

CURRENT PROVISION	PROPOSED POLICIES & PROCEDURES
<p><u>Section 22.08.020: Creation of Preserves</u></p> <p>(A) Property within the County of Mendocino may be incorporated into agricultural preserves, and property within any agricultural preserve may be further restricted by contracts between the County of Mendocino and the owners of said property pursuant to the following procedures and not otherwise:</p> <p>(1) An agricultural preserve shall consist of no less than 100 acres; provided that, in order to meet this requirement, two or more parcels may be combined if they are contiguous or if they are in common ownership; and further provided that no parcel containing less than 100 acres shall be combined for this purpose with any parcels subject to an existing agricultural preserve contract unless the owners of all parcels included within the agricultural preserve have indicated their approval in writing on the petition. An agricultural preserve may contain land other than agricultural land, but the use of any land within the preserve and not under contract shall within two (2) years of the effective date of any contract on land within the preserve be restricted by zoning or other suitable means in such a way as not to be incompatible with the agricultural use of the land, the use of which is limited by contract in accordance with this chapter. Agricultural preserves of less than 100 acres may be established if the Board of Supervisors finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area and that the establishment of preserves of less than 100 acres is consistent with the General Plan of the County.</p> <p>(2) A petition for the formation of an agricultural preserve containing one hundred (100) or more contiguous acres shall be filed with the Mendocino County Planning Department. Said petition shall be executed by all property owners within the proposed preserve and shall contain the following:</p> <p>(a) Names and addresses of all parties of record title within the preserve.</p>	<p>Section 4.0 Agricultural Preserves</p> <p>Language substantially the same as that found in Section 22.08.020</p> <p>Section 4.2(B) Language substantially the same as 22.08.020(1). However, a notable omission from the original language can be found in the first sentence. The new policy as proposed states that “[a]n agricultural preserve shall consist of no less than 100 acres; provided that, in order to meet this requirement, two or more parcels may be combined if they are contiguous and further provided that no parcel containing less than 100 acres shall be combined...” The phrase “<i>or if they are in common ownership</i>” has been removed to ensure that all agricultural preserves remain contiguous.</p> <p>Section 4.2(C) Language substantially the same as 22.08.020(A)(2). A notable addition is the sentence “[o]nly whole parcels shall be accepted into an agricultural preserve” to ensure uniformity among contracted lands.</p> <p>1. Names and addresses of all parties of record title within the preserve.</p>

<p>(b) A statement of intent' for the property to be incorporated into an agricultural preserve as defined by the California Land Conservation Act of 1965 also known as the Williamson Act and subsequent amendments.</p> <p>(c) A legal description, or the assessor's parcel number, of the land which is proposed to be included within the preserve and a statement that it covers a minimum of one hundred (100) or more acres.</p> <p>(d) A description of the general character and current use of the property.</p> <p>(3) Said petition shall have affixed thereto a map of sufficient size to adequately reflect the following:</p> <p>(a) Exterior boundaries of the proposed preserve and approximate acreage.</p> <p>(b) All individual parcels within the proposed preserve, approximate acreage of each, and assessor's parcel number.</p> <p>(c) Names of the owners of each parcel.</p> <p>(4) No property shall be incorporated into an agricultural preserve unless the Board of Supervisors finds that it meets the eligibility qualifications established by this chapter for prime agricultural land, timberland, rangeland, recreational use, land within a scenic highway corridor, wildlife habitat, salt pond, a managed wetland area, or submerged area. An agricultural preserve consisting primarily of prime agricultural land shall be classified as Type I. An agricultural preserve consisting primarily of rangeland or forest land shall be classified as Type II and all other remaining agricultural preserves shall be classified as Type III.</p>	<p>Requirement of Section 22.08.020(b) not included in new policies.</p> <p>2. A legal description, or the assessor's parcel number, of the land which is proposed to be included within the preserve and a statement that it covers a minimum of one hundred (100) or more acres.</p> <p>Requirement of Section 22.08.020(d) not included in new policies.</p> <p>3. Said application shall have affixed thereto a map of sufficient size to adequately reflect the following:</p> <p>(a) Exterior boundaries of the proposed preserve and acreage.</p> <p>(b) All individual parcels within the proposed preserve, approximate acreage of each, and assessor's parcel number.</p> <p>(c) Names of the owners of each parcel.</p> <p>Section 4.1 would change this provision by removing the distinction between the "Types" as follows:</p> <p>Under the County's prior rules, the County had three different types of agricultural preserves - Type I, II, and III preserves. Type I preserves were for prime agricultural land, Type II preserves were for non-prime agricultural land and Type III preserves were for open space land. It is the intent of the Board of Supervisors in enacting these Policies and Procedures to eliminate the distinction between the three types of preserves. Under these Policies and Procedures, once an agricultural preserve is established, a Williamson Act contract may be executed for any qualifying agricultural or open space land within the preserve.</p>
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<p>(5) A public hearing shall be held by the Planning Commission pursuant to legal notice, and within thirty (30) days after receiving the petition, the Planning Commission shall submit a report thereon to the Board of Supervisors; provided, however, that the Board of Supervisors may extend the time allowed for an additional period not to exceed thirty (30) days.</p>	<p>Section 4.2 (E) Language substantially the same as that found in Section 22.08.020(A)(5) with the exception of the last sentence beginning with “[d]uring said public hearing...”</p>
<p>During said public hearing, any interested person may appear and present evidence. All relevant evidence shall be received and considered by the Commission.</p>	
<p>(6) The Board of Supervisors, upon receipt of the Planning Commission report, shall hold a public hearing on the petition for the Agricultural Preserve and the Planning Commission's report. Notice of the hearing shall be published for one time in a newspaper of general circulation in Mendocino County and shall include a legal description, or the assessor's parcel number, of the land which is proposed to be included within the preserve. If the Board decides to establish the agricultural preserve, it shall do so by a resolution which shall determine the boundaries of those areas within which Mendocino County will be willing to enter into agricultural preserve contracts.</p>	<p>Section 4.2(F) Language the same as that found in Section 22.08.020(A)(6) <u>changed to read as follows: The Board of Supervisors, upon receipt of the Planning Commission report, shall hold a public hearing on the petition for the Agricultural Preserve and the Planning Commission's report. The Board shall make a determination to establish, disestablish, or alter an agricultural preserve by a resolution which shall determine the boundaries of those areas within which the Board will be willing to enter into Williamson Act contracts.</u></p>
	<p><u>Section 4.3(A) additionally notes the following: Notice of the public hearing to establish, disestablish, or alter an agricultural preserve shall be provided, which includes a legal description or the assessor's parcel number of the subject land, in compliance with all of the following:</u></p> <p><u>1. By publication of notice for one time in a newspaper of general circulation in Mendocino County pursuant to Government Code Sections 6060 and 6061;</u></p>
<p>(7) Property shall be deemed contiguous although not actually touching if the only division is caused by a railroad, roadway, public thoroughfare, or private easement.</p>	
<p>(8) No agricultural preserve may be established or approved by the Board of Supervisors unless the property within the proposed preserve boundaries has been approved by the Board of Supervisors for the following restrictive zoning: Agricultural (A-G), Rangeland (R-L), Forestland (F-L), or zoning allowing "recreational use" or "open-space use" as set forth in this chapter. The Planning Commission and the Board of Supervisors may consider petitions for rezoning of said property at the same time it considers the petition for the formation of an agricultural preserve for said</p>	<p>No similar definition within the proposed Policies and Procedures</p>

<p>property. No agricultural preserve contract may be executed on behalf of the County until the ordinance rezoning the property covered by said contract to the aforesaid restrictive zoning has become final.</p> <p>(9) The fees for the processing of agricultural preserves shall be as set forth in the schedule adopted by resolution of the Board of Supervisors.</p>	<p>Section 4.2(A) No agricultural preserve may be established or approved by the Board of Supervisors unless all properties within the proposed preserve boundaries has been approved by the Board of Supervisors for the following restrictive zoning: Agricultural (A-G), Rangeland (R-L), or Forestland (F-L).</p> <p>Section 4.2(D) No application shall be deemed complete, and processing shall not commence on any application, until all required fees have been paid, and all required information and materials have been submitted.</p> <p>Section 4.2(H) The fees for the processing of agricultural preserves shall be as set forth in the schedule adopted by resolution of the Board of Supervisors.</p>
<p><u>Section 22.08.021: Definitions</u> Changes have been made to definitions. The definitions that have remained the same are as follows: Managed Wetland Area; Open Space Use; Salt Pond; Scenic Highway Corridor and Submerged Area.</p>	<p>Section 3.0 The following definitions have been added or changed in the proposed policies and procedures:</p> <p>Added:</p>

	<p>(D) "Annual renewal date" means January 1st of each year.</p> <p>(E) "Assessor's Parcel Number (APN)" means a number assigned to parcels of real property by the assessor of a particular jurisdiction for purposes of identification and record-keeping. The assigned number is unique within the particular jurisdiction, may conform to certain formatting standards that convey basic identifying information such as location on a plat map.</p> <p>(F) "Clerk of the Board" means the Clerk of the Board of Supervisors.</p> <p>(H) "Contiguous" means sharing a common boundary or boundaries. Land shall be considered contiguous even if it is separated by roads, streets, utility fees or easements, or railroad rights -of- way.</p> <p>(I) "Contracted land" means any agricultural or open space land restricted by a Williamson Act contract.</p> <p>(J) "County" means the county of Mendocino in the State of California.</p> <p>(K) "Devoted to Agricultural or Open Space Uses" means when agricultural or open space land is used or maintained in compliance with the Eligibility Requirements of these Policies and Procedures commencing with Section 5.0.</p> <p>(L) "Director" means the Director of Planning and Building Services or his or her authorized representative.</p> <p>(M) "Dwelling" means single family dwelling.</p> <p>(N) "Entertainment events or religious assembly" means the temporary gatherings of people for a circus, carnival, concert, lecture, art or antique show or religious purposes.</p> <p>(N) "General Plan" means the Mendocino County General Plan including the Mendocino Local Coastal Program.</p> <p>(O) "Immediate family member" means a spouse, natural or adopted child, parent, or sibling.</p> <p>(Q) "Non-prime agricultural land" means land in agricultural use that is not prime agricultural land.</p>
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	<p>(ST) "Parcel" means land under single ownership as described on a deed that may or may not be made up of one or more APN's.</p> <p>(TU) "Primary dwelling" is a single-family dwelling occupied by the landowner or caretaker of the contracted land.</p> <p>(VW) "Recreational use" means the use of land in its natural or agricultural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting, equestrian uses or other outdoor games or sports for which facilities are provided for public participation. Any fee charged for the recreational use of the land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public.</p> <p>(YZ) "Single-family residence" means a building designed and/or occupied exclusively by one family.</p> <p>(AABB) "Timber/forestry land" means land in timber or forestry use with the applicable harvest plan in place.</p> <p>(BBCC) "Transient habitation/lodging (limited)" means establishments primarily engaged in the provision of lodging services on a less than monthly basis with incidental food, drink and other sales and services intended for the convenience of guests. "Lodging (limited)" specifically refers to lodging services involving the provision of room and/or board and limited to three (3) to six (6) rooms.</p> <p>(DDEE) "Williamson Act" means the California Land Conservation Act of 1965 (Government Code Section 51200 et seq.).</p> <p><u>CHANGED:</u> The following definitions have been changed with changes underlined as follows:</p> <p>(A) "Agricultural commodity" means any and all plant and animal products produced in this state for commercial purposes, <u>including plant products used for producing bio-fuels.</u></p> <p>(B) "Agricultural preserve" means an area devoted to <u>agricultural or open space uses and which is established in accordance with the provisions of the Williamson Act and these Policies and Procedures.</u> Lands in an area devoted to either Agriculture use, as</p>
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	<p><u>defined in Subdivision (C), Recreational use as defined in Subdivision (W) and Sections 9.4(C) and 9.6(B), or open space as defined in Subdivision (S), or any combination of such uses which is established in accordance with the provisions of these Policies and Procedures.</u></p> <p>(C) "Agricultural use" means use of land, <u>including but not limited to greenhouses,</u> for the purpose of producing an agricultural commodity for commercial purposes.</p> <p>(G) "Compatible use" is any use determined by the County administering the preserve pursuant to <u>Section 9.0 of these Policies and Procedures or by the Williamson Act of 1965,</u> as amended, to be compatible with the agricultural, recreational, or open space use of the land within the preserve and subject to contract. "Compatible use" includes agricultural use, recreational use or open space use unless the Board finds after notice and hearing that such use is not compatible with the agricultural, recreational or open space use to which the land is restricted by contract pursuant to these Policies and Procedures.</p> <p>(U) "Prime agricultural land" means any of the following:</p> <ol style="list-style-type: none"> 1. All land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classification. 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 (1) animal unit per acre. <u>Animal Unit is defined as the quantity of forage required for good growth and production of one mature head of cattle or its equivalent in feed requirement; 4.8 tons of hay shall be deemed such feed requirement.</u> 4. Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period <u>and meets the minimum income requirements in Table 5-2 of these Policies and Procedures.</u> 5. <u>Land which has temporarily transitioned from the production of</u>
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	<p><u>unprocessed agricultural plant products which meets the minimum income requirements in Table 5-2 of these Policies and Procedures.</u></p> <p>(VAA) “Recreational use” means <u>use of land in its natural or agricultural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting, equestrian uses or other outdoor games or sports for which facilities are provided for public participation. Any fee charged for the recreational use of the land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. Use equates to the Outdoor Sport and Recreation-Limited use type (See Appendix A, section 20.024.040(C)).</u></p>
<p><u>Section 22.08.050: Commercial Rangeland</u></p> <p>The following rules shall apply to all lands eligible for incorporation as rangeland in an agricultural preserve:</p> <p>(A) Commercial rangeland eligible for incorporation into an agricultural preserve shall meet the following qualification:</p> <p>All land comprised of soils classified as grass, oak-grass, and other soils that may produce feed at the rate of forty (40) acres or less per animal unit.</p> <p>(1) An animal unit (A.U.) for the purposes of this chapter is defined as the quantity of forage required for good growth and production of one mature head of cattle or its equivalent in feed requirement; 4.8 tons of hay shall be deemed such feed requirement.</p> <p>(2) The definition and separation of rangeland soils shall be as indicated in the soil-vegetation maps filed with the University of California Cooperative Extension Service in Mendocino County and in accordance with the Storie land-use rating and grazing percentage of range soils. Such grazing percentage and grazing rate shall be based upon the soils map of the 1947 Upland Soil Survey of Mendocino County as amended. Land not included in the Upland Soil Survey may qualify for inclusion if the carrying capacity can be shown to be forty (40) acres or less per animal unit. The burden of demonstrating that land not included in the said Upland Soil Survey has a carrying capacity of forty (40) acres or less per animal unit</p>	<p>There is no longer a separate section for the incorporation of rangeland into an agricultural preserve. Qualifications of Section 5.0 apply to all preserves.</p> <p>These parameters and definitions would no longer be used.</p> <p>This explanation is no longer needed</p> <p>Section 5.2. Table 5.1 lists the proposed minimum parcel size requirements.</p>

<p>shall be borne by the applicant.</p> <p>(B) No land shall be included within an agricultural preserve as rangeland unless the Board of Supervisors finds the following size and use requirements are presently met:</p> <p>(1) A minimum production potential of ten (10) animal units of feed, such production potential requiring a production of feed sufficient for fifty (50) sheep or ten (10) mature beef or dairy animals.</p> <p>(2) A range in continuous use for livestock production and having within the preceding three (3) years a one-year history of such production.</p> <p>(C) Commercial rangeland shall be deemed to be in material noncompliance with its agricultural preserve contract if not used for livestock grazing for three (3) out of the five (5) preceding years at the above mentioned standard of forty (40) acres or less per animal unit.</p>	<p>Section 5.2. Table 5.2 changes former use requirements for rangeland (AU's) to income requirements for Non-Prime Agricultural Land.</p> <p>Section 5.2 (D) This proposed section allows for the averaging of 3 of the last 5 years for annual income calculations.</p> <p>Section 5.2(D) and Table 5.2 of these proposed Policies and Procedures changes the grazing rate to an income requirement which allows for the averaging of 3 of the last 5 years for annual income calculations.</p>
<p><u>Section 22.08.060: Restricted Uses</u></p> <p>(A) All property subject to Mendocino County agricultural preserve contracts shall be restricted to the agricultural, open-space, recreational, and compatible uses herein below set forth for the particular zone within which such property has been classified; provided that no agricultural open-space, recreational, or compatible use listed below shall be permitted under the agricultural preserve contract if not permitted by Title 20 of the Mendocino County zoning ordinance.</p> <p>(B) The Board of Supervisors may impose conditions on lands and land uses to be placed within preserves to permit and encourage compatible uses in conformity with the principles of compatibility in this section, particularly public outdoor recreational uses.</p>	<p>Section 8.2 of these proposed Policies and Procedures list the allowed Agricultural qualifying and accessory uses.</p> <p>Section 8.3 defines Open Space qualifying uses.</p> <p>Sections 9.4 and 9.6 of these Policies list the additional <i>compatible</i> uses allowed on parcels under Agricultural and Open Space contracts.</p> <p>Section 9.2 (A) reiterates the requirement that allowed uses under a Williamson Act contract will not conflict with the uses permitted or restricted by Title 20 of the Mendocino County zoning ordinance.</p> <p>Section 9.2 (B) contains identical wording to (B).</p>

<p>(C) Uses approved on contracted lands shall be consistent with all of the following principles of compatibility. In evaluating compatibility, the County shall consider the impacts on non-contracted lands in the agricultural preserve or preserves. For purposes of this section, "contracted land" means all land under a single contract for which an applicant seeks a compatible use permit.</p> <p>(1) The use will not significantly compromise the long term productive agricultural capability of the subject contracted parcel(s) or on other contracted lands in agricultural preserves.</p> <p>(2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel(s) or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel(s) or on other contracted lands in agricultural preserves may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel(s) or neighboring lands, including activities such as harvesting, processing or shipping.</p> <p>(3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.</p> <p>(D) The County may approve a use on nonprime land which, because of on-site or off-site impacts, would not be in compliance with Subsections (C)(1) and (C)(2), based on the following findings. For the purposes of this section, "nonprime land" means land not defined as "prime agricultural land," or is "agricultural land" in Section 21060.1(a) of the Public Resources Code.</p> <p>(1) Conditions have been required for, or incorporated into, the use to mitigate or avoid those on-site and off-site impacts so as to make the use consistent with the principles set forth in Subsections (C)(1) and (C)(2) to the greatest extent possible while maintaining the purpose of the use.</p> <p>(2) The productive capability of the subject land has been considered as well as the extent to which the use may displace or impair</p>	<p>Section 5.2 (E) addresses the need for any uses to be consistent with the uses listed in sections 8.2, 8.3, 9.4, and 9.6.</p> <p>Section 9.2 (C) covers this requirement by incorporating, by reference, Government Code sections 51238.1 through 51238.3</p> <p>Contracted Land retains the definition given to it in Section 3(I) of the definitions.</p> <p>Section 9.2 (C) covers this requirement by incorporating, by reference, Government Code sections 51238.1 through 51238.3</p> <p>Section 9.2 (C) covers this requirement by incorporating, by reference, Government Code sections 51238.1 through 51238.3</p>
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<p>agricultural operations.</p> <p>(3) The use is consistent with the purposes of this chapter to preserve agricultural and open space land or supports the continuation of agricultural uses or the use or conservation of natural resources on the subject parcel or on other parcels in the agricultural preserve. The use of mineral resources shall comply with Subsection (E).</p> <p>(4) The use does not include a residential subdivision.</p> <p>(E) Mineral extraction shall not remove from the parcel or degrade the quality of Class I or Class II soils in the Natural Resource Conservation Service land use capability classification. Mineral extraction that is unable to meet the principles of Subsection (c) may nevertheless be approved as a compatible use if the County is able to document that the underlying contractual commitment to preserve prime agricultural land or nonprime land for open-space use will not be significantly impaired. Conditions imposed on mineral extraction as a compatible use of contracted land shall include compliance with the reclamation standards adopted by the Mining and Geology Board pursuant to Section 2773 of the Public Resources Code, including the applicable performance standards for prime agricultural land and other agricultural land, and no exception to these standards may be permitted.</p> <p>(F) Notwithstanding any other determination of compatible use under this section, unless the County makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are compatible uses within any agricultural preserve and shall not be excluded by reason of that use.</p> <p>(G) The approval of any public improvement within an agricultural preserve shall comply with Government Code Section 51290 et seq.</p> <p>(H) The requirements of Subsections 22.08.060(c), (D) and (E) shall not apply to:</p> <p>(1) Compatible uses for which an application was submitted to the County prior to June 7, 1994, provided that the use constituted a "compatible use" as defined by this Chapter at the time the</p>	<p>Section 9.2 (C) covers this requirement by incorporating, by reference, Government Code sections 51238.1 through 51238.3</p> <p>Section 9.2 (C) covers this requirement by incorporating, by reference, Government Code sections 51238.1 through 51238.3</p> <p>Section 9.2 (C) covers this requirement by incorporating, by reference, Government Code sections 51238.1 through 51238.3</p>
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<p>application was submitted or the Williamson Act contract was signed with respect to the subject contract lands, whichever is later.</p> <p>(2) Land uses of contracted lands in place prior to June 7, 1994, that constituted a "compatible use" as defined by this chapter at the time the use was initiated or the Williamson Act contract was signed with respect to the subject contract lands, whichever is later.</p> <p>(3) Uses expressly specified within the contract prior to June 7, 1994, and that constituted a "compatible use" as defined by this chapter at the time the Williamson Act contract was signed with respect to the subject contract lands, or the time that the contract was amended to include the uses, whichever is later. This section shall apply to contracts for which contract nonrenewal was initiated and was withdrawn after January 1, 1995.</p>	<p>Section 9.2 (C) covers this requirement by incorporating, by reference, Government Code sections 51238.1 through 51238.3</p> <p>Section 9.2 (C) covers this requirement by incorporating, by reference, Government Code sections 51238.1 through 51238.3</p> <p>Section 9.2 (C) covers this requirement by incorporating, by reference, Government Code sections 51238.1 through 51238.3</p> <p>Section 9.2 (C) covers this requirement by incorporating, by reference, Government Code sections 51238.1 through 51238.3</p>
<p><u>Section 22.08.070: Lands Zoned A-G, R-L and F-L Within an Agricultural Preserve</u></p> <p>With respect to property under a Mendocino County agricultural preserve contract which is zoned A-G, R-L, or F-L the following agricultural uses shall be permitted:</p> <p>(A) Agricultural use types</p> <p>Horticulture</p> <p>Row and field crops</p> <p>Tree crops</p> <p>Packing and processing: limited: which is the packing or processing of crops grown on the premises.</p> <p>Forest production and processing: limited; which refers to the growing, harvesting, curing, milling, packaging, packing, shipping and selling of</p>	<p>Section 8.1 Land restricted by a Williamson Act contract must be devoted to agricultural or open space uses. The following Section lists qualifying use types as defined by Title 20 of the County Code (Zoning Ordinance) deemed to be appropriate for placement into a Williamson Act contract.</p> <p>Section 8.2(A) Qualifying Agricultural Uses</p> <ol style="list-style-type: none"> 1. Row and Field Crops 2. Horticulture 3. Tree crops 4. Animal Raising- general agriculture 5. Forest production and processing- limited 6. Other commercial agricultural uses deemed by the Board of Supervisors to be acceptable for purposes of meeting the minimum income qualifications.

<p>forest products, produced on the premises.</p> <p>(B) The following agricultural accessory uses are permitted:</p> <p>(1) Private garages.</p> <p>(2) Children's play houses, patios, porches, gazebos, etc.</p> <p>(3) Windmills.</p> <p>(4) Silos.</p> <p>(5) Shops (non-business purposes).</p> <p>(6) Barns.</p> <p>(7) Private swimming pools and hot tubs.</p> <p>(8) Guest cottage. One (1) guest cottage is permitted for each residence on a parcel. In lieu of a guest cottage, a detached bedroom is permitted. In lieu of a guest cottage, a temporary family care unit may be substituted.</p> <p>(9) Detached bedrooms. Not more than two (2) detached bedrooms are permitted upon each parcel. If a guest cottage is constructed the guest cottage and one (1) detached bedroom may be constructed instead of two (2) detached bedrooms.</p> <p>(10) Travel trailer or camper. The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes.</p> <p>(11) Home occupations subject to the restrictions as set forth in Sections 20.156.005 through 20.156.020 of the Mendocino County Code.</p> <p>(12) Roadside sales of agricultural products. Operations of a single roadside stand for display and sales of only those products</p>	<p>Section 8.2(B) Accessory Agricultural Uses and Structures</p> <p>The following uses and structures are allowed only if they are incidental, related, and subordinate to a qualifying agricultural use:</p> <ol style="list-style-type: none"> 1. Packing and processing- limited 2. Forest production and processing- portable sawmills 3. Roadside sales of agricultural products. 4. Facilities and structures utilized in conjunction with the preparation of an agricultural commodity described in Section 8.1 above such as windmills, silos, shops and barns. <p>9.4 Compatible Uses- Agricultural Williamson Act Contracted Land</p> <p>The following uses are considered compatible with qualifying agricultural uses (Section 8.2(A), above) on any Williamson Act contracted land, provided that no use listed below shall be permitted under the Williamson Act contract if not permitted by Title 20 of the Mendocino County zoning ordinance.</p> <p>Section 9.4(A) Residential Uses</p> <ol style="list-style-type: none"> 1. Family residential- single family 2. Second residential unit 3. Farm employee housing 4. Farm labor housing 5. Accessory uses and structures <ol style="list-style-type: none"> a. Private garages b. Children's playhouses, patios, porches, gazebos, and similar structures
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<p>produced on the premises, or on other property owned or leased by the vendor, as permitted by the zoning ordinance, provided that the stand does not exceed an area of two hundred (200) square feet, and is located not nearer than fifteen (15) feet to any street or highway.</p> <p>(13) Other necessary and customary uses. Accessory agricultural uses and agricultural structures, in addition to those set forth, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to an agricultural or compatible use, as determined by the director.</p> <p><u>Section 22.08.071: Land Within an Agricultural District Zoned A-G</u></p> <p>With respect to property under a Mendocino County agricultural preserve contract which is zoned agricultural (A-G), the permissible agricultural and compatible uses shall be as follows:</p> <p>(A) The permitted agricultural uses are as follows:</p> <p>(1) Animal use types</p> <p>Animal raising</p> <p>Packing and processing: winery</p> <p>(2) Commercial use types</p> <p>Animal sales and services: stockyards</p> <p>(3) Residential use types</p> <p>Family residential: single family</p> <p>(B) Uses subject to a minor use permit. The following use types are permitted in the A-G district upon issuance of a minor use permit:</p> <p>(1) Residential use types</p>	<p>c. Radio and television receiving antennas</p> <p>d. Shops (nonbusiness purposes)</p> <p>e. Private swimming pools and hot tubs</p> <p>f. Guest cottage</p> <p>g. Detached bedrooms</p> <p>h. Room and board</p> <p>i. Travel trailer or camper</p> <p>j. Home occupation</p> <p>k. Household pets</p> <p>l. Wild animal keeping</p> <p>m. Other necessary and customary uses</p> <p>n. The parking of two (2) large vehicles or construction equipment upon private property. Additional vehicles and equipment are allowed to the extent that such vehicles and equipment are of a type and number customarily used by residents of the surrounding neighborhood for their own agricultural or home use on their own property.</p> <p>o. Family care home</p> <p>Section 9.4(B) Agricultural Uses</p> <p>1. Packing and processing- winery</p> <p>2. Animal sales and services- auctioning</p> <p>3. Animal sales and services- horse stables</p> <p>4. Animal raising- personal</p> <p>5. Animal sales and services- veterinary (large animals)</p>
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<p>Farm employee housing</p> <p>Farm labor camps</p> <p>(2) Commercial use types</p> <p>Cottage industry: resource lands</p> <p>(C) Uses subject to a major use permit. The following use types are permitted in the A-G district upon the issuance of a major use permit:</p> <p>(1) Residential use types</p> <p>Family residential: dwelling group</p> <p>Family residential: cluster development</p> <p>(2) Civil use types</p> <p>Major impact facilities</p> <p>Major impact service and utilities</p> <p>(3) Commercial use types</p> <p>Animal sales and services: permanent auction yard</p> <p>Animal sales and services: horse stables</p> <p>Animal sales and services: veterinary (large animals)</p> <p>Commercial recreation: outdoor sports and recreation—limited</p> <p>Energy development: Production of energy other than that used on the property.</p> <p>(4) Agricultural use types</p>	<p>Section 9.4(C) Recreational Uses</p> <p>1. Outdoor sports and recreation- limited. Excluded from these uses are motorized boating, golf driving ranges and athletic fields (football, soccer and batting practice range).</p> <p>Section 9.4(D) Extractive Uses</p> <p>1. Mining and processing</p> <p>Section 9.4(E) Miscellaneous</p> <p>1. Minor impact utilities</p> <p>2. Major impact services and utilities, excluding uses such as sewage disposal facilities, septage disposal facilities and sites, sanitary landfills and water treatment plants.</p> <p>3. Entertainment events or religious assembly provided that the events last no longer than five consecutive days.</p> <p>4. Transient habitation- lodging (limited), provided the use is located in a single-family dwelling or guest quarters associated with a qualified farming operation, with an on-site farmer in residence, that includes all meals provided in the price of the lodging, and that meets all of the requirements of the Zoning Code.</p> <p>5. Small family day care home providing day care to 8 or fewer children.</p> <p>6. Any other use determined by the Board of Supervisors pursuant to Government Code Section 51238.1 to be compatible with the agricultural use of land within an agricultural preserve and subject to contract.</p> <p>9.5 Incompatible Uses – Agricultural Williamson Act Contracted Land</p> <p>The following uses are considered incompatible with agricultural uses on any Williamson Act contracted land:</p> <p>(A) Golf courses and driving ranges.</p>
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<p>Animal waste processing</p> <p>Packing and processing: general</p> <p>(5) Extractive use types</p> <p>Mining and processing</p> <p><u>Section 22.08.080: Land Within the Rangeland District (R-L)</u></p> <p>With respect to property under an agricultural preserve contract zoned rangeland (R-L), the permissible agricultural and compatible uses shall be as follows:</p> <p>(A) The permitted agricultural uses are as follows:</p> <p>(1) Commercial use types</p> <p>Animal sales and services: horse stables</p> <p>Animal sales and services: kennels</p> <p>Animal sales and services: stockyards</p> <p>(2) Agricultural use types</p> <p>Animal raising</p> <p>Commercial recreation: outdoor entertainment</p> <p>Transient habitation: campground</p> <p>Transient habitation: resort</p> <p>Energy development: production of energy other than that used on the property.</p> <p>(3) Extractive use types</p>	<p>(B) Public, commercial, or private club use of motorized boats, motorcycles, vehicles, aircraft, or similar motorized uses for recreation.</p> <p>(C) Public, commercial, or private club use of land for field sports, including baseball, softball, polo, soccer, lacrosse, and football, or similar activities.</p> <p>(D) Public, commercial, or private club use of land for camping. Tent platforms, structures, and other facilities to support camping are not permitted.</p> <p>9.6 Compatible Uses – Open Space Williamson Act Contracted Land</p> <p>The following uses are considered compatible with open space uses on any open space contracted land if allowed by the underlying zoning.</p> <p>Section 9.6(A) Residential Uses</p> <p>1. Family residential- single-family</p> <p>2. Second residential unit, subject to the following additional restrictions applicable to Williamson Act contracted lands provided that:</p> <p>(a) The residence is incidental to the primary dwelling;</p> <p>(b) The dwelling is not leased, subleased, rented, or sub-rented separately from the primary residence, nor divided by sale.</p> <p>3. Accessory uses and structures. The following uses and structures, provided that they do not diminish a qualifying open space use and are incidental, related, and subordinate to a compatible residential use:</p> <p>(a) Private garages.</p> <p>(b) Children’s playhouses, patios, porches, gazebos, and similar structures.</p> <p>(c) Radio and television receiving antennas.</p>
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<p>Mining and processing</p> <p><u>Section 22.08.081: Lands Within the Forestland District (F-L)</u></p> <p>With respect to property under an agricultural preserve contract zoned forestland (F-L), the following permissible agricultural compatible uses shall be as follows:</p> <p>(A) The permitted agricultural and compatible uses are as follows:</p> <p>(1) Commercial use types</p> <p>Animal sales and services: horse stables</p> <p>Animal sales and services: kennels</p> <p>Animal sales and services: stockyard</p> <p>(2) Agricultural use types</p> <p>Animal raising</p> <p>Animal waste processing</p> <p>Packing and processing: winery</p> <p>(3) Residential use types</p> <p>Family residential: single family</p> <p>(B) Uses subject to a minor use permit. The following types are permitted in the F-L district upon issuance of a minor use permit:</p> <p>(1) Residential use types</p> <p>Farm employee housing</p> <p>Farm labor camps</p>	<p>(d) Shops (nonbusiness purposes).</p> <p>(e) Private swimming pools and hot tubs.</p> <p>(f) Guest Cottage.</p> <p>(g) Detached bedrooms.</p> <p>(h) Room and board.</p> <p>(i) Travel trailer or camper.</p> <p>(j) Home occupation.</p> <p>(k) Household pets.</p> <p>(l) Wild animal keeping.</p> <p>(m) Other necessary and customary uses.</p> <p>(n) The parking of two (2) large vehicles or construction equipment upon private property. Additional vehicles and equipment are allowed to the extent that such vehicles and equipment are of a type and number customarily used by residents of the surrounding neighborhood for their own agricultural or home use on their own property.</p> <p>(o) Family care home.</p> <p>Section 9.6(B) Recreational Uses</p> <p>1. Outdoor sports and recreation- limited (County Code Section 20.024.040(C)). Excluded from these uses are motorized boating, golf driving ranges and athletic fields (football, soccer and batting practice range).</p> <p>Section 9.6(C) Agricultural Uses</p> <p>1. Row and field crops</p> <p>2. Horticulture</p>
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<p>(2) Commercial use types</p> <p>Cottage industries: resource lands</p> <p>(C) Uses subject to a major use permit. The following use types are permitted in the F-L district upon issuance of a major use permit:</p> <p>(1) Commercial use types</p> <p>Animal sales and services: permanent auction yard</p> <p>Community recreation: outdoor sports and recreation</p> <p>Community recreation: outdoor entertainment</p> <p>Transient habitation: campground</p> <p>Transient habitation: resort</p> <p>Energy development: production of energy other than that used on the property.</p> <p>(2) Agricultural use types</p> <p>Forest production and processing: general</p> <p>(3) Extractive use types</p> <p>Mining and processing.</p> <p>Animal waste processing</p> <p>Packing and processing: winery</p> <p>(3) Residential use types</p> <p>Family residential: single family</p> <p>(B) Uses subject to a minor use permit. The following use types are</p>	<p>3. Tree crops</p> <p>4. Animal raising- general agriculture</p> <p>5. Animal raising – Personal.</p> <p>Section 9.6(D) Miscellaneous</p> <p>1. Small family day care home providing day care to 8 or fewer children.</p> <p>2. Any other use determined by the Board of Supervisors pursuant to Government Code Section 51238.1 to be compatible with the open space use of land within an agricultural preserve and subject to contract.</p>
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<p>permitted in the R-L district upon issuance of a minor use permit:</p> <p>(1) Residential use types</p> <p>Farm employee housing</p> <p>Farm labor camp</p> <p>(2) Commercial use types</p> <p>Cottage industries: resource lands</p> <p>(C) Uses subject to a major use permit. The following use types are permitted in the R-L district upon issuance of a major use permit:</p> <p>(1) Agricultural use types</p> <p>Packing and processing: general</p> <p>(2) Commercial use types</p> <p>Animal sales and services: permanent auction yard</p> <p>Animal sales and services: veterinary (large animals)</p> <p>Commercial recreation: outdoor sports and recreation</p>	
<p><u>Section 22.08.082: Power to Contract</u></p> <p>County may not contract with respect to land unless it is (A) devoted to agricultural use and (B) is located within areas designated as agricultural preserves.</p>	<p>Section 5.2 Land eligible for new or replacement Williamson Contract must (A) be in an existing agricultural preserve (or within an area proposed to be included in a preserve) or (B) be agricultural/open space land devoted to those uses. Agricultural or open space devoted land is defined as a minimum of 50% of the land continuously used or maintained for agricultural uses unless Board finds that (1) more than 50% of the land is not suitable for agricultural for open space uses due to soil, slope, geologic or other significant restraints, (2) the remainder of the land is continuously used/maintained for agricultural uses and (3) placing the land under contract is consistent with the purpose and intent of the Williamson Act and these Policies and Procedures. Contract land must also meet the minimum parcel sizes of Table 5-1 and Annual Income Requirements of Table 5-2.</p>

<p><u>Section 22.08.083: Inclusion of Land Within Scenic Highway Corridor, Wildlife Habitat Area, Salt Pond, Managed Wetland Area or Submerged Area</u> Land devoted to recreational use of land within a scenic highway corridor, a wildlife habitat area, a salt pond, a managed wetland area or a submerged area may be included in an agricultural preserve.</p>	<p>Section 8.3 provides for the inclusion of these uses in an agricultural preserve as open space uses.</p>
<p><u>Section 22.08.085: Land Within Scenic Highway Corridor; Inclusion in Agricultural Preserve; Contract to Restrict Use</u> Land within a Scenic Highway Corridor (See Section 22.08.021(F) re definition) shall be included in a preserve upon landowner's request and use of land shall be restricted to listed preserve land uses.</p>	<p>Section 8.3 provides for the inclusion of a scenic highway corridor in a preserve.</p>
<p><u>Section 22.08.090: Reporting Statement</u> The existing chapter for the County's reporting statement has specific requirements on when to mail the statement; that the Agricultural Commissioner must maintain them and the form of the statement must be approved by resolution of the Board of Supervisors.</p>	<p>Section 12.2 Reporting Statement/Information Requests In the revised policy and procedures it is now the responsibility of the Assessor to mail and maintain the reporting statement. The specific time frame for mailing has been removed it is now at the discretion of the Assessor. The review of all of the reporting statements will be done by the Assessor. It is no longer necessary for the Reporting Statement to be approved by resolution of the Board of Supervisors.</p>
<p><u>Section 22.08.100: Subdivision and Lands Divided by Virtue of Issuance of Certificates of Compliance</u> For the purposes of this section "subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. No land subject to an agricultural preserve contract shall be subdivided unless the County committee, commission, or board, having the authority to grant final approval of the type of subdivision involved has made the express finding that each of the parcels resulting from such</p>	<p>Section 11.1 Subdivision of Contracted Land No land subject to a Williamson Act contract shall be subdivided unless the Board of Supervisors finds that:</p> <ol style="list-style-type: none"> 1. The subdivision is consistent with the General Plan and Zoning Code; 2. Each resulting parcel will separately qualify for a Williamson Act contract and be consistent with the requirements of the Williamson Act and these Policies and Procedures; and 3. The subdivision and each resulting parcel will conform with the requirements of the Subdivision Map Act, including Government Code section 66474.4.

subdivision meets the minimum eligibility qualifications for agricultural preserve status as were applicable at the time the agricultural preserve was established. If any of the parcels resulting from such subdivision does not meet the minimum eligibility qualifications for agricultural preserve status in effect at the time of the filing of the tentative map for such subdivision, the County shall, deny the subdivision.

No land subject to an agricultural preserve contract shall be issued certificates of compliance unless the County committee, commission, or board, having the authority to grant certificates of compliance has made the express finding that each of the parcels resulting from the issuance of certificates of compliance meets the minimum eligibility qualifications for agricultural preserve status as were applicable at the time the agricultural preserve was established. If any of the parcels resulting from the granting of such certificates of compliance does not meet the minimum eligibility qualifications for agricultural preserve status in effect at the time the agricultural preserve was established, the County committee, commission, or board shall impose as a condition of granting the requested certificate of compliance, that the subject parcel or parcels not be used for anything other than agricultural use or a compatible use as set forth in the California Land Conservation Act of 1965, also known as the Williamson Act, and the subject agricultural preserve contract.

(A) The County shall require an owner of contracted land that has been or will be subdivided to apply, pursuant to Section 10.4 of these Policies and Procedures, for rescission of the existing contract and simultaneous replacement of that contract with a separate new contract for each qualifying parcel resulting from the subdivision. This requirement may be waived by the County if a notice of nonrenewal has been recorded for the contract restricting the land that has been or will be subdivided, and the phase out period has begun.

11.2 Boundary Line Adjustments Involving Contracted Land

(A) To facilitate a boundary line adjustment of contracted land, a landowner and the County may mutually agree to rescind a Williamson Act contract or contracts and to simultaneously enter into a new contract or contracts, provided that:

1. The new contract or contracts satisfy all requirements of the Williamson Act and these Policies and Procedures; and

2. The Board of Supervisors makes the findings required by Government Code section 51257

(B) The Subdivision Committee shall condition any approval of a boundary line adjustment of a Williamson Act contracted property on the approval by the Board of Supervisors of an application to rescind a Williamson Act contract or contracts and to simultaneously enter into a new contract or contracts.

(C) If the Board of Supervisors is unable to make the findings required by Government Code section 51257, it shall not approve an application to rescind a Williamson Act contract or contracts and to simultaneously enter into a new contract or contracts.

11.3 Certificates of Compliance

(A) On or after January 1, 2016, prior to the issuance of any certificate of compliance by the County for property subject to a Williamson Act contract, the Department of Planning and Building Services shall review the lots to determine if they were merged pursuant to the County's merger provisions in Article XV of Title 17 of the Mendocino County Code relating to Division of Land Regulations.

	<p>1. Each resulting parcel is consistent with the Williamson Act and these Policies and Procedures;</p> <p>2. Each resulting parcel independently meets all requirements for a contract under these Policies and Procedures;</p> <p>3. Each resulting parcel is entitled to a certificate of compliance or conditional certificate of compliance under the Subdivision Map Act, Section 11.2 Boundary Line Adjustments Involving Contracted Land</p> <p>(A) To facilitate a boundary line adjustment of contracted land, a landowner and the County may mutually agree to rescind a Williamson Act contract or contracts and to simultaneously enter into a new contract or contracts, provided that:</p> <p>1. The new contract or contracts satisfy all requirements of the Williamson Act and these Policies and Procedures; and</p> <p>2. The Board of Supervisors makes the findings required by Government Code section 51257</p> <p>(B) If the Board of Supervisors is unable to make the findings required by Government Code section 51257, it shall not approve a boundary line adjustment of contracted land.</p> <p>Section 11.3 Certificates of Compliance</p> <p>(A) The approval of the Board of Supervisors shall be required prior to the issuance of any certificate of compliance or conditional certificate of compliance under the Subdivision Map Act for land restricted by a new or replacement Williamson Act contract entered into on or after January 1, 2016. In such cases, the Board may only approve the issuance of a certificate of compliance or conditional certificate of compliance if the Board finds that:</p> <p>1. Each resulting parcel is consistent with the Williamson Act and these Policies and Procedures;</p> <p>2. Each resulting parcel is capable of sustaining an agricultural use, open space use, or both;</p> <p>3. Each resulting parcel has the improvements or infrastructure necessary to sustain an agricultural use, open space use, or both;</p> <p>4. Each resulting parcel independently meets all requirements for a contract under these Policies and Procedures;</p> <p>5. Each resulting parcel conforms to the General Plan and Zoning Code;</p> <p>6. Each resulting parcel is entitled to a certificate of compliance or conditional certificate of compliance under the Subdivision Map Act;</p>
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	<p>7. Issuance of the certificate of compliance or conditional certificate of compliance will not compromise the long-term agricultural use, open space use, or both of the contracted land, other agricultural or open space land subject to a contract or contracts, or other agricultural or open space land in the preserve or proximate preserves;</p> <p>8. Issuance of the certificate of compliance or conditional certificate of compliance will not result in the removal of adjacent land from agricultural use, open space use, or both; and</p> <p>9. Issuance of the certificate of compliance or conditional certificate of compliance will not result in residential development not incidental to the agricultural use, open space use, or both of the contracted land.</p>
<p>Section 22.08.110: Notice of Nonrenewal</p> <p>This section contains a broad procedural outline for the non-renewal process.</p>	<p>Section 10.2 Nonrenewal</p> <p>This section has been more clearly defined and broken down into three categories: Nonrenewal Initiated by Landowner; Partial Nonrenewal by Landowner and Nonrenewal Initiated by County. Each section outlines specific time frames, department responsibilities and noticing requirements to outside agencies.</p>
<p>Section 22.08.120: Recording; Notice</p> <p>No later than twenty (20) days after the County enters into a contract with a landowner pursuant to this Chapter, the Clerk of the Board shall record with the County Recorder a copy of the contract, which shall describe the land subject thereto, together with a reference to the map showing the location of the agricultural preserve in which the property lies. From and after the time of such recordation such contract shall impart such notice thereof to all persons as is afforded by the recording laws of this state.</p>	<p>Section 7.3</p> <p>Similar wording, no significant change.</p>
<p>Section 22.08.121: Furnishing of Information by Landowner</p> <p>The landowner shall furnish the County with such information as the County shall require in order to enable it to determine the eligibility of the land involved.</p>	<p>Section 12.2 Reporting Statements/ Information Requests</p> <p>This section contains new outline of reporting procedure. No change to the requirements of the landowner furnishing information upon request of the County except the information now shall go to the Assessor and be proprietary and confidential.</p>

<p><u>Section 22.08.130: Eligibility Qualifications as Continuing Requirement</u></p> <p>Notwithstanding any other provision of this Chapter to the contrary, an agricultural preserve contract shall be deemed materially breached if the land subject thereto at any time fails to meet the eligibility qualifications set forth in this Chapter for the type of land involved.</p>	<p>Section 12.5 Contract Enforcement</p> <p>The eligibility qualifications as continuing requirement is now in this section.</p>
<p><u>Section 22.08.131: Enforcement</u></p> <p>The County or landowner may enforce Williamson Act contract provisions; the County may also choose to sue for liquidated damages equal to 25% of the full cash value as defined by Revenue and Tax Code Section 110.</p>	<p>Section 12.5 includes the current ordinance provisions as well as referring to the power of the County to non-renew contracts (see Section 10.2) for landowner violations of contract terms.</p>
<p><u>Section 22.08.132: Severability</u></p> <p>This "Severability" clause states that any individual provision of Chapter 22.08 being found invalid or unconstitutional that is reasonably severable from the remainder of the ordinance does not invalidate the remainder of the ordinance.</p>	<p>Section 12.6 is the same provision as found in the current ordinance "Severability" clause.</p>