

**County of Solano
Office of the Auditor-Controller**



Williamson Act Program- Internal Control Review

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INTRODUCTION

In accordance with the Internal Audit Division's (IAD) Fiscal Year 2024/25 Audit Plan, we initiated the internal control review of Solano County's monitoring of the Williamson Act Program. We conducted our review in accordance with *International Standards for the Professional Practice of Internal Auditing* as developed by the Institute of Internal Auditors (IIA).

OBJECTIVE

We conducted a review of Solano County's Williamson Act Program policy and procedures to:

1. Determine if the policies and procedures for monitoring the Williamson Act program are in compliance with state law.
2. If the policies and procedures are being followed.
3. To provide a comparison with other counties' monitoring practices.

BACKGROUND

Senate Bill No. 574¹ states the California Land Conservation Act of 1965, also known as the Williamson Act, is a program administered by the Department of Conservation (DOC) to conserve agricultural and open space land. The Williamson Act encourages agricultural and open space land use by reducing property tax assessments of enrolled landowners. The property tax assessments of Williamson Act contracted land are based on the lesser of (1) the agricultural income producing capability of the land, (2) the fair market value, or (3) the Proposition 13 value.

In 1978, the passage of Proposition 13 changed tax assessment practices, limiting valuations to a static base year. Under Proposition 13, similar properties can have substantially different assessed values based solely on the dates the properties were purchased. Longtime property owners, whose assessed values generally may not be increased more than two (2) percent per year, tend to have markedly lower tax liability than recent purchases, whose assessed values tend to approximate market levels.

The Williamson Act allows private property owners within "an agricultural preserve" to sign voluntary contracts with counties and cities that restrict their land to agriculture, open space, and compatible uses for the next ten (10) years. These agricultural preserves are areas where county, or less often a city, wants to protect and promote agricultural uses. To establish an agricultural preserve, the board of supervisors (BOS) or city council must adopt a resolution that describes the area covered by the preserve. In return for these voluntary contracts, county assessors lower the value of Williamson Act contracted lands to reflect the value of their use as agriculture or open space instead of their fair market value under Proposition 13 (1978).

The *Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contract*² implement the Solano County Agricultural Preserve Program. This information is available on the Solano County website³. These rules set forth the eligibility requirements, land use

¹ California law that simplified the administrative processes for the Williamson Act. SB 574 went into effect on January 1, 2022.

² Appendix 2

³ https://www.solanocounty.com/depts/rm/planning/williamson_act_contracts.asp

restrictions and procedures for entering into and terminating agricultural preserves and land conservation contracts within Solano County.

Under the Solano County Agricultural Preserve Program, an agricultural preserve is established by the County at the request of one or more property owners within areas devoted to agricultural use, recreational use and/or open-space use, as defined in the Williamson Act. Establishment of an agricultural preserve is a prerequisite for property owners wishing to enter into land conservation contracts with the County. Under Solano County's program, a property owner makes application simultaneously for either the establishment or expansion of an agricultural preserve and approval of a land conservation contract. Agricultural preserves must generally be at least 100 acres in size.⁴ Agricultural land can be classified either prime or non-prime agricultural land.

Williamson Act Contracts automatically renew every year to ensure that the contract maintains a 10-year term. Contracts automatically renew unless either party gives notice of non-renewal. A landowner who wants to develop land restricted by a Williamson Act contract has three (3) options: nonrenewal, cancellation, or rescission.

- **Nonrenewal Process-** Contracts may be exited at the option of the landowner or local government by initiating the process of term nonrenewal. Under this process, the remaining contract term is allowed to lapse, with the contract null and void at the end of the term. During the nonrenewal process, the annual tax assessment continually increases each year until it is equivalent the current unrestricted value at the end of the nonrenewal period.
- **Cancellation Process-** Under a set of specifically defined circumstances, a contract may be cancelled without completing the process of term nonrenewal. Contract cancellation, however, involves a comprehensive review and approval process, and the payment of a fee by the landowner equal to 12.5 percent of the full market value of the property in question.
- **Rescission-** Occurs when the county supervisors cancel a Williamson Act contract, but the landowner simultaneously puts an agricultural conservation easement or open space easement on other land of equal or greater value.

Historically, the state made subvention⁵ payments to counties to make up for a portion of the resulting losses in local property tax revenue from Williamson Act and Farmland Security Zone (FSZ) contracts⁶, and other enforceable open space restriction programs. Subvention payments totaled about \$35 million to \$40 million each year from 1994 to 2008. However, the state stopped making subvention payments in fiscal year 2009-10 in response to budgetary pressures.

⁴ CA Dept. of Conservation

⁵ Open Space Subvention Act (OSSA) was enacted on January 1, 1972, to provide for the partial replacement of local property tax revenue foregone as a result of participation in the Williamson Act and other enforceable open space restriction programs. Participating local governments received annual payment on the basis of the number of eligible acres, and quality (soil type and agricultural productivity).

⁶ FSZ (also known as Super Williamson contracts) contracts are voluntarily entered into between a county/city and a landowner for 20 years as opposed to 10 years of a standard Williamson Act contract.

Although the state no longer offers subvention payments, most cities and counties still report enrollment acres using the Open-Space Subvention Survey worksheet⁷. Senate Bill 574 has simplified Williamson Act reporting and now requires participating cities and counties to report Williamson Act enrollment in the form of Geographic Information System (GIS) files.

The *Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contract* includes a section on Monitoring Procedures for Land Conservation Contracts⁸.

- To ensure compliance with the requirements to maintain the property in commercial agricultural use, the property owner shall maintain records of annual productive acreage and its production value to demonstrate continued eligibility and shall provide this information to the County upon request.
- The Assessor/Recorder's Office mails annual surveys on agricultural production to property owners with lands under a Land Conservation Contract. Property owners shall return Assessor's requests for information by the due date noted on the survey. Failure to return complete information will require the Assessor to estimate agricultural production, income and expenses for the parcels.

SCOPE AND METHODOLOGY

To address the stated audit objectives, we performed the following:

- Conducted interviews with Assessor/Recorder and Resource Management department staff regarding the Williamson Act Program.
- Reviewed state law and county policies and procedures.
- Distributed benchmarking survey to 53 California counties and two (2) cities.
- Interviewed staff of other counties to benchmark best practices.

AUDIT RESULTS

Audit Objective 1: We determined that the policies and procedures for monitoring the Williamson Act program are in compliance with state law.

Audit Objective 2: We determined that the policies and procedures for monitoring the Williamson Act are being followed.

The Solano County Resource Management Department (Resource Management) and the Assessor/Recorder's Office (Assessor) each have roles in the oversight and monitoring of Williamson Act contracts. The Assessor is responsible for determining the appropriate value is assigned for property tax assessment, while Resource Management is responsible for continued review of Williamson Act contracts.⁹

⁷ A form detailing the acreage of protected open space land eligible for state reimbursement under the OSSA.

⁸ Page 17

⁹ 2024/25 Solano County Recommended Budget

Per the FY 2024/25 Recommended Budget, Solano County has a total area of approximately 913 square miles, equivalent to 584,320 acres¹⁰. Of the total, 675 square miles, equivalent to 432,000 acres, are rural and farmlands. Currently, based on 2024 reporting from the Resource Management department¹¹, Solano County has 1,036 executed Williamson Act contracts with landowners encompassing 250,519 acres (43% of the total land in Solano County, and 58% of the rural and farmlands). Contracts include:

- 136,539 acres of Prime Land
- 112,946 acres of Non-Prime Land
- 1,034 acres of Excluded Acreage

Of the 1,036 contracts, four (4) contracts are in the non-renewal process with an additional nine (9) contracts in a state of partial non-renewal. In total, 221 acres are in various stages of non-renewal.

Additionally, the County has 26 active conservation easement¹² contracts, totaling 10,137 acres. Per the DOC, an agricultural conservation easement is a voluntary, legally recorded deed restriction that is placed on a specific property used for agricultural production. The goal of an agricultural conservation easement is to maintain agricultural land in active production by removing the development pressures from the land. The easement remains in effect even when the land changes ownership.

We interviewed Resource Management staff to understand their role in managing compliance and monitoring strategies over Williamson Act contracts. Resource Management reviews building and use permit requests. If a building or use permit is requested for property included in the Williamson Act, Resource Management determines if the proposed permit is a permissible use of the protected land.

Resource Management maintains multiple listings of Williamson Act contract information that includes Parcel Identification Number (PIN), Contract Number¹³, Contract Date, Prime and Non-Prime Acreage, Nonrenewal Date (if applicable), Landowner, Cancellation Date (if applicable), GIS Mapping Coordinates, Symbol Colors for Internal Maps, and Assessor's Parcel Number.

Geographic Information System (GIS)

Senate Bill 547¹⁴, Section 51237.5, requires that on or before January 30th of each year, each city or county in which an agricultural preserve is located shall provide the Department with GIS data files of all agricultural preserves and Williamson Act contracted land in existence at the end of the preceding year. The Resource Management department is currently responsible for GIS mapping for Solano County. GIS is considered a tool for monitoring Williamson Act contracts. Attribute table fields and value should include County/City, Year, Acreage, Type (Prime, Non-Prime, FSZ, or Nonrenewal), and Assessor Parcel Number (APN). The statewide GIS mapping is available on the Department of Conservation website¹⁵.

¹⁰ One square mile equals 640 acres.

¹¹ Provided by Resource Management on 11/12/2024

¹² Defined under California Civil Code Section 815

¹³ One contract can have multiple parcels.

¹⁴ Approved by Governor, October 7, 2021

¹⁵ <https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/index.html>

Annual Surveys on Agricultural Production

Per the county policy, the Solano County Assessor/Recorder's Office mails annual surveys on agricultural production to property owners with lands under a Land Conservation Contract. Property owners shall return Assessor's requests for information by the due date noted on the survey.

During interviews, we determined that open space mailers are sent to landowners in February of each year, and landowners are given two (2) months to complete the questionnaire. The Assessor/Recorder's Office includes six (6) open space mailers for: Duck Club, Mixed Use Land, Open Space, Row Crop, Tree and Vine, and Wind Farm.

Often, questionnaires are returned incomplete or filled with limited information. For example, in 2023, the Solano County Assessor/Recorder's Office mailed 2,326 questionnaires to Williamson Act landowners and received 487 completed surveys in return (21% return rate).

Audit Objective 3: To provide a comparison with other counties' monitoring practices.

Benchmarking Survey with Other Counties:

The "2021 Department of Conservation Reporting" report states that more than 16 million of California's 31.4 million acres of farm and ranch land have participated in the program, and 52 counties have executed contracts with landowners. In addition to some counties, some cities have also executed contracts with landowners- either because of the city annexing the unincorporated county area properties or as a result of an independent program separate from the county.

Since a list of current Williamson Act program point of contacts was not readily available, we visited each county's website to determine the point of contact for each individual county. A list of point of contacts included administration from various departments including Assessor/Recorder, Planning, Community Development, Public Works, Community and Economic Development, Agricultural Weights and Measures, Agricultural Commissioner, Resource Management, Farm Bureau, Clerk of the Board, among others. We reached out to all counties' point of contacts to confirm or modify contact information for the survey.

We created a survey to focus on monitoring and best practices for the Williamson Act program statewide. We utilized the Department of Conservation's listing of Williamson Act regions (53 counties and 2 cities):

- **Bay Area and Central Coast Region-** 12 counties and 2 cities
- **Foothills and Sierra Region-** 10 counties
- **North Coast Mountain Region-** 8 counties
- **Sacramento Valley Region-** 7 counties
- **San Joaquin Region-** 8 counties
- **South Coast and Desert Region-** 8 counties

We sent surveys to 53 counties, and 2 cities, and in return received 19 responses (35%). **Survey responses are highlighted in Appendix 1.**

Challenges Indicated During Survey:

- Low reporting on open space mailers or lack of response

- Lot-line adjustments
- New landowners unaware of land conservation restrictions (i.e., inherited a Williamson Act contract)
- Receiving data for the annual income valuation
- Limited staff resources

Best Practices:

- Reaching out directly to landowners for questions regarding survey(s)
- Reviewing arials, conducting field checks, and adjusting land use codes
- Annual request for vineyard properties that include requests for income and expense data.

What methods are used to encourage property owners to participate in returning monitoring surveys?

- Initiating nonrenewal of Williamson Act contracts
- Implementing online portal for landowners with Williamson Act contracts
- Continuous education for landowners and members of the public on the Williamson Act

Benchmarking Best Practices:

After analyzing the results of the survey, we interviewed five (5) counties to expand on Williamson Act best practices. Of these counties, some implemented the consequences of nonrenewal and cancellations of Williamson Act contracts as a method to encourage landowner participation in surveys. Another county encouraged participation through education and simplified reporting with an online portal.

- **Education:** One (1) county demonstrated the benefits of reporting through continuous education with members of the public and landowners to encourage landowners to report survey information. For example, staff that oversee Williamson Act contracts have attended Farm Bureau meetings to demonstrate the program and collaborate with farmers.
- **Online Portal:** One (1) county implemented an online portal that is developed and maintained through their property tax system. The online portal generates a personalized code for taxpayers to report online filing(s). If landowners report in one (1) year, their information is available in the portal the following year. It allows landowners to save time year to year. Landowners are given the option to complete survey hardcopy if they are not comfortable using the online portal; however, the county is hopeful that the future generation of farmers will rely on the updated technology.

The online portal fields include current use (of land), owner with expenses information, irrigation, new construction, rent/lease information, income information (additional income not associated with farming), grazing (cattle, sheep, etc.), and crop production. There is a tree and vines section (if applicable), and a section to upload attachments.

Opportunity for Improvement

Surveys sent by the Assessor/Recorder provide self-reported information, have a low return rate, and some are returned incomplete. The limited information about crop yield, income and expenses, increases difficulty in determining an accurate assessed property tax value. This in turn could translate into significant tax breaks annually at a cost to Solano County or landowners overpaying property taxes. The current policy

does not provide a consequence for failure to return a survey with accurate information or an incentive to comply with the request.

Monitoring for incompatible uses of land under Williamson Act contracts is limited in scope to review of permit applications and complaints or allegations of inappropriate use.

Recommendations:

1. Require self-attestation from landowners that the land use is only being used for allowable purposes. This can occur either in a separate document or be added to the Assessor's survey.
2. Implement one, or a combination of, the best practices used by other counties to increase self-reporting from landowners. These include education, simplifying the reporting process, and including consequences for failure to report surveys.

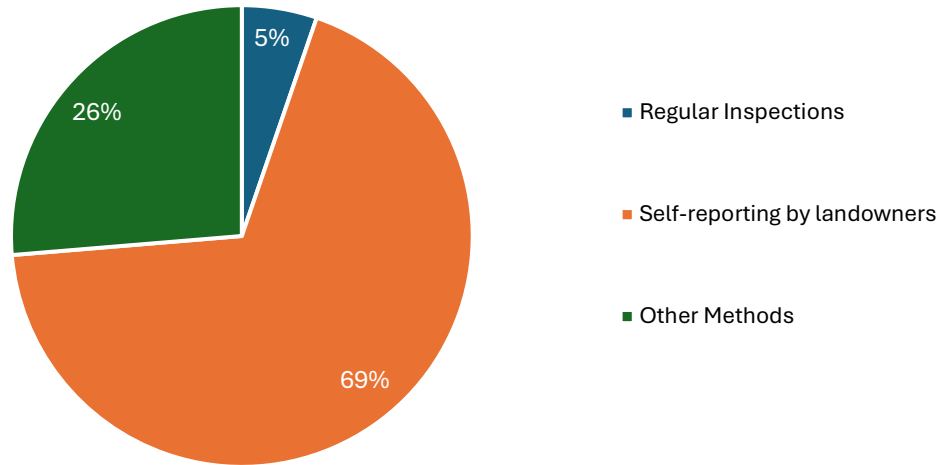
Management Response:

1. The Department of Resource Management has considered the recommendations and will promptly take an item to the Board for direction to implement the recommendations.
2. The Assessor/Recorder agrees with the recommendations and acknowledges that self-attestation and self-reporting are important to the administration of the program. We will consider ways to provide education and simplify our process for landowners. Opportunities to work with Resource Management and combine efforts will be discussed but are expected to be limited due to information we receive being confidential under California law.

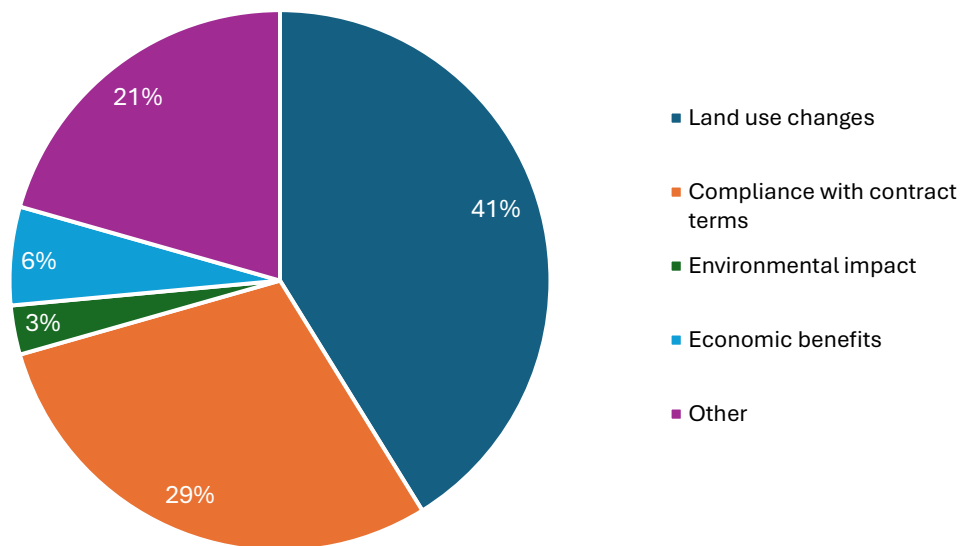
Actions in Progress: At the time we began this review, Resource Management was reviewing and updating *the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contract*, as it was last revised on May 22, 2012.

APPENDIX 1: Benchmarking Survey Results

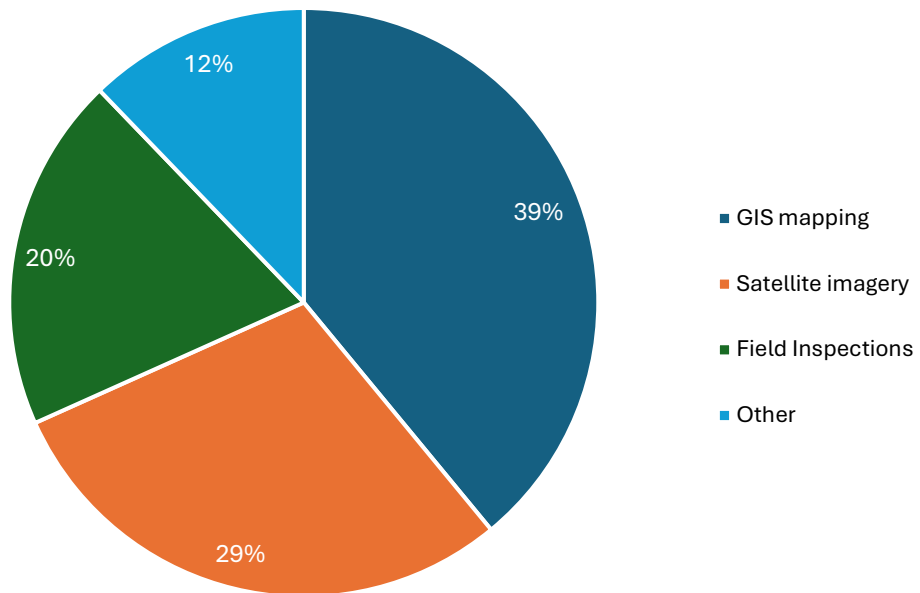
How does your county currently monitor Williamson Act contracts?



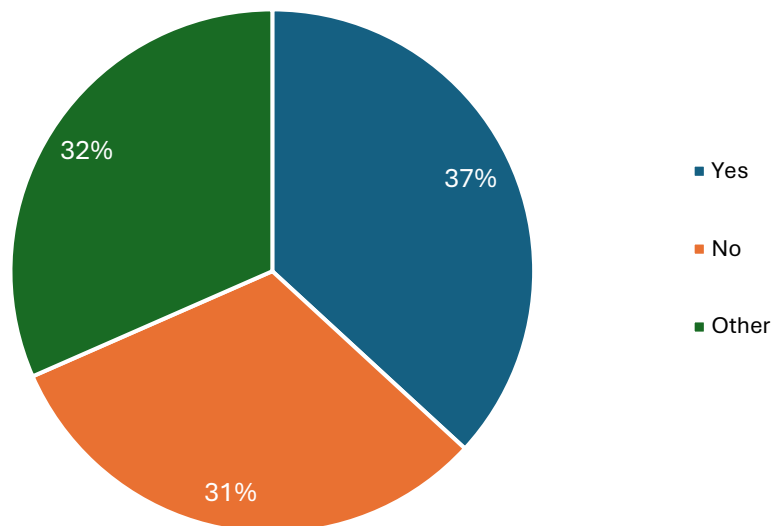
What types of data does your county collect during monitoring?



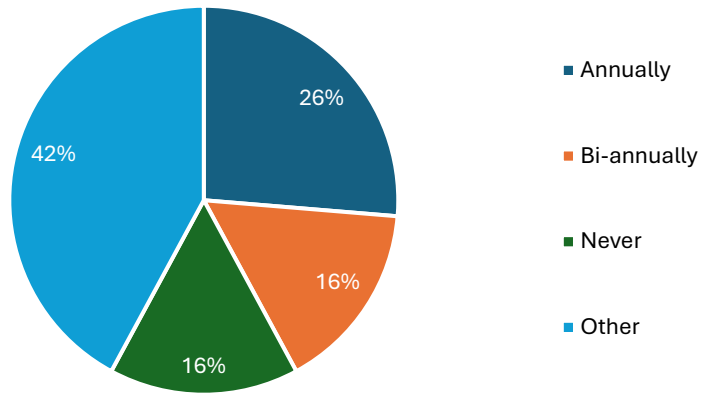
What tools or technologies does your county use for monitoring?



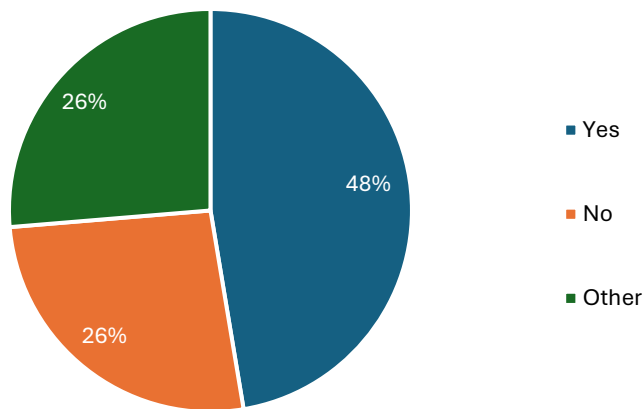
Does your county have a dedicated team for monitoring Williamson Act contracts?



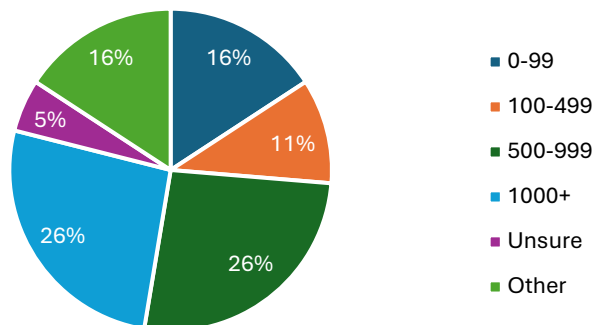
How often are Williamson Act contracts reviewed in your county?



Are there any improvements or changes you would like to see in the Williamson Act monitoring process?



How many Williamson Act contracts does your county currently have?



APPENDIX 2: Solano County Agricultural Preserve Program

Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts, Revised May 22, 2012.

**SOLANO COUNTY
UNIFORM RULES AND PROCEDURES
GOVERNING AGRICULTURAL PRESERVES AND
LAND CONSERVATION CONTRACTS**

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 - 4. Zoning Requirements
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 - B. Additional Compatibility Criteria
 - C. Residential Uses Incidental to Agricultural Use
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 - E. Permitted and Compatible Land Use Table
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Appendices A through F

I. INTRODUCTION

These uniform rules and procedures implement the Solano County Agricultural Preserve Program as authorized under the California Land Conservation Act of 1965 (Williamson Act).

The Legislature of the State of California in enacting the Williamson Act declared:

“That 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 future residents of this state and nation.” (Gov. Code Section 51220 (a))

The Williamson Act program is designed to protect agricultural land for continued commercial agricultural use primarily for the production of food and fiber and other lands devoted to open-space and recreational uses. These rules set forth the eligibility requirements, land use restrictions and procedures for entering into and terminating agricultural preserves and land conservation contracts within Solano County.

Under the Solano County Agricultural Preserve Program, an agricultural preserve is established by the County at the request of one or more property owners within areas devoted to agricultural use, recreational use and/or open-space use, as defined in the Williamson Act. Establishment of an agricultural preserve is a prerequisite for property owners wishing to enter into land conservation contracts with the County. Under Solano County’s program, a property owner makes application simultaneously for either the establishment or expansion of an agricultural preserve and approval of a land conservation contract.

A land conservation contract is a contract entered into by the property owner and the County that enforceably restricts the use of the land for agricultural, recreational and/or open space uses for a minimum term of 10 years. In exchange, the property receives a reduction in property taxes while the contract is in effect. Under the program, contracted property is assessed on the basis of the agricultural income producing capability of the land, the fair market value, or the Proposition 13 value, whichever is less.

II. DEFINITIONS

- A. **Agricultural commodity** – means any and all plant and animal products produced in the State of California for commercial purposes.
- B. **Agricultural employee** – means a person employed by the farm operator primarily to work in agricultural activities on the contracted property or on other property controlled by the farm operator, together with the employee's family members.
- C. **Agricultural preserve** – means an area devoted to either agricultural use as defined in Section III(C), recreational use as defined in Section V(A)(2), or Open-space use as defined in Section V(A)(1), or any combination of those uses, and which is established in accordance with these Uniform Rules and Procedures.
- D. **Agricultural use** – means use of land for the purpose of producing an agricultural commodity for commercial purposes.
- E. **Contiguous and Contiguous parcels** – means that each parcel must touch or abut at least one other parcel, but not all other parcels.
- F. **Contract** – means Land Conservation Contract.
- G. **Farm operator** – means a property owner or lessee who conducts or controls the agricultural use of the property, together with the farm operator's family members.
- H. **Legal Parcel** – means parcel was created consistent with the requirements of the State Subdivision Map Act.
- I. **Non-prime agricultural land** – means agricultural land other than "Prime agricultural land" as defined in Section II(K).
- J. **Ownership** – means any persons, corporation, or several persons together that have an undivided interest in the land.
- K. **Prime agricultural land** - means any of the following:
 - 1. Land which qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.

2. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
4. Land planted with fruit-or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.
5. Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre for three of the previous five years.

L. Property owner – includes stockholders in family corporations, beneficiaries of family trusts and estates, owners of undivided partial interests, and joint tenants.

M. Williamson Act – means California Land Conservation Act of 1965, codified in the California Government Code beginning at section 51200

III. ELIGIBILITY REQUIREMENTS FOR PRESERVES AND FARMLAND CONSERVATION CONTRACTS FOR AGRICULTURAL USES

A. Applications

1. Applications to establish or amend agricultural preserves and to enter into land conservation contracts shall be made by the owner of the affected property.
2. Applications to establish or amend agricultural preserves shall be made simultaneously with, and shall be deemed to be applications to enter into land conservation contracts within the area to be included in the agricultural preserve. Each land conservation contract shall be established by a separate application.
3. A single application to establish one land conservation contract consisting of two or more parcels may be made by a single applicant only if the applicant owns all the parcels and

all the parcels are contiguous. Contiguous parcels under different ownership require separate applications.

4. Any application for a lot line adjustment or land division of a parcel or parcels subject to a land conservation contract, that proposed to change the outer perimeter of the land subject to the contract, shall be accompanied by an application for a replacement contract. The replacement contract must comply with all requirements described in this section.

B. Agricultural Preserves

1. General Requirements

- a. Property must be eligible to enter into a land conservation contract at the time the property is established as, or annexed to, an agricultural preserve.
- b. Only whole, legally created parcels shall be established as, or annexed to, an agricultural preserve. For parcels that are not created by a recorded parcel or final map, or for which a Certificate of Compliance has not been recorded, an application for a Certificate of Compliance shall accompany the application for agricultural preserve.
- c. An application to establish, or annex to, an agricultural preserve shall be denied if an incompatible use exists on the land proposed for inclusion within the agricultural preserve.

2. Minimum Preserve Size

- a. Agricultural preserves created or amended after January 1, 2006, shall consist of no less than 100 acres, except as provided in the next paragraph. Two or more parcels may be included within a single preserve if they are contiguous.
- b. Agricultural Preserves of less than 100 acres may be established if the Board of Supervisors finds that:
 - 1.) A smaller preserve is necessary due to the unique characteristics of the agricultural enterprises in the area;
 - 2.) Each parcel meets the minimum parcel size requirements for land conservation contracts; and

- 3.) The proposed preserve is Prime agricultural land.

3. Amendments to Agricultural Preserves

- a. Agricultural preserves may be amended and additional contiguous parcels which meet the minimum parcel size for land conservation contract may be annexed to the preserve, provided the parcels being added to the preserve meets the requirements of Section III(B)(1).
- b. Contiguous parcels that are less than the minimum parcels size for Land Conservation Contract may be annexed to an existing preserve provided that the parcel meets all other requirements of Section III(B)(1) and is merged with a parcel within the existing preserve through a lot line adjustment consistent with the requirements under Section VI or by parcel merger. The property owner under the existing preserve must agree to rescind the existing contract or contracts and simultaneously enter into a new contract or contracts consistent with the approved lot line adjustment or parcel merger.
- c. A non-contiguous parcel may be annexed to an existing agricultural preserve if the parcel is under the same ownership as one or more parcels within the preserve, meets the requirements under Section III.(B)(1) and (2), above, and is operated as a single agricultural enterprise together with those parcels under the same ownership within the preserve.
- d. Non-preserve islands surrounded by agriculture preserve lands may be considered as eligible when all of the island is to be included in the preserve and all other eligibility criteria other than parcel size is met.

C. Land Conservation Contracts

To be eligible to enter into a land conservation contract, amend an existing contract, and to maintain eligibility while under contract, the property must meet the requirements described in this subsection.

1. Commercial Agricultural Use

- a. The property must be in commercial agricultural use at the time of application for an agricultural preserve and land conservation contract and must be maintained in

commercial agricultural use during the life of the contract. Agricultural use is defined as “use of land for the purpose of producing an agricultural commodity for commercial purposes” (Gov. Code Section 51201(b)). Agricultural commodity is defined as “any and all plant and animal products produced in this state for commercial purposes” (Gov. Code Section 51201(a)).

- b. To determine whether a property is in commercial agricultural use, the County has set minimum production values based on annual Williamson Act surveys conducted by the Assessors/Recorders Office. The minimum production values by agricultural activities for the last five (5) years are presented in Appendix F. The production values will be updated on an annual basis based on information produced by the Assessors/Recorders Office.
- c. The County may request that a property owner provide evidence that the property is in commercial agricultural use by submitting documentation that the production value for the property meets or exceeds the minimum production value for 3 out of the last 5 years.

2. Compatible Land Uses

- a. Compatible land uses includes any use designated as a compatible use by the Williamson Act and any permitted and compatible land use as set forth in Section IV of these rules.
- b. The establishment of any use other than an agricultural use or compatible use, as defined in the Williamson Act and Section IV, shall constitute a breach of contract.

3. General Plan Requirements

The property must be designated on the Land Use Diagram of the Solano County General Plan under one of the following land use categories:

Agriculture
Watershed
Marsh

4. Zoning Requirements

- a. The property must be within one of the following zoning districts and in full compliance with all regulations for that district as described in the Zoning Code (Chapter 28 of the Solano County Code):

Exclusive Agriculture: A-20, A-40, A-80 and A-160

Limited Agriculture: AL-80 and AL-160

Watershed and Conservation: W

Marsh Preservation: MP

Suisun Valley Agriculture: A-SV-20

- b. If the property is not appropriately zoned, an agricultural preserve may be established contingent upon the parcel or parcels within the preserve being appropriately rezoned consistent with the Solano County General Plan. An application for such rezoning must be filed by the property owner within thirty (30) days of such action. The establishment of the preserve shall be effective upon completion of the rezoning, and the land conservation contract may then be executed and recorded.
- c. The establishment of an agricultural preserve and entry into a land conservation contract does not eliminate the requirement that the owner of the property comply with all other applicable zoning, land use laws, and regulations of Solano County.

5. Minimum Parcel Size

- a. Only whole, legally created parcels shall be accepted under a land conservation contract.
- b. For parcels of land defined as Nonprime Land, the minimum parcel size within a land conservation contract is 40 acres.
- c. For parcels of land defined as Prime Land, the minimum parcel size within a land conservation contract is 10 acres.
- d. Existing prime and nonprime land conservation contracts established prior to January 1, 2006, which do not meet these whole-parcel or minimum parcel size requirements shall continue to be eligible for preserve and contract status provided that no changes are made to the contract boundaries.

D. Binding Effect of Land Conservation Contracts

Land conservation contracts shall run with the land and are binding upon any heir, successor, lessee, or assignee.

IV. PERMITTED AND COMPATIBLE LAND USES FOR ALL PRESERVES FOR AGRICULTURAL USE

Land within an agricultural preserve for agricultural purposes shall be maintained in commercial agricultural use subject to the permitted and compatible use requirements under this Section. Lands subject to an agricultural preserve for open space or recreational purposes shall be subject to the permitted and compatible use requirements set forth in Section V, below.

A. Principles of Compatibility

1. Non-agricultural uses on contracted lands shall be consistent with all of the following principals of compatibility, as set forth under Section 51238.1(a) of the Government Code:
 - a. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
 - b. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
 - c. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use. In evaluating compatibility, the Board of Supervisors shall consider the impacts on noncontracted lands in the agricultural preserve or preserves.
2. Compatible uses that are permitted subject to a conditional use permit on prime land shall be subject to conditions or

mitigation requirements such that the conditional uses conform to the principles of compatibility set forth in Section IV.A.1 above.

3. Compatible uses that are permitted subject to a conditional use permit on nonprime land may be approved based on findings demonstrating the following, as provided under Section 51238.1(c) of the Government Code:
 - a. Conditions have been required for, or incorporated into, the use that mitigate or avoid those onsite and offsite impacts so as to make the use consistent with the principles set forth in Section IV(A)(1) above to the greatest extent possible while maintaining the purpose of the use.
 - b. The productive capability of the subject land has been considered as well as the extent to which the use may displace or impair agricultural operations.
 - c. The use is consistent with the purposes of the Agricultural Preserve Program to preserve agricultural and open-space land or supports the continuation of agricultural uses, as defined in these rules, or the use or conservation of natural resources, on the subject parcel or on other parcels in the agricultural preserve.
 - d. The use does not include a residential subdivision.

B. Additional Compatibility Criteria

1. A compatible use must be secondary to the primary use of the land for commercial agricultural purposes. A use is considered secondary when it is required for or is part of the agricultural use.
2. A use is incompatible if it increases the temporary or permanent human population on the subject property and that increase population could hinder or impair agricultural operations on the subject property and/or other agricultural lands in the vicinity.
3. Housing for agricultural laborers is a compatible use and the State Legislature has declared that such use of agricultural land is in the public interest.
4. A use is incompatible if it will encourage the premature conversion of agricultural land to non-agricultural uses.

5. A residential use identified in Section IV(C) shall be presumed not to be a residential subdivision if established on a parcel that complies with the minimum parcel size required under the applicable zoning district.
6. Public horse boarding or breeding stables (including arenas for training and shows as ancillary uses), and kennels are compatible uses on nonprime land if the total area of the horse or kennel operation, and related facilities (including parking, landscaping, driveways, or other disturbed area), does not exceed 3% of the area of the legal parcel or 5 acres, whichever is less, and; the facility must be managed by the resident farm operator.

C. Residential Uses Incidental to Agricultural Use

Providing housing opportunities on lands under agricultural preserve in order to accommodate farm operators, their families, and their agricultural employees is consistent with the primary purpose of the Williamson Act to maintain agricultural land in commercial agricultural use. These rules allow for limited residential opportunities on contracted land, provided that the use does not conflict with the agricultural operations. The residential uses permitted on contracted land are more restrictive than authorized by the underlying zoning district.

The following residential uses are considered incidental to the commercial agricultural use of the land when it provides housing opportunities as follows:

1. Principal Dwelling – a single-family dwelling providing housing for the farm operator or agricultural employee.
2. Secondary Dwelling– a second single-family dwelling on the same parcel as the principal dwelling that provides housing for the farm operator or agricultural employee.
3. Agricultural Employee Housing – temporary manufactured dwelling unit on parcels of 20 acres or more. Provides housing for an agricultural employee(s).
4. Temporary Single Family Dwelling – temporary manufactured dwelling allowed when the principal or secondary dwelling is under construction. Provides temporary housing for the farm operator or agricultural employee.

D. Determination of Compatible Use

A property owner may request a determination of compatibility by the Planning Commission upon written request based on new and sufficient evidence of a use's compatibility with the purposes and intent of the Williamson Act based on the compatibility criteria set forth in subsections A and B above and that the use is incidental to the commercial agricultural use of the property. The Planning Commission may seek advice from the Department of Conservation as part of its review.

E. Permitted and Compatible Land Use Table

Table A identifies agricultural uses and uses determined by the Solano County Board of Supervisors to be compatible with agriculture for lands within agricultural preserve. It should be noted that in some cases, the permitted and compatible uses are more restrictive than the uses allowed and permitted under the applicable zoning district.

V. ELIGIBILITY REQUIREMENTS AND PERMITTED AND COMPATIBLE USES FOR PRESERVES FOR OPEN SPACE AND RECREATIONAL USES

- A.** The California Land Conservation Act of 1965 provides that agricultural preserves may be established that consist of land devoted to open-space or recreation uses which are defined as follows:

- 1. Open-Space use** is the use or maintenance of land in such a manner as to preserve its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife, or for the solar evaporation of sea water in the course of salt production for commercial purposes, if such land is within one of the following defined areas:
 - a.** A "scenic highway corridor" which is an area adjacent to, and within view of, the right-of-way of: (a) an existing or proposed state scenic highway in the state scenic highway system established by the State legislature pursuant to Streets and Highways Code Sections 260 et seq. and which has been officially designated by the State Department of Transportation as an official state scenic highway, or (b) a county scenic highway established pursuant to Streets and Highways Code Sections 260 et seq. if it is included in the adopted county general plan, adopted specific plan for the county, and 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 State Department of Transportation as an official county scenic highway.

- b. A "wildlife habitat area" which is a land or water area designated by the Board of Supervisors, after consulting with and considering the recommendation of the State Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state.
 - c. A "saltpond," which is 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 sea water in the course of salt production for commercial purposes.
 - d. A "managed wetland 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.
 - e. A "submerged area," which is 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 values to the state as open space.
2. **Recreational Use** is the use of land in its agricultural or natural state by the public with or without charge, for walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation. Any fee charged for any of these recreational uses of land shall be reasonable amount and shall not have the effect of unduly limiting its use by the public. Any ancillary structures necessary for recreational use shall comply with the provisions of Section IV(A)(1) above.

B. Eligibility Standards

- 1. Except for the General Plan Requirements and Zoning Requirements as provided under this section, all other

eligibility standards set forth in Section III above shall apply to preserves for open space and recreational use.

2. General Plan Requirements

The property must be designated on the Land Use and Circulation Map of the Solano County General Plan under one of the following land use categories:

Watershed
Marsh

3. Zoning Requirements

The property must be zoned under the Zoning Code (Chapter 28 of the Solano County Code) under one of the following zoning districts:

Watershed and Conservation
Marsh Preservation

C. Permitted and Compatible land uses

Permitted and compatible uses for lands within preserves established for open-space or recreational uses shall be established at the time of considering an application to establish the preserve, based on the compatibility principles and criteria described in Section IV and the uses authorized by the applicable zoning district regulations.

VI. LOT LINE ADJUSTMENTS

A. In addition to all other requirements applicable to lot line adjustments, a lot line adjustment involving one or more parcels under land conservation contract shall not be approved unless the Planning Commission or Board of Supervisors makes the following findings, as required by Gov. Code Section 51257(a):

- 1.** The lot line adjustment complies with all of the findings and requirements for lot line adjustments as set forth in Chapter 26, Article IV of the Solano County Code.
- 2.** The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

3. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 4. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 5. After the lot line adjustment, the parcels of the land subject to contract will be large enough to sustain their agricultural use.
 6. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
 7. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 8. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the Solano County General Plan.
- B.** A lot line adjustment involving parcels under more than one land conservation contract, or which would alter the outer perimeter of the land subject to contract, shall be heard by the Board of Supervisors and may be approved only if the landowner(s) and County mutually agree to rescind the contracts and simultaneously enter into a replacement contract or contracts pursuant to these rules
- C.** A lot line adjustment involving parcels under a single land conservation contract and which would not alter the outer perimeter of the land subject to that contract shall be heard by the Planning Commission. Because the contract runs with the land and applies to the newly-configured parcels, no replacement contract is required.
- D.** The lot line adjustment shall not result in a parcel under contract that is less than 10 acres for Prime land or less than 40 acres for Nonprime land.

- E.** If a replacement contract is required, the replacement contract shall be recorded simultaneously with the Certification of Compliance for the lot line adjustment.
- F.** A lot line adjustment shall not be approved if notice of nonrenewal has been filed on any parcel involved in the lot line adjustment.

VII. SUBDIVISIONS

- A.** Land subject to a land conservation contract shall not be subdivided unless all parcels created by the subdivision will comply with the following minimum size requirements:
 - 1.** Except for parcels zoned A-SV-20, the minimum parcel size for new parcels created within preserves established prior to December 27, 1977, is 41 acres.
 - 2.** Except for parcels zoned A-SV-20, the minimum parcel size for new parcels created within preserves established or amended on or after December 27, 1977, is 80 acres.
 - 3.** For parcels zoned A-SV-20, the minimum parcels size for new parcels created within preserves is 20 acres.
- B.** In addition to all other requirements applicable to subdivisions, a subdivision involving one or more parcels under land conservation contract shall not be approved unless the Board of Supervisors makes the findings required by Gov. Code Section 66474.4(a). These Rules and Procedures may be used to support the required findings, as follows:
 - 1.** The requirement that resulting parcels be large enough to support their agricultural use, using the presumption described in Gov. Code Section 51222, is satisfied by the requirement in Section VII(A) that resulting parcels be at least 20, 41 or 80 acres; and
 - 2.** The requirement that the subdivision will not result in residential development not incidental to the commercial agricultural use of the land is satisfied by the presumption described in Section IV(B)(5).
- C.** Subdivisions that alter the outer perimeter of land subject to a land conservation contract shall only be approved only if the landowner(s) and County mutually agree to rescind the contract or contracts and simultaneously enter into a replacement contract or contracts pursuant to these rules.

- D.** The subdivision approval shall require that the replacement contract or contracts be approved prior to, and recorded simultaneously with, the parcel map or final map.
- E.** Acquisition of land within a preserve by a public agency is not a subdivision of land for purposes of these Rules and Procedures, and the minimum parcel size requirements described in Section VII(A) shall not apply either to the land acquired by the public agency or to the remainder parcel.

VIII. APPLICATION PROCEDURES

- A. Agricultural Preserves and Land Conservation Contracts**
 - 1. Appendix A
- B. Notice of Non-renewal**
 - 1. Appendix B
- C. Cancellation**
 - 1. Appendix C
- D. Building Permits**
 - 1. Appendix D

IX. Monitoring Procedures for Land Conservation Contracts

- A.** To insure compliance with the requirements to maintain the property in commercial agricultural use, the property owner shall maintain records of annual productive acreage and its production value to demonstrate continued eligibility, and shall provide this information to the County upon request.
- B.** The Assessor/Recorders Office mails annual surveys on agricultural production to property owners with lands under a Land Conservation Contract. Property owners shall return Assessor's requests for information by the due date noted on the survey. Failure to return complete information will require the Assessor to estimate agricultural production, income and expenses for the parcels.

Table A

PERMITTED (P), COMPATIBLE (C), and NON-PERMITTED (NP) LAND USES		
LAND USE	LAND TYPE	
	PRIME	NON-PRIME
AGRICULTURAL LAND USES		
Crop production, including orchards and vineyards	P	P
Minor agricultural related ancillary uses (including harvesting or trucking of onsite & offsite product)	P	P
Aquaculture	P	P
Animal production facilities and operations		
Kennels and catteries	NP	C Section IV.B.6
Fowl and poultry ranches	P	P
Grazing	P	P
Hog ranches	P	P
Confined animal facilities, including dairies	P	P
Agricultural accessory structures	P	P
Wind turbine generators, non-commercial (over 100 ft.)	C	C
Agricultural processing facility – On-site products	P	P
Agricultural processing facility – Off-site products	C	C
Agricultural processing facility with special events	C	C
RESIDENTIAL USES		
Principal dwelling	C	C
Secondary dwelling	C	C
Agricultural employee housing	C	C
HCD Agricultural employee housing	C	C
Home occupations	C	C
Rural resident enterprise	C	C
Storage, manufactured home	C	C
Temporary single family dwelling	P	P
Stable, private	C	C
HABITAT LAND USES		
Management of wetlands	NP	C
Restoration of tidal, managed and seasonal wetlands using approved dredge sediments.	NP	C

PERMITTED (P), COMPATIBLE (C), and NON-PERMITTED (NP) LAND USES		
LAND USE	LAND TYPE	
	PRIME	NON-PRIME
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES		
Boating and swimming facilities on existing waterways	NP	C
Stable, public, horse show and horse breeding	NP	C Section IV.B.6
Hunting and fishing clubs	C	C
Agricultural education	C	C
Limited public events	NP	NP
Marsh oriented recreation use and use incidental to recreation	NP	C
Commercial recreation use (e.g. bait shop, refreshment stand)	NP	C
Scientific research and education facility directly related to the marsh environment and similar uses as may be determined by the Planning Commission.	NP	C
RETAIL TRADE USES		
Farm supplies and farm equipment sales	NP	NP
Roadside stands, 80 feet or more from street centerline	P	P
Roadside stands, less than 80 feet from street centerline	P	P
AGRICULTURAL SERVICE USES		
Veterinary facilities	NP	NP
Agricultural trucking services and facilities	NP	NP
Airfields and heliports, Agricultural	NP	NP
Custom farm services, e.g. hay baling	NP (unless clearly ancillary to onsite agriculture)	NP (unless clearly ancillary to onsite agriculture)
Farm equipment fabrication and repair	NP (unless clearly ancillary to onsite agriculture)	NP (unless clearly ancillary to onsite agriculture)

PERMITTED (P), COMPATIBLE (C), and NON-PERMITTED (NP) LAND USES		
LAND USE	LAND TYPE	
	PRIME	NON-PRIME
COMMUNICATIONS AND INFRASTRUCTURE USES		
Injection wells	C	C
Oil and gas wells	C	C
Pipelines, transmission and distribution lines in R.O.W.	C	C
Public service facility	C	C
Cemetery	NP	NP
Refuse dumping, disposal, processing, composting	NP	NP
Surface mining operation	NP	C
Utility facilities or infrastructure, outside of R.O.W.	C	C
Wind turbine generators, commercial	C	C
Wireless communication facilities	C	C
Dredging of minerals or natural materials	NP	C
Temporary facilities for the transfer of levee materials from shore to barge.	NP	C
Restoration of tidal, managed and seasonal wetlands using approved dredged sediments.	NP	C

Appendix A

PROCEDURE FOR ESTABLISHMENT OF AGRICULTURAL PRESERVES AND LAND CONSERVATION CONTRACTS IN SOLANO COUNTY

Establishment of Agricultural Preserves and Land Conservation Contracts as enabled by the California Land Conservation Act of 1965 (Williamson Act), as amended.

1. A land owner may petition the Solano County Board of Supervisors for establishment of an agricultural preserve and enter into a land conservation contract with the County pursuant to the Act by filing an application with:

**The Solano County Department of Resource Management
675 Texas Street, Suite 5500, Fairfield, CA 94533**

2. One ownership only is permitted under each application and may consist of a single parcel or several contiguous parcels.
3. Each application must be completed and accompanied by:
 - a. Assessor's Parcel Map showing the proposed preserve outlined in red and matching the legal description. (Secure map from Assessor's Office.)
 - b. A copy of the written legal or deed description of the property to be placed under contract.
 - c. Two (2) standard form contracts signed by the applicant-owner(s) and notarized restricting the property to agricultural or compatible uses. (Secure forms from the Resource Management office.)
 - e. Evidence that the property is in commercial agricultural use by submitting documentation that the production value for the property meets or exceeds the minimum production value for 3 out of the last 5 years as established in the County's Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts
 - d. Filing Fee: As determined by the Board of Supervisors

The Application Filing Fee includes the cost of time and materials for Planning Services Division processing, reporting, public notice and hearing for this type of application. This fee does not include environmental review. **If time and materials needed to process your application exceed the application filing fee amount plus 100% of the fee amount, you will be billed for the additional costs incurred by the County.**

Note: All application materials must be submitted 8 1/2 x 11 inches in size to be recorded. Application materials may not be taped or stapled to any sheet.

4. Upon acceptance of the application by Resource Management, the steps below will be followed:
 - a. The Solano County Planning Commission will hold a public hearing on applications that require an interpretation of consistency with the County's Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts or the Williamson Act.
 - b. The Board of Supervisors will hold a public hearing and decide whether or not to establish the agricultural preserve and enter into the land conservation contract.
 - c. The contract referred to in 3(b) above will be executed by the Board of Supervisors, if the decision is to approve and establish the agricultural preserve.
 - d. One copy of the executed contract will be mailed to the applicant-owner(s) and the other copy will be retained by the County and recorded.
5. Applicant will be notified of public hearings and resulting actions. Applicants are encouraged to attend and be available to answer questions which may arise at each of the public hearings.

Note: Applications may require up to 90 days or longer in some cases to process. Applications accepted after October 1 may not be processed in time to meet the following year tax roll effective January 1.

Appendix B

PROCEDURES FOR FILING NOTICE OF NONRENEWAL OF LAND CONSERVATION (Williamson Act) CONTRACTS

1. **GENERAL COMMENTS** - If the landowner desires in any year not to renew the land conservation contract, the landowner shall serve written notice of nonrenewal of the contract upon the Board of Supervisors 90 days in advance of the annual renewal date of the contract. Unless such written notice is served by the landowner's at least 90 days prior to the annual renewal date, the contract shall be considered renewed as provided in Section 51244 or 51244.5 of the Government Code.
2. **FILING NOTICE** - A written notice must be signed by the owner(s) of the contracted land and filed with the Clerk to the Board of Supervisors.
3. **RECORDING NOTICE** - Within 20 days of receipt of a correctly filed written notice, the Clerk to the Board of Supervisors shall record with the County Recorder a copy of the Notice of Nonrenewal and notify the Planning Services Division of the recording.
4. **NOTICE TO STATE DEPARTMENT OF CONSERVATION** - The Planning Services Division shall provide a copy of the Notice of Nonrenewal to the Director of Conservation within 30 days of receipt of correctly filed written notice.
5. **EFFECT** - Upon filing Notice of Nonrenewal, the contract shall remain in effect for the balance of the period remaining (approximately 9 years) except that taxes will gradually increase towards full unrestricted value. Contact the County Assessor's Office to determine the rate and amount of any tax increase.

NOTE: Notice of Nonrenewal forms are available at the Department of Resource Management, Planning Services Division. It is recommended the form be returned to the Planning Services Division to be checked for completeness prior to filing with the Clerk to the Board of Supervisors for recordation.

Appendix C

LAND CONSERVATION CONTRACT (Williamson Act) CANCELLATION INSTRUCTIONS

1. **GENERAL COMMENTS** - The purpose of this process is to remove land from an Agricultural Preserve and Land Conservation Contract. This removes the property from the land use restrictions associated with the Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts in Solano County and also eliminates any tax savings inherent in land conservation contract assessments.
2. **APPLICATION** - The application will be accepted when the following information is filed with the Department of Resource Management.
 - a. Completed Petition for Cancellation of Land Conservation Contract signed by the owner(s) of record.
 - b. Completed Environmental Evaluation Questionnaire provided by the Department of Resource Management.
 - c. Cancellation of a portion of an agricultural preserve and land conservation contract requires submittal of a legal description of the property and a copy of the Assessor's Parcel Map delineating the property.
 - d. Filing Fee: Fee as set by the Board of Supervisors

The Application Filing Fee includes the cost of time and materials for Planning Services Division processing, reporting, public notice and hearing for this type of application. This fee does not include environmental review. **If time and materials needed to process your application exceed the application filing fee amount plus 100% of the fee amount, you will be billed for the additional costs incurred by the County.**

3. **PUBLIC NOTICE** - Two advertised public hearings are required for each cancellation petition, one by the Planning Commission and one by the Board of Supervisors. At least ten (10) days prior to each hearing, the Department of Resource Management will provide written notice by first class mail to the applicant and owners of property located within 500 feet of the property involved. Notice will also be published in a newspaper of general circulation or posted in the vicinity of the project location. This public notice is to inform the public of their right to appear and be heard on the matter.
4. **PUBLIC HEARING** - The owner or his representative should be present at the public hearings. If he is unable to attend, he may request a continuance in writing. During the hearings before the Planning Commission and the Board of Supervisors, all interested persons will have the opportunity to speak in favor or in opposition to granting the cancellation petition. Persons speaking will usually

be asked their interest in the petition and other pertinent questions deemed necessary in determining approval or denial of the cancellation petition. Normally, the applicant is invited to speak first.

5. **DECISION** - The Planning Commission holds a public hearing on the cancellation petition and adopts a resolution which is forwarded to the Board of Supervisors. The Assessor's Office determines a cancellation value and certifies it for the Board of Supervisors. The Board then determines a cancellation fee and certifies the amount to the Auditor. The Board of Supervisors then holds its public hearing on the cancellation petition. In order to approve a cancellation petition the Board of Supervisors must find that either:

- (1) cancellation is consistent with the purposes of the Williamson Act; or
- (2) cancellation is in the public interest.

Under (1) above the Board of Supervisors must make all of the following findings:

- a. That the cancellation is for land on which a notice of non-renewal has been served.
- b. That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- c. That cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan.
- d. That cancellation will not result in discontinuous patterns urban development.
- e. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

Under (2) above (cancellation is in the public interest) the Board of Supervisors must specifically find:

- a. That other public concerns substantially outweigh the objectives of the Williamson Act.
- b. That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contract land should be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

6. **PETITION GRANTED** - Upon tentative approval of a cancellation petition, several steps are required (Section 51283.3 and 51283.4) to complete the process which includes:

- a. The Clerk to the Board of Supervisors records a Certificate of Tentative Cancellation which contains at least: the name of the property owner, the amount of the cancellation fee as certified by the Board, any contingency of waiver, or deferment of its payment, conditions and contingencies and legal description of the property involved.
- b. The landowner notifies the Board when the conditions and contingencies enumerated in the certificate of tentative cancellation have been satisfied. Within thirty (30) days of receipt of such notice, and determination that conditions and contingencies have been satisfied, the Clerk to the Board shall record a Certificate of Cancellation of the contract.

APPENDIX D

**SUPPLEMENT TO
BUILDING PERMIT APPLICATION
FOR INCIDENTAL STRUCTURES TO COMMERCIAL AGRICULTURE ON
PROPERTIES UNDER LAND CONSERVATION (Williamson Act) CONTRACTS**

Building Permit Number: _____ Zoning District: _____

Assessor Parcel Number(s): _____

Land Conservation Contract No.: _____

The subject property is under a Land Conservation (Williamson Act) Contract. Under the contract provisions, the subject parcel shall not be used for any purposes other than “an agricultural use” and “open space use” as provided in Section 51205 of the Government Code or uses compatible with “agricultural use” as defined in the Land Conservation Act (Williamson Act) of 1965 and the “Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts” adopted by the Solano County Board of Supervisors.

Please provide the following information in support and as part of your application for a Building Permit for either a residential structure or agricultural structure on the subject property. First check the applicable use, residential structure or agricultural structure. Second, provide a brief explanation of the applicable circumstances.

Residential Structure (Check applicable use if residential structure)

_____ Single family dwelling (A¹), one-family dwelling or manufactured dwelling (AL², W³, MP⁴) (Primary residence)

_____ Accessory Dwelling Unit (A¹) or Secondary Living Unit (AL²)

A residence must be incidental to the commercial agriculture use of the property. To be incidental to commercial agriculture, the residential structure must be for person(s) engaged in the commercial agricultural operations including the property owner, agriculturalist (property owner or lessee), or agricultural employee and their families as defined in the “Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts”.

Briefly describe the applicable circumstances:

Agricultural Structure (check if agricultural structure)

_____ Agricultural Accessory Structures (A¹) or Buildings and uses clearly accessory or incidental to any permitted use located on the premises including, barns sheds and other farm buildings (AL², W³, MP⁴)

Briefly describe the proposed use of the agricultural structure and how it supports the commercial agricultural use of the subject property:

ACKNOWLEDGEMENTS

I (We) hereby acknowledge notice that the Land Conservation Contract and “Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts” restricts the proposed structure to uses compatible and incidental to the commercial agricultural use of the property.

I (We) further acknowledge notice that if the proposed structure is later found not to be compatible or incidental to the commercial agriculture use of the property resulting in a material breach to the Land Conservation Contract, the property owner may be subject to fines for up to 25 percent of the unrestricted fair market value of the land rendered incompatible by the breach of contract, plus 25 percent of the value of the incompatible building and any related improvements on the contracted land.

I (We) certify under penalty of perjury that the information provided above, is true and correct.

Signature of Property Owner(s) of Record

Date and Place

_____	_____
_____	_____
_____	_____
_____	_____

¹ (A) Uses allowed under the Exclusive Agricultural Zoning District

² (AL) Uses allowed under the Limited Agricultural Zoning District

³ (W) Uses allowed under the Watershed and Conservation Zoning District

⁴ (MP) Uses allowed under the Marsh Preservation Zoning District

Appendix E

Monitoring Procedures for Land Conservation Contracts

In order to ensure compliance with the provisions of a Land Conservation Contract, the Department of Resource Management may initiate a review of a contract under the following circumstances:

- Application for Building Permit
- Application for Use Permit
- Citizen's/Code Violation complaint
- Notice from the State Department of Conservation (Gov. Code Section 51250(c))

Building Permits and Use Permits

As part of a building permit or use permit application Resource Management may request that the property owner(s) provide documentation that the property is under commercial agricultural use or maintained in open space or recreational use as defined in the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts.

Citizen's or Code Violation Complaints and Notice from the State Department of Conservation

In response to a citizen's complaint, alleged code violation, or notice from the State Department of Conservation, Resource Management may conduct an initial inspection of the property. As part of the investigation, Resource Management may request that the property owner(s): 1) provide documentation that the property is under commercial agricultural use or maintained in open space or recreational use as defined in the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts and/or 2) provide documentation explaining the facts and circumstances related to a possible non-compatible use.

Notice of Potential Breach of Contract

If commercial agricultural activity is not evident and the property does not meet the requirements for open space and recreational use, or non-compatible uses have been established, Resource Management shall issue a "Notice of Potential Breach of Contract" requesting the property owner(s) provide documentation that the property is in commercial agricultural as defined in the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts. The property owner(s) shall have 60 days to provide the documentation.

If a non-compatible use has been established contrary to the compatible uses established in the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts, Resource Management shall issue "Notice of Potential Breach of Contract" to the property owner(s) and to State Department of Conservation for building or buildings greater than 2500 sq. ft. within 10 days of determining that a breach of contract is likely to exist. A property owner(s) shall have 60 days to abate the non-compatible use.

The "Notice of Potential Breach of Contract" shall include the reasons for the determination and a copy of the contract.

Board of Supervisors Hearing

If after 60 days the property owner(s) has not provided documentation the property is under commercial agricultural use or the non-compatible use has not been abated, the land conservation contract shall be scheduled for public hearing before the Board of Supervisors no more than 120 days after the "Notice of Potential Breach of Contract" was issued.

Resource Management shall give notice of the public hearing by certified mail, return receipt requested, to the property owner(s) at least 30 days prior to the hearing. If potential breach of contract is for a non-compatible use, notice shall also be provided to the State Department of Conservation for building or buildings greater than 2500 sq. ft.

Resource Management shall also give notice by first class mail to all property owners under contract within one mile of the exterior boundary of the contracted land on which the likely breach exists. A notice of the hearing shall also be published pursuant to Government Code Section 6061, including the date, time and place of the public hearing.

The Board of Supervisors shall consider any oral or written testimony presented at the public hearing.

Board of Supervisors Determinations

If the Board of Supervisors finds that the property is not under commercial agricultural use, the Board shall authorize the Chair to execute a Notice of Non-renewal on the subject property and authorize the Clerk to the Board to record said document.

If the Board of Supervisors finds that a breach of contract exists for a non-compatible use, the Board shall either:

1. Order the property owner(s) to eliminate the conditions that resulted in the breach of contract within 60 days.

2. Authorize the Chair to execute a Notice of Non-renewal on the subject property and authorize the Clerk to the Board to record said document.
3. For non-compatible uses with building or buildings that exceed 2500 sq. ft., assess the monetary penalty pursuant to Government Code Section 51250 (j) and terminate the contract on that portion of the contracted parcel that has been made incompatible by the breach of contract.