

**Williamson Act:**  
(A Very Brief Summary)

*Calif. Gov C 51220* sets forth legislative findings that specify the policy reasons for enacting the legislation.

“...(a) ...the **preservation of** a maximum amount of the limited supply of **agricultural land** is necessary...”

(b) ...the **agricultural work force** is vital to sustaining agricultural productivity...”s **Farm worker Housing Assistance Plan.**

(c) ... unnecessary **conversion of agricultural land to urban uses is a matter of public interest ...**

(d) ... **agricultural lands** have a definite **public value as open space...**

(e) ... is of **great importance as habitat for wildlife** and contributes to the preservation or enhancement thereof...”

**Authority to enter into Williamson Act Contracts:** *Calif. Gov C 51240* provides authority for counties to enter into Williamson Act contracts.

**Williamson Act contracts with the County of Imperial:**

- ❑ **454 contracts**, containing **1,214 parcels**, covering **140,748 acres**
- ❑ **80 contracts** (200 parcels, covering 23,893 acres) **have been non-renewed** with terminations as soon as 2014 to 2017
- ❑ **374 contacts** (1014 parcels, covering 116,855 acres) are **active contracts**

To end these contracts, the County must provide notice of non-renewal 60 days prior to the renewal date.

**10 year contracts with an automatic 1 year renewal each year unless notice of nonrenewal is given :** *Calif. Gov C 512404.* The resulting open-space contract shall not permit new development during the period the contract is in effect, except uses that are compatible with or related to the open-space uses. *Calif. Gov C 51223.* Agricultural land is compatible with open space. *Calif. Gov C 51222.*

**Government Code § 423. Land in Williamson Act contracts is valued at a reduced rate.** Landowners sign contracts with counties. Agricultural landowners agree to maintain their land in agricultural production for at least 10 years. The counties agree to tax the land based on its agricultural income, its acquisition value under Proposition 13 or its current market value, whichever is lower. Property that has been included in a Williamson Act contract is therefore assessed at a reduced rate in the value assessment process as described in Government Code Section 423. This results in less property tax being paid to the Counties.

### **Subvention Funds:**

**To help offset this reduction in property tax revenue to the counties the state has provided “subvention” funds.**

Government Code Section 16141 states the “purpose of this chapter...to provide replacement revenues to local government by reason of the reduction of the property tax on open-space lands assessed under the relevant sections of the Revenue and Taxation Code...”

In 2007 the state allocated approximately 39 million dollars for these subvention funds. In 2008 this was reduced about 10% to approximately 34 million dollars. For 2009-10 the legislature budget proposal reduced this 20% to approximately 28 million. It is this that has recently been “blue penciled” by the governor with a \$1,000 balance remaining.

### **Non-renewal:**

**Section 51245** is the primary section regarding non-renewal of contracts. It provides that unless written notice of non-renewal is timely served (90 days before renewal date if served by owner and 60 days if served by county), the contract shall be considered renewed.

Revenue and Taxation Code Section 426(a) states that, if the county serves notice of non-renewal “...and the **owner fails to protest** as provided in...[Government Code] Section 51245, **then the provisions of “subdivision (b) shall apply immediately.”**

However, if the owner does protest, then “subdivision (b) shall apply after less than six years remain” until the contract expires. Thus, **an owner, merely by submitting a written protest, can delay the effect of the county’s non-renewal** for 4 more years.

### **Cancellation only by landowner request:**

Sections 51281-51283. Section 51281 provides that “[a] **contract may not be canceled except pursuant to a request by the landowner**, and as provided in this article.” Thus, the county may not initiate cancellation of a contract. The board of supervisors may cancel a contract only when a landowner petitions for cancellation, and the board may approve the cancellation only if it makes the findings specified in Section 51282. Under Section 51283, the **landowner must pay a cancellation fee of 12.5% of the “current fair market value** of the land as though it were free of the contractual restriction.”

### **Easement Exchange Program**

The Williamson Act provides for an “Easement Exchange Program”. This is a voluntary rescission process for the county and landowners to cancel a Williamson Act contract and simultaneously dedicate a permanent agricultural conservation easement on other land. The Board of Supervisors must make specified findings in order to cancel a contract. The appraise value of the easement must be equal to or greater than the cancellation fee required to cancel the contract. In addition, the easement land must be of equal size or

larger than the Williamson Act contract land. Williamson Act easement exchanges must meet the criteria under the California Farmland Conservancy Program (CFCP), the Department's agricultural land conservation easement program.

Easement exchange provisions are found in Government Code sections 51256, 51256 (1) and 51256 (2).

In our review of our Rules to Implement the California Land Conservation Act of 1965 we did not see a provision which allows for an exchange of a permanent agricultural easement. If the Board wants to explore this alternative the rules may need to be amended.

The Department of Conservation suggests that applicants contact its office early to investigate whether the Williamson Act easement exchange program proposal can meet the statutory requirements. There is a pre-application form. Website: [www.conservation.ca.gov/dlrp/lca](http://www.conservation.ca.gov/dlrp/lca) and also an e-mail address: [dlrp@conservation.ca.gov](mailto:dlrp@conservation.ca.gov).