

**ADMINISTRATIVE RULES  
FOR WILLIAMSON ACT LANDS  
IN PLACER COUNTY**

June 2008

**Administrative Rules for Williamson Act Lands**

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## CHAPTER 6 - WILLIAMSON ACT LANDS

### 6.10 - ESTABLISHMENT OF WILLIAMSON ACT LANDS PROGRAM

The Placer County Williamson Act Lands Program is established in compliance with the California Land Conservation Act of 1965, Sections 51200 et seq. of the California Government Code, referred to in these Rules as the "Williamson Act." The purpose of the Program is to protect agricultural lands for the continued production of agricultural commodities, and to protect certain other lands devoted to open-space uses in compliance with the Williamson Act. Placement of a Williamson Act Contract does not preclude the placement of a conservation easement(s) on that same land, as long as such easements recognize the agricultural nature of the property and do not preclude such activity.

### 6.12 – DEFINITIONS

The following terms and phrases are hereby defined for the purposes of these Rules.

**Agricultural Commodity Production.** Any type of commercial agricultural operation that produces any of the following products, including but not limited to all types of: irrigated field crop production (vegetables, fruits, grains, seed crops, flowers, ornamental plants, etc.), dry farming operations (grain, etc.), orchards and vineyards, berries, and animal raising operations such as the raising of cattle, fowl or poultry, goats, sheep, or other livestock.

**Agricultural Preserve Contract.** Contract with a minimum ten-year initial term entered into between the County and a property owner that applies to land in agricultural production.

**Farmland Security Zone Contract.** Contract with a minimum twenty-year initial term entered into between the County and a property owner that applies to land in agricultural production or an open-space use in accordance with Section 51201(o) and 51296 et. al.

**Open Space Williamson Act Contract.** A contract entered into between the County and a property owner that allows for open space lands to be a part of the Williamson Act program in compliance with these Rules and state law.

**Open-Space Use (as defined by Section 51201(o) of the Act).** The use or maintenance of land in such a manner as to preserve its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife, or for the protection of significant ecological resources, if the land is located within one of the following defined areas:

1. A "scenic highway corridor" which is an area adjacent to, and within view of, the right-of-way of:
  - A. An existing or proposed state scenic highway in the state scenic highway system established by the State Legislature in compliance with Streets and Highways Code Sections 260 et seq. and which has been officially designated by the State Department of Transportation as an official state scenic highway; or
  - B. A County scenic highway established in compliance with Streets and Highways Code Sections 260 et seq., or a County scenic highway referenced in the General Plan, Community Plan, or applicable Specific Plan.
2. A "wildlife habitat area" is a land or water area designated by the Placer County 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.
3. A "managed wetland area" is 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 this chapter, was used and maintained as a waterfowl hunting preserve or game refuge or for agricultural purposes.
4. Open space land need not be open to public use in order to be considered for entry into this program.

**Non-Prime Agricultural Land.** Agricultural land that cannot be considered Prime Agricultural Land.

**Prime Agricultural Land.** Means any of the following, in compliance with Williamson Act Section 51201:

- A. All land which qualifies for rating as class I or class II in the Soil Conservation Service land capability classifications.
- B. Land that qualifies for a rating of 80 through 100 in the Storie Index Rating.
- C. Land that 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.

- D. 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 \$200 per acre.
- E. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200 per acre for three of the previous five years.

**Recreational Use.** The use of land in its agricultural or natural state by the public, with or without charge, for walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation. Any ancillary structures necessary for a recreational use shall comply with Section 51238.1 of the Act and these rules.

**Williamson Act.** The term "Williamson Act" or "Act" means California Government Code Sections 51200 et seq., as they may be amended from time to time.

**Williamson Act Contract.** Any contract entered into under these Rules including Agricultural Preserve Contracts, Open Space Williamson Act Contracts or Farmland Security Zone Contracts.

#### **6.14 PURPOSE AND APPLICABILITY OF RULES**

- A. **Purpose.** The purpose of these rules is to implement the provisions of the Williamson Act in Placer County. These rules are not intended to replace the Williamson Act; rather they are to be used in conjunction with applicable provisions of the Williamson Act.
- B. **Applicability.** The rules in this Chapter provide standards and procedures for:
  - 1. Application by landowners for the inclusion of land within agricultural or open space preserves, or Farmland Security Zones;
  - 2. The review of applications and Williamson Act contracts by the County, including determination of the eligibility of property;
  - 3. Limitations on the land uses allowed on properties subject to contracts under the Act and these Rules, and requirements for landowners to maintain land pursuant to such contracts;
  - 4. The termination of Williamson Act Contracts by either the landowner or the County; and

5. The monitoring of lands encumbered by the Act and enforcement of these Rules.

#### **6.16 – FEES**

In compliance with Williamson Act Section 51287, the Board of Supervisors shall establish fees for: the filing and processing of Applications; the modification of Williamson Act Contracts upon the subdivision of land subject to contract; modifications of boundaries between contracts; the review and approval of Joint Management Agreements; the termination of a Williamson Act Contract through the filing of a Notice of Nonrenewal or the cancellation process; and the filing of a Notice of Rescission of Nonrenewal. These fees shall be shown in the Planning Department Fee Schedule.

#### **6.18 - ADMINISTRATION OF RULES FOR AGRICULTURAL AND OPEN SPACE PRESERVES, AND FARMLAND SECURITY ZONES**

- A. The Rules shall be administered by the Placer County Planning Director, the Agricultural Commissioner, and the Assessor, as described in these Rules.
- B. The Placer County Agricultural Commission is hereby appointed as the advisory board on agricultural preserves and contracts in compliance with Williamson Act Section 51239.
- C. The Placer County Planning Commission shall review the cancellation of contracts and may also act as an Advisory Board on any other matter when the Planning Director or Board of Supervisors deems it necessary.
- D. Determinations of the Planning Director required by these Rules may be appealed in compliance with the County Zoning Ordinance.

#### **6.20 - AGRICULTURAL PRESERVE AND CONTRACT ELIGIBILITY REQUIREMENTS**

To enter into the Williamson Act program in Placer County, land must qualify as an agricultural preserve and meet minimum requirements for entrance into a contract. An application for agricultural preserve and land contract may be approved only if the Board of Supervisors, after consideration of the recommendation(s) of the Agricultural Commission, determine that the site proposed for preserve and contract complies with all of the following requirements and can, therefore, accommodate commercial agricultural operations.

- A. Zoning.** The site shall be designated in one of the following zoning districts, as established by the Zoning Ordinance (Chapter 17 of the County Code).

**Agriculture, Resource and Open Space Districts:**

- Agriculture Exclusive (AE)
- Farm (F)
- Forestry (FOR)
- Open Space (O)

**Residential Districts:**

- Residential Agricultural (RA)
- Residential Forest (RF)

- B. Minimum site area.** The site shall include the following minimum areas required by this Subsection.

- 1. Minimum area for preserve.** Williamson Act Section 51230 establishes the minimum area for an agricultural preserve. A site proposed for preserve shall:

- a. Include parcels with a total area of 100 acres; or
- b. Be adjacent to other parcels subject to Williamson Act contracts, so that the total area of contiguous parcels subject to contract is 100 acres or more; or
- c. Be located in an area with unique agricultural enterprises, where the establishment of an agricultural preserve with a total area of less than 100 acres is in the public interest and consistent with the General Plan.

- 2. Minimum area for contract.** Individual parcels proposed for preserve and contract shall comply with the minimum lot area requirements shown in Table 1, based on whether land qualifies as prime or non-prime (See Definition in Section 6.18).

**TABLE 1  
MINIMUM LOT AREA TO QUALIFY FOR PRESERVE AND CONTRACT**

Land Type or Agricultural Operation	Minimum Lot Area to Qualify for Preserve and Contract
Prime agricultural lands	10 acres

Non-prime agricultural lands	40 acres
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- 3. **Established agricultural uses required.** The site shall be developed with an existing commercial agricultural operation as described in the definitions of prime and non-prime agricultural land in Section 6.18.
  - 4. **Sites planted but without commercial production.** Property without existing agricultural production may be considered for preserve and contract only where the applicant demonstrates that the site has installed irrigation and has been planted with trees or vines for orchard or vineyard operations, and that the site could eventually produce a gross income of at least \$4,500.00, as determined by the Agricultural Commission.
- C. **Minimum agricultural income.** The applicant shall provide documentation demonstrating that existing, on-site agricultural operations have produced a minimum gross income of \$4,500 during the year prior to the filing of the application for preserve and contract, or \$4,500 average annual gross income over the previous three years; except in the case where a site has been planted with orchards or vineyards as described in Subsection B(4) above.
- D. **Ordinance compliance.** No land contract shall be approved for any land where an existing land use or parcel is being maintained in violation of any applicable provision of the Subdivision Map Act, the Placer County Code, or any condition of approval of a land use permit where the violation is identified prior to the filing of a preserve application.

**6.30 - APPLICATION FILING AND REVIEW**

Applications shall be processed in compliance with this Section, and Williamson Act Sections 51234 et seq., and specifically (but not limited to) 51247. Note that in Placer County an agricultural preserve must be established at the same time that a contract is entered into between the County and a landowner.

- A. **Application preparation and filing.** Applications shall include the forms and all information specified in the *Instructions for Agricultural Preserve Contract Applications*, provided by the Planning Department, and the non-refundable filing fee required by the most current Planning Department Fee Schedule. Applications shall be filed with the Planning Department.
- B. **Annual application deadline.** In order for a contract to take affect on January 1 of the next calendar year, application for contract approval must be filed with the Planning Department on or before September 1.

Applications filed after September 1 may not be approved before the end of the year and the contract will not take effect until the following calendar year.

**C. Application review and staff report.** A properly completed application shall be processed as follows.

**1. Referral of application.** The Planning Department shall refer applications for preserve and contract to the following agencies and individuals:

- a. Agricultural Commission;
- b. Farm Advisor;
- c. County Assessor;
- d. Local Agency Formation Commission;
- e. The Planning Commission, at the discretion of the Planning Director; and
- f. Every City within one mile of the exterior boundary of the property proposed for preserve and contract.

**2. Scheduling of hearing by Agricultural Commission.** After receiving the referral of an application for preserve and contract, the Agricultural Commission shall schedule a hearing on the application within 60 days from the date the application was received.

**3. Evaluation of application.** Upon receiving a notice of hearing in compliance with Subsection C(2) above, the Planning Department, Agricultural Commissioner, and Assessor shall review the application and provide written comments to the Agricultural Commission. The Planning Department shall determine and report to the Agricultural Commission whether the proposed preserve is consistent or inconsistent with the General Plan and if the preserve under consideration is less than 100 acres, the report shall contain a description of the unique characteristics that justify the establishment of such a preserve as described above in Section 6.20 (B)(1)(c).

**D. Agricultural Commission hearing and recommendation.** The Agricultural Commission shall conduct a public hearing and shall consider

all oral and written comments received on the application for preserve and contract.

1. **Notice of hearing.** The Agricultural Commission shall give notice of the hearing to the applicant, the Planning Department, and all other agencies and individuals listed in Subsection 6.30 (c)(1) above.
  2. **Continuance of hearing.** The hearing may be continued for not more than one regularly scheduled Commission meeting.
  3. **Report and recommendation.** At the conclusion of the hearing, the Commission shall prepare a report that recommends approval or disapproval of the preserve and contract, and if approved, the size and location of the preserve and parcels that should be subject to contract.
  4. **Distribution of recommendation.** Copies of the Agricultural Commission recommendation shall be sent to the applicant and the Planning Department by the Clerk to the Agricultural Commissioner.
- E. **Board of Supervisors hearing and decision.** Upon receipt of the information provided by the Agricultural Commissioner, the Clerk of the Board of Supervisors shall schedule a hearing on the application within 60 days of receiving the packet of information from the Agricultural Commissioner.
1. **Notice of hearing.** The Clerk of the Board of Supervisors shall:
    - a. Publish notice in a newspaper of general circulation one time where an applicant proposes to establish, disestablish, or alter preserve boundaries; and
    - b. Give notice of the hearing to the applicant, the Planning Department, and all other agencies and individuals listed in Subsection (c)(1) above at least fifteen calendar days before the Board of Supervisors shall hear the item.
    - c. The Contents of the Notice shall include a legal description and the Assessor's Parcel Number of the property being considered.
  2. **Conduct of hearing.** At the hearing, the Board shall consider the recommendations and comments of the Agricultural Commission

and other County departments, and all oral and written comments received on the application for preserve and contract.

3. **Continuation of hearing.** The hearing may be continued from time to time, but not more than 30 days.
  4. **Planning Department report.** The Planning Department shall prepare a report for the Board of Supervisors that advises whether the agricultural preserve is consistent with the County General Plan and if the proposed preserve is less than 100 acres, the basis for the Board to find that the preserve has unique characteristics that justify the establishment of such a preserve as described above in Section 6.20 (B)(1)(c).
  5. **Board decision.** At the conclusion of the hearing, the Board shall determine:
    - a. Whether the proposed agricultural preserve is consistent with the County General Plan.
    - b. If the preserve is less than 100 acres, determine if the preserve has unique characteristics that justify the establishment of a preserve as described in Section 6.20 (B)(1)(c).
    - c. If there is a specific compatibility provision in the proposed contract, the Board shall make the following findings when approving a contract under this subsection:
      1. The list of compatible uses within these rules will not compromise the long-term productive agricultural capability of agricultural lands within the County.
      2. The compatible uses approved will not significantly displace or impair current or reasonably foreseeable agricultural operations on land in the County.
      3. The compatible uses approved would not negatively impact property located near agricultural lands not enrolled in the Williamson Act program.
    - d. To approve or deny the proposed preserve and contract.
- F. **Execution of contract.** After the approval of an agricultural preserve and contract by the Board of Supervisors, the Chair of the Board and the Landowner shall sign the contract. After contract execution, the contract

shall be recorded in compliance with Williamson Act Section 51248. The Clerk of the Board, shall record with the contract with the County Recorder no later than 20 days after contract execution. The Contract shall describe the land subject thereto, together with a reference to the map showing the location of the agricultural preserve in which the property lies. From and after the time of such recordation, such contract shall impart notice thereof to all persons as is afforded by the recording laws of this state.

- G. Distribution of copies of recorded contracts.** After recording the document, the County Clerk-Recorder shall distribute copies of the recorded contract(s) to the Agricultural Commissioner, the Assessor and the Planning Department.

#### **6.40 - WILLIAMSON ACT CONTRACT PROVISIONS**

Williamson Act Contracts approved by the Board of Supervisors in compliance with these Rules shall contain the following provisions, in addition to any other provisions deemed necessary by the County, to comply with applicable provisions of these Rules or the Williamson Act.

- A. Term of contract.** The minimum initial term of a Williamson Act contract shall be 10 years, in compliance with Williamson Act Section 51244. Beginning with the first year after the execution of a contract, one year is automatically added to the term of the contract for each year that elapses, such that the contract maintains an unexpired 10-year term, unless a notice of nonrenewal is served in compliance with Section 6.62 (Nonrenewal).
- B. Allowable land uses.** As required by Williamson Act Section 51243(a), the contract shall limit the uses allowed on the site to agricultural uses, and general as well as specifically identified compatible uses in compliance with Section 6.50 (Limitations on Land Uses). The agricultural uses that qualified the property for preserve and contract in compliance with Section 6.20 (Agricultural Preserve Eligibility Requirements) shall be described.
- C. Proposed development.** The contract shall include the language found in Section 6.56 pertaining to any development proposals on land under contract.
- D. Transferability.** A Williamson Act contract shall state that it runs with the land until terminated through nonrenewal (Section 6.62) or cancellation (Section 6.64). It shall also state that in compliance with Williamson Act Section 51243(b), the terms of the contract shall be binding upon all successors in interest whether the property subject to contract is sold or

otherwise transferred to a new owner as described in Section 6.54, or if the property is subdivided in compliance with these Rules. All contract provisions shall apply equally to all successors in interest.

- E. As stated in Government Code Section 51243(b)(2), only those uses stated in the contract shall be permitted activities.

#### **6.50 - LIMITATIONS ON LAND USES IN AGRICULTURAL PRESERVES, OPEN SPACE PRESERVES, OR FARMLAND SECURITY ZONES**

The Planning Department shall consult with the Agricultural Commissioner when making determinations under this Section.

- A. **Compatible uses only.** Williamson Act Section 51238 et seq. require that the County limit the allowed uses on contracted lands to those that are compatible with continuing agricultural operations. After the execution of a land contract, no land use shall be established on property subject to a contract except for those uses shown in Table 2. Compliance with the land use permit requirements and development standards of the Placer County Zoning Ordinance, Chapter 17 of the Placer County Code is also required. Definitions of each of the land uses in Table 2 may be found in Article 17.04 of the Zoning Ordinance (Definitions). For convenience, Table 2 shows the land use permit required by the Zoning Ordinance for each compatible use in the applicable zone district. However, in the event of any conflict between Table 2 and the requirements of the Zoning Ordinance, the Zoning Ordinance shall control.
- B. **Specific compatibility provisions.** An approved land contract shall contain the information in Subsection (A) above, and any specific provisions that limit the compatible uses allowed under any specific contract. The compatible uses authorized under a contract shall be based on the type of agricultural operation that qualifies the site for contract, and the type of agricultural operations on surrounding properties, that may be affected by the establishment of compatible uses on the subject site. The compatible uses authorized under a contract shall also consider the principles of compatibility provided by Williamson Act Section 51238 et seq.
- C. **Relationship to primary agricultural uses.** Compatible uses allowed on property subject to a Williamson Act contract shall be clearly incidental or accessory to the primary use for production of agricultural commodities.

**TABLE 2  
ALLOWABLE COMPATIBLE USES**

TYPE OF LAND USE	PERMIT REQUIREMENT BY ZONE					
	RA	RF	AE	F	FOR	O
<b>Agricultural, Resource and Open Space Uses</b>						
Agricultural accessory structures	C	C	C	C	C	C
Agricultural processing	MUP*	MUP	MUP	MUP	MUP	
Animal raising and keeping	(2)	(2)	(2)	(2)	(2)	(2)
Animal sales yards, feed lots, stockyards			CUP	CUP		
Chicken, turkey, and hog ranches			CUP	CUP		
Crop production	A	A	A	A	A	A
Fertilizer plants				CUP		
Fisheries and game preserves	A	A	A	A	A	A
Forestry	A	A	A	A	A	A
Grazing	A	A	A	A	A	A
Mining, surface and subsurface (1)	CUP	CUP	CUP	CUP	CUP	CUP
Oil and gas wells			CUP	CUP	CUP	CUP
Plant nurseries, retail			MUP	MUP	MUP	
Plant production nurseries	(2)	(2)	(2)	(2)	(2)	(2)
Water extraction and storage (commercial)	CUP	CUP	(2)	(2)	(2)	(2)
<b>Manufacturing and Processing Uses</b>						
Food Products			CUP	CUP		
<b>Recreation, Education and Public Assembly Uses</b>						
Campgrounds		MUP			MUP	MUP
Camping, incidental	A	A			A	A
Rural recreation		MUP	MUP	MUP	MUP	MUP
<b>Residential Uses</b>						
Caretaker and employee housing			MUP	MUP	MUP	
Farm labor housing	MUP		MUP	MUP		
Home occupations	C	C	C	C		
Residential accessory uses	C	C	C	C		
Single-family dwellings	C	C	C	C		
Secondary dwellings	ARP	ARP	ARP	ARP		
Temporary dwelling	C	C	C	C		
<b>1Retail Trade Uses</b>						
Roadside stands for agricultural products	C	C	C	C	C	

**TABLE 2  
ALLOWABLE COMPATIBLE USES**

TYPE OF LAND USE	PERMIT REQUIREMENT BY ZONE					
	RA	RF	AE	F	FOR	O
<b>Service Uses</b>						
Kennels and animal boarding	MUP	MUP		MUP		
Medical services - Veterinary clinics/animal hospitals	MUP	MUP		MUP		
Public utility facilities	MUP	MUP	MUP	MUP	MUP	MUP
Storage, accessory	A	A	A	A	A	A
Storage of petroleum products for on-site use	(2)C	(2)	C	C	C	MUP
<b>Transient Lodging Uses</b>						
Bed and breakfast lodging (including farmstays)	MUP	MUP	MUP	MUP		
<b>Transportation and Communications Uses</b>						
Airfields and landing strips			CUP	CUP	CUP	CUP
Antennas, communications facilities	(2)	(2)	(2)	(2)	(2)	(2)
Pipelines and transmission lines	A	A	A	A	A	A

**NOTES:**

- (1) Approval of a Conditional Use Permit for a mineral extraction operation as a compatible use shall comply with Williamson Act Section 51238.2.
- (2) Permit requirements set by Article 17.56 (Specific Use Requirements) of the Placer County Zoning Ordinance.

<b>Key to Permit Requirements</b>	
Allowed use, zoning compliance required	A
Zoning clearance required	C
Administrative Review Permit required	ARP
Minor Use Permit required	MUP
Conditional Use Permit required	CUP

**D. Limitation on residential uses.** The purpose of allowing residential uses on land subject to a Williamson Act contract is to support on-site agricultural operations, and not to provide non-agricultural related rural homesites. The residential uses listed as allowable under a preserve contract shall be limited as follows.

1. One single-family dwelling shall be allowed per preserve contract for the owner/manager of the parcel(s) subject to the contract.

2. Additional housing may be permitted on the parcel(s) subject to the contract only to the extent that the Agricultural Commissioner and the Planning Director determine that the nature and scale of the agricultural operations on the site require agricultural labor in addition to the owner/manager. The maximum number of dwellings allowed by the Planning Director in compliance with this Section shall not exceed one single-family dwelling and one secondary dwelling per parcel of land that can meet the requirements of the Zoning Ordinance as a separate building site. Appeals of Planning Director's determination under this Section shall comply with Section 17.60.110 of the Zoning Ordinance (Appeals). When there is a violation of this Section, the County shall act upon such violation in accordance with Government Code Section 51250.

## **6.52 - DIVISIONS OF PROPERTY**

Proposed divisions of property subject to Williamson Act contracts shall comply with the provisions of the Act, the Subdivision Map Act, and this Section. In the event of any division of all or part of a site subject to a Williamson Act contract, pursuant to the Act, all contract provisions shall become binding on the new owner, except as otherwise provided by Section 6.62 (Nonrenewal).

**A. Compliance with the Subdivision Map Act.** The County shall comply with the Subdivision Map Act Section 66474.4, reprinted below for reference:

1. The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5) and that the resulting parcels following a subdivision of that land if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land. For purposes of this section, land shall be presumed to be in parcels too small to sustain their agricultural use if the land is (1), less than 10 acres in size in the case of prime agricultural land; or (2), less than 40 acres in size in the case of land which is not prime agricultural land. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1), at least 10 acres in size in the case of land which is prime agricultural land; or (2), at least 40 acres in size in the case of land which is not prime agricultural land.

2. A legislative body may approve a subdivision with parcels smaller than those specified in this section if the legislative body makes either of the following findings:
  - a. The parcels can nevertheless sustain an agricultural use permitted under the contract, or are subject to a written agreement for joint management pursuant to Section 51230.1, provided that the parcels which are jointly managed total at least 10 acres in size in the case of prime agricultural land or 40 acres in size in the case of land which is not prime agricultural land.
  - b. One of the parcels contains a residence and is subject to Section 428 of the Revenue and Taxation Code; the residence has existed on the property for at least five years; the landowner has owned the parcels for at least 10 years; and the remaining parcels shown on the map are at least 10 acres in size if the land is prime agricultural land, or at least 40 acres in size if the land is not prime agricultural land.
3. No other home site parcels as described in subdivision (b) may be created on any remaining parcels under contract for at least 10 years following the creation of a home site parcel pursuant to the Act.
4. This section shall not apply to land that is subject to a contract when any of the following has occurred:
  - a. A local agency formation commission has approved the annexation of the land to a city and the city will not succeed to the contract as provided in Sections 51243 and 51243.5.
  - b. Written notice of nonrenewal of the contract has been served prior to March 7, 1985, as provided in Section 51245.
  - c. Written notice of nonrenewal of the contract has been served on or after March 7, 1985, as provided in Section 51245, and, as a result of that notice, there are no more than three years remaining in the term of the contract.
  - d. The board or council has granted tentative approval for cancellation of the contract as provided in Section 51282.

- e. This section shall not be construed as limiting the power of legislative bodies to establish minimum parcel sizes larger than those specified in subdivision (a).

**B. Minimum lot area for divisions.** Except as described in Section (A)(2) above, the minimum lot area for parcels proposed in the division of a site that is subject to a Williamson Act Contract shall be the larger of the area required by Section 6.20(B)(2) (Minimum Lot Area for Contract), or the area required by Chapter 17 of the Zoning Ordinance for the zoning district applicable to the site. These minimum lot area requirements shall be considered as minimums and not maximums: the approval of any proposed land division is discretionary, and as such, the County may require parcel sizes larger than the designated minimum to ensure continuing agricultural viability. An agricultural viability report prepared by a County-approved agricultural economist will be required if the Agricultural Commission determines (during the division review process) that the size of proposed parcels is questionable in relation to their agricultural use and potential.

**C. Boundary line adjustments.** State law governs Boundary Line Adjustments in Section 51257 of the Act. Below is the state law reprinted for reference.

1. To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412 of the Government Code, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:
  - a. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
  - b. 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.
  - c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

- d. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
  - e. 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.
  - f. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
  - g. 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 General Plan.
- 2. Only one new contract may be entered into pursuant to this section with respect to a given parcel, prior to January 1, 2004.

**D. New Contracts required when subdivision of land occurs.**

- 1. Whenever land under contract is to be subdivided, a new contract must be entered into for each and every newly created parcel through rescission of the current contract and simultaneous entry into a new contract unless there are no more than three years left on the contract due to the filing of a notice of nonrenewal. When a contract is rescinded in this circumstance, any notice of nonrenewal that had been filed must also be rescinded pursuant to Section 51254 of the Act. If the landowner chooses to file a new notice of nonrenewal, the countdown begins at ten years on the new contract regardless of how long the previous notice had been in place on the old contract.
- 2. When the County approves the division of Williamson Act lands under the Map Act's parcel map process, one parcel can be described as the "original parcel", which can maintain the previous contract and any relevant Notice of Nonrenewal. Both the contract and the Notice of Nonrenewal may require amendments as decided by the County.
- 3. Consistent with state law, the only notice requirements for the approval of contracts through this section are as required for new contracts under these Rules.

**E. Agricultural Labor Housing.** A parcel may be subdivided, and then subsequently leased or sold, and then developed for the purposes of

Agricultural Labor Housing pursuant to the requirements of Government Code Section 51230.2.

- G. Processing contract changes when land division occurs.** Landowners shall use the procedures described in Section 6.30 of these Rules to obtain new contracts that are required under this section, except that the execution of the contract, as described in Section 6.30 (F), shall not occur until the approval and final recordation of the subdivision instrument.

#### **6.54 - TRANSFERS OF WILLIAMSON ACT LANDS**

- A.** The transfer of title to all or any portion of a site that is subject to a contract shall remain encumbered pursuant to 51243(b) of the act.
- B.** Land that is transferred must be able to independently sustain agricultural viability and continue to qualify for inclusion within the program. The exceptions to this requirement are:
  - 1. The transfer of a portion of a contracted site to an immediate family member as described in Section 51230.1 of the Act, or;
  - 2. The transfer of land that has been subdivided under Section 66474.4 of the Subdivision Map Act.

#### **6.56 - LIMITATION ON DEVELOPMENT PROPOSALS OF LANDS IN PRESERVE**

The applicant/landowner and/or any successors in interest in lands subject to a Williamson Act contract shall not file with the County any application for the development of a property or properties subject to a contract until no more than three years remain on the unexpired term of a contract through the nonrenewal process (Section 6.62). [This section does not limit landowners from filing applications with Cities]. Exceptions to this requirement are limited to:

- A.** Proposals for development with a use allowed by the contract in compliance with Section 6.50 (Limitations on Land Use);
- B.** Subdivisions in compliance with Section 6.52 (Divisions and Transfers of Land);
- C.** A development proposal filed with an application for contract cancellation, in compliance with Section 6.64 (Cancellation); or
- D.** A Specific Plan covering multiple ownerships including contracted and non-contracted lands, where the plan proposes development of contracted

lands only after the termination of the contract(s) through the nonrenewal process (Section 6.62).

## **6.60 - TERMINATION OF LAND CONTRACTS**

The allowed methods for landowner-initiated termination of land contracts include nonrenewal, cancellation, and rescission as described in Sections 6.62, 6.64 and 6.66. Consistent with state law, it is the policy of the County to have contracts terminated by the nonrenewal process rather than by cancellation.

## **6.62 - NONRENEWAL**

- A. Eligibility for filing.** A landowner under contract may terminate the contract on their property by serving a notice of nonrenewal of contract on the County at the Planning Department. (A contract may also be terminated by the County serving the notice of nonrenewal on a landowner, as described in Section 6.70).
- B. Service and termination dates.** The landowner shall serve a notice of nonrenewal on the County at least 90 days before the annual renewal date of the contract. A notice of nonrenewal shall be prepared using the form required by the Planning Department, and shall be filed with the Planning Department. If the landowner fails to serve a notice of nonrenewal on the County by the dates required by this Section, the notice of nonrenewal shall not take affect until the following year, meaning that the contract shall be considered renewed for one additional year.
1. Following service of a notice of nonrenewal as specified above, a contract shall be deemed to have expired if after nine years from the anniversary date that the notice of nonrenewal became effective, no notice of rescission of nonrenewal was filed as specified by the Act and these Rules.
  2. In the case of a Farmland Security Zone Contract (in accordance with Williamson Act Section 51296.1(d) and 51296.9), the contract shall be deemed to have expired if after 19 years from the anniversary date that the notice of nonrenewal became effective, no notice of rescission of nonrenewal was filed as specified by the Act and these Rules.
- C. County approval of partial nonrenewal.** Discretionary County review and approval of a landowner-initiated notice of nonrenewal is required only for a notice of partial nonrenewal of contract, under the following circumstances. The existing contract may need to be amended to reflect the acreage remaining under the original contract, if following consultation

with the Agricultural Commissioner it is determined that the filing of a notice of partial nonrenewal would have the potential to reduce the contract acreage below the minimum required acreage to sustain the agricultural use of the property for which the contract was approved.

1. The landowner acquired a portion of a larger property subject to a contract. The County policy is to approve such notices since the Williamson Act provides that any landowner, independent of other landowners subject to the same contract, may serve a notice of nonrenewal. However, a notice of this type shall cause County review of the other properties subject to the same contract to determine their continuing eligibility and to consider if and when the County should serve notices of nonrenewal on the other landowners under the contract.
2. The landowner requests nonrenewal of a contract on a portion of their property. In such cases, the Planning Department shall forward the landowner's request for partial nonrenewal to the Agricultural Commissioner.

The Agricultural Commissioner shall make a determination as to the current agricultural use of the property and whether or not the scope of the agricultural use and the acreage proposed to remain under contract would meet minimum contract qualifications. The Agricultural Commissioner shall forward a memorandum to the Planning Department describing the agricultural use(s) of the property and the amount of acreage proposed to remain under contract, and shall include a written determination to approve or disapprove the request.

If the Agricultural Commissioner determines to approve the request, the Planning Department shall file a Notice of Nonrenewal with the County Clerk Recorder within 20 days of the written determination of the Agricultural Commissioner, and shall forward a copy(ies) of the Notice of Nonrenewal to the property owner(s). If the Agricultural Commissioner determines to disapprove the request, the Planning Department shall forward the Agricultural Commissioner's memorandum to the property owner(s) accompanied by written notice that the proposed partial nonrenewal shall require submittal of an application to the Planning Department, and that the matter would be determined by the Board of Supervisors, as set out in Section 6.30 (Application Filing and Review).

- D. Notification to State of California Director of Conservation.** Within 30 days of the receipt of a notice of nonrenewal from a landowner, the

service of a notice of nonrenewal upon a landowner, or the withdrawal of a notice of nonrenewal, the Planning Department shall deliver a copy of the notice, or notice of withdrawal of nonrenewal, to the Director of Conservation, the County Agricultural Commissioner and the Assessor.

- E. Notice of Rescission of Nonrenewal.** A landowner may rescind a notice of nonrenewal by filing a notice of rescission of nonrenewal with the Planning Department at any time prior to the termination of a contract, but not less than 90 days prior to contract termination. A landowner may also partially rescind a notice of nonrenewal any time prior to the renewal date of a contract.

In such cases, the Planning Department shall forward the request for rescission of nonrenewal to the Agricultural Commissioner. The Agricultural Commissioner shall make a determination as to the current agricultural use of the property and whether or not the scope of the agricultural use and the acreage proposed to be re-entered into contract would qualify for re-entry into the program. The Agricultural Commissioner shall forward a memorandum to the Planning Department describing the agricultural use(s) of the property and the amount of acreage proposed to be re-entered into contract, and shall include a written determination to approve or disapprove the request.

If the Agricultural Commissioner determines to approve the request, the Planning Department shall file a Notice of Rescission of Nonrenewal with the County Clerk Recorder within 20 days of the written determination of the Agricultural Commissioner, and shall forward a copy(ies) of the Notice of Rescission of Nonrenewal to the property owner(s). If the Agricultural Commissioner determines to disapprove the request, the Planning Department shall forward the Agricultural Commissioner's memorandum to the property owner(s) accompanied by written notice that the proposal to re-enter the contract shall require submittal of an application for contract approval to the Planning Department, and that the matter would be determined by the Board of Supervisors, as set out in Section 6.30 (Application Filing and Review).

- F. Recordation of notice.** No later than 20 days after the County receives a notice of nonrenewal from a landowner, or withdraws a notice of nonrenewal, or within 20 days after the County approves a notice of nonrenewal on a portion of a contract in compliance with 6.62.C or E, the Clerk of the Board of Supervisors shall record with the County Recorder a copy of the notice of nonrenewal or notice of withdrawal of nonrenewal and the Clerk of the Board shall then send copies of such recorded document to the County Agricultural Commissioner, the Planning Department and the Assessor.

## 6.64 – CANCELLATION

A landowner may request cancellation of a Williamson Act contract on all or a portion of the property subject to the contract, in compliance with Williamson Act Section 51280 et seq. However, cancellation can be approved only under extraordinary circumstances as mandated in the Williamson Act.

- A. **Application for cancellation.** Applications shall include the forms provided by the Planning Department, all information specified in the *Instructions for Agricultural Preserve Contract Cancellation Requests* provided by the Planning Department, a proposal for a specified alternative use of land, and the non-refundable filing fee required by the most current Planning Department Fee Schedule.
- B. **Application review and staff report.** A properly completed application shall be processed as follows.
  1. **Notice to the State.** When a landowner petitions the Board for the tentative cancellation of a contract **and** when the Board accepts the application as complete, the Clerk of the Board shall immediately mail a notice to the Director of Conservation. The notice shall include all of the following:
    - a. A copy of the petition.
    - b. A copy of the contract.
    - c. A general description, in text or by diagram, of the land that is the subject of the proposed cancellation.
    - d. The deadline for submitting comments regarding the proposed cancellation. That deadline shall not be less than 30 days prior to the scheduled action by the Board.
    - e. The Director of Conservation shall review the proposed cancellation and submit comments to the Board by the deadline specified in paragraph (d) above. Any comments submitted shall advise the Board on the findings required by Section 51282 with respect to the proposed cancellation. Prior to acting on the proposed cancellation, the Board shall consider the comments by the Director of Conservation, if submitted.

2. **Referral of application.** The Planning Department shall refer applications for contract cancellation to the following agencies and individuals listed in Section 6.30(C)(1) and to any other landowner who owns land under the same contract or within the same agricultural preserve.
  3. **Environmental determination.** The Planning Department shall review the cancellation application in compliance with the California Environmental Quality Act (CEQA).
  4. **Evaluation of application.** The Planning Department, Agricultural Commissioner, and Assessor shall review the application. The Planning Department shall prepare a staff report evaluating the compliance of the cancellation request with this Section and with applicable provisions of the Williamson Act.
- C. Agricultural Commission hearing and recommendation.** The Agricultural Commission shall conduct a public hearing, where the Commission shall consider all oral and written comments received on the application for cancellation of the preserve and contract.
1. **Notice of hearing.** The Agricultural Commission shall give notice of the hearing to the applicant, the Planning Department and all other agencies and individuals listed in Subsection 6.30 (C)(1) above.
  2. **Report and recommendation.** At the conclusion of the hearing, the Commission shall prepare a recommendation to the Planning Commission for the approval or disapproval of the cancellation.
  3. **Distribution of recommendation.** Copies of the Agricultural Commission recommendation shall be sent to the applicant, the Planning Commission, the Board of Supervisors, the Planning Department, and all other agencies and individuals listed in Subsection 6.30 (C)(1) above. The Planning Department shall also forward a copy of all application materials for the cancellation to the Planning Commission and Board of Supervisors.
- D. Planning Commission hearing and recommendation.** The Planning Commission shall conduct a public hearing, where the Commission shall consider all oral and written comments received on the application for cancellation.
1. **Notice of hearing.** Notice of the public hearing shall be provided in compliance with Section 17.60.140 of the Zoning Ordinance (Public Hearings).

2. **Report and recommendation.** At the conclusion of the hearing, the Commission shall prepare a recommendation to the Board of Supervisors for the approval or disapproval of the cancellation.
- E. Board of Supervisors hearing and decision.** Upon receipt of the information provided by the Planning Department, which shall include the recommendations of both the Agricultural Commission and the Planning Commission, the Clerk of the Board of Supervisors shall schedule a hearing on the application, provided that the Board shall not provide final approval of a cancellation until the requirements of Williamson Act Section 51283, regarding cancellation fees, have been satisfied.
1. **Notice and conduct of hearing.** The Clerk of the Board of Supervisors shall give notice of the hearing as described in Subsection (D), above, and Williamson Act Section 51284. At the hearing, the Board shall consider the recommendations and comments of the Agricultural Commission, the Planning Commission, and all oral and written comments received on the application for cancellation.
  2. **Board decision.** At the conclusion of the hearing, the Board shall determine whether the required findings can be made, and based thereupon the proposed contract cancellation may be tentatively approved or disapproved.
- F. Required findings.** The approval of a cancellation request shall require that the Board of Supervisors first make all of the findings under one of the following two sets of findings to approve a cancellation request, in compliance with Williamson Act Section 51282.
1. The cancellation is consistent with the purposes of the California Land Conservation Act of 1965.
    - a. A notice of nonrenewal has been served.
    - b. Cancellation is not likely to result in the removal of adjacent lands from agricultural use.
    - c. An alternative use is proposed which is consistent with the County General Plan.
    - d. Cancellation would not result in discontinuous patterns of urban development.

- e. There is no proximate non-contracted land which is both available and suitable for the proposed alternative use, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land, which is sufficiently close to the contracted land that it can serve as a practical alternative for the use which is proposed for the contracted land.
- 2. The cancellation is in the public interest.
    - a. Other public concerns substantially outweigh the objectives of the California Land Conservation Act of 1965; and
    - b. Same as item F(1)(e) above.

The following provision applies to Sections 1 and 2 above: The uneconomic character of an existing agricultural use shall not, by itself, be sufficient reason for cancellation of a 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.

- G. Certificate of cancellation.** An approved cancellation shall be completed with the recordation of a tentative certificate of cancellation, and then a final certificate of cancellation in compliance with Williamson Act Section 51283.4. Among other requirements, the approval of a cancellation shall be contingent upon the payment of the cancellation fee, computed under Williamson Act Section 51203, 51283 and 51283.1, and upon a requirement that the landowner obtain all permits necessary to commence the project, as described as the alternative use of the land in the application. In no case shall the repayment period exceed the statutory limitations established under Williamson Act Section 51283.

## **6.66 - TERMINATION BY RESCISSION IN FAVOR OF A NEW CONTRACT OR PUBLIC ACQUISITION**

- A. Open Space Williamson Act Contracts.** The Williamson Act provides that agricultural preserves may consist of land devoted to open-space or recreational uses. This Section provides the opportunity for the protection of certain non-agricultural open space lands defined by state law and that the General Plan classifies as desirable open space or environmentally sensitive lands, and other lands with environmental characteristics determined by the Board of Supervisors to be of high value to the current and future residents of Placer County.

1. **Eligibility standards.** The diversity of open-space uses and natural characteristics necessitate careful review of applications on a case-by-case basis, and, if approved, land contracts will need to be tailor-made to identify and protect the uses and features that qualify properties for the preserve program. The following provisions describe the minimum eligibility standards and contract restrictions to protect qualifying open-space uses.
  - a. **Zoning.** Land which qualifies for inclusion in an agricultural preserve, based on open-space uses, may be located within any zone district listed in Section 6.20.A. (Zoning). Within one year after an open space preserve is established and the owner enters into a land contract, the County shall initiate a rezoning, if necessary, to include the property in the Open Space (O) zoning district in compliance with Williamson Act Section 51252.
  - b. **Preserve and site area.** The minimum site area for open space preserves and land contracts shall be twice the minimum lot area required by the applicable zoning district for proposed subdivisions. Also, the preserve may consist of one or more individually qualifying ownerships as follows:
    1. A single ownership of an area of not less than 40 acres; or
    2. Any ownership of not less than 20 acres that is adjacent to an existing agricultural or open space preserve.
  - c. **Open-space uses.** Qualification of any property requires compliance with any one of the specific definitions of open-space use in Section 6.12 (Definitions).
2. **Application filing and processing.** The preparation, filing, and processing of an open space preserve application shall comply with Section 6.30 (Application Filing and Review).
3. **Land use restrictions.** Land subject to a land contract for open space protection shall be subject to the following restrictions.
  - a. **Land division.** The minimum lot area for new land divisions in preserves consisting of open-space uses shall be at least twice the minimum parcel size required by zoning, as stated in A(1)(b) above.



**C. Agricultural Conservation Easement Agreements.** Notwithstanding any other provision of this chapter, Placer County, upon petition by a landowner, may enter into an agreement with a landowner to rescind a contract in accordance with the contract cancellation provisions of Section 51282 in order to simultaneously place other land within the county under an agricultural conservation easement, consistent with the purposes and, except as provided in subdivision (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, pursuant to subdivision (a) of Section 51283. 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.

**D. Public Acquisition.** Requirements for termination of contracts through annexation and public acquisition may be found in the Williamson Act in Sections 51290 – 51295, and 51297(d).

- E. It is the policy of the County that land owners be encourage to rescind their current contracts in favor of contracts described in Sections A or B above when the lands under contract are no longer being used for agriculture and can qualify under that section.

## **6.70 - ENFORCEMENT OF AGRICULTURAL PRESERVE RULES AND CONTRACT PROVISIONS**

The County shall monitor the agricultural preserve program for contract violations and take necessary actions to enforce compliance with the terms of contracts. Land use restrictions specified in a land contract are equally binding on the owner(s) who entered into contract and all successors in interest, as long as the contract remains in effect. The owner(s) is obligated to maintain the land in agricultural use and in a condition that will not diminish the use or characteristics that originally qualified the property for the agricultural preserve program.

- A. **Agricultural Activity monitoring.** It is the responsibility of the Agricultural Commissioner to monitor the continuation of the uses of land on contracted properties that qualified the properties for land contracts. If a site no longer meets the standards established in these Rules, the landowner may rescind their current contract in favor of an open space Williamson Act contract described in Section 6.66, or the County may initiate nonrenewal in conformance with Section 6.62 above.
- B. **County monitoring of changes in land ownership or use.** It is the responsibility of the Planning Department to monitor land divisions and combinations of parcels involving properties under contract, particularly regarding minimum parcel size. Any conveyance, contract or authorization (whether oral or written) by the owner or successors in interest which would permit use of the property contrary to the terms of the contract may be declared an act in breach of contract by the Board of Supervisors; such declaration or the provisions of the contract may be enforced by the County by an action filed in the Superior Court of the County for the purpose of compelling compliance or restraining breach thereof.
- C. **Compatible use violations.** It is the responsibility of the Agricultural Commissioner and the Planning Department to identify and remedy noncomplying uses of Williamson Act properties [i.e., those uses not indicated as “compatible” by Section 6.50(A) and (B)]. The Planning Department will use permit tracking to identify and remedy new construction or entitlements that are incompatible with lands under contract. In case of a violation, the landowner shall have a period of 90 days from the date of discovery to remove the noncomplying use. If it is not removed, nonrenewal may be initiated by the County, or the Board of Supervisors may authorize the initiation of an action in Superior Court to compel removal of the noncomplying use.

- D. Illegal Structures on Williamson Act Lands.** As referenced above in Section 6.50(D)(2), when a structure is put on land under contract in violation of the Act or these Rules, state enforcement provisions may apply pursuant to Section 51250 of the Act.

## **6.72 - COUNTY INITIATED NOTICE OF NONRENEWAL**

The Planning Department, in consultation with the Agricultural Commissioner, shall be responsible for initiating nonrenewal by the County, where required, to enforce the provisions of these Rules.

- A. Nonrenewal required.** The County shall serve notices of nonrenewal of Williamson Act contracts on landowners if the Board of Supervisors, through a public hearing, finds that the conditions under which a contract originally qualified for the agricultural preserve program have been substantially diminished. Examples include the following:

1. Conveyance to new landowners of an existing parcel or parcels that are smaller than the minimum lot area applied to the agricultural preserve and contract.
2. Changes in land use where an agricultural use that originally qualified a property has been terminated and the owner has made no effort to re-establish a productive agricultural use. Examples are orchards that have been destroyed by frost or drought, orchards or vineyards that are no longer being maintained due to neglect or declining productivity, or animal specialty uses which have been terminated.
3. Establishment of a land use on the site other than those allowed by Section 6.50 (Limitations on Land Uses).

- B. Processing procedures.** The following are the procedures for processing a County-initiated notice of nonrenewal by the Planning Department once the need to consider nonrenewal has been determined by the Planning Department and Agricultural Commissioner.

1. The Planning Department shall mail a notice of intent to process a notice of nonrenewal to the landowner at his or her last known residential address and all parties listed in 6.30 (C)(1) at least 30 calendar days before the Agricultural Commission shall hear the matter, and include a statement that the landowner has a right to protest the proposed County initiated notice of nonrenewal.

2. The Planning Department shall review the proposed contract nonrenewal in compliance with the California Environmental Quality Act (CEQA), and present this review to the Agricultural Commission and the Board of Supervisors.
  3. Planning Department staff and the Agricultural Commissioner shall prepare a staff report for the Agricultural Commission discussing whether the County should proceed with the contract nonrenewal.
  4. The Agricultural Commission shall schedule a public hearing for the review and recommendation on the proposed notice of nonrenewal and the accompanying environmental document.
  5. After the Agricultural Commission has heard the matter, the Planning Department staff shall schedule a public hearing before the Board of Supervisors with the Clerk of the Board to consider the proposed contract nonrenewal and environmental document.
  6. Planning Department staff shall prepare a staff report for the Board of Supervisors that discusses the Agricultural Commission's recommendation as to whether the County should proceed with the contract nonrenewal. A notice of nonrenewal shall be attached to the staff report for potential use by the Board.
  7. If approved by the Board of Supervisors, the notice of nonrenewal is executed by the Chair and a copy mailed to the landowner. The Clerk of the Board of Supervisors shall record the notice of nonrenewal with the County Recorder and the Clerk of the Board shall send copies of such recorded document to the County Agricultural Commissioner, the Planning Department, and the Assessor.
  8. The County, at any time prior to the nonrenewal date, may withdraw the notice of nonrenewal.
  9. All procedures under this section should be completed at least sixty days before the renewal date of the contract; otherwise, the nonrenewal period will not begin until the following year.
- C. Protest of County-initiated nonrenewal.** A landowner may make a written protest of the proposed County-initiated notice of nonrenewal. Such protests shall be submitted to the Clerk of the Board of Supervisors at least five business days before the Board of Supervisors shall hear the matter. The Clerk shall send a copy to the Agricultural Commissioner, the Assessor, and the Planning Department.

## **6.74 - NON-EXCLUSIVE LEGAL REMEDY**

These remedies are non-exclusive and the County may take any other action legally available to enforce the terms of the contract.

## **6.80 - CHALLENGES TO COUNTY ACTION**

Any challenge to County action under the Act or these Rules shall be made in accordance with State Code of Civil Procedure 1094.5 of the California Civil Code pursuant to 51286 of the Act.

## **6.90 - FARMLAND SECURITY ZONES**

- A. Entry into program.** A landowner or group of landowners may petition the Board to rescind a contract or contracts entered into pursuant to this chapter in order to simultaneously place land subject to that contract or contracts under a new contract designating the property as a Farmland Security Zone, **or** a landowner or group of landowners may petition the Board for the creation of a Farmland Security Zone for the purpose of entering into a Farmland Security Zone Contract.
- B. Land Qualification.** The County shall process petitions to enter into a Farmland Security Zone contract when the land under consideration is designated on the Important Farmland Series Maps, prepared pursuant to Section 65570 of the Government Code, as predominantly one or more of the following:
1. Prime Farmland
  2. Farmland of Statewide Importance
  3. Unique Farmland
  4. Farmland of Local Importance

If the proposed Farmland Security Zone is in an area that is not designated on the Important Farmland Series Maps, the land shall qualify if it is predominantly prime agricultural land, as defined in subdivision (c) of Section 51201 of the Act.

- C. Processing.** Processing of creation of Farmland Security Zones, entrance into contracts, subdivision, or the nonrenewal of those contracts shall be the same for Farmland Security Zones as it is above for Williamson Act contracts except:
1. No land shall be included in a farmland security zone unless expressly requested by the landowner. Any land located within a city's sphere of influence 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 of influence.

2. 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.
3. The term of a Farmland Security Zone Contract shall be for an initial term of no less than 20 years. Each contract shall provide that on the anniversary date of the contract or on another annual date as specified by the contract, one year shall be added automatically to the initial term of the contract unless a notice of nonrenewal is given pursuant to Section 51245 of the Act.
4. Upon termination of a Farmland Security Zone Contract, the farmland security zone designation for that parcel shall simultaneously be terminated.

**D. Cancellation.** The cancellation of a Farmland Security Zone Contract shall be as described in Section 51297, reprinted below for reference.

A petition for cancellation of a Farmland Security Zone Contract created under this article may be filed only by the landowner with the city or county within which the contracted land is located. The city or county may grant a petition only in accordance with the procedures provided for in Article 5 (commencing with Section 51280) and only if all the following requirements are met:

1. The city or county shall make both of the findings specified in paragraphs (1) and (2) of subdivision (a) of Section 51282, based on substantial evidence in the record. Subdivisions (b) to (e), inclusive, of Section 51282 shall apply to the findings made by the city or county.
2. In its resolution tentatively approving cancellation of the contract, the city or county shall find all of the following:
  - a. That no beneficial public purpose would be served by the continuation of the contract.
  - b. That the uneconomic nature of the agricultural use is primarily attributable to circumstances beyond the control of the landowner and the local government.

- c. That the landowner has paid a cancellation fee equal to 12 ½ percent of the cancellation valuation calculated in accordance with subdivision (b) of Section 51283.
- 3. The Director of Conservation approves the cancellation. The Director may approve the cancellation after reviewing the record of the tentative cancellation provided by the city or county, only if he or she finds both of the following:
  - a. That there is substantial evidence in the record supporting the decision.
  - b. That no beneficial public purpose would be served by the continuation of the contract.

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, may be substituted for the finding in subdivision (a).