

INSTRUCTIONS FOR SUBMITTING A REQUEST FOR A FARMLAND SECURITY ZONE CONTRACT

KERN COUNTY PLANNING AND NATURAL RESOURCES DEPARTMENT

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ALL INFORMATION ON THE REQUIRED APPLICATION
SHALL BE TYPEWRITTEN OR LETTERED IN INK.

Eligibility

In order to qualify for consideration of a Farmland Security Zone Contract, the affected property must be designated as predominantly consisting of one of the following: 1) Prime farmland; 2) Farmland of statewide significance; 3) Unique farmland; or 4) Farmland of local importance as shown on the State Important Farmland Series Maps, as prepared by the State Department of Conservation. If the affected land is in an area that is not designated on the Important Farmland Series Maps, the property may nevertheless be eligible if the property is predominantly prime agricultural land, as determined by the County. If the property meets the above-noted requirements, the Board of Supervisors must then adopt a resolution which identifies the property as a “Farmland Security Zone.”

Filing Date and Fee for Application

A separate Farmland Security Zone Contract application shall be filed for each discontinuous parcel under the same ownership, and the **filing date** of each application (to qualify for tax benefit the following year) shall be ***no later than October 1***. A fee for each application to determine eligibility is required at the time of filing. There is a separate fee for land already subject to a “Williamson Act” Land Use Contract petitioning to be rescinded and contracted under the provisions of a Farmland Security Zone Contract. Either fee shall be made payable to the ***Kern County Planning and Natural Resources Department*** and are nonrefundable. Current fees are available on the Kern County Planning and Natural Resources Department website: <https://kernplanning.com/planning-fees/>

Plot Plan

Please attach a plot plan of the property, drawn on 8 ½-inch by 11-inch paper at a convenient scale, illustrating all land uses. Any areas occupied by residences and/or farm shop buildings shall be excluded from the contracted area.

Farmland Security Zone Inclusion and Contract Procedures

A Staff member will conduct an investigation and review the status of the property referred to in the application. The applicant will be advised of the qualification determination within 30 days. Instructions, contract forms, and any required supporting documents will be mailed to the applicant. If additional forms are needed, they can be obtained from this Department during regular working hours. *The completed Farmland Security Zone Inclusion and Contract, as well as any other required supplementary forms, must be submitted in acceptable condition, along with the required contract and inclusion fees, **on or before November 1.***

Farmland Security Zone Inclusion and Contract Fees

The inclusion and contract fees, payable to the ***Kern County Planning and Natural Resources Department***, must accompany the signed contract. The fee is based on the number of Assessor parcels to be included on the contract. Current fees are available on the Kern County Planning and Natural Resources Department website: <https://kernplanning.com/planning-fees/>

After the contract has been reviewed for accuracy, the Recorder's Office will compute the appropriate recordation fee, and you will be billed accordingly. The recording fee must be submitted to the Planning Department prior to recordation.

Termination of Approved Contract

Like the Williamson Act Program, an approved Farmland Security Zone Contract can only be terminated judicially through the filing of a Notice of Nonrenewal, or by the strict cancellation provisions provided for in the Williamson Act.

Signatures and Acknowledgment Before Notary Public

All property owners who have a fee interest in the property (excluding owners of mineral rights) must sign the Farmland Security Zone Contract in person, or through a properly authorized attorney-in-fact, and print his or her name below the signature line. (If a power of attorney is being used, appropriate forms are available from Staff.) The mailing address of each property owner must also be provided. If Staff does not have sufficient information in the project file to document who the owners of record are, you may be requested to supply the latest grant deeds and/or a preliminary title report which clearly documents the legal ownership of the site. All signatures must be properly acknowledged before a notary public.

All signatures, acknowledgments, and exhibits must be completed in permanent black ink. Irregularities in Acknowledgment forms can result in a delay in recordation of the contract, which may cause loss of benefits for the ensuing tax year.

If the property owner is a corporation, a resolution from the corporation's board of directors must be submitted which authorizes the filing of a Farmland Security Zone Contract and which clearly indicates who has the ability to execute the agreement on behalf of the corporation.

If the property owner is a limited liability company, a copy of the company's Articles of Organization must be submitted which clearly indicate who has authority to execute the contract on behalf of the company.

If the property owner is a General Partnership, verification is required to ensure that the signatory is currently a partner.

If the property owner is a Limited Partnership, a copy of the partnership agreement must be submitted which indicates who is designated as a general partner within the partnership. Only a general partner may sign the Farmland Security Zone Contract.

Each person or corporation holding an interest as a mortgagee or as a beneficiary under a trust deed, or any other form of encumbrance against the land, must agree to subordinate his interest to the contract. A separate document will be attached to the contract for this purpose.

Instructions for Completion of Farmland Security Zone Contract

Page 1: **Do not date the contract**; this will be completed by a County employee. The names of all persons holding an interest in the land should be inserted in the spaces provided on lines 3 and 4.

Page 9: Signatures, in black ink, of all persons holding an interest in the land must appear on this page. Names of property owners must be printed below the signatures. Insert the address of the person authorized to receive notice on behalf of the owners.

Acknowledgments:

Complete the portion for Owner(s) before a notary public. Acknowledgments for partnerships, attorneys-in-fact, additional owners, etc., may be attached. Be sure the notary uses the proper type form.

Exhibit "A": Do not insert the information relating to Preserve and Resolution numbers; it will be completed by a County employee. A County employee will also complete the acreage on line 4 and the Assessor's Parcel Numbers required on line 5. The legal description required should be available from a grant deed. Staff is available to assist in locating and/or checking the legal description.