



-MENDOCINO COUNTY COASTAL ELEMENT-



APPENDIX 11 -- RESOURCE PRESERVES

ORDINANCE 3428

ORDINANCE AMENDING CHAPTER 22.08 OF THE MENDOCINO COUNTY CODE – RESOURCE PRESERVES

The Board of Supervisors of the County of Mendocino do ordain as follows:

Chapter 22.08 of the Mendocino County Code is amended to read as follows:

RESOURCE PRESERVES

Section 22.08.010 DECLARATION.

(A) The legislature of the State of California, in enacting the California Land Conservation Act of 1965 also known as the Williamson Act and subsequent amendments, found that the preservation of a maximum amount of a limited supply of prime agricultural land is necessary to the state's economic resources; that the discouragement of premature and unnecessary conversion of prime agricultural land to urban uses is a matter of public interest; that in a rapidly urbanizing society agricultural lands have a definite public value as open space; that the preservation of a maximum amount of the limited supply of agricultural land is necessary for the maintenance of the agricultural economy of the state and for an assurance of adequate, healthful and nutritious food for future residents of this state and the nation; that the agricultural work force is vital to sustaining agricultural productivity and that land within a scenic highway corridor or wildlife habitat has a value to the state because of its scenic beauty and its location adjacent to or within the view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.

(B) The Board of Supervisors of the County of Mendocino concurs with the findings of the California State Legislature.

(C) It is essential to the objectives of the California Land Conservation Act of 1965 also known as the Williamson Act that an orderly system be established whereby property within Mendocino County may be incorporated into agricultural preserves and the owners of said property may, by contract, further restrict the use of their property to exclusively agricultural, recreational or open space purposes.

Section 22.08.020 CREATION OF PRESERVES.

(A) Property within the County of Mendocino may be incorporated into agricultural preserves, and property within any agricultural preserve may be further restricted by contracts between the



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County of Mendocino and the owners of said property pursuant to the following procedures and not otherwise:

(1) An agricultural preserve shall consist of no less than 100 acres; provided that, in order to meet this requirement, two or more parcels may be combined if they are contiguous or if they are in common ownership; and further provided that no parcel containing less than 100 acres shall be combined for this purpose with any parcels subject to an existing agricultural preserve contract unless the owners of all parcels included within the agricultural preserve have indicated their approval in writing on the petition. An agricultural preserve may contain land other than agricultural land, but the use of any land within the preserve and not under contract shall within two (2) years of the effective date of any contract on land within the preserve be restricted by zoning or other suitable means in such a way as not to be incompatible with the agricultural use of the land, the use of which is limited by contract in accordance with this chapter. Agricultural preserves of less than 100 acres may be established if the Board of Supervisors finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area and that the establishment of preserves of less than 100 acres is consistent with the General Plan of the County.

(2) A petition for the formation of an agricultural preserve containing 100 or more contiguous acres shall be filed with the Mendocino County Planning Department. Said petition shall be executed by all property owners within the proposed preserve and shall contain the following:

- (a) Names and addresses of all parties of record title within the preserve.
- (b) A 'statement of intent' for the property to be incorporated into an agricultural preserve as defined by the California Land Conservation Act of 1965 also known as the Williamson Act and subsequent amendments.
- (c) A legal description, or the assessor's parcel number, of the land which is proposed to be included within the preserve and a statement that it covers a minimum of 100 or more acres.
- (d) A description of the general character and current use of the property.

(3) Said petition shall have affixed thereto a map of sufficient size to adequately reflect the following:

- (a) Exterior boundaries of the proposed preserve and approximate acreage.
- (b) All individual parcels within the proposed preserve, approximate acreage of each, and assessor's parcel number.
- (c) Names of the owners of each parcel.



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(4) No property shall be incorporated into an agricultural preserve unless the Board of Supervisors finds that it meets the eligibility qualifications established by this chapter for prime agricultural land, timberland, rangeland, recreational use, land within a scenic highway corridor, wildlife habitat, salt pond, a managed wetland area, or submerged area. An agricultural preserve consisting primarily of prime agricultural land shall be classified as Type I. An agricultural preserve consisting primarily of rangeland or forest land shall be classified as Type II and all other remaining agricultural preserves shall be classified as Type III.

(5) A public hearing shall be held by the Planning Commission pursuant to legal notice, and within 30 days after receiving the petition, the Planning Commission shall submit a report thereon to the Board of Supervisors; provided, however, that the Board of Supervisors may extend the time allowed for an additional period not to exceed 30 days.

During said public hearing, any interested person may appear and present evidence. All relevant evidence shall be received and considered by the Commission.

(6) The Board of Supervisors, upon receipt of the Planning Commission report, shall hold a public hearing on the petition for the agricultural Preserve and the Planning Commission's report. Notice of the hearing shall be published for one time in a newspaper of general circulation in Mendocino County and shall include a legal description, or the assessor's parcel number, of the land which is proposed to be included within the preserve. If the Board decides to establish the preserve, it shall do so by a resolution which shall determine the boundaries of those areas within which Mendocino County will be willing to enter into agricultural preserve contracts.

(7) Property shall be deemed contiguous although not actually touching if the only division is caused by a railroad, roadway, public throughfare, or private easement.

(8) No agricultural preserve may be established or approved by the Board of Supervisors unless the property within the proposed preserve boundaries has been approved by the Board of Supervisors for the following restrictive zoning: Agricultural (A-G), Rangeland (R-L), Forestland (F-L) or zoning allowing 'recreational use' or 'open-space use' as set forth in this chapter. The Planning Commission and the Board of Supervisors may consider petitions for rezoning of said property at the same time it considers the petition for the formation of an agricultural preserve for said property. No agricultural preserve contract may be executed on behalf of the County until the ordinance rezoning the property covered by said contract to the aforesaid restrictive zoning has become final.

(9) The fees for the processing of agricultural preserves shall be as set forth in the schedule adopted by resolution of the Board of Supervisors.

Section 22.08.021 DEFINITIONS.



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The following definitions shall apply with respect to the eligibility of any land proposed to be incorporated into an agricultural preserve:

(A) 'Agricultural commodity' means any and all plant and animal products produced in this state for commercial purposes.

(B) 'Agricultural use' means use of land for the purpose of producing an agricultural commodity for commercial purposes.

(C) 'Prime agricultural land' means any of the following:

(1) All land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classifications.

(2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.

(3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one (1) animal unit per acre as defined herein.

(4) Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period of not less than five (5) years and which will normally return during the commercial bearing period on an annual basis from the production of not less than two hundred dollars (\$200) per acre.

(5) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre for three (3) of the previous five (5) years.

(D) 'Agricultural preserve' means an area devoted to either agricultural use, as defined in subdivision (B), recreational use as defined in subdivision (K), or open-space as defined in subdivision (L), or any combination of such uses and which is established in accordance with the provisions of this chapter.

(E) 'Compatible use' is any use determined by the County administering the preserve or by the California Land Conservation Act of 1965 also known as the Williamson Act to be compatible with the agricultural, recreational, or open-space use of the land within the preserve and subject to contract. 'Compatible use' includes agricultural use, recreational use or open-space use unless the Board finds after notice and hearing that such use is not compatible with the agricultural, recreational or open-space use to which the land is restricted by contract pursuant to this chapter.

(F) A 'scenic highway corridor' is an area adjacent to, and within view of, the right of way of:



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(1) An existing or proposed state scenic highway in the state scenic highway system established by the legislature pursuant to Article 2.5 (commencing with section 260) of Chapter 2 of Division I or the Streets and Highways Code and which has been officially designated by the Department of Transportation as an official scenic highway; or

(2) A county scenic highway established pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division I of the Streets and Highways Code, if each of the following conditions have been met:

(a) The scenic highway is included in an adopted General Plan of the county or city; and

(b) The scenic highway corridor is included in an adopted plan of the county; and

(c) 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 Department of Transportation as an official county scenic highway.

(G) A 'wildlife habitat area' is a land or water area designated by the Board, after consulting with and considering the recommendations 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.

(H) A 'salt pond' is an area which, for at least three (3) consecutive years immediately prior to being placed within an agricultural preserve pursuant to this chapter, has been used for the solar evaporation of sea water in the course of salt production for commercial purposes.

(I) A 'managed wetland area' is 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 (3) consecutive years immediately prior to being placed within an agricultural preserve pursuant to this chapter, was used and maintained as a water fowl hunting area or game refuge for an agricultural purpose.

(J) A 'submerged area' is any land determined by the Board to be submerged or subject to tidal action and found by the Board to be of great value to the state as open-space.

(K) Within a Type I or Type II agricultural preserve, 'recreational use' is the use of the land for any of the following: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided.

Within a Type III agricultural reserve, 'recreational use' is the use of the land 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



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public participation. Any fee charged for the recreational use of the land as defined within a Type III agricultural preserve shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. The landowner may designate reasonable times and dates for use by the public for any recreational use provided, however, that the land owner provides a minimum of ninety (90) days of such use per year and sets forth such use on his or her reporting statement.

(L) 'Open-space use' is 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, to provide essential habitat for wildlife, or for the solar evaporation of seawater in the course of salt production for commercial purposes, if such land is within:

- (1) A scenic highway corridor, as defined in subdivision (F).
- (2) A wildlife habitat, as defined in subdivision (G).
- (3) A salt pond, as defined in subdivision (H).
- (4) A manage wetland area, as defined in subdivision (I).
- (5) A submerged area, as defined in subdivision (J).

Section 22.08.050 COMMERCIAL RANGELAND.

The following rules shall apply to all lands eligible for incorporation as rangeland in an agricultural preserve:

(A) Commercial rangeland eligible for incorporation into an agricultural preserve shall meet the following qualification:

All land comprised of soils classified as grass, oak-grass, and other soils that may produce feed at the rate of forty (40) acres or less per animal unit.

(1) An animal unit (A.U.) for the purposes of this chapter is defined as the quantity of forage required for good growth and production of one mature head of cattle or its equivalent in feed requirement; 4.8 tons of hay shall be deemed such feed requirement.

(2) The definition and separation of rangeland soils shall be as indicated in the soil-vegetation maps filed with the University of California Cooperative Extension Service in Mendocino County and in accordance with the Storie land-use rating and grazing percentage of range soils. Such grazing percentage and grazing rate shall be based upon the soils map of the 1947 Upland Soil Survey of Mendocino County as amended. Land not included in the Upland Soil Survey



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may qualify for inclusion if the carrying capacity can be shown to be forty (40) acres or less per animal unit. The burden of demonstrating that land not included in the said Upland Soil Survey has a carrying capacity of (40) acres or less per animal unit shall be borne by the applicant.

(B) No land shall be included within an agricultural preserve as rangeland unless the Board of Supervisors finds the following size and use requirements are presently met:

(1) A minimum production potential of ten (10) animal units of feed, such production potential requiring a production of feed sufficient for fifty (50) sheep or ten (10) mature beef or dairy animals.

(2) A range in continuous use for livestock production and having within the preceding three (3) years a one-year history of such production.

(C) Commercial rangeland shall be deemed to be in material noncompliance with its agricultural preserve contract if not used for livestock grazing for three (3) out of the five (5) preceding years at the above mentioned standard of forty (40) acres or less per animal unit.

Section 22.08.060 RESTRICTED USES.

All property subject to Mendocino County agricultural preserve contracts shall be restricted to the agricultural, open-space, recreational, and compatible uses hereinbelow set forth for the particular zone in which such property has been classified; provided, however, that no agricultural, recreational, open-space or compatible use listed below shall be permitted under any agricultural preserve contract if not permitted by Title 20 of the Mendocino County zoning ordinance.

Section 22.08.070 LANDS ZONED A-G, R-L AND F-L WITHIN AN AGRICULTURAL PRESERVE.

With respect to property under a Mendocino County agricultural preserve contract which is zoned A-G, R-L or F-L the following agricultural uses shall be permitted:

Agricultural Use Types

Horticulture

Row and field crops

Tree crops

Packing and processing: limited; which is the packing or processing of crops grown on the premises.

Forest production and processing: limited; which refers to the growing, harvesting, curing, milling, packaging, packing, shipping and selling of forest products, produced on the premises.



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The following agricultural accessory uses are permitted:

- (1) Private garages.
- (2) Children's play houses, patios, porches, gazebos, etc.
- (3) Windmills.
- (4) Silos.
- (5) Shops (non-business purposes).
- (6) Barns.
- (7) Private swimming pools and hot tubs.
- (8) Guest cottages. One (1) guest cottage is permitted for each residence on a parcel. In lieu of a guest cottage, a detached bedroom is permitted. In lieu of a guest cottage, a temporary family care unit may be substituted.
- (9) Detached bedrooms. Not more than two (2) detached bedrooms are permitted upon each parcel. If a guest cottage is constructed the guest cottage and one (1) detached bedroom may be constructed.
- (10) Travel trailer or camper. The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes.
- (11) Home occupations subject to the restrictions as set forth in Article XXVIII of Title 20 of the Mendocino County Code.
- (12) Roadside sales of agricultural products. Operations of a single roadside stand for a display and sales of only those products produced on the premises, or on other property owned or leased by the vendor, as permitted by the zoning ordinance, provided that the stand does not exceed an area of 200 square feet, and is located not nearer than 15 feet to any street or highway.
- (13) Other necessary and customary uses. Accessory agricultural uses and agricultural structures, in addition to those set forth, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to an agricultural or compatible use, as determined by the director.

Section 22.08.071 LAND WITHIN AN AGRICULTURAL DISTRICT ZONED A-G.



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With respect to property under a Mendocino County agricultural preserve contract which is zoned agricultural (A-G), the permissible agricultural and compatible uses shall be as follows:

(A) The permitted agricultural uses are as follows:

(1) Animal use types

Animal raising
Packing and processing; winery

(2) Commercial use type

Animal sales and services: stockyards

(3) Residential use types

Family residential: single family

(B) Uses subject to a minor use permit. The following use types are permitted in the A-G district upon issuance of a minor use permit:

(1) Residential use types

Farm employee housing
Farm labor camps

(2) Commercial use types

Cottage industry: resource lands

(C) Uses subject to a major use permit. The following use types are permitted in the A-G district upon issuance of a major use permit:

(1) Residential use types

Family residential: dwelling group
Family residential: cluster development

(2) Civil use types

Major impact facilities
Major impact service and utilities



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(3) Commercial use types

Animal sales and services: permanent auction yard

Animal sales and services: horse stables

Animal sales and services: veterinary (large animals)

Energy development: Production of energy other than that used on the property

(4) Agricultural use types

Animal waste processing

Packing and processing general

Section 22.08.080 LAND WITHIN THE RANGELAND DISTRICT (R-L).

With respect to property under an agricultural preserve contract zoned rangeland (R-L), the permissible agricultural and compatible uses shall be as follows:

(A) The permitted agricultural uses are as follows:

(1) Commercial use type

Animal sales and services: horse stables

Animal sales and services; kennels

Animal sales and services: stockyards

(2) Agricultural use types

Animal raising

Animal waste processing

Packing and processing: winery

(3) Residential use types

Family residential: single family

(B) Uses subject to a minor use permit. The following use types are permitted in the R-L district upon issuance of a minor use permit:

(1) Residential use types

Farm employee housing

Farm labor camps



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(2) Commercial use types

Cottage industries: resource lands

(C) Uses subject to a major use permit. The following use types are permitted in the R-L district upon issuance of a major use permit:

(1) Agricultural use types

Packing and processing: general

(2) Commercial use types

Animal sales and services: permanent auction yard

Animal sales and services: veterinary (large animals)

Commercial recreation: outdoor sports and recreation

Commercial recreation: outdoor entertainment

Transient habitation: campground

Transient habitation: resort

Energy development: production of energy other than that used on the property

Section 22.08.081 LANDS WITHIN THE FORESTLAND DISTRICT (F-L).

With respect to property under an agricultural preserve contract zoned forestland (F-L), the following permissible agricultural compatible uses shall be as follows:

(A) The permitted agricultural and compatible uses are as follows:

(1) Commercial use types

Animal sales and services: horse stables

Animal sales and services: kennels

Animal sales and services: stockyard

(2) Agricultural use types

Animal raising

Animal waste processing

Packing and processing: winery

(3) Residential use types



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Family residential: single family

(B) Uses subject to a minor use permit. The following use types are permitted in the F-L district upon issuance of minor use permit:

(1) Residential use types

Farm employee housing
Farm labor camps

(2) Commercial use types

Cottage industry: resource lands

(C) Uses subject to a major use permit. The following use types are permitted in the F-L district upon issuance of a major use permit:

(1) Commercial use types

Animal sales and services: permanent auction yard
Community recreation: outdoor sports and recreation
Community recreation: outdoor entertainment
Transient habitation: campground
Transient habitation: resort
Energy development: production of energy other than that used on the property

(2) Agricultural use types

Forest Production and processing: general

Section 22.08.082 POWER TO CONTRACT.

The County may not contract with respect to any land pursuant to this chapter unless the land:

(A) Is devoted to agricultural use.

(B) Is located within an area designated by the County as an agricultural preserve.

Section 22.08.083 INCLUSION OF LAND WITHIN SCENIC HIGHWAY CORRIDOR, WILDLIFE HABITAT AREA, SALT POND, MANAGED WETLAND AREA OR SUBMERGED AREA.



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Notwithstanding any provisions of this chapter to the contrary, land devoted to recreational use or land within a scenic highway corridor, a wildlife habitat area, a salt pond, a managed wetland area, or a submerged area may be included within an agricultural preserve pursuant to this chapter. When such land is included within an agricultural preserve, the County may contract with the owner for the purpose of restricting the land to recreational or open-space use and uses compatible therewith in the same manner as provided in this chapter for a plan devoted to an agriculture use. For purposes of this section, where the term 'agricultural land' is used in this chapter, it shall be deemed to include land devoted to recreational use and land within a scenic corridor, a wildlife habitat, a salt pond, a manage wetland area or a submerged area and where the term 'agricultural use' is used in this chapter, it shall be deemed to include recreational and open-space use.

Section 22.08.085 LAND WITHIN SCENIC HIGHWAY CORRIDOR; INCLUSION IN AGRICULTURAL PRESERVE; CONTRACT TO RESTRICT USE.

Notwithstanding any provision of this chapter to the contrary, land within a scenic highway corridor, as defined in section 22.08.021(F), shall, upon the request of the owner, be included in an agricultural preserve pursuant to this chapter. When such land is included within an agricultural preserve, the County shall contract with the owner for the purpose of restricting the land to agricultural use as defined in subdivision (B), recreational uses for Type III agricultural preserve contracts as defined in subdivision (K), open-space uses defined in subdivision (L), compatible uses defined in subdivision (E), or any combination of such uses.

Section 22.08.090 REPORTING STATEMENT.

All land within an agricultural preserve whose owner does not comply with the following reporting requirement shall be deemed to be in material noncompliance with its agricultural preserve contract: The landowner shall file a reporting statement for any land included within an agricultural preserve whether Type I or Type III. Such reporting statement shall be on a form approved by the County of Mendocino and maintained in the office of the Agricultural Commissioner. The information contained in the reporting statement shall be confidential to the extent provided by law. The landowner shall file said reporting statement as follows:

- (A) Every two (2) years as prescribed by the Mendocino County agricultural Commissioner, and every two (2) years thereafter; and,
- (B) Upon a change of ownership, use or possession; and,
- (C) Upon the issuance of certificates of compliance pursuant to Government Code Section 66499.35 or any successor statute.



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The landowner shall immediately inform the County upon change of use, possession or ownership and it shall be the duty of the new landowner to simultaneously complete a new reporting statement. The reporting statement shall be in a form approved by resolution of the Board of Supervisors and such reporting statement executed under penalty of perjury. The reporting period for such statement shall be the previous two (2) contract years or whatever portion of such period is included from the period of the last reporting statement until the change of use, possession, ownership or the issuance of certificates of compliance.

Section 22.08.100 SUBDIVISION AND LANDS DIVIDED BY VIRTUE OF ISSUANCE OF CERTIFICATES OF COMPLIANCE.

For the purposes of this section "subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes.

No land subject to an agricultural preserve contract shall be subdivided unless the County committee, commission, or board, having the authority to grant final approval of the type of subdivision involved has made the express finding that each of the parcels resulting from such subdivision meets the minimum eligibility qualifications for agricultural preserve status as were applicable at the time the agricultural preserve was established. If any of the parcels resulting from such subdivision does not meet the minimum eligibility qualifications for agricultural preserve status in effect at the time of the filing of the tentative map for such subdivision, the County shall deny the subdivision.

No land subject to an agricultural preserve contract shall be issued certificates of compliance unless the County committee, commission, or board, having the authority to grant certificates of compliance has made the express finding that each of the parcels resulting from the issuance of certificates of compliance meets the minimum eligibility qualifications for agricultural preserve status as were applicable at the time the agricultural preserve was established. If any of the parcels resulting from the granting of such certificates of compliance does not meet the minimum eligibility qualifications for agricultural preserve status in effect at the time the agricultural preserve was established, the County committee, commission, or board shall impose as a condition of granting the requested certificate of compliance, that the subject parcel or parcels not be used for anything other agricultural use or a compatible use as set forth in the California Land Conservation Act of 1965, also known as the Williamson Act, and the subject agricultural preserve contract.

Section 22.08.110 NOTICE OF NONRENEWAL.



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Any landowner who gives notice of nonrenewal of his or her agricultural preserve contract shall comply with the provisions of the California Land Conservation Act of 1965 also known as the Williamson Act, of the agricultural preserve contract, and the following rules:

(A) A notice of nonrenewal given by or on behalf of a landowner shall apply to all of his or her land under the particular contract involved unless the Board of Supervisors authorizes the landowner to serve a notice of nonrenewal on a portion thereof.

(B) A notice of nonrenewal shall not be effective if it would result in an area of less than 100 acres having a different term of contract unless either of the following applies:

(1) Said resulting area of less than 100 acres has been, or is currently, found by the Board of Supervisors to qualify as a smaller preserve necessary due to the unique characteristics of the agricultural enterprises in the area; or

(2) The landowner retains at least 100 acres under his common ownership within the particular agricultural preserve involved.

(C) A notice of nonrenewal shall not be effective until recorded with the Mendocino County Recorder.

(D) A notice of nonrenewal shall contain the following information:

(1) Name of each owner of the land subject to the notice of nonrenewal.

(2) Address of each such owner.

(3) Number of the agricultural preserve contract involved.

(4) Date of recording of the contract.

(5) Plan file number of the contract.

(6) Legal description of the land subject to the notice of nonrenewal.

(7) Date of execution of notice of nonrenewal.

(8) Name of party requesting nonrenewal.

(9) Signature of each such owner of the land.

(10) Acknowledgement of each such signature.



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(11) Such other information as deemed appropriate by the Mendocino County Assessor.

(E) Any person desiring to give notice of nonrenewal shall apply to the Mendocino County Assessor for the appropriate form, giving his or her reason for nonrenewal. The Assessor shall process all notices of nonrenewal and shall arrange for the following entities to be notified upon any notice of nonrenewal being recorded:

(1) Mendocino County Planning Director.

(2) The Planning Department of any city whose limits are within three (3) miles of the land subject to such notice.

(3) Mendocino County Agricultural Commissioner.

(4) California State Resources Agency.

(5) Each and every holder of encumbrances upon the land subject to such notice.

(F) Upon receipt by the owner of a notice of nonrenewal from the County, the owner may make a written protest of the notice of nonrenewal. The written protest must be made on or before November 30 of the year in which the notice of nonrenewal was sent. The County may, at any time prior to the renewal date, withdraw the notice of nonrenewal. Upon request by the owner, the board may authorize the owner to serve a notice of nonrenewal on a portion of the land under contract.

Section 22.08.120 RECORDING; NOTICE.

No later than twenty (20) days after the County enters into a contract with a landowner pursuant to this chapter, the Clerk of the Board shall record with the County Recorder a copy of the contract, which shall describe the land subject thereto, together with a reference to the map showing the location of the agricultural preserve in which the property lies. From and after the time of such recordation such contract shall impart such notice thereof to all persons as is afforded by laws of this state.

Section 22.08.121 FURNISHING OF INFORMATION BY LANDOWNER.

The landowner shall furnish the County with such information as the County shall require in order to enable it to determine the eligibility of the land involved.

Section 22.08.130 ELIGIBILITY QUALIFICATIONS AS CONTINUING REQUIREMENT.



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Notwithstanding any other provision of this charter to the contrary, an agricultural preserve contract shall be deemed materially breached if the land subject thereto at any time fails to meet the eligibility qualifications set forth in this chapter for the type of land involved.

Section 22.08.131 ENFORCEMENT.

The County or landowner may bring any action in court necessary to enforce a contract, including, but not limited to, an action to enforce a contract by specific performance or injunction. The County may elect to sue for liquidated damages as set forth in the contract which sum is equal to 25% of the full cash value, as defined by Revenue and Taxation Code Section 110, of the land when relieved of the restriction, as found by the Assessor.

Section 22.08.132 SEVERABILITY.

If any article, section, subsection, paragraph, sentence, clause or phrase of this ordinance, which is reasonably severable from the remaining portion of this ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being herein expressly declared that this ordinance and each article, section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more sections, subsections, paragraphs, clauses or phrases be declared invalid or unconstitutional.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this 12th day of April, 1983, by the following roll call vote:

AYES: Crofoot, Eddie, Cimolino, de Vall, Hamburg

NOES: None

ABSENT: None

WHEREUPON, the Chairman declared the Ordinance passed and adopted and SO ORDERED.

Original Signed: Dan Hamburg
Chairman, Board of Supervisors

ATTEST: ALBERT P. BELTRAMI
Clerk of Said Board

By: Original Signed: Joyce A. Beard
Deputy Clerk

APPROVED AS TO FORM:



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Original Signed: John A. Drummond

JOHN A. DRUMMOND

County Counsel