



MEMORANDUM

DATE: JUNE 4, 2015

TO: MENDOCINO COUNTY PLANNING COMMISSION

FROM: PLANNING & BUILDING SERVICES

RE: ORDINANCE AMENDMENT #OA_2014-0005, AMENDMENT TO CHAPTER 22.08-
RESOURCE PRESERVES WILLIAMSON ACT POLICIES AND PROCEDURES

PROJECT DESCRIPTION: The County seeks to update its policies and procedures for the establishment and management of Agricultural Preserves and Williamson Act Contracts within the County. The proposed Policies and Procedures are intended to supplant the provisions of Chapter 22.08 of the County Code, which is recommended to be repealed upon adoption. If adopted, the updated Policies and Procedures would be scheduled to take effect on January 1, 2016. A draft document was prepared by County staff in March 2015 and has been presented to interested members of the public at a series of five meetings which took place between April 6 and April 11 at various locations throughout the County. Through that process, comments on the draft were taken and evaluated by County staff (see Attachment A for a summary of the Questions and Answers generated from the meetings) and included as part of these materials for further consideration by the Planning Commission.

BACKGROUND: The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The County of Mendocino adopted Chapter 22.08 of the County Code in 1970, establishing its Williamson Act program at that time. Since then, the County has enrolled approximately 430,000 acres into Williamson Act contracts, helping to preserve both prime and non-prime agricultural lands for commercial agricultural uses.

The 2009 Mendocino County General Plan (General Plan Policy Action Item RM 110.1) places a priority on protection of the County's agricultural resources including the review and amendment of appropriate provisions within the County's Resource Preserves Ordinance (Chapter 22.08). The proposed Policies and Procedures are intended in part to fulfill this action item as well as to bring the Agricultural Preserve process into conformity with current County and State regulations.

UPDATED POLICIES AND PROCEDURES: The above noted requirements and restrictions were established for the County through the adoption of the Resource Preserves Ordinance. The proposed draft of the updated Policies and Procedures is intended to supplant the provisions of Chapter 22.08. Attachment B provides a comparison between the current rules under Chapter 22.08 and where to find similar rules in the draft document.

Notable changes in the proposed Policies and Procedures include the following:

- In establishing an Agricultural Preserve (a pre-requisite to entering into a Williamson Act contract),

only contiguous parcels which qualify may be combined to form the minimum 100 acre preserve. Eliminated is an allowance for non-contiguous parcels in common ownership to combine into the minimum 100 acre preserve.

- Previously used distinctions between Types I, II or III Agricultural Preserves for lands considered prime, non-prime or open space, respectively, will be removed allowing for qualifying agricultural or open space land to occur within all established preserves.
- Agricultural or open space land shall be deemed to be devoted to agricultural or open space uses when a minimum of 50 percent of the land is continuously used or maintained for agricultural uses, unless the Board of Supervisors determines that more than 50 percent of the land is not suitable for agricultural or open space uses due to soil, slope, geologic, or other significant constraints, or that the remainder of the land is continuously used or maintained for agricultural uses.
- Eligibility will be determined by annual income requirements for all qualifying agricultural operations replacing, in the case of grazing operations, previous formulas using animal unit (AU) carrying capacities.
- Any existing Williamson Act contract entered into prior to January 1, 2016, that restricts more than one legal ownership will be deemed divided and the contract will apply separately and independently to each ownership under the contract, except that, at the election of the owner, multiple contiguous parcels under the contract may be considered a single undivided parcel for the purposes of determining contract eligibility and compliance when the parcels are: 1) in the same ownership; 2) farmed together; and 3) individually meet the minimum parcel size requirements.

ADDITIONAL REVISIONS: Since the posting of the draft Policies and Procedures (as well as the public meetings held in early April), certain revisions have been proposed by staff addressing concerns raised either by the public or else by staff themselves regarding other administrative areas where changes were deemed appropriate.

The proposed revisions are shown in the attached ~~strikeout~~/underline version of the draft Policies and Procedures. Further revisions regarding income reporting is discussed below requiring some discretion on the part of the Planning Commission/Board of Supervisors.

Income Reporting for Grazing Operations- During the public meetings, concerns were noted about possible consequences from unforeseen circumstances (e.g. severe drought conditions, significant market declines, etc.) and how they might affect the income reporting proposed for ranching operations in the draft Policies and Procedures.

The minimum annual gross income figures to qualify and maintain eligibility for grazing operations is listed in Table 5-2 (fifth row). Regarding the “extenuating circumstances,” staff recommends that, in such cases, the Board of Supervisors consider enacting a resolution suspending or modifying certain requirements of the Policies and Procedures on a short-term basis.

Format of Policies and Procedures- The proposed revision of the County’s Williamson Act regulations has been in the form of a separate “Policies and Procedures” document, intended to be adopted by resolution of the Board of Supervisors. They are intended to supersede the provisions currently found in Chapter 22.08 of the Mendocino County Code. It is proposed that Chapter 22.08 will be amended by ordinance to include only a single section that will provide for the adoption by resolution of policies and procedures creating a system for the establishment of agricultural preserves and contracts. The Board of Supervisors would then adopt a resolution adopting the proposed Policies and Procedures.

ENVIRONMENTAL DETERMINATION: The project has been determined to be Categorically Exempt under Class 7 of the California Environmental Quality Act (CEQA). Section 15307 of the CEQA Guidelines states that “actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment” are considered to be exempt. The

proposed project will establish procedures and guidelines intended to protect farmlands from potential land uses deemed to be incompatible with production agricultural activities.

REQUESTED ACTION BY THE PLANNING COMMISSION: Staff requests that the Planning Commission recommend that the Board of Supervisors adopt an ordinance amending Chapter 22.08 of the Mendocino County Code and a resolution approving the proposed Policies and Procedures.

Attachment A- Question & Answer Summary

Attachment B- Comparison Table

Attachment C- Draft Policies and Procedures (Strikeout/underline)

Attachment D- Draft Policies and Procedures (Clean version)

Attachment E- Draft Ordinance