

County of Santa Clara Williamson Act Program
GUIDELINE FOR
COMPATIBLE USE DEVELOPMENT ON RESTRICTED LANDS

Intent

Williamson Act contracts in Santa Clara County are intended to promote agricultural productivity and economic viability and to preserve agricultural land from premature and unnecessary conversion to urban uses. These guidelines are used to evaluate proposed compatible use development on parcels restricted by Williamson Act contracts.

To be eligible to participate or continue participation in the County's Williamson Act program, the land in question must be "devoted to commercial production of agricultural commodities". (See "Guideline for Commercial Agricultural Use") When development is proposed on contracted land(s), two additional pre-conditions are applied: 1) each contracted parcel must meet a minimum percentage of land in agricultural production; and 2) the proposed development must be "compatible" with and "incidental" to the agricultural use of the parcel. (Both of these pre-conditions are discussed below).

Santa Clara County will enforce the provisions of Williamson Act contracts when development is proposed on restricted lands. Contract enforcement is necessary to maintain the integrity of the Williamson Act program and to help ensure non-agricultural development does not result in a material breach of contract.

Compatible Use Development Restrictions

The presence of commercial agriculture is a pre-condition to the County considering a development application on land restricted by a Williamson Act contract. See "Guideline for Commercial Agricultural Use." Commercial agriculture must be the primary use of the land. Other uses or development must be compatible with and ancillary to the use of the land for commercial production of agricultural commodities. Other compatible uses may include, but are not limited to, agricultural processing, horse stabling and training facilities, barns and other farm storage buildings.

To meet the minimum requirement for the percentage of land that must be in agricultural production, each contracted parcel must meet at least one of the

following:

1. For standard¹ properties comprising at least 10 acres of prime land or 40 acres of non-prime land, at least 60% of the property is being used for commercial agriculture and the owner substantiates revenue from commercial agriculture on at least 60% of the property in 3 of the past 5 years.
2. For substandard² properties comprised of less than 10 acres of prime land, at least 75% of the property is being used for commercial agriculture and the owner substantiates that the property generated at least \$3,500 in annual revenue from commercial agriculture on at least 75% of the property in 3 of the past 5 years.
3. For substandard properties comprised of less than 40 acres of non-prime land, at least 75% of the property is being used for commercial agriculture and the owner substantiates that the property generated at least \$2,000 in annual revenue from commercial agriculture on at least 75% of the property in 3 of the past 5 years.
4. For any parcels using condition 5 or 6 in the Guidelines for Commercial Agricultural Use to qualify as having a viable commercial agricultural use on the property, at least 50% of a parcel must be in use for commercial agriculture production before a permit may be issued for compatible use development.

The conditions for commercial agricultural production for substandard-sized parcels must be met for each individual parcel when development is proposed on a substandard-sized parcel under a Joint Management Agreement. *Joint Management Agreements do not exempt substandard-sized parcels from having to individually meet the criteria of the “Guideline for Commercial Agricultural Use” and the “Guideline for Compatible Use Development on Restricted Lands” when development is proposed.*

Crop lands temporarily fallowed or grazing lands temporarily unused through rotational grazing may be considered as being in agricultural production if the applicant demonstrates such practice is a typical and appropriate agricultural management strategy. For livestock production, land that is fenced and available for grazing will be considered as being in agricultural production, even though grazing may only occur on a seasonal basis.

¹ “Standard” lands/parcels are defined as prime lands of 10 or more acres in size and non-prime lands/parcels of 40 or more acres in size.

² “Substandard” lands/parcels are defined as prime lands less than 10 acres in size and non-prime lands/parcels less than 40 acres in size.

The Agricultural Commissioner shall consider exceptions to the land coverage standard when there are natural land features present, such as streams and rock outcroppings, which the owner demonstrates are not conducive to commercial agricultural uses appropriate for the property or where government-imposed restrictions prohibit use of portions of the land for agricultural purposes.

Owners proposing compatible use development must satisfy the compatibility principles in the County Ordinance Code and the Williamson Act (Government Code Section 51238.1). Proposed development on contracted land must be both “compatible” and “incidental” to the agricultural use of the parcel.

Determining whether a proposed compatible use development is “incidental to” the agricultural use on the parcel involves several factors:

1. The owner must demonstrate that there is an existing commercial agricultural use on the parcel. See “Guideline for Commercial Agricultural Use”.
2. The proposed development must be compatible with and not substantially interfere with the existing agricultural use on that particular parcel or any other property under Williamson Act contract.
3. The proposed development will not hinder or impair agricultural operations in the area by significantly increasing the permanent or temporary human population of the area.
4. The proposed development must not significantly displace or impair current or reasonably foreseeable agricultural operations on the parcel or any other property under Williamson Act contract.
5. The remaining portion of the parcel must be able to sustain the agricultural use.
6. The commercial agricultural use must continue to be the primary use of the land.

Whether the agricultural use would continue to be the primary use involves evaluating the amount/intensity of commercial agriculture on the parcel as compared to the size and scale of the proposed compatible use development.

A maximum of 10% of the parcel, not to exceed 5 acres, may cumulatively be devoted to existing and proposed compatible use development.

“Development” includes erecting or placing structures or objects on the land, grading, or otherwise altering the land for non-agricultural purposes.

“Development” does not include use of the land in its natural state for activities such as hunting, fishing, hiking, or outdoor games or sports, or landscaping (softscape) that is in keeping with the natural setting and that is composed of natural features and vegetation generally found in the area of land in question, provided that these activities meet the compatibility criteria set forth above (e.g., do not significantly displace or impair current or reasonably foreseeable agricultural operations).

For purposes of calculating the maximum permissible 10% compatible use development of a parcel, the square footage of the footprints of all existing and proposed hardscape, including residences, associated improvements (e.g., barns, detached garages, sub-surface utility systems, roads, driveways, vehicle parking areas) and recreation facilities (e.g., tennis courts, swimming pools, decks, patios) shall be aggregated.

In addition to the requirements stated herein, development proposals must comply with all other legal requirements including but not limited to applicable zoning code, grading and building code requirements.

Siting Criteria for Compatible Use Development

Compatible use development on contracted parcels shall:

1. Conform to all applicable goals and policies of the General Plan.
2. Allow for the maintenance of commercial agriculture in large, contiguous areas capable for serving the various purposes of the Williamson Act.
3. Avoid those noteworthy and most valuable agricultural and natural features of the land relating to agricultural capability.
4. Be clustered on the property to the maximum extent possible.