

**MEMORANDUM**  
OFFICE OF THE  
COUNTY EXECUTIVE  
COUNTY OF PLACER

**TO:** Honorable Board of Supervisors  
**FROM:** Thomas M. Miller, County Executive Officer  
**DATE:** September 14, 2010  
**SUBJECT:** Adoption of Ordinances due to deletion of Chapters of Administrative Rules

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**ACTIONS REQUESTED**

1. Adopt ordinance adding Part 4, Article 17.64 Williamson Act Lands Program to Placer County Code (Attachment A).
2. Adopt ordinance adding Article 2.82 Veterans Memorial Hall Governing Boards to Placer County Code (Attachment B).
3. Adopt ordinance deleting Article 2.100, County Vehicles of the Placer County Code (Attachment C).

**BACKGROUND**

Early work program tasks of the Placer Administrative Manual Committee ("Committee") included review of Administrative Rules to determine if the content of each Chapter of the Administrative Rules is best placed into the Placer Administrative Manual ("PAM") and/or County Code ("Code").

Upon review of the Administrative Rules, the recommendation of the Committee is that ultimately, the Administrative Rules should be deleted with replacement of important elements in new or updated policy and code provisions placed in the new PAM and Code. It was initially preferable to have the Administrative Rules addressed in their entirety at one meeting with your Board. However, the complexity of the process and the interest to proceed with implementation of new and amended policies dictates that we take this in two steps now and later in the fall. It is staff's intention to work diligently to ensure there is no deletion of existing policy, Code or Chapter prior to the enactment of replacement provisions.

At the September 7, 2010 Board of Supervisor's meeting, the Committee requested first step board actions with approval of two new policies, two amendments to Code, deletion of one article in Code and deletion of specific Chapters of the Administrative Rules.

**Amendments to Code**

1. Adoption of an ordinance adding Part 4, Article 17.64 Williamson Act Lands Program to Code. Counsel determined that Administrative Rule, Chapter 6 would be incorporated, as amended, into County Code, Chapter 17, Zoning Ordinance, Article 17.64. This action makes no substantive changes to the provisions of the Williamson Act, but merely moves it from the Administrative Rules to County Code.
2. Adoption of an ordinance adding Article 2.82 Veterans Memorial Hall Governing Boards to Code. Counsel recommends moving Chapter 11 from the Administrative

Rules to County Code and changing the title. No substantive changes to the Chapter were made.

3. Adoption of an ordinance deleting Article 2.100 of Code related to updated vehicle language contained in the new Vehicle Policy.

### **FISCAL IMPACT**

There is no adverse fiscal impact anticipated with these actions. An unquantified measure of savings may be achieved through update of these policies and codes.

#### Attachments

- A. Ordinance amending Placer County Code, Part 4, Article 17.84 Williamson Act Land Program
- B. Ordinance amending Placer County Code Article 2.82 Veterans Memorial Hall Governing Board
- C. Ordinance deleting Placer County Code Article 2.100, County Vehicles

**Before the Board of Supervisors  
County of Placer, State of California**

**In the matter of:** An Ordinance Deleting  
Chapter 2 Article 2.100 of the Placer County Code  
Pertaining to the Use of County Vehicles

Ord. No: \_\_\_\_\_

First Reading: 9/7/2010

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on \_\_\_\_\_, 2010, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:

\_\_\_\_\_  
Chairman, Board of Supervisors

\_\_\_\_\_  
Ann Holman  
Clerk of Said Board

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**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:**

**Section 1:** Chapter 2, Article 2.100-COUNTY VEHICLES of the Placer County Code is deleted in its entirety.

**Section 2:** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Clerk is directed to publish a summary of this ordinance within fifteen (15) days in accordance with Government Code Section 25124.

Before the Board of Supervisors  
County of Placer, State of California

**In the matter of:** An ordinance amending  
Chapter 2 adding Article 2.82 entitled  
"Veterans Memorial Hall Governing Boards"

Ord. No: \_\_\_\_\_

First Reading: 9/7/2010

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on September 7, 2010.

by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chairman, Board of Supervisors

Attest:  
Clerk of said Board

\_\_\_\_\_  
\_\_\_\_\_  
The Board of Supervisors of the County of Placer, State of California, does hereby ordain:  
Section 1: That Chapter 2 of the Placer County Code is hereby amended to add Article 2.82 as follows:

**Article 2.82**

**VETERANS MEMORIAL HALL GOVERNING BOARDS**

**Section:**

- 2.82.010 Establishment of Governing Boards**
- 2.82.020 Constitution of Boards**
- 2.82.030 Term of Office**
- 2.82.040 Compensation**
- 2.82.050 Meetings**
- 2.82.060 Open Meetings**
- 2.82.070 President of the Board**
- 2.82.080 Secretary**

- 2.82.090 Records Public
- 2.82.0100 Removal of Trustees
- 2.82.0110 Duties and Powers of Boards
- 2.82.0120 Payment for Use of Memorial Halls
- 2.82.0130 Membership of Veterans Organizations
- 2.82.0140 Budget
- 2.82.0150 Annual Report by Trustees
- 2.82.0160 Organizational Relationships

**2.82.010 Establishment of Governing Boards.**

Each Veterans Memorial Hall established and maintained by the Board of Supervisors shall be governed by a Board of Trustees known as the "BOARD OF TRUSTEES OF \_\_\_\_\_ (fill in) VETERANS MEMORIAL HALL."

**2.82.020 Constitution of Boards.**

The several boards of trustees shall be constituted as follows:

**A. Veterans' Organization Defined:** "Veterans' organization" means any duly recognized chartered organization composed solely of honorably discharged members of the United States uniformed military services.

**B. Permanent Trustee:**

1. The Supervisor in whose district the Memorial Hall is situated shall be a permanent trustee. Any Supervisor may, but is not required to, appoint an alternate to represent him or her on the board.
2. Any Supervisor may, but is not required to, appoint as such Supervisor's alternate an active member of a veteran's organization.

**C. Voting Trustees:**

1. For each Veterans Memorial Hall, one or more trustees with corresponding alternates shall be appointed from each veteran's organization. If the number of veterans organizations is less than four (4), or if a veterans organization fails to recommend a trustee as hereinafter provided, the Board of Supervisors shall appoint as many additional trustees, who are members of veterans organizations, as may be necessary to constitute a board of five members, including a member of the Board of Supervisors.
2. Each year, on or before the third Monday in June, each veterans organization shall submit to the Supervisor elected from its respective district the names of the veterans organization appointee and alternate whom the organization recommends be appointed to the board of trustees of the Veterans Memorial Hall. Thereafter, a meeting of the Board of Supervisors in the succeeding July, or as soon thereafter as reasonable, the Supervisor of that district shall nominate to the full Board of Supervisors any such recommendation(s) the Supervisor supports or any other member(s) of the organization the Supervisor does support for nomination to the trustee board. This same procedure will be followed should a trustee or alternate position becomes vacant during the term of office.

**D. Non-Voting Trustees:** The Supervisor of each district may appoint up to two non-voting trustees, with or without alternates, from veterans organization auxiliaries and/or the general public to each Board. These appointments do not require confirmation by the full Board of Supervisors.

**2.82.030 Term of Office.**

The term of a sitting member of the board of trustees, including all trustee or supervisor alternates, will end August 31 each year, unless the BOS has not appointed new trustees, in which case the incumbent Hall Board shall continue to act until the BOS appoints new trustees. Before discharging the duties of this office, each trustee and alternate shall take an oath of office, which shall be filed with the Placer County Clerk of the Board.

**2.82.040 Compensation.**

The office of the trustee is honorary, without salary or other compensation.

**2.82.050 Meetings.**

Each Board of Memorial Hall Trustees shall establish an appropriate schedule of regular meeting dates. Special meetings may be called in accordance with Section 54956 et seq., of the Government Code, for the transaction of necessary business. A majority of the voting members constitutes a quorum for business, and an affirmative vote of a majority of all of the voting members is required to exercise the powers of the Board.

**2.82.060 Open Meetings.**

All meetings of the board shall be open and public and shall be subject to the "Brown Act," Section 54950 et seq., of the Government Code.

**2.82.070 President of the Board.**

Each board shall elect one of its members as president. The Board of Supervisors encourages the veterans' organizations to rotate this office among the various veterans' organizations making up each Board of Trustees.

**2.82.080 Secretary.**

Each board shall select a secretary who shall keep a record and full minutes in writing of all proceedings of the board. Non-voting members of the Board may serve in this capacity. Minutes shall be submitted to the County two weeks prior to the next scheduled meeting, all other records shall be submitted to the County each year by August 31<sup>st</sup>.

**2.82.090 Records Public.**

All records of the board shall be open to inspection by the public.

**2.82.0100 Removal of Trustees.**

Each veteran's organization may remove its representatives at any time. The Board of Supervisors may, in its sole discretion, remove any trustee at any time and may declare the office of trustee vacant. In accordance with Government Code section 1770, the office of trustee shall become vacant upon the occurrence of any of the events listed therein. Vacancies shall be filled within thirty (30) days after their occurrence in the manner provided by Section 11.5.

**2.82.0110 Duties and Powers of Boards.**

Subject to final approval by the Board of Supervisors, each board of trustees shall make and enforce all rules, regulations and by-laws necessary for the administration, government, and protection of the Memorial Hall. Such rules and regulations shall include, but are not limited to, provisions for:

- Management of the hall.
- Fee schedule for rental of the hall.
- Policies and procedures for rental of the hall, including clearance from local law enforcement agencies for all large gatherings.
- Periodic inspection of routine maintenance and janitorial services.

**2.82.0120 Payment for Use of Memorial Halls.**

- A. Free use of the Halls shall be accorded to County Veterans groups.
- B. Free use of the Halls shall be accorded to County departments for non-routine county business, nonprofit senior citizen or children activity groups such as 4H or scouts, and community service clubs as authorized by the Hall Board in accordance with scheduling and use submittal requirements.
- C. Reduced rates up to, but not to exceed 50% of the designated rental fee may be granted by Hall Board action to other community based nonprofit groups from the community in which the Hall is located. In all other instances, full payment of the designated rental fee shall be required.

**2.82.0130 Records of Membership of Veterans Organizations.**

Each board of trustees shall prepare and maintain a current record of all veterans' organizations that use the hall and desire to be represented on the board of trustees. Said record shall contain the following information; in addition, any other information deemed appropriate by the board of trustees:

- A. Name of organization.
- B. Legal form of the organization, i.e., corporation, unincorporated association, etc.
- C. Mailing address of organization.
- D. Total number of members of each organization.
- E. Name and address and phone number of the presiding and recording officers of the organization.

**2.82.0140 Budget.**

On or before the date specified for presentation of departmental budgets each year, the Facilities Department, in cooperation and coordination with each board of trustees, shall prepare and submit a cumulative budget for all halls to the Board of Supervisors for the next succeeding fiscal year.

**2.82.0150 Annual Report by Trustees.**

Each board of trustees, on or before the fifteenth day of July each year, shall make an annual report to the Board of Supervisors for the preceding fiscal year ending on the 30th day of June. The report shall give full statements of all property and money received, if any, whence derived, how used and expended, and such other information as might be of interest.

**2.82.0160 Organizational Relationships.**

Each Memorial Hall Board may notify the hall custodian of maintenance items; however, board requests for major maintenance items and other capital improvements should be presented to the Building Maintenance Superintendent of Facility Services. If satisfaction is not achieved, the Memorial Hall Board should contact the Director of Facility Services,

and if satisfaction is still not obtained, an appeal may be made to the Board of Supervisors.

**Section Two.** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Clerk is directed to publish ordinance, or a summary therefore, within fifteen (15) days in accordance with Government Code Section 25124.

Before the Board of Supervisors  
County of Placer, State of California

In the matter of: AN ORDINANCE ADDING  
PART 4 TO THE PLACER COUNTY ZONING  
ORDINANCE PERTAINING TO THE PLACER COUNTY  
WILLIAMSON ACT LANDS PROGRAM

Ord. No. \_\_\_\_\_

First Reading: 9/7/2010

The following ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on \_\_\_\_\_, 2010, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Board of Supervisors

Attest:

\_\_\_\_\_  
Kirk Uhler, Chair

\_\_\_\_\_  
Ann Holman  
Clerk of said Board

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:**

**Section 1:** Part 4 is hereby added to Chapter 17 of the Placer County Code and shall read as follows:

**PART 4 – PLACER COUNTY WILLIAMSON ACT LANDS PROGRAM**

**Article 17.64 - WILLIAMSON ACT LANDS PROGRAM**

- 17.64.010 Establishment of Williamson Act Lands Program
- 17.64.020 Definitions
- 17.64.030 Purpose and Applicability of Ordinance
- 17.64.040 Fees
- 17.64.050 Administration of Ordinance for Agricultural and Open Space Preserves, or Farmland Security Zones
- 17.64.060 Agricultural Preserve and Contract Eligibility Requirements
- 17.64.070 Application Filing and Review

- 17.64.080 Land Contract Provisions
- 17.64.090 Limitations on Land Uses in Agricultural Preserves, Open Space Preserves, or Farmland Security Zones.
- 17.64.100 Divisions and Transfers of Property
- 17.64.110 Transfers of Williams Act Lands
- 17.64.120 Limitation on Development Proposals of Lands in Preserve
- 17.64.130 Termination of Land Contracts
- 17.64.140 Nonrenewal by Landowner
- 17.64.150 Cancellation
- 17.64.160 Termination by Rescission in Favor of a New Contract or Public Acquisition
- 17.64.170 Enforcement of Agricultural Preserve Regulations and Contract Provisions
- 17.64.180 County Initiated Notice of Non Renewal
- 17.64.190 Non-Exclusive Legal Remedy
- 17.64.200 Challenges to County Action
- 17.64.210 Farmland Security Zones

**17.64.010 Establishment of Williamson Act Lands Program**

The Placer County Williamson Act Lands Program is established in compliance with Chapter 7, Part 1, Division 1 of Title 5 of the Government Code (Section 51200 et seq.), otherwise known as the California Land Conservation Act of 1965 and referred to in this Article as the "Williamson Act" or as the "Act". The purposes of the Program are 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. The County does not intend for the placement of a Williamson Act Contract on land within the County to preclude the placement of conservation easements on that same land, as long as such easements recognize the agricultural nature of the property and do not preclude such activity.

**17.64.020 Definitions**

The following terms and phrases are hereby defined for the purposes of this Article:

**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, etc., and animal raising operations such as the raising of cattle, fowl or poultry, goats, sheep, swine, llamas, or other livestock.

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

**Farmland Security Zone Contract.** A twenty-year term contract entered into between the County and a property owner that applies to land in agricultural production controlled by Section 17.64.210 of this Article.

**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 this Article and state law.

**Open-Space Use (as defined by Subsection (o) of Section 51201 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 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 that would be 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 the Williamson Act program 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.** Non-prime agricultural land consists of any land that cannot be considered Prime Agricultural Land.

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

- 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.

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- 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 and 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 this Article.

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

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

**17.64.030 Purpose and Applicability of Ordinance**

- A. **Purpose.** The purpose of this Article is to implement the provisions of the Williamson Act in Placer County. This ordinance is not intended to replace the Williamson Act; rather it is to be used in conjunction with applicable provisions of the Williamson Act.
- B. **Applicability.** The provisions of this Article 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 this Article, 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 this Article.

**17.64.040 Fees**

In compliance with Section 51287 of the Act, the Board of Supervisors shall establish fees for: the filing and processing of Applications; the modification of Williamson Act Contracts upon the subdivision or transfer 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.

**17.64.050 Administration of Ordinance for Agricultural and Open Space Preserves, and Farmland Security Zones**

- A. This ordinance shall be administered by the Placer County Planning Director, the Agricultural Commissioner, and the Assessor, as described in this Article.
- B. The Placer County Agricultural Commission is hereby appointed as the advisory board on agricultural preserves and contracts in compliance with Section 51239 of the Act.
- 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 deems it necessary.
- D. Determinations of the Planning Director required by this Article may be appealed in compliance with the County Zoning Ordinance.

**17.64.060 Agricultural Preserve and Contract Eligibility Requirements**

To enter into the Williamson Act Land 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 contract may be approved only if the Agricultural Commission and the Board of Supervisors determine that the site proposed for preserve and contract complies with all of the requirements of this Article and can, therefore, accommodate commercial agricultural operations.

- A. **Zoning.** The site shall be designated in one of the following zoning districts as established by this Chapter 17.

**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.** Section 51230 of the Act establishes the minimum area for an agricultural preserve. A site proposed for preserve and contract 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 Lot 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 Agricultural Land as defined in Section 17.57.020, above.

**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  |

- 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 as defined in Section 17.57.020, above.
- 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.

C. **Minimum Agricultural Income.** The applicant shall provide documentation demonstrating that existing, on-site agricultural operations have produced a minimum gross income of \$4,500.00 during the year prior to the filing of the application for preserve and contract, or \$4,500.00 average annual gross income over the previous three years; except in the case where a site is occupied by a planted, but as yet non-producing orchard or vineyard, as described in Subsection (B)(4) above.

D. **Ordinance Compliance.** No 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.

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**17.64.070 Application Filing and Review**

Applications shall be processed in compliance with this Section, and the Act, including, but not limited to Sections 51234 et seq., and 51247. An Agricultural Preserve must be established at the same time that a contract is entered into between the County and a landowner (or multiple land owners).

- A. **Application Preparation and Filing.** Applications shall include the forms provided by the Planning Department, 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 effect before January 1 of any given year, contracts must be filed with the Planning Department on or before September 1 of that year. 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 land contracts 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 (1) 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 sixty (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 preserve is consistent or inconsistent with the General Plan and if the preserve under consideration is less than 100 acres, the report shall also contain a

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description of the unique characteristics that justify the establishment of such a preserve as described above in Section 17.57.060(B)(1)(c).

**D. 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 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 (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 a contract.
4. **Distribution of Recommendation.** Copies of the Agricultural Commission recommendation, along with the completed application shall be sent to the applicant, the Board of Supervisors, the Planning Department, and all other agencies and individuals listed in Subsection (C)(1) above by the Agricultural Commissioner.

**E. Board of Supervisors Hearing and Decision.** Upon receipt of the information provided by the Agricultural Commission, the Clerk of the Board of Supervisors shall schedule a hearing on the application within sixty (60) days of receiving the packet of information from the Agricultural Commission.

1. **Notice of Hearing.** The Clerk of the Board of Supervisors shall:
  - a. Publish notice in a newspaper of general circulation one time; 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 (15) 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 thirty (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 preserve at issue 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 17.64.060(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 and make a finding regarding its determination on that matter.
  - b. If the preserve is less than 100 acres the Board must also determine if the preserve has unique characteristics that justify the establishment of such a preserve as described above in Section 17.64.060(B)(1)(c) and make a finding regarding its determination on that matter
  - c. If there is a specific compatibility provision in the contract being approved, the Board shall make the following findings when approving a contract under this subsection:
    1. The list of compatible uses within the contract 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 Placer County.
    3. The compatible uses approved do not negatively impact property located near agricultural lands that are outside of the Williamson Act program.
  - d. Then the Board shall determine if the contract shall be approved.
- 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 Section 51248 of the Act no later than twenty (20) days after a City or County enters into a contract with a landowner pursuant to this Article, the Clerk of the Board, shall record with the County Recorder a copy of the contract, which 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 such 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 recorded Williamson Act Land Contracts to the Agricultural Commissioner, the Assessor and the Planning Department.

**17.64.080 Land Contract Provisions**

Williamson Act Contracts approved by the Board of Supervisors in compliance with this Article shall contain the following provisions, in addition to any other unique provisions deemed necessary by staff, which shall be reviewed by County Counsel, to comply with applicable provisions of this Article or the Williamson Act.

- A. **Term of Contract.** The term of a Williamson Act Contract shall be ten (10) years, in compliance with Section 51244 of the Act. Beginning with the first year after the execution of a contract, one (1) year is automatically added to the term of the contract for each year that elapses, to maintain an ongoing 10-year term, unless a notice of nonrenewal is served in compliance with Section 17.64.140.
- B. **Allowable Land Uses.** As required by Section 51243(a) of the Act, the contract shall limit the uses allowed on the site to agricultural uses, and general as well as specifically tailored compatible uses in compliance with Section 17.64.090. In addition, the agricultural uses that qualified the property for preserve and contract in compliance with Section 17.64.060 shall be described.
- C. **Proposed Development.** The contract shall include the language found in Section 17.64.150 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 non-renewal (Section 17.64.140) or cancellation (Section 17.64.150). 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 17.64.110, or if the property is subdivided in compliance with this Article. All contract provisions shall apply equally to all successors in interest.
- E. As stated in Section 51283(b)(2) of the Act, only those uses stated in the contract shall be permitted activities.

**17.64.090 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.** Sections 51238 et seq. of the Act require that the County limit the uses of land allowed on contracted lands to those that are compatible with continuing agricultural operations. After the execution of a contract, no land use shall be established on property subject to a contract except for the uses shown in Table 2. Compliance with the land use permit requirements and development standards of this Chapter 17 is also required. Definitions of each of the land uses in Table 2 may be found in Article 17.04 of this Zoning Ordinance. For convenience, Table 2 shows the land use permit required by this Zoning Ordinance for each compatible use in the applicable zone district. However, in the event of any conflict between

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Table 2 and the requirements of the other provisions of Chapter 17, the other provisions shall control.

- B. Specific Compatibility Provisions.** An approved contract shall contain the information in Subsection (A) above, and any tailored provisions that limit the compatible uses allowed under any specific Contract. The specific compatible uses authorized under a contract shall be based on the type of agricultural operation that qualifies the site for the 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 specific compatible uses authorized under a Contract shall also consider the principles of compatibility provided by Section 51238 et seq. of the Act.
- 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 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 |     |     |

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|  |      |     |     |     |     |     |
|--|------|-----|-----|-----|-----|-----|
| 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>Retail Trade Uses</b>                               |      |     |     |     |     |     |
| Roadside stands for agricultural products              | C    | C   | C   | C   | C   |     |
|  |      |     |     |     |     |     |
|  |      |     |     |     |     |     |
| <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 Section 51238.2 of the Act.
- (2) Permit requirements set by Article 17.56 of Chapter 17.

| <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 allowed 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 this Zoning Ordinance as a separate building site. Appeals of Planning Director's determination under this Section shall comply with Section 17.60.110 of this Zoning Ordinance. When there is a violation of this Section, the County shall act upon such violation in accordance with Section 51250 of the Act.

#### **17.64.100 Divisions of Property**

Proposed divisions of sites 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 17.64.140.

- A. **Compliance With the Subdivision Map Act.** The County shall comply with the Government Code Section 66474.4.
- B. **Minimum Lot Area for Divisions.** Except as provided in Subsection (c) of Government Code section 66474.4, 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 Subsection (B)(2) of Section 17.64.060, above, or the area required by this 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 parcel is questionable in relation to their agricultural use and potential.
- C. **Boundary Line Adjustments.** State law governs boundary line adjustments as provided in Section 51257 of the Act.
- 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 is 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 (10) 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 this Article.

**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.

**F. Processing Contract Changes When Land Division Occurs.** Landowners shall use the procedures described in Section 17.64.070 of this Article to obtain new contracts that are required under this section, except that the execution of the contract, as described in Subsection (F) thereof, shall not occur until the approval and final recordation of the subdivision instrument.

**17.64.110 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 Government Code Section 66474.4.

**17.64.120 Limitation on Development Proposals of Land 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 the site, until no more than three (3) years remain until the termination of the Williamson Act Contract through the nonrenewal process. 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 17.64.090;
- B. Subdivisions in compliance with Section 17.64.100;
- C. A development proposal filed with an application for contract cancellation, in compliance with Section 17.64.150; or

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- D. A Specific Plan covering multiple ownerships with both non contracted and contracted lands, where the plan proposes development of contracted lands only after the termination of their contracts through the nonrenewal process.

#### **17.64.130 Termination of Land Contracts**

The allowed methods for landowner-initiated termination of land contracts include nonrenewal, cancellation, and rescission as described in Sections 17.64.140, 17.64.150, and 17.64.160. Consistent with state law, it is the policy of the County to have contracts terminated by the nonrenewal process rather than by cancellation.

#### **17.64.140 Nonrenewal by Landowner**

- 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 17.64.170.
- B. **Service and Termination Dates.** The landowner shall serve a Notice of Nonrenewal on the County at least ninety (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 effect until the following year, meaning that the contract shall be considered renewed for one (1) 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 will 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 17.64.070 (Application Filing and Review).

- D. Notification of State of California Director of Conservation.** Within thirty (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 17.64.070 (Application Filing and Review).

- F. **Recordation of Notice.** No later than twenty (20) days after the County receives a Notice of Nonrenewal from a landowner, or withdraws a Notice of Nonrenewal, or within twenty (20) days after the County approves a Notice of Nonrenewal on a portion of a contract, in compliance with Subsections (C) or (E), above, 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.

#### 17.64.150 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 Section 51280 et seq. of the Act. 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 thirty (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 of the Act 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 17.64.070(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 Section 17.64.070(C)(1).
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 Section 17.64.070(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 this Zoning Ordinance.
  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 approve or disapprove a cancellation until the requirements of Section 51283 of the Act, 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 Section 51284 of the Act. 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 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 Section 51282 of the Act.
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 will not result in discontinuous patterns of urban development.
    - e. There is no proximate noncontracted 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 Subsections 1 and 2 above: The uneconomic character of an existing agricultural use shall not by itself 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.

- G. Certificate of Cancellation.** An approved cancellation shall be completed with the recordation of first a tentative certificate of cancellation, and then a final certificate of cancellation in compliance with Section 51283.4 of the Act. Among other requirements, the approval of a cancellation shall be contingent upon the payment of the cancellation fee, computed under Section 51203, 51283 and 51283.1 of the Act, 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.

#### **17.64.160 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 as 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 to qualify for an agricultural preserve, based on open-space uses, may be located within any zone district listed in Section 17.64.060(A). 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 Section 51252 of the Act.
    - 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 17.64.020 (Definitions).
2. **Application Filing and Processing.** The preparation, filing, and processing of an open space preserve application shall comply with Section 17.64.070.
  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 is stated in A(1)(b) above.
    - b. **Minimum Ownership Size.** If a property subject to contract consists of two or more existing parcels, the smallest parcel or contiguous parcel area that can be conveyed to a new owner or retained by the existing owner is twice the minimum lot area required by the applicable zoning district, except that the entire acreage described in a contract may be conveyed to a new owner.
    - c. **Open-Space Use Limitations.** The Planning Department staff report on an application shall include recommendations identifying the existing open-space use, compatible land uses, and measures to maintain and protect the qualifying use and important natural features occurring on the property. The land contract shall include the land use standards and conditions that are adopted for the preserve. Each contract shall refer to allowable agricultural, resource, and open space uses in the Zoning Ordinance, and specify any necessary limitations on use to ensure protection of the open-space use.
  4. **Contract Provisions.** Land contracts for the preservation of lands devoted to open space uses shall comply with the Act and this Article and all contracts shall state that "no landowner shall dispute the applicability of the Act and these regulations on the open space property under contract."
  5. **Termination of Contracts.** The termination of a land contract for open space uses shall comply with the Act and this Article
  6. **Enforcement.** The enforcement by the County of the provisions of a land contract for an open space preserve shall comply with the Act and this Article.

**B. Open Space Easements.** Any contract entered into after August 12, 1998 may be rescinded by the parties upon their mutual agreement in order to simultaneously 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 Act for the duration of the original Williamson Act contract. The easement would enforceably restrict the same property for an initial term of not less than the (10) years and would not be subject to the provisions of Article 4 (commencing with Section 51090) of Chapter 6.6 of the California Government Code. 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. 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 of the 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 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 or council 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 city or 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 thirty (30) days before the approval of the city or 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 encouraged to rescind their current contracts in favor of contracts described in Subsections (A) or (B) above when the lands under contract are no longer being used for agriculture and can qualify under that section.

#### **17.64.170 - Enforcement of Agricultural Preserve Regulations 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 binding on the owner who entered into contract or a succeeding owner, as long as the contract remains in effect. The owner 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 this Article, the landowner may rescind the current contract in favor of an open space Williamson Act Contract described in Section 17.64.160, or the County may proceed with nonrenewal.
- 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 17.64.090(A) or (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 ninety (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 17.64.090(D)(2), when a structure is put on land under contract in violation of the Act or these regulations, state enforcement provisions may apply pursuant to Section 51250 of the Act.

#### **17.64.180 County Initiated Notices 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 this ordinance.

A. **Nonrenewal Required.** The County shall serve notices of nonrenewal of contracts on landowners if the Board of Supervisors, through a public hearing, finds that the conditions under which a contract originally qualified for the Williamson Act Lands 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 intensive 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 17.64.090.

B. **Processing Procedures.** The following are the procedures for processing a County-initiated notice of nonrenewal by the Planning Department.

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 Section 17.64.070(C)(1) at least thirty (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 of Supervisors 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 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 (60) 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 notice of nonrenewal. Such protests shall be submitted to the Clerk of the Board of Supervisors at least five (5) 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.

#### **17.64.190 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.

#### **17.64.200 Challenges to County Action**

Any challenge to County action under the Act or this ordinance shall be made in accordance with Code of Civil Procedure 1094.5 pursuant to 51286 of the Act.

#### **17.64.210 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 the land subject to that contract or those 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 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 significance
  3. Unique farmland
  4. Farmland of local importance

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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 twenty (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 (1) 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 of the Act.

**Section 2:** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Clerk is directed to publish a summary of this ordinance within fifteen (15) days in accordance with Government Code Section 25124.