

**ALAMEDA COUNTY
UNIFORM RULES AND PROCEDURES
GOVERNING AGRICULTURAL PRESERVES AND
WILLIAMSON ACT CONTRACTS**

Introduction

I. PURPOSE OF WILLIAMSON ACT PROGRAM AND UNIFORM RULES

The purpose of this Alameda County Agricultural Preserve Program, as provided for by the California Land Conservation Act of 1965 (also known as the Williamson Act), is to preserve and protect agricultural and open space lands for the production of food and fiber, as well as for limited types of open-space that have scenic and habitat value. See California Government Code Section 51200 et seq.

The Act creates an arrangement whereby private landowners contract with the county in which they are located to voluntarily restrict their land to agricultural and compatible open-space uses. The vehicle for these agreements is a rolling term 10-year contract which is automatically renewed every year for an additional year unless either party files a “notice of non-renewal”. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their restricted use instead of their potential market value.

These Uniform Rules and Procedures implement the California Land Conservation Act of 1965 for Alameda County by providing the standards for property eligibility, the uses to be considered compatible on contracted land, and the administrative procedures for implementation of the program.

These Uniform Rules and Procedures which were last amended in 1991, supersede previous Uniform Rules and Procedures. The extensive revisions contained in these Rules reflect the Williamson Act legislation as it has been amended to date and include new standards and procedures to ensure that property owners under contract meet the requirements of the legislation.

The Appendix to these Uniform Rules and Procedures contain the various forms, sample contracts, checklists, etc. used by the Planning Department to process applications, compatible use determinations, annual commercial agriculture determinations, and non-renewals. These are not adopted by resolution by the Board of Supervisors as are the Uniform Rules and Procedures contained in Rules 1 through 5 and may be changed as found necessary by the Planning Department. They are included to provide additional information to property owners who have existing contracts with the County or have an interest in applying for a contract.

II. AGRICULTURAL PRESERVES AND WILLIAMSON ACT CONTRACTS

An agricultural preserve is the area within which the County will enter into Williamson Act contracts (also known as Land Conservation contracts) with landowners. In Alameda County, agricultural preserves may be established in the general plan areas designated as Large Parcel Agriculture, Resource Management, and Water Management.

Under Alameda County's program, a property owner makes application simultaneously for agricultural preserve status and approval of a Williamson Act contract. Agricultural preserve status can be obtained either through the establishment of a new agricultural preserve or by means of annexation to an existing and contiguous agricultural preserve. Agricultural preserves must usually be a minimum of 100 acres in size.

There are three kinds of Williamson Act contracts for which an applicant may qualify: for an Agricultural contract, the land must be devoted to commercial agriculture as defined by these Rules; for a Recreational contract, the land must be in a natural and undeveloped state and open to the public for passive recreation; and, for an Open Space contract, the land must be a designated wildlife habitat area, be in a scenic highway corridor, be a saltpond, a managed wetland, or a valuable submerged area.

DEFINITIONS

Agricultural Commodity: Any and all unprocessed plant and animal products of farms, ranches, production nurseries and forests produced for commercial purposes. See Uniform Rule 1, Section II. C.

Agricultural Caretaker: A person who performs at least one of the following: on-site security; maintenance or care for livestock or other ruminants, horses, bees, rabbits, fowl, poultry; operational tasks related to farming or ranching, or in a viable agricultural business or public/commercial recreational interest on the property. (County Zoning Code Section 17.04.010)

Agricultural employee: A person employed by the landowner or farm operator primarily to work in agricultural activities on the contracted property or on other contracted property who primarily works in or is engaged in agriculture.

Agricultural Preserve Program: The County's implementation of the Williamson Act as embodied in these Uniform Rules.

Agricultural preserves: An agricultural preserve defines the boundary of an area within which the County will enter into Williamson Act contracts with landowners.

Agricultural use: Use of land for the purpose of producing an agricultural commodity for commercial purposes.

Annual Gross Revenue: Gross agricultural income from unprocessed agricultural commodities produced by the property under a Williamson Act contract.

Building: Any structure erected for the support, shelter or enclosure of persons, animals or property. For purposes of this definition, a swimming pool is considered a building (County Zoning Code Section 17.04.010).

Building Envelope: The 2-acre building envelope mandated by Measure D in areas designated “Large Parcel Agriculture”, “Resource Management”, and “Water Management” in which all buildings, other than agriculturally-related, are to be located. Under these Uniform Rules, additional restrictions related to the 2-acre building envelope apply. Measure D is an initiative approved by County voters in 2000 which limits development on property outside of the Urban Growth Boundary established by the Measure.

Cancellation: The immediate removal from contract of a property or portion of a property under a Williamson Act contract. See Uniform Rule 5, Section II. B.

Contiguous parcels: A condition in which each parcel touches or abuts at least one other parcel, or where the parcels are separated by a road, street, utility easement railroad right-of-way or other public facility.

Contract: The legal document that binds the parties under the terms of the Williamson Act and these Rules.

Contracted land: Land under a Williamson Act contract; used generally to refer to all land in the County enrolled in the Agricultural Preserve Program.

Commercial: Any activity or operation involving compensation or remuneration for its products or services.

Commercial agriculture: Agriculture that can meet one of the minimum annual revenue thresholds established in Uniform Rule I, Section II. C.

Compatible use: Those uses deemed to be compatible with the agricultural use of the land and in a scale that maintains agriculture as the primary use of the land and that are consistent with the Principles of Compatibility outlined in the Williamson Act (Government Code Section 51238.1).

Development: The erection or placement of buildings or other impervious structures or objects on the land, or grading or otherwise altering the land for non-agricultural purposes. Development does not include use of the land in its natural state for activities such as hunting, fishing, hiking, or outdoor games or sports, or landscaping (softscape) that is in keeping with the natural setting and that is composed of natural features and vegetation generally found in the area of the land in question, provided that these activities meet the compatibility criteria set forth in Uniform Rule 2.

Farm operator: A property owner, farm manager, or lessee who conducts or controls the agricultural use of the property, together with the farm operator's immediate family members.

Immediate family: The landowner's spouse, domestic partner, or cohabitant; the natural or adopted children of the landowner, the parents of the landowner, and the siblings of the landowner.

Land Conservation contract: Another name for the Williamson Act contract.

Land reclamation fill: Fill consisting of solid materials or soil that is non-toxic, non-combustible, and not hazardous, and which is used as fill to contour existing uneven terrain for the purpose of reclaiming land for agricultural use.

Non-prime agricultural land: Land that is engaged in dry-land farming, grazing of livestock or livestock production, the commercial breeding and training of horses, or other types of similar agricultural pursuits and that can meet one of the thresholds established under Uniform Rule I, Section II. C. 3. b.

Non-renewal: The withdrawal of land under contract whereby the contract remains in effect for the remainder of the term of the contract, usually 9 years. See Uniform Rule 5, Section II. A.

New Rules: Alameda County's revised Uniform Rules and Procedures governing agricultural preserves and Williamson Act (Land Conservation) contracts and which refers to this document, adopted October 11, 2011.

Open-space contract: A Williamson Act contract where the land is located within: 1) a scenic highway corridor, 2) a designated wildlife habitat area, 3) a saltpond, 4) a managed wetland area, or 5) a submerged area (See Government Code Section 51202 (o)).

Open-space easement agreement: For purposes of these Rules, an agreement whereby land that had been under a Williamson Act contract is rescinded and placed under an open space easement consistent with the Open Space Easement Act of 1974.

Primary agricultural use: The agricultural use of the land by which the commercial agricultural threshold is met.

Prime agricultural land: Land planted in annual or perennial crops that can meet one of the thresholds established under Uniform Rule I, Section II. C. 3. a.

Property owner: Stockholders in family corporations, beneficiaries of family trusts and estates, owners of undivided interest, and joint tenants.

Rescission: The process of simultaneously voiding an existing contract and entering into a replacement contract. See Uniform Rule 5, Section II. C.