

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: September 15, 2020	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
DEPARTMENT: Planning Department APPROVING PARTY: Tim H. Beals, Director PHONE NUMBER: 530-289-3251	

AGENDA ITEM: Reformatting the County Open Space Screening Committee (Land Conservation Contracts) and adoption of resolution amending Resolution 2000-137 as follows:

a. Adopt Resolutin declaring the three public appointments as vacant and direction to Clerk to advertise for the minimum period for three appointments to the committee

b. Adopt Resolution to amend Resolution 2000-137 to include the Agricultural Extension Office as an ex-officio member of the Committee

c. Discussion, recommendations and direction with regard to proposed amendments to Resolution 2000-137 to provide updated procedures for Land Conservation contracts, Farmland Security Zone contracts, and other subjects necessitating committee review and recommendations including direction to place amended resolution on the agenda for the first Board meeting in October, 2020.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other

BACKGROUND INFORMATION: Reference background from September 4, 2020 meeting of the Board of Supervisors.

FUNDING SOURCE: N/A
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2020- _____ Agreement 2020- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD

DATE

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF DECLARING VACANCIES ON
OPEN SPACE SCREENING COMMITTEE AND
AUTHORIZING CLERK OF THE BOARD
TO ADVERTISE VACANCIES**

RESOLUTION 2020-_____

BE IT RESOLVED that the Board of Supervisors of the County of Sierra hereby declares three vacancies on the Open Space Screening Committee, hereinafter referred to as “Committee” which consists of three individuals, two of which whose livelihood or predominant source of income and/or employment is ranching, farming, or other related agricultural use within the County, and, one individual of the general public at-large.

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby directed to advertise for the three vacancies for the minimum period in order to accomplish three appointments to the Committee.

ADOPTED by the Board of Supervisors of the County of Sierra on the 15th day of September, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SIERRA

JAMES BEARD
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK OF THE BOARD

DAVID PRENTICE
COUNTY COUNSEL

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF RESCINDING
AMENDING RESOLUTION 2000-137 REGARDING
PROCEDURES FOR INITIATING AND
PROCESSING APPLICATIONS
TO ESTABLISH AGRICULTURAL PRESERVES
AND FARMLAND SECURITY ZONES**

RESOLUTION 2020-_____

WHEREAS, Sierra County Resolution 2000-137 establishes procedures for initiating and processing request for contracts entered into pursuant to Article 7, “Farmland Security Zones”, (commencing with Section 51296) of Chapter 7, of Part 7 of Division 1, of Title 5 of the Government Code, and Chapter 7 (commencing with Section 51200) of Part 1, Division 1, of Title 5 of the Government Code, which is known as the “California Land Conservation Act of 1965”, or “Williamson Act”, including any amendments thereto which may be enacted from time to time.

WHEREAS, Procedure 2 (A) of Resolution 2000-137 refers to the Open Space Screening Committee including the creation thereof.

NOW THEREFORE BE IT RESOLVED that Resolution 2000-137 is hereby amended to include the Agricultural Extension Office as an ex-officio advisory member of the committee.

ADOPTED by the Board of Supervisors of the County of Sierra on the 15th day of September, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SIERRA

JAMES BEARD
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK OF THE BOARD

DAVID PRENTICE
COUNTY COUNSEL

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF)
ADOPTING PROCEDURES)
FOR INITIATING AND)
PROCESSING APPLICATIONS)
TO ESTABLISH AGRICULTURAL)
PRESERVES AND FARMLAND)
SECURITY ZONES)**

RESOLUTION 2000-137

Received

AUG 25 2020

Sierra County Planning
& Building Departments

WHEREAS, the Board of Supervisors is authorized to create procedures for initiating and processing requests for contracts entered into pursuant to Article 7, "Farmland Security Zones" (commencing with Section 51296) of Chapter 7, of Part 7 of Division 1, of Title 5 of the Government Code, and Chapter 7 (commencing with Section 51200) of Part 1, Division 1, of Title 5 of the Government Code, which is known as the "California Land Conservation Act of 1965", or "Williamson Act", including any amendments thereto which may be enacted from time to time.

NOW, THEREFORE, BE IT RESOLVED that County Resolutions 71-39 and 77-3 are hereby rescinded.

BE IT FURTHER RESOLVED that the following procedures shall be used by the County of Sierra for initiating, filing, and processing applications to establish agricultural preserves and farmland security zones.

1) DEFINITIONS

A) "Agricultural Conservation Easement" shall mean a less than fee simple interest in land. It includes the right to prevent development or improvement of the land, as specified in Public Resources Code Section 10211 and Civil Code Section 815.1 for any purpose other than agricultural production. The easement is granted by the land owner to the County or a qualified nonprofit organization that has conservation of agricultural land as one of its primary purposes. The land restricted by the easement remains in private ownership. Aside from the separation of specified development rights, the land owner retains all other rights to the land, including the right to deny public access and to manage the land for agricultural uses.

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B) "Agricultural Preserve" shall mean an area devoted to either agricultural uses, recreational uses, open space uses, or wildlife habitat uses or any combination of such uses as defined herein, including any compatible uses.

C) "Agricultural Use" shall mean the use of land for the purpose of producing an agricultural commodity for commercial purposes.

D) "Compatible Use" shall mean those types of uses of agricultural land determined by the Board of Supervisors to be compatible with the agricultural, recreational, open space, and/or wildlife habitat use of the land within an agricultural preserve or farmland security zone and subject to contract.

E) "Farmland Security Zone" shall mean property that is designated on the "Important Farmlands" series maps prepared and maintained pursuant to Section 65570 of the Government Code as predominantly one or more of the following: (1) prime farmland ; (2) farmland of Statewide significance; (3) unique farmland; or, (4) farmland of local importance. If the property is in an area that is not designated on the "Important Farmland" series maps, the property shall qualify it is predominantly prime agricultural lands as defined in subdivision (c) of Section 51201 of the Government Code.

F) "Open Space Use" shall mean the use or maintenance of land in such a manner as to preserve its natural characteristics, beauty, or openness for the benefit and enjoyment of the public or to provide essential habitat for wildlife..

G) "Recreational Use" shall mean the use of land in its agricultural or natural state, by the public, with or without compensation, for any of the following: walking, hiking, camping, picnicking, swimming, boating, fishing, hunting, or other passive outdoor games for which facilities are provided for public participation.

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H) "Wildlife Habitat" shall mean an area of land or water designated by the Board of Supervisors and after consultation with the State Department of Fish and Game, as an area of great importance for the protection, preservation, and/or enhancement of the fish and wildlife resources of the State.

2) OPEN SPACE SCREENING COMMITTEE

A) Creation of Committee. An "open space screening committee" (hereinafter referred to as "the committee") is created which shall consist of three individuals, appointed by and serving at the pleasure of the Board of Supervisors for a term of one year, said term being automatically renewed for successive one year periods. The committee shall be composed of two (2) individuals whose livelihood or predominant source of income and/or employment is ranching, farming, or other related agricultural use within the County, and, one (1) individual of the general public at-large. There shall be advisory members to the committee who shall not vote on any matter before the committee but whom shall offer technical and professional guidance as may be necessary. These advisory members of the committee shall include the County Assessor, the County Planning Director, and the County Farm Advisor. The County Planning Director shall serve as Secretary of the committee and be responsible for the maintenance of meeting agendas, minutes, and other documents pertinent to the operation of the committee.

B) Responsibilities of the Committee. The committee shall serve in an advisory capacity to the Board of Supervisors and make reports and/or recommendations on matters pertaining to applications for the creation of agricultural preserves and farmland security zones and any contracts or amendments thereto. The committee shall also advise the Board of Supervisors as required and as requested on matters pertaining to the "Important Farmland" series mapping program and "Open Space Subvention" program, both which are administered by the California Department of Conservation. The Board of Supervisors may request recommendations from the committee on other matters related to County agricultural programs and issues from time to time.

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3) PROPERTY QUALIFICATIONS

It is the policy of the Board of Supervisors to approve agricultural preserves and farmland security zones which meet the following standards.

A. Land Use: Property must have a recent history of use primarily devoted to the production of food and fiber products for commercial agricultural purposes. Lands not having a recent history of agricultural use must be supported by a bona fide commitment to agricultural uses which is clearly evidenced by a material change of circumstances, substantial capital investment, recent availability of agricultural water, or other verifiable condition. The land in question must be devoted to the support of the County agricultural economy and/or to compatible uses permitted upon lands being considered for an agricultural preserve or a farmland security zone. Compatible uses in existence or allowed to continue if property is ultimately placed under contract shall not be in conflict, inconsistent with, or in violation of the underlying zoning district applicable to the property.

B. Minimum Acreages: The minimum acreage required to establish an agricultural preserve or farmland security zone is one hundred (100) acres and may consist of two (2) or more parcels if the parcels are contiguous or if they are in common ownership. Agricultural preserves or farmland security zones of less than one hundred (100) acres will be considered if the Board of Supervisors finds that the creation of a smaller agricultural preserve or farmland security zone is necessary due to the unique characteristics of the agricultural enterprise or for the general good of the County agricultural economy.

The minimum acreage required for horticulture, orchard, or aqua culture shall be ten (10) acres. The minimum acreage required for field crops, row crops, or irrigated pasture shall be eighty (80) acres. The minimum acreage required for grazing shall be one hundred sixty (160) acres. These minimums apply only to conditions of the land at the time of application and execution of a land conservation contract or farmland security zone contract. Land owners may change the type of agricultural use but at all times, subject to the compatible uses and acreage minimums established herein.

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4) COMPATIBLE USES

A. Application. Compatible uses are uses determined to be compatible with the agricultural, recreational, open space, or wildlife habitat use of land within an agricultural preserve or farmland security zone, subject to contract. Compatible uses are permitted on lands within an agricultural preserve or farmland security zone, subject to contract, and shall not be inconsistent with or in violation of the County General Plan or underlying County zoning designation applicable to the property. Compatible uses existing on a parcel to be included in an agricultural preserve or farmland security zone contract shall be particularly specified and included in the enabling resolution establishing the agricultural preserve or farmland security zone. The open space screening committee may propose adjustments to compatible uses as part of the committee report to the Board of Supervisors on any proposed contract creating an agricultural preserve or farmland security zone.

B. Uses Defined. The following uses of land are deemed compatible upon agricultural preserve or farmland security zone lands subject to contract:

- 1) Farming, ranching, horticulture, aquaculture, commercial livestock, dairying, poultry production, greenhouses, warehousing, drying-packaging-processing of agricultural commodities, and storage, if only pertinent to the agricultural use occurring on the land subject to contract.
- 2) Structures necessary and incidental to the agricultural use of the land subject to contract.
- 3) Single family dwellings incidental to the agricultural use of the land subject to contract, for the residence of the land owner and the family members of the land owner and/or the residence of the lessee of the land or the family of the lessee, which includes use of the residence as a "farm stay" or bed and breakfast.
- 4) Dwelling for persons employed by the land owner or lessee in the agricultural use of the land subject to contract.

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5) Public or private fishing or hunting, including hunting or fishing clubs and accessory structures incidental to the agricultural use of the property subject to contract.

6) Public or private recreation, with or without compensation, for walking, hiking, picnicking, biking, riding, camping, swimming, boating, fishing, hunting, or other related outdoor activities

7) Run-of-the-river hydroelectric power plants incidental to the agricultural use of the property subject to contract.

8) A private aircraft landing strip, including helipads, pertaining to and being incidental to the agricultural use of the property subject to contract.

9) Removal of sand and gravel resources only when incidental to and for use upon the land subject to contract.

10) Retail stand and/or display for agricultural products or commodities produced on the land subject to contract.

11) Drilling, exploration, and or production of low-temperature geothermal resources including such structures and facilities as may be necessary to serve agricultural uses occurring on lands subject to contract or upon contiguous lands subject to contract.

12) Maintenance and minor alterations of existing gas, water, electrical, or communication utility facilities, not including new utility corridors, transmission facilities, or sub stations.

13) Disposal upon property subject to contract and use of non-hazardous sludge and fly ash by-products when such disposal and/or use is exclusively for the enhancement of the agricultural production of the affected lands.

14) Wildlife areas, educational or study areas, sanctuaries, or habitat enhancement and preservation areas

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15) Flood Control measures

16) Equestrian centers, public riding or event arenas, when such facilities are clearly incidental to the agricultural use of the land subject to contract and is consistent with the agricultural uses of the contiguous lands in the immediate vicinity.

C. Amendment. The Board of Supervisors may add or delete compatible uses only after the following:

1) The Board of Supervisors receives a report and recommendation from the Open Space Screening Committee; and,

2) The Board of Supervisors finds that the proposed addition or deletion of a compatible use is consistent with the County General Plan and underlying County zoning designation; and,

3) The Board of Supervisors has prepared and adopted an environmental document as may be required for the proposed action; and,

4) The Board of Supervisors, after proper notice, has conducted a public hearing on the proposed alteration; and,

5) The Board of Supervisors finds that the proposed action is in the public interest and is consistent with the Land Conservation Act, the Farmland Security Zone program, and this policy.

5) APPLICATION PROCESS

A. Application Contents: The application process to initiate proceedings for agricultural preserves and farmland security zones under this policy shall be initiated by an individual land owner, using forms prepared and maintained by the County Planning Department. The County Planning Department shall be responsible for the administration and processing of applications. Applications shall be deemed complete when the following information is provided:

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- A) Original copy of application
- B) Filed by September 1 of each year
- C) Title company title report or lot book guarantee (current) for all property included on application
- D) Legal description of property and assessor parcel numbers
- E) Map of property
- F) Names of all current property owner and all persons or entities having record, title interest in the property under application, including mailing addresses and telephone numbers (if corporation include name of corporation and signature of authorized officer; if partnership include the name of partnership and signatures of all general partners; and, if a trust include the name of the trust and signatures of all trustees)
- G) Attorney-in-fact-If any person is acting as attorney-in-fact for the owner(s), the attorney in fact document must be recorded in Sierra County or must be submitted in proper form with the application.
- H) List of all uses occurring on property (specific) and a written narrative in detail which shows how the property is being used for commercial agricultural purposes and uses compatible therewith, including carrying capacity and the rental history or income and expense history of the property.
- I) Fee as required by resolution of the Board

B. Application Processing: The County Planning Department shall receive applications and administer this program in conformance with this resolution and applicable statutes. Once an application is received, a determination shall be made whether or not the application is complete and containing all required information in sufficient detail to allow the application review process to continue.

Upon determination that the application is complete, copies of the application shall be forwarded to the County Assessor and to the County

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Farm Advisor for recommendations. The County Planning Department shall render a report as required by Government Code, Section 51234 and determining consistency with the County General Plan.

The County Planning Director shall call a meeting of the "Open Space Screening Committee" who shall make a report and recommendation to the Board of Supervisors whether or not an agricultural preserve or farmland security zone should be established.

The County Planning Director shall submit to the Board of Supervisors, a request that the matter be scheduled upon a meeting agenda as a public hearing to determine if an agricultural preserve or farmland security zone should be established and if a contract should be executed accordingly. Notice of the public hearing shall be provided as required by Government Code, Section 51230 and 51233.

The Board of Supervisors in reviewing this matter shall consider the report as to the conformity of the application with the County General Plan and any required compliance with the California Environmental Quality Act; the report and recommendation of the Open Space Screening Committee; and, any and all written or oral testimony offered during the public hearing. If the Board of Supervisors determines that an application should be granted, it shall adopt a resolution creating an agricultural preserve or a farmland security zone. The resolution shall contain findings supporting the creation of an agricultural preserve or farmland security zone; shall include a finding of authorized uses which are compatible with the agricultural uses within the agricultural preserve or farmland security zone; shall contain any uniform rules to be adopted for the administering of the agricultural preserve or farmland security zone; and, shall approve and direct the preparation of a land conservation contract or a farmland security zone contract.

The land conservation contract or the farmland security zone contract shall be effective on the last day of December, prior to the lien date of January first, of the succeeding year and shall provide for automatic renewal for a period of one (1) year. A land conservation contract shall be for a minimum

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period of ten (10) years and a farmland security zone contract shall be for a minimum period of twenty (20) years.

The County Recorder shall record any executed land conservation contract or farmland security zone contract.

C. Contract Administration: Contracts approved for an agricultural preserve or farmland security zone shall be administered by the County Planning Department in conformance with this resolution and any applicable statute. The Planning Department shall maintain standard contracts for use by the Board of Supervisors for implementation of the Land Conservation Act (Williamson Act) or the Farmland Security Zone program.

All contracts shall be binding upon all current and any subsequent owners/transferees of any interest in real property subject thereto. Any notice of non-renewal shall be in a form approved by the County Planning Department and shall be recorded by the land owner with the County Recorder.

Contracts entered into under this policy shall be for the minimum periods as defined herein and shall restrict the use of land to commercial agricultural uses and to uses compatible therewith stated in the contract. The contract may not be canceled prior to the date of expiration by their own terms except as provided in the Land Conservation Act or Farmland Security Zone Act. The Board of Supervisors upon receiving a petition for cancellation shall place said request on its meeting agenda and shall determine if it wishes to consider the request. If the Board of Supervisors determines that it will consider the request, the matter shall be set for a public hearing. Notice of the hearing shall be given in conformance with Government Code Section 51230 and 51233. The open space screening committee shall report and make a recommendation on the request for cancellation which shall be considered by the Board of Supervisors prior to any action on the request for cancellation. The Board of Supervisors shall not approve any request for cancellation when it is not demonstrated by substantial evidence in the hearing record, that the requested cancellation

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is consistent with the County General Plan; that the requested cancellation is in the public interest; that the findings as required by the Government Code have been made in the affirmative; and, the request has been evaluated as a project under the California Environmental Quality Act. A land owner may petition the Board of Supervisors to amend a contract entered into pursuant to the Land Conservation Act in order to simultaneously place all or a portion of the land subject to the land conservation contract under a new contract designating the property as a farmland security zone. Any remaining land that is not designated as a farmland security zone shall be retained in a land conservation contract .

Land located within a City sphere of influence shall not be included in a farmland security zone unless the creation of the farmland security zone has been expressly approved by resolution of the city with jurisdiction over the sphere of influence. Contracts establishing farmland security zones shall be administered in accordance with Government Code Section 51296 which imposes restrictions to local agencies, including school districts, on the use and/or acquisition of lands designated as a farmland security zone.

6) IMPORTANT FARMLANDS MAPPING PROGRAM

The important farmlands mapping program of the State of California, Department of Conservation shall be administered by the County Planning Department after review and recommendation of the Open Space Screening Committee.

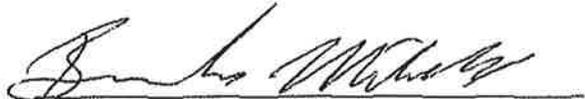
7) OPEN SPACE SUBVENTION PROGRAM

The open space subvention program of the State of California, Department of Conservation shall be administered by the County Open Space Subvention Officer. The County Open Space Subvention Officer shall be the County Assessor who shall submit to the State of California, any and all reports necessary to obtain subvention funding for the County. The Open Space Subvention Officer shall maintain a map of all lands under enforceable restriction and may use the Open Space Screening Committee as deemed necessary to assist in administration of this program.

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Adopted by the Board of Supervisors of the County of Sierra on the 15th day of August, 2000 by the following vote:

AYES: Supervisors Gutman, Huebner, Nunes, Mitchell, Whitley
NOES: None
ABSTAIN: None
ABSENT: None



CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:



CLERK OF THE BOARD



COUNTY COUNSEL