product value would need to be at least \$1,000 per planted acre in order to meet the \$500 per gross acre requirement.

<sup>3</sup> The product value is determined by multiplying the total annual productive acreage on the premises by the average value of the commodity for the previous five years as determined by the Agricultural Commissioner’s Office, then dividing this total by the number of acres on the premises.

**1. Average Annual Production Value:**

Agricultural production on superprime land must yield an annual gross product value per parcel equal to or in excess of the values listed in Column 1 of Table 1-2. The average annual production value is averaged over at least three (3) of the previous five years, or the land is planted with fruit or nut-bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than the minimums set forth in Table 1-2. The production value is determined by multiplying the total production per parcel by the average value of the commodity for the previous five years as determined by the Agricultural Commissioner's Office; or

**2. Minimum Productive Acreage:**

Contracts on superprime land must maintain a minimum acreage fully planted (as defined herein) in commercial agricultural production consistent with Column 2 of Table 1-2 (with allowances for fallow periods, change of crop or production method), unless it can be demonstrated to the APAC that this is unreasonable due to terrain, sensitive resources or other similar constraints. Where constraints are determined to exist, the APAC will determine the minimum productive acreage particular to that contract, however, in no case shall this be less than 4.75 acres.

**C. Nonprime Land**

Contracted land that is nonprime shall be engaged in active commercial agricultural production as its principal use. Nonprime land may be used for either grazing and/or cultivated agriculture and shall have a secure water source if required to support the agricultural activity.

**D. Production Records**

In order to ensure compliance with the production requirements in Section 1-2.3, agricultural operations on contracted land shall maintain records of annual productive acreage and its production value to demonstrate continued eligibility, and make this information available to the County upon request.

**1-2.4. Adjustments to Parcels and Zoning**

- A. Except as provided for in Section 1-2.2.D above, whenever a landowner wishes to enter only part of an existing parcel, the landowner shall record a subdivision map or lot line adjustment prior to or simultaneously with submitting an application for enrollment into the Agricultural Preserve Program and prior to execution of a Williamson Act contract.
- B. For prime and superprime contracts, parcels in the same ownership which are too small individually to qualify must be merged or adjusted before the contract may be recommended for approval by the APAC.
- C. After a contract is entered into, any size reduction of any parcel resulting from a land division or lot line adjustment within the contract shall be allowed only if all parcels thus created meet the

eligibility criteria of this Rule and, if the exterior boundaries of the contract change, are accompanied by an application for a replacement contract.

- D. In order for a parcel or group of parcels to be eligible for new and replacement contracts, the parcel(s) shall be zoned to the applicable zoning designation consistent with the qualifying preserve.

### **1-3. LOT LINE ADJUSTMENTS**

A lot line adjustment proposed on parcels which are under Williamson Act contract shall only be approved provided the landowner(s) and County mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to the requirements set forth in this Rule, and the Board of Supervisors finds all of the following:

- A. The lot line adjustment shall comply with all the findings for lot line adjustments in Chapter 35, Zoning, of the Santa Barbara County Code.
- B. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term of at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- C. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

*[Aggregate acreage refers to the total contract acreage combined between the parcels involved in the lot line adjustment.]*

- D. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

*[This finding refers to the location of the Williamson Act contract. Through the lot line adjustment, 90 percent of the new contract(s) would need to remain in the location of the original contract(s).]*

- E. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.
- F. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- G. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- H. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the Comprehensive Plan.



## 1-4. PERMITTED RESIDENTIAL LAND USES

The Board of Supervisors recognizes the importance of providing housing opportunities on agricultural land enrolled in the Agricultural Preserve Program, in order to accommodate landowners and their agricultural employees. However, the Board also recognizes that the primary purpose of the Williamson Act is the long-term preservation of the maximum amount of agricultural and open space land. In an effort to balance these issues, the Uniform Rules allow for limited residential opportunities on contracted land. These allowances may be more restrictive than the applied zoning designation permits for residential site use.

All requests for residential structures including additions to existing residences, residential agricultural units (RAU), agricultural employee housing and accessory improvements and structures shall be reviewed by the APAC for a compatibility determination that the improvement or structure is sited in accordance with this section and the compatibility guidelines set forth in Rule 2.

The following sections present the types of housing units potentially available on contracted land, including principal dwellings, Residential Agricultural Units (RAUs), and agricultural employee housing. Table 1-3 highlights the various housing types and combinations permitted within each zone district. Please refer to the applicable zoning ordinances for more detailed information on the housing requirements and limitations for each zone district.

**Table 1-3. Housing Opportunities on Lands under Williamson Act Contract**

Zone District	Principal Dwelling	Agricultural Employee Housing <sup>1</sup>		RAU <sup>2,3</sup>		Guest House <sup>2</sup>		Residential Second Unit <sup>2,4</sup>
AG-I-5	✓	✓		N/A	+	✓	or	✓
AG-I-10	✓	✓			+	✓	or	✓
AG-I-20	✓	✓			+	✓	or	✓
AG-I-40	✓	✓	+	✓	or	✓	N/A	
AG-II-40	✓	✓	+	✓	or	✓		
AG-II-100	✓	✓	+	✓	or	✓		
AG-II-320	✓	✓	+	one or duplex	+	✓		
MT-TORO	✓	N/A		N/A	+	✓		
MT-GOL	✓	✓			+	✓		
RES	✓	N/A			+	✓		

<sup>1</sup> One or more based on demonstrated need.

<sup>2</sup> Limits on maximum size of unit (among other requirements).

<sup>3</sup> RAUs are only permitted on contracted land and are not permitted at all within the Coastal Zone. (Editor's note: See Section 1-4.2 Residential Agricultural Unit.)

<sup>4</sup> Residential second units are not permitted in addition to a guest house, or in the Coastal Zone in addition to agricultural employee housing (Santa Barbara County Code Chapter 35, Zoning).

### 1-4.1. Principal Dwelling

A. A single principal dwelling shall be allowed on the premises.

#### B. Premises made up of parcels less than 100 acres in size.

- For premises with parcels between 20 acres and less than 100 acres, the principal dwelling and all accessory structures (including Residential Agricultural Units), landscaping, and non-

agricultural roads serving the dwelling shall occupy no more than two acres or three percent of the parcel, whichever is smaller.

2. In the case of superprime contracts (premises with parcels between five acres and less than 20 acres in size), the principal dwelling and all accessory structures, landscaping, and non-agricultural roads serving the dwelling shall occupy no more than 10,000 square feet or such larger area as is provided for under Subsection D below.
3. Farm buildings, corrals, and permitted agricultural employee housing shall not be subject to the above site limitation, except in the case of superprime contracts as described in Subsection D below.

**C. Premises containing parcels greater than or equal to 100 acres in size.**

1. For premises with multiple parcels with a zoning minimum parcel size of 100 acres or greater, a maximum of three principal dwellings may be allowed provided each dwelling is located on a separate legal parcel at least 100 acres in size. As a condition of a land use permit, the additional principal dwelling(s) shall be occupied by an immediate family member as defined herein, and the property owner shall provide evidence of a written agreement that all lands within the agricultural preserve contract shall be managed principally for agricultural purposes, subject to the terms and conditions of the Williamson Act and Uniform Rules, for the duration of the contract.
2. Where premises contain parcels both less than 100 acres and equal to or greater than 100 acres in size, and an existing principal dwelling is located on a parcel less than 100 acres in size, no further principal dwellings are allowed.
3. In the case of a single principal dwelling on the premises, the dwelling and all accessory structures (including Residential Agricultural Units), landscaping, and non-agricultural roads serving the dwelling shall occupy no more than two acres or three percent of the parcel, whichever is smaller.
4. In the case of two or three principal dwellings on the premises, the total area occupied by all of the dwellings and all accessory structures (including Residential Agricultural Unit), landscaping, and non-agricultural roads serving the dwellings shall be no more than three acres. Farm buildings, corrals, and permitted agricultural employee housing shall not be subject to the above site limitation.

- D. Notwithstanding the commercial production requirements set forth in Section 1-2.3.B, Superprime Land, superprime parcels greater than 10 acres (but less than 20 acres) may increase their development envelope allocation by planting additional land to commercial production. For each acre (or portion thereof) in size beyond a 10-acre parcel an additional 1,000 square feet may be added to the development envelope if one additional acre beyond the required minimum productive acreage is fully planted (as herein defined) in commercial agricultural production. Table 1-4 describes the increased allowances and planting requirements that are available for each parcel size. For example, a 15-acre parcel could increase its development envelope to a maximum of 15,000 square feet if at least 12 acres (five acres above the minimum) are fully planted in commercial agricultural production. If a 15-acre parcel only wishes to add 2,000 square feet to its development envelope, then it would only need to plant two additional acres beyond its minimum productive acreage requirement of seven acres. However, the maximum amount of square feet that a 15-acre

parcel could add to its development envelope is 5,000, even if six or more acres above the minimum were planted.

This development envelope shall include the principal dwelling, landscaping, driveways, and accessory structures. Roads used for agricultural purposes are not included within the development envelope. Horse and other animal facilities (e.g. stables and corrals), new agricultural employee housing, and other similar agriculturally-related structures on superprime land may be remotely sited from the principal dwelling, as long as the total area occupied by these structures, when added to the area occupied by the principal dwelling and residential accessory structures, does not exceed the permitted envelope allowance as set forth in this section.

**Table 1-4. Development Envelope Allowances on Superprime Land**

Parcel Size (acres)	Maximum Development Envelope Allowance (square feet)	Planting Requirement to Receive Allowance (acres)	Minimum Productive Acreage (from Table 1-2)
for: 5 – 10	up to: 10,000	If: 4.75	4.75
> 10 – 11	11,000	6.00	5.00
> 11 – 12	12,000	7.50	5.50
> 12 – 13	13,000	9.00	6.00
> 13 – 14	14,000	10.5	6.50
> 14 – 15	15,000	12.0	7.00
> 15 – 16	16,000	13.5	7.50
> 16 – 17	17,000	15.0	8.00
> 17 – 18	18,000	16.5	8.50
> 18 – 19	19,000	18.0	9.00
> 19 – < 20	20,000	19.5	9.50

- E. In order to preserve productive agricultural land to the maximum extent feasible, the development envelope shall minimize intrusion into agricultural areas and minimize ‘barbell’, ‘peninsula’, and ‘finger’ type configurations. A guest house or RSU, where allowed under the zoning ordinance, shall be included in the development envelope and must be clustered with the principal dwelling.

**1-4.2. Residential Agricultural Unit**

*(Editor’s note: Section 35.42.210 (Residential Agricultural Units) of the County Land Use and Development Code allowing for Residential Agricultural Units (RAUs) expired on July 6, 2008 and is no longer in effect. Therefore, RAUs are no longer permitted or conditionally permitted on agriculturally zoned lots in Santa Barbara County, including property subject to an agricultural preserve contract.)*

The purpose of a Residential Agricultural Unit (RAU) is to protect, promote and enhance an agricultural operation by providing either an additional housing opportunity for the agriculturist and his/her family or a potential additional income source that is incidental and supportive of the principal agricultural use of the land, while preserving the integrity of the agricultural area. The RAU may be occupied by the owner, a family member, an employee of the agricultural operation or a renter. RAUs are subject to the following provisions:

- A. In addition to the principal dwelling, one RAU may be permitted on the premises in AG-I-40, AG-II-40, AG-II-100, and AG-II-320 zone districts, in accordance with the RAU Program in the Santa Barbara County Code Chapter 35, Zoning. The RAU may be remotely sited in AG-II-100 and AG-

II-320 zone districts, otherwise the RAU must be clustered with the principal dwelling.

- B. Whether the RAU is clustered or remotely sited, the combined area dedicated to residential uses (including the principal dwelling, RAU, and all accessory structures and improvements, e.g. non-agricultural driveways) shall not exceed three percent of the total parcel size or two acres, whichever is smaller. If remotely sited, the RAU shall be limited to a one-acre building site.
- C. A RAU shall be located on the same parcel as the existing principal dwelling in compliance with the size, siting and other restrictions set forth in the Santa Barbara County Code Chapter 35, Zoning.

Nothing in this section affects an owner's ability to build agricultural employee housing pursuant to Section 1-4.3 below.

### **1-4.3 AGRICULTURAL EMPLOYEE HOUSING**

All requests for agricultural employee housing units subject to a Williamson Act contract, including trailers, mobile homes on permanent foundations, and other types of permanent residential structures that are proposed on the premises shall be reviewed by the Agricultural Preserve Advisory Committee for a determination of need. Along with the agricultural employee, his or her family may occupy the agricultural employee housing.

- A. Prior to the issuance of a land use permit or conditional use permit<sup>4</sup>, the landowner shall sign and record a *Notice to Property Owner* with the County that runs with the land affirming that the agricultural employee housing is occupied by an agricultural employee as defined herein. The *Notice to Property Owner* shall include a statement that if at any time the unit is occupied by someone other than an agricultural employee and his/her family, the owner must vacate or remove the unit, or convert the agricultural employee housing unit to a permitted use.
- B. Any new agricultural employee housing should be located to minimize the use of agricultural land, and avoid prime soils and conflicts with agricultural production to the maximum extent feasible.
- C. Given the unique characteristics of superprime land, landowners of superprime contracts shall demonstrate to the APAC that any new agricultural employee housing will not interfere with the agricultural operation on the subject premises or on other adjacent agricultural lands. To ensure this, any new agricultural employee housing subject to a superprime contract shall count towards the allotted development envelope as set forth in Section 1-4.1 of this Rule, though it may be remotely sited from the principal dwelling.

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<sup>4</sup> The Zoning Ordinance currently requires that any agricultural employee for which housing is being provided work only on the premises, unless part of a farm labor camp (5 or more units). Any agricultural employee housing units subject to a Williamson Act contract shall be consistent with the Zoning Ordinance, as amended.

## UNIFORM RULE 2

### Compatible Uses within Agricultural Preserves

Land enrolled in the Agricultural Preserve Program is to be used principally for commercial agricultural production, with the exception of land enrolled for open space or recreational purposes. However, the Board recognizes that it may be appropriate to allow secondary uses on contracted land that are either incidental to, or supportive of, the agricultural operation on the property. This Rule provides guidance and criteria for evaluating these uses on land under Williamson Act and Farmland Security Zone contracts in terms of their compatibility and consistency with the purpose and intent of the Williamson Act. It is the goal of this County that, through application of the principles of compatibility in the Act, compatible uses allowed on contracted land will be beneficial to and inherently related to the agricultural use of the land.

It should be noted that some uses that are allowed by zoning are not allowed on contracted land because they would not be considered compatible with the Williamson Act. At the same time, there are uses that would be deemed compatible under the Williamson Act but would not be allowed under County zoning ordinances. Therefore, for a use to be allowed on contracted land, it must be both permitted by County zoning and found to be compatible under the Act and these Rules. Compatibility is evaluated by the APAC on a case-by-case basis. Uses deemed compatible through application of this Rule are still subject to all applicable standards and requirements in County zoning ordinances as well as the County's Comprehensive Plan, where appropriate.

The first section of this Rule provides general compatibility principles, as established under the Williamson Act, to be applied to all land uses and activities occurring within contracted land, including both Williamson Act and Farmland Security Zone contracts. The remaining sections provide more specific criteria and requirements for specific land uses and activities that the Board has determined must be met for the use or activity to be considered compatible with agriculture and consistent with the Williamson Act.

Except as specifically stated in Rule 2-2.1.A, the provisions of this rule are in addition to and do not limit applicability of the eligibility requirements of Rule 1.

#### 2-1. COMPATIBILITY GUIDELINES

##### 2-1.1. Principles of Compatibility (Section 51238.1 of the Williamson Act<sup>5</sup>)

- A. Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:
  - 1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

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<sup>5</sup> Section 2-1.1 is verbatim of state law (2006) with the exception of changes to applicable section references and replacement of the phrase "board or council" with "Board of Supervisors" or "Board".

2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
  3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use. In evaluating compatibility the Board of Supervisors shall consider the impacts on non-contracted lands in the agricultural preserve or preserves.
- B. The Board may include in these compatible use rules conditional uses which, without conditions or mitigations, would not be in compliance with this section. These conditional uses shall conform to the principles of compatibility set forth in Subsection 2-1.1.A above or, for nonprime lands only, satisfy the requirements of Subsection 2-1.1.C below.
- C. In applying the criteria pursuant to Section 2-1.1, the Board may approve a use on nonprime land which, because of onsite or offsite impacts, would not be in compliance with paragraphs A and B of Section 2-1.1, provided the use is approved pursuant to a conditional use permit that shall set forth findings, based on substantial evidence in the record, demonstrating the following:
1. Conditions have been required for, or incorporated into, the use that mitigate or avoid those onsite and offsite impacts so as to make the use consistent with the principles set forth in paragraphs A and B of Section 2-1.1 to the greatest extent possible while maintaining the purpose of the use.
  2. The productive capability of the subject land has been considered as well as the extent to which the use may displace or impair agricultural operations.
  3. The use is consistent with the purposes of the Agricultural Preserve Program to preserve agricultural and open-space land or supports the continuation of agricultural uses, as defined in these Rules, or the use or conservation of natural resources, on the subject parcel or on other parcels in the agricultural preserve. The use of mineral resources shall comply with Section 51238.2 of the Williamson Act.
  4. The use does not include a residential subdivision.

### **2-1.2. Other Compatibility Criteria**

- A. The use does not result in the significant increase in the density of the temporary or permanent human population that could hinder or impair agricultural operations on the subject property and/or other agricultural lands in the vicinity.
- B. The use does not require and will not encourage the extension of urban services such as sewer or the upgrade of public roads to urban standards that could encourage premature conversion of agricultural land to non-agricultural uses.
- C. The use does not include a residential subdivision in any agricultural preserve or farmland security

zone.

## **2-2. SUPPORTIVE AGRICULTURAL USES**

*Adopted by Resolution No. 77-157 (March 28, 1977); amended by Resolution Nos. 77-320 (June 27, 1977), 84-464 (October 8, 1984), 07-193 (September 25, 2007), and 14-182 (July 8, 2014).*

The purpose of this section is to establish standards for compatible uses within contracted land which permit the preparation for shipment and sale and limited processing of agricultural products.

### **2-2.1. Preparation and Processing**

**A. Preparation Facilities.** The preparation for market of agricultural products in their raw state includes but is not limited to: sorting, grading, cleaning, packing, cooling and shipping, and is deemed compatible provided all the following are met:

1. The facility does not exceed 50 percent of the parcel or 30 acres, whichever is less, except the Board of Supervisors may allow a preparation facility to exceed 50 percent of the parcel if it finds that a substantial benefit to the agricultural community and the public can be demonstrated. However, in no case shall the facility exceed 30 acres. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production. Included within this site are roads serving these uses<sup>6</sup>, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural production.
2. The acreage allowances identified above are maximums and will only be permitted upon a demonstrated need.
3. All such uses are subject to all zoning requirements, including a conditional use permit, when applicable, and its conditions and standards that are found necessary to maintain compatible agricultural land uses.
4. The parcel with the preparation facility has at least 50 percent of the parcel or 50 acres in commercial agricultural production, whichever is less, unless it can be demonstrated to the Agricultural Preserve Advisory Committee that it is unreasonable due to terrain, sensitive habitat and/or resources or other similar constraints. Where constraints are determined to exist, the Agricultural Preserve Advisory Committee will recommend the minimum productive acreage particular to the premises. Notwithstanding the commercial production eligibility requirements in Rule 1-2.3, the Board of Supervisors may establish different minimum production acreage requirements particular to the parcel and/or premises if the Board finds that a substantial benefit to the agricultural community and public can be demonstrated.

**B. Processing of Wine Grapes.** Due to the unique qualities and desirability of processing premium table wines near the vineyard, wineries are deemed compatible within contracted land, provided that

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<sup>6</sup> For dual-use roads, only that portion of the road which is required to serve the facility by extending it beyond the agricultural road will count towards the site acreage limitation. In addition, if widening a dual-use road to meet County standards takes land out of agricultural production, then the extra width will count towards the site acreage limitation.

all of the following criteria are met:

1. A vineyard(s) has been planted on the parcel for which the winery is proposed prior to County approval of the winery;
2. At least 51 percent of the winery case production shall be from grapes grown on the premises and/or from other contracted land under the same ownership in Santa Barbara County. At least 20 percent of the case production shall be from grapes grown on the parcel with the winery. Additional vineyard planting may be required on the premises to ensure compliance with the commercial production requirements in Rule 1-2.3;
3. For premises 500 acres or less, that such uses do not occupy land exceeding 10 percent of the premises or five acres, whichever is less. Premises greater than 500 acres are permitted one additional acre for a winery site for each additional 100 acres above 500 under contract, not to exceed 20 acres. Included within this site are roads serving these uses<sup>7</sup>, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural production. Winery support facilities, including wastewater facilities and tasting rooms, may be remotely sited from the winery as long as the total area occupied by these uses, when added to the winery development envelope, does not exceed the permitted envelope allowance as set forth in this section. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production.
4. The acreage allowances identified above are maximums and will only be permitted upon a demonstrated need to support the agricultural operation.
5. All such uses are subject to all zoning requirements, including a conditional use permit, when applicable, and its conditions and standards that are found necessary to maintain compatible agricultural land uses.

**C. Small Scale Processing Beyond the Raw State.** Small scale processing of agricultural products other than wine grapes (wine grapes are addressed in Section 2.2.1.B) beyond the raw state are deemed compatible within contracted land, provided the following criteria are met:

1. The proposed facility is located on a parcel that has been planted with the crop proposed for processing prior to County approval of the facility;
2. Processing of horticultural or agricultural products from offsite sources shall be limited to no more than 49 percent of the total volume of processed products on the facility premises (with allowances for normalized yields upon maturity, fallow periods, and atypical harvest years), and where such premises comprise more than one legal parcel, at least five percent of the total volume of processed products shall be harvested from the legal parcel upon which the processing operation is located;

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<sup>7</sup> For dual-use roads, only that portion of the road which is required to serve the facility by extending it beyond the agricultural road will count towards the site acreage limitation. In addition, if widening a dual-use road to meet County standards takes land out of agricultural production, then the extra width will count towards the site acreage limitation.



3. The processing facility and any ancillary facilities such as sales, marketing, and parking are limited to one acre;
4. In the case of superprime contracts, such facilities are limited to parcels 10 acres or greater in size and shall be either located within existing farm buildings or count towards the development envelope allowance in order to avoid displacement of productive agricultural land;
5. The allowance identified in #3, above, is a maximum. Small Scale Processing operations will only be permitted at an appropriate scale upon a demonstrated need to support the agricultural operation.

**D. (Reserved for Future Use)**

**E. Facilities Visible from a State-designated Scenic Highway.** Agricultural preparation and processing facilities visible from a State-designated scenic highway should be sited, screened, and designed to be compatible with the scenic and rural character of the area.

**2-2.2. Retail Sales**

The sale of agricultural products permitted by this Uniform Rule is deemed compatible within contracted land providing:

- A. All retail sales shall comply with all applicable regulations within the County's zoning ordinances.
- B. All retail sales adhere to the compatibility guidelines set forth in Section 2-1.
- C. Only one retail sales location is permitted on the premises.
- D. For wineries, a tasting room and retail sales are only allowed if associated with a winery on the parcel. If two or more wineries exist on the premises, they must share a single tasting room and retail sales area.

**E. Retail sales of cannabis or cannabis products are prohibited on the premises.**

**2-3. ANIMAL BOARDING AND BREEDING FACILITIES**

*Resolution Nos. 67-193, 70-89, 70-90, 70-752, 75-929 (December 8, 1975), 78-466A (October 30, 1978), 84-464 (October 8, 1984); Minute Orders of October 18, 1971 and July 17, 1972, 07-193 (September 25, 2007)*

**2-3.1. Incidental Boarding and Breeding**

Incidental animal boarding and/or breeding facilities, whether for commercial or personal use, are compatible within contracted land providing all of the following are met:

- A. Only one incidental boarding and/or breeding facility located outside the designated building envelope is allowed on the premises for either commercial, personal or combined commercial/personal boarding and/or breeding.
- B. Such use is genuinely incidental to the principal uses of the land as specified in the criteria set forth in Uniform Rules 1 (Agricultural) and 4 (Recreational);

- C. Any facilities required for personal boarding/breeding use shall be counted toward the designated development envelope, though the boarding/breeding facilities may be remotely sited from the principal dwelling;
- D. Any facilities required for incidental commercial boarding/breeding use on non-prime contracted land shall be limited to three percent of the parcel or two acres, whichever is less;
- E. Any facilities required for incidental commercial boarding/breeding use on prime contracted land shall be limited to three percent of the parcel or two acres, whichever is less, provided at least 50 percent of the parcel is devoted to the principal agricultural operation;
- F. Any facilities required for incidental commercial boarding/breeding use on superprime land shall be included within the designated development envelope, though the boarding/breeding facilities may be remotely sited from the principal dwelling;
- G. When required, a conditional use permit has been granted by the County pursuant to the zoning ordinance, for the boarding and/or breeding facilities.

### **2-3.2 Principal Boarding and Breeding**

Notwithstanding Subsection 1-1.1.A above, boarding and/or breeding facilities for animals developed as the principal use on the premises are compatible within contracted land providing all of the following are met:

- A. The premises must meet the eligibility requirements described in Uniform Rule 1 for either a prime or nonprime preserve. Boarding and/or breeding facilities for animals developed as the principal use of the premises are not compatible within superprime contracts;
- B. The premises meets the following commercial agricultural production requirements:
  - 1. Parcels 40 acres or greater qualifying as a prime preserve or parcels 100 acres or greater qualifying as a non-prime preserve shall maintain a minimum 20 acres of irrigated pasture.
  - 2. Two contiguous parcels qualifying together as a prime preserve:
    - a. If under a single contract, shall maintain a minimum 20 acres of irrigated pasture combined; or
    - b. If under separate contracts, each parcel for which animal breeding/boarding is the principal use shall maintain as irrigated pasture a minimum of 10 acres, or 50 percent of the parcel, whichever is greater;
- C. Such facilities shall not produce traffic volumes detrimental to the commercial agricultural productivity of the area;
- D. The total area of land covered by all permanent improvements, excluding the principal dwelling, shall not exceed 20 percent of the premises or 20 acres, whichever is less. For the purposes of this Rule, permanent improvements include: any object affixed to the ground, landscaping, buildings, and structures, such as stables and exercise rings;

- E. Such facilities adhere to the compatibility guidelines set forth in Section 2-1 of these Rules;
- F. When required, a conditional use permit has been granted for such facilities by the County pursuant to the Santa Barbara County Code Chapter 35, Zoning.

## **2-4. CANNABIS**

Cannabis cultivation, including ancillary facilities in support of cannabis cultivation, is compatible on contracted land subject to the following standards:

- A. The cultivation of cannabis, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including distribution and manufacturing for extraction purposes, as may be permitted by the County, may be considered compatible on agricultural preserve contracted land if the activity is consistent with the compatibility guidelines set forth in Section 2-1 of this Rule and does not hinder or impair the short-term or the long-term agricultural uses and activities on the premises or on other properties in the vicinity;
- B. Any area required for cannabis cultivation on prime or non-prime contracted land, including ancillary facilities in support of cannabis cultivation, may be remotely sited from the designated development envelope, and shall be limited to five percent of the premises or five acres, whichever is less;
- C. Any area required for cannabis cultivation on superprime contracted land, including ancillary facilities in support of cannabis cultivation, shall be included in the designated development envelope allowance, though the cannabis cultivation area, including ancillary facilities, may be remotely sited from the principal dwelling;
- D. Processing, distribution, and manufacturing (extraction only) of cannabis from offsite sources shall be limited to no more than 49 percent of the total volume of processed cannabis on the premises;
- E. The following cannabis related uses and activities are expressly deemed incompatible uses on agricultural preserve contracted land: manufacturing (excluding extraction), retail sales, testing of cannabis grown off-premises, and marketing of cannabis or cannabis products.
- F. For legal nonconforming medical marijuana cultivation sites allowed by County Code § 35-1003.B, this Rule shall be effective on the operative date of the amendments terminating these legal nonconforming uses in Article X of Chapter 35 of the County Code in Ordinance No. 5025 (18ORD-00000-00001).

## **2-5. RECREATION**

Recreational uses, such as walking, hiking, picnicking, wilderness camping, scenic viewing, swimming, boating, fishing, hunting, and horseback riding, are deemed compatible uses on contracted land. Examples of non compatible uses are: motor vehicle use which is detrimental to the productivity of the land, and golf courses. Uses which are compatible shall meet all of the following requirements:

- A. The use is limited to land in its agricultural or natural state;
- B. The use is consistent with the compatibility guidelines set forth in Section 2-1 of this Rule and with

any restrictions imposed by the applicable zone district in the Santa Barbara County Code Chapter 35, Zoning;

- C. Any facilities or structures necessary to support such uses, and which are not principally used as part of the agricultural operation, must be included within the acreage allowed for the development envelope on the premises and be sited in a manner that minimizes impacts to agriculture;
- D. Only incidental low-intensity motorized activities shall be allowed.

Contracted land that is used solely for recreation, where no agriculture is taking place, shall adhere to the requirements set forth in Rule 4.

## **2-6. RESERVED FOR FUTURE USE**

## **2-7. WASTE DISPOSAL AND COMMERCIAL COMPOSTING FACILITIES**

*Resolution Nos. 67-193, 70-89, 70-90, 70-752, 75-929 (December 8, 1975), 78-466A (October 30, 1978), 84-464 (October 8, 1984); Minute Orders of October 18, 1971 and July 17, 1972, 07-193 (September 25, 2007)*

- A. Sanitary fill waste disposal facilities and transfer stations are not compatible uses on contracted land.
- B. Commercial composting facilities (as defined herein) may be deemed compatible if all of the following findings are made:
  - 1. The facility is consistent with the compatibility guidelines set forth in Section 2-1 of this Rule;
  - 2. The facility provides a direct benefit/link to the agricultural operation on the premises and other agricultural lands in the vicinity;
  - 3. Construction of the facility will require little to no grading or other ground disturbance;
  - 4. The facility is appropriately scaled and sited in such a manner that it will not interfere with the agricultural operation on the premises or other adjacent agricultural operations;
  - 5. A land restoration plan has been prepared for the facility that returns the facility site to agriculture upon its termination;
  - 6. The footprint of the commercial composting facility occupies no more than 10 percent of the premises, or 20 acres, whichever is less; composting is appropriately sited and scaled; and it is incidental to the primary agricultural use of the premises. Commercial composting facilities shall only occur on premises at least 40 acres in size within the AG-II zone district, in order to ensure compatibility with surrounding agricultural lands.

A conditional use permit may be required pursuant to the Santa Barbara County Code Chapter 35, Zoning.

- C. Land Reclamation Fill activities may be deemed compatible if all of the following findings are made:
  - 1. The land reclamation fill meets the definition as set forth in these Rules;

2. The fill activity is consistent with the compatibility guidelines set forth in Section 2-1 of this Rule;
3. The fill activity provides a long-term benefit to the agricultural operation on the premises.

A grading permit may be required pursuant to the County's Grading Ordinance.

## **2-8. MINING EXTRACTION AND QUARRYING**

*Resolution Nos. 67-193, 70-89, 70-90, 70-752, 75-929 (December 8, 1975), 78-466A (October 30, 1978), 84-464 (October 8, 1984); Minute Orders of October 18, 1971 and July 17, 1972, 07-193 (September 25, 2007)*

Mining, extraction, and quarrying of natural resources are compatible on contracted land when such uses are incidental and will not be disruptive to the principal agricultural use on the premises and are subject to all of the following provisions:

- A. The material excavated shall be transported within a reasonable time to an off-site use or stockpiling facility. Only stockpiling and/or sorting of the material mined on the premises are permitted on contracted land. Importing material from off-site for processing and recycling activities associated with the mining operations are not compatible uses under these Rules.
- B. Pursuant to Section 51238.2 of the Williamson Act, mineral extraction shall only be approved if the Board is able to document that the underlying contractual commitment to preserve prime or nonprime land will not be significantly impaired. Conditions imposed on mineral extraction as a compatible use shall include compliance with the reclamation standards adopted by the Mining and Geology Board pursuant to Section 2773 of the Public Resources Code, including the applicable performance standards for prime agricultural land and other agricultural land, and no exception to these standards may be permitted.

## **2-9. GAS, ELECTRIC, WATER, AND COMMUNICATION FACILITIES**

*Resolution Nos. 67-193, 70-89, 70-90, 70-752, 75-929 (December 8, 1975), 78-466A (October 30, 1978); Minute Orders of October 18, 1971 and July 17, 1972, 07-193 (September 25, 2007)*

- A. The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities are compatible uses. Communication facilities shall include, among others, radio, television, telecommunications, Cable TV and facilities necessary for the aid of navigation by land, air or sea.
- B. Agricultural accessory structures, including but not limited to, windmills or solar panels for pumping water, wind turbines used for frost protection, and water generation for on-site agricultural uses, are deemed compatible uses.
- C. Energy production structures, such as wind energy conversion systems and solar panels, are permitted subject to applicable zoning requirements and review by the Agricultural Preserve Advisory Committee pursuant to the compatibility guidelines as stated in Section 2-1 of this Rule.

## **2-10. OIL AND GAS DRILLING AND PRODUCTION FACILITIES**

*Resolution Nos. 67-193, 70-89, 70-90, 70-752, 75-929 (December 8, 1975), 78-466A (October 30, 1978); Minute Orders of October 18, 1971 and July 17, 1972, 07-193 (September 25, 2007)*

Incidental oil and gas drilling and production facilities as defined hereinafter and pipelines are compatible uses. For the purposes of this section, oil and gas drilling and production facilities are defined as all facilities necessary to:

- A. Drill for and produce oil, gas and other hydrocarbons from a well bore;
- B. Separate oil, water and gas from each other;
- C. Prepare such products for shipping and storage;
- D. Recycle, repressurize or inject such products or other substances for underground disposal, for underground storage and in connection with secondary recovery operations; and
- E. Provide storage facilities for such products pending disposal thereof under A through D hereof and to temporarily store other substances used in A through D hereof. It shall not include refineries nor "tank farms" nor any other use not accessory or incidental to drilling and production facilities as defined above nor any operations not reasonably required to be performed at or within the vicinity of the wellhead.

## **2-11. TEMPORARY FILMING AND SPECIAL EVENTS**

Temporary filming activities<sup>8</sup> and temporary uses (special events)<sup>9</sup>, as may be permitted by the County, may be considered compatible on contracted land if the activity is consistent with the compatibility guidelines set forth in Section 2-1 of this Rule and does not hinder or impair the short-term or the long-term agricultural activities on the premises or on other properties in the vicinity.

Note: All applications for temporary uses on contracted lands requiring an LUP or CUP shall be reviewed by the APAC for consistency with the Uniform Rules, as are all other applications. This note does not obviate the requirement for applications for other uses or requests for other entitlements on contracted lands to be reviewed by the APAC.

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<sup>8</sup> Pursuant to Chapter 14 C, Sections 5, 6 and 13 of the Santa Barbara County Code.

<sup>9</sup> Pursuant to Section 35.42.250 (Temporary Uses and Trailers) of the Santa Barbara County Code.

## UNIFORM RULE 3

### Williamson Act Contracts for Open Space

*Adopted by Resolution No. 75-826 (October 27, 1975), Amended by Resolution No. 84-64 (October 8, 1984) and Resolution No. 07-193 (September 25, 2007)*

This Rule applies to Williamson Act contracts solely for open space, where no agriculture is taking place. Land that is dedicated to a combination of agriculture and open space shall be considered an agricultural operation with compatible open space and must comply with the requirements and provisions for an Agricultural Preserve under Rules 1 and 2. Land used exclusively for open space is not eligible for a Farmland Security Zone contract.

The amount of land in the County that is potentially eligible for a Williamson Act contract for open space is small relative to land eligible for inclusion in the Agricultural Preserve Program on the basis of agriculture. The small number of anticipated applications due to the narrow definition of open space in the Williamson Act, combined with the diversity of open space uses and natural characteristics of the land, necessitates careful review of applications on a case-by-case basis. The sections that follow describe the minimum standards and requirements for lands enrolled in contracts for open space uses.

#### 3-1. ELIGIBILITY REQUIREMENTS

##### 3-1.1. Character of Land

To be eligible for a Williamson Act contract for Open Space the land must be located in a scenic highway corridor, a designated wildlife habitat area, a managed wetland or a submerged area as defined by these Rules. It shall be the policy of the County to favor lands which have high scenic value adjoining and visible from designated scenic highways, or land that provides necessary wildlife habitats as determined through consultation with the Department of Fish and Game.

##### 3-1.2. Comprehensive Plan and Zoning Requirements

Eligible land shall have a land use and zoning designation consistent with Section 1-2.1 of these Rules.

##### 3-1.3. Minimum Contract Size

With the exception of land adjoining or visible from a designated scenic highway, each contract shall consist of at least 100 acres of land in a single ownership in one parcel. Changes of ownership and terminations shall be subject to the provisions of Uniform Rule 6. In the event that an otherwise qualifying parcel has less than 100 acres but not less than 40 acres, the Board of Supervisors may consider it eligible based on the "unique" features of the open space land involved. "Unique" is defined here as a natural feature and/or biological process not found in other parts of the County, state or nation; a unique feature is, for example, a rare, endangered, endemic and/or exemplary floral or fauna species or geologic feature. The terms and uses of this "unique" open space shall be stated in the contract.

Land adjoining and visible from a State or locally-designated scenic highway in parcels of any size will be eligible for a Williamson Act contract for open space and preserve status under this Rule upon request of

the owner. Such contracts shall comply with all other applicable requirements of these Rules.

### **3-2. COMPATIBLE LAND USES**

No uses shall be permitted that produce an income from the property. Limited, non-intensive, incidental recreational uses may be permitted where they are deemed appropriate. These uses, by the owner or a lessee with a minimum five-year lease (or non-paying guests of either), may include hiking, horseback riding, scenic viewing, temporary tent camping (as in Federal Wilderness Areas) and similar activities. The limits and conditions on these incidental recreational uses shall be stated in the contract and may preclude certain specified recreational uses completely. Scientific study may also be conducted within a Williamson Act contract for Open Space, provided it does not result in the removal or disturbance of significant vegetation, geologic features or landforms. Except as provided for in Section 51238.(a) of the Williamson Act, no structures shall be built or placed upon the land, and no equipment use or mechanized or motorized vehicle use shall be permitted on the land except in the case of emergencies and necessities, such as fire fighting and prevention, flood control, and other hazard prevention and control. There shall be an imputed income of a minimum of \$2.00 per acre per year for assessment purposes.

### **3-3. INCOMPATIBLE LAND USES**

The following uses are considered to be incompatible with a Williamson Act contract for open space: (1) the cultivation of cannabis, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis; and (2) manufacturing, retail sales, testing, distribution, and marketing of cannabis or cannabis products.

### **3-4. MAINTENANCE OF THE LAND**

The owner shall maintain the property in an attractive, scenic way to preserve its natural state. All maintenance activities, including vegetative management such as controlled burning, activities minimizing fire, flood and other hazards, changes to add floral or faunal materials, and changes to the natural character of the existing preserve, must be reviewed in advance by the Agricultural Preserve Advisory Committee. The County reserves the right to monitor and enforce the terms of the contract pursuant to Section 6-1.7 of these Rules.



## UNIFORM RULE 4

### Williamson Act Contracts for Recreation

*Adopted by Resolution No. 75-827 (October 27, 1975), Amended by Resolution No. 84-464 (October 8, 1984) and Resolution No. 07-193 (September 25, 2007)*

This Rule applies to Williamson Act contracts solely for recreation, where no agriculture is taking place. Land that is dedicated to a combination of agriculture and recreation shall be considered an agricultural operation with compatible recreation and must comply with the requirements and provisions for an Agricultural Preserve under Rules 1 and 2. Land used exclusively for recreation is not eligible for a Farmland Security Zone contract.

The amount of land in the County that is potentially eligible for a Williamson Act contract for recreational uses is small relative to land eligible for inclusion in the Agricultural Preserve Program on the basis of agriculture. The small number of anticipated applications combined with the diversity of recreational uses and natural characteristics of the land necessitate careful review of applications on a case-by-case basis. The sections that follow describe the minimum standards and requirements for lands enrolled in contracts for recreational uses.

#### 4-1. ELIGIBILITY REQUIREMENTS

##### 4-1.1. Comprehensive Plan and Zoning Requirements

Eligible land shall have a land use and zoning designation consistent with Section 1-2.1 of these Rules. Additionally, the proposed recreational use of the contracted land must be consistent with the zone district in which it is located.

##### 4-1.2. Minimum Contract Size

The minimum preserve and contract size shall be 100 acres in a single parcel, except where sub-100 acre parcels of outstanding scenic, historic or cultural value are deemed to be particularly suited for park and recreation purposes, in which case a minimum of 30 acres in a single parcel may qualify for a Williamson Act contract for Recreation. These sub-100 acre preserves may include, but not necessarily be limited to, access to lake shores, beaches, and rivers and streams; and areas which serve as links between outdoor recreation and natural open space preserves, including utility easements, banks of rivers, trails and scenic highway corridors. Changes of ownership and terminations shall be subject to the provisions of Uniform Rule 6.

#### 4-2. SUBMITTAL REQUIREMENTS

In order to be eligible for a Williamson Act contract for Recreation, the landowner must submit a business plan demonstrating the nature and extent of the recreational use to be provided. The business plan should include, at a minimum: a description of the recreational activities proposed on the premises and the facilities and accessory structures necessary for its operation; a timeline for implementation of the business plan; and an estimate of the number of visitors anticipated. The owner shall maintain records of

visitor usage on an annual basis and provide them to the County upon request.

#### **4-3. COMPATIBLE LAND USES**

- A. One principal dwelling, subject to the requirements of these Rules and applicable zoning ordinances, shall be permitted on the premises. The principal dwelling and all accessory structures and landscaping shall occupy no more than two acres or three percent of the parcel, whichever is smaller.
- B. Besides the principal dwelling, the land uses shall be limited to those which meet the definition of recreational use established in these Rules and are consistent with the applicable compatibility guidelines set forth in Rule 2.1. An exception to this is provided for in Section 51238(a)(1) of the Williamson Act, which allows for certain facilities in any preserve land, unless the Board of Supervisors finds otherwise. Examples of compatible low intensity recreational uses include hiking, picnicking, horseback riding, wilderness camping, scenic viewing, hunting, fishing, boating, swimming, and scientific research and study. Examples of non-compatible uses are: motor vehicle use which is detrimental to the productivity of the land, and golf courses. Any fee charged for the recreational use of the land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public.
- C. Any recreational facilities, such as buildings, stables, and similar structures, shall be included in the development envelope and together with the residential structures occupy no more than three percent of the parcel or two acres, whichever is less.
- D. Requests for remote siting of structures shall be evaluated on a case-by-case basis by the Agricultural Preserve Advisory Committee, and the site for remote structures shall not exceed one acre.

#### **4-4. INCOMPATIBLE LAND USES**

The following uses are considered to be incompatible with a Williamson Act contract for recreation: (1) the cultivation of cannabis, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis; and (2) manufacturing, retail sales, testing, distribution, and marketing of cannabis or cannabis products.

#### **4-5. MAINTENANCE OF THE LAND**

The landowner shall maintain the property, in an attractive, scenic way, to preserve its natural or rural character. The landowner shall submit to the APAC a management plan that details the ongoing and routine maintenance activities expected on the premises (e.g. trail maintenance), as well as deferred maintenance anticipated in the future. Except for those of a minor nature, any maintenance activities not included within this management plan, including activities minimizing fire, flood and other hazards, changes to add floral or faunal materials, and changes to the natural character of the existing preserve, must be reviewed in advance by the Agricultural Preserve Advisory Committee. The County reserves the right to monitor and enforce the terms of the contract pursuant to Section 6-1.7 of these Rules.

## UNIFORM RULE 5

### Farmland Security Zones

*Adopted by Resolution No. 99-318 (August 10, 1999) and amended by Resolution No. 07-193 (September 25, 2007)*

Farmland Security Zones were developed by the state legislature and added to the Williamson Act in 1998 as an added incentive to landowners to retain their land in agriculture for the long-term. Lands entered into contracts under the Farmland Security Zone Program are awarded greater property tax reductions (35 percent reduction of assessed Williamson Act or Proposition 13 value) in exchange for committing to stay in agriculture for a minimum of 20 years. Lands within a Farmland Security Zone are afforded the same rights and privileges and are administered similarly to lands under the regular Agricultural Preserve Program, though a few differences exist. This Rule sets forth the specific eligibility criteria, contract terms, and methods of contract termination that apply to contracted land in a Farmland Security Zone.

No land shall be included in a farmland security zone unless expressly requested by the landowner. A Farmland Security Zone may be composed of more than one contract. If more than one landowner requests the creation of a farmland security zone and the parcels are contiguous, the County shall place those parcels in the same Farmland Security Zone.

#### 5-1. ELIGIBILITY REQUIREMENTS

- A. Only whole legal parcels are eligible for Farmland Security Zone contracts.
- B. To be eligible, land must either be in an existing Williamson Act contract or the landowner(s) may also petition the Board of Supervisors to create a farmland security zone for the purpose of entering into a Farmland Security Zone contract. If in an existing Williamson Act contract, a landowner or group of landowners may petition the Board of Supervisors to rescind a contract or contracts entered into pursuant to the Williamson Act in order to simultaneously place the land under a contract(s) designating the property as a Farmland Security Zone.
- C. The land must either:
  - 1. Be designated on the Important Farmland Series maps, prepared pursuant to Govt. Code Section 65570 as predominantly (more than 50 percent of the proposed contract area) one of the following:
    - a. Prime farmland;
    - b. Farmland of statewide significance;
    - c. Unique farmland;
    - d. Farmland of local importance; or
  - 2. If not designated on the Important Farmland Series maps, it must qualify as predominantly

prime as defined in these Rules.

- D. Any land located within a city's sphere of influence at the time of application for a Farmland Security Zone contract shall not be included within a farmland security zone, unless the creation of the farmland security zone within the sphere of influence has been expressly approved by resolution by the city with jurisdiction within the sphere.
- E. The land subject to a Farmland Security Zone contract may not be reduced to an area which is smaller than that which would qualify under Section 1-2.2.B.2 of these Rules.

## **5-2. CONTRACT TERMS**

### **5-2.1. Term**

The initial term of a Farmland Security Zone contract shall be no less than 20 years, and each contract shall provide for yearly automatic extensions unless a notice of nonrenewal is given pursuant to Section 6-1 of these Rules.

### **5-2.2. Permitted Residential Land Uses**

The residential land uses permitted within farmland security zone contracts are equivalent to those permitted in regular Williamson Act contracts, pursuant to Section 1-4 of these Rules.

### **5-2.3. Compatible Land Uses**

The compatible uses set forth in Uniform Rule 2 shall be considered compatible uses in a Farmland Security Zone and are governed by the same requirements and restrictions.

## **5-3. CONTRACT TERMINATION**

Terminating a contract in a farmland security zone by way of nonrenewal and cancellation is similar to regular Williamson Act contracts in terms of the process and requirements. Refer to Section 6-1 for a discussion of these methods of termination. Pursuant to the Williamson Act, land under a Farmland Security Zone contract is generally protected from termination of a contract by way of annexation and public acquisition. The requirements for contract termination by these means are set forth in Sections 51296.3 through 51296.6 of the Williamson Act.

In the case of returning a Farmland Security Zone contract to a regular Williamson Act contract, a nonrenewal of the Farmland Security Zone is required to initiate the process. After 10 years, the Farmland Security Zone contract will be rescinded and the premises re-entered into the regular Williamson Act contract. For the first 10 years of the new, regular Williamson Act contract, the restrictions of the Farmland Security Zone continue to apply as an enforceable restriction cannot be replaced by provisions that are more lenient until such time horizon has expired.

## **5-4. TRANSFER OF OWNERSHIP**

Transfers of ownership within Farmland Security Zone contracts follow the same process as in regular Williamson Act contracts. Refer to Rule 6-2 for a discussion of these processes.

## **5-5. LAND DIVISION AND LOT LINE ADJUSTMENTS**

A lot line adjustment or division of land subject to a Farmland Security Zone contract must first obtain County approval.

No division will be approved unless it is consistent with Section 5-1.E of this Rule, and can be reasonably established that there will be no loss in the production of food and fiber within the Farmland Security Zone from said transfer and the size of each parcel remaining is economically viable for agricultural production.

Any lot line adjustment must be in accordance with the requirements set forth in Section 1-3 of these Rules.

## UNIFORM RULE 6

### Administration

#### 6-1. CONTRACT TERMINATION

*Adopted December 13, 1971, Amended by Resolution No. 84-464, October 8, 1984, and Resolution No. 07-193 (September 25, 2007)*

The purpose of this section is to establish standards for the termination of Williamson Act and Farmland Security Zone contracts and the withdrawal of land from Agricultural Preserves and Farmland Security Zones, without impairing the integrity of the program. The procedures developed under this Rule are in accordance with the Williamson Act, and shall be used to process all requests for withdrawal from Agricultural Preserves and Farmland Security Zones and for termination of Williamson Act and Farmland Security Zone contracts. Methods for terminating Williamson Act contracts include nonrenewal, cancellation, annexation, public acquisition, and rescission. Except where expressly stated otherwise, the methods of termination presented below also apply to Farmland Security Zone contracts.

Under the Williamson Act, contracts are automatically renewed each year following the first year of a 10-year contract (or a 20-year contract for a Farmland Security Zone), unless the landowner or County serves a notice of nonrenewal or the contract is terminated by one of the other methods described below. Once the period of nonrenewal or termination has come to an end, the contract shall expire and the agricultural preserve or farmland security zone making up the boundaries of the contract shall be simultaneously disestablished.

##### 6-1.1. Nonrenewal (Unilateral notice by landowner or County)

Withdrawal by a notice of nonrenewal is the preferred method considered in all instances, whether for all or part of the contracted land where whole parcels are involved. This method is open to either party to the contract, does not require a finding of fact, and provides for an adjustment in land assessed values, pursuant to Section 426 of the Revenue and Taxation Code.

Upon serving a notice of nonrenewal, the existing contract shall remain in effect for the balance of the period remaining from the date of the original execution or the last renewal of the contract, whichever is more recent.

When landowners seek to nonrenew a part of their contracted land they must serve a notice of nonrenewal for the whole contract and seek a replacement contract for the land remaining; the part to continue under contract must separately be able to meet County eligibility requirements.

##### 6-1.2. Cancellation

###### A. Petition by Owner

An owner may petition the Board of Supervisors for cancellation of his or her Williamson Act or Farmland Security Zone contract because there is a need for a change in land use. Cancellation may occur only if the County consents; it is an exacting process. Cancellation is an expensive method of

terminating a contract. To cover administrative costs, each petitioner shall pay a processing fee in an amount established by resolution by the Board of Supervisors. Processing fees may be high due to the need to prepare staff reports, conduct public hearings, and the potential environmental review requirements under the California Environmental Quality Act. The State requires a cancellation fee equal to 12.5 percent (25 percent for Farmland Security Zones) of the current fair market value of the land as though it were free from contractual restriction.

The existence of an opportunity for another use of the land under contract shall not be sufficient reason for the cancellation of a contract. A potential alternative use of the land may be considered only if there is no proximate, noncontracted land suitable for the use to which it is proposed the contracted land be put. The uneconomic character of an existing agricultural use shall likewise not be sufficient reason for cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

When a landowner wishes to cancel a contract, the landowner shall petition the Board of Supervisors for cancellation, and the landowner has the burden of producing evidence to prove the circumstances which warrant contract cancellation. The owner shall cite (1) the reasons why cancellation is desired, (2) what changes in circumstances have occurred, (3) why immediate action is necessary, and (4) how the landowner is affected by the changes in circumstances. The requirements for cancellation differ between Williamson Act and Farmland Security Zone contracts as outlined below.

#### **1. Williamson Act Contracts**

The Board of Supervisors may grant tentative approval for cancellation of a Williamson Act contract only if it can make all of the findings for either a. or b. below, as provided in Sec. 51282 of the Government Code:

- a. Cancellation is consistent with the purposes of the Williamson Act:
  - (1) Cancellation is for land on which a notice of nonrenewal has been served; and
  - (2) 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 comprehensive 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 proposed use or development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

or

- b. Cancellation is in the public interest:

- (1) Other public concerns substantially outweigh the objectives of the Williamson Act; and
- (2) There is no proximate noncontracted land which is both available and suitable for the proposed use, or development of the contracted land would provide more contiguous patterns of urban development of proximate noncontracted land.

## **2. Farmland Security Zone Contracts**

- a. As required by Section 51282 of the Williamson Act, to cancel a Farmland Security Zone contract, the County shall make both of the findings specified in paragraphs a and b of Section 1 above, based on substantial evidence in the record. Further, subdivisions (b) through (e) of Section 51282 of the Williamson Act shall apply to the findings made by the County.
- b. In its resolution tentatively approving cancellation of the contract, the County shall find all of the following:
  - (1) That no beneficial public purpose would be served by the continuation of the contract.
  - (2) That the uneconomic nature of the agricultural use is primarily attributable to circumstances beyond the control of the landowner and the local government.
  - (3) That the landowner has paid a cancellation fee equal to 25 percent of the cancellation valuation calculated in accordance with the provision set forth in Section 6-1.2.B.3.
- c. The Director of Conservation must approve the cancellation. The Director may approve the cancellation after reviewing the record of the tentative cancellation provided by the County, only if he or she finds both of the following:
  - (1) That there is substantial evidence in the record supporting the decision.
  - (2) That no beneficial public purpose would be served by the continuation of the contract.
- d. A finding that no authorized use may be made of a remnant contract parcel of five acres or less left by public acquisition pursuant to Section 51295 of the Government Code, may be substituted for the finding in Subsection 2.a above.

## **B. Cancellation Process**

1. Applications for cancellation for all or part of an Agricultural Preserve (where whole parcels are involved) shall be referred to the County Planning Commission for a recommendation to the Board of Supervisors. The application shall be accompanied by a proposal for a specified alternative use of the land. Once an application for cancellation is deemed complete pursuant to Section 65943 of the Government Code, the County shall immediately mail a notice to the Director of Conservation. Notification and communication with the Director of Conservation



shall comply with Section 51284.1 of the Williamson Act.

The Planning Commission shall hold a noticed public hearing(s) to consider cancellation of the contract and disestablishment of the Agricultural Preserve or Farmland Security Zone, and any rezoning and amendment of the County Comprehensive Plan necessary to permit the nonagricultural uses contemplated by the applicant.

2. Applications for cancellation shall be referred to the Agricultural Preserve Advisory Committee for comment and report to the Board of Supervisors.
3. Prior to any action by the Board giving tentative approval to the cancellation of any contract, the County Assessor shall determine the current fair market value of the land as though it were free of the contractual restriction. The Assessor shall certify to the Board the cancellation valuation of the land for the purpose of determining the cancellation fee. At the same time, the Assessor shall send a notice to the assessee indicating the current fair market value of the land as though it were free of the contractual restriction. The notice shall advise the assessee of the right to appeal the fair market value of the land under Section 1605 of the Revenue and Taxation Code and that the appeal shall be filed within 60 days of the date of mailing printed on the notice or the postmark date therefore, whichever is later.
4. The Board of Supervisors shall schedule a noticed public hearing to consider the request for cancellation upon receipt of the above reports from the Planning Commission, the Agricultural Preserve Advisory Committee, and the Assessor. If recommended by the Planning Commission, the Board of Supervisors shall also hold concurrent noticed public hearings to consider any rezoning and Comprehensive Plan amendments necessary. Notification of these hearings to the Director of Conservation shall comply with Section 51284 of the Williamson Act.
5. Prior to giving tentative approval to the cancellation of any contract the Board shall determine and certify to the County Auditor the amount of the cancellation fee which the landowner must pay the County Treasurer as deferred taxes upon cancellation. That fee shall be an amount equal to 12.5 percent of the cancellation valuation of the property for a Williamson Act contract and 25 percent for a Farmland Security Zone contract.
6. Cancellation of the Williamson Act contract shall be contingent upon payment, in full, of the cancellation fee. The cancellation fee shall be paid to the Clerk of the Board of Supervisors, who shall transmit that fee to the County Auditor. The fee shall be paid prior to the final approval of cancellation. If the Board of Supervisors finds that it is in the public interest to do so, it may waive any payment or any portion of a payment by the landowner, or may extend the time for making the payment or a portion of the payment contingent upon the future use made of the land and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been canceled, if the requirements set forth in Section 51283.(c) of the Williamson Act are met.
7. The Board of Supervisors shall not grant cancellation for a portion of a contract (where whole parcels are involved) if the land proposed to remain under the contract would not be able to meet County eligibility criteria. Either sufficient qualifying land must remain under contract, or the petition must be made for cancellation of the entire contract.
8. Once the Board of Supervisors has granted tentative cancellation of a contract, the Clerk of the

Board shall record a tentative certificate of cancellation pursuant to Section 51283.4 of the Williamson Act, which enumerates specified conditions and contingencies that must be satisfied prior to issuing a final certificate of cancellation. The landowner shall notify the Board of Supervisors when the conditions and contingencies have been satisfied. Within 30 days of receipt of the notice, and upon determination that the conditions and contingencies have been satisfied, the Board shall execute and record a certificate of cancellation of the contract. If the landowner has been unable to satisfy the conditions and contingencies, the landowner shall notify the Board of the particular conditions or contingencies he or she is unable to satisfy. Within 30 days of receipt of the notice, and upon a determination that the landowner is unable to satisfy the conditions and contingencies listed, the Board shall execute and record a certificate of withdrawal of tentative approval of a cancellation of contract.

### **6-1.3. Rescission**

- A. Notwithstanding any other provision of these Uniform Rules, the County, upon petition by a landowner, may enter into an agreement with the landowner to rescind a contract in accordance with the contract cancellation provisions of Section 51282 of the Williamson Act in order to simultaneously place other land within the County under an agricultural conservation easement, consistent with the purposes and, except as provided in Subsection A.2 below, the requirements of the Agricultural Land Stewardship Program pursuant to Division 10.2 (commencing with Section 10200) of the Public Resources Code, provided that the Board of Supervisors makes all of the following findings:
1. The proposed agricultural conservation easement is consistent with the criteria set forth in Section 10251 of the Public Resources Code.
  2. The proposed agricultural conservation easement is evaluated pursuant to the selection criteria in Section 10252 of the Public Resources Code, and particularly subdivisions (a), (c), (e), (f), and (h), and the Board makes a finding that the proposed easement will make a beneficial contribution to the conservation of agricultural land in its area.
  3. The land proposed to be placed under an agricultural conservation easement is of equal size or larger than the land subject to the contract to be rescinded, and is equally or more suitable for agricultural use than the land subject to the contract to be rescinded. In determining the suitability of the land for agricultural use, the County shall consider the soil quality and water availability of the land, adjacent land uses, and any agricultural support infrastructure.
  4. The value of the proposed agricultural conservation easement, as determined pursuant to Section 10260 of the Public Resources Code, is equal to or greater than 12.5 percent of the cancellation valuation of the land subject to the contract to be rescinded, determined by the County Assessor to be the current fair market value of the land as though it were free of contractual restriction. The easement value and the cancellation valuation shall be determined within 30 days before the approval of the County of an agreement pursuant to this section.
- B. Notwithstanding any other provision of these Rules, the parties may upon their mutual agreement rescind a contract in order simultaneously to enter into an open-space easement agreement pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070)), provided that the easement is consistent with the Williamson Act for the duration of the

original contract. The easement would enforceably restrict the same property for an initial term of not less than 10 years and would not be subject to the provisions of Article 4 (commencing with Section 51090) of Chapter 6.6. This action may be taken notwithstanding the prior serving of a notice of nonrenewal, and the land subject to the contract shall be assessed pursuant to Section 423 of the Revenue and Taxation Code.

- C. Notwithstanding any other provision of this chapter, the parties may upon their mutual agreement rescind a contract in order simultaneously to enter into a new contract pursuant to these Uniform Rules, which new contract would enforceably restrict the same property for an initial term at least as long as the unexpired term of the contract being so rescinded but not less than 10 years. Such action may be taken notwithstanding the prior serving of a notice of nonrenewal relative to the former contract.

#### **6-1.4. Annexation by City**

On the annexation by any city in the County of any land under a Williamson Act contract the city shall succeed to all rights, duties, and powers of the County. Under certain limited circumstances defined in Section 51243.5 of the Williamson Act a city may elect not to succeed to the rights, duties, and powers of the County under the contract. For Farmland Security Zone contracts, see the provisions of Sections 51296.3 through 51296.6 of the Williamson Act.

Whenever part of the land under a Williamson Act contract is removed from such status through annexation to a city, the part remaining under contract must be able to meet County eligibility criteria. In the event that unqualified land is left subject to contract, the County shall immediately serve notice of nonrenewal for such land.

In cases of annexation of land under contract, coordination is encouraged between the annexing city, Local Agency Formation Commission (LAFCO), the County, and the landowner to ensure that proper protocol is being followed and that all parties are provided the opportunity to comment and work towards the best possible outcome for all parties involved.

#### **6-1.5. Eminent Domain or Other Acquisition**

Pursuant to Section 51295 of the Williamson Act, upon the termination of an action in eminent domain for the condemnation of the fee title, or of an acquisition in lieu of eminent domain, for a public improvement by a public agency, for land subject to a Williamson Act contract, the contract shall be null and void for all land actually taken or acquired, as of the date the action was filed. If, in either such action, only part of the land under contract is acquired, and the remaining land is not able to meet County eligibility criteria, a notice of nonrenewal shall be filed immediately by the County against such remaining land.

No public agency or person, except as provided for in Section 51293, shall propose to acquire and locate a public improvement within an agricultural preserve unless the following findings are made:

- A. The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.
- B. If the land is agricultural land covered under a contract pursuant to these Rules for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

When land in an agricultural preserve is acquired by a public entity, the public entity shall notify the Director of Conservation within 10 working days. The notice shall include a general explanation of the decision and the findings made pursuant to A and B above.

For Farmland Security Zone contracts, see Sections 51296.3 through 51296.6 of the Williamson Act for the relevant rule and requirements.

#### **6-1.6. Termination of Multiple Contract Preserves**

At the time of termination, cancellation, or notice of nonrenewal, parcels in a multiple contract preserve (e.g. contiguous lands qualifying under Subsection 1-2.2.A.2) may not be continued under contract if the remaining land cannot qualify by itself. At such time the County may (but shall not be required to) serve a notice of nonrenewal on the remaining land if it does not otherwise qualify for participation in the Agricultural Preserve Program. In the event the remaining land does not qualify for the Agricultural Preserve Program and a determination is made that it would be in the public interest to retain the remaining land in the Agricultural Preserve Program, then those parcels may remain under contract if the Board of Supervisors makes all of the findings set forth in Subsection 1-2.2.B.4 of these Rules.

#### **6-1.7. Monitoring and Enforcement**

Williamson Act and Farmland Security Zone contracts are binding agreements between landowners and the County that assume that the terms of the contract continue to be met in exchange for the restricted property tax assessments. As such, landowners must remain in compliance during the entire life of the contract, even after nonrenewal has been initiated. If, at any time, the APAC finds that the terms of a contract, including the requirements set forth in these Rules, are no longer being met, the County shall give the landowner 60 days to remedy the contract violation. If the violation persists at the end of this period, the issue shall be brought in front of the APAC at its next scheduled meeting for a determination on how to proceed. Options for addressing unresolved violations include recommendation to the Board of Supervisors for the immediate issuance of a notice of nonrenewal or, for those contracts already in nonrenewal, court action.

The County shall monitor the Agricultural Preserve Program to ensure continued compliance by periodically reviewing the continuing eligibility of properties under contract and checking for violations. Methods for monitoring include:

- A. Review of (1) permit applications and recorded documents (e.g. residential construction or processing facility; property transfers), and/or (2) neighbor complaints. In conjunction with a permit application or neighbor complaint, the County may conduct field visits to ensure that the contracted land continues to meet eligibility requirements or determine whether any contract violations have occurred.
- B. For prime and superprime contracts for which enrollment into the Agricultural Preserve Program is dependent upon maintaining sufficient gross annual income from the agricultural operation, minimum land in production, or other contractual requirements, shall make production reports, commodity sales receipts, agricultural income forms from their income tax records, or other use or income records relating to the contracted land available to the County upon request.
- C. The Assessor may report to the APAC any premises which do not appear to meet the eligibility requirements set forth in Rule 1-2.

## 6-2. TRANSFER OF OWNERSHIP OF CONTRACTED LAND

*Adopted by Resolution No. 73-788 (December 3, 1973), Amended by Resolution Nos. 80-407 (September 15, 1980) Resolution No. 84-464 (October 8, 1984) and Resolution No. 07-193 (September 25, 2007)*

The purpose of this section is to establish procedures for the maintenance of contracts wherein changes in legal description and/or ownership occur without impairing the integrity of the program. The procedures developed under this section are in accordance with the Williamson Act, and shall be used to process all transfers of ownership in Williamson Act and Farmland Security Zone contracts.

- A. Transaction that transfers all land restricted by a Williamson Act or Farmland Security Zone contract where no changes in boundaries occur.

The transferee shall cause to be completed and signed immediately subsequent to the instrument creating the new ownership a *Notification of Assumption of Williamson Act/Farmland Security Zone Contract* (form may be obtained by contacting Planning and Development). The assumption notice shall include the legal description set forth in the instrument which transferred the ownership interest or a reference to the recording data for the contract being assumed, and shall submit said document along with the applicable fee to Planning and Development. County Counsel shall then review and approve as to form and return the form to the applicant for subsequent recording by the County Recorder's Office.

- B. Transaction that transfers a portion of land restricted by a Williamson Act or Farmland Security Zone contract, where whole legal parcels are transferred.

1. The transferee(s) shall cause to be completed and filed with the Agricultural Preserve Advisory Committee a new contract application for each of the ownerships, together with such fee as is required. The transferor shall similarly furnish a new application for the portion retained.
2. New contracts shall be signed and recorded by transferor(s) and transferee(s) immediately subsequent to the transaction creating new ownership(s).
3. Should any transfer of ownerships create parcels which do not qualify under the eligibility criteria set forth in these Rules, the County shall serve notice of nonrenewal on the nonconforming parcels, and record its notice of nonrenewal.

- C. Transaction that transfers a portion of land restricted by a Williamson Act or Farmland Security Zone contract where subdivisions occur.

1. Only whole legal parcels are allowed within Williamson Act and Farmland Security Zone contracts. Any boundary changes that subdivide parcels, therefore, must first be processed by the County Planning and Development Department through its subdivision procedures, and must meet all requirements of such process before any action may be taken by the Agricultural Preserve Advisory Committee.
2. The transferee(s) shall cause to be completed and filed with the Planning and Development Department new Williamson Act or Farmland Security Zone contract applications, maps and legal descriptions for each of the ownerships, together with such fees as are required. The transferor shall similarly furnish applications, maps and legal descriptions together with such fees as are required for the portion retained.

3. New contracts shall be signed and recorded by transferor(s) and transferee(s) immediately subsequent to the transaction creating new ownership(s).
4. Should any transfer of ownership create parcels which do not qualify under the eligibility criteria set forth in these Rules, the County shall serve and record a notice of nonrenewal on the non-complying parcels.

D. Transfer of all or a portion of land under a Williamson Act or Farmland Security Zone contract between immediate family members.

Nothing contained in these Uniform Rules shall prevent the transfer of ownership from one immediate family member to another (per Section 51230.1 of the Williamson Act) of a portion of land which is currently designated as an agricultural preserve under contract, if all of the following conditions are satisfied:

1. The parcel to be transferred is a whole legal parcel at least 10 acres in size in the case of prime agricultural land or at least 40 acres in size in the case of nonprime land; and
2. The legal parcel to be transferred conforms to the applicable local zoning and land division ordinances and local coastal program; and
3. The parcel to be transferred complies with all applicable requirements of these Rules and relevant County zoning ordinances relating to agricultural income and permanent agricultural improvements which are imposed by the County as a condition of a contract executed covering the land of which the legal parcel to be transferred is a portion. For purposes of this paragraph, if the contracted land already complies with these requirements, the portion of that land to be transferred shall be deemed to comply with these requirements; and
4. There exists a written agreement between the immediate family members who are parties to the proposed transfer that the land which is subject to a Williamson Act or Farmland Security Zone contract and the portion of that land which is to be transferred will be operated under the joint management of the parties subject to the terms and conditions and for the duration of the contract.

A transfer of ownership described above shall have no effect on any contract covering the land of which a portion was the subject of that transfer. The portion so transferred shall remain subject to that contract.

Upon transferring land to an immediate family member pursuant to this section, the landowner shall provide a *Notice to the County Agricultural Commissioner* of said agreement.

E. Successors in Interest.

When title to land subject to contract passes to successors, and in so doing creates circumstances whereby the land, or the remaining land subject to contract, no longer meets County eligibility criteria, a notice of nonrenewal shall be filed immediately by the County against such unqualified land.

