



# EZOP Planning Checklist AGRICULTURAL PRESERVE/LAND CONSERVATION CONTRACTS *Information Sheet*

## GENERAL INFORMATION

Application to establish, expand, disestablish or reduce an Agricultural Preserve boundary and/or to request to establish, non-renew or cancel a Land Conservation Contract.

Statewide concern over the rapid conversion of agricultural land to urban uses led to enactment of the Land Conservation Act of 1965, commonly referred to as the Williamson Act. This Act enables the County to establish Agricultural Preserve to protect an area devoted to any or all of the following: Prime agricultural land, scenic corridor, a wildlife habitat area, salt pond, managed wetland area, a submerged area, a recreational use and/or an open space use. These uses are defined on an attached page. The Board of Supervisors designates additional uses compatible with agricultural activities in Exhibit B of the attached sample contract and retains the option of adding others.

Once a preserve is established, an opportunity has been created for the property owner to contract with the County to preserve his property and to qualify for a property tax assessment based upon use and economic yield rather than the full market value of the property. This special assessment applies only to the living improvements of crops or animals and does not apply to structures (i.e. homes, barns, etc.), which will continue to be assessed as normal. (Note: Refer to California Revenue and Taxation Code, Article 1.5, Sections 921 through 929 for additional information.)

A Land Conservation Contract is in effect for a minimum of ten (10) years and is self-renewing, automatically renewing each year for an additional year, thereby, keeping the term of the contract to a period of ten years. This will continue indefinitely unless the County or the applicant file a Notice of Non-Renewal which will then terminate the contract at the end of its term, usually nine (9) years. Also, if the County Disestablishes an Agricultural Preserve, a Notice of Non-Renewal should be filed by the County. When a Non-Renewal is filed by the applicant, the property tax assessment gradually reverts back to being computed upon full market value rather than use. However, if the County files the notice of non-renewal, the assessment calculation does not change until the final five (5) years. There are no penalties associated with Non-Renewals.

A preserve can be disestablished and a contract can be cancelled provided mutual consent between the owner and the County is obtained. However, contracts may be cancelled by the Board of Supervisors only if the limited use of the land is no longer necessary or desirable for open space and agriculture preservation or if it is determined cancellation would be in the public interest. To assist the Board of Supervisors in making these determinations, the Williamson Act requires that the landowner submit a Conceptual Development Plan describing the proposed alternative use of the land under contract and its impact upon the remaining lands under contract. Also, prior to approval by the Board, the findings specified in the procedure section must be made and the cancellation fees must be paid. The fees normally equal twelve and one-half percent (12.5%) of the property's full cash or market value. There are certain conditions that could allow the Board of Supervisors to modify the penalty charged. However, the landowner may be required to pay deferred property taxes in addition to the cancellation fee. Contracts may also be cancelled under certain circumstances if the property becomes annexed into a city or is the subject of an eminent domain procedure.

The establishment or disestablishment of an Agricultural Preserve requires a General Plan Amendment because the General Plan Maps are changed. The fees associated with a General Plan Amendment would apply.



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### **FEES**

#### **Establish (LCC) or Cancel (CLC) a Land Conservation Contract within an existing agricultural Preserve**

- Planning Initial Review Deposit (Actual Cost): See Master Fee Schedule

#### **Establish/expand (EAP) or disestablish or reduce (DAP) an Agricultural Preserve and/or cancel a Land Conservation Contract (CLC) to include a General Plan Amendment (Map Change)**

- Planning Initial Review Deposit (Actual Cost): See Master Fee Schedule

#### **Actual Cost Applications**

The basic review fees for these applications are charged on an “actual cost” basis. Your application money is deposited into an account and the reviewing staff records the time spent processing your application. Your account is then charged for the staff time at rates established by the San Bernardino County Fee Ordinance. You are responsible for all charges made to the account. If account funds are depleted an additional deposit will be required. If an additional deposit is required it must be paid to allow staff to continue processing. Any failure to pay the required deposit will result in suspension and possible termination of the review process. For more information on fees, please contact County Planning.

### **PROCEDURES**

**The Agricultural Preserve/Land Conservation Contract application is reviewed, prepared and accepted as complete by staff. The applicant will be notified of acceptance and scheduling. Notification will be sent to surrounding property owners, the Agricultural Commission, USDA Soil Conservation Service, any nearby city, Local Agency Formation Commission and any other interested party or agency, giving fifteen (15) days to provide the Planning Division with their comments. If required, environmental procedures will be completed before scheduling the application for hearing or action.**

The following lists the specific procedures for each application type and provides a reference to the applicable section of the California Government Code.

#### **1. EAP - Establish or Expand an Agricultural Preserve.**

(a) A request to establish/expand an Agricultural Preserve must be combined with a concurrent request to establish a contract (LCC). A General Plan Amendment is incorporated as part of this application.

(b) A minimum of five (5) acres is required to expand an existing Preserve. A minimum of one hundred (100) acres is required for a new Preserve unless the Board of Supervisors specifically finds that a unique situation exists that warrants less. Contiguous parcels or parcels under same ownership and in close proximity may be combined to establish one hundred (100) acre minimum. Parcels do not have to be contiguous to be added to an Agricultural Preserve, but should be reasonably close [i.e., within one (1) mile] or else a new Preserve should be formed. If an Agricultural Preserve is approved the land uses are limited to those listed in Exhibit "B" of the attached sample contract.

#### **2. LCC - Establish a Land Conservation Contract.**

An application only to establish a Land Conservation Contract does not involve a General Plan Amendment. Therefore, such an application does not need to go to the Planning Commission for public hearing. However, it does require a public hearing before the Board of Supervisors. An approved, signed contract places the land under “enforceable restriction, which limits the property to specified land uses.” The contract remains with the land and is binding on all successors in interest to the land.



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### PROCEDURES (Continued)

**3. CLC - Cancellation of a Land Conservation Contract.**

The State of California Government Code Section 51282 specifies the grounds required to petition for cancellation of a Land Conservation Contract.

**4. DAP - Disestablish an Agricultural Preserve.**

A request to disestablish/reduce an Agricultural Preserve requires a General Plan Amendment, which is incorporated as part of this application.

Agricultural Preserve/Land Conservation Contracts Information Sheet and forms are located under the Planning's Handouts section <https://lus.sbcounty.gov/planning-home/handouts/>. The applicant should complete all fillable forms. Completed forms must accompany the application when it is submitted to the Planning Division. Additional forms not included in this packet may be necessary as required by the applicable agency.

1. Submit EZOP application including all completed Agricultural Contract forms. A Technician will invoice you once it has been determined that all required documents have been submitted.
2. Project planner will review application submittal and notify you of any corrections and/or additional items needed.
3. Project planner will prepare an Environmental Initial Study in compliance with the California Environmental Quality Act (CEQA). It is through the Initial Study that the determination is made as to what type of environmental determination will be required. If an Environmental Impact Report (EIR) is required, staff will contact you to explain the process and cost.
4. Project planner will have the project and materials reviewed by all appropriate County Departments and Agencies. Any required corrections, questions or revisions to the plans or other materials will be reviewed by the project planner and then provided to you.
5. Project planner will prepare these materials for consideration by either the Director of Land Use Services or Planning Commission.

All Projects will be evaluated to determine if they are subject to the California Environmental Quality Act (CEQA).

### SUBMITTAL MATERIALS CHECKLIST

*Forms and Guidance Materials can be found at <https://lus.sbcounty.gov/planning-home/handouts/>*

- ☐ 1. Financially Responsible Party Information form
- ☐ 2. Property Owner Certification Form
- ☐ 3. Proof of property ownership:
  - Recorded Grant Deed (or Quitclaim Deed with the previous Grant Deed) for each lot or parcel listed on the application OR
  - A copy of a current Preliminary Title Report (issued within 60 days of application submission).

NOTE: If a trustee is listed as the property owner, a copy of the trust agreement is required. For Grant Deeds that list Corporations, Partnerships, or Fictitious Firms as the Grantor or Grantee, a certified copy of each of the Articles of Incorporation including statement of officers; the Partnership Papers (limited or general); or the recorded Fictitious Business Name Statement naming the owner(s) of the firm is required.
- ☐ 4. Completed Agricultural Preserve/Land Conservation Contract forms.
- ☐ 5. Letter of Intent detailing the proposal.