
PLANNING DEPARTMENT



COUNTY OF SANTA CRUZ

437

GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
FAX (831) 454-2131 TDD (831) 454-2123 PHONE (831) 454-2580

Alvin D. James
Planning Director

October 22, 1998

Agenda: November 10, 1998

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: PUBLIC HEARING TO CONSIDER EXTENDING THE INTERIM ZONING ORDINANCE TO CREATE THE FARMLAND SECURITY COMBINING DISTRICT

Members of the Board:

On October 6, 1998, your Board adopted Ordinance No. 45 14 - Interim Zoning Regulations Regarding Farmland Security Zones (Attachment 2). This action was necessary to implement the 1998 amendments to the California Land Conservation Act of 1965. These amendments allow landowners to convert existing Williamson Act contracts to Farmland Security contracts. The intent of this new law is to provide greater protection for California's agricultural lands by creating incentives for landowners to maintain their land in agricultural use and by eliminating certain threats to the continued use of agricultural land (see Attachment 3 for a more detailed discussion of the State law changes).

Ordinance No. 45 14, adopted by your Board as an urgency ordinance, will expire on November 20, 1998, unless extended by a four-fifths vote of your Board. Staff has prepared the attached Interim Ordinance (Attachment 1) to extend Ordinance No. 45 14 for an additional 10 months, 15 days while the formal processing of the ordinance amendments is conducted. The proposed ordinance amends the Agricultural Preserve "P" Combining District to include Farmland Security contracts under the existing "P" Combining District. The "P" Combining District is a zoning designation added to properties primarily as a means to easily identify those properties with agricultural preserve contracts. This change to the "P" Combining District will save significant staff and property owner time and expense because none of the land subject to Farmland Security contracts will have to be rezoned.

As directed by your Board, staff has prepared an information flyer regarding the Farmland Security contract opportunity and mailed this flyer to all property owners currently in Williamson Act contracts with the County (Attachment 4). Included with the flyer is an application form. As of the date of this letter, three property owners have expressed interest in the program, but we expect more to submit their applications as the deadline approaches.

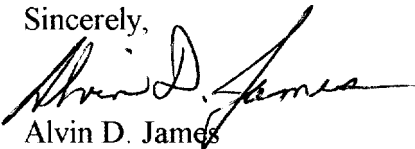
Recommendation

The proposed Interim Ordinance will extend Ordinance No. 45 14 while Planning staff processes the formal amendments to the County Code to incorporate the Farmland Security program into the Agricultural Preserve Combining District. This program enhances the provisions of the California Land Conservation Act of 1965 by providing incentives for owners of agricultural land to preserve their land in agricultural uses.

It is, therefore, RECOMMENDED that your Board:

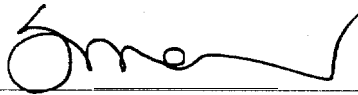
1. Conduct a public hearing on the proposed Interim Ordinance, and
2. Adopt the Interim Ordinance Extending Interim Zoning Regulations Regarding Farmland Security Zones (Attachment 1), and
3. Direct the Planning Department to process the amendment to County Code Sections 13.10.470 through 473 to create the Farmland Security Zone.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED



Susan A. Mauriello
County Administrative Officer

- Attachments:
1. Interim Ordinance Extending Interim Zoning Regulations Regarding Farmland Security Zones
 2. Ordinance No. 45 14 - Interim Zoning Regulations Regarding Farmland Security Zones
 3. Letter of Alvin D. James, Planning Director, dated September 25, 1998
 4. Informational Flyer on the Farmland Security Program

cc: County Counsel
Agricultural Policy Advisory Commission
Santa Cruz Farm Bureau
Tax Assessor
CAO
LAFCO
Agricultural Commissioner
California Coastal Commission

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SANTA CRUZ
EXTENDING INTERIM ZONING REGULATIONS REGARDING
FARMLAND SECURITY ZONES

WHEREAS, California Government Code Section 65858 enables local legislative bodies to utilize interim zoning regulations pending the study, development, and consideration of permanent zoning regulations;

WHEREAS, on October 6, 1998, the Board of Supervisors adopted Ordinance No. 45 14 establishing interim zoning regulations regarding Farmland security Zones and pursuant to Government Code Section 65858 said ordinance **will** expire on November 20, 1998, unless further extended;

WHEREAS, on August 24, 1998, the Governor of the State of California signed into law an urgency statute which authorizes the establishment of Farmland Security Zones and Farmland security contracts as a means to further protect agricultural lands in California;

WHEREAS, the new law provides for Farmland Security contracts with annual renewable terms of 20-years, further reduces property taxes on these agricultural lands, provides certain protections from annexation and prevents acquisition of the land by school districts;

WHEREAS, the new law would enable property owners enrolled in Williamson Act contracts with local governments to apply for replacement of those contracts with Farmland Security contracts;

WHEREAS Section 5.13 of the County General Plan/Local Coastal Program Land Use Plan states, in part, as County objectives: “to prevent conversion of commercial agricultural land to non-agricultural uses”, and “to recognize that agriculture is a priority land use and to resolve policy conflicts in favor of preserving and promoting agriculture on designated commercial agricultural lands”;

WHEREAS, the County General Plan/Local Coastal Program Land Use Plan also includes Programs that encourage the use of Williamson Act contracts, conservation easements, and other tools such as special tax policies and incentives to maintain land in agricultural use; and

WHEREAS, the Board of Supervisors must enact the zoning provisions necessary to implement the Farmland Security Zone immediately in order for conversions from the Williamson Contracts to the Farmland Security contracts to be in effect before January 1, 1999.

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code Section 13.10.470 through 13.10.473 are hereby amended to read as follows:

13.10.470 “P” AGRICULTURAL PRESERVE AND “FS” FARMLAND SECURITY
COMBINING DISTRICTS

13.10.471 PURPOSES OF THE AGRICULTURAL PRESERVE “P” COMBINING DISTRICT

The Agricultural Preserve Combining District is established to denote those lands which are restricted to agricultural, open space and compatible uses by contractual agreement in accordance with the provisions of Article 3 (commencing with Government Code Section 5 1240) of the California Land Conservation Act of 1965 and amendments thereto.

13 10.472 DESIGNATION OF THE AGRICULTURAL PRESERVE “P” COMBINING DISTRICT

Those parcels which are restricted by contractual agreement in accordance with the provisions of Article 3 (commencing with Government Code Section 5 1240) of the California Land Conservation Act of 1965, shall be designated with a “P” Combining District. The designation shall remain on the property until the contract expires or is canceled.

13.10.473 USE AND DEVELOPMENT STANDARDS IN THE AGRICULTURAL PRESERVE “P” COMBINING DISTRICT

Lands designated as “P” Combining District shall also be classified in the “CA” District (except for those lands designated “AP”) and shall be subject to the regulations of that district, with the modification or expansion of uses existing on the date of the execution of the contractual agreement which are not otherwise permitted in the “CA” district (see Section 13.10.3 12) shall be considered as discretionary uses which may be permitted upon the property within the limits of the reservation of such uses in the contractual agreement, subject to the securing of a Level V Approval.

SECTION II

The Santa Cruz County Code is hereby amended by adding the following sections to read as follows:

13.10.475 PURPOSES OF THE “FS” FARMLAND SECURITY COMBINING DISTRICT

The Farmland Security Combining District is established to denote those lands which are restricted to agricultural, open space and compatible uses by contractual agreement in accordance with the provisions of Article 7 (commencing with Government Code Section 5 1296) of the California Land Conservation Act of 1965 and amendments thereto.

13.10.476 DESIGNATION OF THE FARMLAND SECURITY “FS” COMBINING DISTRICT

Those parcels which are restricted by contractual agreement in accordance with the provisions of Article 7 (commencing with Government Code Section 5 1296) of the California Land Conservation Act of 1965, shall be designated with a “FS” Combining District. The designation shall remain on the property until the contract expires or is canceled.

13.10.477 USE AND DEVELOPMENT STANDARDS IN THE FARMLAND SECURITY “FS”

COMBTNING DISTRICT

Lands designated as "FS" Combining District shall also be classified in the "CA" District and shall be subject to the regulations of that district.

SECTION III

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not effect the remaining portions of this Ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of any such decision.

SECTION IV

The Board of Supervisors hereby finds, determines, and declares that this ordinance is adopted consistent with Government Code Section 65858 and is necessary for the protection of the public health, safety, and general welfare. The facts constituting the need for such a measure are set forth in the preamble to this ordinance.

In accordance with Government Code Section 65858, this ordinance shall be in force and effect for a period of 10 months **and** 15 days from its adoption unless, **after** formal public hearing, the Board of Supervisors, by four-fifths vote, extends the interim ordinance in accordance with Government Code Section 65858.

PASSED AND ADOPTED this day of _____, 1998, by the Board of Supervisors at the County of Santa Cruz by the following vote:

AYES: SUPERVISORS:
NOES: SUPERVISORS:
ABSENT: SUPERVISORS:
ABSTAIN: SUPERVISORS:

Chair of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM: Quight L. Hew
County Counsel

DISTRIBUTION: County Counsel Tax Assessor
County Administrative Officer Agricultural Policy Advisory Commission
Planning Department
Santa Cruz Farm Bureau

ORDINANCE NO. 4514

AN ORDINANCE OF THE COUNTY OF SANTA CRUZ
ESTABLISHING INTERIM ZONING REGULATIONS REGARDING
FARMLAND SECURITY ZONES

WHEREAS, California Government Code Section 65858 enables local legislative bodies to utilize interim zoning regulations pending the study, development, and consideration of permanent zoning regulations;

WHEREAS, on August 24, 1998, the Governor of the State of California signed into law an urgency statute which authorizes the establishment of Farmland Security Zones and Farmland security contracts as a means to further protect agricultural lands in California;

WHEREAS, the new law provides for Farmland Security contracts with annual renewable terms of 20-years, further reduces property taxes on these agricultural lands, provides certain protections from annexation and prevents acquisition of the land by school districts;

WHEREAS, the new law would enable property owners enrolled in Williamson Act contracts with local governments to apply for replacement of those contracts with Farmland Security contracts;

WHEREAS, Section 5.13 of the County General Plan/Local Coastal Program Land Use Plan states, in part, as County objectives: "to prevent conversion of commercial agricultural land to non-agricultural uses", and "to recognize that agriculture is a priority land use and to resolve policy conflicts in favor of preserving and promoting agriculture on designated commercial agricultural lands";

WHEREAS, the County General Plan/Local Coastal Program Land Use Plan also includes Programs that encourage the use of Williamson Act contracts, conservation easements, and other tools such as special tax policies and incentives to maintain land in agricultural use; and

WHEREAS, the Board of Supervisors must enact the zoning provisions necessary to implement the Farmland Security Zone immediately in order for conversions from the Williamson Contracts to the Farmland Security contracts to be in effect before January 1, 1999.

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code Section 13.10.470 through 13.10.473 are hereby amended to read as follows:

13.10.470 "P" AGRICULTURAL PRESERVE AND FARMLAND SECURITY
COMBINING DISTRICT

13.10.471 PURPOSES OF THE AGRICULTURAL PRESERVE AND FARMLAND SECURITY
“P” COMBINING DISTRICT

The Agricultural Preserve Combining District is established to denote those lands which are restricted to agricultural, open space and compatible uses by contractual agreement in accordance with the provisions of Article 3 (commencing with Government Code Section 51240) or Article 7 (commencing with Government Code Section 5 1296) of the California Land Conservation Act of 1965 and amendments thereto.

13.10.472 DESIGNATION OF THE AGRICULTURAL PRESERVE AND FARMLAND.
SECURITY “P” COMBINING DISTRICT

Those parcels which are restricted by contractual agreement in accordance with the provisions of Article 3 (commencing with Government Code Section 51240) or Article 7 (commencing with Government Code Section 51296) of the California Land Conservation Act of 1965, shall be designated with a “P” Combining District. The designation shall remain on the property until the contract expires or is canceled.

13.10.473 USE AND DEVELOPMENT STANDARDS IN THE AGRICULTURAL
PRESERVE AND FARMLAND SECURITY “P” COMBINING DISTRICT

Lands designated as “P” Combining District shall also be classified in the “CA” District (except for those lands designated “AP”) and shall be subject to the regulations of that district, with the modification or expansion of uses existing on the date of the execution of the contractual agreement which are not otherwise permitted in the “CA” district (see Section 13.10.3 12) shall be considered as discretionary uses which may be permitted upon the property within the limits of the reservation of such uses in the contractual agreement, subject to the securing of a Level V Approval.

SECTION II

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not effect the remaining portions of this Ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of any such decision.

SECTION III

The Board of Supervisors hereby finds, determines, and declares that this ordinance is adopted consistent with Government Code Section 65858 and is necessary for the protection of the public health, safety, and general welfare. The facts constituting the need for such a measure are set forth in the preamble to this ordinance.

In accordance with Government Code Section 65858, this ordinance shall be in force and effect for 45 days from its adoption unless, after formal public hearing, the Board of Supervisors, by four-fifths vote, extends the interim ordinance in accordance with Government Code Section 65858.

PASSED AND ADOPTED this 6th day of October, 1998, by the Board of Supervisors at the County of Santa Cruz by the following vote:

AYES: SUPERVISORS: Symons, Wormhoudt, Belgard and Beutz
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Almquist
ABSTAIN: SUPERVISORS: None

JANET K. BEAUTZ

Chair of the Board of Supervisors

SUSAN M. FOZARD

Attest: _____
Clerk of the Board

APPROVED AS TO FORM: Dwight L. New
County Counsel

DISTRIBUTION: County Counsel
County Administrative Officer
Planning Department
Santa Cruz Farm Bureau
Agricultural Policy Advisory Commission
Tax Assessor
LAFCO

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 6th DAY OF October 1998
SUSAN A MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.
BY: Susan A. Mauriello DEPUTY

PLANNING DEPARTMENT

COUNTY OF SANTA CRUZ 445

GOVERNMENTAL CENTER

Alvin D. James
Planning Director701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
FAS (831) 454-2131 TDD (831) 454-2123 PHONE (831) 454-2580

FARMLAND SECURITY CONTRACTS

You have received this information sheet because you have a Williamson Act contract with the County. A new law, described below, allows you to substitute a Farmland Security contract for your Williamson Act contract. This new contract will decrease your property taxes in exchange for lengthening the term of the contract from 10 to 20 years. Please read this information. In order to enroll in this program and realize the tax reduction in 1999, the substitution must be completed by January 1, 1999.

GENERAL INFORMATION

On August 24, 1998, Governor Wilson signed into law Senate Bill 1182 by Jim Costa (Fresno). This new law amended the California Land Conservation Act of 1965 to allow landowners to voluntarily convert existing Williamson Act contracts to Farmland Security contracts. The intent of the law, called the "Super Williamson Act", is to provide greater protection for California's agricultural lands by creating incentives for landowners to maintain their land in agricultural use. The specific provisions of the law are as follows:

- ▶ allows a landowner enrolled in a 10-year Williamson Act Contract with the Board of Supervisors to rescind their contracts and simultaneously enroll in a 20-year Farmland Security Zone contract
- ▶ requires that land enrolled in a Farmland Security contract be assessed for property tax purposes at 65 percent of its "use valuation", which is the current Williamson Act rate. Staff will not be able to answer any questions regarding the lower taxes - you may wish to consult your tax advisor or attorney.
- ▶ requires that new special taxes for urban-related services be levied at an unspecified reduced rate on land enrolled in a Farmland Security contract, unless the tax directly benefits the land
- ▶ prohibits the annexation of land within a Farmland Security contract, unless requested by the land owner, to a city or special district that provides non-agricultural services, or for use as a school site

The law went into effect upon signing by the Governor. **In order for landowners to take advantage of this new legislation in 1999, they must be in a Farmland Security Zone and have an approved Farmland Security contract prior to January 1, 1999.**

On October 6, 1998, the County adopted an urgency ordinance that established the required zone district to enable property owners to seek conversion from a Williamson Act contract to a Farmland Security contract. The Board of Supervisors also directed the Planning Department to facilitate the process for those property owners who wished to convert their contracts for 1999. Because of the speed that this process must proceed, we do not have the final contract forms completed, but we expect them by late October.

HOW TO CONVERT FROM A WILLIAMSON ACT TO A FARMLAND SECURITY CONTRACT

1. Submit the enclosed **Request for Conversion from the Williamson Act Contract to Farmland Security zone Contract** to the Planning Department requesting to convert your EXISTING Williamson Act contract to a Farmland Security contract. All requests must be received by **5:00 p.m. on November 2, 1998**, to be processed for the 1999 tax year. Each existing Williamson Act contract must have a separate request form submitted. All requests received after this date will be processed for the 2000 tax year.

2. The request must be signed by all signatories to the Williamson Act contract. A deposit of \$500 must also be submitted to cover the actual processing cost of the public hearing and contract preparation.

The Planning Department will package all of the requests for conversion to Farmland Security contracts for a public hearing on December 8, 1998, before the Board of Supervisors. The Board will consider rescinding the existing Williamson Act contract and simultaneously approving a Farmland Security contract in its place. Following that hearing and if approved by the Board of Supervisors, the specific contract for your property will be completed (signatures and notarization) and recorded by the County Recorder. This information will be forwarded to the County Tax Assessor for property tax calculation for tax year 1999.

For more information regarding this program, you may contact the Santa Cruz County Farm Bureau (724-1356) or the County Planning Department (Bob Stakem at 454-3190). The text of the new law (SB 1182) can be viewed at the following website: <http://www.leginfo.ca.gov/cgi-bin/> (the State legislative site).