

130.40.060 Agricultural Preserves and Zones: Contracts, Criteria and Regulations

- A. **Content.** This Section implements the provisions of the Land Conservation Act of 1965 (Williamson Act) and the farmland security zone legislation (California Government Code Chapters 51200 et seq. and 51296 to 7, respectively) and provides criteria for zoning and protecting the existing agricultural resources of the County.
- B. **Criteria for Establishment of Agricultural Preserves.** In order to establish a new Agricultural Preserve, hereinafter referred to as "Preserve", a property owner must enter into a Williamson Act Contract with the County subject to the provisions and criteria set forth in California Government Code Chapter 51200 et seq. and Resolutions adopted by the Board establishing Williamson Act criteria, as amended from time to time, and the following:
1. **Zone Change.** The property shall be zoned to Planned Agricultural (PA), Limited Agricultural (LA), or Agricultural Grazing (AG) with the approval and establishment of a Preserve, subject to the specific provisions of Subsection 130.21.010 (Zones Established; Applicability), Subsections C.1 (Planned Agricultural (PA), C.2 (Limited Agricultural (LA) and C.3 (Agricultural Grazing) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title.
 2. **Term.** The initial term of a contract is ten years, calculated from January 1 of the same year it is approved in. On each anniversary date of a contract, a year shall be automatically added to the initial term unless written Notice of Non-Renewal is given as provided in Subsection D (Non-Renewal of Williamson Act Contracts/Agricultural Preserves) below in this Section. If the property owner or the County serves written Notice of Non-Renewal in any year, the contract shall remain in effect for the balance of the unexpired term.
- C. **Preserve Standards.**
1. **Minimum Acreage.** The minimum acreage of a Preserve shall be:
 - a. 20 acres for high intensive farming operations or 50 acres for low intensive farming operations, consisting of a single lot or contiguous lots; or
 - b. At least ten acres but less than 20 acres upon a positive recommendation from the Ag Commission and approval by the Board if the property meets all land suitability requirements for agricultural potential, and the lot was or contiguous lots were in existence as of March 23, 1993.
 2. **Use and Structures.** The use of the property shall be limited during the term of the contract to agricultural and compatible uses. Structures may be erected and/or enlarged on the property if they are directly related to and compatible

with uses allowed in Table 130.21.020 (Agricultural, Rural Lands and Resource Zone Districts Use Matrix) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title. Non-compatible uses permitted in the Zone District may be permitted by CUP and require a recommendation from the Ag Commission.

3. **Residential Development.** In addition to a primary dwelling, one accessory dwelling unit shall be allowed within a Preserve.

D. **Non-Renewal of Williamson Act Contracts/Agricultural Preserves.** In compliance with California Government Code Section 51245, a Notice of Non-Renewal shall be processed according to the following procedures:

1. A written Notice of Non-Renewal (Notice) shall be submitted by the property owner and a copy provided to the Board at least 90 days prior to the contract renewal date, which would be by October 1 for the upcoming year.
2. A Notice of Non-Renewal, initiated by the County, shall be submitted to the property owner at least 60 days prior to the annual contract renewal date.
3. Upon receiving a Notice, the Clerk of the Board shall forward such Notice to the Department, the Assessor, and the Ag Commission for a report.
4. The Department shall submit a written report to the Ag Commission indicating whether the Notice is for a partition, a roll out, or a partial roll out, and other relative information regarding the agricultural preserve, with a copy to the Board.
5. When the Notice is for a partition or partial roll out, the remaining parcels under contract will be required to meet the minimum Williamson Act Contract criteria specified by the County. The Ag Commission shall be required to make a recommendation, to the Board, on the viability of the remaining parcels within the Williamson Act Contract (WAC). If the remaining parcels meet the minimum criteria for a WAC, the existing contract shall be amended to reflect the changes to the parcel descriptions or boundary lines.
6. When the Notice concerns a complete Non-Renewal (total roll out of a contract), the Ag Commission may submit a report to the Board giving an evaluation of the potential impacts resulting from the Notice.
7. The Board shall receive and file the Notice and direct the County Assessor to begin the roll-out procedure, or when partial roll-out has been requested and it has been determined by the Board that the remaining portion of the agricultural preserve no longer meets the minimum criteria to qualify as an agricultural preserve, direct the Clerk of the Board to file a Notice of Non-Renewal for the entire contract.

- E. **Breach of Contract.** The County shall file a Notice of Non-Renewal (Notice) when the Board finds that a breach of contract has occurred, when the property no longer meets minimum criteria as a Preserve, or when the remaining property in a partial roll out no longer qualifies as a Preserve under the Williamson Act.
1. Prior to the Board's decision, the Ag Commission shall hold a hearing to determine if the terms of the contract have been violated. The Ag Commission may provide an opportunity for the operator to bring the agricultural operation into compliance or may recommend to the Board that the Notice be filed.
 2. A hearing to determine compliance with the terms of the contract shall be held by the Board prior to filing the Notice. The property owner shall be provided written notice of all hearings.
 3. Upon the Board's decision not to renew the contract, the County shall serve a written Notice upon the property owner at least 60 days prior to the contract renewal date, which would be by November 1 for the upcoming year.
 4. In the case where certain structure(s) are placed within an agricultural preserve that qualify as a material breach of contract under State law, additional remedies may be applied, including the payment of penalties, in compliance with the requirements under said California Government Code Section 51250, as amended from time to time.
- F. **Immediate Cancellation.** The property owner may file an application for an immediate cancellation of a Williamson Act Contract, concurrent with a zone change and General Plan amendment, if applicable, at any time during the contract period. As part of the application, the property owner must demonstrate the cancellation is consistent with the purpose of the Williamson Act so that the Board may make the necessary findings in compliance with California Government Code Section 51282, et seq. The application shall be processed as follows:
1. The Department shall forward a copy of the application to the Ag Commission and Assessor's Office for comments and recommendations.
 2. The Assessor's Office shall determine the cash value of the property as though the land is free from contractual obligations and forward the report to the Department.
 3. The Commission shall hold a public hearing and make a recommendation to the Board.
 4. The Board shall decide at public hearing whether to approve the cancellation, zone change, and General Plan amendment, if applicable, or deny the request.

5. If approved, the applicant shall pay the amount of cancellation fees, based on the Assessor's report, prior to the effective date of cancellation.
- G. **Agricultural Zones not under Williamson Act Contract.** Land to be zoned for agricultural or horticultural use that is not encumbered by a Williamson Act or farmland security zone contract must meet one of the following criteria:
1. **Soil Capability.** The site is classified as choice soil, as defined in the General Plan, based on the *Soil Survey of El Dorado Area, California* issued April 1974 by the U.S.D.A. Soil Conservation Service, or other comparable local, state or federal criteria, as further described below:
 - a. Choice agricultural land, up to 30 percent slope, includes some lands in classes II, III, IV, VI, and VII, which are suitable for orchard, vineyard, and woodland; or
 - b. Choice rangeland includes some lands in classes IV, VI, and VII, with range site indices of 1, 2, and 3, suitable for range use;
 2. **Present Use.** Lands that are not included in one of the above soil groupings but are being actively used agriculturally may be considered for agricultural zoning when the land in question meets the three criteria of acreage, gross income, and capital outlay for establishment of an agricultural preserve, as set forth by resolution of the Board, as may be amended from time to time.
 3. **Ag Commission Recommendation.** When lands do not qualify as agricultural zones under Subsections G.1.a, G.1.b, or G.2 above in this Section, they may still be zoned PA, LA or AG, based on the recommendation of the Ag Commission to the Board that there are unique circumstances applying to the land and that an agricultural zone would further the intent of the General Plan for protecting and enhancing the agricultural industry in the County.