



Williamson Act

Questions and Answers

What is the California Land Conservation (Williamson) Act?

The California Land Conservation Act, better known as the Williamson Act, has been the state's premier agricultural land protection program since its enactment in 1965. Nearly 16 million of the state's 30 million acres of farm and ranch land are currently protected under the Williamson Act.

The California Legislature passed the Williamson Act in 1965 to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. The Act creates an arrangement whereby private landowners contract with counties and cities to voluntarily restrict land to agricultural and open-space uses. The vehicle for these agreements is a rolling term 10 year contract (i.e. unless either party files a "notice of nonrenewal" the contract is automatically renewed annually for an additional year). In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value.

What benefits do Williamson Act contracts offer to landowners?

The Williamson Act is estimated to save agricultural landowners from 20 percent to 75 percent in property tax liability each year. One in three Williamson Act farmers and ranchers said in a survey that without the Act they would no longer own their parcel (Source: Land in the Balance, University of California: December 1989).

What is an agricultural preserve?

An agricultural preserve defines the boundary of an area within which a city or county will enter into contracts with landowners. The boundary is designated by

resolution of the board of supervisors (board) or city council (council) having jurisdiction. Only land located within an agricultural preserve is eligible for a Williamson Act contract. Preserves are regulated by rules and restrictions designated in the resolution to ensure that the land within the preserve is maintained for agricultural or open space use.

How many acres are required for an agricultural preserve?

An agricultural preserve must consist of no less than 100 acres. However, in order to meet this requirement, two or more parcels may be combined if they are contiguous or in common ownership. Smaller agricultural preserves may be established if a board or council determines that the

unique characteristic of the agricultural enterprise in the area calls for smaller agricultural units, and if the establishment of the preserve is consistent with the General Plan. Preserves may be made up of land in one or more ownerships. Property owners with less than 100 acres may combine with neighbors to form preserves, provided the properties are contiguous.

What is a Williamson Act Contract?

A Williamson Act Contract is the legal document that obligates the property owner, and any successors of interest, to the contract's enforceable restrictions.

How does a landowner initiate a Williamson Act Contract?

A landowner interested in enrolling land in a contract should contact the local planning department of the county in which the land is located to obtain information and instructions.



How long must land be maintained under a Williamson Act contract?

The minimum term for a contract is 10 years. However, some jurisdictions exercise the option of making the term longer, up to twenty years. Contracts renew automatically every year unless nonrenewed.

What is the nonrenewal process?

A notice of nonrenewal starts the 9-year nonrenewal period. During the nonrenewal process, the annual tax assessment gradually increases. At the end of the 9-year nonrenewal period, the contract is terminated.

What is a cancellation?

Only the landowner can petition to cancel a contract. To approve a tentative contract cancellation, a county or city must make specific findings that are supported by substantial evidence. The existence of an opportunity for another use of the property is not sufficient reason for cancellation. In addition, the uneconomic character of an existing agricultural use shall not, by itself, be a sufficient reason to cancel a contract. The landowner must pay a cancellation fee equal to 12.5 percent of the unrestricted, current fair market valuation of the property.

Must a landowner comply with the terms and conditions of a contract?

Yes. A Williamson Act contract secures an enforceable restriction. Failure to meet the terms and conditions of the contract may be considered a breach of contract.

What happens to a Williamson Act contract upon sale of the property?

A Williamson Act contract runs with the land and is binding on all successors in interest of the landowner.

What are the land uses permitted within an agricultural preserve and contracted land?

The Williamson Act states that a board or council by resolution shall adopt rules governing the administration of agricultural preserves. The rules of each agricultural preserve specify the uses allowed. Generally, any commercial agricultural use will be permitted within any agricultural preserve. In addition, local governments may identify compatible uses permitted with a use permit.



What happens if an owner fails to comply with the terms and conditions of a contract?

In the case of a breach of a contract, the local government may seek a court injunction to enforce the terms of the contract. Where the breach of the contract is a violation of land use restrictions, normal zoning enforcement provisions will also apply.

Does my county participate?

As of 2003, all counties except Del Norte, Los Angeles, San Francisco, Inyo and Yuba offer Williamson Act contracts.

How can an agricultural landowner permanently protect his land from development pressures?

An agricultural conservation easement is a voluntary, legally recorded deed restriction that is placed on a specific property used for agricultural production.

California Farmland Conservancy Program (CFCP) grant funds may be used by a local

government or a qualified nonprofit organization (i.e. park district, resource conservation district or land trust) to purchase a landowner's conservation easement. The Department of Conservation can assist landowners in identifying appropriate entities that would be qualified to apply for a CFCP grant on their behalf.

What is the State's role?

The Department of Conservation is responsible for the interpretation of the Williamson Act, research of related issues and policies, and enforcement of Williamson Act provisions and restrictions.

For more information contact:

Department of Conservation
Division of Land Resource Protection
801 "K" Street MS 18-01
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Williamson Act Easement Exchange Program

Questions and Answers

What is the California Land Conservation (Williamson) Act?

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The Act creates an arrangement whereby private landowners contract with counties and cities to voluntarily restrict land to agricultural and open-space uses. The initial rolling term contract (i.e. unless either party files a "notice of nonrenewal," the contract is automatically renewed each year for an additional year) is 10 years. Since 1998 another option within the Williamson Act Program is the rescission process to cancel a Williamson Act contract and simultaneously dedicate a permanent agricultural conservation easement on other land.

What is an easement exchange?

Williamson Act easement exchange legislation became effective January 1, 1998. The easement exchange process offers the advantage of keeping cancellation fees working in the local area to preserve agricultural land, instead of paying the fees to the State General Fund. It provides a voluntary rescission process for local entities and landowners to cancel a Williamson Act (WA) contract and simultaneously dedicate a permanent *agricultural conservation easement* on other land. A board or council must make specified findings in order to cancel a contract. The appraised value of the easement land 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 contracted land. Williamson Act easement exchanges must meet criteria established 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).

How is a Williamson Act easement exchange proposal initiated and approved?

The process is entirely voluntary for all parties: the owner of the Williamson Act contracted land, the owner of the land to be encumbered by the conservation easement, the organization that holds, monitors, and enforces the easement, and the city or county. The landowner must submit a petition for a Williamson Act easement exchange proposal to the local governing city or county. Upon making the required findings and determining that the eligibility criteria has been met and evaluating the easement pursuant to the selection criteria, the city or county may approve the proposal. The proposal is then submitted to the Department of Conservation for review and final decision. If the

Department approves the proposal, the city or county may enter into an agreement with the landowner to rescind the Williamson Act contract and simultaneously place the other land under an agricultural conservation easement.

What is an "agricultural conservation easement"?

An "agricultural conservation easement" is a less than fee simple interest in land. It includes the right to prevent forever the development or improvement of the land, as specified in Public Resources Code (PRC) Section 10211 and Civil Code Section 815.1 for any purpose other than agricultural production. The easement is granted by the landowner to the local government or a qualified nonprofit organization that has conservation of agricultural land as one of its primary purposes. The land restricted by the easement remains in private ownership. Aside from the separation of specified development rights, the landowner retains all other rights to the land, including the right to deny public access and to manage the land for agricultural uses.

What type of Williamson Act contracted land is eligible to participate in a Williamson Act easement exchange proposal?

Contracted lands on the urban edge of cities and other developed areas are eligible. One of the findings required to cancel the contract stipulates that terminating the Williamson Act contract “will not result in discontinuous patterns of urban development” (Government Code Section 51256(a)). If the development proposed is not urban in nature, such as mining for mineral extraction, then contracted lands not contiguous to urban areas may be eligible for a Williamson Act easement exchange agreement.

Where can agricultural conservation easements be established?

The eligibility and selection criteria for determining easement location are defined in PRC sections 10251 and 10252. The easement land should be of sufficient size to support commercial agriculture and to make a beneficial contribution to the conservation of agricultural land in the area. The applicable city or county’s general plan must demonstrate a long-term commitment to the preservation of agricultural land. Also, without conservation, the land would likely be converted to non-agricultural use in the foreseeable future.

What is the term of an agricultural conservation easement?

An agricultural conservation easement is granted in perpetuity [as the equivalent of a covenant running with the land]. (PRC Section 10211 and Civil Code Section 815.2 (b)). A conservation easement is an enforceable restriction under Article 13, section 8 of the California constitution that severely limits the ability of the state to terminate the contracts and easements.

How is the agricultural easement agreement enforced?

The easement title-holder, normally a local agricultural land trust or conservancy, or a city or county, is responsible for ensuring that the terms of the easement agreement are upheld. Typically, a representative of the easement title-holder visits the easement property at least once a year to verify that no uses have occurred that are specifically prohibited by the easement agreement. At the time the easement is established, a map or aerial photograph of the property is filed with the easement title-holder to document the buildings, roads and other

improvements. This baseline information is then used annually to compare approved uses with current uses in order to verify compliance with the terms of the easement agreement. If the land’s lease or ownership changes, the easement holder assures that the new lessor or owner knows the terms of the easement and that the property is being monitored.

What assistance is available for using the Williamson Act easement dedication provisions?

Applicants should consult with the Department of Conservation (DOC) early to investigate whether the Williamson Act

easement exchange proposal can meet statutory requirements. A pre-application form should be completed by the landowner and submitted to the applicable local government and DOC for review. During consultations, the Department cannot predict or guarantee the outcome of an easement exchange proposal. Assistance and information is available at:

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Williamson Act Farmland Security Zones

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The Act creates an arrangement whereby private landowners agree with counties and cities to voluntarily restrict land to agricultural and open-space uses. The vehicle for these agreements is a rolling term contract (i.e. unless either party files a "notice of nonrenewal," the contract is automatically renewed annually for an additional year). The minimum initial contract term is 10 years. Since 1998, another option within the Williamson Act Program is the creation of Farmland Security Zones and contracts.

What is a Farmland Security Zone?

A Farmland Security Zone is an area created within an agricultural preserve by a board of supervisors (board) upon request by a landowner or group of landowners. An agricultural preserve defines the boundary of an area within which a city or county will enter into contracts with landowners. The boundary is designated by resolution of the board or city council having jurisdiction. Agricultural preserves must generally be at least 100 acres in size.

What new benefits do Farmland Security Zone contracts offer to landowners?

Farmland Security Zone contracts offer landowners greater property tax reduction. Land restricted by a Farmland Security Zone contract is valued for property assessment purposes at 65% of its Williamson Act

valuation or 65% of its Proposition 13 valuation, whichever is lower.

Cities and special districts that provide non-agricultural services are generally prohibited from annexing land enrolled under a Farmland Security Zone contract. In addition, school districts are prohibited from acquiring Farmland Security Zone lands for school facilities.

What is a Farmland Security Zone contract?

It is a contract between a private landowner and a county that enforceably restricts land to agricultural or open space uses. The minimum initial term is 20 years. Like a Williamson Act contract, Farmland Security Zone contracts renew annually unless either party files a "notice of nonrenewal".

What is the process for establishing a Farmland Security Zone contract?

The process is entirely voluntary for both the landowner and the county. The landowner with a Williamson Act contract must submit a petition for a Farmland Security Zone contract to the local governing body. If the board approves the proposal, it will rezone the subject property as a Farmland Security Zone. Once the subject property is rezoned, the board will rescind the Williamson Act contract and simultaneously place the same property under a Farmland Security Zone contract. Landowners who are not participating in the Williamson Act may petition a board to create a Farmland Security Zone for the purpose of entering into contracts. If two or more landowners with contiguous parcels request the creation of a Farmland Security Zone, the county will place the parcels in the same Farmland Security Zone.



Can a landowner who does not have land currently enrolled in a Williamson Act contract apply for a Farmland Security Zone contract?

Yes. A landowner or a group of landowners may petition the board to create a Farmland Security Zone for the purpose of entering into Farmland Security Zone contracts.

What type of land is eligible for a Farmland Security Zone contract?

To be eligible for a Farmland Security Zone contract, the subject land must be designated on the Important Farmland Series maps as predominantly one of the following:

- a) Prime Farmland
- b) Farmland of Statewide Importance
- c) Unique Farmland
- d) Farmland of Local Importance

How is a Farmland Security Zone contract terminated through nonrenewal?

A landowner may initiate nonrenewal of a Farmland Security Zone contract by serving a written notice to the local governing body at least 90 days prior to the renewal date. The Farmland Security Zone contract then “winds down” over the remaining 19-year term, with the taxes gradually rising back to the full unrestricted rate. Upon termination of the Farmland Security Zone contract, the Farmland Security Zone designation for that parcel is also terminated.

Can a Farmland Security Zone contract be terminated through cancellation?

Yes. However, in order to approve cancellation a city or county must make both of the required findings that 1) the cancellation is consistent with the purposes of the Williamson Act and 2) cancellation is in the public interest. In the resolution approving cancellation the local government must find that 1) no beneficial public purpose is served by continuing the contract, 2) the uneconomic nature of the agricultural use is due to circumstances beyond control of the landowner and local government, 3) the landowner has paid a cancellation fee equal to 25% of the cancellation valuation of the land as through unrestricted by the contract. The Director of the

Department of Conservation may approve the cancellation upon making specified findings.

How can an agricultural landowner permanently protect his land from development pressures?

An agricultural conservation easement is a voluntary, legally recorded deed restriction that is placed on a specific property used for agricultural production. **California Farmland Conservancy Program (CFCP)** grant funds may be used by a local government or a qualified nonprofit organization (i.e. park district, resource conservation district or land trust) to purchase a landowner’s conservation easement. The Department of Conservation can assist landowners in identifying appropriate entities that would be qualified to apply for a CFCP grant on their behalf.

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