

RESOLUTION NO. 2000-135

RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
ESTABLISHING RULES GOVERNING THE ADMINISTRATION OF AGRICULTURAL
PRESERVES AND FARMLAND SECURITY ZONES WITH PROCEDURES FOR ISSUANCE OF
LAND CONSERVATION AGREEMENTS

SECTION I: FINDINGS

- I. WHEREAS the Board of Supervisors recognizes the importance of agricultural preservation in Marin County, and
- II. WHEREAS preservation of agricultural lands and encouragement of agricultural uses on those lands is critical to maintaining the viability of agriculture in Marin County, and
- III. WHEREAS the State of California established the Land Conservation Act of 1965 (also known as the Williamson Act) which provided a means for landowners to enter into contracts with counties which would preclude development of the property and continue of agricultural uses in exchange for a reduction in property taxes, and
- IV. WHEREAS the Marin County Board of Supervisors adopted Resolution 71-38 in February, 1971 establishing rules governing the administration of and procedures for issuance of Land Conservation Agreements in accordance with the Williamson Act, and
- V. WHEREAS economic forces and population growth have further increased development pressures on agricultural lands such that the incentives set forth in the original Williamson Act are not effective as they once were, and
- VI. WHEREAS the State of California has enacted legislation which strengthens the concept of the Williamson Act by creation of the Farmland Security Zone program by providing an extended contract term in exchange for a further reduction in property taxes, and
- VII. WHEREAS the Board of Supervisors recognizes that additional limitations on land use beyond what is provided for in the Zoning Ordinance are necessary to ensure and encourage agricultural and related use of protected lands.

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED that pursuant to the provisions of Government Code Sections 51200 et seq, the Board of Supervisors of the County of Marin hereby establishes the following rules for administration of Agricultural Preserves and Farmland Security Zones and the issuance of agreements pursuant to the Land Conservation Act of 1965 and the Farmland Security Zone Act of 1998:

A. ESTABLISHMENT OF AGRICULTURAL PRESERVES

The procedures and standards for the establishment and modification of Land Conservation Agreements shall comply with the provisions of the Government Code, commencing with Section 51200.

B. ESTABLISHMENT OF FARMLAND SECURITY ZONES

The procedures and standards for the establishment and modification of Farmland Security Zones shall comply with the provisions of the Government Code, commencing with Section 51296.

C. ELIGIBILITY FOR CONTRACTS

Property shall not be eligible for an Agricultural Preserve or Farmland Security Zone contract unless it meets one or more of the following standards:

1. Agricultural Use

The dominant use of the land at the time of application for a contract shall be agricultural, meaning the use of the land for food and/or fiber including the growing of crops and/or grazing of animals. The following factors shall be considered to determine whether the agricultural use is dominant:

- a. Capability of the agricultural use to produce a living for the owner.
- b. The value of the product produced on the land in recent and future years.
- c. The proportionate time during the year in which the agricultural use is in effect.
- d. The proportion of land devoted to the agricultural use.
- e. The character of non-agricultural uses on the land

2. Recreational Use

The dominant use on the land at the time of application shall be recreation. The following factors shall be considered in determining whether the recreational use is dominant:

- a. The capability of the use to provide a living for the owner.
- b. The proportion of time during the year the use is in effect.
- c. The proportion of land devoted to the recreational use.
- d. The suitability of the land for the recreational use.
- e. The number of persons using the recreational facility.
- f. Admission to the public.

3. Open Space Use

The dominant use at the time of application shall be open space as defined in Government Code Section 51201. The proportion of the land occupied by the open space use shall be considered to determine whether the open space use is dominant.

4. Combined Uses

The dominant use of the land at the time of application shall be any combination of agricultural, recreational, or open space uses as outlined above.

D. COMPATIBLE AND PERMITTED USES

The following uses shall be deemed to be compatible uses of property within a Farmland Security Zone and uses which are permissible under contract only if such uses comply with applicable zoning requirements of the Marin County Code:

1. Unrestricted

- a. Dairying
- b. Grazing or breeding of cattle, sheep, and pigs/hogs, excluding large-scale, commercial hog farms
- c. Raising or keeping of poultry, fowl (including game birds), rabbits, goats, or similar animals
- d. Fish hatcheries and rearing ponds, oyster farming
- e. Crop, vine, or tree farming, truck gardening, greenhouses, and horticulture
- f. Farm or ranch buildings including stables, barns, pens, corrals, coops and structures for killing, dressing, packing, or handling products raised on the premises, but not including abattoirs for cattle, sheep, or hogs
- g. One principle single-family dwelling per contract, regardless of the number of parcels within the contract. Additional dwelling units up to the maximum number allowed under the zoning classification may be developed for family members or employees engaged in the agricultural use of the land, only after an affirmative finding by the County that such units are reasonably related to the agricultural use of the land.
- h. The maintenance of land in its natural state for the purpose of preserving land for recreation, or for plant, animal, or mineral preserves
- i. Trails for non-motorized, private recreational use
- j. Private hunting of wildlife or fishing, boating, camping, swimming, picnicking, or other similar private outdoor recreational activities.
- k. Erection, construction, or maintenance of gas, electric, water, communication, or flood control facilities as approved by the appropriate governmental agencies
- l. Mariculture and aquaculture
- m. Such other uses as are specified in Government Code Section 51200 et. seq., including but not necessarily limited to a wildlife habitat area, saltpond, managed wetland area, and a submerged area.

2. Restricted Uses

- a. The following additional uses shall be deemed to be compatible uses and/or uses permitted under contract provided the County issues a use permit:
 - i. Processing or retail sale of agricultural products
 - ii. Bed and Breakfast inns with four or five guest rooms on properties used primarily for commercial agricultural purposes, and when clearly incidental and secondary to the primary agricultural use of the land
- b. Bed and Breakfast inns with three or fewer guest rooms on properties used primarily for commercial agricultural purposes, and when clearly incidental and secondary to the primary agricultural use of the land
- c. Keeping of horses for agricultural purposes or when incidental and secondary to the primary agricultural use of the land
- d. Other uses that are similar in nature and land use intensity as those enumerated above in Section IV(1) as long as such uses clearly incidental and secondary to the primary agricultural use of the land, do not conflict with the agricultural use of the land, and do not reduce or diminish the continuation of agricultural activities or the potential for such activities

E. SUBDIVISION OF LANDS UNDER CONTRACT

All Agricultural Preserve and Farmland Security Zone contracts shall contain a provision that the lands under contract may not be subdivided for such a period that the contract is in effect unless the Board of Supervisors makes a finding that the proposed subdivision enhances the long term agricultural use of the land. This finding would be in addition to any other findings or determinations required by the Williamson Act, the Subdivision Map Act, or Marin County Code.

F. ISSUANCE OF CONTRACT

A contract shall not be issued with respect to any property unless the County Assessor has independently determined and advised the Community Development Agency, Planning Division in writing that the property complies with the standards for eligibility contained in these rules.

G. MARIN COUNTY CODE

Except as expressly provided herein, the standards and rules contained herein are not intended to supercede the provisions of the Marin County Code.

H. STATE LAW

All matters not specifically contained herein shall comply with the provisions of State law.

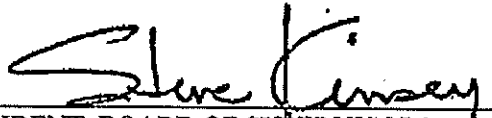
SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 31st day of October, 2000, by the following vote:

AYES: SUPERVISORS Cynthia L. Murray, Harold C. Brown, Jr., John B. Kress,
Annette Rose, Steve Kinsey

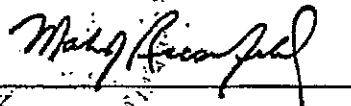
NOES: NONE

ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK