

D



United States
Department of
Agriculture

Forest
Service

Cleveland National
Forest

Descanso Ranger District
3348 Alpine Blvd.
Alpine, CA 91901-3923
(619) 445-6235 (619) 445-
1753 FAX CRS 1-800-
735-2922

File Code: 1560

Date: January 3, 2008

Jarrett E. Ramaiya County of San Diego Department of Planning and Land Use 5201
Ruffin Road, Suite B San Diego, CA 92123

Dear Mr. Ramaiya:

This letter is in response to the Covert Canyon Major Use Permit Application. The proposal is in close proximity to National Forest System (NFS) lands administered by the Descanso Ranger District of the Cleveland National Forest. We offer the following agency comments:

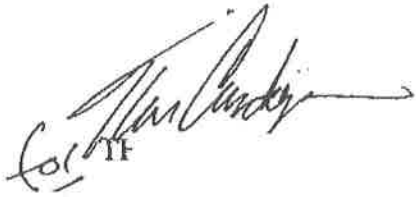
1. Potential wildfire ignitions from the shooting range in this remote area are a concern. Fire prevention and suppression plans should be developed and implemented. Fire fighting equipment sufficient to quickly suppress any inadvertent fire starts should be available and maintained on site. All defensible space requirements should be met within the project area.
2. There is a documented trespass from the project site onto NFS lands involving approximately 1.3 acres of illegal grading, construction of shooting backstops, and vegetation clearing. Damage to biological and archaeological resources still needs to be assessed, as well as clean up of potential soil contamination from lead bullets. We request that issuance of a Major Use Permit be contingent upon the rectification of this outstanding issue.
3. Use of NFS lands to supplement the proponents training needs would not be considered. Forest Service policy prohibits private organizations or individuals from using NFS lands for military or para-military exercises.
4. The proposed project site is adjacent to remote NFS lands. Development of shooting ranges, could adversely effect NFS resources from increased noise or nighttime lighting.

JTJ JAN 04 2008



OF AND
LAND USE

Thank you for the opportunity to comment on this proposal. If you have any questions, please contact Recreation and Lands Officer Tim Cardoza at (619) 445-6235 ext. 3418.

A handwritten signature in black ink, appearing to read "Omas K Gillett". The signature is stylized with a long horizontal stroke extending to the right. Below the signature, the letters "LO" are handwritten.

Sincerely,
OMAS K GILLETT
District Ranger



United States
Department of
Agriculture

Forest
Service

Cleveland National
Forest

Descanso Ranger District
3348 Alpine Blvd.
Alpine, CA 91901-3923
(619) 445-6235
(619) 445-4753 FAX
CRS 1-800-735-2922

File Code: 5400

Date: September 6, 2007

Marc Halcon
[REDACTED]

San Diego, CA 92123

Dear Mr. Halcon,

This letter is to follow-up with the field meeting Recreation and Lands Officer Tim Cardoza had with you and Sheriff's Lieutenant Anthony Salazar on August 28, 2007 on site at your private land and adjacent National Forest System lands at Kerchoffer Flat. During this meeting a trespass of approximately 1.3 acres was documented from your private lands onto the Cleveland National Forest. Improvements and activities in violation include earthen and wooden shooting range backstops, grading, clearing of vegetation, and disturbance of a riparian area. The enclosed map and photographs depict the nature of the unauthorized improvements and activities.

This is your official notice to cease and desist from further grading, vegetation clearing, construction of improvements, or shooting on National Forest System lands. Failure to comply will result in law enforcement action.

At the field meeting you expressed your willingness to work with the Forest Service to correct the trespass. We will appreciate your cooperation in resolving this matter. The disturbed area will have to be evaluated by resource specialists to assess the extent of resource damage that has occurred. The subject lands must then be restored to the natural grade and re-vegetated according to a restoration plan developed in cooperation with and approved by the Forest Service.

Please contact Tim Cardoza to begin developing a restoration plan for the affected lands and an implementation schedule. He can be reached at (619) 445-6235 ext. 3418.

Sincerely,


ANNE G. CAREY
Acting District Ranger



Caring for the Land and Serving People





Approximate Location of
Range Backstops

Halcon

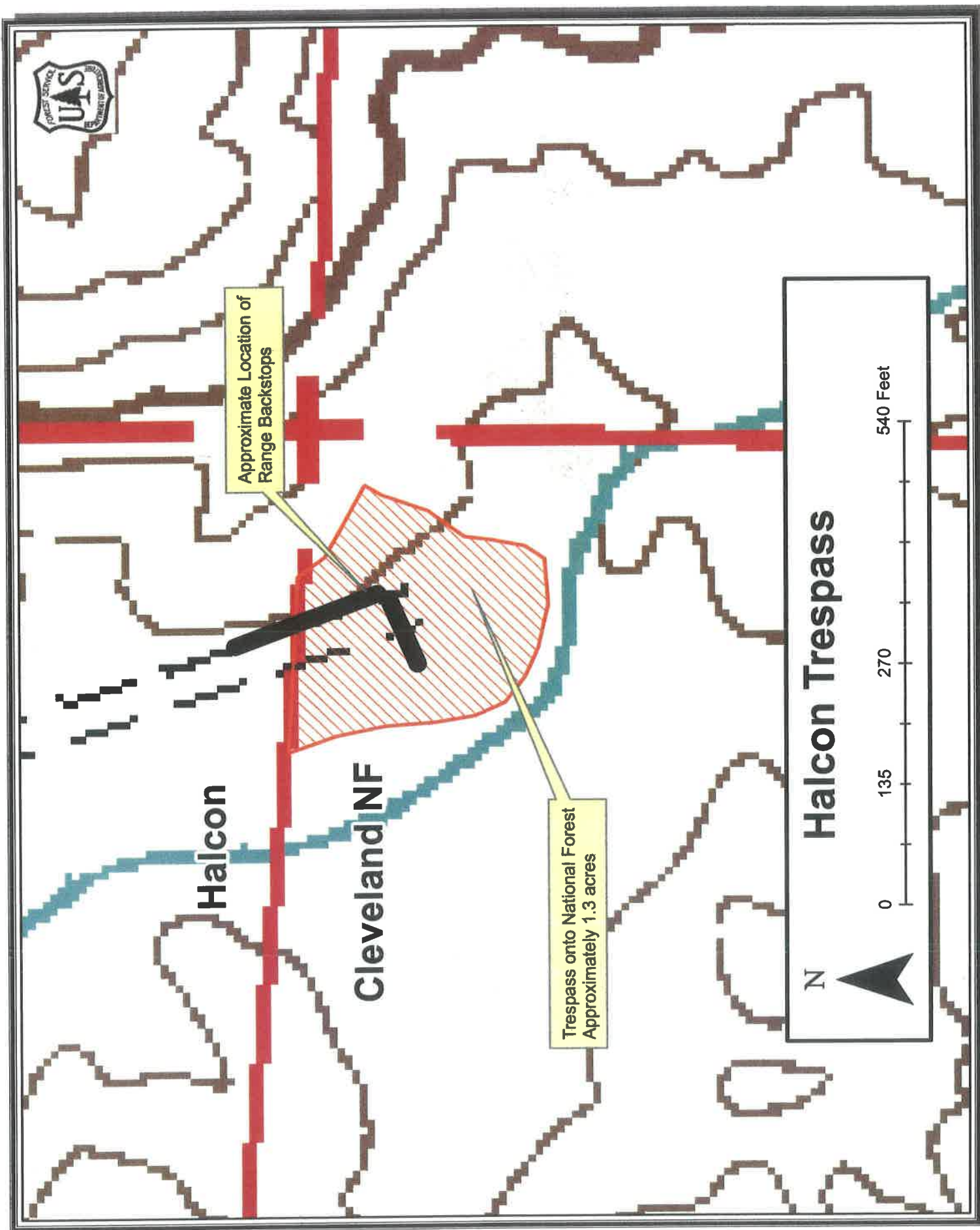
Cleveland NF

Trespass onto National Forest
Approximately 1.3 acres

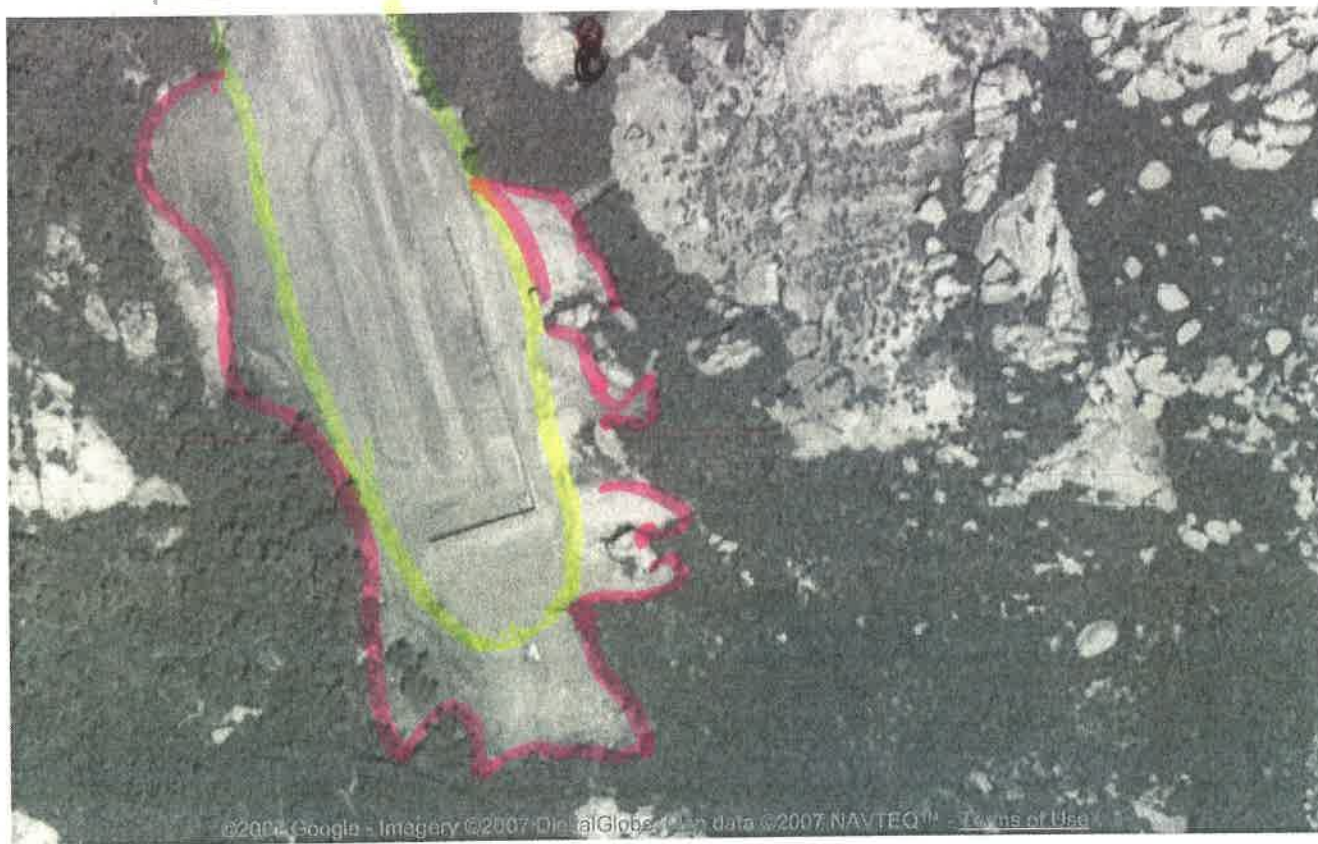
N

Halcon Trespass

0 135 270 540 Feet



Google
Maps



— @ 5/28/2002

Home » California » Kearchoffer Flat - California
California: Home Page | Flats | San Diego County Flats | Map | Wikipedia Info

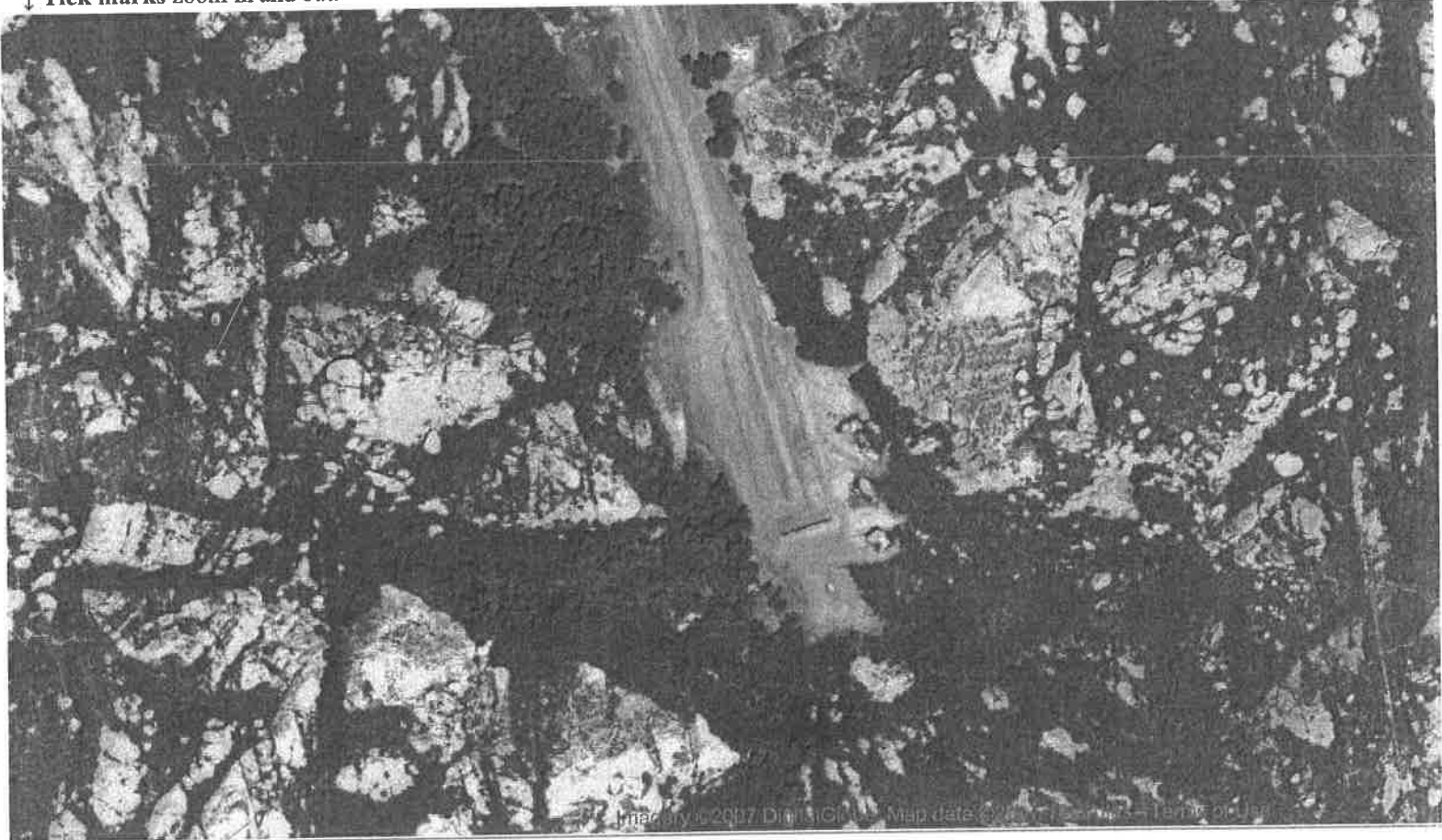
Kearchoffer Flat - California

Geocode for Kearchoffer Flat: Latitude: 32.7625 - Longitude: -116.72222

Maps and Satellite Views: San Diego County, Viejas Moun
Points of Interest | Communities | Parks | Schools | Churches | Hosy
Local Businesses: Fast Food | Hotels | Restaurants | Service Stations | The

↓ Tick marks zoom in and out.

Map-Satellite-Hybrid selects v



F

287
INITIATIVE MEASURE ~~TO BE~~ SUBMITTED DIRECTLY TO THE VOTERS

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

FOREST CONSERVATION INITIATIVE. This measure would declare its purpose of limiting the conversion of privately owned lands within the Cleveland National Forest to urban uses. It states findings concerning the valued resources of that Forest area and the need to restrict development therein. It would apply to those portions of the Cleveland National Forest that are within San Diego County.

The measure would amend the San Diego County General Plan through December 31, 2010, in the following ways:

First, it would reaffirm and readopt certain existing resource protection goals and policies of the General Plan. These goals and policies generally concern preservation of rural or open space areas and natural resources.

Second, it would amend the provisions of the "National Forest and State Parks" land use designation in the General Plan land use element to state that, for all private land-holdings lying within the boundaries of the Cleveland National Forest and outside of Country Towns, a forty acre minimum parcel size and a maximum residential building intensity of one dwelling unit per parcel shall apply. It would permit the removal of this designation from land only upon either the making of specified findings, or if it is determined that denial of redesignation would constitute an unconstitutional taking of the landowner's property or deprive the landowner of a vested right. Maps of the Cleveland National Forest and affected community planning areas and subregional planning areas are attached, showing the exterior boundaries of the Cleveland National Forest; the measure would state that adopted community plan or subregional plan maps are repealed to the extent they depict private landholdings as being subject to a designation other than National Forest and State Parks.

Third, it would amend provisions of the "Environmentally Constrained Area" regional category of the General Plan land use element to add the area described above to that category, and it would make corresponding amendments to the regional land use element map.

Finally, the measure contains implementation, exemption and severability provisions.

The Above is a summary of the term of the proposed measure prepared by the County Counsel as required by Elections Code Section 3702.5; it does not reflect any legal analysis or opinion of the County Counsel concerning the proposed measure.

NOTICE OF INTENT TO CIRCULATE PETITION. Notice is hereby given by the person whose name appears hereon of his intention to circulate the petition within the County of San Diego for the purpose of preserving the private land-holdings in the Cleveland National Forest from excessive development. A statement of the reasons of the proposed action as contemplated in said petition is as follows:

The Cleveland National Forest is one of the largest expanses of undisturbed, natural open space in Southern California and as such is valuable as a watershed, agricultural, and recreational area for the citizens of San Diego County. Despite these regional values, tremendous development pressures in San Diego County are resulting in the rapid fragmentation and destruction of the Cleveland National Forest. Approximately 55,000 acres of land within the Cleveland National Forest are privately owned and, under existing plans, will inevitably be developed. Sustaining and protecting the wildlife resources of the Cleveland National Forest is highly dependent upon limiting urban encroachment on these private lands. The purpose of this measure is to establish clear, but reasonable, limitations on development of the private lands within the Cleveland National Forest.

This initiative measure amends the San Diego County General Plan to impose a minimum parcel size of 40 acres on all privately owned lands within the Cleveland National Forest and outside Country Towns through December 31, 2010.

There is abundant land within unincorporated San Diego County, within Country Towns and outside the boundaries of the Cleveland National Forest, available to meet the County's expected housing needs. This initiative measure will allow the County to continue to bear its fair share of regional growth, and to provide an adequate range of housing for all sectors of the community, while assuring the protection of the Cleveland National Forest.

Duncan McPetridge
Duncan McPetridge

P.O. Box 475 Descanso, CA 91916

FOREST CONSERVATION INITIATIVE

The People of San Diego County Do Hereby Ordain as Follows:

SECTION ONE—FINDINGS AND PURPOSE

- A. Tremendous development pressures in San Diego County are resulting in the rapid fragmentation and destruction of the Cleveland National Forest. Approximately 55,000 acres of land within the Cleveland National Forest are privately owned and, under existing plans, will inevitably be developed. Sustaining and protecting the wildlife resources of the Cleveland National Forest is highly dependent upon limiting urban encroachment on these private lands. Yet, as with the case of the recent adoption of the Central Mountain Subregional Plan update, extensive development has continued on these biologically sensitive land-holdings. This initiative measure creates new policies to limit the conversion of privately owned lands within the Cleveland National Forest to urban uses.
- B. The Cleveland National Forest is one of the largest expanses of undisturbed, natural open space in Southern California and as such is valuable as a watershed, agricultural area, and recreational area for the citizens of San Diego County. The area is also home to a number of threatened or endangered animal and plant species including, but not limited to, Mountain Lion, Bald Eagle, Golden Eagle, Least Bell's Vireo, Orange-Throated Whiptail, Yellow Warbler, Coast Horned Lizard, Englemann Oak, Tecate Cypress, Parish's Meadowfoam, and San Diego Thornmint. Parish's Meadowfoam and San Diego Thornmint are listed as endangered by the California Department of Fish and Game. The Golden Eagle and the Least Bell's Vireo are on the Federal lists of sensitive and endangered species, respectively.
- C. The unique resources of the Cleveland National Forest are of such significance that development on parcels within the Forest must be restricted. The San Diego County Planning Commission indicated that a parcel size of greater than 20 acres was necessary to preserve those pristine areas, and to minimize the impact of development on public lands. The U.S. Fish and Wildlife Service, the California Department of Parks and Recreation, and numerous wildlife biologists have determined that an 80 acre minimum parcel size is required to protect the resources of the Cleveland National Forest. This initiative amends the San Diego County General Plan to impose a minimum parcel size of 40 acres on all privately owned lands within the boundaries of the Cleveland National Forest and outside Country Towns, through December 31, 2010. The initiative also amends the San Diego County General Plan to provide that all such privately owned lands within the boundaries of the Cleveland National Forest and outside Country Towns, through December 31, 2010. The initiative also amends the San Diego County General Plan to provide that all such privately owned lands fall within the "Environmentally Constrained Area" regional category; except for the amendment relating to such private land holdings, the General Plan provisions governing the "Environmentally Constrained Area" regional category remain unchanged by the initiative through December 31, 2010.
- D. Recognizing the need for continued growth and adequate housing in the County, this initiative measure's primary restrictions apply only to the private land-holdings located within the boundaries of the Cleveland National Forest as delineated on the San Diego County General Plan Land Use Map. This initiative measure this does not apply to land located within County Towns. County Towns are historically established retail/residential areas serving surrounding low density rural areas. Attached to



FOREST CONSERVATION INITIATIVE APPENDIX

this initiative are (1) a map of the Cleveland National Forest illustrating the boundaries of the Cleveland National Forest, and (2) Community and Subregional Plan maps showing the locations of Country Towns. There is abundant land within unincorporated San Diego County, within Country Towns and outside the boundaries of the Cleveland National Forest, available to meet the expected housing needs identified by the San Diego County General Plan Housing Element. This initiative measure will allow the County to continue to bear its fair share of regional growth, and to provide an adequate range of housing for all sectors of the community, while assuring the protection of the Cleveland National Forest.

- E. The Land Use Element of the San Diego County General Plan adopted January 3, 1979, as amended through April 20, 1992 sets forth several goals essential to protecting the County's environmental resources which this initiative reaffirms and readopts to remain in effect through December 31, 2010; these goals are:

Goal 1.1: Urban Growth be directed to areas within or adjacent to existing urban areas, and that the rural setting and lifestyle of the remaining areas of the County be retained.

Goal 2.6: Insure preservation of contiguous regionally significant open space corridors.

Goal 3.1: Protect lands needed for preservation of natural and cultural resources; managed production of resources; and recreational, educational, and scientific activities.

- F. The Open Space Element adopted December 20, 1973, as amended through April 20, 1992 sets forth several goals essential to protecting the County's environmental resources which this initiative reaffirms and readopts to remain in effect through December 31, 2010; these goals are:

Goal 2: Conserve scarce natural resources and lands needed for vital natural processes and the managed production of resources.

Goal 3: Conserve open spaces needed for recreation, educational and scientific activities.

Goal 4: Encourage and preserve those open space uses that distinguish and separate communities.

Goal II-4: Encourage the conservation of vegetation and trees needed to prevent erosion, siltation, flood, and drought, and to protect air and water quality.

Goal II-5: Encourage the conservation of the habitats of rare or unique plants and wildlife.

Goal II-8: Encourage the preservation of significant natural features of the County, including the beaches, lagoons, shoreline, canyons, bluffs, mountain peaks, and major rock outcroppings.

- G. The Conservation Element adopted December 10, 1975, as amended through April 20, 1992 sets forth several policies essential to protecting the County's environmental resources which this initiative reaffirms and adopts to remain in effect through December 31, 2010; these policies are:

Policy 2: San Diego County shall coordinate with appropriate federal, state and local agencies to conserve areas of rare, endangered, or threatened species.

Policy 7: The County shall establish procedures for acquiring significant wildlife habitats in areas of rapid urban development and areas of projected urban development.

SECTION TWO—GENERAL PLAN AMENDMENT

The San Diego County General Plan, including its Community and Subregional Plans, as amended through April 20, 1992 (hereinafter the "San Diego County General Plan") is hereby amended as follows, through December 31, 2010:

- A. The following resource protection goals and policies (set forth in their entirety in findings E, F, and G of section One of the Forest Conservation Initiative) are hereby reaffirmed and readopted: goals 1.1, 2.6, and 3.1 of the San Diego County General Plan Land Use Element; goals 2, 3, 4, II-4, II-5, and II-8 of the San Diego County General Plan Open Space Element; and, policies 2 and 7 of the San Diego County General Plan Conservation Element.
- B. The National Forest and State Parks (23) land use designation as set forth beginning on page II-25 of the San Diego County General Plan Land Use Element is hereby amended through December 31, 2010 as follows:
 1. The existing first sentence of this designation is deleted and the following sentence is added commencing a new subsection (a):

"(a) The National Forest and State Parks (23) designation indicates the planned boundaries and major land-holdings of the Cuyamaca Rancho State Park and Anza-Borrego State Park."
 2. The following is added as new subsection (b) on page II-26 following the provisions of subsection (a) regarding clustering:

"(b) The National Forest and State Parks (23) designation also applies to all private landholdings lying within the boundaries of the Cleveland National Forest and outside of Country Towns. For purposes of this subsection, "private land-holdings" means lands held in fee title by any person or entity other than the federal, state, county or local government. A map of the Cleveland National Forest is attached to the Forest Conservation Initiative and incorporated herein for purposes of showing the outer boundaries of the Cleveland National Forest. For all parcels identified above, a forty (40) acre-minimum parcel size and a maximum residential building intensity of one dwelling unit per parcel shall apply. The provisions described in subsection (a) above concerning lot sizes and clustering on lands within Cuyamaca Rancho State Park and Anza-Borrego State Park shall not apply to private land-holdings within the Cleveland National Forest.

"Except as provided hereinafter, until December 31, 2010, private land-holdings inside the boundaries of the Cleveland National Forest and outside Country Towns which are designated National Forest and State Parks (23) in the San Diego County General Plan shall remain so designated unless the County redesignates said land pursuant to the procedures set forth below in paragraphs (1) or (2) of this subsection.

"(1) Private land-holdings inside the boundaries of the Cleveland National Forest and outside Country Towns which are designated National Forest and State Parks (23) may be removed from this designation if all of the follow findings (a-f) are made:

"(a) That the approval will not constitute part of, or encourage, a piece-meal conversion of a larger Cleveland National Forest area to residential or other non-open space uses;



FOREST CONSERVATION INITIATIVE APPENDIX

“(b) Adequate public services and facilities are available and have the capability to accommodate the proposed use by virtue of the property being within or annexed to appropriate service districts;

“(c) The land proposed for redesignation is contiguous to a Country Town;

“(d) The proposed use and density are compatible with the environmental resources of the Cleveland National Forest and will not adversely affect the stability of land use patterns in the area;

“(e) Incorporation or annexation to a city is not appropriate or possible within the next five years, based on the following factors: nearby cities’ designated sphere of influence boundaries, city general plan limits and projections, and comprehensive annexation plans; and,

“(f) The land proposed for redesignation does not exceed 40 acres for any one landowner in any calendar year. One landowner may not redesignate lands designated National Forest and State Parks (23) more often than once every year. Landowners with any unity of interest are considered one landowner for purposes of this limitation.

“(2) Lands designated National Forest and State Parks (23) may be removed from this designation if the County, after challenge by an affected landowner, and after considering all facts and applicable legislative and judicial authority in support of this designation finds that denial of a redesignation would constitute, an unconstitutional taking of the landowner’s property or would deprive the landowner of a vested right. In permitting a redesignation pursuant to this paragraph, the redesignation will be granted only after public notice and hearing and only to the minimum extent necessary to avoid said unconstitutional taking or deprivation of vested right.

“The General Plan maps listed below are amended by the Forest Conservation Initiative to provide that all private land-holdings are defined in this subsection lying within the boundaries of the Cleveland National Forest and outside of Country Towns are designated National Forest and State Parks (23). To the extent that the maps listed below depict such private land-holdings as subject to a designation other than National Forest and State Parks (23), those portions of the maps are repeated. Reduced copies of the maps, including text thereon indicating these amendments, are attached to the Forest Conservation Initiative. The maps as amended are incorporated into the San Diego County General Plan.

1. Alpine Community Plan dated July 2, 1990;
2. Ramona Community Planning Area dated January 9, 1989;
3. Julian Community Plan dated September 29, 1989;
4. Desert Subregional Area dated September 28, 1987;
5. Mountain Empire Subregional Area dated September 28, 1987;
6. North Mountain Subregional Area dated September 29, 1989;
7. Central Mountain Subregional Area dated October 6, 1988;
8. Pendleton-De Luz Subregional Area dated February 7, 1986; and,
9. Jamul-Dulzura Subregional Area dated February 13, 1992.

“The County may amend these maps as necessary to reflect:

- Redesignations of land pursuant to subsection (b), paragraphs (1) or (2), of designation (23);
- General Plan amendments relating to land other than private land-holdings lying within the Cleveland National Forest and outside Country Towns;
- The terms and purpose of the Forest Conservation Initiative."

C. The Environmentally Constrained Area (1.6) regional category as set forth on page II-11 of the San Diego County General Plan Land Use Element is hereby deleted and replaced with the following to remain in effect through December 31, 2010:

"Environmentally Constrained Areas include floodplains, lagoons, areas with construction quality sand deposits, rock quarries, agricultural preserves, area containing rare and endangered plant and animal species, and all private land-holdings as defined in subsection (b) of designation (23) as amended by the Forest Conservation Initiative within the Cleveland National Forest outside Country Towns. Development in these areas, while guided by the County General Plan, should be preceded by thorough environmental review and implementation of appropriate measures to mitigate adverse impacts.

"Uses and densities will be those permitted by the applicable community and subregional plan map; the County Zoning Ordinance; the Groundwater Policy; and, for private landholdings in the Cleveland National Forest and outside of Country Towns designated National Forest and State Parks (23) a forty acre minimum parcel size shall apply and a one (1) unit per parcel maximum density.

"The resource responsible for the designation of an ECA shall be identified and appropriate mitigation measures included in any project approval.

"Flood prone areas which are not planned for stabilization will be retained in natural, open and other non-urban uses.

"Areas designated Agricultural Preserve shall be designated 'Environmentally Constrained Areas'.

"The General Plan Regional Land Use Element Map dated August 26, 1991, as amended through April 20, 1992, is amended by the Forest Conservation Initiative to provide that all private landholdings as defined in subsection (b) of designation (23) lying within the boundaries of the Cleveland National Forest and outside of Country Towns are included within the Environmentally Constrained Area regional category. To the extent that said map depicts such private landholdings as within a regional category other than Environmentally Constrained Area, those portions of the map are repealed. A reduced copy of the map, including text thereon indicating this amendment, is attached to the Forest Conservation Initiative. The map as amended is incorporated into the San Diego County General Plan.

"The County may amend this map as necessary to reflect:

- Redesignations of land pursuant to subsection (b), paragraphs (1) or (2), of designation (23);
- General Plan amendments relating to land other than private land-holdings lying within the Cleveland National Forest and outside Country Towns;
- The terms and purpose of the Forest Conservation Initiative."



- D. The Special Purpose Designations and Use Regulations Table on page II-24 of the San Diego County General Plan Land Use Element is hereby amended to add a notation to follow the use regulations listed for the National Forest and State Parks (23) designation through December 31, 2010 as follows:

“On private land-holdings as defined in subsection (b) of designation (23) as amended by the Forest Conservation Initiative within the Cleveland National Forest, and outside Country Towns, the maximum residential density is one unit per 40 acres.”

SECTION THREE—IMPLEMENTATION

Upon the effective date of this initiative, the provisions of Section Two of this initiative amending the General Plan are inserted into the San Diego County General Plan, except that if in the year the initiative becomes effective, the four amendments permitted by State law for that year have already been utilized, this General Plan amendment shall be the first inserted into the San Diego County General Plan on January 1 of the following year.

SECTION FOUR—EXEMPTIONS FOR CERTAIN PROJECTS

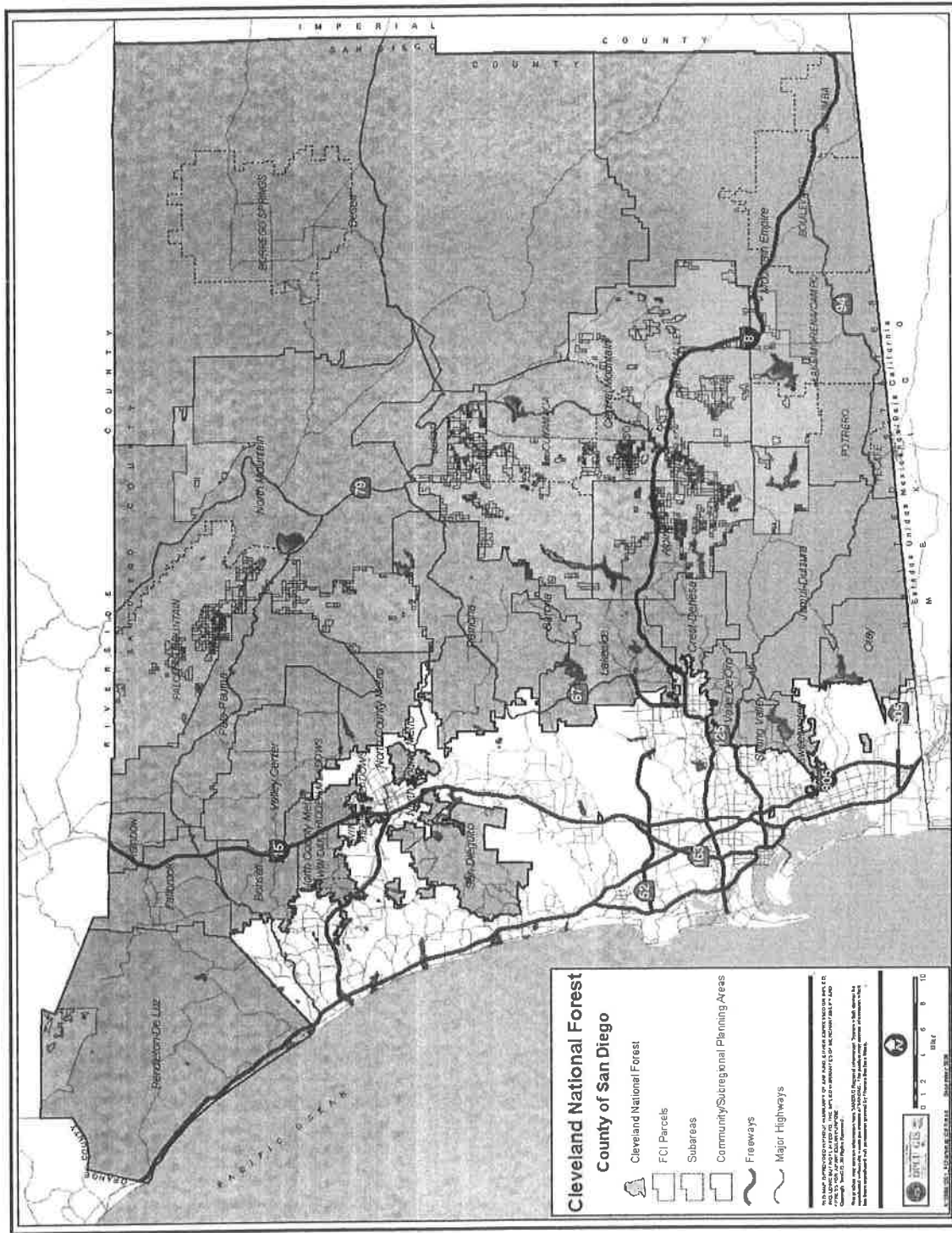
This initiative shall not apply to any development project which has obtained as of the effective date of the initiative a vested right. The provisions of this initiative shall not apply to the extent that they would violate federal or state laws.

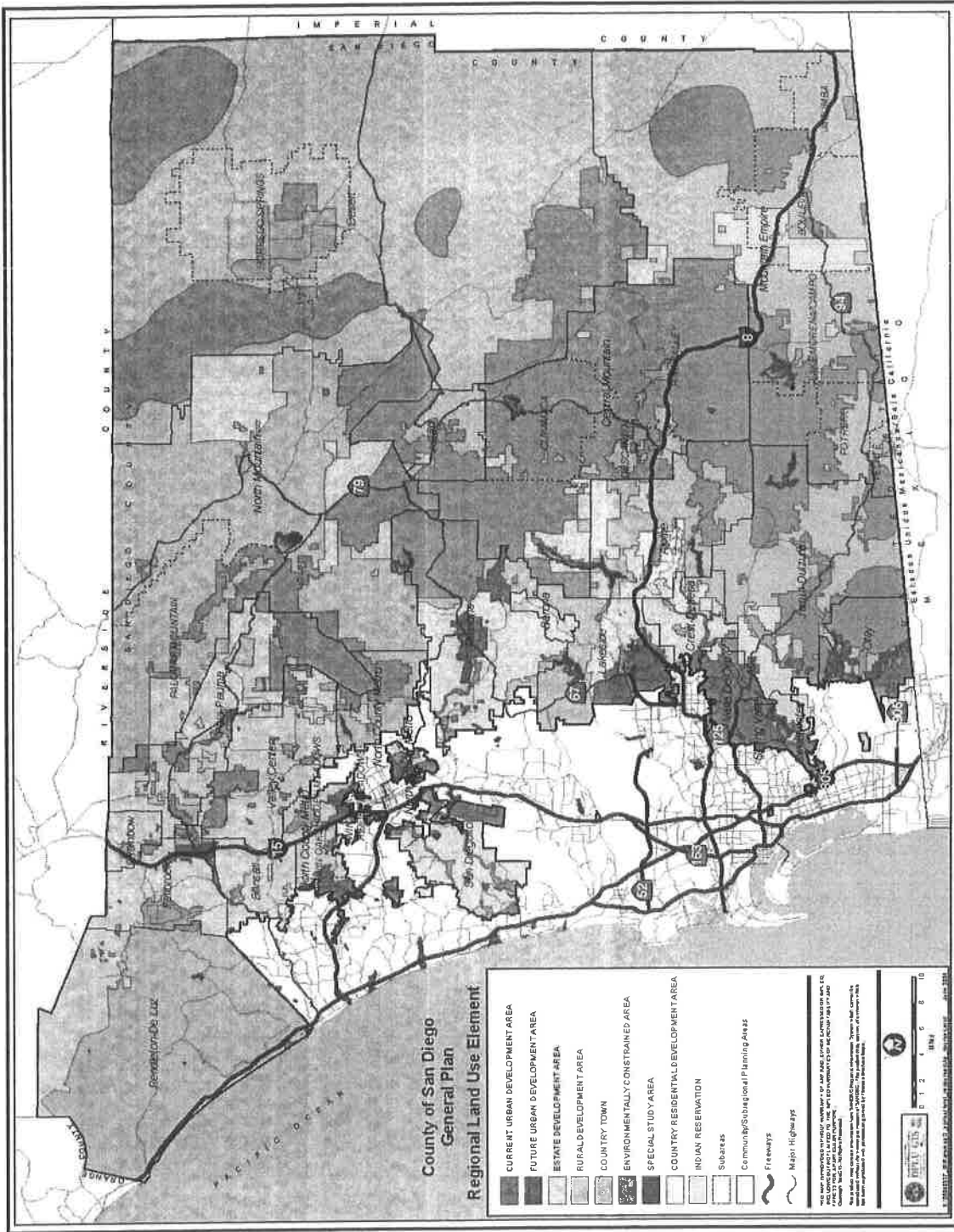
SECTION FIVE—SEVERABILITY

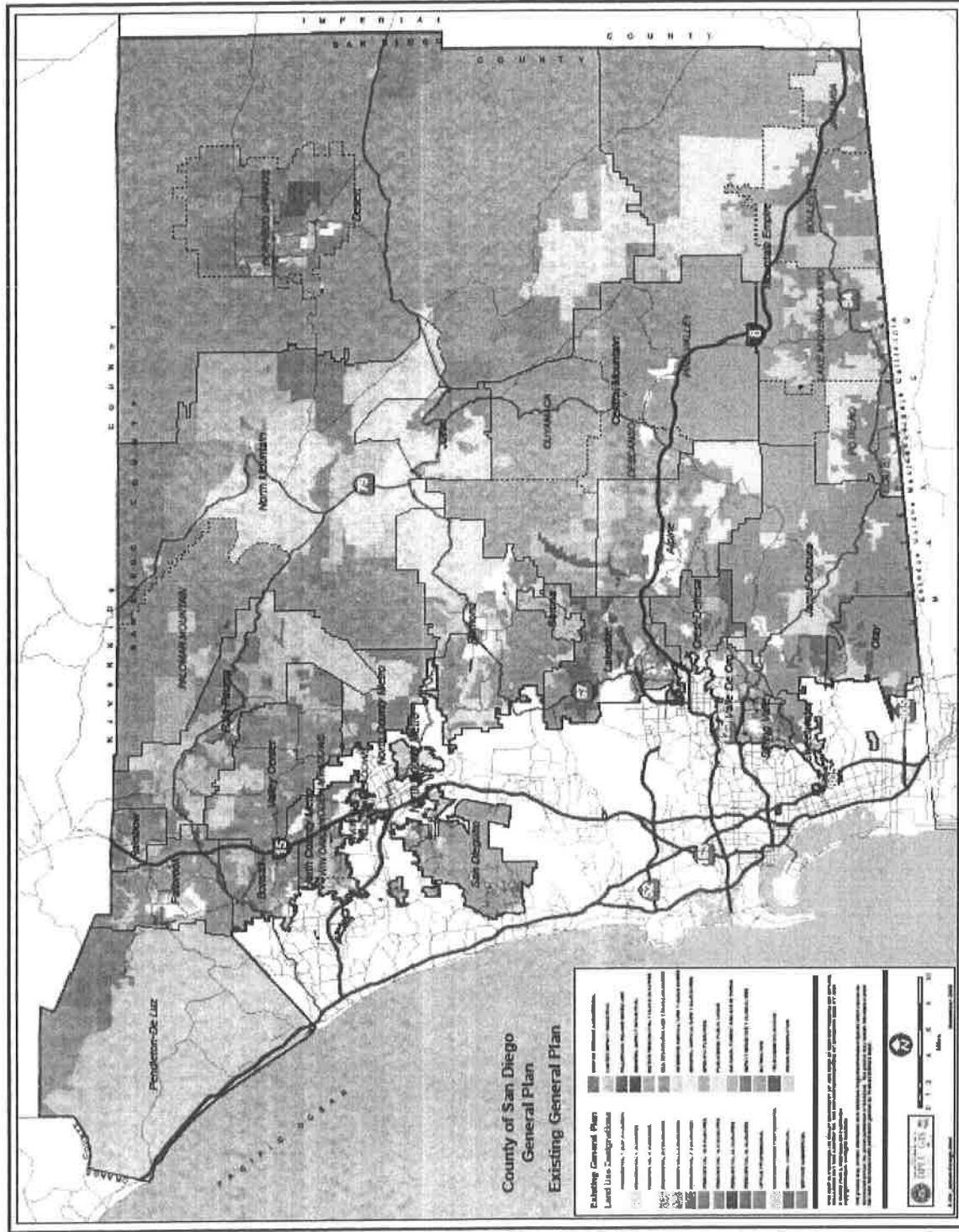
If any portion of this initiative is declared invalid by a court, the remaining portions are to be considered valid.

SECTION SIX—DURATION

This initiative shall remain in effect until December 31, 2010.







E

Return to

EASEMENT

AFFIX \$ 0.00
TRANSFER TAX B
12-7

WHEREAS, H. VINCENT DANIELS, a single man, hereinafter referred to as Grantor, is the fee title owner of the following parcel of land:

The Northeast quarter of the Southeast quarter of Section 24, Township 16 South, Range 2 East in the County of San Diego, State of California.

WHEREAS, WILLIAM C. BARKER and FLORENCE D. BARKER, husband and wife, as joint tenants, hereinafter referred to as Grantees, are the fee title owners of a parcel of property adjoining the property of the grantor, which adjoining property of the grantees is described as follows:

The Northwest quarter of the Southeast quarter of Section 24, Township 16 South, Range 2 East in the County of San Diego, State of California.

WHEREAS the grantor and the grantees are desirous of establishing a right-of-way or easement of ingress and egress over the property of the grantor;

NOW, THEREFORE, for good consideration, receipt of which is hereby acknowledged, the grantor does hereby grant and convey unto the said grantees and their heirs, successors and assigns an easement or right-of-way, not less than 25 feet in width, over the grantor's land for the purpose of providing ingress and egress from the County Road known as Japatul Road to the property of the grantees.

It is the intention of the said grantor and grantees that at some future date they or their successors in interest will by mutual agreement determine the exact location of the easement herein granted and prepare and record a description thereof.

DATED: Feb 14 Th 1968

H. Vincent Daniels
H. Vincent Daniels

Recording requested by:
Title Insurance and Trust

1421

When recorded mail to:
William C. Barker, Sr.
4395 Hawk Street
San Diego, Ca. 92103

K-998881

Parcel No. 521-130-05

GRANT OF EASEMENT

DOCS. PREP. FEE \$1.00
Consideration less \$100.00
☐ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
☐ COMPUTED ON FULL VALUE LESS LIENS & ENCUM-
BRANCES REMAINING THEREON AT TIME OF SALE
Title Insurance and Trust Co.
Signature of declarant or agent determining tax Firm Name
☒ Unincorporated Area ☐ City of

WHEREAS, H. VINCENT DANIELS, a married man, hereinafter
referred to as Grantor, is the fee title owner of the following real property,
hereinafter referred to as the "Servient Tenement";

The Northeast Quarter of the Southeast quarter of Section 24
Township 16 South, Range 2 Eas. in the County of San Diego,
State of California.

WHEREAS, WILLIAM C. BARKER and FLORENCE D. BARKER,
husband and wife, as joint tenants, hereinafter referred to as Grantees,
are the fee title owners of a parcel of real property adjoining the property
of the grantor, hereinafter referred to as the "Dominant Tenement", and
described as follows:

The Northwest quarter of the Southeast quarter of Section 24,
Township 16 South, Range 2 East in the County of San Diego,
State of California.

WHEREAS the grantees are desirous of acquiring an easement
in the Servient Tenement for public utilities.

NOW, THEREFORE, for valuable consideration, receipt of
which is hereby acknowledged, the grantor does hereby grant and
convey unto the said grantees, their heirs or assigns, an easement in
the Servient Tenement for sewer, gas pipes, telephone and power lines
and poles, and conduits for any other public utility. The easement
granted herein is appurtenant to the Dominant Tenement.

DATED: June 4, 1976

H. Vincent Daniels
H. VINCENT DANIELS

Grantor

76-201511
FILE/PAGE NO.
820K 1976
RECORDED REQUEST OF
TITLE INSURANCE & TRUST CO.

JUN 28 2 48 PM '76

OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIF.
HARLEY F. BLOOM
RECORDER

Page One

\$4.00

Recording requested by: **1419**
Title Insurance and Trust Co.

When recorded mail to:
William C. Barker, Sr.
4395 Hawk Street
San Diego, California 92103

K-998881

FILE/PAGE NO. **76-201510**
BOOK 1976
RECORDED REQUEST OF

TITLE INSURANCE & TRUST CO.

JUN 28 2 48 PM '76

OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIF.
HARLEY F. BLOOM
RECORDER

Parcel No. 521-130-05

DOCUMENTARY TRANSFER TAX \$ none **\$4.00**
☒ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
☐ COMPUTED ON FULL VALUE LESS LIENS & ENCUM-
BRANCES REMAINING THEREON AT TIME OF SALE
By: Marjorie
Signature of decedent or agent determining tax - Firm Name
☒ Unincorporated Area ☐ City of San Diego

GRANT OF EASEMENT

WHEREAS, H. VINCENT DANIELS, a married man, herein-
after referred to as Grantor, is the fee title owner of the following
real property, hereinafter referred to as the "Servient Tenement":

The Northeast quarter of the Southeast quarter of Section 24,
Township 16 South, Range 2 East in the County of San Diego,
State of California.

WHEREAS, WILLIAM C. BARKER and FLORENCE D. BARKER,
husband and wife, as joint tenants, hereinafter referred to as Grantees,
are the fee title owners of a parcel of real property adjoining the property
of the grantor, hereinafter referred to as the "Dominant Tenement",
and described as follows:

The Northwest quarter of the Southeast quarter of Section 24,
Township 16 South, Range 2 East in the County of San Diego,
State of California.

WHEREAS the grantees are desirous of acquiring water rights
in the land of the grantor;

NOW, THEREFORE, for valuable consideration, receipt of
which is hereby acknowledged, the grantor does hereby grant and convey
unto the said grantees, their heirs or assigns, an easement as herein-
after described.

The easement granted herein is a right to install a well on the
Servient Tenement and to take or use water from said well. The
easement granted herein is appurtenant to the Dominant Tenement.
Concomitant and co-extensive with this right is the further right
in said grantees, their heirs and assigns, of ingress and egress over
the grantor's land to effect the purposes of said easement including

OFFICIAL RECORDS, SAN DIEGO COUNTY, HARLEY F. BLOOM, RECORDER

but not limited to the right to lay a pipeline over or under the grantor's land from the well to the Dominant Tenement.

It is the intention of the grantor and grantees that at some future date they or their successors in interest will by mutual agreement determine the exact location of the easement herein granted and prepare and record a description thereof.

DATED: June 4, 1976

H. Vincent Daniels
H. VINCENT DANIELS

Grantor

CONSENT OF GRANTOR'S SPOUSE

I acknowledge that the interests conveyed in this instrument are the separate property of my spouse. I have read the foregoing instrument carefully and consent to its execution and performance in all respects.

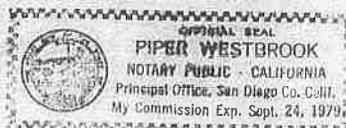
Esther V. Daniels
ESTHER V. DANIELS

ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS

On June 4, 1976, before me, Piper Westbrook, a Notary Public for the State of California, personally appeared H. VINCENT DANIELS and ESTHER V. DANIELS known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

Piper Westbrook
NOTARY PUBLIC



G

HALCON/COVERT CANYON

Assessor's Parcel 521-130-08

ON OCT 16 1974 FILE/PAGE NO. 74-2766/4
MARLEY F. BLOOM, COUNTY RECORDER

74-29

LAND CONSERVATION CONTRACT

(JAPATUL Agricultural Preserve No. 36)

*APB6
Contract #
74-29*

Tacoma Contract
THIS CONTRACT, made and entered into this 8th day
of October, 19 74, by and between

William C. Barker, Jr.

hereinafter referred to as "Owner", and the County of San Diego, a
political subdivision of the State of California, hereinafter referred
to as "County":

W I T N E S S E T H:

WHEREAS, the Owner represents that he is the owner of certain
land located in the County of San Diego, State of California, which
land is presently devoted to agricultural uses, recreational uses,
open space, or combination thereof, as authorized in Exhibit "B"
attached hereto and lies within an agricultural preserve heretofore
established or to be established and designated the

JAPATUL Agricultural Preserve No. 36,
said land being more particularly described in Exhibit "A" attached
hereto and hereinafter referred to as the Premises; and

WHEREAS, the Owner has made application to the County of San Diego
to enter into a contract pursuant to the California Land Conservation
Act of 1965 (Section 51200 et seq., Government Code) with respect to
the Premises; and

WHEREAS, the Owner and the County desire to limit the use of
Premises to agricultural and compatible uses, recreational uses or
open space uses or some combination thereof; NOW THEREFORE

IT IS AGREED by and between the Owner and the County as follows:

Section 1. CONTRACT. This is a "Contract" made pursuant to the
California Land Conservation Act of 1965, as amended as of the date
first above written, including amendments enacted at the 1970 Regular
Session of the California Legislature, (hereinafter referred to as
the "Act") and is applicable to the Premises.

Section 2. TERM. This Contract shall take effect on _____

February 28, 1975, and shall remain in effect for a period of ten years therefrom and during any renewals of this Contract.

Section 3. RENEWAL. NOTICE OF NONRENEWAL. This Contract shall be automatically renewed for a period of one year on the first day of the first January after the effective date, and on the first day of each January thereafter unless written notice of nonrenewal is served by the Owner on the County at least 90 days prior to said date or written notice of nonrenewal is served by the County on the Owner at least 60 days prior to said date. Under no circumstances shall a notice of renewal to either party be required to effectuate the automatic renewal of this Contract.

Upon receipt by Owner of a notice from County of nonrenewal, the Owner may make written protest of such nonrenewal. County may at any time prior to the renewal date withdraw the notice of nonrenewal. Upon request of Owner, the Board of Supervisors may authorize Owner to serve a notice of nonrenewal on a portion of the land which is the subject of this Contract. If either party serves notice of intent in any year not to renew this Contract, this Contract shall remain in effect for the balance of the period remaining on the term since the original execution or the last renewal of this Contract as the case may be.

Section 4. AUTHORIZED USES. During the term of this Contract and any and all renewals thereof, the Premises shall be devoted to agricultural uses and compatible uses and shall not be used for any purposes other than agricultural uses or compatible uses as specified in Exhibit "B" attached hereto.

Section 5. ADDITION OR ELIMINATION OF AUTHORIZED USES. The Board of Supervisors of the County, by resolution, may from time to time during the term of this Contract or any renewals thereof amend the resolution establishing said Agricultural Preserve to add to those authorized uses or eliminate a use listed in Exhibit "B" which authorized uses shall be uniform throughout said Agricultural Preserve; provided, however, no amendment of such resolution during the term of this Contract or any renewal thereof so as to eliminate any use shall be applicable to this Contract unless the Owner consents to such elimination.

Section 6. POLICE POWER. Nothing in this Contract shall be construed to limit the exercise by the Board of Supervisors of the police power or the adoption or readoption or amendment of any zoning

ordinance or land use ordinance, regulation or restriction pursuant to the Planning and Zoning Law (Sections 65000 et seq., Government Code) or otherwise.

Section 7. ZONING. This Contract shall not be construed to authorize the establishment or continuation of a use of real property contrary to any provision of The Zoning Ordinance (Ordinance No. 1402 (New Series)), including any amendments thereto, heretofore or hereafter adopted.

Section 8. EMINENT DOMAIN. (a) Except as provided in subdivision (d) of this Section 8, when any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to this Contract is filed or when such land is acquired in lieu of eminent domain for a public improvement by a public agency or person or whenever there is any such action or acquisition by the Federal government or any person, instrumentality or agency acting under authority or power of the Federal government, this Contract shall be deemed null and void as to the land actually being condemned or so acquired as of the date the action is filed and for the purposes of establishing the value of such land, this Contract shall be deemed never to have existed. Upon the termination of such proceeding, this Contract shall be null and void as to all land actually taken or acquired.

(b) Except as provided in subdivision (d) of this Section 8, when such an action to condemn or acquire less than all of a parcel of land subject to this Contract is commenced, this Contract shall be deemed null and void as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to this Contract will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to this Contract.

(c) The land actually taken shall be removed from this Contract. Under no circumstances shall land be removed that is not actually taken, except as otherwise provided in the Act.

(d) The provisions of subdivisions (a) and (b) of this Section 8 shall not apply to or have any force or effect with respect to (1) the filing of any action in eminent domain for the condemnation of any easement for the erection, construction, alteration, maintenance, or repair of any gas, electric, water or communication facilities by any public agency (including the County) or public utility or to the acquisition of any such easement by any public agency (including the County) or public utility, or (2) the filing of any action in eminent domain by any public agency (including the County) for the

condemnation of the fee title or lesser estate for the establishment, construction (including the widening and realignment) and maintenance of any road, street or highway, whether existing or planned for the future, depicted on the circulation element of the San Diego County General Plan adopted by the San Diego County Board of Supervisors (including any amendments thereto adopted by said Board prior to the date of this Contract) or depicted on the plat attached to this Contract and marked Exhibit "C" or to the acquisition of any such fee title or lesser estate for such purposes by the State of California or any public agency (including the County); and the filing of any such action in eminent domain for the condemnation of or the acquisition of any such easement, fee title or lesser estate shall not terminate, nullify or void this Contract and in the event of the filing of any such action in eminent domain or acquisition this Contract shall be considered in the valuation process.

Section 9. NO PAYMENT BY COUNTY. The Owner shall not receive any payment from the County in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of the Contract is the substantial public benefit to be derived therefrom, and the advantage which will accrue to the Owner as a result of the effect on the assessed valuation of land described herein due to the imposition of the limitations on its use contained herein.

Section 10. CANCELLATION. (a) The Owner may petition the Board of Supervisors for cancellation of this Contract as to all or any portion of the land which is subject to this Contract but this Contract may not be canceled in whole or in part except by mutual agreement of the Owner and County pursuant to Section 51282 of the Act (Government Code). County may only consent to the cancellation of this Contract in whole or in part when, after a public hearing has been held in accordance with the provisions of Section 51284 of the Act (Government Code), the Board finds (1) that the cancellation is not inconsistent with the purposes of the Act, (2) that the cancellation is in the public interest, and (3) that it is neither necessary nor desirable to continue the restrictions imposed by this Contract; provided, however, this Contract shall not be canceled until the hereinafter specified cancellation fee has been paid, unless such fee or some portion thereof is waived or deferred pursuant to subdivision (c) of Section 51283 of the Act (Government Code). As provided in said Section 51282, the existence of an opportunity for another use of the land involved (Premises) shall not be sufficient reason for cancellation and a potential alternative use of the land may be considered only if there is no proximate, noncontracted land suitable for the use to which it is proposed the land (Premises) be put. The uneconomic character of an existing agricultural use shall likewise not be

sufficient reason for cancellation and the uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land (Premises) may be put.

(b) Prior to any action by the Board of Supervisors giving tentative approval to the cancellation of this Contract, the County Assessor shall determine the full cash value of the land as though it were free from the restrictions of this Contract. The Assessor shall multiply such value by the most recent County ratio announced pursuant to Section 401 of the Revenue and Taxation Code and shall certify the product to the Board of Supervisors as the cancellation valuation of the land for the purpose of determining the cancellation fee hereinafter specified.

(c) Prior to giving tentative approval to the cancellation of this Contract the Board of Supervisors shall determine and certify to the County Auditor the amount of the cancellation fee which the Owner must pay the County Treasurer as deferred taxes upon cancellation. Notwithstanding the provisions of subdivision (b) of Section 51283 of the Act (Government Code), if cancellation occurs within the first five-year period of the term of this Contract, the cancellation fee shall be 100% of the cancellation valuation of the land; if cancellation occurs after the expiration of the first five-year period of the term of this Contract the cancellation fee shall be an amount equal to 100% of the cancellation valuation of the land less 5% of said cancellation valuation for each year this Contract has remained in effect in excess of the aforementioned first five-year period; provided, however, in no event shall the cancellation fee be less than an amount equal to 50% of the cancellation valuation of the land. If after the date this Contract is initially entered into the publicly announced County ratio of assessed to full cash value is changed, the percentage payment specified in this paragraph shall be changed so no greater percentage of full cash value will be paid than would have been paid had there been no change in such ratio.

(d) The Board of Supervisors may waive or defer payment of the cancellation fee or any portion thereof in accordance with subdivision (c) of Section 51283 of the Act (Government Code).

(e) Upon approval by the Board of Supervisors of the above mentioned cancellation petition and payment of the cancellation fee, the Clerk of the Board of Supervisors shall record in the office of the County Recorder a certificate which shall set forth the name of the owner of such land at the time the Contract is canceled with the amount of the cancellation fee specified by the Board of Supervisors pursuant to Article 5 of the Act (Section 51281 et seq., Government

Code) and a legal description of the property. From the date of recording of such certificate, this Contract or such portion thereof as is appropriate shall be finally canceled.

(f) Upon tentative approval by the Board of Supervisors of the above mentioned cancellation petition and waiver or deferment in whole or in part of the cancellation fee, the Clerk of the Board of Supervisors shall record in the office of the County Recorder a certificate which shall set forth the name of the owner of such land at the time the contract is canceled with the amount of the cancellation fee specified by the Board of Supervisors as being due pursuant to Article 5 of the Act (Section 51281 et seq., Government Code), the contingency of such waiver or deferment of payments, and a legal description of the property. From the date of recording of such certificate the Contract shall be finally canceled, and to the extent the cancellation fee has not yet been paid or waived, a lien shall be created and attached against the real property described therein and any other real property owned by the person named therein as the owner and located within this County. Such lien shall be in favor of the County, shall have the force, effect and priority of a judgment lien and shall remain in effect until the unwaived portion of the cancellation fee is paid in full. Upon the payment of the cancellation fee or any portion thereof, the Clerk of the Board of Supervisors shall record with the County Recorder a written certificate of the release in whole or in part of said lien.

Section 12. DIVISION OF LAND - MINIMUM SIZE PARCELS. The Owner shall not divide the Premises contrary to the restrictions on the division of Premises as set forth in Exhibit "B" attached hereto.

Section 13. CONTRACT BINDS SUCCESSORS. The term "Owner" as used in this Contract shall include the singular and plural and this Contract shall be binding upon and inure to the benefit of all successors in interest of the Owner including but not limited to heirs, executors, administrators and assignees. In the event the land under this Contract or any portion thereof is divided, the Owner of any parcel may exercise, independent of any other owner of a portion of the divided land, any of the rights of the Owner in the original Contract including the right to give notice of nonrenewal and to petition for cancellation. The effect of any such action by the owner of a parcel created by the division of land or any portion thereof subject to this Contract shall not be imputed to the owners of the remaining parcels and shall have no effect on this Contract as it applies to the remaining parcels of the divided land.

Section 14. REMOVAL OF LAND FROM PRESERVE. Removal of any land under this Contract from an agricultural preserve, either by change

of boundaries of the preserve or disestablishment of the preserve shall be the equivalent of a notice of nonrenewal by the County; provided, however, that the County shall, at least 60 days prior to the next renewal date following the removal, serve a notice of nonrenewal as provided in Section 51245 of the Act (Government Code). Such notice of nonrenewal shall be recorded as provided in Section 51248 of the Act (Government Code).

Section 15. CONVEYANCE CONTRARY TO CONTRACT. Any conveyance, contract or authorization (whether oral or written) by the Owner or his successors in interest which would permit the use of the Premises or create a division of the Premises contrary to the terms of this Contract, or any renewal thereof may be declared void by the Board of Supervisors of the County; such declaration or the provisions of this Contract may be enforced by the County by an action filed in the Superior Court of the County for the purpose of compelling compliance or restraining a breach thereof.

Section 16. OWNER TO PROVIDE INFORMATION. The Owner, upon request of the County, shall provide information relating to the Owner's obligations under this Contract.

Section 17. NOTICE. Any notice given pursuant to this Contract may, in addition to any other method authorized by law, be given by United States mail, postage prepaid. Notice to the County shall be addressed as follows:

Clerk of the Board of Supervisors
Room 306 County Administration Center
1600 Pacific Highway
San Diego, California 92101

Notice to the Owner shall be addressed as follows:

Mr. William C. Barker, Jr.

4901 La Cruz Drive

La Mesa, CA 92041

IN WITNESS WHEREOF, the Owner and the County have executed this Contract on the day first above written.

William C. Barker, Jr.
William C. Barker, Jr.

APPROVED AS TO FORM:
ROBERT G. BERREY
County Counsel

By John McEvoy
Deputy

Owner

COUNTY OF SAN DIEGO

Chairman, Board of Supervisors

NOTE: All signatures of owners must be acknowledged before a notary public or public officer authorized to take acknowledgments.

TO 447 CA (4-73)
(Individual)

STATE OF CALIFORNIA

COUNTY OF San Diego

SS.



TITLE INSURANCE
AND TRUST

A TICO COMPANY.

On Sept. 23, 1974 before me, the undersigned, a Notary Public in and for said State, personally appeared William C. Barker, Jr.

to be the person whose name subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

Signature Patricia J. Ramsbacher

PATRICIA J. RAMSBACKER

Name (Typed or Printed)



(This area for official notarial seal)

The Southeast Quarter of the
Southeast Quarter of Section 24, Township
16 South, Range 2 East, S.B.M., in the
County of San Diego, State of California.

This is to certify that the foregoing contract is hereby
executed on behalf of the Board of Supervisors of said
County of San Diego pursuant to authority conferred by
Policy I-38 of said Board adopted on June 25, 1974 (minute
item 116) and the County consents to recordation thereof
by its duly authorized officer.

1
Oct 10, 1974
Date

By R. J. PFLUM III
R. J. PFLUM III, Acting Director
Department of Real Property

EXHIBIT B

JAPATUL

Agricultural Preserve No. 36

Section 1. In the above named Agricultural Preserve only the following uses are permitted:

A. The following agricultural uses:

1. Agricultural crops.
2. Fruit trees, nut trees, vines and horticultural stock for producing trees, vines and other horticultural stock.
3. Flowers and vegetables.
4. The keeping of the following poultry and animals:
 - (a) Poultry, rabbits, chinchillas, hamsters, and other small animals.
 - (b) Horses as a private stable.
 - (c) Bovine animals, sheep, goats and swine as follows:
 - (1) On any premises having a net area of less than one and one-half (1-1/2) acres there may be kept a maximum of two (2) of any one or combination of said animals.
 - (2) On any premises having a net area of more than one and one-half (1-1/2) acres but not more than four (4) acres, there may be kept a maximum of eight (8) of any one or combination of said animals provided that the number of such animals shall not exceed one animal per half (1/2) acre of area.
 - (3) On any premises having a net area of more than four (4) acres such animals may be kept without limitation as to the number of animals.
5. Buildings and structures necessary and incidental to the agricultural use of the land.

B. The following compatible uses:

1. One-family dwellings incidental to the agricultural use of the land for the residence of the owner and his family or the lessee of the owner and the lessee's family. Owner or lessee shall be construed to include:
 - (a) Stockholders in a family corporation.
 - (b) Beneficiaries of family trusts and estates.
 - (c) Owners of individual interests in the fee.
2. The following accessory buildings and structures: Private garages, swimming pools, children's playhouses, radio and television receiving antennas, shops, offices, and other required for the conduct of the compatible uses as permitted by this section.
3. Guest houses for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises. A guest house shall have no kitchen facility and shall not be rented or otherwise used as a separate dwelling.
4. Home occupations. Home occupation means an occupation customarily conducted entirely within a dwelling by the occupant of the dwelling as a secondary use in connection with which there is no display, no stock in trade or commodity sold upon the premises, and no person employed.
5. Processing for market of crops raised on premises, or on other property owned or leased by the processor.
6. One stand for the display and sale of only those products produced on the premises, or on other property owned or leased by the vendor; provided that it does not exceed an area of two-hundred (200) square feet, and is located not nearer than fifteen (15) feet to any street or highway.
7. Farm employee housing, exclusive of trailer coaches and mobilehomes.
8. Farm labor camps, exclusive of trailer coaches and mobilehomes, on premises having a net area of not less than 10 acres.

9. The following signs:

- (a) One (1) unlighted sign not larger than twelve (12) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.
- (b) One (1) sign not larger than twelve (12) square feet in area identifying and advertising products produced on the premises.
- (c) One (1) sign not larger than four (4) square feet in area identifying the premises as being associated with a trade organization, or as producing products under a registered trade name.
- (d) One (1) name plate not exceeding two (2) square feet in area containing the name and occupation of the occupant of the premises.

10. The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities, unless the Board of Supervisors makes a finding after notice and hearing that any or all such facilities are not a compatible use.

11. The following uses, provided a special use permit authorizing such use is issued by the Planning Commission or Board of Supervisors of the County of San Diego. Such special use permit shall be applied for, considered, granted or denied in the manner prescribed by The Zoning Ordinance of the County of San Diego for the application for, consideration, granting or denying of applications for special use permits under that ordinance.

- (a) Packing or processing plants for farm crops.
- (b) Aviaries.
- (c) The following farm employee housing and farm labor camps:
 - (1) Farm employee housing containing one or more trailer coaches or mobilehomes.
 - (2) Farm labor camps containing one or more trailer coaches or mobilehomes.
 - (3) Farm labor camps on premises having a net area of 10 acres or less.
- (d) Public stables.
- (e) Kennels.

- (f) Chinchillas.
 - (g) Radio or television transmitter.
 - (h) Airport (landing strip).
 - (i) Livestock auction yard.
 - (j) Animal waste processing.
12. The establishment, widening, realignment or improvement of any road, street or highway, whether existing or planned for the future, depicted on the circulation element of the San Diego County General Plan including any amendments thereto heretofore adopted by the Board of Supervisors.
 13. The location and construction of any improvements specified in Section 51238 of the Government Code when located or constructed by a public agency or public utility, unless the Board of Supervisors makes a finding pursuant to said Section 51238 that such improvements are not compatible uses.

C. The following recreational uses, provided a special use permit authorizing such use is issued by the Planning Commission or Board of Supervisors of the County of San Diego. Such special use permit shall be applied for, considered, granted or denied in the manner prescribed by The Zoning Ordinance of the County of San Diego for the application for, consideration, granting or denying of applications for special use permits under that ordinance.

1. Use of land by the public, with or without charge, for any of the following:
 - (a) Walking
 - (b) Hiking
 - (c) Picnicking
 - (d) Camping
 - (e) Swimming
 - (f) Boating
 - (g) Fishing
 - (h) Hunting
 - (i) Other outdoor games or sports for which facilities are provided for public participation.

Any fee charged for the recreational use of land as defined herein shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public.

D. The use or maintenance of the land within said agricultural preserve in such a manner as to preserve its natural characteristics, beauty and openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife or for the solar evaporation of sea water in the course of salt production for commercial purposes is authorized and such use shall be defined as "Open Space Uses" if such land is within:

1. A scenic highway corridor, as defined in subdivision (i) of Section 51201, Government Code.
2. A wildlife habitat area, as defined in subdivision (j) of Section 51201, Government Code.
3. A saltpond, as defined in subdivision (k) of Section 51201, Government Code.
4. A managed wetland area, as defined in subdivision (l) of Section 51201, Government Code.
5. A submerged area, as defined in subdivision (m) of Section 51201, Government Code.

Section 2. Notwithstanding the provisions of Section 1, no dwelling, guest house, farm employee housing or farm labor camp shall be constructed, erected or maintained upon any premises containing an area of less than 600 acres; provided, however, one single family dwelling may be constructed and maintained on the premises subject to this Contract.

Section 3. Nothing herein shall be construed to authorize the establishment or continuation of a use of real property contrary in any provision of The Zoning Ordinance (Ordinance No. 1402 (New Series) of the County of San Diego) including any amendments thereto, heretofore or hereafter adopted.

Section 4. The premises subject to this Contract shall not be divided so as to create a parcel of land having an area of less than 600 acres, provided that this restriction shall not be construed as prohibiting the owner of premises having an area of more than 600 acres (hereinafter referred to as the Grantor) from conveying to the owner of contiguous premises subject to a Contract of equal or longer unexpired term a parcel containing less than 600 acres for the purpose of enlarging such contiguous premises where the remainder of the Grantor's premises after such conveyance has an area of not less than 600 acres.

Section 5. "Area" means an area of land inclusive of that land within easements or rights of way for roads, streets and/or highways.

Section 6. Definitions. The definition of words set forth in The Zoning Ordinance of the County of San Diego shall apply to the words used herein unless otherwise specifically defined herein.

JAPATUL

AGRICULTURAL PRESERVE No. 36

DATE ESTABLISHED APRIL 10, 1974

SIZE (acres) 4587±

A.P. Boundary

ZONING DISTRICT BDY

ZONE BOUNDARY

CLEVELAND NATIONAL
FOREST LANDS

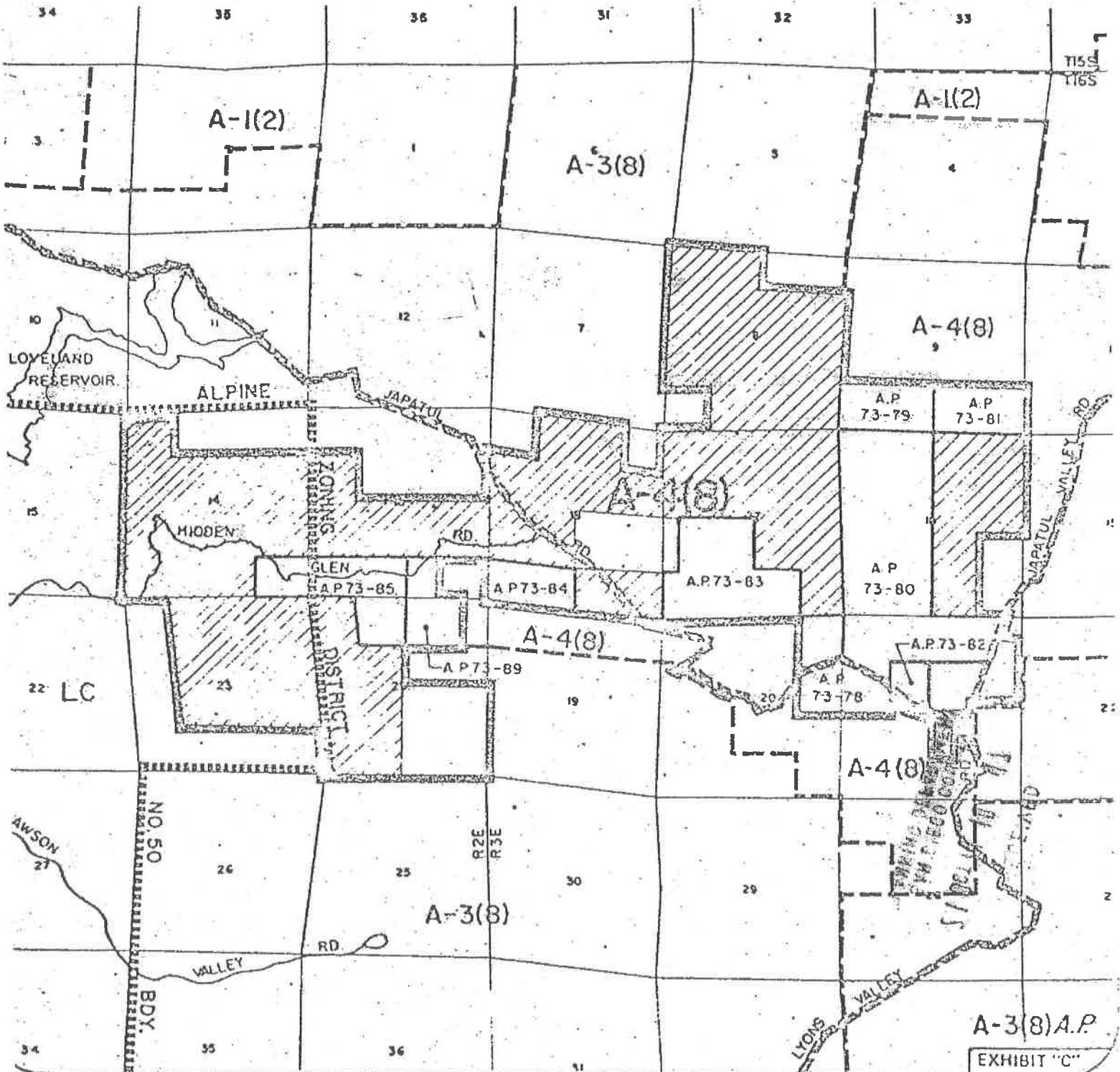
Major Road

Location: PORTION OF T16S,R2E AND T16S,R3E



SAN DIEGO COUNTY CALIFORNIA

1" = 400'



A-3(8)A.P.

EXHIBIT "C"

Go



169 Saxony Road
Suite 204
Encinitas, CA 92024

Tel 760-942-8505
Fax 760-942-8515
www.coastlawgroup.com

VIA United States MAIL
June 5, 2007

Bridgett Luther
Director, Department of Conservation
State of California
801 K Street, MS 24-01
Sacramento, CA 95814-3528

Re: Request for Williamson Act Enforcement
Japatul Agricultural Preserve No. 36, San Diego County
Contract No. 74-29
Covert Canyon, Marc Halcon

Dear Ms. Luther:

Please accept this letter on behalf of Save Our Forest and Ranchlands (SOFAR), a watchdog environmental group committed to defending the San Diego backcountry against urban sprawl & working toward the adoption and implementation of plans to preserve rural resources. Throughout its existence, SOFAR has endeavored to monitor and enhance the County of San Diego's administration of Williamson Act contracts pursuant to the California Land Conservation Act. It is in this regard that we seek enforcement assistance from the Department of Conservation.

We have recently discovered that an individual named Marc Halcon owns and has been operating an unpermitted commercial shooting range and paramilitary training facility under the name "Covert Canyon" on a parcel of land he owns in the San Diego County backcountry. See www.covertcanyon.com and attached Union Tribune newspaper article dated May 26, 2007.

The subject parcel is located at the end of High Glen Road near the County township of Alpine, with Assessor's Parcel Number 521-130-08. The property is within the boundary of the Japatul Agricultural Preserve No. 36, and has been under Williamson Act Land Conservation Contract (No. 74-29) since 1974. Mr. Halcon may be reached at:

Marc A. Halcon, President
American Shooting, Center, Inc.
5590 Ruffin Road
San Diego, CA 92123

In addition to the commercial uses at the property inconsistent with the Williamson Act, SOFAR is concerned that Mr. Halcon has removed and/or destroyed significant wetland and montane mountain meadow wildlife habitat. We will be contacting appropriate enforcement personnel with the California Department of Fish and Game and the United States Fish and Wildlife Service with these concerns. Any assistance the Department of Conservation can lend in this regard would be much appreciated.

Thank you for your careful consideration of this issue and we look forward to assisting the Department of Conservation in any manner possible to ensure the integrity of the Williamson Act is maintained. Do not hesitate to contact me with any questions or concerns.

Sincerely,



Marco A. Gonzalez
COAST LAW GROUP LLP

CC: Steve Oliva, Staff Counsel, Dept. of Conservation; MS 24-03
Brian Leahy, Asst. Dir., DLRP, Dept. of Conservation; MS 13-71

Glenn S. Russell, Chief Regulatory Planning, Department of Planning and Land Use
County of San Diego, 5201 Ruffin Road, Suite B, San Diego, CA 92123-1666
Supervisor Dianne Jacob, County of San Diego, County Administration Center
1600 Pacific Highway, San Diego, CA 92101

Client

MAG/ms



County of San Diego

ERIC GIBSON
DIRECTOR

DEPARTMENT OF PLANNING AND LAND USE

6201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

April 7, 2009

California Department of Conservation
Division of Land Resource Protection
801 K Street MS 18-01
Sacramento, CA 95814-3530

CASE NAME AND NUMBERS: COVERT CANYON; AG PRESERVE
DISESTABLISHMENT AP07-002/ MUP 07-011; ER NO.: 07-15-002:

RE: PROJECT STATUS; C.A. DOC STATUS REPORT:

Mr. Barr,

The County of San Diego Department of Planning and Land Use is currently processing a request to cancel a Williamson Act Contract pursuant to the County of San Diego Board Policy I-38 and CA Government Code Section(s) 51280-51287. The contract cancellation is to allow an application for a Major Use Permit to permit the property to be used as a Local Law Enforcement Tactical Training Facility.

WILLIAMSON ACT:

The proposed project involves a request for cancellation of the Agricultural (Williamson Act) Contract for parcel 531-130-08 (AP74-29). The project site (APN#s 531-130-05, -07, and -08) is within Agricultural Preserve #36 and have a County of San Diego Special Area Regulation Designator "A" denoting the overlay of the Agricultural Preserve. Therefore, the County is requiring the applicant to also include an application for the Alteration to the Boundaries of an Agricultural Preserve to remove the subject

parcels from the Agricultural Preserve #36, as well as a Rezone to remove the associated "A" Special Area Regulation Designator.

Currently, the property owner/applicant filed and recorded the required "Notice of Non-Renewal" dated October 8, 2007 pursuant to Government Code Section 51245. A "Petitioned for Cancellation of the California Land Conservation Contract" dated December 17, 2008, has been also filed with the County of San Diego (See Attached Documents). The applicant is requesting the County to Cancel the Contract pursuant to California Government Code Section 51282(a)(2) because the proposed project would be in the public's interest.

DETAILED PROJECT DESCRIPTION:

The project is a request for a Major Use Permit, and Agricultural Contract Cancellation, to operate a weapons training facility for local law enforcement and military groups that includes live fire training activities for local and national security purposes. The project also includes the approval of a Restoration Plan for on and offsite grading and clearing violations that currently exist. The project would consist of the following: Two small arms ranges (Small Caliber Automatic Weapons, Pistols, and Shotguns), one 10 to 600 yard variable long rifle range, a 1600 sq/ft urban warfare training house, a 960 sq/ft simulated ship training structure, seven 8'X40' storage units (2,240 sq/ft), a nighttime training and special operations area, and incidental helicopter activities for emergency evacuation and training, an 800 sq/ft repelling and training tower 45 feet in height, a trailer coach for a caretaker's residence, an 800 sq/ft office/training room including bathroom and shower, and a 2320 sq/ft maintenance shop/garage.

The site contains an existing single-family residence, an unpermitted guest living quarters, out buildings, garage, and a storage unit that would be retained. Access would be provided by a driveway connecting to High Glen Road (private road). The project would be served by on-site septic systems and groundwater. The earthwork will consist of 5,000 cubic yards of cut and fill on and offsite.

The project site is located at 19150/19191 High Glen Road near the intersection of Lawson Hill Road in the Alpine Community Planning Group, within unincorporated San Diego County. The site is subject to the General Plan Regional Category 1.4 RDA (Rural Development Area) and 1.6 ECA (Environmental Constrained Areas), Land Use Designation 20 (General Agriculture)/23 (National Forest/State Parks). Zoning for the site is A72 (General Agricultural). The property is zoned A72 which permits the proposed project as a Major Impact Service and Utility through issuance of a Major Use Permit pursuant to Zoning Ordinance Section 2725.b.

The Department will keep the DOC apprised of any Major Project Milestones and applicable correspondence that is relevant to the cancellation of the Agricultural Preserve Contract Cancellation and Preserve Realignment. If you have any questions

MUP07-011/AP07-002;
ER LOG NO. 07-15-002;

- 3 -

April 7, 2009

or need additional information, please contact me at (858) 694-3011 Patrick Brown or at Patrick.Brown@sdcounty.ca.gov.

Sincerely,



Patrick Brown, Project Manager
Project Planning Division

Attachments: Notice of Non-Renewal, Petition for Cancellation

cc: Marc Halcon, Covert Canyon, LLC, 5590 Ruffin Road, San Diego, CA 92124
RBF Consulting, Attn: Daniel Hortert 9755 Clairemont Mesa Blvd., Suite 100,
San Diego, CA 92124

email cc:

Donna Beddow, Planning Manager, Department of Planning and Land Use
M.S.O650
Brian Baca, Chief, Department of Planning and Land Use M.S.O650
Mark Mead, Senior Deputy County Counsel, Office of County Counsel, MS A12
John Barr California Department of Conservation, Division of Land Resources
John.Barr@conservation.ca.gov



AP07-002

G1

COUNTY OF SAN DIEGO, CALIFORNIA

BOARD OF SUPERVISORS POLICY

SUBJECT	POLICY NUMBER	PAGE
	I-38	1 of 10

Agricultural Preserves

Purpose

To set forth policies for the implementation of the California Land Conservation Act of 1965, the Williamson Act.

Background

In 1965 the State Legislature added to the Government Code Sections 51200 et. seq. which authorized the County to establish agricultural preserves. An agricultural preserve is an area devoted to either agricultural use, open space use, recreational use, or any combination of such uses, and compatible uses which are designated by the County. Preserves are established for the purpose of defining the boundaries of those areas within which the County will be willing to enter into contracts pursuant to the Act. Landowners within a preserve may enter into a Contract with the County to restrict their land to the uses stated above whereby the assessment on their land will be based on its restricted use rather than on its market value.

Policy

It is the policy of the Board of Supervisors that:

1. CRITERIA FOR ESTABLISHMENT OF PRESERVES
 - a. PUBLIC BENEFIT. An agricultural preserve shall be created only when its establishment will be of benefit to the public.
 - b. ELIGIBLE AREAS. Subject to the other requirements set forth in these criteria, applications shall be accepted from all geographical areas of the County. However, it is the intent of the Board of Supervisors to look more favorably upon applications for agricultural preserves for areas which are in the path of development. Areas in the path of development would include those areas designated as being within an urban land use classification in the General Plan or areas presently having such urban level services such as sewer and water or a reasonable expectation of having those services in the near future.
 - c. UNREASONABLE TAX BURDEN NOT CREATED. The establishment of the agricultural preserve and consequent reduction in assessed value of land, if any, shall not place an unreasonable tax burden on other property owners. To assist in determining any possible tax burden, the Auditor and Controller prior to establishment of a preserve, shall make a study of the potential impact of the preserve on local taxing agencies and submit a report thereon to the Board of Supervisors.

COUNTY OF SAN DIEGO, CALIFORNIA

BOARD OF SUPERVISORS POLICY

SUBJECT

Agricultural Preserves

POLICY
NUMBER

I-38

PAGE

2 of 10

d. MINIMUM PRESERVE SIZE. The minimum size of an agricultural preserve shall be 100 acres, provided that in order to meet this requirement the preserve may include two or more owner-ships if they are contiguous. Consideration will be given to the establishment of smaller preserves where there are exceptional circumstances. Exceptional circumstances shall include those situations where smaller preserves are justified due to the unique characteristics of the agricultural enterprises of the County and where such preserves would be consistent with the County General Plan. The minimum size preserve to be considered under this provision shall be in accordance with the minimum ownership size specified in paragraph three below.

2. HEARINGS PREREQUISITE TO ESTABLISHMENT. Agricultural preserves shall be established by resolution of the Board of Supervisors. The same procedure shall apply to any proposal to expand boundaries of or to disestablish a preserve or to diminish the size of or otherwise remove all land from an agricultural preserve.

3. MINIMUM OWNERSHIP SIZE. The resolution authorizing each agricultural preserve shall prescribe minimum ownership sizes that landowners must meet to be eligible for a contract. For improved agricultural land and on which there may be a dwelling or dwellings, provided said dwellings are for the use of the immediate family or employees engaged in the agricultural production of the premises, the recommended minimum ownership size for the various agricultural activities are:

Grazing	80 acres
Dry Farming	40 acres
Cattle Breeding	40 acres
Horse Breeding	40 acres
Poultry	10 acres
Dairies	20 acres
Tree Crops	10 acres
Truck Crops	10 acres
Flowers (Field)	10 acres
Flowers (Hothouse)	10 acres

For recreation use or open space the recommended minimum ownership size is 20 acres. Any of the above specified minimum acreages may be reduced when there are exceptional circumstances that warrant a reduction in the required areas. Ownerships existing at the time of establishment of a preserve shall be exempted from the foregoing minimum acreages..

4. ZONING REGULATIONS. Zoning regulations shall be applied to all

COUNTY OF SAN DIEGO, CALIFORNIA

BOARD OF SUPERVISORS POLICY

<u>SUBJECT</u>	POLICY NUMBER	PAGE
	I-38	3 of 10

Agricultural Preserves

lands included in an agricultural preserve and shall permit only agricultural uses, open space use, recreational use and other uses determined to be compatible with such uses. The application of such zoning regulations shall be considered concurrently with any action to establish or expand an agricultural preserve so that both shall become effective simultaneously.

5. CONTRACT CRITERIA

- a. **ELIGIBLE LAND.** To be eligible to file an application for an agricultural preserve and enter in a contract with the County an applicant must own land devoted to agricultural use, open space use, as defined in subdivision (o), Section 51201 Government Code, recreational use, as defined in subdivision (n), Section 51201 Government Code, or combination thereof. The owner must be willing to restrict the use of his land to the uses set forth in the "standard contract form" which is made part of the resolution establishing an agricultural preserve. Summary definitions of these uses are:

- (1) "Agricultural use" means use of the land for the purpose of producing agricultural commodities for commercial purposes.
- (2) "Open space" means the use of the land to preserve its natural characteristic beauty, or openness for the benefit of the public, if such land is in:
 - (a) A scenic highway corridor
 - (b) A wildlife habitat
 - (c) A saltpond
 - (d) A managed wetland
 - (e) A submerged area
- (3) "Recreational use" means the use of the land by the public with or without charge, for uses such as: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports. Any fee charged for recreational use of land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. Owners who file an application for the purpose of using their land for recreational use must apply for and obtain approval of a use permit in accordance with the County Zoning Ordinance.

- b. **ELIGIBLE OWNERSHIPS.** To be eligible to enter into a contract with the County, an applicant must comply with the recommended minimum ownership size provisions of Section 3, above.

COUNTY OF SAN DIEGO, CALIFORNIA

BOARD OF SUPERVISORS POLICY

SUBJECT	POLICY NUMBER	PAGE
Agricultural Preserves	I-38	4 of 10
<p>c. LIMITATION ON DIVISION OF LAND. Each contract shall contain a provision prohibiting an owner from dividing his land so as to create a parcel of land having a net area of less than a prescribed minimum to be determined by the Board of Supervisors. The Director of the Department of Planning and Land Use shall recommend a prescribed minimum in accordance with the minimums specified in Section 3., above, and in relation to the characteristic and use of the land.</p> <p>d. NONCONFORMING USES TO BE ELIMINATED. All land in an agricultural preserve shall be used only for agricultural purposes for producing agricultural commodities, or for recreational or open space uses and uses compatible therewith. Any other uses which may have existed prior to the establishment of a preserve shall be treated as legal nonconforming uses as such uses are defined in the Zoning Ordinance, provided that any nonconforming use shall be eliminated from any land with respect to which a contract is executed, and such contract shall not be effective until such nonconforming use is eliminated.</p> <p>e. TERM. The initial term of contract shall be for a minimum period of 10 years. An initial term of more than 10 years may be required by the Board of Supervisors for certain preserves where it is determined to be in the public interest. Also, an initial term of more than 10 years may be authorized by the Board upon a request by a property owner.</p> <p>f. AUTOMATIC RENEWAL. When the initial term of contract is for less than 20 years, beginning with the first day of January after the effective date of the contract, a year shall be added automatically to the initial term and on each succeeding anniversary thereafter unless or until a notice of nonrenewal is given as provided below. When the initial term of contract is for 20 years or more, beginning with the anniversary date on which the contract will have an unexpired term of nine years, a year shall be added automatically to the initial term on each succeeding anniversary date thereafter unless or until a notice of nonrenewal is given as provided below.</p> <p>g. NONRENEWAL. If either the owner or the County desires in any year not to renew the contract, the party shall serve written notice of nonrenewal upon the other party in advance of the annual renewal date. A notice of nonrenewal of a contract shall be given in the same manner as provided in Section 51245 of the Government Code, and such notice, whether by a property owner or the County, shall be recorded with the County Recorder by the Clerk of the Board of Supervisors prior to the January 1 renewal date.</p>		

COUNTY OF SAN DIEGO, CALIFORNIA

BOARD OF SUPERVISORS POLICY

<u>SUBJECT</u>	POLICY NUMBER	PAGE
	I-38	5 of 10

Agricultural Preserves

6. CANCELLATION OF CONTRACT

- a. MUTUAL CONSENT AND NECESSARY FINDINGS. An owner may petition the Board of Supervisors for cancellation of a contract as to all or any portion of the land which is subject to the contract, but the contract may not be canceled, in whole or in part, except by mutual agreement of the owner and County pursuant to Section 51282 of the Act (Government Code). The County may only consent to the cancellation of a contract, in whole or in part, when after a public hearing has been held in accordance with the provisions of Section 51284 of the Act (Government Code) the Board finds (1) that the cancellation is consistent with the purposes of the Act, or (2) that the cancellation is in the public interest. The cancellation is consistent with the purposes of the Act if all of the following findings are made:

1. A Notice of Nonrenewal (Government Code 51245) has been served.
2. Cancellation is not likely to result in the removal of adjacent lands from agricultural use.
3. Cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan.
4. Cancellation will not result in discontinuous patterns of urban development.
5. There is no proximate, non-contracted land which is both available and suitable for the same proposed use, or that the development of the contracted land would provide a more contiguous pattern of urban development than development of proximate, non-contracted land.

The cancellation is in the public interest only if the Board of Supervisors finds that other public concerns substantially outweigh the objectives of the Act and there is no proximate non-contracted land which is both available and suitable for the proposed use or that the development of the contracted land would provide a more contiguous pattern of urban development than development of proximate non-contracted land.

A contract shall not be canceled until the hereinafter specified cancellation fee has been paid.

COUNTY OF SAN DIEGO, CALIFORNIA

BOARD OF SUPERVISORS POLICY

SUBJECT

Agricultural Preserves

POLICY
NUMBER

I-38

PAGE

6 of 10

b. CANCELLATION FEE.

1. Williamson Act Mandated Fees

In determining the State portion of the Contract cancellation fee collected pursuant to Government Code 51283, the County Assessor shall determine the full cash value of the land as though it were free of the contractual restriction. The Assessor shall certify to the Board the cancellation valuation of the land for the purpose of determining the cancellation fee.

Prior to giving tentative approval to the cancellation of any contract, the Board shall determine and certify to the County Auditor the amount of the cancellation fee which the property owner must pay the County Treasurer. That fee shall be an amount equal to 12 1/2% of the cancellation valuation of the property.

The Board of Supervisors may waive said fee or portions thereof pursuant to Section 51283c of the Government Code.

2. County Imposed Fees

The County is authorized, pursuant to Government Code 51240, to collect additional fees for contract cancellations. Existing contracts entitle the County to collect and retain as much as an additional 12 1/2% of the cancellation valuation depending upon the length of time the property has been under contract. If cancellation occurs within the first five year period of the contract, the cancellation fee due the County shall be an amount equal to 12 1/2% of the FULL CASH VALUE of the land unencumbered by the Contract as determined by the Assessor; if cancellation occurs after the first five year period of the contract, the cancellation fee shall be an amount equal to 12 1/2% of the FULL CASH VALUE less 10% for each year the contract has remained in effect in excess of the first five year period.

7. EMINENT DOMAIN

- a. Except as provided in subdivision d. below, when any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to a contract is filed or when such land is acquired in lieu of eminent domain for a public improvement, the contract shall be deemed null and

COUNTY OF SAN DIEGO, CALIFORNIA

BOARD OF SUPERVISORS POLICY

SUBJECT

Agricultural Preserves

POLICY
NUMBER

I-38

PAGE

7 of 10

void as to the land actually being condemned or so acquired as of the date the action is filed and for the purposes of establishing the value of such land, the contract shall be deemed never to have existed.

- b. Except as provided in subdivision d. below, when such an action to condemn or acquire less than all of a parcel of land subject to a contract is commenced the contract shall be deemed null and void as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to the contract will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to the contract.
- c. The land actually taken shall be removed from the contract. Under no circumstances shall land be removed that is not actually taken, except as otherwise provided in the Act.
- d. The provisions of subdivisions a. and b. and the provisions of Section 51295 of the Act shall not apply to or have any force or effect with respect to (1) the filing of any action in eminent domain for the condemnation of any easement for the erection, construction, alteration, maintenance, or repair of any gas, electric, water or communication facilities by any public agency or to the acquisition of any such easement by any public agency or (2) the filing of any action in eminent domain by any public agency for the condemnation of the fee title or lesser estate for the establishment, construction (including the widening and realignment) and maintenance of any road, street or highway, whether existing or planned for the future, depicted on the circulation element of the San Diego County General Plan adopted by said Board prior to the date of the contract, and in the event of the filing of any such action in eminent domain or acquisition the contract shall be considered in the valuation process.

8. PROCESSING APPLICATIONS. Any application filed pursuant to this policy shall be accompanied by a written statement disclosing the following information:

- a. The names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved.
- b. If any person identified pursuant to paragraph a. above is a corporation or partnership, the names of all persons owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

BOARD OF SUPERVISORS POLICY

<u>SUBJECT</u>	POLICY NUMBER	PAGE
	I-38	8 of 10

Agricultural Preserves

- c. If any person identified pursuant to paragraph a. above is a non-profit organization or a trust, the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

9. APPLICATION FEES.

a. ESTABLISHMENT OF PRESERVE.

The fee for filing an application for the establishment of an agricultural preserve consisting of a single ownership shall be as prescribed in a resolution adopted by the Board of Supervisors.

b. INCLUSION WITHIN A PRESERVE BY EXTENSION OF PRESERVE BOUNDARIES

The fee for filing an application for extending the boundaries of an established agricultural preserve to include a single ownership, shall be as prescribed in a resolution adopted by the Board of Supervisors.

c. APPLICATION FOR CONTRACT COVERING LAND INCLUDED WITHIN AN ESTABLISHED PRESERVE.

Where an owner has filed an application for establishment of his land as an agricultural preserve or for inclusion of such land in an agricultural preserve, the fee for such application shall be deemed to have included the fee for an application to enter into a contract covering such land. Where the owner of land which is included within an established agricultural preserve, but which is not covered by a contract makes application with the County to enter into a contract covering such ownership, the fee for filing such application shall be as prescribed by a resolution adopted by the Board of Supervisors.

d. REFUND OF FEES

- (1) REFUND OF FEES UPON WITHDRAWAL OF APPLICATION. At any time prior to final action on any application filed pursuant to this policy the applicant by written request filed with the Planning Department, or with the Board of Supervisors may withdraw the application and terminate further consideration thereof. Where such written request has been filed and the application withdrawn, there shall be refunded to any applicant who paid a fee the total amount of such fee less any costs incurred

COUNTY OF SAN DIEGO, CALIFORNIA

BOARD OF SUPERVISORS POLICY

<u>SUBJECT</u>	POLICY NUMBER	PAGE
	I-38	9 of 10

Agricultural Preserves

by the County incidental to action or proposed action on the application, provided that where no hearing on the application has been set before the Board of Supervisors the amount refunded shall not be less than 50% of the fee.

(2) REFUND OF FEES UPON TERMINATION OF PROCESSING OF APPLICATION BY BOARD OF SUPERVISORS. Where the Board of Supervisors determines that processing of any application should be terminated in the public interest, it may order such processing terminated and may thereon refund to the applicant all or a portion of the fees paid for said application.

e. ESTABLISHMENT OF TRUST FUND. The Director of Planning shall establish a trust fund, into which all fees received from applicants shall be deposited. Each such fee shall remain in the trust fund until one of the following events occurs: (1) the application is rejected; (2) the application is withdrawn; or (3) the application is heard by the Board of Supervisors. At that time, the Director of Planning shall compute and pay from the trust fund any refund which is due to the applicant pursuant to paragraph 7.d, above. The portion of the fee which is not refunded shall be transferred to the General Fund.

10. APPLICATION TO REMOVE LAND FROM A PRESERVE. If an owner of land in an agricultural preserve that is or is not subject to a contract wishes to remove his/her land from the preserve he/she must file an application. The same procedures shall be followed for the removal of land from the preserve that is followed for the enlargement of a preserve and in compliance with all provisions specified in the Act. The filing fee for such application shall be computed the same as paragraph 9.b above. However, if the owner is also making application for the reclassification of land to a different zone category the filing fee shall be waived in favor of the fee which is paid for the processing of the rezone application.

11. EXECUTION OF CONTRACTS COVERING LAND INCLUDED WITHIN AN ESTABLISHED PRESERVE. Where the owner of land which is included within an established agricultural preserve, but which is not covered by a contract, makes application with the County to enter into a contract covering such ownership, the contract will be processed by the Real Property Division. The Real Property Director is authorized to execute such contracts in the name of the County.

COUNTY OF SAN DIEGO, CALIFORNIA

BOARD OF SUPERVISORS POLICY

<u>SUBJECT</u>	POLICY NUMBER	PAGE
	I-38	10 of 10

Agricultural Preserves

References

B/S Action 9-11-68 (5)
B/S Action 9-30-68 (61)
B/S Action 7-22-69 (143)
B/S Action 11-11-71 (6)
B/S Action 11-23-71 (10)
B/S Action 6-25-74 (116)
B/S Action 7-8-75 (59b)
B/S Action 7-19-77 (17)
B/S Action 8-2-77 (15)
B/S Action 10-19-77 (14)
B/S Action 8-15-78 (25)
B/S Action 4-14-82 (27)
B/S Action 12-15-82 (39), operative 3-1-83

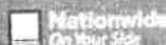


CALIFORNIA FARM BUREAU FEDERATION



I trust Nationwide Agribusiness[®] with my farm.

Paul Wenger, California Farm Bureau Federation



Gov. Brown signs bill to preserve Williamson Act

SHARE

Issue Date: July 20, 2011

By Kate Campbell
Assistant Editor

After months of uncertainty, a bill signed by Gov. Brown last week reinstates a revised Williamson Act program intended to preserve the state's landmark farmland-conservation law. Brown signed Assembly Bill 1265 by Assemblyman Jim Nielsen, R-Gerber, which establishes the revised form of the Williamson Act through 2016.

The bill, which takes effect immediately, authorizes counties to revise the term for Williamson Act contracts from 10 years to nine years or from 20 to 18 years—a 10 percent reduction in contract length in return for retaining 90 percent of the property tax relief offered by the act.



"For more than 45 years, the Williamson Act has served as an effective conservation program that helps farmers withstand development pressures and stay in farming," California Farm Bureau Federation President Paul Wenger said. "We applaud the governor for upholding the real benefits of the Williamson Act."

The act became law in 1965 and protects 16.5 million acres of California farmland. Named for its author, Kern County Assemblyman John Williamson, the law requires farmland enrolled in the program to be assessed on its production value, rather than its "factored base-year value" under Proposition 13. Participating landowners agree to retain their land in agricultural use for the length of the contract.

For many years, the state reimbursed participating counties their foregone property tax revenue. But those payments, known as subventions, became a frequent bargaining point in state budget talks and eventually were eliminated.

That caused some counties to consider discontinuing the Williamson Act. Farm Bureau proposed the program contained in AB 1265 as an alternative to encourage counties to maintain the Williamson Act.

Wenger said the law signed by the governor "will save farmers and ranchers throughout California millions of dollars in property taxes and we're glad he signed it. The benefits to all Californians include locally produced food and contracts that ensure land enrolled in the program cannot be used for any purpose besides agriculture."

Having the law officially back on the books is especially important for eight counties that have already

adopted the revised version of the farmland protection program. Kings, Madera, Merced, Mendocino, Shasta, Stanislaus, Tulare and Yolo counties all adopted an earlier version of the program under Senate Bill 863 last year, only to see it repealed in March as part of budget legislation. The governor's action means the counties currently participating in the program can continue to implement the shorter-term contracts for the 2011 tax year.

The provisions of the alternative funding mechanism include:

- If counties receive less than one-half of their foregone General Fund property tax revenue from the Open Space Subvention Program, they would be authorized to implement a new provision of the Williamson Act to allow contracts to go from 10 years to nine years or, in the case of 20-year Williamson Act contracts, to 18 years.
- The 10 percent reduction in the length of the contract restrictions would trigger a recapture of 10 percent of the participating landowners' property tax savings.
- Any increased revenues generated by properties under a new contract will be paid to the county. Because the increased revenue will be allocated exclusively to counties, they would recoup 50 percent or more of their foregone property tax revenue.
- Landowners may choose not to renew their contracts and begin the termination process.

"The eight participating counties can expect to recoup \$6 million in revenue through this revised program," said John Gamper, CFBF taxation and land use director. "Once adopted by counties, the program's operations should be pretty simple."

At the same time, the benefits to the public of protecting farmland have been retained, Wenger said.

"Besides locally produced food, experts agree agriculture will provide economic stimulus for the foreseeable future," he said. "We've reached a point where people understand how significant food production is and that in California the pressures on farmland and farmers are intense, which tends to drive up land values."

"The Williamson Act helps address some of those issues and at the same time preserves open space for species and habitat protection," Wenger said. "And, with the revised Williamson Act signed by the governor, funds to cover subventions to counties for foregone property tax no longer come from the state's General Fund, but the benefits to farmers and the public remain."

Along with acknowledging Nielsen's role in introducing the bill, CFBF Administrator Rich Matteis noted that Sens. Lois Wolk, D-Davis, and Doug La Malfa, R-Richvale, both served as principal co-authors.

"Of course, we also want to express our sincere appreciation to Gov. Brown for helping to save this valuable land conservation program," Matteis said, "and to all the members of the Save the Williamson Act Coalition who worked diligently for re-enactment of the law."

In a prepared statement, Nielsen said the new law "will provide peace of mind and hope for the future for our hard-working California farm families and their employees."

(Kate Campbell is an assistant editor of Ag Alert. She may be contacted at kcampbell@cfbf.com.)

Permission for use is granted, however, credit must be made to the California Farm Bureau Federation when reprinting this item.

Top

COMMENT

Preserving the Williamson Act will conserve farmland

By John Gamper

Since its adoption 44 years ago, the California Land Conservation Act, popularly known as the Williamson Act, has grown into the state's most important farmland protection program. The Williamson Act has served California very well, but it is facing its most significant challenge due to the ongoing state budget crisis.



John Gamper

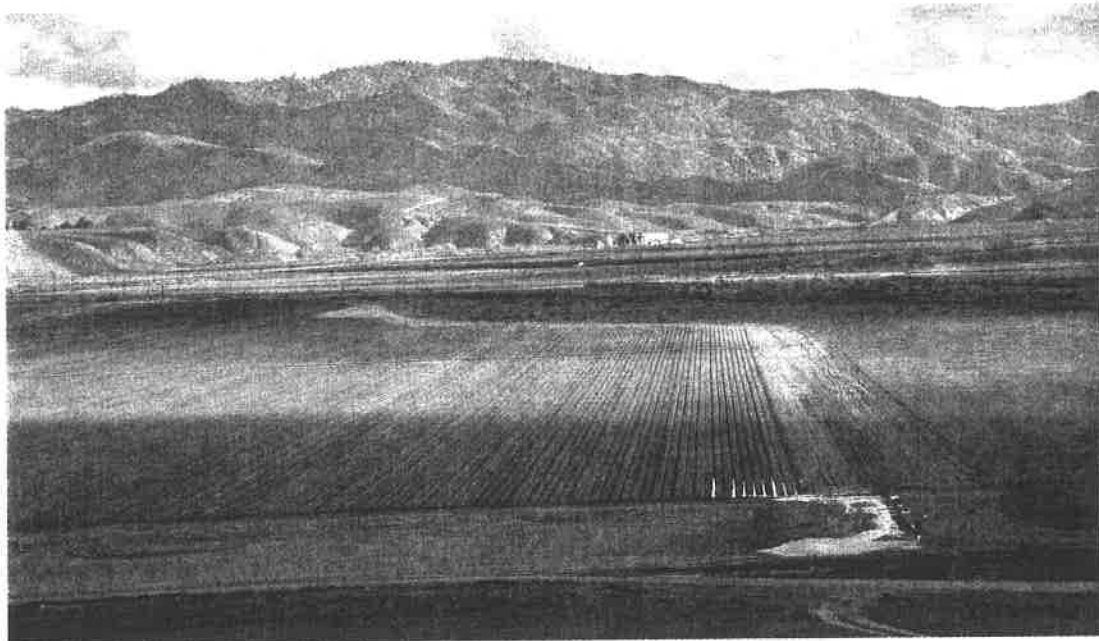
In addition to protecting one of our state's most valuable resources—our agricultural land—other significant benefits of the act must also be recognized and appreciated for their contribution to our quality of life: the protection of our precious watersheds; the availability of and access to a local, safe and affordable food supply; wildlife habitat; and the beautiful landscapes that are so important to all of our citizens.

The Williamson Act is a voluntary program that provides property tax incentives for landowners who sign a strict contract prohibiting development on the land for an ongoing 10- or 20-year period. The state constitution requires that the land be "enforceably restricted" with a binding contract that limits its use to agriculture, open space or uses that are compatible with agriculture and open space.

The program currently protects more than 16 million acres of agricultural land, much of it having scenic open space and wildlife value. More than half of the state's best or prime farmland in 53 counties is protected by the act.

In addition to its significant impacts on the state and local economies, the Williamson Act is widely appreciated by those in the environmental, agricultural and business communities, as well as by state and local government officials, as one of the most important environmental laws ever adopted in California. It has encouraged good land use planning and prevented leapfrog developments that can be devastating to agricultural and natural resources.

The Williamson Act also provides landowners with an important measure of certainty in a very uncertain marketplace and regulatory environment: certainty that they can continue to farm or ranch their land without the intrusion of incompatible, nonagricultural



uses. Farmers and ranchers have demonstrated that they are more than willing to restrict their development rights if they can gain some security that their neighbors won't convert their land to incompatible, nonfarming uses.

The Open Space Subvention Act has provided the state's contribution to farmland protection since 1971. The state subventions, currently \$34.7 million, go to local governments based on the land's location and quality. Specifically, for land in the Williamson Act that is defined as prime agricultural land, the county receives \$5 per acre. For land considered nonprime, the county receives \$1 per acre. For land enrolled in the 20-year Williamson Act contract known as a Farmland Security Zone, counties receive \$8 per acre for land within three miles of a city's sphere of influence, \$5 per acre for prime agricultural land outside the three-mile line, and \$1 per acre for nonprime agricultural land outside the three-mile line.

For the last several years, Gov. Schwarzenegger has proposed eliminating state funding for the Open Space Subvention Program. Thankfully, the funding has always been restored as part of budget negotiations. With the deepening budget crisis, the program was once again proposed for elimination in the annual May budget revision,

and the Budget Conference Committee has adopted a one-year suspension of the funding.

The consequences of defunding the Open Space Subvention Program will leave counties with several very undesirable alternatives. For example, they could serve nonrenewal notices to all participating landowners and begin the nine-year exit from the contract. This would permanently eliminate the Williamson Act as a tool for farmland protection in California.

The Williamson Act offers an innovative approach to farm and ranch land protection by building an interrelated set of property tax, land use and conservation measures in a single policy package. The Williamson Act is an important component in providing a favorable business climate where farmers and ranchers can continue to produce food for our state, our nation and the world. It also helps protect the environment and provides open space.

Let's not bite the hands that feed us. Urge your county representatives to preserve funding for the Williamson Act.

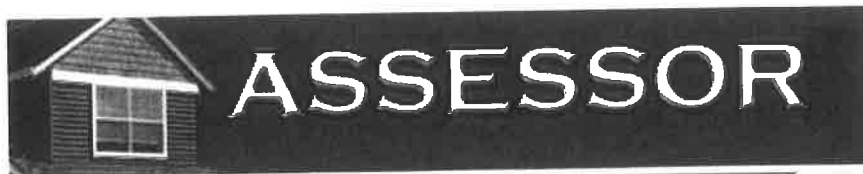
(John Gamper is the director of taxation and land use for the California Farm Bureau Federation. He can be reached at jgamper@cfbf.com.)

AgAlert



LETTERS TO THE EDITOR

Do you have an opinion that you would like to voice? Something to share with other Ag Alert readers? We encourage you to send us a "Letter to the Editor." Please



County Links: [Home](#) | [Services](#) | [Depts](#) | [Help](#)

Search

[Go](#)

[Advanced Search](#)

[Text Only](#)

Assessor's Office

[Home](#) > [General Information](#) >

The Williamson Land Conservation Act

[Assessor's Home Page](#)

[Visit or Contact Us](#)

Property-Specific Information

Inquire about the availability of documents in alternate formats.

[Parcel Viewer - Property Values, Maps & Characteristics](#)

[Overview of Public Records](#)

[Ownership Information](#)

[Tax Bills](#)

Assessment Resources

[Decline in Value Reassessments](#)

[Forms](#)

[General Information](#)

[Exemptions & Exclusions](#)

[Information & Service Fees](#)

[Important Dates](#)

[Supplemental Assessments](#)

For More Information

[Press Releases](#)

[Links to Other Offices](#)

The California Land Conservation Act of 1965--commonly referred to as the Williamson Act--enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are often much lower than they would be under Proposition 13 because they are based upon farming and open space uses as opposed to full market value. Local governments then receive an annual subvention of property tax revenues from the state via the Open Space Subvention Act of 1971 that helps to offset revenues lost to this program.

The Assessor's Office often refers to Williamson Act properties as LCA or CLCA properties. Click here to open our comprehensive [Williamson Land Conservation Act Questions & Answers guidelines](#).

The California State Department of Conservation also maintains web pages devoted to discussions of the CLCA at: www.consrv.ca.gov/dlrp/LCA/index.htm and www.consrv.ca.gov/dlrp/index.htm.

[Back to Top of Page](#)

© 2010 County of Sacramento.

[Privacy Policy](#) [Conditions of Use](#) [Accessibility Policy](#)

*California Wetlands Information System***Williamson Act (Land Conservation Act of 1965)**

The Williamson Act provides for lowered property taxes for lands maintained in agricultural and certain open space uses. The landowner enters into a contract with the county or city to restrict land uses to those compatible with agriculture, wildlife habitat, scenic corridors, recreational use, or open space. In return, the local authorities calculate the property tax assessment based on the actual use of the land instead of its potential value assuming full commercial development. To be eligible, the land must be designated by a city or county as agricultural preserve, scenic highway corridor, or wildlife habitat area; or it must be actively used for the three years immediately preceding the beginning of the contract as a saltpond, managed wetland, or recreational or open space area.

Each year the contract is automatically renewed for a new ten-year period, unless the landowner notifies the local government of a desire not to renew. In that case, the land use restrictions remain in effect until the remaining nine years of the contract have passed. There are also provisions for cancelling the contract if cancellation is consistent with the purposes of the Williamson Act or otherwise found to be in the public interest. A cancellation fee and deferred taxes, which under some circumstances can be waived, must be paid upon cancellation.

Availability

Statewide. Contact your local planning or community development department.

This page is an excerpt from *Options for Wetland Conservation: A Guide for California Landowners*, a publication of the California State Coastal Commission. To obtain a copy of the guide or for more information about the Coastal Conservancy contact:

California State Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612
Phone: (510) 286-1015
FAX: (510) 286-0470

Search • Comment • CERES Home • Wetlands Home

Webmaster: wetlands@resources.ca.gov



This file last modified on: Wednesday, November 27, 2002.

Document URL: <http://ceres.ca.gov/wetlands/inventories/inventories.html>

Copyright © 1997 California Resources Agency. All rights reserved.

State of California

Department of Conservation

DLRP → LCA → LRCC

Williamson Act 2000 Amendments

LEGISLATIVE AMENDMENTS EFFECTIVE JANUARY 1, 2000

In this legislative session several bills competed for proposed changes to certain sections. For example, SB 649 and SB 985 both proposed changes to the same section of the Williamson Act. In such cases, the bill with the higher chapter number supercedes the competing language of other bills with lower chapter numbers.

SB 649, Costa, Chapter 1019, Statutes of 1999

Open Space Subvention Funds for Farmland Security Zones (GC §51296)

Existing law, Local governments are now entitled to continue to receive Open Space Subvention Funds for 10 years from the date nonrenewal is initiated on lands enrolled under a Farmland Security Zone (FSZ) contract. This state appropriation is capped at \$100,000 per year until 2005.

SB 649, Local governments with FSZ contracted land within an incorporated city, or within three miles of an incorporated city's sphere of influence, are now eligible to receive eight dollars (\$8) for each acre of that contracted land, as appropriated by the Open Space Subvention Act.

SB 649, Costa, Chapter 1019, Statutes of 1999; Supercedes SB 985, Johnston, for this section

Cancellation Provisions for Farmland Security Zones (GC §51296)

As of January 1, 2000, the FSZ program will contain contract cancellation provisions. Only the landowner may file a petition for FSZ contract cancellation. The local government may grant a petition for cancellation only if all the following findings are met:

- a) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.
- b) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- c) That cancellation is for an alternative use which is consistent with the application provision of the city or county general plan.
- d) That cancellation will not result in discontinuous patterns of urban development.
- e) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.
- f) That other public concerns substantially outweigh the objectives of this chapter.
- g) That no beneficial public purpose would be served by the continuation of the contract.
- h) That the uneconomic nature of the agricultural use is primarily attributable to circumstances beyond the control of the landowner and the local government.
- i) That the landowner has paid a cancellation fee equal to 25 percent of the cancellation valuation calculated in accordance with subdivision (b) of Section 51283.

Cancellations must be approved by the Director of Conservation. The director may approve the cancellation after reviewing the record if he or she finds both the following:

- a) That there is substantial evidence in the record supporting the decision.
- b) That no beneficial public purpose would be served by the continuation of the contract

For those FSZ contracts in existence prior to January 1, 2000 which incorporated the Williamson Act cancellation provisions (GC §51282), the contract will revert back to its original Williamson Act contractual status unless both parties agree to conform it to SB 649's FSZ cancellation provisions.

For those FSZ contracts in existence prior to January 1, 2000 which contain no cancellation provisions or a prohibition on cancellation, may remain in effect unmodified—unless the parties agree to modify the contract to include SB 649's FSZ cancellation provisions.

Local governments can rescind a portion or portions of an underlying Williamson Act contract for the purpose of immediately enrolling the land in a FSZ, so long as the remaining land is retained in a Williamson Act contract and the local government determines that its action would improve the conservation of agricultural land.

SB 985, Johnston, Chapter 1018, Statutes of 1999

"Recreational Use" definition (GC §51201(n))

SB 985 clarified that "Recreational Use" is the use of land in its "agricultural or natural state".

Agricultural Preserves (GC §51230)

Existing law allows agricultural preserves to contain land other than agricultural land not under contract if the land is restricted within two years of the effective date of the contract.

SB 985 limits the means of restriction to zoning.

Existing provisions of the Williamson Act do not require that local zoning of designated agricultural preserves be consistent with the minimum parcel size under the act.

SB 985 requires local governments to rezone their agricultural preserves to reflect minimum parcel sizes required by the Williamson Act in their general plans and zoning ordinances.

Existing law requires that a proposal to establish an agricultural preserve be submitted to the local planning department or planning commission. The planning department or planning commission will submit a report to the county board of supervisors or the city council which includes a statement that the preserve is consistent or inconsistent with the general plan, and the board or council is required to make a finding to that effect.

SB 985 requires that the report include a statement that the preserve is consistent with the general plan, and the board or council makes a finding to that effect.

SB 985, Johnston, Chapter 1018, Statutes of 1999; Supercedes SB 831, Baca, for this section

1240 Land Exchange (GC §51256)

Existing law, under the Williamson Act, the parties to a contract may enter into an agreement to rescind a contract in order to simultaneously place other land under an agricultural conservation easement, if specified findings are made. SB 985 requires contracts to be rescinded pursuant to the cancellation provisions of Government Code section 51282.

SB 985 clarifies that the land to be placed under an agricultural conservation easement must be located within the same county or city where the Williamson Act contract is rescinded.

When evaluating a conservation easement pursuant to the selection criteria in Public Resources Code section 10252, SB 985 requires the board or council to make a finding that the proposed easement will make a beneficial contribution to the conservation of agricultural land in its area. Existing law requires the board or council to receive approval for a proposed agreement from the Director of Conservation. The Director of Conservation may approve the agreement if he or she finds that findings of the board or council, as required by section 51256, are supported by substantial evidence, and that the proposed conservation easement is consistent with the criteria set forth in Sections 10251 and 10252 of the Public Resources Code. In addition to the above, SB 985 allows the director to

approve the agreement if it finds that the board or council's findings made pursuant to 51282 are supported by substantial evidence and that the proposed conservation easement will make a beneficial contribution to the conservation of agricultural land in its area.

SB 985, Johnston, Chapter 1018, Statutes of 1999

Lot Line Adjustments (GC §51257)

Existing law, to facilitate a lot line adjustment, parties to a Williamson Act contract may mutually agree to rescind the contract and simultaneously enter into a new contract provided that specified findings are made by the board or council. In addition to the existing specified findings.

SB 985 requires the board or council also find that "the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan."

Public Acquisitions (GC §51291)

Existing law, under the Williamson Act, whenever it appears that land within an agricultural preserve may be acquired by a public agency for a public use, the public agency is required to provide specified notices and findings to the Director of Conservation and the local governing body administering the preserve. The act also provides that the required notices and findings may be given and contained in California Environmental Quality Act (CEQA) documents as long as they comply with specified timelines.

SB 985 repeals the provisions that allow CEQA documents to provide the required notices and findings.

SB 985 exempts acquisitions of land for the erection, construction, or alteration of gas, electric, piped subterranean water or wastewater, or communication facilities from the early notice requirements of Section 51291(b).

Under the Williamson Act, whenever a public agency acquires land within an agricultural preserve it is required to make specified findings. For the acquisition of contracted prime land, the public agency was required to find that: the lower cost of the agricultural preserve land was not a primary consideration and there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

SB 985 deletes the word "Prime" in Section 51292(b), thus making all acquisitions of contracted land, regardless of whether the soil is prime or nonprime, subject to both of these findings.

SB 985, Chapter 1018, Statutes 1999; AB 1505, Ducheny, Chapter 967, Statutes of 1999

Subdividing Williamson Act Contracted Land (GC §66474.4)

Existing law requires the legislative body of a city or county to deny approval of a tentative map or parcel map if it finds that the land is enrolled under a Williamson Act contract and that the resulting parcel(s) following a subdivision of the land would be too small to sustain agricultural use. SB 985 also requires the legislative body to deny approval if the subdivision will result in residential development not incidental to the commercial agricultural use of the land.

AB 1505 authorizes a landowner subject to a Williamson Act contract to subdivide no more than five acres of contracted land then to sell or lease it to a nonprofit organization, city, county, housing authority, or state agency for agricultural laborer housing upon making specified findings.

www.leginfo.ca.gov

[Conditions of Use](#) | [Privacy Policy](#)
Copyright © 2007 State of California



Department of Conservation

[DLRP \(/DLRP/Pages/Index.aspx\)](#) > [LCA \(/dlrp/lca/Pages/Index.aspx\)](#) > [LRCC \(/dlrp/lca/lrcc/Pages/Index.aspx\)](#)

Land Conservation (Williamson) Act

Legislative Amendments

effective January 1, 2000

In this legislative session several bills competed for proposed changes to certain sections. For example, SB 649 and SB 985 both proposed changes to the same section of the Williamson Act. In such cases, the bill with the higher chapter number supercedes the competing language of other bills with lower chapter numbers.

Senate Bill 649 (Costa, Chapter 1019, Statutes of 1999)

Open Space Subvention Funds for Farmland Security Zones (GC §51296)

Existing law, Local governments are now entitled to continue to receive Open Space Subvention Funds for 10 years from the date nonrenewal is initiated on lands enrolled under a Farmland Security Zone (FSZ) contract. This state appropriation is capped at \$100,000 per year until 2005.

SB 649, Local governments with FSZ contracted land within an incorporated city, or within three miles of an incorporated city's sphere of influence, are now eligible to receive eight dollars (\$8) for each acre of that contracted land, as appropriated by the Open Space Subvention Act.

Cancellation Provisions for Farmland Security Zones (GC §51296)

SB 649, Costa, Chapter 1019, Statutes of 1999; Supercedes SB 985, Johnston, for this section

As of January 1, 2000, the FSZ program will contain contract cancellation provisions. Only the landowner may file a petition for FSZ contract cancellation. The local government may grant a petition for cancellation only if all the following findings are met:

- a) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.
- b) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- c) That cancellation is for an alternative use which is consistent with the application provision of the city or county general plan.
- d) That cancellation will not result in discontinuous patterns of urban development.
- e) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.
- f) That other public concerns substantially outweigh the objectives of this chapter.
- g) That no beneficial public purpose would be served by the continuation of the contract.
- h) That the uneconomic nature of the agricultural use is primarily attributable to circumstances beyond the control of the landowner and the local government.
- i) That the landowner has paid a cancellation fee equal to 25 percent of the cancellation valuation calculated in accordance with subdivision (b) of Section 51283.

Cancellations must be approved by the Director of Conservation. The director may approve the cancellation after reviewing the record if he or she finds both the following:

- a) That there is substantial evidence in the record supporting the decision.
- b) That no beneficial public purpose would be served by the continuation of the contract

For those FSZ contracts in existence prior to January 1, 2000 which incorporated the Williamson Act cancellation provisions (GC §51282), the contract will revert back to its original Williamson Act contractual status unless both parties agree to conform it to SB 649's FSZ cancellation provisions.

For those FSZ contracts in existence prior to January 1, 2000 which contain no cancellation provisions or a prohibition on cancellation, may remain in effect unmodified—unless the parties agree to modify the contract to include SB 649's FSZ cancellation provisions.

Local governments can rescind a portion or portions of an underlying Williamson Act contract for the purpose of immediately enrolling the land in a FSZ, so long as the remaining land is retained in a Williamson Act contract and the local government determines that its action would improve the conservation of agricultural land.

Senate Bill 985 (Johnston, Chapter 1018, Statutes of 1999)

"Recreational Use" definition (GC §51201(n))

SB 985 clarified that "Recreational Use" is the use of land in its "agricultural or natural state".

Agricultural Preserves (GC §51230)

Existing law allows agricultural preserves to contain land other than agricultural land not under contract if the land is restricted within two years of the effective date of the contract.

SB 985 limits the means of restriction to zoning.

Existing provisions of the Williamson Act do not require that local zoning of designated agricultural preserves be consistent with the minimum parcel size under the act.

SB 985 requires local governments to rezone their agricultural preserves to reflect minimum parcel sizes required by the Williamson Act in their general plans and zoning ordinances.

Existing law requires that a proposal to establish an agricultural preserve be submitted to the local planning department or planning commission. The planning department or planning commission will submit a report to the county board of supervisors or the city council which includes a statement that the preserve is consistent or inconsistent with the general plan, and the board or council is required to make a finding to that effect.

SB 985 requires that the report include a statement that the preserve is consistent with the general plan, and the board or council makes a finding to that effect.

Lot Line Adjustments (GC §51257)

Existing law, to facilitate a lot line adjustment, parties to a Williamson Act contract may mutually agree to rescind the contract and simultaneously enter into a new contract provided that specified findings are made by the board or council. In addition to the existing specified findings.

SB 985 requires the board or council also find that "the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan."

Public Acquisitions (GC §51291)

Existing law, under the Williamson Act, whenever it appears that land within an agricultural preserve may be acquired by a public agency for a public use, the public agency is required to provide specified notices and findings to the Director of Conservation and the local governing body administering the preserve. The act also provides that the required notices and findings may be given and contained in California Environmental Quality Act (CEQA) documents as long as they comply with specified timelines.

SB 985 repeals the provisions that allow CEQA documents to provide the required notices and findings.

SB 985 exempts acquisitions of land for the erection, construction, or alteration of gas, electric, piped subterranean water or wastewater, or communication facilities from the early notice requirements of Section 51291(b).

Under the Williamson Act, whenever a public agency acquires land within an agricultural preserve it is required to make specified findings. For the acquisition of contracted prime land, the public agency was required to find that: the lower cost of the agricultural preserve land was not a primary consideration and

there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

SB 985 deletes the word "Prime" in Section 51292(b), thus making all acquisitions of contracted land, regardless of whether the soil is prime or nonprime, subject to both of these findings.

1240 Land Exchange (GC §51256)

SB 985, Johnston, Chapter 1018, Statutes of 1999; Supercedes SB 831, Baca, for this section

Existing law, under the Williamson Act, the parties to a contract may enter into an agreement to rescind a contract in order to simultaneously place other land under an agricultural conservation easement, if specified findings are made. SB 985 requires contracts to be rescinded pursuant to the cancellation provisions of Government Code section 51282.

SB 985 clarifies that the land to be placed under an agricultural conservation easement must be located within the same county or city where the Williamson Act contract is rescinded.

When evaluating a conservation easement pursuant to the selection criteria in Public Resources Code section 10252, SB 985 requires the board or council to make a finding that the proposed easement will make a beneficial contribution to the conservation of agricultural land in its area. Existing law requires the board or council to receive approval for a proposed agreement from the Director of Conservation. The Director of Conservation may approve the agreement if he or she finds that findings of the board or council, as required by section 51256, are supported by substantial evidence, and that the proposed conservation easement is consistent with the criteria set forth in Sections 10251 and 10252 of the Public Resources Code. In addition to the above, SB 985 allows the director to approve the agreement if it finds that the board or council's findings made pursuant to 51282 are supported by substantial evidence and that the proposed conservation easement will make a beneficial contribution to the conservation of agricultural land in its area.

Senate Bill 985 (Chapter 1018, Statutes 1999) and Assembly Bill 1505 (Ducheny, Chapter 967, Statutes of 1999)

Subdividing Williamson Act Contracted Land (GC §66474.4)

Existing law requires the legislative body of a city or county to deny approval of a tentative map or parcel map if it finds that the land is enrolled under a Williamson Act contract and that the resulting parcel(s) following a subdivision of the land would be too small to sustain agricultural use. SB 985 also requires the legislative body to deny approval if the subdivision will result in residential development not incidental to the commercial agricultural use of the land.

AB 1505 authorizes a landowner subject to a Williamson Act contract to subdivide no more than five acres of contracted land then to sell or lease it to a nonprofit organization, city, county, housing authority, or state agency for agricultural laborer housing upon making specified findings.

www.leginfo.ca.gov (<http://www.leginfo.ca.gov/>)



[\(/dlrp/Pages/Index.aspx\)](/dlrp/Pages/Index.aspx)

Legislative Amendments

[2010 - 2012 \(/dlrp/lca/lrcc/Pages/WilliamsonActLegislation,2010-2012.aspx\)](/dlrp/lca/lrcc/Pages/WilliamsonActLegislation,2010-2012.aspx)

[2009 \(/dlrp/lca/lrcc/Pages/2009.aspx\)](/dlrp/lca/lrcc/Pages/2009.aspx)

[2007 \(/dlrp/lca/lrcc/Pages/2007.aspx\)](/dlrp/lca/lrcc/Pages/2007.aspx)

[2006 \(/dlrp/lca/lrcc/Pages/2006.aspx\)](/dlrp/lca/lrcc/Pages/2006.aspx)

[2005 \(/dlrp/lca/lrcc/Pages/2005.aspx\)](/dlrp/lca/lrcc/Pages/2005.aspx)

[2004 \(/dlrp/lca/lrcc/Pages/2004.aspx\)](/dlrp/lca/lrcc/Pages/2004.aspx)

[2003 \(/dlrp/lca/lrcc/Pages/2003.aspx\)](/dlrp/lca/lrcc/Pages/2003.aspx)

[2002 \(/dlrp/lca/lrcc/Pages/2002.aspx\)](/dlrp/lca/lrcc/Pages/2002.aspx)

[2001 \(/dlrp/lca/lrcc/Pages/2001.aspx\)](/dlrp/lca/lrcc/Pages/2001.aspx)

[2000](#)

[1999 \(/dlrp/lca/lrcc/Pages/1999.aspx\)](/dlrp/lca/lrcc/Pages/1999.aspx)

[Legislative Amendments Home \(/dlrp/lca/lrcc/Pages/Legislative%20Amendments.aspx\)](/dlrp/lca/lrcc/Pages/Legislative%20Amendments.aspx)

[Back to Top](#)

[Conditions of Use](#)

[Privacy Policy](#)

[Accessibility](#)

[Contact Us](#)

Part I

Open Space Element

San Diego County General Plan

Adopted
December 20, 1973

Amended
April 17, 2002
GPA 01-01

Introduction	I-1
Chapter 1 – Intent of the Open Space Plan	
Introduction	I-2
Definitions	I-2
Standards for Open Space	I-3
General County Policy for Future Open Space Needs	I-3
Chapter 2 – Open Space Plan and Program	
General Open Space Goals	I-7
Open Space Categories	I-7
Countywide Recreation Areas	I-7
Other Publicly Owned and Public Utility Lands	I-9
Water Bodies	I-14
Floodplains	I-18
Agricultural Preserves and Open Space Easements	I-22
Agricultural Land Use Designations	I-25
Open Space Design of Private Lands	I-28
Guidelines for the Review and Determination of Required Open Space Lands	I-33
Appendix A, Inventory of San Diego County	
Agricultural Resources	I-35
Appendix B, Map of Lands in Agricultural Production	B-1

Page 2

CERTIFICATE OF ADOPTION

I hereby certify that this is the text of the **Open Space Element**, Section I, Part 1, which consists of two maps, an appendix, and this text, of the San Diego County General Plan - 1990, as amended by General Plan Amendment 01-01, and that it was considered by the San Diego County Planning Commission on the 8th day of March 2002.

David B. Kreitzer, Chair

Attest: Gary L. Pryor, Secretary

I hereby certify that this is the text of the **Open Space Element**, Section I, Part 1, which consists of two maps, an appendix, and this text, of the San Diego County General Plan - 1990, as amended by General Plan Amendment 01-01, and that it was adopted by the

San Diego County Board of Supervisors on the 17th day of April 2002.

Ron Roberts, Chairman

Attest: Thomas J. Pastuszka, Clerk of the Board

Adopted December 20, 1973 (4)

Latest Amendment April 17, 2002, GPA 01-01

A complete history of the amendments to this Element, both map and text, is available at the Department of Planning and Land Use.

Page 3

PART I

OPEN SPACE ELEMENT

TABLE OF CONTENTS

PAGE

INTRODUCTION.....	I-1
CHAPTER 1 - INTENT OF THE OPEN SPACE PLAN	
INTRODUCTION.....	I-2
DEFINITIONS.....	I-2
STANDARDS FOR OPEN SPACE	I-3
GENERAL COUNTY POLICY FOR FUTURE OPEN SPACE NEEDS.....	I-3
CHAPTER 2 - OPEN SPACE PLAN AND PROGRAM	
GENERAL OPEN SPACE GOALS.....	I-7
OPEN SPACE CATEGORIES.....	I-7
COUNTYWIDE RECREATION AREAS	I-7
OTHER PUBLICLY OWNED AND PUBLIC UTILITY LANDS	I-9
WATER BODIES.....	I-14
FLOODPLAINS	I-18
AGRICULTURAL PRESERVES AND OPEN SPACE EASEMENTS	I-22
AGRICULTURAL LAND USE DESIGNATIONS	I-25
OPEN SPACE DESIGN OF PRIVATE LANDS	I-28
GUIDELINES FOR THE REVIEW AND DETERMINATION OF REQUIRED OPEN SPACE LANDS	I-33
APPENDIX A, INVENTORY OF SAN DIEGO COUNTY	
AGRICULTURAL RESOURCES.....	I-35
APPENDIX B, MAP OF LANDS IN	
AGRICULTURAL PRODUCTION.....	B-1

Page 4

INTRODUCTION

This Open Space Element is the Open Space Plan for the unincorporated area of San Diego County. The Open Space Plan is not a land use plan. The San Diego County General Plan Land Use Element sets forth the intensity and density of various land uses. It is not the intent of this Open Space Element in any way to preclude the filing or approval of a private development plan as set forth in County ordinances and policies. It is not the intent of this Plan to restrict or regulate privately owned land in any way

except as is necessary to facilitate the public health, safety, and welfare.

The Open Space Element is not intended, and shall not be construed, as authorizing the County to exercise its power to adopt, amend or repeal an Open Space Zoning Ordinance in a manner which will take or damage private property for public use without payment for just compensation therefor. This Plan is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or of the United States.

The County General Plan, the Williamson Act, and Zoning Overview

The Land Use Element of the San Diego County General Plan sets out the general distribution and the location of land that is intended for **agricultural** use. Two land use designations are specifically intended to promote **agricultural** use as the principal and dominant land use; the (19) Intensive Agriculture Designation, and the (20) **Agricultural Preserve** Designation, which is proposed for amendment by GPA 96-03.

The (19) Designation covers approximately 27,654 acres, and promotes a variety of **agricultural** uses, including minor commercial, industrial, and public facility uses appropriate to **agricultural** operations or supportive of the **agricultural** population. This designation permits minimum lot sizes of 2, 4, or 8 acres, or a maximum density of 0.5, 0.25, or 0.125 dwelling units per acre when clustering provisions are employed.

The existing (20) Designation is applied to approximately 191,000 acres within the County, and previously provided for a minimum lot size of eight acres. Lands subject to

Page 54

A-13

Williamson Act contracts are additionally required to maintain parcel sizes consistent with

their contract. Although the (20) Designation was called **Agricultural Preserve**, the name of

the designation was misleading, as about half of Williamson Act **agricultural** preserves are

located in other land use designations, and the Designation was not intended to be applied exclusively to Williamson Act preserves or contract lands.

Other land use designations also provide for minor **agricultural** uses; the (1) and (2) Residential Designations provide for low-density residential uses and minor agriculture. There are approximately 31,378 and 10,284 acres of land within these designations Countywide. The Land Use Element states that the non-urban residential designations are intended to retain the rural character of non-urban land, and to encourage the continuation and expansion of **agricultural** uses in appropriate areas of unincorporated San Diego County. Another designation that provides for minor **agricultural** uses is the (17) Estate Designation; it specifically provides for minor agriculture and low-density residential uses.

There are approximately 77,105 acres with the (17) Estate Designation.

The Regional Land Use Element contains additional goals and policies regarding agriculture. Land Use goals promote the wise use of the County's land resources, preserving options for future use, and also encourage continuation and expansion of **agricultural** uses in appropriate portions of the unincorporated County.

The Regional Land Use Element Matrix sets out zones (Use Regulations) which are compatible with each of the 27 Land Use Designations. The Commercial and Industrial Land Use Designations do not allow **agricultural** zones. However, **agricultural** zones could

be applied in all the other Designations. The A70 (Limited Agriculture) and the A72 (General Agriculture) zones can be found to be consistent with all of the Urban Residential

Designations under special circumstances. The **agricultural** zones are consistent with the

(17) Estate, (18) Multiple Rural Use, (19) Intensive Agriculture, (20) **Agricultural Preserve**,

and the (25) Extractive Designation. The A70 zone is consistent, and the A72 zone is consistent, under special circumstances, with the (23) National Forest and State Parks Designation, and the (24) Impact Sensitive Designation. These **agricultural** zones may also be found to be consistent with the (21) Specific Plan Area Designation, and the (22) Public/Semi-Public Land Use Designation.

The Conservation Element of the San Diego County General Plan, which is proposed for amendment by GPA 96-03, sets out goals and policies regarding agriculture. It does not discuss the preservation of **agricultural** soils in depth, but instead refers to the preparation of an **Agricultural** Element, where it was proposed that soils and other factors

that determine suitability of an area for agriculture would be discussed. GPA 96-03 proposes deletion of the reference to the preparation of an **Agricultural** Element, and instead proposes changes and additions to the Conservation and Open Space Elements to include mandated information. The amendments include the addition of information on **agricultural** soils and adoption of a map, and other factors that influence agriculture. The Open Space Element is also proposed for amendment by GPA 96-03. This

Page 55

A-14

element also currently refers to preparation of an **Agricultural** Element, and the reference is

proposed for deletion. Currently, **agricultural** preserves established pursuant to the Williamson Act and open space easements are considered as a category of open space. Proposed changes include the addition of the (19) and (20) **Agricultural** Land Use Designations as another category of open space.

The California Land Conservation Act, the Williamson Act, allows counties and cities in California to establish **agricultural** preserves, and offers contracts to landowners for the

purpose of protecting **agricultural** land from premature conversion to other uses. The program is voluntary, and the County of San Diego, like many of the counties and cities in

the state, participates in the program.

The Williamson Act provides for the establishment of preserves that delineate the boundaries of those areas where the County is willing to enter into contracts. Owners of qualified land who contract with the County agree to continue their **agricultural** use or compatible activity under a rolling ten-year contract. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value, foregone as a result of participation in the program.

Within the County of San Diego, there are about 401,500 acres of land in Williamson Act **Agricultural** Preserves. However, there are only about 91,463 acres under contract. Approximately 60,500 acres of land under contract are in the (20) Land Use Designation. Most of the preserves were established in the late 1960s and the 1970s. Most areas in preserves do not have **agricultural** contracts, and, in fact, some of the lands are not suitable for **agricultural** use due to lack of water and topography. Many preserves were

established by property owners at a time when property values and the corresponding tax burden were increasing, with the owner's future objective to be reducing the tax burden rather than for **agricultural** use.

The (18) Multiple Rural Use Designation has 10,353 acres in Williamson Act

Agricultural

Preserves County-wide; the (19) Intensive Agriculture Designation has 4,457; the (20) **Agricultural** Preservation Designation has 179,035 acres; the (21) Specific Plan Area has

3,067 acres; the (22) Public/Semi-Public Designation has 8,505 acres; the (23) National Forest/State Parks Designation has 187,286 acres in Williamson Act **Agricultural** Preserves. Additionally, there are 7,160 acres in miscellaneous other land use designations that are in preserves.

Board of Supervisors Policy I-38, **Agricultural** Preserves, sets guidelines for implementation of the Williamson Act. The policy has a list of minimum ownership sizes for improved **agricultural** land to be eligible for contract. These ownership sizes in the contract, which are usually more restrictive than either zoning or plan requirements, prevail

while the contract is in effect. Contracts are in effect for a minimum of ten years unless a Notice of Nonrenewal has been filed. Minimum contract ownership sizes for eligibility range from grazing (80 acres), to dry farming, cattle breeding, and horse breeding (40

A-15

acres), dairies (20 acres), and poultry, tree crops, truck crops, and flowers (10 acres).

Recreation and open space uses have a 20-acre minimum ownership size.

In regard to zoning, the County Zoning Ordinance has two **Agricultural** Use

Regulations:

the A70, Limited Agriculture, and the A72, General Agriculture, as explained above. The A70 is intended to create and **preserve** areas for **agricultural** crop production, and allow a

limited number of small farm animals to be kept. These Use Regulations are intended to be applied to areas throughout the County to protect moderate to high quality

agricultural

land. There are approximately 294,279 acres of land with the A70 Use Regulations in the unincorporated area of the County.

The A72 General Agriculture Use Regulations are intended to create and **preserve** areas for raising of crops and animals. They allow the processing of products produced or raised

on the premises, and certain commercial activities associated with crop and animal raising

are allowed. These regulations are applied to areas distant from large urban centers.

There are approximately 410,033 acres of land with the A72 Use Regulations.

Agricultural

uses in general, such as horticultural cultivation, tree crops, and row and field crops, are permitted by almost all use regulations in the County.

Most lands which are in **Agricultural** Preserves have either A70 or A72 Use Regulations.

However, in a few cases, other Use Regulations, such as S80, Open Space, or S92, General Rural, have been applied. Lands within **Agricultural** Preserves are also subject to

Special Area Regulations, called the **Agricultural Preserve** Area Regulations. These special area regulations assist in the implementation of the Williamson Act. The uses of those lands not under contract are limited to those allowed by the applicable Use Regulations. Lands under contract are restricted to those uses set forth in the contract. Additionally, specific findings related to the Williamson Act must be made prior to granting

of any use permit on lands in a **preserve**. The intent of these provisions is to encourage the preservation of productive **agricultural** lands.

The following discussion provides general descriptions by community or subregional plan

area of the **agricultural** characteristics of the lands with the (20) Designation that would be

affected by the proposed plan changes. Although the (20) Designation is only in 16 of the community/subregional plan areas, all plan areas are discussed to present a picture of the **agricultural** characteristics and the Williamson Act **agricultural** preserves that exist in the

unincorporated portion of San Diego County:

Alpine Planning Area. The Alpine Planning Area has a rural character which is more a result of the steep, rocky terrain and lack of water than it is from agriculture. The Alpine Planning Area transects the County Water Authority Line, although most of the area is east

of that line. The area is located to the west of the PlantClimate Line. It includes climate Zones 18 and 19, which are generally mild and conducive to agriculture. The terrain, however, is not conducive to agriculture, so that agriculture is generally limited to dryland

farming of field crops such as oats and rangeland. The pesticide database identifies eight farms that are growing field crops.

Page 57

A-16

The overall **agricultural** goal of the Alpine Community Plan is to **preserve** and enhance existing **agricultural** areas in Alpine. All of the summary tables in the following section provide approximate acreage for land in the **agricultural** land use designations and also in

agricultural zones.

TABLE 5 - ALPINE PLANNING AREA AGRICULTURAL INFORMATION

ALPINE PLANNING AREA

Acres in **Agricultural** Uses

3,187

Acres Within (19) Designation

0

Acres Within (20) Designation

*Adopted 12/20/73
revised 4/7/2002
From Part I
OPEN SPACE ELEMENT*

10,905

Acres in **Agricultural** Preserves

13,426

Acres in Williamson Act Contract

1,979

The following tables show the Williamson Act contracts in the planning area, ownership, approximate acreage in the planning area, and also the minimum ownership size according

to the contract. These tables are based on information dated February 1995, obtained from

the County Assessor's office and information available from Department files. Every effort

has been made to verify the information as correct, and update it where possible.

Page 58

A-17

TABLE 6 - BARRETT LAKE PRESERVE #13

CONTRACT #

NAME

ACRES

MINIMUM

PARCEL SIZE

70-14

Austin

160*

100 Acres

70-14

USA

173

100 Acres

70-14

Wilder Oaks

120*

100 Acres

* Approximate acreage within Alpine Planning Area.

TABLE 7 - JAPATUL PRESERVE #36

CONTRACT #

NAME

ACRES

MINIMUM

PARCEL SIZE

73-78

Kuphaldt, Roy

105

160 Acres

73-79

Beale, Robert

80

160 Acres

73-81

Lefebvre, Lois

80

160 Acres

P58A

73-83
Dyer, James
190
160 Acres
73-85
Justice, Priscilla
165
160 Acres
74-10
Shepard, Bruce
20

~~160 Acres~~

~~74-27~~

~~Williams, Clark~~

~~40~~

~~600 Acres~~

~~74-29~~

~~Tacoma, Michael~~

~~40~~

~~600 Acres~~

~~77-79~~

~~Tweed, Anna~~

~~61~~

~~80 Acres~~

~~77-82~~

~~Otterman, Charles~~

~~20~~

~~600 Acres~~

TABLE 8 - ALPINE PRESERVE #42

CONTRACT #

NAME

ACRES

MINIMUM

PARCEL SIZE

74-45

Landt, George

339

160 Acres

74-46

Landt, George

59

160 Acres

74-47

Landt, George

67

100 Acres

COVERT CANYON MARC HALCON