Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving an Update of The County's Uniform Rules For Agricultural Preserves And Farmland Security Zones.

Whereas, the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state’s economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for residents of the state and the nation; and

Whereas, the California Legislature enacted the California Land Conservation Act of 1965, also known as the Williamson Act; and

Whereas, in February 1970, by Resolution Numbers 28630 and 28632, the Sonoma County Board of Supervisors adopted a program to implement the Williamson Act, established rules and regulations for the administration of agricultural preserves in Sonoma County, and made the following findings:

a. That the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers in that the program will discourage discontiguous urban development patterns that unnecessarily increase the cost of community service to community residences.

b. Agricultural lands have a definite public value as open space, and the preservation and agricultural production of such lands, the use of which may be limited pursuant to the provisions of the Land Conservation Act, constitutes and important physical, social, esthetic, and economic asset to existing or pending or metropolitan developments.

Whereas, in 1989, the Board of Supervisors adopted a General Plan that included an Agricultural Resources Element containing policies to support the role of farming in the County’s economy and land use planning, as well as encouraging property owners to enter into the Williamson Act Program; and

Whereas, in May 1989, the Board of Supervisors adopted Resolution No. 89-0782, amending the program to provide for the creation of open space and species preservation uses within Agricultural Preserves; and

Whereas, in October 1989, the Board of Supervisors adopted Resolution No. 89-2097, to allow Lot Line Adjustments under certain circumstances for lands subject to a Williamson Act
Contract, and since then the Board has made no changes to the County’s Williamson Act Rules; and

Whereas, in 2001, Board of Supervisors by Resolution 01-1207, authorized creation of Farmland Security Zones within existing Agricultural Preserves, and also authorized the execution of Farmland Security Zones contracts within such zones. At that time the Board directed staff to develop procedures to guide operation of such a Farmland Security Zones program. Pursuant to that prior direction, the proposed rules include procedures for Farmland Security Zones and Farmland Security Zones contracts; and

Whereas, in the 40 years since the County’s Rules were first adopted, the California Legislature has enacted numerous changes to the Land Conservation Act of 1965, including the imposition of significant financial penalties for “material breach” of a Williamson Act Contract; and

Whereas, in 2005, the State Department of Conservation, which administers the Williamson Act, audited the County’s program and made numerous findings and recommendations that were set forth in a letter dated November 9, 2005, including the following:

a. Revise methods used by the Assessor to calculate annual subvention reports to ensure that ineligible parcels are not included and that subvention amounts are correctly based on the type of agricultural land (prime or non-prime).

b. Review substandard parcels, consider non-renewal where appropriate and provide report to the Department of Conservation.

c. Investigate several parcels where the developed portion of the property may be too extensive to maintain the primary agricultural use and consider non-renewal where appropriate.

d. Investigate two parcels identified by the state where a potential “material breach” of the Williamson Act Contract may have occurred.

e. Revise procedures for subdivision maps and certain lot line adjustments to ensure that the Board adopts findings required by the state Subdivision Map Act and Land Conservation Act.

f. Ensure that the list of agricultural and compatible uses in the County’s Rules and Regulations for Agricultural Preserves is consistent with the definitions and principles of state law. In particular, the audit raised concerns with regard to allowing churches, schools, public stables and visitor serving uses on contracted lands.

g. Establish procedures for annually verifying the agricultural use of the property in compliance with the contract. Identify parcels where agricultural uses have ceased and file a notice of non-renewal.

Whereas, on January 23, 2007, the Board of Supervisors directed staff to commence an update of the County’s Rules for Agricultural Preserves and approved a work plan that included
the Director appointing an Ag Preserve Work Group consisting of representatives of the agricultural industry, consultation with the Department of Conservation to ensure that the permitted and compatible uses are consistent with state law, and referral of the updated Rules to the Planning Commission for a report and recommendation; and

Whereas, the Director of PRMD appointed the Agricultural Preserve Work Group consisting of representatives from a wide cross-section of agricultural interests, as well as staff from the Agricultural Commissioner, Assessor, and Open Space District who met regularly to review the draft Rules and resolve issues; and

Whereas, staff has consulted with the Department of Conservation in this process, sharing with Department of Conservation drafts of the Rules, and staff from the Department of Conservation has attended working group sessions; and

Whereas, the proposed rules address the findings of the Department of Conservation expressed in the audit in the following ways:

a. Clearly setting forth the procedures and defined minimum requirements to qualify for a contract including minimum amount of land in agricultural production, minimum income requirements, and minimum parcel size requirements.

b. Clearly setting forth the standards and procedures for permitting subdivisions and lot line adjustments on lands subject to a Land Conservation Act Contract.

c. Clearly enumerating the qualifying agricultural and open space uses and uses that are determined compatible with the qualifying land use.

d. Establishing limitations on the allowable area for compatible uses so as to not displace or impair agricultural operations on the subject parcel or contracted lands in the surrounding area.

e. Deleting churches and schools as an allowable use on contracted lands and clarifying the limitations on quest quarters, riding stables, and other uses to ensure compatibility with the qualifying agricultural and open space uses.

f. Requiring property owners to furnish information annually to the County Assessor, who may provide non-confidential information to PRMD to assist in the administration of the program pursuant to the Rev. & Tax Code.

g. Authorizing and directing PRMD to develop procedures and guidelines for the conduct of audits of contracted land to ensure contract compliance.

Whereas, in accordance with the provisions of law, duly noticed public hearings were held on January 20, 2011; March 17, 2011; April 21, 2011; and September 22, 2011, by the Planning Commission at which time all interested persons were given an opportunity to be heard. In addition, staff conducted outreach efforts involving workshops and presentations to agricultural organizations and other interested parties; and
Now, Therefore, Be It Resolved, that the Board of Supervisors makes the following determinations and findings:

1. The update of the Uniform Rules is categorically exempt from the provisions of the California Environmental Quality Act pursuant to the Provisions of Title 14 of the California Administrative Code, Section 15061(b)(3), General Exemption, and Sections 15307 and 15308, Actions by Regulatory Agencies to protect the environment and natural resources. Most changes are procedural in nature. Some uses have been disallowed under the program, including churches, schools, and other similar institutional uses. Expansion of the program to allow forestry and horses breeding as qualifying agricultural uses do not result in any physical changes but would allow existing uses to continue to receive tax benefits. The structures allowed by the Uniform Rules for agricultural farmstays are those that can be considered small structures pursuant to State CEQA Guidelines section 15303, and the use is similar and compatible to other allowed uses in the Uniform Rules. Farmstays are a compatible use and serve to support the agricultural operation in the promotion and marketing of agricultural products grown on the site.

2. The update of the Uniform Rules is consistent with the Land Conservation Act of 1965 in that the Rules clearly specify procedures in accordance with the Act, enumerates the qualifying agricultural and open space uses allowable on contracted lands, and establishes limitations on the allowable compatible uses consistent with the principles of compatibility of Government Code Section 51238.1. The compatible uses listed in the Uniform Rules and the limitations placed on the uses in Rule 8, ensure that compliance with the Principles of Compatibility as follows:

   a. The uses allowed by the Uniform Rules will not significantly compromise the long-term productive agricultural capability of the contracted lands because the qualifying agricultural and open space uses must comprise at least fifty percent (50%) of the land under contract, and the compatible uses are restricted to an area of 15 percent up to a maximum of 5 acres of the contracted land, unless an exception is granted by the Board of Supervisors after making findings to ensure compatibility; and

   b. The uses allowed by the Uniform Rules will not significantly displace or impair current or reasonably foreseeable agricultural operations because the Uniform Rules restrict the type of uses allowed on contracted lands to qualifying agricultural and open space uses and to those uses that are determined to be compatible with such agricultural and open space uses. Compatible uses are limited to specified residential uses, agricultural support uses, passive recreational uses, raising, breeding, and boarding of farm animals, specified limited resource extraction and energy production, and communications and utility transmission facilities, and specified miscellaneous uses that are complementary to and do not hinder or impair agricultural operation; and

   c. The uses allowed by the Uniform Rules will not result in the significant removal of adjacent contracted land from agricultural or open space use because the Rules limit the area and type of compatible uses allowed on contracted lands to those
that are supportive of agriculture and reflect the existing agricultural practices of the land currently under contract.

3. The update of the Uniform Rules is consistent with the General Plan and serves to protect agricultural and open space lands consistent with the following objectives and related General Plan policies:

   a. GOAL LU-9: Protect lands currently in agricultural production and lands with soils and other characteristics that make them potentially suitable for agricultural use. Retain large parcel sizes and avoid incompatible non agricultural uses.

   b. Objective LU-9.1: Avoid conversion of lands currently used for agricultural production to non agricultural use.

   c. Objective LU-9.4: Discourage uses in agricultural areas that are not compatible with long term agricultural production.

   d. Objective LU-9.5: Support farming by permitting limited small scale farm services and visitor serving uses in agricultural areas.

4. The update of the Uniform Rules is consistent with the Local Coastal Plan Land Use and Resource Management Policies applicable to the proposed Rules, include the following Resource section policies:

   IV-1. Encourage compatible, resource-related uses on designated resource lands. Such uses should not conflict with resource production activities....

   IV-6. Place all land designated in the Coastal Plan for agricultural or timber use in an Agricultural Preserve or Timber Preserve where the landowner desires to sign a contract and the minimum requirements can be met....

   IV-13. Promote a high level of agricultural and forestry management practices which protect environmental values to help insure the long term use and conservation of coastal resources.

The program fulfills the policies of the California Coastal Act that place a high priority on the preservation of agriculture and require that “The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas’ agricultural economy....”

Be it Further Resolved that the Board of Supervisors finds that legally established uses existing or approved but not yet constructed, on contracted land before January 1, 2012, that are listed as compatible under the new rules are deemed compatible even if the area occupied by the existing compatible uses and structures exceeds the 15 percent or 5 acres, whichever is less, limitation; and
Be it Further Resolved that the Board of Supervisors hereby adopts the proposed amendments to the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, to be effective January 1, 2012, and applicable to all new and replacement contracts, and to those contracts that are renewed on that date and thereafter, except for contracts that have applied for non-renewal prior to September 1, 2012, which may opt to continue under the County’s prior rules; and

Be it Further Resolved that the Board of Supervisors authorizes the Director of PRMD to approve changes in the Land Conservation Plan associated with a contract and to record amended Land Conservation Plans; and

Be it Further Resolved that the Board of Supervisors directs staff at PRMD to initiate non-renewal of parcels that no longer qualify for a contract, including the parcels of record and unrecorded but approved certificate of compliance parcels that do not meet minimum parcel size requirements; and

Be it Further Resolved that the Board of Supervisors authorizes the Director of PRMD to implement an annual monitoring program that involves a phased approach of surveying up to twenty percent of contract holders each year for compliance with the Rules; and

Be it Further Resolved that the Board of Supervisors hereby directs PRMD to submit the updated Uniform Rules along with the proposed action plan for addressing substandard parcels and the monitoring and enforcement program to the state Department of Conservation in response to the three remaining issues from the 2005 audit; and

Be it Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

IN REGULAR SESSION of the Board of Supervisors of the County of Sonoma, introduced, passed, and adopted this ___ day of ___, 2011, on regular roll call of the members of said Board by the following vote:

SUPERVISOR VOTE:

Brown:  Rabbitt  Zane:  McGuire:  Carrillo:

Ayes:  Noes:  Absent:  Abstain:

SO ORDERED.