

SECTION 13.1 AGRICULTURAL PRESERVE DISTRICT OR "AP" DISTRICT

A. **GENERAL DESCRIPTION:** Agricultural Preserve Zoning Districts are those areas of the County containing agricultural lands of at least 100 acres which qualify for inclusion under the California Land Conservation Act (Cal. Govt Code, Sec. 51200 et, seq.). Purpose of this Zoning District is to preserve and insure the continuing utilization of lands for agricultural production purposes. To obtain the benefits of Agricultural Preserve Zoning the property owner must enter into a contract with the County. Failure to abide by this contract will result in cancellation of the Zoning and its benefits as well as severe tax penalties.

B. **LIST OF USES PERMITTED IN AN AGRICULTURAL PRESERVE DISTRICT:**

- Agricultural Packing Plant
- Animal Husbandry
- Apiary
- Aviary
- Dairy
- Grazing
- Forestry
- Hog Ranch
- Nursery
- Orchard
- Poultry Farm
- Row and Field Crops
- Vineyard
- Other uses found to be similar in nature as determined by the Planning Commission.

C. **LIST OF USES PERMITTED ON A PARCEL ONLY AFTER OBTAINING A USE PERMIT:**

- Cattle Feed Yard
- Farm Labor Quarters
- Hydroelectric power generating facilities for commercial use
- Kennel, breeding
- Labor Camp
- Slaughterhouse
- Tent Camp

- D. **ACCESSORY BUILDINGS AND USES:** The following accessory uses are deemed to be compatible with agricultural uses provided they do not significantly detract from the use of the property for, or inhibit, agricultural uses:

Accessory buildings and uses normally incidental to the uses permitted.

One single family dwelling per parcel and normal residential accessory to harvesting or planting operations.

Temporary labor camps, less than one year in duration, accessory to harvesting or planting operations.

Recreational use such as walking, hiking, picnicking, swimming, boating, fishing, or hunting.

- E. **MINIMUM PARCEL AREA:** The minimum acreage to be considered for an Agricultural Preserve District shall be one hundred (100) contiguous acres. Parcels within an Agricultural Preserve shall not be less than forty (40) acres, or a quarter-quarter section.

- F. **BUILDING HEIGHT:** The maximum building height shall be forty (40) feet.

- G. **FRONT YARD SETBACK:** The front yard setback shall have a minimum depth of twenty (20) feet. (Ord. 315-722)

- H. **SIDE YARD SETBACK:** Each side yard shall have a minimum setback of twenty (20) feet.

- I. **REAR YARD SETBACK:** The rear yard setback shall be a minimum of twenty (20) feet.

- J. **CONTRACT ELIGIBILITY:** Land zoned as Agricultural Preserve may qualify for property tax benefits conferred through a "Land Conservation Contract" as provided by this section and the California Land Conservation Act.

- K. **CRITERIA FOR INCLUSION:** The following criteria must be met before land is included in a "Land Conservation Contract". Each parcel proposed for inclusion in a contract shall meet these criteria individually rather than collectively (i.e., merger of parcels may be required prior to inclusion).

1. There shall be a capital outlay for agricultural capital improvements affixed to the land in the minimum total sum of \$20,000.00, excluding applicant's residence and original cost of land. The value of such capital improvements shall be made on the basis of replacement cost. Not more than 25% of such capital outlay may consist of breeding stock.

2. Each parcel shall lie within an Agricultural Preserve. Parcels considered for contract shall not be less than forty (40) acres, or a quarter-quarter section.
 3. The gross income derived from such agricultural land must be at least fifty percent (50%) of its estimated agricultural (production of food or fiber for commercial purposes) capabilities. Said estimated capabilities to be determined by the Board of Supervisors with assistance from appropriate advisory agencies. This clause refers to the qualifications of the applicant, and does not affect the findings of the County Assessor.
 4. The applicant shall furnish supporting information concerning the land's agricultural capabilities and use, including gross annual income and expenses, inventory of livestock, capital improvements and such other information as the County may deem necessary in making its determination of eligibility and the payments the landowner should receive under the contract.
 5. Each application shall be signed by all owners and security holders of record.
 6. All contracts and each renewal thereof will be for a term of ten (10) years. Each contract shall be automatically renewed annually on the renewal date, so long as notice of non-renewal has not been filed by either party.
 7. The initial date and the renewal date for all contracts shall be July 1.
 8. All applications for contract shall be submitted prior to October 1 of the year preceding the year in which the landowner desires to effectuate the contract. If the application is approved and the contract is signed prior to the lien date in any year, the contract shall be effective as of July 1 of that year. If approval is obtained upon or after the lien date, the contract shall be effective as of July of the succeeding year.
- L. NOTICE OF NONRENEWAL: If either the landowner or the County desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract upon the other party in advance of the annual renewal date of the contract. Unless such written notice is served by the landowner at least 90 days prior to the renewal date or by the County at least 60 days prior to the renewal date, the contract shall be considered renewed for 10 years.
- M. CANCELLATION: Failure to utilize land zoned Agricultural Preserve consistent with the intent of this Ordinance as determined by the County shall be grounds for cancellation of the contract. Cancellation of the contract by the property owner shall be in accordance with the following procedures:

A sum equal to the tax savings for each and every year the contract has been in effect, plus a compounded interest component to be determined by an announced rate which has the same yield rate for long term United States Government Bonds as published by the Federal Reserve Board for each year, rounded to the nearest one-quarter percent (1/4%) or an amount equal to seventy percent (70%) pursuant to Chapter 7, Article 5, Paragraphs 51283 and 51283.3 of the California Government Code, whichever is greater, shall be provided to the County prior to cancellation of the contract.

- N. RECORDATION: All contracts, cancellations of contracts, and notices of non-renewal of the contracts shall be recorded with the County Recorder.