

UNIFORM RULE 3

Williamson Act Contracts for Open Space

This Rule applies to Williamson Act contracts solely for open space, where no agriculture is taking place. Land that is dedicated to a combination of agriculture and open space shall be considered an agricultural operation with compatible open space and must comply with the requirements and provisions for an Agricultural Preserve and Williamson Act Contracts for Agriculture under Uniform Rules 1 and 2.

The amount of land in the County that is potentially eligible for a Williamson Act Contract for Open Space is small relative to land eligible for inclusion in the Williamson Act Program on the basis of agriculture. The small number of anticipated applications due to the narrow definition of open space in the Williamson Act, combined with the diversity of open space uses and natural characteristics of the land, necessitates careful review of applications on a case-by-case basis. The sections that follow describe the minimum standards and requirements for lands enrolled in contracts for open space uses.

I. ELIGIBILITY REQUIREMENTS

A. Character of Land

As provided in *Government Code Section 51205*, to be eligible for a Williamson Act Contract for Open Space, the land must be located in a scenic highway corridor, a designated wildlife habitat area, a saltpond, a managed wetland or a submerged area. These types of open space are specifically defined below and in *Government Code Section 51201*:

1. A scenic highway corridor is an area adjacent to, and within view of, the right-of-way of:
(a) an existing or proposed state scenic highway in the state scenic highway system established by the State legislature pursuant to Streets and Highways Code Sections 260 et seq. and which has been officially designated by the State Department of Transportation as an official state scenic highway, or (b) a county scenic highway established pursuant to Streets and Highways Code Sections 260 et seq. if it is included in the adopted county general plan, adopted specific plan for the county, and specific proposals for implementing the plan, including regulation of land use, have been approved by the Advisory Committee on a Master Plan for Scenic Highways, and the county highway has been officially designated by the State Department of Transportation as an official county scenic highway.
2. A wildlife habitat area is a land or water area designated by the Board of Supervisors, after consulting with and considering the recommendation of the State Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state.

3. A saltpond is an area that, for at least three consecutive years immediately prior to being placed within an agricultural preserve, has been used for the solar evaporation of sea water in the course of salt production for commercial purposes.
4. A managed wetland area 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 was used and maintained as a waterfowl hunting preserve or game refuge or for agricultural purposes.
5. A submerged area is any land determined by the Board of Supervisors to be submerged or subject to tidal action and found by the Board to be of great value to the state as open space.

B. General Plan Requirements

Eligible land shall have a general plan designation of Large Parcel Agriculture, Resource Management, or Water Management. However, if eligible land is not located within one of these designations, the County may initiate a general plan amendment, if necessary, to include the property in an appropriate land use designation.

C. Preserve and Contract Requirements

1. Each contract for open space shall have its own preserve status.
2. Parcel size requirements are as follows:
 - a. Except as provided below, each contract shall consist of at least 100 acres of land in a single ownership in one legal parcel.
 - b. A parcel of at least 40 acres may be eligible based on the “unique” features of the open space land involved. “Unique” is defined here as a natural feature and/or biological process not found in other parts of the County, state or nation; a unique feature is, for example, a rare, endangered, endemic and/or exemplary floral or fauna species or geologic feature. The terms and uses of the “unique” open space shall be stated in the contract.
 - c. A parcel of any size will be eligible for a Williamson Act contract for open space upon request of the owner if the parcel consists of land adjoining and visible from a State or locally-designated scenic highway. Such contracts shall comply with all other applicable requirement of these Rules.
3. Boundary line adjustments and divisions of contracted land shall not be allowed unless the Board of Supervisors finds that such an action will substantially improve the quality of open space use for which the land was contracted. In such a case, the standards established under Uniform Rule 1 Section II. E. and F. shall apply.

4. Each contract shall be for an initial term of no less than 10 years. Each contract shall provide that on the anniversary date of the contract, established as March 1st, a year shall be added automatically to the initial term unless notice of non-renewal is given as provided in Uniform Rule 5 of this document.

II. Compatible Land Uses

1. No uses shall be permitted that produce an income from the property, including agriculture. There shall be an imputed income of a minimum of \$2.00 per acre per year for assessment purposes.
2. Limited, non-intensive, incidental recreational uses may be permitted where they are deemed appropriate. These uses, by the owner or a lessee with a minimum five-year lease (or non-paying guests of either), may include hiking, horseback riding, scenic viewing, temporary tent camping (as in Federal Wilderness Areas) and similar activities. The limits and conditions on these incidental recreational uses shall be stated in the contract and may preclude certain specified recreational uses completely. Scientific study may also be conducted within a Williamson Act Contract for Open Space, provided it does not result in the removal or disturbance of significant vegetation, geologic features or landforms.
3. No equipment use or mechanized or motorized vehicle use shall be permitted on the land except along a drive that connects the 2-acre building envelope (see Definitions) to a public road, or except for necessary maintenance activities, or except in the case of emergencies and necessities, such as fire fighting and prevention, flood control, and other hazard prevention and control.
4. Except as provided for in *Section 51238 (a)* of the Williamson Act, all buildings including recreational facilities, shall be confined to the 2-acre building envelope (see Definitions). Structures that do not qualify as buildings, i.e. do not create a permanent impervious surface, may be considered for location outside the building envelope. These may include temporary tent platforms, picnic tables, removeable shade structures and the like. Existing buildings and other kinds of structures located outside of the 2-acre building envelope may be considered incompatible and disqualify the land from an open space contract unless they are removed.
5. A primary single family dwelling unit for occupation by the owner and immediate family or manager of the property and their immediate family shall be allowed on the whole of the contracted land. Other uses allowed inside the 2-acre building envelope (see Definitions) shall be determined at the time of the contract application.
6. The contract shall identify the existing open-space use, the compatible land uses to be allowed under the contract, and the measures necessary to maintain and protect the open space use and any important natural features occurring on the property. The contract shall also specify any necessary limitations on uses other than open space that are needed to ensure protection of the open space use.

III. SUBMITTAL REQUIREMENTS, MAINTENANCE AND ADMINISTRATION

1. In order to be eligible for a Williamson Act Contract for Open Space, the landowner shall submit a resource management plan that outlines how the land under contract shall be maintained so as to continue to qualify for the open space uses for which it is contracted, i.e. scenic highway corridor, a designated wildlife habitat area, a managed wetland or a submerged area. Approval of the plan may require review by a resource management specialist to be paid for by the applicant. The owner shall maintain the property in an attractive, scenic way to preserve its natural state in accordance with its resource management plan.
2. All contract holders shall return a yearly questionnaire sent out by the Planning Department that describes the past year's maintenance of the land, any changes to the open space qualities of the land, and future maintenance plans. Failure to return the questionnaire in the time period allotted shall result in the non-renewal of the contract. All maintenance activities including vegetative management, activities minimizing fire, flood and other hazards, changes to add floral or faunal materials, and changes to the natural character of the existing preserve shall be described in the yearly questionnaire.
3. Changes of ownership and terminations shall be subject to the administrative provisions of Uniform Rule 5.
4. The County reserves the right to monitor and enforce the terms of the contract pursuant to Uniform Rule 5.