

**Sonoma County**  
**UNIFORM RULES**  
**for**  
**Agricultural Preserves and Farmland Security Zones**

Adopted: December 13, 2011 (Resolution No. 11-0678)

Amended: July 31, 2012 (Resolution No. 12-0379)

Amended: May 7, 2013 (Resolution No. 13-0186)

Amended: December 20, 2016 (Resolution No. 16-0485)

Amended: October 31, 2017 (Resolution No. 17-0426)

Amended: November 7, 2017 (Resolution No. 17-0438)



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## **Uniform Rule 1.0 - General Provisions.**

### **1.1 Title.**

These uniform rules are and may be cited as the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones or as the Sonoma County Uniform Rules for the Land Conservation Act Program.

### **1.2 Purpose of Uniform Rules and Agricultural Preserve Program.**

These uniform rules set forth the rules and regulations governing the administration of the County's agricultural preserve program under the California Land Conservation Act, also known as the Williamson Act. The purpose of the Land Conservation Act is the long-term preservation of agricultural and open space lands. County and landowner participation in the County's agricultural preserve program is voluntary.

The Board of Supervisors first implemented the Land Conservation Act in 1967 by promulgating rules for the administration of agricultural preserves. Those rules were amended in 1970 and again in 1989. These uniform rules comprehensively revise, update, and supersede the County's prior rules.

The Board of Supervisors recognizes that the continuation of the County's agricultural preserve program is necessary to preserve a maximum amount of the limited supply of agricultural, open space, scenic, and critical habitat lands within the county, to discourage premature and unnecessary conversion of such lands to urban land uses, to promote vitality in the agricultural economy, and to ensure an adequate, varied, and healthy supply of food and fiber for current and future generations.

The Land Conservation Act allows counties to establish agricultural preserves, and to enter into land conservation contracts for eligible land located within an existing preserve. Under a land conservation contract, land within an agricultural preserve is enforceably restricted to agricultural or open space uses, and uses compatible with agricultural or open space uses, for a minimum term of 10 years, in exchange for reduced property tax assessments.

Under certain circumstances, the Land Conservation Act also allows the County to establish farmland security zones within existing agricultural preserves and to enter into farmland security zone contracts within such zones. The minimum term

of a farmland security zone contract is 20 years and land restricted by the contract receives a greater tax benefit than does land restricted by a land conservation contract. In addition, procedures and requirements for terminating or phasing out of a farmland security zone contract differ from those that apply to terminating or phasing out of a land conservation contract. On October 2, 2001, the Board of Supervisors by Resolution 01-1207 authorized the creation of farmland security zones within existing agricultural preserves within the county and execution of farmland security zone contracts within such zones. Farmland security zone contracts are governed by their terms, the Land Conservation Act, and these uniform rules.

These uniform rules establish the basic requirements for agricultural preserves, farmland security zones, land conservation contracts, and farmland security zone contracts in the County's agricultural preserve program. These uniform rules are incorporated as a part of each land conservation contract and farmland security zone contract. Any change to these uniform rules applies to every land conservation contract and farmland security zone contract currently in effect, unless the contract or the Land Conservation Act expressly provide otherwise.

### **1.3 Relationship of the Agricultural Preserve Program to Other Laws.**

These uniform rules implement the Land Conservation Act by establishing procedures and eligibility requirements to which each participating landowner must adhere in order to receive a reduction in tax assessment. These uniform rules, which list allowable uses for contracted land, do not authorize any development on contracted land that is not otherwise permitted by the underlying zoning. These uniform rules may be more restrictive than the underlying zoning. However, these uniform rules do not supersede the County's land use requirements contained in the General Plan and Zoning Code, nor obviate the need for permits.

If there is any irreconcilable conflict between any provision of these uniform rules and any federal or state law, the federal or state law prevails. Any provision of these uniform rules that is more stringent than federal or state law is intended to supplement, not conflict with, federal or state law and to apply unless a court of law conclusively determines that the provision is preempted.

### **1.4 Interpretations.**

- A. Authority to interpret. The Director shall have the authority to interpret the provisions of these uniform rules. Whenever the Director determines it

- necessary or appropriate, he or she may issue an official written interpretation or, in the alternative, may refer the issue of interpretation to the Board of Supervisors for determination.
- B. Language. When used in these uniform rules, the words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended; and “may” is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words “include,” “includes,” and “including” shall mean “including but not limited to.”
- C. Time limits. Whenever a number of days is specified in these uniform rules, or in any notice provided in compliance with these uniform rules, the number of days shall be construed as calendar days, unless business days are specified. A time limit shall extend to 5 p.m. on the following business day where the last of the specified number of days falls on a weekend, County-observed holiday, or other day the County is not open for business.
- D. State law requirements. Where these uniform rules reference applicable provisions of state law, the reference shall be construed to be to the applicable state law provisions as they may be amended from time to time.

### **1.5 Schedule of Fees.**

The Board of Supervisors shall establish a schedule of fees for the processing of applications required by these uniform rules. The fees shall cover County costs for staff time and other activities involved in processing such applications. The Board may also establish an annual fee for the administration of the County’s agricultural preserve program.

## Uniform Rule 2.0 - Definitions.

### 2.1 List of Terms and Phrases.

As used in these uniform rules, the following terms and phrases shall have the meanings ascribed to them in this section, unless the context in which they are used clearly requires otherwise. Some of the terms and phrases defined in this section are taken directly from the Land Conservation Act. The definitions in the Land Conservation Act may be amended from time to time by state legislation. Any changes to the Land Conservation Act's definitions shall supercede the definitions included in this section. The definition of a term or phrase applies to any of that term's or phrase's variants.

**“Agricultural Commodity”** means any and all plant and animal products produced within the county for commercial purposes, including plant products used for producing biofuels, but excluding cannabis.

**“Agricultural Contracted Land”** means any agricultural land restricted by a land conservation contract.

**“Agricultural Land”** means prime and non-prime agricultural land.

**“Agricultural Preserve”** means an area devoted to agricultural or open space uses and which is established in accordance with the provisions of the Land Conservation Act and these uniform rules.

**“Agricultural Use”** means use of land, including greenhouses, for the purpose of producing an agricultural commodity for commercial purposes. Notwithstanding any provisions of these Uniform Rules to the contrary, “agricultural use,” does not include or mean the use of land for the purpose of cultivating or producing cannabis or cannabis related products.

**“Annual Renewal Date”** means January 1<sup>st</sup> of each year.

**“Board of Supervisors”** means the Board of Supervisors of Sonoma County, California.

**“Cannabis”** means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof.

**“Cannabis”** also means marijuana as defined by Section 11018 of the Health and

Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this Uniform Rules, “cannabis” does not mean “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

**“Clerk of the Board”** means the Clerk of the Board of Supervisors.

**“Compatible Use”** means any use determined by the County pursuant to the Land Conservation Act and these uniform rules to be compatible with the primary agricultural or open space use of land within the preserve and subject to contract. Compatible use includes agricultural use, recreational use, or open space use unless the Board of Supervisors finds after notice and hearing that the use is not compatible with the

agricultural or open space use to which the land is restricted by contract pursuant to the Land Conservation Act and these uniform rules.

**“Contiguous”** means sharing a common boundary or boundaries. Land shall be considered contiguous even if it is separated by roads, streets, utility fees or easements, or railroad rights-of-way.

**“Contracted Land”** means any agricultural or open space land restricted by a land conservation contract.

**“County”** means the county of Sonoma, in the state of California.

**“Devoted to Agricultural or Open Space Uses”** means when agricultural or open space land is used or maintained in compliance with the requirements of Section 4.2.B of these uniform rules.

**“Director”** means the Director of the Permit and Resource Management Department or his or her authorized representative.

**“Dwelling”** means single-family dwelling.

**“Farmland Security Zone Contract”** means a farmland security zone contract entered into pursuant to the Land Conservation Act and these uniform rules.

**“Farm Stay”** means transient lodging accommodations containing five or fewer guestrooms in a single-family dwelling or guest quarters provided as part of a farming operation, with an on-site farmer in residence, that includes all meals provided in the price of the lodging, and that meets all of the standards in the Zoning Code.

**“General Plan”** means the Sonoma County General Plan and the Sonoma County Local Coastal Plan.

**“Guest Quarters”** means an accessory building that consists of a detached living area of a permanent type of construction with no provisions for appliances or fixtures for the storage or preparation of food, including refrigerators, dishwashers, and cooking facilities. The building shall not be leased, subleased, rented, or sub-rented separately from the primary dwelling. The floor area of a guest quarters shall be a maximum of 640 square feet. Floor area shall be calculated by measuring the exterior perimeter of the guest quarters and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. For the purposes of calculating the maximum size of a guest quarters, any storage area attached to the guest quarters, excluding garage, shall be included. A guest quarters shall be located not more than 100 feet from the primary dwelling on the subject parcel.

**“Immediate Family Member”** means a spouse, natural or adopted child, parent, or sibling.

**“Land Conservation Act”** means the California Land Conservation Act of 1965, Government Code section 51200 et seq.

**“Land Conservation Contract” or “Contract”** means a land conservation contract entered into pursuant to the Land Conservation Act and these uniform rules.

**“Land Conservation Plan”** means a plan detailing the agricultural or open space uses of the land restricted by a land conservation contract or farmland security zone contract, including the types of uses and land areas involved.

**“Managed Wetland Area”** means an area, which may be an area diked off from the ocean or any bay, river, or stream to which water is occasionally admitted, and which, for at least three consecutive years immediately prior to being placed within an agricultural preserve was used and maintained as a waterfowl hunting preserve or game refuge or for agricultural purposes.

**“Non-prime Agricultural Land”** means land in agricultural use that is not prime agricultural land. Non-prime agricultural land includes land used for grazing, hay production, rotational crops such as seasonal or year round row crops, ornamental trees or flowers, and dry farming.

**“Open Space Contracted Land”** means any open space land restricted by a land conservation contract.

**“Open Space Land”** means land in open space use.

**“Open Space Use”** means the use or maintenance of land in a manner that preserves its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide habitat for wildlife, or for the solar evaporation of seawater in the course of salt production for commercial purposes, if the land is within any of the following:

1. A scenic highway corridor.
2. A wildlife habitat area.
3. A saltpond.
4. A managed wetland area.
5. A submerged area.
6. An area enrolled in the United States Department of Agriculture Conservation Reserve Program or Conservation Reserve Enhancement Program.

**“Parcel”** means legal parcel.

**“Permit and Resource Management Department”** means the Sonoma County Permit and Resource Management Department.

**“Primary dwelling”** means a single-family dwelling that meets the requirements of Sections 8.3.A.1 or 8.5.A.1 of these uniform rules.

**“Prime Agricultural Land”** means any of the following:

1. Land that qualifies for rating as class I or class II in the National Resource Conservation Service land use capability classifications.
2. Land that qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land that is planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and meet the minimum income requirements in Table 4-2 of these uniform rules.

4. Land that has returned from the production of unprocessed agricultural plant products an annual gross value which meets the minimum income requirements in Table 4-2 of these uniform rules.

**“Private Family Burial Plots”** means up to five graves for the landowner and immediate family members of the landowner.

**“Recreational Use”** means the use of land in its agricultural or natural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation. Any fee charged for the recreational use of land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. Specific recreational uses and accessory structures necessary for a recreational use are allowed on contracted land only if they are listed as a compatible use under these uniform rules.

**“Saltpond”** means an area which, for at least three consecutive years immediately prior to being placed within an agricultural preserve, has been used for the solar evaporation of seawater in the course of salt production for commercial purposes.

**“Scenic Highway Corridor”** means an area adjacent to, and within view of, the right-of-way of:

1. An existing or proposed state scenic highway in the state scenic highway system established by the Legislature pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which has been officially designated by the California Department of Transportation as an official state scenic highway; or
2. A county scenic highway established pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code, if each of the following conditions have been met:
  - a. The scenic highway is included in the General Plan;
  - b. The scenic highway corridor is included in an adopted specific plan of the County; and
  - c. Specific proposals for implementing the plan, including regulation of land use, have been approved by the Advisory Committee on a Master Plan for Scenic Highways, and the county highway has been

officially designated by the California Department of Transportation as an official county scenic highway.

**“Single-Family Dwelling”** means a building designed and/or occupied exclusively by one family.

**“Special Event”** means a festival, concert, theatrical presentation, wedding, wedding reception, party, race, rally, rodeo, or other activity that attracts a large gathering of people, either as participants or spectators.

**“State Designated Farmland of Local Importance”** means land designated as predominantly farmland of local importance on the Important Farmland Series map for Sonoma County compiled by the California Department of Conservation’s Farmland Mapping and Monitoring Program pursuant to Government Code section 65570.

**“State Designated Farmland of Statewide Importance”** means land designated as predominantly farmland of statewide importance on the Important Farmland Series map for Sonoma County compiled by the California Department of Conservation’s Farmland Mapping and Monitoring Program pursuant to Government Code section 65570.

**“State Designated Important Farmland”** means state designated prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance.

**“State Designated Prime Farmland”** means land designated as predominantly prime farmland on the Important Farmland Series map for Sonoma County compiled by the California Department of Conservation’s Farmland Mapping and Monitoring Program pursuant to Government Code section 65570.

**“State Designated Unique Farmland”** means land designated as predominantly unique farmland on the Important Farmland Series map for Sonoma County compiled by the California Department of Conservation’s Farmland Mapping and Monitoring Program pursuant to Government Code section 65570.

**“Submerged Area”** means any land determined by the Board of Supervisors to be submerged or subject to tidal action and found by the Board to be of great value to the state as open space.

**“Timber/Forestry Land”** means land in timber or forestry use.

**“Wildlife Habitat Area”** means a land or water area designated by the Board of Supervisors, after consulting with and considering the recommendation of the

California Department of Fish and Game, as an area of importance for the protection or enhancement of the wildlife resources of the state. Wildlife habitat area shall include any land area designated in the General Plan as a biotic habitat area or riparian corridor.

**“Zoning Code”** means the Sonoma County Zoning Code and the Sonoma County Coastal Zoning Code.

## **Uniform Rule 3.0 - Agricultural Preserves.**

### **3.1 Introduction.**

The Land Conservation Act and these uniform rules authorize the Board of Supervisors to establish agricultural preserves as areas devoted to agricultural or open space uses. Once an agricultural preserve has been established, the County and an owner of land within the preserve may enter into a land conservation contract pursuant to the Land Conservation Act and these uniform rules. An agricultural preserve may be created prior to or concurrently with the creation and execution of a land conservation contract restricting land within the preserve. It is possible for land to be located within an agricultural preserve, but not be under a land conservation contract. However, all land under a land conservation contract must be located within an agricultural preserve.

### **3.2 Uniformity of Agricultural Preserves.**

Under the County's prior rules, the County had two different types of agricultural preserves - Type I and Type II preserves. Type I preserves were for prime agricultural land and Type II preserves were for non-prime agricultural land and open space land. It is the intent of the Board of Supervisors in enacting these uniform rules to eliminate the distinction between the two types of preserves. Under these uniform rules, once an agricultural preserve is established, a land conservation contract may be executed for any qualifying agricultural or open space land within the preserve.

### **3.3 Requirements for Establishing, Disestablishing, or Altering Agricultural Preserves.**

All of the following requirements shall apply to establishing, disestablishing, or altering an agricultural preserve, whether initiated by a landowner or the County:

- A. Each agricultural preserve must contain at least 100 contiguous acres of land unless the Board of Supervisors finds that a smaller preserve is necessary due to the unique characteristics of the agricultural enterprises in the area and that such preserve is consistent with the General Plan and Zoning Code. Only whole parcels shall be accepted into an agricultural preserve.

- B. The use of any land within an agricultural preserve must be restricted by zoning that is compatible with the agricultural or open space uses of the land within the preserve subject to land conservation contracts.
- C. No agricultural preserve may be disestablished or altered to remove land from the preserve if removal of the land would cause or contribute to the premature or unnecessary conversion of agricultural land to urban uses or to significant encroachment of incompatible land uses into the immediate vicinity of contracted land.
- D. No agricultural preserve may be disestablished or altered to remove land from the preserve if to do so would breach a land conservation contract restricting land located within the preserve.
- E. All agricultural preserves must be consistent with the General Plan and Zoning Code.

#### **3.4 Landowner Proposals to Establish, Disestablish, or Alter Agricultural Preserves.**

- A. A landowner whose land is devoted to agricultural or open space uses, but is not within an agricultural preserve, may file an application with the Permit and Resource Management Department to establish a new preserve or alter an existing preserve to include the land. With the Director's approval, an application may also be filed by an authorized agent of the landowner, or other person with the written consent of the landowner.
- B. A landowner whose land is within an agricultural preserve and wishes to have the land removed from the preserve may file an application with the Permit and Resource Management Department to disestablish or alter the preserve to remove the land. With the Director's approval, an application may also be filed by an authorized agent of the landowner, or other person with the written consent of the landowner.
- C. Each application to establish, disestablish, or alter an agricultural preserve shall be filed on a County application form and shall include all required fees, and all information and materials required by the Permit and Resource Management Department. No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and all required information and materials have been submitted.

- D. Within 60 days after receipt of a complete application to establish, disestablish, or alter an agricultural preserve, the Permit and Resource Management Department shall review the application for compliance with the Land Conservation Act and these uniform rules, schedule the application for consideration by the Board of Supervisors, and transmit a report and recommendation to the Board containing the analysis required by Government Code section 51234. The Board may not take final action on the application until the report is received or the 60 days have elapsed.
- E. No application to establish, disestablish, or alter an agricultural preserve shall be approved unless the Board of Supervisors finds that the application is consistent with the General Plan and meets all of the applicable requirements in Section 3.2 of these uniform rules.
- F. An application to establish or alter an agricultural preserve may be considered concurrently with an application for a new or replacement contract pursuant to Uniform Rule 6.0 of these uniform rules. However, such concurrent application shall not alter the requirements of Government Code section 51234.

### **3.5 Notice and Hearing Requirements.**

- A. A public hearing shall be required before any final action is taken to establish, disestablish, or alter an agricultural preserve.
- B. Notice of the public hearing to establish, disestablish, or alter an agricultural preserve shall be provided in compliance with all of the following:
  - 1. By publication pursuant to Government Code section 6061;
  - 2. By written, mailed notice to the Sonoma County Local Agency Formation Commission at least 14 days prior to the hearing;
  - 3. By written, mailed notice to any city within one mile of the exterior boundaries of the agricultural preserve proposed to be established, disestablished, or altered at least 14 days prior to the hearing;
  - 4. By written, mailed notice to the applicant; and

5. If land is to be removed from an agricultural preserve, by written notice sent by certified mail to each owner of contracted land within one mile of the exterior boundary of the land to be removed.

### **3.6 Agricultural Preserve Maps.**

Whenever an agricultural preserve is established, disestablished, or altered, the Permit and Resource Management Department shall record the adopted resolution and map showing the agricultural preserve or preserves, as established, disestablished, or altered, with the County Recorder's Office.

## **Uniform Rule 4.0 - Eligibility of Land for Contract.**

### **4.1 Introduction.**

Before land may qualify for a land conservation contract, it must meet the eligibility requirements specified in Section 4.2 of these uniform rules. Once land is under contract, it must continue to meet those eligibility requirements for the duration of the contract.

### **4.2 Eligibility Requirements.**

No application for a new or replacement land conservation contract shall be approved by the Board of Supervisors unless all of the following requirements are met:

- A. The land proposed to be restricted by the contract must be located within an existing agricultural preserve. The Board of Supervisors may approve an application for the establishment or alteration of an agricultural preserve concurrently with its approval of an application for a contract or contracts within the preserve.
- B. The land proposed to be restricted by the contract must be agricultural or open space land devoted to agricultural or open space uses. Mere intent to devote agricultural or open space land to agricultural or open space uses shall be insufficient to qualify the land for a contract. For the purposes of these uniform rules, agricultural or open space land shall be deemed to be devoted to agricultural or open space uses when:
  - 1. Except as otherwise specified in Subsections 2 and 3 below, a minimum of 50 percent of the land is continuously used or maintained for agricultural uses, open space uses, or a combination of agricultural and open space uses, unless the Board of Supervisors finds that:
    - a. More than 50 percent of the land is not suitable for agricultural or open space uses due to soil, slope, geologic, or other significant constraints;

- b. The remainder of the land is continuously used or maintained for agricultural uses, open space uses, or a combination of agricultural and open space uses; and
  - c. Placing the land under contract is consistent with the purpose and intent of the Land Conservation Act and these uniform rules.
- 2. For less than 40 acres of prime agricultural land devoted to a combination of agricultural and open space uses, a minimum of 10 acres is planted in a permanent crop.
  - 3. For less than 12 acres of prime agricultural land devoted to agricultural uses, a minimum of six acres is planted in a permanent crop.
- C. The land proposed to be restricted by the contract must be comprised of a single parcel that meets the minimum parcel size requirements in Table 4-1.

**Table 4-1 - Minimum Parcel Size Requirements**

Land Type	Minimum Parcel Size
Prime Agricultural Land	10 Acres
Non-Prime Agricultural Land, Open Space Land, Timber/Forestry Land	40 Acres

- D. The land proposed to be restricted by the contract must meet the annual income requirements in Table 4-2. Except as otherwise specified in Table 4-2, annual income shall be computed on the basis of annual gross revenue per planted acre per year. For the purposes of these uniform rules, annual income may be calculated using actual income data, or if actual data is not available, using projected income figures for existing permanent planted crops, and may be calculated as an average of three of the previous five years' annual income. Only income data from agricultural use of the land shall be used to determine whether the annual income requirement is met.

**Table 4-2 - Annual Income Requirements**

<b>Land Type/Crop Type</b>	<b>Annual Income</b>
Prime Agricultural Land - Vines and Bushes (i.e., Grapes, Berries, Hops)	Not less than \$1,000.00 per Planted Acre
Prime Agricultural Land - Fruit or Nut Trees (i.e., Apples, Olives, Pears, Walnuts)	Not less than \$300.00 per Planted Acre
Prime Agricultural Land - Other Unprocessed Agricultural Plant Products	Not less than \$200.00 per Planted Acre
Non-Prime Agricultural Land - Grazing, Hay Production, Non-Permanent Row Crops, Livestock Production, Horse Breeding, or Other Unprocessed Agricultural Plant or Animal Products	Not less than \$2,000.00 Gross Total Income per Farm Operation and \$2.50 Gross Income per Acre of Production
Open Space	Not Applicable
Timber/Forestry	Not Applicable

- E. Any use of the land proposed to be restricted by the contract, other than permitted agricultural or open space uses, must be a compatible use allowed under Uniform Rule 8.0 of these uniform rules.

## **Uniform Rule 5.0. - Contract Applicability.**

### **5.1 Single Parcel and Multi-Parcel Contracts.**

- A. A new or replacement land conservation contract may only restrict a single parcel.
- B. Any existing land conservation contract entered into prior to January 1, 2012, that restricts more than one parcel shall be subject to the following policies and requirements, consistent with Government Code section 51243:
  - 1. The land under the contract shall be deemed divided and the contract shall apply separately and independently to each parcel under the contract, except that, at the election of the owner, multiple contiguous parcels under the contract may be considered a single undivided parcel for the purposes of determining contract eligibility and compliance when the parcels are in the same ownership, farmed together, and individually meet the minimum parcel size requirements in Section 4.2.C of these uniform rules.
  - 2. The contract shall be deemed to run with the land. Whenever land under the contract is divided by subdivision, transfer, sale, or recordation of a certificate of compliance or conditional certificate of compliance under the Subdivision Map Act, the owner of any parcel under the contract may exercise, independent of any other owner, any of the rights created by the original contract.
  - 3. The owner of each parcel under the contract shall independently have all of the rights and responsibilities conferred by the contract, including the right to nonrenew the contract, and the responsibility to comply with all requirements of the contract.
  - 4. A replacement contract shall be required for any qualifying parcel under the contract prior to transfer or sale.

### **5.2 Uniformity of Contracts.**

Under the County's prior rules, the County had two different forms of land conservation contracts - Type I and Type II contracts. Type I contracts were for prime agricultural land and Type II contracts were for non-prime agricultural land

and open space land. It is the intent of the Board of Supervisors in enacting these uniform rules to eliminate the distinction between the two forms of contracts. Under these uniform rules, all existing contracts will continue in full force and effect, and all new or replacement contracts will be a single form and include a land conservation plan detailing the agricultural or open space uses of the land restricted by the contract.

### **5.3 Contract Term.**

Unless otherwise specified by the Board of Supervisors, all land conservation contracts shall have a minimum term of 10 years, renewing automatically at the end of each year, unless a notice of nonrenewal has been timely recorded.

## **Uniform Rule 6.0. - Contract Applications and Process.**

### **6.1 Application Filing and Processing.**

- A. A landowner may file an application with the Permit and Resource Management Department for a new or replacement land conservation contract for qualifying agricultural or open space land. With the Director's approval, an application may also be filed by an authorized agent of the landowner, or other person with the written consent of the landowner.
- B. Each application for a new or replacement land conservation contract shall be filed on a County application form and shall include all required fees, a land conservation plan, and all information and materials required by the Permit and Resource Management Department. No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and the land conservation plan and all required information and materials have been submitted.
- C. All applications for new or replacement land conservation contracts shall be processed in the same manner. A separate application shall be required for each new or replacement contract requested by the landowner.
- D. A complete application for a new or replacement land conservation contract must be submitted on or before May 1st of the year prior to the year in which the contract is desired to take effect, or on such other date as established by the Director. Upon receipt of a complete application, the Permit and Resource Management Department shall review the application for compliance with the Land Conservation Act and these uniform rules, schedule the application for consideration by the Board of Supervisors, transmit a report and recommendation to the Board, and place a completed contract on file with the Clerk of the Board. The contract shall include a land conservation plan for the land restricted by the contract and all other required attachments and legal descriptions. The contract shall require that the land restricted by the contract be managed in accordance with the land conservation plan. Prior to the Board's consideration of the application, all landowners and encumbrance holders under the contract must execute the contract and have their signatures notarized, and all legal descriptions must be reviewed and found to be accurate by the Assessor's Office. If the Board approves the application, the contract shall go into effect the January 1<sup>st</sup> following the date the contract is recorded.

- E. No application for a new or replacement land conservation contract shall be approved unless the Board of Supervisors finds that the land proposed to be restricted by the contract meets all of the eligibility requirements in Uniform Rule 4.0 of these uniform rules.

## **6.2 Joint Applications for Preserve Designation and Contract.**

Applications for new or replacement land conservation contracts may be considered by the Board of Supervisors concurrently with applications for the establishment or alteration of an agricultural preserve, pursuant to Uniform Rule 3.0 of these uniform rules. However, such concurrent application shall not alter the requirements of Government Code section 51234.

## **6.3 Recording of Contracts.**

The Clerk of the Board shall record an executed land conservation contract with the County Recorder's Office no later than 20 days after the Board of Supervisors executes it, and shall endeavor to record it no later than December 31<sup>st</sup> of the calendar year in which it was executed.

## **6.4 Amendment of Land Conservation Plan.**

- A. Any substantial change in the operation or the qualifying agricultural or open space uses specified in the land conservation plan for which the Board of Supervisors approved a land conservation contract shall require amendment of the plan.
- B. A landowner may file an application with the Permit and Resource Management Department to amend the land conservation plan for the landowner's contracted land. With the Director's approval, an application may also be filed by an authorized agent of the landowner, or other person with the written consent of the landowner.
- C. Each application to amend a land conservation plan shall be filed on a County application form and shall include all required fees, an amended land conservation plan, and all information and materials required by the Permit and Resource Management Department. No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and the amended land conservation plan and all required information and materials have been submitted.

- D. Upon receipt of a complete application to amend a land conservation plan, the Permit and Resource Management Department shall review the application for compliance with the Land Conservation Act and these uniform rules, schedule the application for consideration by the Board of Supervisors or its designee, and, if the Board considers the application, transmit a report and recommendation to the Board. If the Board or its designee approves the application, the amended plan shall be deemed automatically incorporated into the contract as though fully set forth therein without the need for a replacement contract. The Permit and Resource Management Department shall record the amended plan with the County Recorder's Office no later than 20 days after its approval by the Board of Supervisors or its designee.

## **Uniform Rule 7.0 - Agricultural and Open Space Uses.**

### **7.1 Introduction.**

Land restricted by a land conservation contract must be devoted to agricultural or open space uses.

### **7.2 Agricultural Uses.**

A. Qualifying agricultural uses. To be a qualifying agricultural use a use must meet the definition of “agricultural use,” under Uniform Rule 2.0, and be one or more of the following:

1. General farming and the raising, growing, and harvesting of vegetables, field, orchard, bush and berry crops, vineyards, and trees.
2. Commercial growing of flowers.
3. Stock nurseries, greenhouses, floriculture, and horticulture.
4. Commercial growing of irrigated pasture crops.
5. Commercial growing of ornamental trees.
6. Commercial raising of livestock, swine, goats, llamas, poultry, rabbits, birds, fish, frogs, and similar animals produced for food or fiber.
7. Commercial growing of mushrooms.
8. Commercial vermiculture.
9. Beekeeping.
10. Commercial raising of fur-bearing animals.
11. Commercial horse breeding, when the annual breeding operation consists of at least 15 brood mares.

12. Forestry, when at least 50 percent of the parcel is classified as timberland and is subject to an approved timber management plan.
- B. Accessory Agricultural Uses and Structures. The following uses and structures, provided that they are incidental, related, and subordinate to a qualifying agricultural use:
1. Preparation for market of agricultural commodities in their natural state, which are grown or raised on-site or in the local area, including the following activities: sorting, grading, sizing, polishing, cleaning, packing, cooling, and shipping. Preparation under this subsection shall not include processing of an agricultural commodity beyond the natural state.
  2. Facilities and structures utilized in conjunction with the preparation of an agricultural commodity described in Subsection 1 above.
  3. Storage of agricultural commodities in their natural state, and facilities for such storage, including barns, silos, and other structures for the storage of agricultural commodities in their natural state.
  4. Non-commercial composting.
  5. Agricultural wells.
  6. Wastewater treatment ponds where the recycled water is used for irrigation purposes.
  7. Wind machines, reservoirs, and other structures used for frost protection.
  8. Irrigation infrastructure, including reservoirs, pumps, windmill powered pumps, tanks, and wells.
  9. Structures used to store equipment, vehicles, and other items or goods used exclusively for the production of an agricultural commodity or commodities on the contracted land.
  10. Fencing, corrals, paddocks, and other similar structures used in the commercial raising of plants or animals for food or fiber.

11. Renewable energy power generation facilities providing power primarily for on-site use.
12. Private internal and access roads for farm equipment and farm operations.

7.3 Open Space Uses.

Qualifying open space uses shall be limited to those uses that meet the definition of “open space use” under these uniform rules.

## **Uniform Rule 8.0 - Compatible and Incompatible Uses.**

### **8.1 Introduction.**

Land under a land conservation contract must be devoted to agricultural or open space uses. However, the County recognizes that it may be appropriate to allow other uses of contracted land that are compatible with the agricultural or open space uses on the land. This uniform rule enumerates certain uses that the County considers compatible on contracted land if they are limited in area. This uniform rule also enumerates certain uses that the County considers incompatible on contracted land. The limitation on area of compatible uses, as provided herein, may only be exceeded if the requirements of Section 8.2.B of these uniform rules are met, to ensure that use of the contracted land is consistent with the purposes and intent of the Land Conservation Act and these uniform rules.

### **8.2 Area limitation and exceptions.**

- A. The compatible uses enumerated under this uniform rule may be allowed on contracted land if they collectively occupy no more than 15% of the contracted land as a whole, or 5 acres, whichever is less, excluding public roads, private access roads, and driveways.
- B. The area limitation imposed by Subsection A above may be exceeded for a proposed compatible use only where the Board of Supervisors finds that:
  - 1. The use is enumerated as a compatible use by these uniform rules;
  - 2. The contracted land will continue to be devoted to agricultural or open space uses;
  - 3. The use complies with the requirements of Government Code sections 51238.1 through 51238.3;
  - 4. The use will not result in a significant increase in the density of the temporary or permanent human population that could hinder or impair agricultural operations on the contracted land;
  - 5. The use will not require and will not encourage the extension of urban services such as public sewer or water, or the upgrade of

public roads to urban standards that could encourage premature conversion of agricultural land to non-agricultural uses;

6. The use will not include a residential subdivision on the subject parcel;
7. The use is consistent with the General Plan and Zoning Code; and
8. The use will not significantly change the character, appearance, or operation of the agricultural or open space uses of the contracted land.

### **8.3 Compatible Uses - Agricultural Contracted Land.**

The following uses are considered compatible with agricultural uses on any agricultural contracted land, if allowed by the underlying zoning.

#### **A. Residential Uses.**

1. Primary dwelling. A single-family dwelling occupied by the landowner or farm operator.
2. Farm family dwelling. An additional single-family dwelling, provided that:
  - a. The dwelling is incidental to the primary dwelling in terms of size, location, and architecture;
  - b. The dwelling is not leased, subleased, rented, or sub-rented separately from the primary residence, nor divided by sale; and
  - c. The dwelling is occupied by the farm operator or an immediate family member of the landowner or farm operator.
3. Agricultural employee dwellings. Additional single-family dwellings, provided that each dwelling is occupied by a full-time agricultural employee or employees.
4. Farmworker housing. Housing for seasonal and year-round farmworkers.

6. Temporary disaster housing.
  - a. The temporary disaster housing allowed under this subsection 6 may not displace or impair current or foreseeable agricultural operations, may not displace agricultural workers, and may not require the extension of urban services or infrastructure.
  - b. Primary dwellings and farm family dwellings listed in subsections 1 and 2 of this Rule 8.3.A, may be temporarily used to house persons who were displaced by wildfires covered by Presidential Declaration of Major Disaster DR-4344.
  - c. Guest quarters and pool houses that are allowed as residential accessory structures under subsection 5 of this Rule 8.3.A, may be temporarily used to house persons who were displaced by wildfires covered by Presidential Declaration of Major Disaster DR-4344.
  - d. Marketing accommodations that are allowed under subsection 2 of Rule 8.3.B, may be temporarily used to house persons who were displaced by wildfires covered by Presidential Declaration of Major Disaster DR-4344.
  - e. If adequate water, wastewater, and approved source of electricity are available on the parcel to support recreational vehicles, then recreational vehicles may be temporarily located on the contracted land in order to house persons who were displaced by wildfires covered by Presidential Declaration of Major Disaster DR-4344.
  - f. Nothing in this subsection 6 of Rule 8.3.A. removes or suspends regulatory requirements or authority of the State Department of Housing and Community Development to regulate residential use of recreational vehicles as special occupancy parks or otherwise, other than as such provisions are suspended or modified by State law and/or Executive Order or emergency proclamation by the Governor.
  - g. Every recreational vehicle placed on contracted land as temporary disaster housing under this subsection 6 of Rule 8.3.A, and any temporary installation or hook up for water,

wastewater, or electric service, shall be removed no later than the expiration date of this subsection 6 of Rule 8.3.A.

- h. As used in this subsection 6, “displaced person(s)” means a county resident or residents whose residential dwelling has been destroyed or damaged by the Sonoma Complex Fire, such that the resident(s) cannot occupy the dwelling. Displaced person(s) may be required to provide verification to the county to substantiate their eligibility for temporary disaster housing under this subsection 6 of Rule 8.3.A. Evidence may consist of verification by Federal Emergency Management Agency (FEMA) registration or damage assessment, and /or a driver’s license or other government-issued identification card or utility bill, etc. with a physical address showing the resident resided on a legal parcel impacted by the Sonoma Complex Fire, as determined by the county. Such determination may be made by the director or other county personnel.
  - i. As used in this subsection 6, “recreational vehicle,” means a motor home, travel trailer, truck camper or camping trailer that is (1) self-contained and designed for human habitation for recreational or emergency occupancy; (2) self-propelled, truck-mounted, or permanently towable on California roadways; and (3) a California Department of Motor Vehicles licensed vehicle; or a similar vehicle or structure as determined by the director.
  - j. This subsection 6 of Rule 8.3.A. expires on December 31, 2019, unless extended or modified by resolution of the Board of Supervisors.
5. Accessory uses and structures. The following uses and structures, provided that they are incidental, related, and subordinate to a compatible residential use:
- a. Private garage.
  - b. Workshop.
  - c. Patios, decks, gazebos, and similar structures.
  - d. Domestic wells and septic systems.

- e. Fences.
- f. Sport courts (i.e. tennis, bocce ball, or basketball).
- g. Swimming pool with or without a pool house.
- h. Guest quarters.
- i. Home occupation.
- j. Small family day care home providing day care to 8 or fewer children, including children under the age of 12 who reside at the home.

B. Agricultural Support Uses.

- 1. Processing of agricultural commodities beyond the natural state, including processing by pressing, pasteurizing, slaughtering, cooking, freezing, dehydrating, and fermenting. This use includes facilities for processing and storage of agricultural commodities beyond the natural state such as wineries, dairies, slaughterhouses, and mills.
- 2. Sale and marketing of agricultural commodities in their natural state or beyond, including winery tasting rooms, promotional activities, marketing accommodations, farmer's markets, stands for the sampling and sale of agricultural products, livestock auction or sale yards, and related signage.
- 3. Facilities for and the conduct of services supporting the production of an agricultural commodity for commercial purposes within the county, including veterinary services and farm equipment repair services.
- 4. Wells, septic systems, and wastewater treatment ponds necessary for agricultural support uses.

C. Recreational Uses.

- 1. Fishing or hunting of wildlife, including fishing and hunting clubs.

2. Unpaved trails, when used for hiking, horseback riding, or non-motorized cycling.
  3. Picnicking, swimming, or non-motorized boating.
  4. Passive recreational activities, including frisbee or paintball, when there is no alteration to terrain.
  5. Accessory structures incidental, related, and subordinate to allowed recreational uses.
- D. Raising, Breeding, and Boarding of Animals.
1. Raising, breeding, and boarding of domestic animals.
  2. Raising, breeding, and boarding of horses, including training and rentals, riding or equestrian clubs, riding academies, riding arenas, and individual or group riding lessons.
  3. Raising, breeding, and boarding of farm animals, including livestock, goats, llamas, poultry, rabbits, pigs, birds, fish, frogs and similar animals.
- E. Resource Extraction and Energy Production Facilities.
1. Water, oil, gas, and steam wells.
  2. Renewable energy power generation facilities providing power primarily for off-site use, when the facilities are located on non-prime agricultural land that is not state designated prime farmland, farmland of statewide importance, or unique farmland.
  3. Mining or mineral extraction, quarrying, and screening, but not including crushing or other refining, preparing, or processing of raw materials. While the mining or mineral extraction, quarrying, or screening activity continues, raw materials mined on the contracted land may be stored or stockpiled on the contracted land for a reasonable time, but not more than 90 days, prior to being transported off-site for such crushing, refining, preparing, or processing.
  4. Forestry and logging, but no processing of raw materials, logging mills (other than portable mills for temporary use), or mill ponds.

- F. Communication and Utility Transmission Facilities.
  - 1. Communication transmission facilities, including antennas, towers, transmitters, cables, and wires.
  - 2. Gas, electric, or water transmission facilities.
- G. Cannabis. The cultivation of cannabis, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis in its natural state. This compatible use category expressly excludes manufacturing, retail sales, distributing, dispensing, and marketing of cannabis or cannabis products.
- H. Miscellaneous.
  - 1. Special events, when directly related to agricultural education or the promotion or sale of agricultural commodities and products produced on the contracted land, provided that:
    - a. The events last no longer than two consecutive days and do not provide overnight accommodations: and
    - b. No permanent structure dedicated to the events is constructed or maintained on the contracted land.
  - 2. Farm Stays, provided that:
    - a. Guest occupancy is limited to a maximum of 10 guests; and
    - b. Agricultural commodities produced on the contracted land are marketed to the guests.
  - 3. Public roads, private access roads, and driveways.
  - 4. Mitigation sites for preservation of habitat for rare, threatened, or endangered species.
  - 5. Carbon sequestration areas acknowledged by a federal, state, or local governmental agency as offsetting greenhouse gas impacts and contributing to the attainment of established greenhouse gas reduction goals.

6. Private family burial plots.
7. Any other use determined by the Board of Supervisors pursuant to Government Code section 51238.1 to be compatible with the agricultural or open space use of land within an agricultural preserve and subject to contract.

#### **8.4 Incompatible Uses - Agricultural Contracted Land.**

The following uses are considered incompatible with agricultural uses on any agricultural contracted land:

- A. Golf courses.
- B. Public, commercial, or private club use of motorized boats, motorcycles, vehicles, aircraft, or similar motorized uses for recreation.
- C. Public, commercial, or private club use of land for field sports, including baseball, softball, polo, soccer, lacrosse, and football, or similar activities.
- D. Public, commercial, or private club use of land for camping. Tent platforms, structures, and other facilities to support camping are not permitted.

#### **8.5 Compatible Uses - Open Space Contracted Land.**

The following uses are considered compatible with open space uses on any open space contracted land if allowed by the underlying zoning.

- A. Residential Uses.
  1. Primary dwelling. A single-family dwelling occupied by the landowner or caretaker of the contracted land. If the contract does not identify the location of the dwelling, it may be located anywhere on the contracted land where it is otherwise legally permitted and does not interfere with or impair the open space use of the contracted land.

2. Accessory uses and structures. The following uses and structures, provided that they are incidental, related, and subordinate to a compatible residential use:
  - a. Private garage.
  - b. Workshop.
  - c. Patios, decks, gazebos, and similar structures.
  - d. Domestic wells and septic systems.
  - e. Fences.
  - f. Swimming pool with or without a pool house.
  - g. Guest quarters.
  - h. Home occupation.
  - i. Small family day care home providing day care to 8 or fewer children, including children under the age of 12 who reside at the home.
- B. Passive Recreational Uses. Recreational uses that are limited, non-intensive, non-motorized, incidental, and passive, provided that such recreational uses, and limits and conditions on such uses, are expressly stated in the contract, which may preclude recreational uses completely. Passive recreational uses expressly stated in the contract may include hiking, horseback riding, non-motorized cycling, hunting, fishing, scenic viewing, and similar recreational activities.
- C. Scientific and Educational Uses. Scientific research and educational study, provided that it does not result in the removal or disturbance of significant vegetation, geologic or biological features, or land forms. Facilities exclusively for educational and scientific use may be constructed and maintained, but shall be limited to 2500 cumulative square feet for the contracted land.
- D. Agricultural Uses. Limited agricultural uses, provided that such uses are expressly permitted in the contract and do not impair the open space use of the contracted land.

E. Miscellaneous.

1. Special events, when directly related to open space education, provided that:
  - a. The events last no longer than two consecutive days and do not provide overnight accommodations; and
  - b. No permanent structure dedicated to the events is constructed or maintained on the contracted land.
2. Mitigation sites for preservation of habitat for rare, threatened, or endangered species.
3. Carbon sequestration areas acknowledged by a federal, state, or local governmental agency as offsetting greenhouse gas impacts and contributing to the attainment of established greenhouse gas reduction goals.
4. Private family burial plots.
5. Any other use determined by the Board of Supervisors pursuant to Government Code section 51238.1 to be compatible with the agricultural or open space use of land within an agricultural preserve and subject to contract.

**8.6 Incompatible Uses - Open Space Contracted Land.**

- A. Permanent structures are considered incompatible with open space uses on any open space contracted land, except as provided in Sections 8.5.A and 8.5.C of these uniform rules.
- B. The following uses are considered to be uses incompatible with open space uses on any contracted land: (1) the cultivation of cannabis, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis; and (2) manufacturing, retail sales, distributing, dispensing, and marketing of cannabis or cannabis products.

**Uniform Rule 9.0 - Contract Termination.**

**9.1 Introduction.**

A land conservation contract may only be terminated in a manner consistent with the Land Conservation Act and these uniform rules.

## **9.2 Nonrenewal.**

### **A. Nonrenewal Initiated by Landowner.**

1. If a landowner desires in any year not to renew a land conservation contract, the landowner shall file an application with the Permit and Resource Management Department for nonrenewal by the September 1<sup>st</sup> preceding the contract's annual renewal date. With the Director's approval, an application may also be filed by an authorized agent of the landowner, or other person with the written consent of the landowner.
2. Each application for nonrenewal shall be filed on a County application form and shall include all required fees, and all information and materials required by the Permit and Resource Management Department. No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and all required information and materials have been submitted.
3. Upon receipt of a complete application for nonrenewal, the Permit and Resource Management Department shall prepare the notice of nonrenewal and deliver the notice to the applicant. To be effective, the notice of nonrenewal must be (i) signed by the landowner and the signature notarized; and (ii) served by the landowner on the County by delivering it to the Clerk of the Board at least 90 days prior to the contract's annual renewal date. Service may be made in person, or by U.S. Mail postmarked no later than the 90<sup>th</sup> day before the contract's annual renewal date. The Clerk of the Board shall record the notice of nonrenewal with the County Recorder's Office within 20 days of receipt of the served notice of nonrenewal.
4. If a notice of nonrenewal is inadequate or rejected for recording by the County Recorder's Office, the Clerk of the Board shall return it to the landowner and notify the Permit and Resource Management Department.
5. The Permit and Resource Management Department shall deliver a copy of the notice of nonrenewal to the California Department of

Conservation within 30 days of receipt of the landowner's served notice of nonrenewal.

6. If a notice of nonrenewal is served after the applicable deadline in Subsection A.3 above, the notice shall be deemed to apply to the contract's next annual renewal date.
  7. On or before March 1<sup>st</sup> of each year, the Permit and Resource Management Department, in cooperation with the Assessor's Office and the Clerk of the Board, shall prepare an annual report to the Board of Supervisors identifying the land conservation contracts for which notices of nonrenewal were recorded during the prior calendar year, and which were not renewed as of the January 1<sup>st</sup> tax lien date.
- B. Partial Nonrenewal Initiated by Landowner.
1. If a landowner desires in any year not to renew a land conservation contract as to a portion of the landowner's land under the contract, the landowner may file an application with the Permit and Resource Management Department for authorization to serve a notice of partial nonrenewal. With the Director's approval, an application may also be filed by an authorized agent of the landowner, or other person with the written consent of the landowner.
  2. Each application for authorization to serve a notice of partial nonrenewal shall be filed on a County application form and shall include all required fees, and all information and materials required by the Permit and Resource Management Department. No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and all required information and materials have been submitted.
  3. Upon receipt of a complete application for authorization to serve a notice of partial nonrenewal, the Permit and Resource Management Department shall review the application for compliance with the Land Conservation Act and these uniform rules, schedule the application for consideration by the Board of Supervisors, and transmit a report and recommendation to the Board. In determining whether to approve the application, the Board may consider the effect of the proposed partial nonrenewal on the balance of the contracted land not subject to the nonrenewal, including whether the balance of the contracted land would continue to qualify for the contract. Notice of the Board meeting at which the application will

be considered shall be provided to the owners of all parcels subject to the contract. If the Board approves the application, the Permit and Resource Management Department shall prepare the notice of partial nonrenewal and deliver the notice to the applicant. To be effective, the notice of partial nonrenewal must be (a) signed by the landowner and the signature notarized; and (b) served by the landowner on the County by delivering it to the Clerk of the Board at least 90 days prior to the contract's annual renewal date. Service may be made in person, or by U.S. Mail postmarked no later than the 90<sup>th</sup> day before the contract's annual renewal date. The Clerk of the Board shall record the notice of partial nonrenewal with the County Recorder's Office within 20 days of receipt of the served notice of partial nonrenewal.

4. If a notice of partial nonrenewal is inadequate or rejected for recording by the County Recorder's Office, the Clerk of the Board shall return it to the landowner and notify the Permit and Resource Management Department.
5. The Permit and Resource Management Department shall deliver a copy of the notice of partial nonrenewal to the California Department of Conservation within 30 days of receipt of the landowner's served notice of partial nonrenewal.
6. If a notice of partial nonrenewal is served after the applicable deadline in Subsection A.3 above, the notice shall be deemed to apply to the contract's next annual renewal date.
7. On or before March 1<sup>st</sup> of each year, the Permit and Resource Management Department, in cooperation with the Assessor's Office and the Clerk of the Board, shall prepare an annual report to the Board of Supervisors identifying the land conservation contracts for which notices of partial nonrenewal were recorded during the prior calendar year, and which were not renewed as of the January 1<sup>st</sup> tax lien date.

C. Nonrenewal Initiated by County.<sup>1</sup>

1. If the County desires in any year not to renew a land conservation contract, it shall serve written notice of nonrenewal upon each owner of the

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<sup>1</sup> Amended May 7, 2013 by Board of Supervisors Resolution No. 13-0186.

contracted land. Service shall be no later than 60 days prior to the contract's annual renewal date.

2. The Clerk of the Board shall record the notice of nonrenewal with the County Recorder's Office within 20 days after the County serves such notice.

3. A landowner may file a written protest of the notice of nonrenewal with the County. A protest shall be filed with the Permit and Resource Management Department no later than December 2nd of the year in which the notice of nonrenewal is served. The protest must contain sufficient information to identify the notice of nonrenewal for which the protest is submitted.

4. The County may withdraw a recorded notice of nonrenewal by recording a notice of withdrawal of notice of nonrenewal, any time prior to the contract's annual renewal date. The notice of nonrenewal may be withdrawn where the affected parcel is in compliance with the contract, or there is a demonstrated commitment by the owner to bring the parcel into compliance. The Permit and Resource Management Department may execute the notice of withdrawal of a notice of nonrenewal on behalf of the County.

5. The Clerk of the Board shall record the notice of withdrawal of notice of nonrenewal with the County Recorder's Office within 20 days after the County serves such notice.

6. The Clerk of the Board shall deliver a copy of the notice of nonrenewal or a notice of withdrawal of notice of nonrenewal to the California Department of Conservation within 30 days of serving the notice.

7. The Clerk of the Board shall deliver a copy of all recorded notices of nonrenewal and notices of withdrawal of a notice of nonrenewal to the landowners, the Permit and Resource Management Department, the Assessor's Office, and County Counsel. Such copy shall show the date of recording and the County Recorder's instrument number.

8. If the notice of nonrenewal is served after the applicable deadline, the notice will be deemed to apply to the contract's next annual renewal date.

9. Notwithstanding the prior service and recordation of a notice of nonrenewal, a landowner may apply to rescind the contract in nonrenewal and to simultaneously replace it with a new contract with an automatically renewing term

### **9.3 Cancellation.**

- A. Applications for cancellation of a land conservation contract shall be processed in accordance with the requirements of the Land Conservation Act and these uniform rules.
- B. A landowner may file an application with the Permit and Resource Management Department for cancellation of a land conservation contract as to all or part of the landowner's contracted land. With the Director's approval, an application may also be filed by an authorized agent of the landowner, or other person with the written consent of the landowner.
- C. Each application for cancellation of a land conservation contract shall be filed on a County application form and shall include all required fees, and all information and materials required by the Permit and Resource Management Department. No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and all required information and materials have been submitted.
- D. The Board of Supervisors shall not approve any application for cancellation of a land conservation contract unless the cancellation fee equals the cancellation fee specified in Government Code section 51283(b), except in those cases where the Board, pursuant to Government Code section 51283(c), finds that it is in the public interest to waive all or part of the cancellation fee. In the event the Board determines to waive all or part of the cancellation fee, the Board shall specify the cancellation fee payable. No cancellation shall be effective unless and until the cancellation fee is paid.
- E. Notwithstanding any contract term to the contrary, cancellation shall not be required to terminate a land conservation contract as to all or a portion of contracted land that is acquired by a public agency by condemnation or eminent domain, or in lieu of condemnation or eminent domain. The provisions of Government Code section 51290 et seq., governing public acquisitions of land within an agricultural preserve, or contracted land within a preserve, apply to contracted land within the county. Where required by Government Code section 51290 et seq., the County shall deem a contract null and void as to the land area acquired by a public agency by condemnation or in lieu of condemnation.

#### **9.4 Rescission and Replacement with New Land Conservation Contract.**

- A. A landowner and the County may mutually agree to rescind an existing land conservation contract in order to simultaneously enter into a replacement contract or contracts, where the replacement contract or contracts would enforceably restrict the same land for an initial term at least as long as the unexpired term of the contract being so rescinded, but not less than 10 years unless otherwise specified by the Board of Supervisors. Applications for replacement contracts shall be reviewed and processed in accordance with the Land Conservation Act and these uniform rules. Replacing a contract that is in nonrenewal with a replacement contract or contracts effectively terminates the nonrenewal process previously initiated.
  
- B. If a parcel restricted by an existing multi-parcel land conservation contract is transferred or sold, the new owner and the County shall mutually agree to rescind the contract as to the transferred parcel and simultaneously replace it with a replacement contract, if the transferred parcel independently meets all requirements for a contract under these uniform rules. If the transferred parcel does not meet all requirements for a contract under these uniform rules, the new owner shall initiate nonrenewal of the contract as to the transferred parcel.

#### **9.5 Rescission and Replacement with Open Space Easement.**

A landowner and the County may mutually agree to rescind a land conservation contract in order to simultaneously enter into an open space easement agreement pursuant to the Open Space Easement Act of 1974, Government Code section 51070 et seq., provided that the requirements of Government Code section 51255 are met. This action may be taken notwithstanding the prior serving of a notice of nonrenewal.

#### **9.6 Easement Exchange.**

The County, upon an application by a landowner, may enter into an agreement with the landowner to rescind a land conservation contract in order to simultaneously place other land within the county under an agricultural conservation easement (Public Resources Code section 10200 et seq.), provided that the requirements of Government Code section 51256 are met.

#### **9.7 Annexation by City.**

- A. On the annexation by any city within the county of any land under a land conservation contract, the city shall succeed to (i.e. legally take over) all

- rights, duties, and powers of the County as a party to the contract, including the power to initiate nonrenewal of the contract. Under certain limited circumstances defined in Government Code section 51243.5, a city may elect not to succeed to the rights, duties, and powers of the County under the contract. For farmland security zone contracts, see the provisions of Government Code sections 51296.3 through 51296.6.
- B. Whenever part of the land under a land conservation contract is removed from the County's jurisdiction through annexation to a city, the part remaining under contract in the County's jurisdiction must be able to independently meet the eligibility requirements in Section 4.2 of these uniform rules to remain under contract. In the event that unqualified land is left subject to contract, the County shall immediately serve a notice of nonrenewal for the contract, unless a notice of nonrenewal has already been recorded and the contract is in the process of phasing out.
- C. In cases of annexation of land under a land conservation contract, coordination is encouraged between the annexing city, the Sonoma County Local Agency Formation Commission, the County, and the landowner to ensure that proper protocol is followed and that all parties are provided the opportunity to comment and work towards the best possible outcome for all parties involved.

### **9.8 Eminent Domain or Public Acquisitions in lieu of Eminent Domain.**

Pursuant to the Land Conservation Act, a land conservation contract becomes void for land that is acquired by a federal, state, or local government agency for necessary public uses and facilities via eminent domain or by acquisition in lieu of eminent domain. Notwithstanding contract language to the contrary, there is no requirement that the acquiring or condemning federal, state, or local government agency seek or obtain cancellation of the contract as to the land so acquired.

The Land Conservation Act contains policies and restrictions to avoid public acquisitions of land subject to land conservation contracts or containing prime agricultural land. The Land Conservation Act imposes certain requirements on public agencies seeking to acquire contracted land or place public improvements within an agricultural preserve, or on contracted land. For example, state and local governments proposing to acquire land within an agricultural preserve are required by the Land Conservation Act to refer proposals for such acquisitions to the California Department of Conservation for its review and response prior to acquisition.

Uniform Rule 9.0  
Contract Termination

## **Uniform Rule 10.0 - Land Divisions, Lot Line Adjustments, and Certificates of Compliance.**

### **10.1 Subdivision of Contracted Land.**

- A. No land subject to a land conservation contract shall be subdivided unless the Board of Supervisors finds that:
1. The subdivision is consistent with the General Plan and Zoning Code;
  2. Each resulting parcel will separately qualify for a land conservation contract and be consistent with the requirements of the Land Conservation Act and these uniform rules; and
  3. The subdivision and each resulting parcel will conform with the requirements of the Subdivision Map Act, including Government Code section 66474.4.
- B. The County shall require an owner of contracted land that has been or will be subdivided to apply, pursuant to Uniform Rule 9.0 of these uniform rules, for rescission of the existing contract and simultaneous replacement of that contract with a separate new contract for each qualifying parcel resulting from the subdivision. This requirement may be waived by the County if a notice of nonrenewal has been recorded for the contract restricting the land that has been or will be subdivided, and the phase out period has begun.

### **10.2 Lot Line Adjustments Involving Contracted Land.**

- A. To facilitate a lot line adjustment of contracted land, a landowner and the County may mutually agree to rescind a land conservation contract or contracts and to simultaneously enter into a new contract or contracts, provided that:
1. The new contract or contracts satisfy all requirements of the Land Conservation Act and these uniform rules; and
  2. The Board of Supervisors makes the findings required by Government Code section 51257.

- B. If the Board of Supervisors is unable to make the findings required by Government Code section 51257, it shall not approve a lot line adjustment of contracted land.

### **10.3 Certificates of Compliance.**

- A. The approval of the Board of Supervisors shall be required prior to the issuance of any certificate of compliance or conditional certificate of compliance under the Subdivision Map Act for land restricted by a new or replacement land conservation contract entered into on or after January 1, 2012. In such cases, the Board may only approve the issuance of a certificate of compliance or conditional certificate of compliance if the Board finds that:
1. Each resulting parcel is consistent with the Land Conservation Act and these uniform rules;
  2. Each resulting parcel is capable of sustaining an agricultural use, open space use, or both;
  3. Each resulting parcel has the improvements or infrastructure necessary to sustain an agricultural use, open space use, or both;
  4. Each resulting parcel independently meets all requirements for a contract under these uniform rules;
  5. Each resulting parcel conforms to the General Plan and Zoning Code;
  6. Each resulting parcel is entitled to a certificate of compliance or conditional certificate of compliance under the Subdivision Map Act;
  7. Issuance of the certificate of compliance or conditional certificate of compliance will not compromise the long-term agricultural use, open space use, or both of the contracted land, other agricultural or open space land subject to a contract or contracts, or other agricultural or open space land in the preserve or proximate preserves;

8. Issuance of the certificate of compliance or conditional certificate of compliance will not result in the removal of adjacent land from agricultural use, open space use, or both; and
9. Issuance of the certificate of compliance or conditional certificate of compliance will not result in residential development not incidental to the agricultural use, open space use, or both of the contracted land.

## **Uniform Rule 11.0 - Contract Compliance and Enforcement.**

### **11.1 Land Conservation Act Compliance Determination Required Before Permit Issuance.**

#### **A. Compliance Determination by Permit and Resource Management Department.**

Prior to issuance of any permit for development or use of contracted land, other than qualifying agricultural or open space uses, the landowner shall obtain clearance from the Permit and Resource Management Department that the contracted land is in compliance with the land conservation contract, and that the proposed development or use will comply with the contract and these uniform rules. The Permit and Resource Management Department shall not issue any permit for development or use of contracted land if the contracted land is not in compliance with the contract, or the proposed development or use will not comply with the contract and these uniform rules. The Director may authorize an exception to this requirement for health or safety reasons.

#### **B. Appeals to Director.**

Any interested person may appeal any determination made pursuant to Subsection A above to the Director. An appeal must be filed within 10 days after the decision and be accompanied by payment of the required appeal fee.

#### **C. Appeal to Board of Supervisors.**

Any interested person may appeal any decision by the Director made pursuant to Subsection B above to the Board of Supervisors. An appeal to the Board must be filed within 10 days after the Director's decision and be accompanied by payment of the required appeal fee.

### **11.2 Information Requests.**

#### **A. The Assessor's Office may mail agricultural preserve questionnaires to the owners of contracted land. Each owner of contracted land receiving a questionnaire shall return the completed questionnaire to the Assessor's**

- Office within 30 days after receipt of the questionnaire, unless an extension of time is obtained from the Assessor's Office. The Assessor's Office may provide a copy of the non-confidential information on each returned questionnaire, and a list of parcels for which no completed questionnaire was returned, to the Permit and Resource Management Department. Those properties for which a completed questionnaire was not returned, and those properties for which non-confidential information indicates a potential breach, may be subject to an investigation by the Permit and Resource Management Department or the Assessor's Office regarding whether the property is in compliance with the land conservation contract restricting it, the Land Conservation Act, these uniform rules, and other state and local laws, regulations, and guidelines.
- B. The Permit and Resource Management Department may mail requests for information concerning contract compliance to the owners or users of contracted land. Each owner or user of contracted land receiving a request for information shall return the completed request to the Permit and Resource Management Department within 30 days after receipt of the request, unless an extension of time is obtained from the Permit and Resource Management Department.
- C. Any income or production data submitted to the Assessor's Office or the Permit and Resource Management Department pursuant to this section shall be proprietary and shall be confidential for a minimum of 5 years.

### **11.3 Audits & Inspections.**

- A. The County may audit any contracted land for compliance with the land conservation contract, the Land Conservation Act, these uniform rules, and other state and local laws, regulations, and guidelines. Such audits may include reviewing available documentation such as aerial photographs and non-confidential portions of completed agricultural preserve questionnaires and contacting the landowner or manager to obtain additional information or documentation. The Permit and Resource Management Department is authorized to develop procedures and guidelines for the conduct of audits under this section.
- B. If the County has probable cause to suspect that contracted land is not in compliance, it may contact the landowner to arrange for an inspection of the property by the County's officers, employees, contractors, or agents. The County shall give the landowner at least 48 hours written notice of the inspection date, approximate time, the person(s) who will be participating

in the inspection, and the reason for the inspection. When scheduling an inspection, the County must make a reasonable attempt to accommodate the landowner's schedule. Any such inspection shall occur during normal business hours (Monday through Friday, 8:00 A.M. to 5 P.M.).

#### **11.4 Material Breaches.**

The County will fulfill its enforcement responsibilities for material breach of land conservation contracts pursuant to Government Code section 51250.

#### **11.5 Contract Enforcement.**

Land conservation contracts are binding agreements between landowners and the County that require the terms of the contract to continue to be met in exchange for reduced property tax assessments based on the contract restriction. As such, landowners must remain in compliance during the entire life of the contract, even after transfer of ownership or during phase out after nonrenewal has been initiated. If, at any time, the County finds that the terms of a contract, including the requirements set forth in the Land Conservation Act and these uniform rules, are no longer being met, the Board of Supervisors may serve a notice of nonrenewal pursuant to Uniform Rule 9.0 of these uniform rules or take other appropriate action to enforce the terms of the contract and these uniform rules.

#### **11.6 Owner Annual Report.**

Every owner of land under contract shall annually report in writing to PRMD information demonstrating that the owner's contracted land is in compliance Uniform Rule 4.0. "Eligibility of Land for Contract." The report shall include information on income, parcel size, and agricultural, open space, and compatible uses occurring on the property. PRMD may develop an annual owner's reporting form for use by owners, and make it available to owners to assist them in reporting under this section. In the absence of a reporting form developed by PRMD, owners may report the required information in any format. The absence of a reporting form does not excuse the owner from making the annual report required under this section.

## **Uniform Rule 12.0 – Farmland Security Zones and Farmland Security Zone Contracts.**

### **12.1 Introduction.**

Farmland security zones are special zones within existing agricultural preserves. A farmland security zone contract is a longer term voluntary enforceable restriction that is an alternative to a land conservation contract. Establishment of farmland security zones and farmland security zone contracts are governed by the Land Conservation Act and these uniform rules.

### **12.2 Requirements for Establishing Farmland Security Zones and Farmland Security Zone Contracts.**

A. Minimum parcel size.

1. The land proposed to be designated a farmland security zone must be a minimum of 100 contiguous acres and be comprised of a whole parcel or parcels, none of which may be less than 10 acres in size for prime agricultural land, or 40 acres in size for non-prime agricultural land. 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.
2. The land proposed to be restricted by a farmland security zone contract must be comprised of a single parcel that meets the minimum parcel size requirements in Table 13-1.

**Table 13-1 - Minimum Parcel Size Requirements**

Land Type	Minimum Parcel Size
Prime Agricultural Land	10 Acres
Non-Prime Agricultural Land	40 Acres

- B. Additional requirements. Only land that meets all of the following requirements may be designated a farmland security zone and qualify for

rescission of the existing land conservation contract and simultaneous replacement with a farmland security zone contract:

1. The land is located within an existing agricultural preserve.
  2. The land is restricted under an existing land conservation contract, and in full compliance with the existing contract, the Land Conservation Act, and these uniform rules.
  3. The land is either prime agricultural land or state designated important farmland.
  4. The land is devoted to agricultural use.
  5. Any use of the land, other than its primary agricultural use, shall meet the requirements of Uniform Rule 8.0 of these uniform rules governing compatible and incompatible uses. However, pursuant to Government Code section 51296.7 and notwithstanding the provisions of Uniform Rule 8.0 of these uniform rules, no use of land within a designated farmland security zone may be approved based on the compatible use provisions contained in Government Code section 51238.1(c).
  6. The land is consistent with the General Plan and Zoning Code.
- C. City sphere of influence. Land located within a city's sphere of influence may not be included in 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.

### **12.3 Farmland Security Zone Contract Term.**

All farmland security zone contracts shall have a minimum term of 20 years, renewing automatically at the end of each year, unless a notice of nonrenewal has been timely recorded. If a notice of nonrenewal of a farmland security zone contract has been properly recorded pursuant to the Land Conservation Act and these uniform rules, the contract shall not automatically renew at the end of the year in which the notice of nonrenewal is recorded, and the contract shall terminate at the natural end of its 20-year term, unless cancelled prior to the end of that term.

#### **12.4 Farmland Security Zone Contract Application and Process.**

- A. A landowner may file an application with the Permit and Resource Management Department for creation of a farmland security zone, rescission of an existing land conservation contract, and simultaneous replacement with a farmland security zone contract. With the Director's approval, an application may also be filed by an authorized agent of the landowner, or other person with the written consent of the landowner.
- B. Each application for creation of a farmland security zone, rescission of an existing land conservation contract, and simultaneous replacement with a farmland security zone contract shall be filed on a County application form and shall include all required fees, a land conservation plan, and all information and materials required by the Permit and Resource Management Department. No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and the land conservation plan and all required information and materials have been submitted.
- C. All applications for creation of a farmland security zone, rescission of an existing land conservation contract, and simultaneous replacement with a farmland security zone contract shall be processed in a manner that is consistent with the procedures of Uniform Rule 3.0 of these uniform rules governing establishment of agricultural preserves, and Uniform Rule 6.0 of these uniform rules governing new or replacement land conservation contracts, unless required otherwise by this uniform rule or Government Code section 51296 et seq. Designated farmland security zone maps shall be recorded and kept current, consistent with Section 3.5 of these uniform rules.
- D. The Board of Supervisors may only approve rescission of an existing land conservation contract and simultaneous replacement with a farmland security zone contract if the land subject to the land conservation contract is located in a designated farmland security zone.
- E. Pursuant to Government Code section 51297.4, the Board of Supervisors may rescind a portion or portions of a land conservation contract for the purpose of immediately enrolling the land in a farmland security zone contract, so long as the remaining land is retained in a land conservation contract and the Board determines that its action would improve the conservation of agricultural land within the county. The creation of multiple contracts pursuant to this uniform rule and Government Code section 51297.4 does not constitute a subdivision of land.

## **12.5 Compatible uses.**

The provisions of Uniform Rule 8.0 of these uniform rules governing compatible uses allowed on land under land conservation contracts and incompatible uses not allowed on land under land conservation contracts are applicable to farmland security zone contracts, except that no use of land shall be permitted within a designated farmland security zone based on the compatible use provisions contained in Government Code section 51238.1(c).

## **12.6 Termination of Farmland Security Zone and Farmland Security Zone Contract.**

Upon termination of a farmland security zone contract, the underlying farmland security zone designation for that parcel shall simultaneously be terminated in accordance with Government Code section 51296.1(e). A Farmland Security Zone contract may only be terminated by one of the following methods:

### **A. Nonrenewal.**

Either party to a farmland security zone contract may serve a notice of nonrenewal for the farmland security zone contract. Nonrenewal of a farmland security zone contract shall be pursuant to the requirements of Government Code sections 51296.9 and 51245, and the procedures established by Uniform Rule 9.0 of these uniform rules. A farmland security zone shall terminate at the end of its natural 20 year term following the timely service and recordation of a notice of nonrenewal.

### **B. Cancellation.**

1. A landowner may file an application with the Permit and Resource Management Department for cancellation of a farmland security zone contract and simultaneous termination of the corresponding farmland security zone.
2. Each application for cancellation of a farmland security zone contract and simultaneous termination of the corresponding farmland security zone shall be filed on a County application form and shall include all required fees, and all information and materials required by the Permit and Resource Management Department. No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and all required information and materials have been submitted.

3. All applications for cancellation of a farmland security zone contract and simultaneous termination of the corresponding farmland security zone shall be processed in accordance with the requirements of Government Code section 51280 et seq., Government Code section 51297, and these uniform rules.
  4. The cancellation fee shall equal the cancellation fee specified in Government Code section 51283(b). The cancellation fee may not be waived in whole or in part. No cancellation shall be effective unless and until the cancellation fee is paid.
- C. Rescission and replacement.
1. A farmland security zone contract may be rescinded and simultaneously replaced with another farmland security zone contract over the same land.
  2. A farmland security zone contract may not be rescinded and simultaneously replaced with a land conservation contract.
- D. Eminent domain or other acquisition by a public agency. All of the provisions of Government Code section 51290 et seq. governing acquisition of land located within agricultural preserves by a public agency shall apply to farmland security zones and farmland security zone contracts, unless otherwise provided by Government Code section 51296 et seq.