

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

- I. Introduction
- II. Definitions
- III. Eligibility Requirements for Preserves and Contracts
 - A. Applications
 - B. Agricultural Preserves
 - 1. General Requirements
 - 2. Minimum Parcels Size
 - 3. Amendments to Agricultural Preserves
 - C. Land Conservation Contracts
 - 1. Commercial Agricultural Use
 - 2. Compatible Land Uses
 - 3. General Plan Requirements
 - 4. Zoning Requirements
 - 5. Minimum Parcel Size
 - D. Binding Effect of Land Conservation Contracts
- IV. Permitted and Compatible Land Uses
 - A. Principles of Compatibility
 - B. Additional Compatibility Criteria
 - C. Residential Uses Incidental to Agricultural Use
 - D. Determination of Compatible Use
 - E. Permitted and Compatible Land Use Table
- V. Eligibility Requirements for Open Space and Recreational Uses
 - A. Open Space and Recreational Use
 - B. Eligibility Standards
 - C. Permitted and Compatible Land Uses
- VI. Lot Line Adjustments

- VII. Subdivisions
- VIII. Application Procedures
- IX. Monitoring Procedures for Land Conservation Contracts

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 or 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.