

Butte County
Uniform Rules and Procedures
For Implementing the
California Land Conservation (Williamson) Act

Policy, Procedures and Rules Declaration

Adopted January 23, 2007

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Butte County's objective in implementing the California Land Conservation Act of 1965 (also referred to in these rules and procedures as the Williamson Act) Chapter 7, commencing with Section 51200, of Part 1, of Division 1, of Title 5, of the California Government Code is the promotion of agricultural productivity and the preservation of agricultural land and open space lands by discouraging premature and unnecessary conversion to urban uses.

The County's Resolution to implement the Williamson Act provides a common set of rules and procedures that apply to the standards and categories of property eligibility, the permitted and compatible land uses and restrictions on Williamson Act contract lands, procedures for creation and termination of Williamson Act contracts, and procedures for compliance monitoring and enforcement.

A Williamson Act contract is an agreement entered into voluntarily and with full knowledge of the benefits and requirements of the Williamson Act, by and between the property owner and the County, to restrict the use of the land for agricultural, open space and compatible uses for a minimum term of ten (10) years, in return for a reduction in property taxes on the land.

RULE 1 GENERAL PROVISIONS

- A. **Short Chapter Citation.** These rules and procedures shall be known and may be cited as the “Butte County Williamson Act Uniform Rules and Procedures”. In these rules and procedures the terms Land Conservation Act and Williamson Act are used interchangeably.
- B. **General Rules for Interpretation.** Terms used in these rules and procedures shall be as defined in Section 51201 of the California Government Code, or other applicable codes as referenced herein. Words in the present tense shall include the future; the singular shall include the plural; the word “shall” is mandatory and not directory. Whenever reference is made to any portion of these rules and procedures or any other ordinance, resolution or law, the reference shall apply to all amendments and additions now or hereafter made.
- C. **Regulations.** Regulations set forth in this document and the provisions of the California Land Conservation Act of 1965 as set forth in the Government Code, must be complied with. In the case of inconsistency the more restrictive of the two shall apply. The rules and procedures described and detailed in this document are also referred to herein as “regulations”.
- D. **Designation of the Lead Department.** The Butte County Department of Development Services, Planning Division shall be the lead County department for all Williamson Act program management, inclusion applications, Williamson Act contract non-renewals, and contract cancellations.

RULE 2 REGULATION OF USES

- A. **General.** Use of land under a Williamson Act contract shall be in accordance with State Williamson Act regulations, and these policies, rules and procedures. The determination of consistency of a use with the Williamson Act does not in itself entitle the landowner to that use. The proposed use is also subject to all County, State, and federal laws and regulations. Where there is a conflict between these rules and procedures and other governmental laws and regulations the more restrictive shall prevail.
- B. **Determination of Compatibility of Uses with the Williamson Act.** A use may be allowed on Williamson Act contracted land when the Board of Supervisors determines the use to be compatible with the Williamson Act, per the three principles of compatibility in Section 51238.1(a), and consistent with these rules and procedures. A determination of compatibility may be made in one of the following ways:
 - 1. At the request of the Director of the Department of Development Services, the LCA Committee will convene and assess the compatibility of a proposed use. The Committee shall make a determination of compatibility or non-compatibility for the proposed use with the Williamson Act. For conditional uses, the Committee may recommend conditions or mitigations that would be required to make the use compatible with the Williamson Act. Compatibility determinations of the LCA Committee shall be reported to the Board of Supervisors as recommendations.

2. A determination of compatibility may be made in one of the following ways:
 - a. On a case-by-case basis, the Director of the Department of Development Services or her/his designee shall review all requests for an initial determination of compatibility of a use with the Williamson Act and these rules and procedures. The Director's initial determination shall be reported to the LCA Committee by informational memorandum and agendized for review. The LCA Committee shall review the Director's determination and make a recommendation to the Board of Supervisors.
 - b. In cases where the Director of Development Services determines that a compatibility finding is not clear, the Director shall refer the case directly to the LCA Committee. The Committee may make a determination of compatibility or non- compatibility for the proposed application in the form of a recommendation to the Board of Supervisors.
3. While the LCA Committee makes determinations of compatibility of uses with the Williamson Act, consideration of land use entitlement applications, including but not limited to use permits and mining permits, are the responsibility of the Butte County Planning Commission. In such cases, the Planning Commission approval is "conditional", pending a Board of Supervisors determination of the compatibility of the use with the Williamson Act per Section 51238.1. In the case of use compatibility determinations related to a land use entitlement application, the Board's determination is reported to the Planning Commission by informational memorandum.

RULE 3 QUALIFYING AGRICULTURAL USES ON WILLIAMSON ACT LAND

- A. **Uses that Qualify as Primary Agricultural Uses.** Per Section 51238.1 the Board of Supervisors has determined that the following uses are compatible with the Williamson Act. The determination that the uses listed below are compatible with the Williamson Act does not in itself entitle the landowner to these uses. The uses listed below are also subject to all County, State, and federal laws and regulations. The more restrictive regulation, whether Williamson Act or other government code shall apply. Except as otherwise provided in these rules and procedures, the following uses qualify as compatible uses on land for inclusion in the Williamson Act. The LCA Committee shall, on a case by case basis as necessary, consider and make a recommendation to the Board concerning whether a proposed use is consistent with uses including but not limited to the following compatible uses:
 1. General farming, ranching, horticulture, commercial livestock production (including hog ranches, dairies, dairy and beef cattle feedlots), commercial poultry production, and similar activities (except as limited by Rule 3.C below).
 2. Livestock pastures and grazing.
 3. Aquaculture facilities.
 4. Operation of apiaries.

5. Cultivation of tree, vine, row and field crops.
6. Growing of ornamental and agricultural nursery stock.
7. Greenhouse structures.
8. Growing of Christmas trees.
9. Prime agricultural lands fallow for not more than three years out of five.
10. Processing, packing, selling and/or shipping of agricultural products.
11. Customary agricultural buildings, structures, and necessary equipment for the maintenance and support of the uses listed above.
12. One single-family residence or modular home for persons working in direct support of agricultural production on the Williamson Act contracted land. One such residence is allowed on each legally-created parcel within the contracted lands that conforms to minimum acreage standards in Table One of Rule 5.
13. Agricultural Employee Housing facilities (including manufactured homes) to accommodate only agricultural employees and their families.
14. The drilling for hydrocarbon, including the installation and use of such equipment, structures, and facilities as are necessary per Section 51238, so long as these activities do not interrupt or impair the primary agricultural use or secondary approved compatible use on the land.
15. Water storage reservoirs and irrigation areas which are required for the direct support of the agricultural operations on Williamson Act contracted land. Private recreational lakes are not compatible uses on Williamson Act land.

B. Accessory Uses to Primary Agricultural Uses. Per Section 51238.1 the Board of Supervisors has determined that the following are compatible accessory uses, as long as they are incidental, related, appropriate, and clearly subordinate to the primary agricultural use (as provided in Rule 3.A) which do not significantly alter or inhibit the primary use on the land. The accessory uses listed below must also be in conformance with all County, State, and federal laws and regulations and may require a use permit. Except as otherwise provided in these rules and procedures, the following accessory uses qualify as compatible uses on land for inclusion in Williamson Act. The Director of Development Services or the LCA Committee (per procedures in Rule 2.B) shall, on a case by case basis as necessary, consider and make a determination whether a proposed use is consistent with uses including but not limited to the following compatible uses:

1. Those uses normally associated with a single-family residence use and are in conjunction with or incidental to the residential use, including but not limited to a garage, workshop, shed, garden, private swimming pool, private tennis court, gazebo, spa, etc., and as amended by zoning code.
2. One short-term rental within the primary residence, limited to one per parcel. Short-term rentals shall be further limited to hosted stays as defined under Butte County

Code Section 24-172.1.B.4. Short-term rentals shall not be permitted in agricultural worker housing and are not eligible for a minor use permit pursuant to Butte County Code Section 24-172.1.E. The minimum parcel size requirement for a short-term rental on enrolled agricultural land is 10 acres for prime farm land and 40 acres for nonprime farmland. Short-term rentals on parcels that are substandard to Table One minimums shall be limited to one per contract, and no short-term rentals shall be allowed where the total area of contracted land under the same ownership fails to meet the minimum parcel size per Table One.

3. Warehousing and storage of agricultural products.
4. Accessory buildings and uses pertinent to the commercial agricultural uses, including facilities to process only the agricultural commodities.
5. A stand or a display for the sale of agricultural commodities produced on the premises including the incidental sale of agricultural products produced off-site.
6. Private airport or aircraft landing facilities which are directly supportive of the agricultural operations on the Williamson Act contracted land (example: crop seeding, dusting and fertilizing).
7. Recreational uses not requiring any permanent improvements or facilities and not interfering materially with agricultural operations. This includes seasonal hunting and fishing uses with no permanent facilities, provided that any recreational vehicles and travel trailers shall be used for occupancy during non-cropping seasons only.
8. The processing and sale of firewood from orchard operations.
9. Public utility transmission and delivery lines per Section 51238.
10. Animal rendering plants and agricultural waste composting facilities.
11. Game bird production.
12. Specialized Animal Facilities: are defined as confinement care or keeping establishments for agricultural and other animals including but not limited to: husbandry of fur-bearing animal species; riding academies, accessory equestrian facilities and large scale horse raising, and kennels. Riding academies, accessory equestrian facilities and kennels require a use permit and/or the determination of the Director of the Department of Development Services. Specialized Animal Facilities may not predominate, preclude, or negatively impact primary qualifying agricultural uses on Williamson Act-contracted land. When a use permit is required, the LCA Committee shall make a recommendation to the Board of Supervisors concerning whether the proposed use is compatible with the primary use, pursuant to Section 51238.1.

The difference between grazing/pasture and feedlot operations is defined as follows:

- **Animal Feedlot:** a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the

concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots.

- **Grazing/Pasture:** areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices. Those areas of supplemental feeding or watering devices within a pasture do not constitute a feedlot.

C. **Conditionally-Permitted Uses on Williamson Act Land.** All such uses must comply with Section 51238.1. Some uses listed in this rule (Rule 3) are uses that, without conditions or mitigations would not be in compliance with the Butte County Zoning Code or with Section 51238.1(a). Section 51238.1(c) details the four findings that must be made before a conditional use permit may be granted for such uses.

Uses Allowed Only by Use Permit: Although the following uses may be found to be consistent with the Williamson Act, Butte County Code also requires that the Planning Commission approve a use permit for these uses. For each proposed use an application for a use permit shall be reviewed and verified by the Development Services Department. The Development Services Department will coordinate with the LCA Committee Chairperson to schedule a meeting of the LCA Committee for review. The LCA Committee shall consider the compatibility of the application with the Williamson Act, consistency with these rules and procedures, and shall make a recommendation to the Board of Supervisors concerning compatibility with the Williamson Act. The Board of Supervisors determines if a conditionally permitted use is compatible with the Williamson Act, per the three principles of compatibility in Section 51238.1(a). In such cases, the Planning Commission approval is “conditional”, pending a Board of Supervisors determination of the compatibility of the use with the Williamson Act per Section 51238.1. By informational memorandum, the Development Services Director informs the Planning Commission of the Board of Supervisors determination.

1. **Public and quasi-public uses**, including wireless telecommunication facilities, structures and buildings that conform to Sections 51238 and 51291.
2. **Veterinary hospitals and/or clinics.**
3. Use of Williamson Act land for **seasonal hunting, hunting clubs, and wildlife observation facilities** that do not interrupt or impair the primary agricultural use or approved accessory use on the land. Physical structures in support of the uses allowed by this rule may be permitted where the LCA Committee determines that said structures do not interrupt or impair the primary agricultural use or approved accessory use on the land.
4. **Surface mining mineral extraction, quarries, and all other mines** (not including asphalt and concrete batch plants). Mining is defined as any use requiring a mining permit as defined under Chapter 13 of the Butte County Code. For any mining use, the Board of Supervisors (on an individual case basis) must determine if it is possible

to make the required statutory findings of compatibility under either Section 51238.1 or 51238.2. The mining proponent must provide all necessary documentation and analysis as may be required by the Department of Development Services in supporting such findings for LCA Committee, Planning Commission, and Board of Supervisors consideration. All mining must demonstrate compliance with the Surface Mining and Reclamation Act by a mining use permit and reclamation plan approved by the Butte County Planning Commission.

Mining is a compatible use with the Williamson Act under limited circumstances. In most cases, for the application to be complete, the Williamson Act contract must be terminated by nonrenewal or cancellation (Rule 6) prior to commencing a mining project. The Board may approve the following when the corresponding Williamson Act findings can be made:

- a. Phasing of a mining project on adjacent, non- Williamson Act contracted land while the nonrenewal process runs its course.
- b. Williamson Act contract rescission (Section 51256) a landowner may enter an agreement with the local government to rescind the contract on the land proposed for mining and simultaneously place other land in the same county, of equal or greater size and value, in a permanent agricultural conservation easement. Such contract rescissions require the approval of the Director of the Department of Conservation per Section 51256.1.
- c. Determination of mining as a compatible use meeting Section 51238.1(a) criteria for prime land or Section 51238.1(c) for non-prime land. The use of mineral resources shall comply with Section 51238.2. The Board must find the following:
 - That the activity will not significantly impair the Williamson Act contractual commitment to preserve prime land or non-prime land for open space use.
 - That the Williamson Act contracted land must be returned according to the SMARA reclamation standards for its previous prime or non-prime condition. Any reclamation of contracted land to “open space” use must meet the definition in Section 51201(o) per Rule 4 below.

D. **Other Uses Approved by the Board of Supervisors.** The following uses may be approved by the Board of Supervisors as compatible uses consistent with Section 51238.1 if the use does not significantly impair the primary agricultural use (as defined in Rule 3) which qualifies the land for Williamson Act contract:

1. Recreational use as defined in section 51201. Consistent with section 51201(n), “recreational use” is the use of land in its natural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation. Any fee charged for the recreational use of land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. Any ancillary structures necessary for a recreational use shall comply with the provisions of section 51238.1.

2. Any other use not described in these rules and procedures which the Board, after consideration of a recommendation from the Williamson Act Advisory Committee, determines to be compatible with the agricultural characteristics of the subject and adjacent agricultural land, and is otherwise in compliance with the principles of compatibility as set forth in Section 51238.1.

RULE 4 QUALIFYING OPEN SPACE USES ON WILLIAMSON ACT LAND

The Board of Supervisors (Board) has determined that the following open space uses are eligible for inclusion in a Williamson Act contract by the procedures described below:

- A. **Uses that Qualify as Primary Open Space Uses.** Per Government Code section 51205, land may be enrolled in the Williamson Act under an open space contract if the use or maintenance of the land preserves its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, or to provide habitat for wildlife, and the land is within:
 1. A scenic highway corridor, as defined in section 51201(i)
 2. A wildlife habitat area, as defined in section 51201(j)
 3. A managed wetland area, as defined in section 51201(l)
- B. **Accessory Uses to Primary Open Space Uses.** The Board has determined that the following accessory uses are compatible with open space use, as long as they are incidental, related, appropriate, and clearly subordinate to the primary open space use. The accessory uses listed below must also be in conformance with all County, State and federal laws and regulations and may require a use permit. Per section 51238(b), the Board may impose conditions on lands or land uses to be placed within preserves to permit and encourage compatible uses in conformity with section 51238.1.
 1. Customary storage buildings, structures, and necessary equipment for the maintenance and support of the open space use.
 2. One single-family home on a parcel with a minimum of 80 acres within the contracted property and limited to one single-family home per contract, to be located where it has the least impact on the open space use.
 3. One short-term rental within the primary residence, limited to one per parcel. Short-term rentals shall be further limited to hosted stays as defined under Butte County Code Section 24-172.1.B.4. Short-term rentals on Williamson Act lands are not eligible for a minor use permit pursuant to Butte County Code Section 24-172.1.E. Parcels enrolled in open space contracts must be a minimum of 80 acres to permit a short-term rental. Short-term rentals on open space contracts are limited to one per contract.
 4. Gas, electric, water, or communication facilities allowable per section 51238.
 5. Recreational use as defined in section 51201. Consistent with section 51201(n), "recreational use" is the use of land in its natural state by the public, with or without

charge, for any of the following: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation. Any fee charged for the recreational use of land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. Any ancillary structures necessary for a recreational use shall comply with the provisions of section 51238.1.

- C. **Review and Approval of Open Space Use Applications.** The Williamson Act Advisory Committee (Committee) shall consider and make a recommendation to the Board concerning the consistency of any application with these rules and procedures. This assessment and the recommendations of the Committee shall be submitted to the Board by the Department of Development Services.
- D. **Conversion to Open Space Use.** The conversion of contracted land from agricultural use to an open space use requires execution of an amended contract. If the landowner is unwilling to enter into an amended contract, the Board may non-renew any contract for lands which have been converted to an open space use.
- E. **Procedure Regarding Existing Conservation Easements.** As instances of existing habitat conservation easements on Williamson Act land come to the attention of the County, the County will consult with the California Department of Fish and Wildlife (CDFW) in determining if the land in question could be determined to meet the following Williamson Act (Section 51201(j)) definition of a "wildlife habitat area":

A "wildlife habitat area" is a land or water area designated by a board or council, after consulting with and considering the recommendation of the Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state.

If the Board finds that the land meets this definition, it may approve an amended Williamson Act contract with the landowner to reflect the change in use on the property and to bring the contract into conformance with the regulations of the Williamson Act and the current uses on the land. Land shall be considered for inclusion as wildlife habitat only after a wildlife habitat area resource management plan has been approved by the Board. In many cases, the conservation easement documents recorded with the grantee conservation easement holder (e.g. CDFW, NRCS, USDA, etc.) may contain adequate detail to serve as the required resource management plan. The resource management plan shall be recorded with the contract amendment.

RULE 5 WILLIAMSON ACT CONTRACTS

A. General Provisions.

- 1. **Agricultural Preserves.** In 1967, the Butte County Board of Supervisors established ten agricultural preserve areas that cover the County. Land that meets the criteria detailed in these policies, procedures and rules may be eligible for Williamson Act contracts.

2. **Zoning and General Plan Land Use Designations.** Parcels for inclusion must be consistent with the applicable General Plan designation of Agriculture and zoning classification of AG (Agriculture). Table One of this rule sets minimum parcel size.
3. **Primary Uses.** Only those parcels that are primarily used for agricultural production or open space use (51201 (o)), as respectively established in Rule 4 of these rules and procedures, are eligible for inclusion in a Williamson Act contract.
4. **Qualifications for Williamson Act Contract.** To qualify for a Williamson Act contract, land shall be in an agricultural preserve, and be comprised of a single parcel of land, or two or more contiguous parcels, when such parcels are under the same ownership or are owned by immediate family members and are managed as a single unit.
 - a. **Minimum Parcel Size.** The minimum parcel size required for inclusion in a Williamson Act contract shall be that set forth in Table One of this rule. All parcels smaller than the contract minimum size shall be legally combined or merged to comply with Table One of Rule 5, concurrently with approval of the contract.
 - b. **Parcels in Different Ownership.** In considering a contract for parcels under different ownership, the Williamson Act Advisory Committee may recommend, and the Board of Supervisors require that a management plan and agreement satisfactory to the Committee be recorded between the owners to ensure sustainable agricultural management of all land under contract for the duration of the contract.
 - c. **Combining Parcels.** When parcels are combined under the same contract, each individual parcel must comply with the minimum acreage requirement, by type of use, as set forth in Table One of this rule. Each parcel must also currently be utilized for or proposed to be utilized for agricultural or open space uses as provided in these rules and the California Land Conservation Act.
 - d. **Incompatible Uses.** The application process for inclusion in the Williamson Act requires the applicant to disclose all existing and proposed uses and structures on the land proposed for inclusion. The Williamson Act Advisory Committee may recommend, and the Board of Supervisors may determine that the impacts of incompatible uses or structures render portions of the proposed land inappropriate for inclusion in the Williamson Act. Only entire parcels may be enrolled in the Williamson Act.
 - e. **Application Process.** All applications must be submitted to the Department of Development Services on or before September 15 of each year to be eligible for a Williamson Act contract to become effective during the following year. Applications shall be submitted upon the forms to be supplied by the Planning Division of the Department of Development Services and must be deemed to be complete, prior to October 1, in order to be eligible for actual consideration by the Williamson Act Advisory Committee and the Board of Supervisors.

- f. **Agricultural Easement Exchange.** Lands under Williamson Act contract may be rescinded from the Act in order to simultaneously place other lands under agricultural conservation easement pursuant to Section 51256 *et seq.*
 - g. **Adding Lands to a Williamson Act Contract.** Land may be added to an existing Williamson Act contract. Any parcel added must meet the minimum acreage requirements in Table One of this rule or be legally combined with an existing parcel within the contract to meet minimum acreage requirements per the Subdivision Map Act and local regulations.
 - h. **Lands Bordering Cities and in Special Planning Areas.** When considering inclusion of lands within urban spheres of influence, lands within specific plan areas and lands within special planning areas, the Williamson Act Advisory Committee and the Board of Supervisors shall consider whether such lands are subject to specific plans, special plans and/or joint planning memorandums of understanding and similar policies.
5. **Minimum Parcel Size and Acreage for Williamson Act Contracts.** The required minimum acreage for each application is based on the type of agricultural activity and shall be as follows:

TABLE ONE

| Type of Activity | Minimum Incoming Acres per Contract and Minimum Parcel Size |
|--|---|
| Orchards (vineyards, kiwi, fruit, nut and similar crops) | 20 |
| Field Crops (irrigated row-crops, small grains, and similar crops) | 80 |
| Irrigated Pasture or Irrigated Rice Production | 80 |
| Open Space Uses | 80 |
| Dry-Land Grazing | 160 |

- a. Minimum parcel size applies to Williamson Act contract parcels, parcels eligible for home building permit, and parcels eligible for sale or transfer. Land owners may merge adjacent parcels to attain the minimum acreage required in Table One, concurrent with enrollment in the Act.
- b. The acreage limitations in Table One above shall apply to the use of the subject lands on the date of signing the Williamson Act contract. After the signing of the contract, the type of crop or agricultural use may be changed at the sole discretion of the landowner. However, at a minimum the use must remain consistent with the level of agricultural activity on which contract approval was based. Any changes in use are subject to the qualifying compatible uses described in Rule 3 herein.
- c. Land shall be permitted to be divided into parcels that do not meet the minimum parcel sizes provided in these rules and procedures only when such division is for the purpose of transferring ownership from one immediate family member to another in accordance with Section 51230.1 and Rule 7. D. Subsequent sale of such parcels to nonfamily members is contrary to Williamson Act policy and to these rules.
- d. No residential buildings shall be erected on parcels that fail to meet the standards for minimum acreage specified in Table One of Rule 5. An exception for agricultural labor housing shall comply with the provisions of the Government Code Section 51230.2. An exception is also made in the case of a transfer of land to an immediate family member pursuant to Government Code Section 51230.1. For such a transfer, the minimum parcel size shall be as specified in Section 51230.1(a). For such transfers Section 51230.1(a) requires a 10-acre minimum parcel size in the case of prime agricultural land or 40-acre minimum parcel size in the case of non-prime agricultural land.
- e. All parcels smaller than the Williamson Act contract minimum size shall be legally merged to comply with Table One above, concurrently with approval of a contract for inclusion into the Williamson Act.
- f. Two percent (2%) deviations from the specified Williamson Act contract acreage minimum in Table One above may be allowed subject to review by the Williamson Act Advisory Committee and approval by the Board of Supervisors.

6. **Terms of Williamson Act Contracts.**

- a. The Williamson Act contract shall be binding upon, and inure to the benefit of, all successors in interest of the property owner in accordance with Section 51243.
- b. The Williamson Act contract shall be for an initial term of ten years. The ten year term shall automatically renew on January 1 of each year, unless a notice of non-renewal is submitted per Rule 6.A. and B.

For the years 2012 through 2015, the Board of Supervisors may authorize a reduced term of contract under Government Code Section 51244(b)(1). The imposition of a reduced term of contract will reduce the term of each applicable contract to nine years. In exchange for the reduced term of contract, contract holders will be assessed an additional 10 percent as set forth in Government Code Section 51244(b)(3). All other rules and contract provisions shall remain unchanged. In authorizing the reduction, the Board shall give the required notice to contract holders and will apply the provisions set forth in Government Code Sections 16142, 51244 and 51244.3.

- c. All Williamson Act contracts shall have a common anniversary date of the 31st day of December. A land conservation contract must be executed on or before such date to be in effect for the next succeeding tax year.
- d. The Williamson Act contract shall limit the uses of the land to those provided for in these rules and procedures.
- e. The Williamson Act contract shall require that the land be managed in accordance with any applicable resource management plan(s). If a plan amendment is approved, the amended plan shall be deemed automatically incorporated into the contract as though fully set forth therein without the need for a contract amendment.

7. **Material Breach.** In addition, and without altering the applicability of the provisions of this paragraph, the Owner acknowledges the specific material breach provisions and remedies of Section 51250, a copy of which will be attached to the Williamson Act contract as Exhibit B. Section 51250(b) defines a material breach on land subject to a Williamson Act contract as a commercial, industrial or residential building(s), exceeding 2,500 square feet that is not permissible under the Williamson Act contract, local uniform rules or ordinances. This regulation only applies to structure(s) that have been permitted and constructed after January 1, 2004. Section 51251 allows a local government or landowner to bring any action to enforce any contract, including but not limited to, enforcement by specific performance or injunction.

B. Procedures for a Williamson Act Contract

1. **Application for Williamson Act Contract or Contract Amendment.** To enter into or to amend a land conservation contract, an application executed by all persons having legal and equitable interests in the land shall be submitted to the Development Services Department on a form prescribed by that Department. In addition to the application, applicable fees as established in Chapter 3 of the Butte County Code shall be submitted to the Department on or before September 15 of the calendar year for the contract to become effective January 1 of the succeeding year.

The application shall include the following:

- a. A copy of a recorded map or assessor's parcel map showing the subject real property as a single parcel or parcels when such parcels are under the same ownership, or are owned by immediate family members, and are managed as a single unit.
- b. A legal description of all individual parcels and the names and addresses of all the owners of legal or equitable interest in the property.
- c. Any resource management plan(s) pursuant to Rule 4.
- d. Payment of applicable Williamson Act Inclusion Agreement application fee.
- e. Any additional information the LCA Committee may require, in order enabling the Committee to determine the eligibility of the land involved for a Williamson Act contract.
- f. Any one or a combination of the following, pursuant to the provisions of Rule 4 and this rule:
 - **Agricultural Use.** A statement by the applicant describing the type and quantity of the commercial agricultural use including but not limited to how the parcel or parcels of land are to be commercially utilized for the production of food or fiber. This statement should include methods of production, acreage, improvements, a description and/or map of all appurtenant structures, accessory uses, and any other information that describes the nature and scope of the commercial agricultural use.
 - **Open Space for Wildlife Habitat Area.** Lands shall be considered for inclusion only after a wildlife habitat area resource management plan has been approved by the Board of Supervisors, subsequent to compliance with Section 51201(j) regarding the land's value as an area for the

protection or enhancement of the wildlife resources of the state. A wildlife habitat area resource management plan may be approved by the Board of Supervisors prior to the Williamson Act contract.

Section 51201(j)) defines a "wildlife habitat area" as: "a land or water area designated by a board or council, after consulting with and considering the recommendation of the Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state".

- **Open Space for Managed Wetland Area.** Lands shall be considered for inclusion only after a managed wetland area resource management plan has been approved by the Board of Supervisors, subsequent to the Board's determination of compliance with Section 51201(l). A managed wetland area resource management plan may be approved by the Board of Supervisors prior to the Williamson Act contract.

Section 51201(l) defines a "managed wetland area" as: "an area, which may be an area diked off from the ocean or any bay, river or stream to which water is occasionally admitted, and which, for at least three consecutive years immediately prior to being placed within an agricultural preserve pursuant to this chapter, was used and maintained as a waterfowl hunting preserve or game refuge or for agricultural purposes."

- **Open Space for Recreational Use.** Lands shall be considered for inclusion only after a resource management plan has been approved by the Board of Supervisors for recreational use facilities for use by the public. A master plan for providing recreational use may be approved by the Board of Supervisors prior to the Williamson Act contract, pursuant to 51201(n).
- **Open Space for Scenic Corridor.** Lands shall be considered for inclusion only after a resource management plan for a scenic corridor has been approved by the Board of Supervisors in accordance with a specific plan adopted by the county for the scenic route that has been approved by the State Department of Transportation Advisory Committee on a Master Plan for Scenic Highways. A resource management plan for a scenic highway corridor may be approved by the Board of Supervisors prior to the Williamson Act contract.

2. **Review of Williamson Act Application.** An application to enter into or amend a Williamson Act contract shall be received by the Development Services Department. The Development Services Department shall coordinate with the LCA Committee Chairperson to then schedule a meeting of the LCA Committee for review and recommendation to the Board of Supervisors. The LCA Committee shall consider the consistency of the application with these rules and procedures. The recommendation of the LCA Committee shall be submitted to the Board of Supervisors by the Development Services Department.
3. **Action on Williamson Act Contract Application.** The Development Services Department shall submit a report to the Board of Supervisors containing the recommendation of the LCA Committee concerning the contract. Upon receipt of the report, the Clerk of the Board shall schedule the matter for public hearing and give notice as provided in Section 24-25.40 of the Butte County Code and in Sections 51232 and 51233. The Board of Supervisors shall render its decision to deny, modify or approve the application for entering into or modifying a Williamson Act contract within 60 days after receipt of the report from the Development Services Department. Upon approval of the application, the Chairman of the Board of Supervisors shall be authorized to sign the contract on behalf of the County.
4. **Recordation of Williamson Act Contract.** Within 20 business days of approval of the contract by the Board of Supervisors, the Clerk of the Board shall record the contract, which shall describe the land subject thereto, with the County Recorder and distribute copies of the recorded contract to the landowner, the Department of Conservation, County Assessor, Development Services Department and Agricultural Commissioner.
5. **Changing Uses on Contracted Land.** No part of these rules and procedures allow the landowner, during the course of the Williamson Act contract, to change uses on the land to uses that are incompatible with these rules and procedures and the Williamson Act.
6. **New Contract Required Upon Granting of Entitlements.** In granting of any of the following discretionary entitlements, the County reserves the right to require rescission of the current Williamson Act contract and/or signature of a new or amended contract which incorporates all Butte County Williamson Act rules and procedures in force at the time:
 - a. Tentative Parcel Map
 - b. Tentative Subdivision Map
 - c. Use Permit
 - d. Lot Line Adjustment
 - e. Merger of Parcels

RULE 6 TERMINATION OF WILLIAMSON ACT CONTRACTS

- A. **Nonrenewal of Williamson Act Contract.** Non-renewal is always the preferred means of terminating a contract. On each anniversary date of a Williamson Act contract, a year shall be added automatically to the term of the contract unless notice of nonrenewal is given in accordance with the California Land Conservation Act for all or a portion of the property subject to the contract (Section 51244). When notice is provided on or before September 30 the contract shall expire nine (9) years from December 31 of the year that a timely notice was provided (Section 51245). An exception shall be made in 2012. Notices of nonrenewal submitted by landowners on or before February 1, 2012 shall become effective for 2012. Where such notice of nonrenewal is served the contract shall enter a nine-year nonrenewal period beginning Jan. 1, 2012. Failure of a landowner to serve timely notice of nonrenewal on or before February 1, 2012 shall be considered implied consent to a nine- year contract term. Upon recordation of the notice of nonrenewal, the valuation formula under the Revenue and Taxation Code ~~changes~~ for property tax assessment purposes. The land use restrictions, however, remain the same until the contract expires.

The County prior to the expiration date of the contract shall not approve applications for converting the use of the land to uses that do not comply with the restrictions of the contract. A notice of nonrenewal filed by the County or a property owner with respect to land subject to an existing contract or a contract entered into pursuant to these rules may be withdrawn only upon the consent of the County and the issuance of a new contract in accordance with these rules and any additional conditions required by the County. Any request for withdrawal of a notice of nonrenewal shall include an application for a new contract that complies with the rules and procedures in effect at that time.

- B. **Notice of Partial Non-renewal.** Notice of partial non-renewal for lands within a Land Conservation Agreement. If only a portion of the lands within an agreement are non-renewed, the remaining contract lands must conform to the minimum acreage requirements in Table One of Rule 5. It is the applicant's responsibility to provide accurate legal descriptions of the area to be non-renewed and the area to remain in the contract.
- C. **Rescission of Williamson Act Contract.** In accordance with the Land Conservation Act, the landowner and the County may upon their mutual agreement rescind a contract in order to simultaneously enter into a new Williamson Act contract in order to facilitate a lot line adjustment in accordance with Sections 51254 or 51257.

D. **Immediate Cancellation of Williamson Act Contract.** In accordance with the Land Conservation Act, a landowner may petition the County for a tentative immediate cancellation of a contract to terminate the contract on all or a portion of the property. The Board of Supervisors may only approve cancellation of the contract under extraordinary circumstances as provided in Section 51282.

1. To cancel a Williamson Act contract, a petition signed by all parties having a legal or equitable interest in the property shall be submitted to the Development Services Department on a form prescribed by that Department with the applicable fees established in Chapter 3 of the Butte County Code. It will be the responsibility of the applicant to provide all necessary supporting documentation and analysis, as required by the Development Services Department, that the required statutory findings can be met (per Section 51282). It is the applicant's responsibility to provide accurate legal descriptions of the area to be cancelled and any area to remain in contract.
2. The petition for cancellation shall be referred by the Development Services Department to the Department of Conservation and the LCA Committee for review, comments, and recommendation to the Board of Supervisors. The petition shall also be referred to the County Assessor for determination of the cancellation valuation of the subject property.
3. Any application for immediate cancellation shall require that the Board of Supervisors make either consistency findings per Section 51282(a)(1) or public interest findings per Section 51282(a)(2).
4. Cancellation of a portion of the contract must result in remaining contract parcels that conform to the minimum acreage requirements of Table One, Rule 5.
5. Immediate cancellation allowing minor acreage adjustments of no more than one percent (1%) of the contracted land under the applicant's ownership may be permitted to reconcile building encroachments, irregular fence lines and historic uses through lot line adjustments, subject to review by the LCA Committee and approval by the Board of Supervisors. Such cancellations do not require that the Board make the statutory findings per Section 51282(a)(1) or Section 51282(a)(2).
6. The Development Services Department shall submit a report to the Board of Supervisors containing the recommendation of the LCA Committee concerning the cancellation of the contract and the certified statement from the Assessor concerning the cancellation valuation of the land. Upon receipt of the report, the Clerk of the Board shall schedule the matter for public hearing and give notice as provided in Section 24-25.40 of the Butte County Code and in Section 5128. The Board of Supervisors shall render its decision to deny, approve or conditionally approve the petition for cancellation in accordance with the Land Conservation Act.

- a. Upon approval of a requested cancellation and recordation of a certificate of cancellation of contract, the valuation formula under the Revenue and Taxation Code changes for property tax assessment purposes and the land will be taxed at its current fair market value. In accordance with Section 51203, if either the Department of Conservation or the landowner believes that the current fair market valuations are inaccurate; either party may request formal review from the County Assessor. The procedures for formal review and any recomputation of the cancellation fee are specified in Government Code Section 51203. [SB 1820 effective Jan. 1, 2005].
- b. Cancellation of a Williamson Act contract is subject to the payment of a cancellation fee equal to 12.5 percent of the cancellation valuation of the property to the Department of Conservation (pursuant to Section 51283) as determined by the County Assessor based upon the current fair market value of the land as though it were free of the contractual restrictions in accordance with Section 51283. Cancellation of a Williamson Act contract also requires the landowner to make a cancellation fee payment to the County of Butte equal to 12.5% of the cancellation valuation of the property (per Section 51283), as authorized by Section 51240.

- E. **Annexation and Contract Termination.** Per Government Code including but not limited to Sections 51235, 51243.5, 51236 and 51256, annexation of land under Williamson Act contract does not terminate the contract. If a city annexes land subject to a Williamson Act contract, the city succeeds to all rights, duties and powers of the county under the contract. The city protest provision of the California Land Conservation Act of 1965 has been eliminated effective January 1, 1991. Unless a city filed a valid protest before January 1, 1991, the city cannot terminate a contract upon annexation of the property to the city. A city protest made prior to January 1, 1991, is valid only if there is a record of the filing of the protest and the protest identifies the specific affected contract and subject parcel.
- F. **Public Acquisition.** Williamson Act contracts become void for land that is acquired by a federal, state or local government agency for necessary public uses and facilities. The California Land Conservation Act of 1965 contains policies and restrictions to avoid public acquisition of lands in agricultural preserves, with special emphasis on restricting acquisition of land subject to Williamson Act contracts or containing prime agricultural land. State and local government agencies are required to refer proposals to acquire land in agricultural preserves to the State Department of Conservation for their review and response prior to acquisition.
- G. **Correction of Errors.** Adjustments of contracted lands allowing removal or addition of acreage may be permitted in order to correct surveying errors and similar defects, including but not limited to errors in the legal description of contracted lands, after review by the LCA Committee and approval by the Board of

Supervisors, where substantial evidence in the record indicates that it was not the intent of either the Board of Supervisors or the landowner to include the lands subject to the error or errors in the contract at the time the contract was executed.

RULE 7 DIVISION OF WILLIAMSON ACT LAND

- A. **Division of Land, General.** There shall be no division of land, lot line adjustment, or merger of parcels subject to a Williamson Act contract that would defeat the intent of the Williamson Act to preserve land in agriculture, open space or recreational use. The Butte County Board of Supervisors finds that divisions of land under Williamson Act contract must comply with Government Code Section 66474.4 and shall be allowed only when all of the five conditions in Rule 7.B are fulfilled. While the LCA Committee oversees the Williamson Act, the Butte County Planning Commission is empowered to approve tentative parcel map, tentative subdivision map, waiver of parcel map, and other land use entitlements applications applicable to this section.
- B. **Land Division Procedures.** Applications for division of land subject to a Williamson Act contract shall be processed in the manner prescribed in Chapter 20 of the Butte County Code, except that for all such applications a determination of compatibility with the Williamson Act shall be made per the procedures prescribed in Rule 2. B. A Planning Commission condition of approval will require modification of the existing contract (at the LCA Committee's recommendation) or rescission of the contract in order to simultaneously enter into a new or amended contract conforming to all rules and procedures in effect at that time. A new or amended contract may be required if the division would change parcel boundaries, and parcel legal description(s). Per Rule 2.B, as part of the process of determining the compatibility of the project with the Williamson Act, the Board of Supervisors must make the following findings regarding land divisions on Williamson Act land:
1. The proposed division will not impair the use of the land for the production of food, fiber, livestock or wildlife habitat, as provided in the contract.
 2. Each parcel created by the division or lot line adjustment shall conform to minimum acreage under Table One of Rule 5.
 3. The land division or, lot line adjustment conforms to the Butte County General Plan, state laws and all other applicable County Codes and standards.
 4. The land division or lot line adjustment is not for the creation of residential development that does not directly support agricultural production on the contracted land.
 5. Any parcel merger (Government Code Article 1.5 Merger of Parcels) shall comply with Rule 5. A. 5. c. and with Butte County Code Section 20-180.3.

- C. **Lot Line Adjustment and Parcel Merger.** Per County Code Section 20-95.1 (lot line adjustments) and Section 20-180.3. (parcel mergers) the Director of Development Services may approve lot line adjustments and parcel mergers. On a case-by-case basis, the Director or her/his designee shall review all applications for lot line adjustment or parcel merger to determine the compatibility of the proposed action with the Williamson Act and these rules and procedures. The Director shall determine whether a proposed lot line adjustment or parcel merger is substantially compatible and compliant with the Williamson Act and with these rules. The Director's determination shall be reported to the LCA Committee as a recommendation, by memorandum, and agendized for consideration by the Committee. In cases where the Director of Development Services determines that a compatibility finding is not clear, the Director shall refer the case directly to the LCA Committee. The LCA Committee shall consider the Director's determination and make a recommendation to the Board of Supervisors concerning the compatibility of the proposed lot line adjustment with the Williamson Act.
- D. **Transfer of Ownership to Family Member.** Land shall be permitted to be divided into parcels that do not meet the minimum parcel sizes provided in these rules only when such division is for the purpose of transferring ownership from one immediate family member to another in accordance with Section 51230.1, and per Butte County zoning code minimum parcel size. The Board of Supervisors finds that the transfer of one or more of the parcels so created to a person who is not an immediate family member is a breach of the Williamson Act contract. Pursuant to such unlawful transfer a notice of nonrenewal shall be filed for all portions of the land subject to the existing contract. The Board may also pursue other remedies as authorized by law. No residential buildings shall be erected on parcels that fail to meet the standards for minimum acreage specified in Table One of Rule 5. An exception for agricultural labor housing shall comply with the provisions of the California Section 51230.2.

RULE 8 CONTRACT MONITORING AND ENFORCEMENT

- A. **Enforcement Responsibility.** The Director of the Department of Development Services (DDS) shall enforce the provisions of these rules and the regulations of the Williamson Act, and shall determine the existence of any violations of any resource management plan as approved by the Board of Supervisors. The Director will bring his/her findings to the LCA Committee for review. The LCA Committee shall review these findings and make recommendations to the Board of Supervisors when appropriate. The Board of Supervisors shall consider the recommendations of the LCA Committee in determining any enforcement action.
- B. **Monitoring of Williamson Act Contracts.** The county shall actively monitor the agricultural preserve program by periodically reviewing the continuing eligibility of properties and checking for contract violations. Methods for identifying and reviewing the continuing eligibility of properties and uses include:

1. The Development Services Department will review and assess referrals (e.g., new property transfers) from the Assessor's Office, Building Department, and other sources for potential contract violations.
 2. With proper notice to the landowner, the Department of Development Services may schedule an inspection of the land under contract to verify compliance at any time.
 3. In the course of its normal operations, the Assessor's Office conducts random field checks of properties for:
 - a. Existing agricultural uses and land capability to determine if they comply with qualification standards.
 - b. Oversight for potential contract violations.
 4. The Williamson Act contract shall provide for a biennial review for compliance with the terms and conditions of a land conservation contract. Such review would be implemented at the discretion of the Director of Development Services, as indicated by the needs of the program. Such review would be implemented when general monitoring (1 and 2 above) indicates a trend in non-compliance. This process may include the submittal of a report from the contracted property owners to the Department of Development Services. The form, supplied by the Department of Development Services, may include information that demonstrates compliance with compatible land uses and any resource management plan approved by the Board of Supervisors. Failure to comply with a biennial compliance review survey may be considered a breach of contract and the County may file a notice of nonrenewal of the contract or seek other remedies as authorized by law.
- C. **Violation and Enforcement.** A violation of these rules shall be enforced as provided for in this rule and as provided for in the California Land Conservation Act.
- D. **County-Initiated Notice of Nonrenewal.** In addition to other remedies authorized by law, a notice of nonrenewal of a Williamson Act contract may be filed by the Board of Supervisors for land determined to be out of compliance with these rules, as determined by the Board of Supervisors after consideration of the recommendation of the LCA Committee in accordance with this rule.
- E. **Additional Remedies.** The remedies provided for in this rule are cumulative and in addition to any other remedies otherwise authorized by law.