

Sonoma County

Rules and Regulations for Administration of Agricultural Preserves, Type A-I

Adopted by Board of Supervisors Resolution No. 28630

Dated: February 17, 1970

(Amendments since 2/17/70: additions noted in italics.)

- (1) This Board recognizes that the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves, in that it will discourage discontinuous urban development pattern which unnecessarily increase the cost of community service to community residences. In a rapidly urbanizing society, agricultural lands have a definite public value as open space, and the preservation and agricultural production of such lands, the use of which may be limited pursuant to the provisions of said Land Conservation Act, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments.
- (2) It is recognized that by reasons of differences in topography, location, parcel size and certain other factors, the employment of a single type of agricultural contract within the County of Sonoma may be neither practical nor desirable. Therefore, Rules and Regulations for Administration of Agricultural Preserves, Type A-I, are hereby adopted, primarily having in mind parcels of land ten acres or more in size which are devoted to commercial agricultural pursuits. Lands qualified for preserves, Type A-I, shall meet one of the following criteria:
 1. All land which qualifies for rating as Class I or Class II in the soil conservation service land use capability classification.
 2. Land which qualifies for rating 80 through 100 in the Storie Index rating.
 3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.

4. Land planted with fruit or nut bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200.00 per acre.
5. Agricultural enterprises or land which has returned from the production of unprocessed agricultural plant or animal products an annual gross value of not less than \$200.00 per acre. The dollar value per acre to be computed on the basis of the total gross income from the operation.
- (6) Preserves shall be a minimum of 100 acres total size, except that the County Board of Supervisors may establish preserves of lesser size, to a minimum of ten acres only if it makes the findings required by the California Government Code § 51230.
- (7) Within such preserve, the lands under contract shall not be used for any purpose other than agricultural or compatible use. No structures shall be erected on said lands, except such structures as may be directly related to and compatible with agricultural use and residence buildings for such individuals as may be engaged in the operation and management of said lands and their families.
- (8) “Agricultural and compatible uses” shall be defined as hereinafter more specifically described, subject, nevertheless to the primary rule that such preserve is established for the purpose of preserving the land for agricultural purposes and the compatible uses shall be incidental to such agricultural use.
- (9) If at the time a Type A-I preserve is established for a particular portion of the County, there exists within that area parcels of land of smaller size than the ten acre minimum herein specified, or the use of some portion of said area does not conform to the definition of “agricultural or compatible use” as herein contained, the same shall be treated as a legal nonconforming use. No land conservation contract will be entered into with the owner of such nonconforming parcels until its use becomes conforming.
- (10) It is the policy of this Board to enter into contracts in accordance with the standard form, namely, Land Conservation Contract, Ag Type I, adopted therefore with the owners of all conforming lands within the preserve for a term of ten years or longer. For an individual to enter such a contract with the County,

it will be necessary for the property owner to provide a legal description of his property, either separately or as part of a preliminary title report, a preliminary title report indicating what liens or encumbrances there may be (other than property taxes), and to obtain the consent of encumbrance holders, if any, to the contract.

- (11) This Board has created an Agricultural Preserve Advisory Committee to make recommendations about the formation of preserves and the types of contract to be offered. The committee may, if it deems it advisable, require an applicant for a preserve or contract to furnish the committee with an income statement or such other information as may be needed for purposes of classifying the applicant's property. Any decision by the committee is subject to appeal to this board.
- (12) A fee of \$70.00 plus \$5.00 for each assessor's parcel over one, must accompany each application for preserve and contract. In case of applications previously filed, the above fee shall be payable through the County Counsel's Office prior to execution of the contract by this Board, subject to credit for any \$5.00 fee previously paid to the Clerk of the Board of Supervisors. Fees accompanying any new applications shall be payable directly to the Clerk of the Board of Supervisors.
- (13) For the purpose of indicating the mechanics of restricted value and unrestricted value calculation, the following example is set forth:

	Year	Year
	<u>1990</u>	<u>1991</u>
Restricted market value	\$ 1,000.00	\$ 1,000.00
Assessment ratio	25%	25%
Restricted value	\$ 250.00	\$ 250.00
Tax rate	10.00	10.00
Tax	\$ 25.00	\$ 25.00
Unrestricted market value	\$ 8,000.00	\$ 10,000.00
Assessment ratio	25%	25%
Unrestricted value	\$ 2,000.00	\$ 2,500.00
Tax rate	10.00	10.00
Tax	\$ 200.00	\$ 250.00
Tax saving	\$ 175.00	\$ 225.00

- (14) The Land Conservation Act requires the adoption of a County policy respecting contracts to the effect that there shall be no reasonable probability of the removal or modification of the limitation or restriction within the near future. This Board hereby adopts that policy and to that end has in general provided in its form of contract (Ag Type I) that there shall be no “right” to cancel such contract, but that contracts shall limit cancellation in accordance with the provisions of Government Code Sections § 51281 through § 51285, and further restrict cancellation to instances of hardship arising out of (1) probate proceedings, or (2) actions in eminent domain. Such cancellations shall be subject to payment of the cancellation fees specified in paragraph 7 of the contract (subject to the waiver provisions of Government Code Section § 51283).
- (15) Therefore, a person entering into an Ag Type I contract should assume that the contract will run for the full term provided therein and that each year it will be extended so that at all times the same will remain in effect for a period of ten years unless notice of nonrenewal is given.
- (16) With reference to paragraph 5 of the contract, notice of the Assessor’s determination of a contract shall be given to both the owner and the Board of Supervisors. Thereafter, if the owner desires to protest the Assessor’s determination of either restricted or unrestricted value, he may file a protest with the Clerk of the Board of Supervisors. Since the restricted value and the assessed value for a particular year will be the same thing, a protest as to that value figure will be considered by the Board of Supervisors in its capacity as a local Board of Equalization. If a protest is filed with respect to the Assessor’s determination of unrestricted value, such protest will be determined by the Board of Supervisors in its capacity as a local Board of Equalization. If a protest is filed with respect to the Assessor’s determination of unrestricted value, such protest will be determined by the Board of Supervisors other than in its capacity as a local Board of Equalization but subject, nevertheless to the same rules and procedures. If no protest is filed with respect to the unrestricted value, failure to file a protest will have the same effect as failure to file a protest with respect to assessed value, namely objections shall be deemed waived and thereafter for purposes of the

contract, the unrestricted value as reported by the Assessor shall be deemed to be the equalized unrestricted value for that year.

- (17) The authorization for “agricultural or compatible uses” as contained in this Resolution and California Land Conservation Act contracts is not intended to modify or take the place of any restrictions imposed by any zoning ordinances. Subject to such understanding, for the purpose of Ag Type A-I contracts, “agricultural or compatible uses” shall be defined as follows:

A. **Permitted agricultural uses.** The following agricultural uses and those uses which in the opinion of the Board of Supervisors may be substantially similar in nature thereto shall be permitted agricultural uses within such preserves:

1. General farming, including but not limited to the raising, growing and harvesting of vegetables, field, orchard, bush and berry crops, vineyards and trees.
2. Forestry, but not including any processing of raw materials. (Note paragraph B)
3. Stock nurseries, greenhouses, floriculture and horticulture.
4. Raising, feeding, maintaining and breeding of horses, cattle, sheep, goats, and swine; provided, however there shall be no feeding or garbage, refuse or offal. (Note paragraph B)
5. Dairies.
6. Raising, feeding, maintaining, breeding and caging of chickens, turkeys, rabbits, pigs, ducks, geese, birds, fish, frogs and similar animals or fowl.
7. The processing, packing, selling and shipping of agricultural products located on a parcel devoted to agricultural and treating products grown or raised on the premises other than commercial packing or processing plants.
8. One family dwelling, guest houses, and accessory dwellings, accessory buildings of all kinds, when located upon farms and occupied or used by the owner or persons engaged in the operation or maintenance thereof.
9. Accessory uses and structures appurtenant and necessary to the operation of the permitted uses.
10. Churches, schools for academic instruction, public utility structures, public uses where owned and operated by political subdivisions and to the extent that such are necessary to serve such preserve.
11. Appurtenant sign to identify the permitted uses.

B. Compatible uses. The following uses will be permitted within the definition of “agricultural or compatible uses,” if the zoning classification for the land in question permits such use subject to first securing a use permit:

1. Lumber or logging mills and mill ponds.
 2. Commercial mushroom growing.
 3. Public stables; horse riding and horse training academies.
 4. Livestock auction and sales yards, feed lots, slaughter houses, fertilizer yards and rendering plants.
 5. The commercial raising of swine or livestock where there is feeding of garbage, sewage, refuse or offal.
 6. Oil, gas and geothermal steam well drilling.
 7. Building or structures, fixtures and equipment for geothermal generation of electricity from steam sources on or under the land on which they are situated.
 8. Electronic towers and antennas over 50 feet in height.
 9. Private air strips.
 10. Commercial raising of fur-bearing animals.
 11. Commercial packing and processing plants of agricultural products.
 12. Recreational uses including fish ponds, if maintained secondarily to a principal agricultural use.
 13. Labor camp structures.
 14. Gravel and quarrying operations, but not including crushing or other refining of raw materials.
- (15) Lands within a preserve which are not subject to a land conservation contract shall not be subject to the above restrictions.

(16)¹

A. Land under contract may be the subject of a minor lot line adjustment which involves the removal of land from a contract in exchange for the addition of other land to the contract where the following findings can be made:

¹ Board of Supervisors Resolution No. 89-2097, October 31, 1989, amendment adding new Section 15 to Rules and Regulations for Administration of Type I Preserve. (This resolution appears to contain a clerical error in the numbering of the sections. The newly added section should have been identified as “section 16”.)

- 1. The lot line adjustment is not inconsistent with the purposes of the Williamson Act.*
 - 2. Allowance of the lot line adjustment results in a public benefit.*
 - 3. The land adjusted out of the contract has no or inconsequential agricultural use and no potential for future viable agricultural use, as determined by the Board of Supervisors.*
 - 4. The net area of viable agricultural land in contract is unchanged or increased.*
 - 5. The resultant parcels comply with all applicable approval criteria set forth in the County's lot line adjustment ordinance and achieve an overall improvement in lot configuration.*
 - 6. The area taken out of contract is simultaneously placed in an open space/scenic easement in perpetuity in a form satisfactory to the County.*
- B. Where the Board of Supervisors makes the findings set forth above, the Williamson Act contract will be rescinded as to that portion of the property to be placed under an open space/scenic easement. A new contract will be executed which describes the remaining portion of the contracted land together with the property to be added to the Williamson Act contract.*
- C. The applicant will be responsible for the payment of all appropriate fees and shall otherwise comply with title report and other requirements applicable to the execution of Williamson Act contracts under these regulations.*