

AMENDED IN SENATE MAY 28, 1999

**SENATE BILL**

**No. 649**

**Introduced by Senator Costa**

February 24, 1999

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An act to amend ~~Section 16142~~ of Sections 16142 and 51296 of, and to add Section 16142.1 to, the Government Code, relating to open-space subventions, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 649, as amended, Costa. Open-space subventions.

**Existing**

(1) Existing law requires the Controller to pay subventions to local governments at specified rates per acre to replace property tax revenues lost by reason of the required reductions in assessments of property restricted to use as open space. Those amounts are continuously appropriated from the General Fund to the Controller for that purpose.

This bill would include within those provisions, *subject to a 10-year limit on those payments*, certain land as to which a notice of nonrenewal of a use restriction has been served if the land was previously assessed at a specified rate applicable to land subject to a farmland security zone contract. *The bill would increase the amount to be paid with respect to land subject to a farmland security zone contract or for which such a notice of nonrenewal was served in a county that has adopted farmland security zones.*

(2) Existing law provides procedures for cancellation of contracts for the establishment of agricultural preserves.

*This bill would make the provisions for the cancellation of agricultural preserves inapplicable to farmland security zones.*

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 16142 of the Government Code  
2 is amended to read:

3 16142. (a) The Secretary of the Resources Agency  
4 shall direct the Controller to pay annually out of the funds  
5 appropriated by Section 16140, to each eligible county,  
6 city, or city and county, the following amounts for each  
7 acre of land within its regulatory jurisdiction that is  
8 assessed pursuant to Section 423, 423.3, 423.4, or 423.5, or  
9 426 if it was previously assessed under Section 423.4, of the  
10 Revenue and Taxation Code:

11 ~~(a)~~

12 (1) Five dollars (\$5) for prime agricultural land, as  
13 defined in Section 51201.

14 ~~(b)~~

15 (2) One dollar (\$1) for all land, other than prime  
16 agricultural land, which is devoted to open-space uses of  
17 statewide significance, as defined in Section 16143.

18 ~~The amount per acre in~~

19 (b) *The amount per acre in paragraph (1) of*  
20 *subdivision (a) may be increased by the Secretary of the*  
21 *Resources Agency to a figure which would offset any*  
22 *savings due to a more restrictive determination by the*  
23 *secretary as to what land is devoted to open-space use of*  
24 *statewide significance.*

25 (c) *The amount per acre in subdivision (a) shall only*  
26 *be paid for 10 years from the date that the land was first*  
27 *assessed pursuant to Section 426 of the Revenue and*  
28 *Taxation Code, if it was previously assessed under Section*  
29 *423.4 of that code.*

30 SEC. 2. Section 16142.1 is added to the Government  
31 Code, to read:



1 16142.1. (a) In lieu of the payments made pursuant to  
2 Section 16142, in a county that has adopted farmland  
3 security zones pursuant to Section 51296, the Secretary of  
4 the Resources Agency shall direct the Controller to pay  
5 annually out of the funds appropriated by Section 16140,  
6 to each eligible county, city, or city and county, the  
7 following amount for each acre of land within its  
8 regulatory jurisdiction that is assessed pursuant to Section  
9 423.4 or 426 of the Revenue and Taxation Code, if it was  
10 previously assessed under Section 423.4 of that code:

11 Eight dollars (\$8) for land that is within, or within three  
12 miles of the boundaries of the sphere of influence of, each  
13 incorporated city.

14 (b) The amount per acre in subdivision (a) shall only  
15 be paid for 10 years from the date that the land was first  
16 assessed pursuant to Section 426 of the Revenue and  
17 Taxation Code, if it was previously assessed under Section  
18 423.4 of that code.

19 SEC. 3. Section 51296 of the Government Code is  
20 amended to read:

21 51296. (a) The Legislature finds and declares that it  
22 is desirable to expand options available to landowners for  
23 the preservation of agricultural land. It is therefore the  
24 intent of the Legislature in enacting this article to  
25 encourage the creation of longer term voluntary  
26 enforceable restrictions within agricultural preserves.

27 (b) A landowner or group of landowners may petition  
28 the board to rescind a contract or contracts entered into  
29 pursuant to this chapter in order to simultaneously place  
30 the land subject to that contract or those contracts under  
31 a new contract designating the property as a farmland  
32 security zone.

33 (1) Before approving the rescission of a contract or  
34 contracts entered into pursuant to this chapter in order  
35 to simultaneously place the land under a new farmland  
36 security zone contract, the board shall create a farmland  
37 security zone, pursuant to the requirements of Section  
38 51230, within an existing agricultural preserve.

39 (2) No land shall be included in a farmland security  
40 zone unless expressly requested by the landowner. Any



1 land located within a city's sphere of influence shall not  
2 be included within a farmland security zone, unless the  
3 creation of the farmland security zone within the sphere  
4 of influence has been expressly approved by resolution by  
5 the city with jurisdiction within the sphere *of influence*.

6 (3) If more than one landowner requests the creation  
7 of a farmland security zone and the parcels are  
8 contiguous, the county shall place those parcels in the  
9 same farmland security zone.

10 (4) A contract entered into pursuant to this section  
11 shall be for an initial term of no less than 20 years. Each  
12 contract shall provide that on the anniversary date of the  
13 contract or on another annual date as specified by the  
14 contract, a year shall be added automatically to the initial  
15 term unless a notice of nonrenewal is given pursuant to  
16 Section 51245.

17 (5) Upon termination of a farmland security zone  
18 contract, the farmland security zone designation for that  
19 parcel shall simultaneously be terminated.

20 (c) Both of the following shall apply to land within a  
21 designated farmland security zone:

22 (1) The land shall be eligible for property tax valuation  
23 pursuant to Section 423.4 of the Revenue and Taxation  
24 Code.

25 (2) Notwithstanding any other provision of law, any  
26 special tax approved by the voters for urban-related  
27 services on or after January 1, 1999, on the land or any  
28 living improvement shall be levied at a reduced rate  
29 unless the tax directly benefits the land or the living  
30 improvements.

31 (d) Notwithstanding any provision of the  
32 Cortese-Knox Local Government Reorganization Act of  
33 1985 (Division 3 (commencing with Section 56000)), a  
34 local agency formation commission shall not approve a  
35 change of organization or reorganization that would  
36 result in the annexation of land within a designated  
37 farmland security zone to a city. However, this  
38 subdivision shall not apply under any of the following  
39 circumstances:



1 (1) If the farmland security zone is located within a  
2 designated, delineated area that has been approved by  
3 the voters as a limit for existing and future urban facilities,  
4 utilities, and services.

5 (2) If annexation of a parcel or a portion of a parcel is  
6 necessary for the location of a public improvement, as  
7 defined in Section 51290.5, except as provided in  
8 subdivision (f) or (g) of this section.

9 (3) If the landowner consents to the annexation.

10 (e) Notwithstanding any provision of the  
11 Cortese-Knox Local Government Reorganization Act of  
12 1985 (Division 3 (commencing with Section 56000)), a  
13 local agency formation commission shall not approve a  
14 change of organization or reorganization that would  
15 result in the annexation of land within a designated  
16 farmland security zone to a special district that provides  
17 sewers, nonagricultural water, or streets and roads, unless  
18 the facilities or services provided by the special district  
19 benefit land uses that are allowed under the contract and  
20 the landowner consents to the change of organization or  
21 reorganization.

22 (f) Notwithstanding Article 5 (commencing with  
23 Section 53090) of Chapter 1 of Division 2 of Title 5, a  
24 school district shall not render inapplicable a county  
25 zoning ordinance to the use of land by the school district  
26 if the land is within a designated farmland security zone.

27 (g) Notwithstanding any provision of law, a school  
28 district shall not acquire any land that is within a  
29 designated farmland security zone.

30 (h) The board shall not approve any use of land within  
31 a designated farmland security zone based on the  
32 compatible use provisions contained in subdivision (c) of  
33 Section 51238.1.

34 (i) This section shall only apply to land that is  
35 designated on the Important Farmland Series maps,  
36 prepared pursuant to Section 65570 as predominantly one  
37 or more of the following:

- 38 (1) Prime farmland.
- 39 (2) Farmland of statewide significance.
- 40 (3) Unique farmland.



1 (4) Farmland of local importance.  
 2 If the proposed farmland security zone is in an area that  
 3 is not designated on the Important Farmland Series maps,  
 4 the land shall qualify if it is predominantly prime  
 5 agricultural land, as defined in subdivision (c) of Section  
 6 51201.

7 (j) Nonrenewal of a farmland security zone contract  
 8 shall be pursuant to Article 3 (commencing with Section  
 9 51240), except as otherwise provided in this article.

10 (k) *Article 5 (commencing with Section 51280) shall*  
 11 *not apply to farmland security zones.*

12 (l) All of the provisions of Article 6 (commencing with  
 13 Section 51290) shall apply to farmland security zones  
 14 created pursuant to this article except as specifically  
 15 provided in this article.

16 ~~(t)~~

17 (m) No state agency, as defined in Section 65934, or  
 18 local agency, as defined in Section 65930, shall require any  
 19 land to be placed under a farmland security zone contract  
 20 as a condition of the issuance of any entitlement to use or  
 21 the approval of a legislative or adjudicative act involving,  
 22 but not limited to, the planning, use, or development of  
 23 real property, or a change of organization or  
 24 reorganization, as defined in Section 56021 or 56073. No  
 25 contract shall be executed as a condition of an  
 26 entitlement to use issued by an agency of the United  
 27 States government.

28 ~~(m)~~

29 (n) Subdivisions (d) and (e) shall not apply during the  
 30 three-year period preceding the termination of a  
 31 farmland security zone contract.

