

1991

The Williamson Act 1990-91 Status Report

California Department of Conservation

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THE WILLIAMSON ACT

1990-91
Status Report

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California Department of Conservation

1990-91 Williamson Act Status Report

March 1992

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State of California
Pete Wilson
Governor



Resources Agency
Douglas P. Wheeler, Secretary

Department of Conservation
Edward G. Heidig, Director

DEPARTMENT OF CONSERVATION

DIVISION OF ADMINISTRATION
DIVISION OF MINES AND GEOLOGY
DIVISION OF OIL AND GAS
DIVISION OF RECYCLING



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March 1, 1992

Dear Reader:

California is in the midst of a population boom. Having recently surpassed 30 million residents, the State is now expanding by 500,000 people annually. Over twenty-five years ago the California Legislature responded to another surge of rapid population growth when the California Land Conservation Act was passed. Better known as the Williamson Act, sponsored by Assemblyman John Williamson, this law established California's only statewide agricultural and open space land protection program. Under the Act, farmers and ranchers in 48 counties have agreed to commit their lands to agricultural or open space uses by signing long-term contracts. These contracts offer farmers and ranchers protection from taxes based on the value of their lands for urban uses, often providing the financial margin needed to keep their lands in agricultural production.

The 1990-91 Annual Status Report on the Williamson Act describes the program's current performance. To date, nearly 16 million of California's 30 million acres of farm and ranch land, including more than half of the State's prime farmland, and millions of acres of sensitive watershed lands are protected by the Act from urban development. The counties with the highest levels of acreage under contract are also the State's most important agricultural counties -- Kern, Fresno, and Tulare. However, the Report indicates that the pressures of urbanization may be exacting a toll. Since 1988, contracted acreage has declined each year for a three-year loss of approximately three percent statewide. In addition, a number of agriculturally important urbanizing counties have reported dramatic increases in the number of contracts beginning the nine-year nonrenewal process. Thus, the need for conservation remains every bit as relevant as it was when the Act was passed.

Governor Pete Wilson has demonstrated his support of the Williamson Act by once again proposing funding for the Williamson Act's Open-Space Subvention Program in his proposed 1992-93 Budget. Consistent with the Governor's support, I shall do all that is possible to advance the agricultural conservancy measures important to this Administration.

I trust that you will find this Report interesting and informative. I encourage you to contact the Department's Office of Land Conservation at (916) 324-0859 if you would like to learn more about the Williamson Act or the Department's other conservation programs.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward G. Heidig".

Edward G. Heidig
Director

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ACKNOWLEDGEMENTS

This report was prepared for the Legislature by the California Department of Conservation's Office of Land Conservation. Data for the report was compiled and presented by Kathleen McPherson of the Land Conservation Unit. The report was written by Unit Manager, Ken Trott, with assistance from Unit staff members, Pat Gatz and Kathleen McPherson. Marta Kravech was responsible for the report's production and graphic design.

The Department would like to thank Dr. Alvin Sokolow, Professor of Political Science, University of California, Davis, for his analysis and recommendations that have led to improvements in the quality of this report. In particular, the Department thanks Mr. Flory for input on, and review of, Section IX of this report, a summary of the recent study by the Yolo County Williamson Act Blue Ribbon Task Force. We would also like to thank the following individuals for their comments and suggestions on the content of this report:

Bob Anderson, Office of the Assessor
Bill Factor, Planning Department
San Joaquin County

Gregory Carnill, Director, Western Office
Erik Vink, California Field Representative
American Farmland Trust

Peter Detwiler, Consultant
Senate Local Government Committee

Mike Falasco, Consultant
Assembly Agriculture Committee

Alan Flory, Assessor
Yolo County

John Gamper, Director, Taxation & Land Use
California Farm Bureau Federation

Bill Greenwood, Assessor
Harris Hayes, Public Works & Development
Richard Perkins, Public Works & Development
Fresno County

Peter Schaafsma, Principal Program Analyst
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California Department of Food and Agriculture

Dan Wall, Legislative Representative
Lea Brooks, Editor, California County
County Supervisors Association of California

Daryl Weitl, Planning Department
Stanislaus County

EXECUTIVE SUMMARY

The California Land Conservation Act of 1965, known as the Williamson Act, was created to protect agricultural and open space land from urban development. Landowners enter into contracts with participating counties and cities and agree to restrict their land to agriculture or open space use for a minimum of ten years. In exchange for this commitment, landowners are granted lower tax assessments which are based on the use value of the land.

This Williamson Act Status Report is mandated by Government Code Section 51207. The purpose of this report is to provide information to the Legislature and general public on the implementation of the Act by the 48 counties and 19 cities participating in the program. Highlights of the 1990-91 Status Report are as follows:

- In 1990-91, over 15.9 million acres of agricultural land and open space — half the State's total agricultural land — were enrolled in Williamson Act contracts.
- One third (5.7 million acres) of the Williamson Act contracted acreage was prime agricultural land, the remainder was open space, or nonprime, land. About half of the State's prime farmland is under contract.
- A few key agricultural counties, primarily in the San Joaquin Valley and the Central Coast, account for a majority of land under Williamson Act contract.
- Total Williamson Act acreage decreased by about 23,500 acres from the prior fiscal year, a net decline of one-tenth of one percent.
- While nearly 100,000 acres were added to the program, over 123,000 acres came out, primarily by contracts completing the 9-year nonrenewal process.
- Just over 2,000 acres were terminated by immediate contract cancellation.
- Land removed by eminent domain showed a dramatic increase over the previous fiscal year with 27,138 acres reported, an increase of 20,000 acres over the previous year.
- Urban and urbanizing counties led the State in the amount of net losses to the Williamson Act program.
- The largest net increases in acreage enrolled in contracts occurred in the Central Coast Region. San Benito and San Luis Obispo Counties accounted for 47% of the new acres added to the program.
- Most nonrenewal activity (contracts just entering the 9-year contract phaseout process) occurred in the San Joaquin Valley region, with 59,540 acres entering the ten-year nonrenewal process. Stanislaus County accounted for the largest share of acreage beginning nonrenewal, 35,000 acres.
- San Bernardino and Placer Counties had the highest levels of nonrenewal activity as a percentage of their total acreage under contract.

-
- Total enrollment increased dramatically through the 1970's reaching a plateau by 1980. Acreage under contract gradually increased until 1988. Since 1988, enrolled acreage has declined in each year, for a three-year loss of about 3%.
 - Over the past five years, acreage added to the program has been relatively steady, with new acres entering the program at an average of about 110,000 acres per year. However, acres entering the nonrenewal process has dramatically increased from 67,000 to 146,000 in the same period, and now outstrip acreage added by approximately fifty percent.
 - Just under 650,000 acres are currently at some stage in the nine-year contract nonrenewal process, representing about 4% of the total land in contract. This number has been increasing over the past five years.
 - As a percent of total land under contract, cumulative acres undergoing nonrenewal is highest in suburban or metropolitan counties, led by Orange and Riverside. In the sheer number of acres in cumulative nonrenewal, three Central Valley counties, Kern, Stanislaus and Sacramento lead the State.
 - Each year, to help reimburse local costs of the program, the State pays Open Space Subventions to cities and counties participating in the Williamson Act, based on the quality and number of acres under contract. In 1990-91, cities and counties claimed an estimated \$14.1 million in subventions.
 - Several amendments have been made to the Act in recent years, including increased contract cancellation reporting requirements, and the elimination of the contract termination process used by cities as part of annexation.
 - Department activities during the year included local assistance on such issues as compatible use of Williamson Act lands, appropriate recreational use of contracted lands, minimum contract parcel size, and validity of contract cancellations. The Department also initiated a series of local training workshops.
 - Beginning with this report, an innovative local Williamson Act program will be highlighted each year. This year, the recommendations of the recently completed Yolo County Williamson Act Blue Ribbon Task Force are summarized.

I. INTRODUCTION

The Williamson Act

The California Land Conservation Act, also known as the Williamson Act, has protected agricultural and open space land in the State of California for over 25 years. The Williamson Act is a voluntary, locally administered program. Landowners who enroll their land in 10 to 20-year contracts with local governments receive lower property taxes based on the actual use of the land for agricultural and open space purposes, rather than on its Proposition 13 market value. In addition to the benefit of protecting farmland from urbanization and land speculation driven taxation, the Williamson Act is increasingly used as an effective land use planning tool by local governments.

The State partially supports the local costs of administering the Act, as well as replacing a portion of the foregone local property tax revenue, through the administration of the Open Space Subvention Act, passed in 1971. Annually, participating local governments submit their subvention entitlement applications to the Department of Conservation. State subvention payment is based on the quality and number of acres under Williamson Act contracts in each jurisdiction. (For a full description of the Williamson Act and Open Space Subvention Programs, see Appendix B.)

State Responsibility

The State's role in the implementation process is to provide guidance to local

government, conduct research, disseminate information, and certify and keep records on subvention entitlements. By delegation from the Secretary for Resources, as well as by direct statutory authorization, the Department of Conservation, through its Office of Land Conservation, has primary responsibility for carrying out these functions. (Appendix C lists Departmental research and informational publications available to the public.)

Report Purpose and Contents

This annual report meets the statutory requirement of Government Code Section 51207 to provide information to the Legislature on the status of the Williamson Act. This is the fourth year that this report has been provided under this mandate. In each of the prior three years the report consisted of tabular data with minimal analysis. In 1991, an assessment of the report's information needs was performed for the Department by Dr. Alvin Sokolow, Professor of Political Science, University of California at Davis. Based on his findings and recommendations, this report has now been expanded to include not only the presentation of data, but narrative and graphical analyses of the Program's status and trends.

Specifically, Fiscal Year (FY) 1990-91 data¹ is provided on Williamson Act contract nonrenewal and cancellation activity, contract removal by annexation and eminent domain, and contract acreage additions. Also, analysis of key trends

¹ This report is referred to as the FY 1990-91 annual report. However, the data reported in FY 1990-91 is actually for the period of March 1, 1990 to March 1, 1991.

occurring in the Williamson Act program is presented. This information is defined by land category: urban prime, other prime, and nonprime/open space. In addition, sections have been included which cover recent legislative changes to the Act, highlights of departmental activities in the statewide administration of the program, and a review of innovative local Williamson Act programs. Finally, a section discussing future expansion of the status report is presented.

Improved Data Gathering

The data for this report was compiled from the annual subvention applications submitted by each participating county and city. This year changes were made to the subvention application forms in response to suggestions from planners and assessors who prepare the subvention applications. The new forms contain language that clarifies the code requirements and are accompanied by a revised summary form. These changes have simplified the application process and improved data collection.

Additionally, the Department has been able to more thoroughly follow-up on city and county subvention application forms. This follow-up has resulted in the correction of reporting inaccuracies, and consequently a more accurate status report has been produced. This report contains information collected on expired nonrenewals (contracts which have completed the ten-year nonrenewal process). Also, for the first time, total land enrolled under contract has been compiled. In the past, enrollment figures reported only land receiving subventions, rather than all land under contract. Because lands undergoing

nonrenewal as well as certain lands with high assessed value do not receive subventions, enrollment figures in the past excluded a small, but significant amount of acreage under contract.

The improved data is not only critical to the accurate presentation of the program's current status, but allows the Department to begin conducting meaningful analysis of acreage enrollment and termination trends from year to year. However, a caveat must be expressed. Because new figures now show total acres under contract rather than just those qualifying for subventions, care must be taken in comparing statistics from previous reports with this and future reports.

II. WILLIAMSON ACT PROGRAM ENROLLMENT STATUS

Statewide

In 1990-91, 15.9 million acres statewide were enrolled under the Williamson Act (See Table A-1, Appendix A). This represents more than half of the State's total agricultural land acreage. Contracts covered over 30% of all private lands in California (Figure 1).

Land under contract is classified according to three categories: *Urban Prime* (located within three miles of cities of specified size); *Other Prime*; and, *Nonprime/Open Space of Statewide Significance* (primarily grazing lands). Statewide amounts and percentages for these categories in 1990-91 are in Table 1.

The Nonprime/Open Space category includes some parcels which are not used in agricultural production, but which have open space value as wetlands, wildlife areas, scenic highway corridors, watershed lands, and for other undeveloped uses.

Over one-third of the total land under contract is prime agricultural land according to the Act's definition of prime (Table 2). This is close to the proportion of the total agricultural land in the State which is irrigated. Using irrigated farmland as a rough estimate of prime agricultural land, the State currently has about 10 million acres of prime farmland and 20 million in nonprime lands. Thus, the Act has been successful in protecting close to half, each, of the State's total prime and nonprime agricultural lands.

Williamson Act Acreage As A Proportion of Major Uses of California Land, 1991

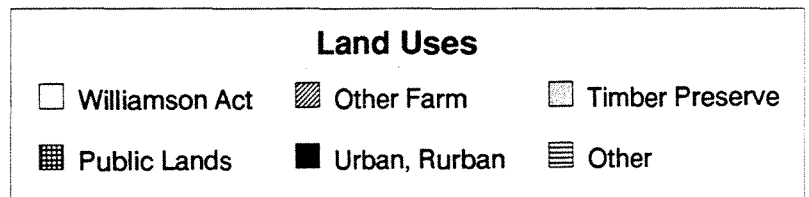
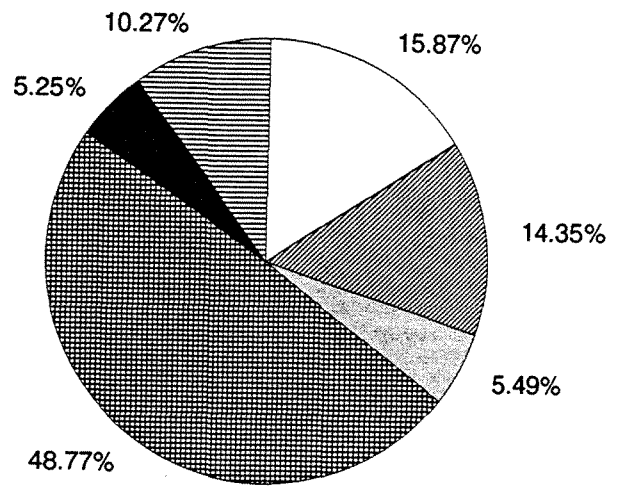


Figure 1. Area of California = 100 million acres
Source: Department of Conservation

County and Regional

As of 1990-91, 48 of California's 58 counties and 19 of the more than 400 cities participated in the Williamson Act program (Figures 2A and 2B). However, because virtually all land under contract is administered by counties (99.9%), further analysis will be derived from county statistics.

Figure 2A shows a few counties dominating the total acres under contract; top 20% of the counties account for nearly 60% of the total enrolled acreage. Three

Table 1

Williamson Act Acreage by Category

Category	Number of Acres	% of Total
Urban prime	829,666	5.2%
Other prime	<u>4,876,496</u>	<u>30.5%</u>
Total Prime	5,706,162	35.7%
Nonprime/ Open Space	<u>10,240,621</u>	<u>64.3%</u>
Total Enrolled	15,946,783	100.0%

Source: Department of Conservation

counties in the San Joaquin Valley — Kern, Fresno, and Tulare — lead the acreage list, each with more than one million acres under contract. Four other San Joaquin Valley counties — Stanislaus, Kings, Madera and San Joaquin, along with the Central Coast counties of Monterey, San Luis Obispo, Santa Barbara and San Benito, join the Sacramento Valley counties of Tehama and Yolo as the other major Williamson Act counties.

Enrollment of prime land in the Program (Table A-5, Appendix A) is even more concentrated in a few counties than is total enrolled acreage. Eight counties contain 81% of all prime agricultural land under contract (Table 3). The seven participating counties in the San Joaquin Valley are on this list, as well as one Sacramento Valley County (Yolo). These are also the top counties in percentage of total county enrolled acreage that is prime; Kings and San Joaquin counties head the list with 82% and 70% of their contracted acres in prime, respectively. Although Sacramento and Butte have smaller total

enrolled acres, they each have high percentages of prime land.

Again, San Joaquin Valley counties lead the State in number of acres in the urban prime category. Of the major participating counties statewide, Yolo and San Joaquin counties are the leaders in terms of the percentage of their total contracted acres that are in urban prime. The high numbers and percentages of urban prime lands in these counties could be due to a number of factors, namely an aggressive farmland protection policy along the urban fringe or conversely, a rapidly expanding urban area. Yolo County and its cities, for example, have a long tradition of farmland protection, which include urban expansion policies that direct growth away from prime farmlands (see Section IX). Therefore, landowner expectations for development in areas of urban prime farmland have been low and contract enrollments high.

In summary, the San Joaquin Valley and the Central Coast dominate the Williamson Act Program in acreage enrollment. The San Joaquin Valley alone accounts for 44% of all contracted acres. The Central Coast and the Sacramento Valley follow in total acreage. Combined, these three regions — the top agricultural areas in California — have 79% of all contracted acres. They also account for 93 percent of all prime acres enrolled in the program. Together, the three regions annually produce nearly 80% of the State's total sales in farm commodities.

Table 2

Definition of Prime Land in the Williamson Act

Defined by the Williamson Act, "prime agricultural land" means any of the following

Land qualifying as class I or II in the Soil Conservation Service (U.S. Department of Agriculture) land use capability classifications.

Land qualifying for rating 80 through 100 in the Storie Index Rating.

Land used for livestock with an annual carrying capacity of at least one animal unit per acre.

Land used for trees and vines which earns income during the commercial bearing period of at least \$200 per acre.

Land used for unprocessed agricultural products which earns at least \$200 per acre for three of the previous five years.

Source: Government Code Section 51201

Table 3

**Williamson Act
Prime Contracted Acreage - Top Eight Counties
Percent of Total Prime (5,700,116 acres)**

County	Prime Acres	% of Total Prime
Fresno	1,106,503	19.4%
Kern	950,741	16.7%
Tulare	607,461	10.7%
Kings	558,805	9.8%
San Joaquin	391,226	6.9%
Stanislaus	303,408	5.3%
Yolo	295,098	5.2%
Madera	249,388	4.4%

Source: Department of Conservation

Williamson Act Enrolled Acreage (FY 1990-91, Counties)

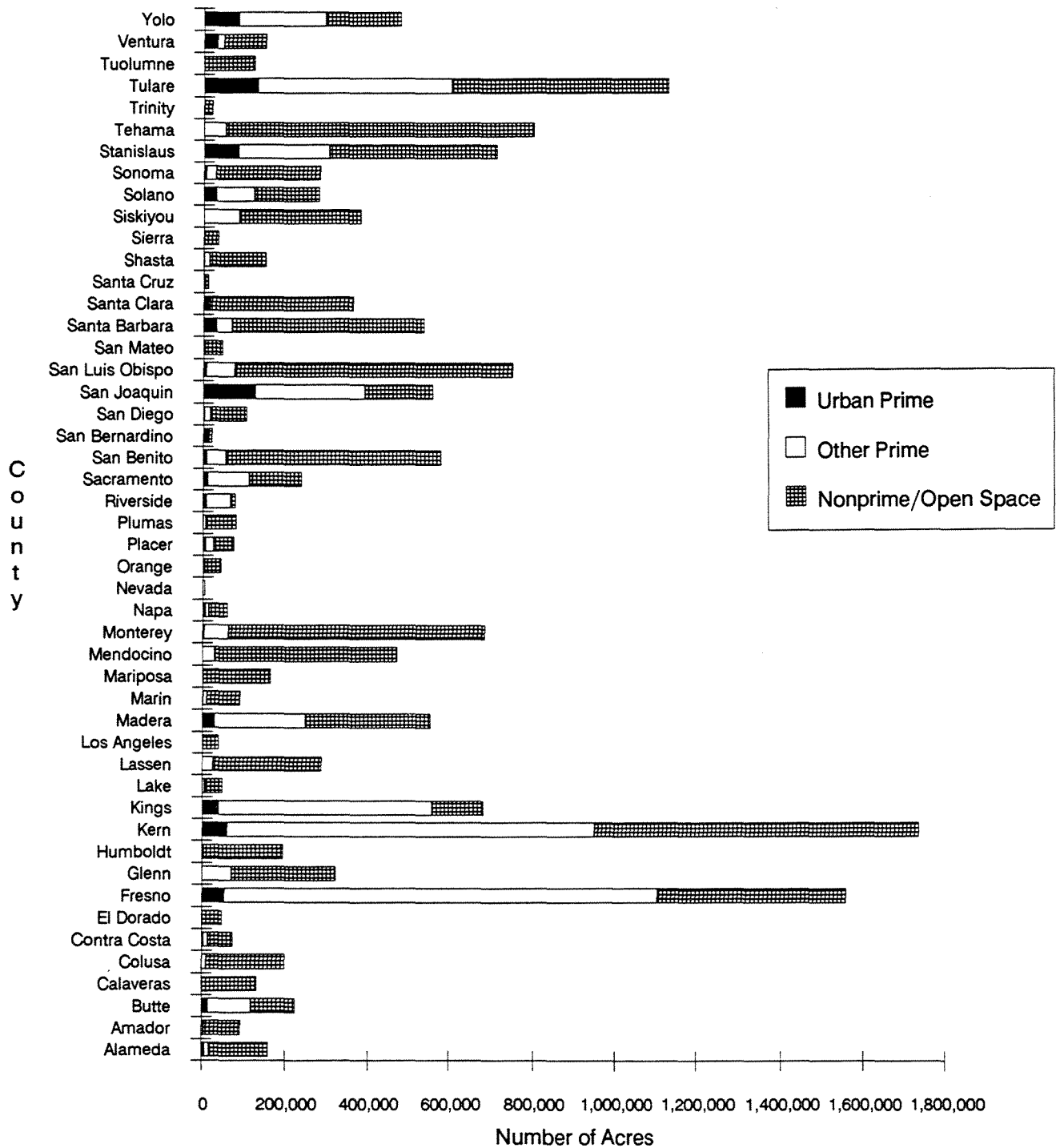


Figure 2A.

Source: Department of Conservation

Williamson Act Enrolled Acreage (FY 1990-91, Cities)

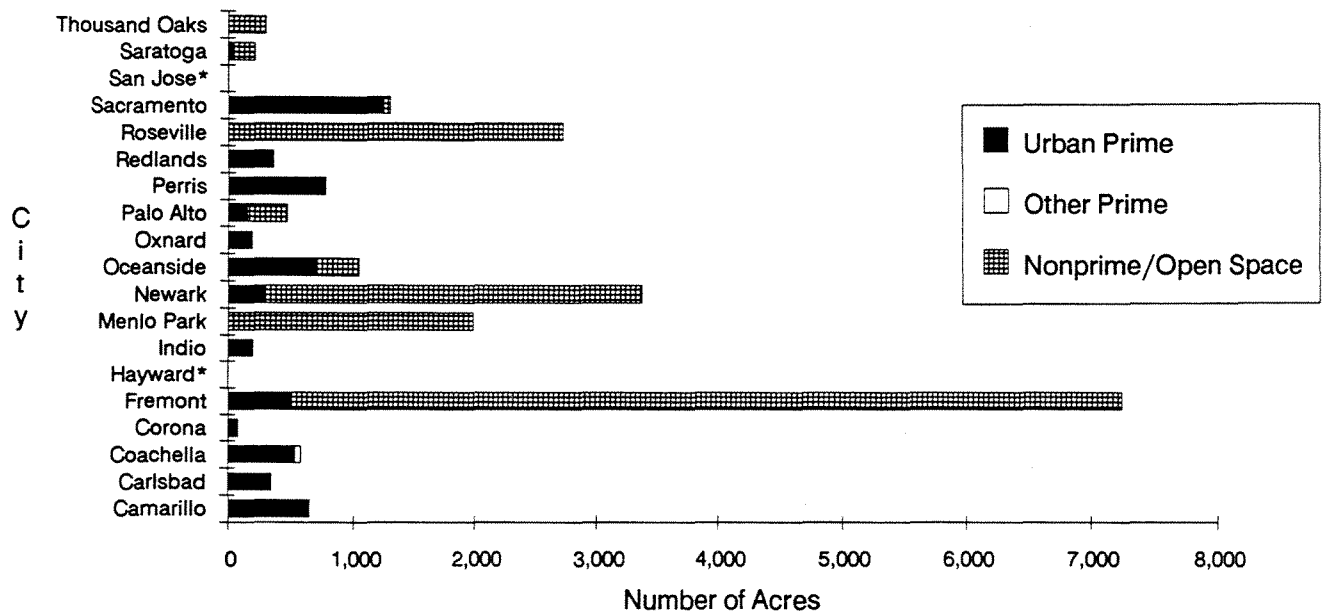


Figure 2B.

Source: Department of Conservation

III. CHANGES

Total land enrolled statewide in 1990-91 decreased by about 23,500 acres from the previous year (Table A-1, Appendix A). This represents a net decline of less than one percent. This net change represents the difference between acres removed and acres added during the year.

A total of 99,602 acres were added to the program in 1990-91 representing an increase in new sign-ups of about 25%, or 19,000 acres, over last year. However, 123,062 acres were removed either through contract cancellation, expiration of contracts completing the nonrenewal process, annexation (via the former special city protest provision of the Act), or eminent domain. Table 4 shows contracts completing the nonrenewal process accounting for nearly three-quarters of all terminations, with eminent domain accounting for the remainder. Only about 2% of the acres leaving the program were by contract cancellation.

This year the Department was able to work closely with each participating county to: compile previously unavailable data (such as number of acres leaving the program by expiration of nonrenewal); rectify reporting inaccuracies; compile totals for all land under contract, not just land qualifying for subventions; and, compile numbers for cumulative nonrenewal. This coming year, the Department will work towards segregating additions and terminations by land type (e.g., prime, nonprime, etc.).

It is thus, difficult to analyze acreage changes in terms of the categories of prime and nonprime. However, in comparing only lands qualifying for

subventions last year with the same numbers for this year (Table A-3), it is evident that most of the net losses occurred in the nonprime category. While prime land appeared to remain stable overall, Yolo and Stanislaus Counties showed the most marked declines in their inventory. Again, because of the increased accuracy of this year's numbers over those of last year, such comparisons should be made with caution until 1991-92 and subsequent years.

During the year 27 counties had net losses in acres under contract, 17 counties had net gains, and 4 counties remained virtually unchanged. Only 18 counties had changes greater than one percent. Table 5 shows the 10 counties with the largest net increases, as well as the 10 with the largest net decreases.

San Benito and Trinity counties had the largest percentage net increases in contracted acreage. The largest absolute net increases occurred in the non-metropolitan counties of San Benito, San Luis Obispo, Lassen and Tulare, accounting for about 85% of all net gains. These same counties accounted for two-thirds of all new acres signed in 1990-91.

Counties with the highest net percentage losses included Riverside, Orange, Contra Costa, Ventura, San Bernardino and Nevada. Except for Nevada, these counties are urban or urbanizing counties located primarily in the southern metropolitan area of the State. The county with the largest absolute gross and net acreage reduction was Kern County, with a gross loss of 44,000 acres. This loss was primarily through expired

nonrenewals for a net loss of 38,000 acres. Ventura and Contra Costa counties experienced much smaller yet significant amounts of land removed from contract, also mostly by nonrenewal.

Nonrenewal Initiated in 1990-91

The filing of a nonrenewal application by a landowner (and sometimes by a local government) ends the automatic annual extension of the Williamson Act contract and starts a nine-year phaseout of the contract. During the phaseout period the land remains restricted to agricultural and open space uses, but property taxes gradually return to those assessed under Proposition 13. At the end of the nine-year nonrenewal process, the contract expires and the owner's uses of the land are restricted only by applicable local zoning.

In 1990-91, nearly 75% of all land removed from contract was by contract expiration through the nonrenewal process; in 1989-90, this figure was estimated (expirations were not tallied last year) to have been closer to 90%.

Table 4
Williamson Act
Terminations and % of Total, 1990-91

Termination Type	Acres	Percent
Cancellation	2,271	1.8%
Eminent Domain	27,138	22.0%
Annexation	2,682	21.0%
Expired Nonrenewal	90,971	73.9%
Total	123,062	99.8%

Source: Department of Conservation

Though still under active contract, 145,755 acres began the nine-year nonrenewal process of contract termination (Table A-2, Appendix A). This represents one percent of the total acres under contract, and a 17% increase in nonrenewals initiated over last year, roughly 20,000 acres.

As noted on Nonrenewal Acres by Region (Table 6 and Figure 3), the San Joaquin Valley Region reported the largest number of nonrenewals, accounting for 41% (59,540 acres) of the total 145,755

Table 5

Net Losses and Gains of Williamson Act Acreage, 1990-91 (top ten counties)

Losses	Acres	% of Total		Gains	Acres	% of Total
Kern	38,351	31.16%		San Benito	23,775	23.87%
Ventura	5,824	4.73%		San Luis Obispo	13,810	13.87%
Fresno	4,593	3.73%		Lassen	10,304	10.35%
Contra Costa	4,014	3.26%		Tulare	7,042	7.07%
Orange	3,418	2.78%		Tehama	1,597	1.60%
Riverside	3,352	2.72%		Madera	1,531	1.54%
Santa Clara	3,299	2.68%		Trinity	980	0.98%
Alameda	3,197	2.60%		Monterey	864	0.87%
Placer	2,669	2.17%		Napa	774	0.78%
San Diego	2,639	2.14%		Mendocino	756	0.76%

Source: Department of Conservation

Table 6

Williamson Act Nonrenewal Acres By Region
Counties only - Cumulative and Current

<u>Region</u>	<u>Cumulative Nonrenewals</u>	<u>% of total land under contract*</u>	<u>Nonrenewals FY 90-91</u>	<u>Total land under contract</u>
San Joaquin Valley Region:				
Fresno	6,945	0.45%	1,389	1,559,407
Kern	94,938	5.46%	1,239	1,737,823
Kings	558	0.08%	80	683,254
Madera	14,377	2.59%	10,272	554,536
San Joaquin	23,135	4.13%	5,380	559,787
Stanislaus	49,486	6.92%	34,702	714,728
<u>Tulare</u>	<u>11,029</u>	<u>0.97%</u>	<u>6,478</u>	<u>1,134,095</u>
Total:	200,468	2.89%	59,540	6,943,630
South Coast/Desert Region:				
Los Angeles	0	0	0	40,052
Orange	31,871	70.96%	0	44,912
Riverside	26,612	33.65%	5,820	79,081
Santa Barbara	7,049	1.31%	1,442	538,178
San Bernardino	6,108	27.91%	2,575	21,885
San Diego	9,816	9.13%	903	107,511
<u>Ventura</u>	<u>33,543</u>	<u>22.02%</u>	<u>1,831</u>	<u>152,347</u>
Total:	114,999	11.69%	12,571	983,966
Foothill/Central Sierra Region:				
Amador	4,346	4.55%	2,534	95,456
Calaveras	6,006	4.48%	3,654	134,174
El Dorado	9,840	19.77%	2,466	49,761
Mariposa	329	0.20%	0	165,751
Nevada	1,062	18.08%	557	5,875
Placer	30,870	40.86%	7,295	75,543
Plumas	5,764	7.01%	0	82,203
Sierra	2,813	7.60%	0	37,035
<u>Tuolumne</u>	<u>11,328</u>	<u>9.06%</u>	<u>1,226</u>	<u>125,016</u>
Total:	72,358	9.39%	17,732	770,814
Central Coast Region:				
Alameda	20,972	12.97%	2,182	161,657
Contra Costa	20,619	27.23%	1,293	75,725
Marin	1,074	1.15%	0	93,495
Monterey	10,079	1.47%	111	686,466
Napa	601	0.98%	55	61,133
San Benito	16,659	2.87%	1,285	580,465
Santa Clara	25,646	7.07%	11,049	362,888
Santa Cruz	297	2.39%	0	12,412
San Luis Obispo	22,614	3.01%	126	752,355
San Mateo	181	0.39%	0	46,667
<u>Sonoma</u>	<u>13,426</u>	<u>4.74%</u>	<u>653</u>	<u>283,493</u>
Total:	132,168	4.24%	16,754	3,116,756

Table 6 (continued)

**Williamson Act Nonrenewal Acres By Region
Cumulative and Current - continued**

<u>Region</u>	<u>Cumulative Nonrenewals</u>	<u>% of total land under contract*</u>	<u>Nonrenewals FY 90-91</u>	<u>Total land under contract</u>
Sacramento Valley Region:				
Butte	3,601	1.59%	1,101	226,065
Colusa	0	0.00%	0	200,800
Glenn	703	0.22%	38	322,037
Sacramento	39,844	16.77%	14,034	237,542
Solano	21,964	7.82%	4,796	280,698
Tehama	4,154	0.52%	436	802,886
<u>Yolo</u>	<u>31,027</u>	<u>6.47%</u>	<u>16,920</u>	<u>479,243</u>
Total:	101,293	3.97%	37,325	2,549,271
Mountain/North Coast Region:				
Humboldt	419	0.21%	0	196,133
Lake	441	0.89%	0	49,589
Lassen	0	0.00%	0	287,225
Mendocino	12,536	2.65%	1,073	472,933
Shasta	3,862	2.55%	0	151,497
Siskiyou	1,391	0.37%	0	380,827
<u>Trinity</u>	<u>0</u>	<u>0.00%</u>	<u>0</u>	<u>22,268</u>
Total:	18,649	1.20%	1,073	1,560,472

*Percentage represents cumulative nonrenewals as a portion of total land under contract.

Source: Department of Conservation

acres nonrenewed. The Sacramento Valley Region also showed significant activity with 37,325 acres entering nonrenewal in 1990-91. These two regions reported two-thirds of all land entering nonrenewal in the year.

Although other regions showed fewer acres entering nonrenewal, their levels of nonrenewal represent higher percentages of their total land under contract. The Foothill/Central Sierra region had the highest percent of its total acreage undergo nonrenewal in 1990-91 (2.3%), followed by the South Coast/Desert and

Sacramento Valley regions (1.4%, each).

The Mountain/North Coast Region experienced the lowest levels of nonrenewal — only Mendocino reported nonrenewals — reflecting the low level of land use change in these counties.

Stanislaus had the greatest number of acres undergoing nonrenewal in 1990-91, twice the level of the next highest county. The five counties nonrenewing the most acres last year were:

Stanislaus	34,702
Sacramento	14,034
Santa Clara	11,049
Madera	10,272
Yolo	6,920

Williamson Act Nonrenewal Acres by Region, 1990-91

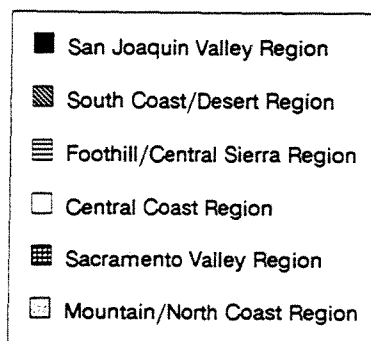
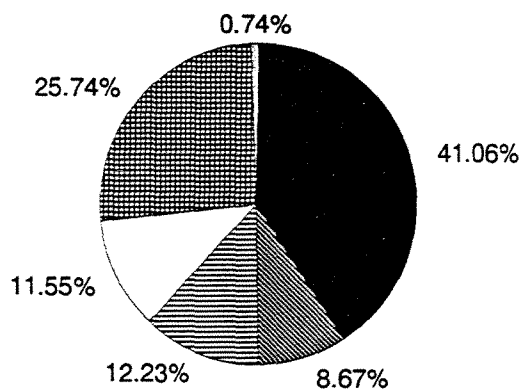


Figure 3

Source: Department of Conservation

The counties showing the largest current year level of nonrenewals initiated, as a percentage of total land under contract, were:

San Bernardino	12%
Placer	10%
Riverside	7%
Sacramento	6%
El Dorado	5%

Table 7 contrasts nonrenewal activity in rural versus urban counties. As would be expected, if it is assumed that nonrenewal is a precursor to eventual land development, nonrenewal in urban counties is twice that in rural counties.

Cancellations

There were 25 cancellations in 1990-91 affecting 2,271 acres, about the same number of acres as were canceled last year. This is an insignificant level of

Table 7

**Total Williamson Act Acreage and Current Nonrenewal Data
For Rural and Urban Counties**

Rural Counties	Enrolled Acreage	Acreage in Nonrenewal %**	Urban Counties	Enrolled Acreage	Acreage in Nonrenewal %**
Amador	95,456	2,534 (2%)	Alameda	161,657	2,182 (1%)
Calaveras	134,174	3,654 (3%)	Butte	226,065	1,101 (1%)
Colusa	200,800	0 (0%)	Contra Costa	75,725	1,293 (1%)
El Dorado	49,761	2,466 (2%)	Fresno	1,559,407	1,389 (1%)
Glenn	322,037	38 (0%)	Kern	1,737,823	1,239 (1%)
Humboldt	196,133	0 (0%)	Los Angeles	40,052	0 (0%)
Kings	683,254	80 (0%)	Marin	93,495	0 (0%)
Lake	49,589	471 (0%)	Monterey	686,466	111 (0%)
Lassen	287,225	0 (0%)	Orange	44,912	0 (0%)
Madera	554,536	10,272 (7%)	Riverside	79,081	5,820 (4%)
Mariposa	165,751	0 (0%)	Sacramento	237,542	14,034 (10%)
Mendocino	472,933	1,073 (1%)	San Bernardino	21,885	2,575 (2%)
Napa	61,133	55 (0%)	San Diego	107,511	903 (1%)
Nevada	5,875	557 (0%)	San Joaquin	559,787	5,380 (4%)
Placer	75,543	7,295 (5%)	San Luis Obispo	752,355	126 (0%)
Plumas	82,203	0 (0%)	San Mateo	46,667	0 (0%)
San Benito	580,465	1,285 (1%)	Santa Barbara	538,178	1,442 (1%)
Shasta	151,497	0 (0%)	Santa Clara	362,888	11,049 (8%)
Sierra	37,035	0 (0%)	Santa Cruz	12,412	0 (0%)
Siskiyou	380,827	0 (0%)	Solano	280,698	4,796 (3%)
Tehama	802,886	436 (0%)	Sonoma	283,493	653 (0%)
Trinity	22,268	0 (0%)	Stanislaus	714,728	34,702 (24%)
Tuolumne	125,016	1,226 (1%)	Tulare	1,134,095	6,478 (4%)
Yolo	479,243	16,920 (12%)	Ventura	152,347	1,831 (1%)
Totals	6,015,640	48,362 (33%)	Totals	9,909,269	97,104 (67%)

*Determination of rural and urban was made using criteria suggested by the Rural Counties Association of California (200,000 population or less) to define rural counties. Population statistics were obtained from the Department of Finance, 1990 census data.

**Percent represents the portion of the total land in nonrenewal, statewide, which is 145,755 acres.

Source: Department of Conservation

terminations relative to nonrenewal or total land under contract. The small number of cancellations of Williamson Act contracts during the year reflects the stringent Government Code requirements placed on this method of removing land from the program. Approval of a cancellation results in immediate removal of the property from Williamson Act restrictions compared to the nine-year phaseout of a nonrenewal. To obtain approval, the governing board of the county or city must make substantive findings about the merits of the request for cancellation. California courts have ruled that the cancellation method is to be used to terminate a contract only for "extraordinary" circumstances. A fee is paid to the State for each approved cancellation. (See the description of this requirement in Appendix B.)

The counties of Tuolumne and San Joaquin, and the City of Fremont reported over 80% of all land canceled in 1990-91. A majority of the 25 contracts canceled during the year were small cancellations in Fresno and Kern counties.

On January 1, 1992, new legislation requires that in addition to notices of cancellation approval, the Department also receive notices of decisions with findings and documentation. Prior to the legislation, the Department requested findings for many of the cancellations for which it received notices. Of the findings received and reviewed this year, most justified cancellations for the sake of residential development. In a few cases the Department cautioned counties about the need for findings and documentation consistent with the intent of the law. The Department plans to take a more active role in tracking, reviewing and advising cities and counties on cancellation findings.

Eminent Domain

A major change occurred in the use of eminent domain on contracted land. In 1989-90, there were 164 public agency eminent domain actions, causing the withdrawal of 7,000 acres from the program. While the number of such actions (46) in 1990-91 were a quarter of the previous year's, the number of acres affected nearly quadrupled (27,134). The largest number of eminent domain actions took place in Fresno County. The largest number of acres terminated were in San Luis Obispo, Fresno and Siskiyou counties. Most of the acreage removed by eminent domain was for acquisition for public open space.

Annexation

Prior to last year, a city could protest county Williamson Act contracts signed within a mile of its boundary. If the Local Agency Formation Commission approved the protest, upon annexation, the city could terminate the contract without the landowner paying a termination fee. The intent of the provision was to accommodate local planning needs while still allowing landowners to enter contracts around cities. Terminations by annexation of protested contracts were small in 1990-91. Annexations were responsible for the termination of about 2,700 acres, a slight increase over last year. Most of these occurred in Yolo County.

IV. TRENDS

Program Enrollment

The year following the enactment of the Williamson Act, enrollment in the Program stood at 200,000 acres. There was a steady increase in enrollments through 1970 (Figure 4). In 1971, the Open Space Subvention program was established to reimburse counties and cities for partial property tax revenue losses, removing much of the local resistance to participation in the Act. From 1971 to 1978 program participation increased at a faster pace to 16 million acres. In 1982, one million acres of timber lands were transferred from the Williamson Act to a program administered by the State Department of Forestry, the Timber Production Zone program. From 1982 to 1988, enrollment in the Williamson Act rose back to 15.5 million acres.

Since 1988, acreage under active contract (land qualifying for subvention payments) has gradually dropped to 15.0 million acres. Decreases of 1.5% and 1.4% occurred between FY 1988-89 and FY 1989-90, respectively. A decrease of about 0.3% occurred between FY 1990 to 1991.

In summary, the acreage decline over the past three years contrasts with the prior period, 1980 to 1988, which was one of overall gradual increase. Part of this trend may be attributable to the sharp population growth and corresponding land development that occurred in the same period. Also, while this trend may not be evident yet, a number of counties are beginning to initiate nonrenewal in an effort to "clean-up" their programs — actively removing lands from contract that are not

actually engaged in commercial agriculture, such as small parcels and ranchettes.

These comparisons, however, should be tempered with the knowledge that "land under active contract" (qualifying for subventions) changes from year to year due not only to nonrenewals, but also to changes in land value. Lands assessed a higher value under the Williamson Act than under Proposition 13 for a given year will not qualify for subventions that year. This year, for the first time, the Department has compiled and reported data on these acres (Table A-4, Appendix A). In future years, more telling comparisons of total acreage enrolled in active contracts will be possible.

Additions To the Act

Between FY 1986-87 and FY 1990-91, acreage added to the program has fluctuated from a low of 81,000 acres in FY 1989-90, to a high of 148,000 acres in FY 1988-89 (Table 8 and Figure 5).

Most significant in the analysis of these additions is that in the first three years of this five-year period, they exceeded or approached the number of acres removed from active contract by initiation of nonrenewal or cancellation. However, the most recent two years have yielded significantly greater removals than additions. Whether this is the beginning of a new trend or not is difficult to tell without additional years of data. With next year's data, and compilation of data from historical records, the 1991-92 report may be more conclusive about trends in annual additions to the Act.

Cancellations

Cancellation, though controversial, has been a relatively minor avenue of contract termination. Table 8 and Figure 5 show the level of cancellations of the past five years, including this reporting year. The highest year was 1988-89, the year that Solano County approved a 5,000-acre cancellation. This single cancellation aside, cancellations have accounted for 2,000 to 4,000 acres of removals from the Williamson Act over the past five years.

Large single cancellations can skew the figure for total canceled acreage in a given year. As such, it is difficult to analyze cancellation trends based on five years of data. However, one can hypothesize that the lower cancellation figures for the past two years may be attributed to an increase in cancellation penalties that took place in 1988.

Nonrenewal

As intended by the Legislature in the original Act, nonrenewal has been by far the major form of contract termination. Throughout most of the 1980's, Statewide nonrenewals were filed on an average of 66,000 acres a year. However, nonrenewals have dramatically increased over the past five years, more than doubling since the 1986-87 reporting period (Table 8 and Figure 5). Because of this increase, acres beginning the phaseout process now exceed those beginning new contracts by 46%. This contrasts with 1986-87 when newly contracted acreage exceeded acreage entering nonrenewal by over 100%. Unless additions dramatically increase in the future, net acreage leaving the program will increase as a result of the significant amount of acreage now in nonrenewal.

Williamson Act Acreage Over the Years (millions)

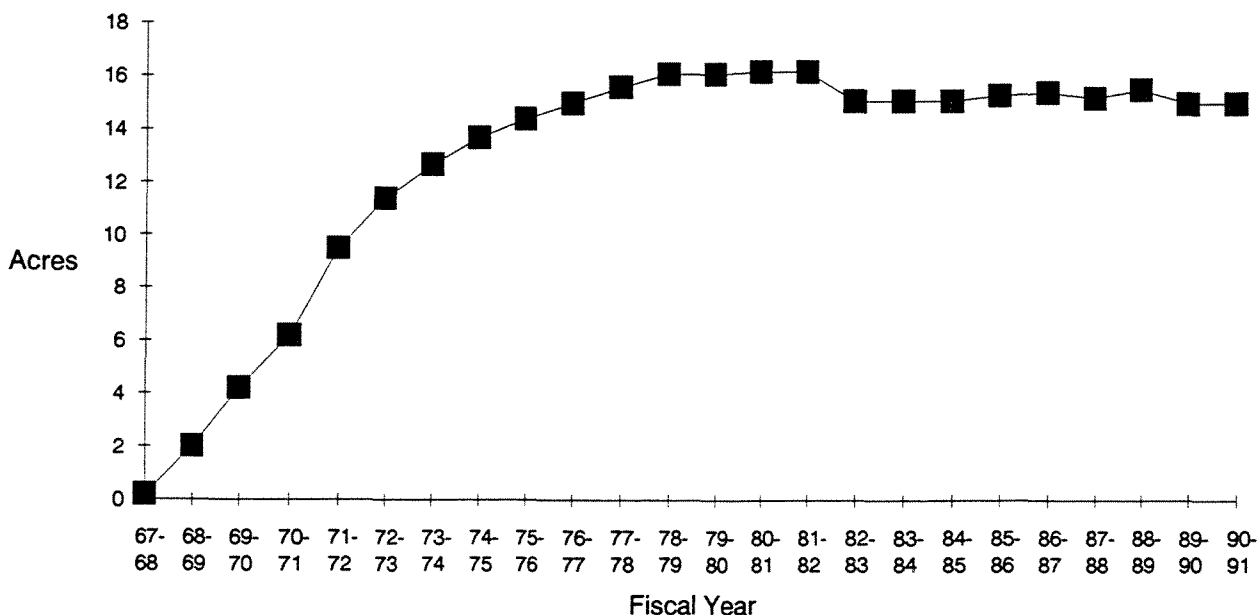


Figure 4

Source: Department of Conservation

Total Williamson Act Nonrenewals, Cancellations, and Additions Five Year Trend

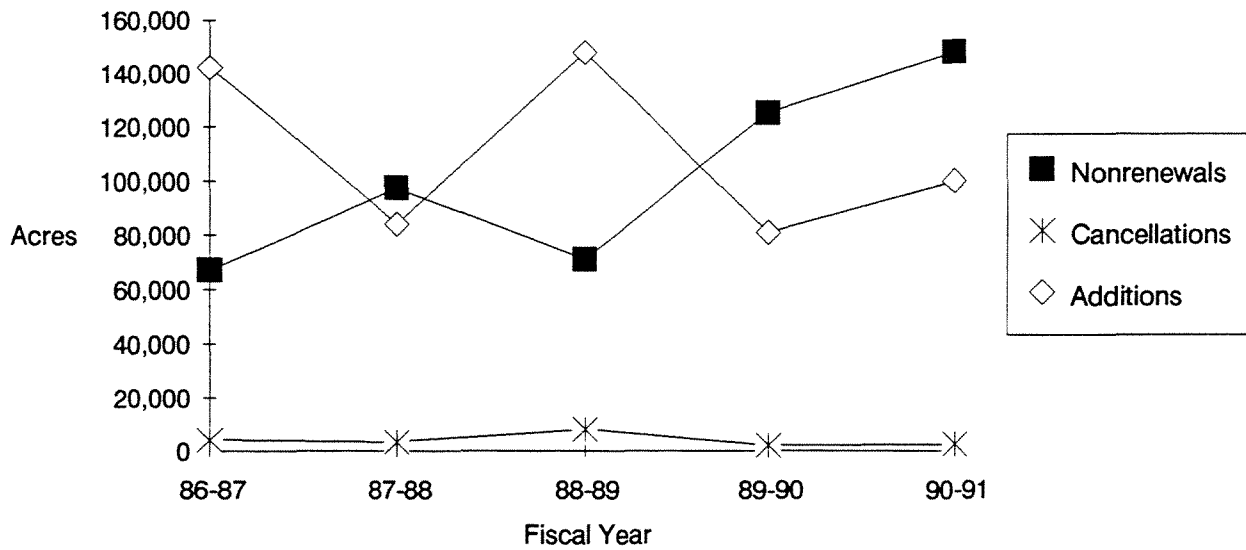


Figure 5.
Source: Department of Conservation

Williamson Act Nonrenewal Activity in Rural and Urban Counties Five Year Trend

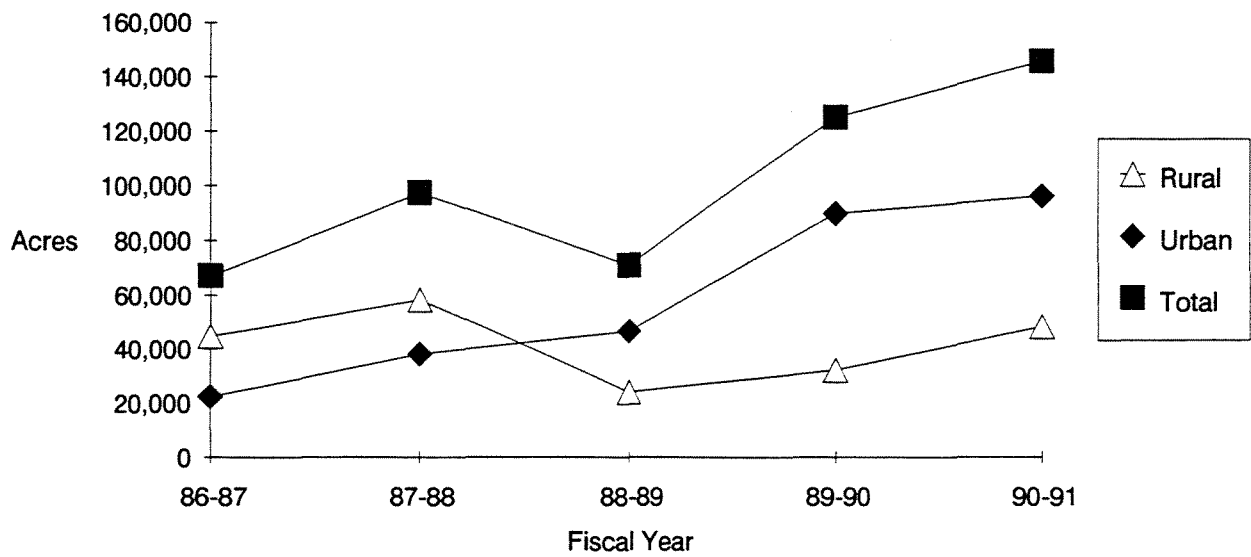


Figure 6.
Source: Department of Conservation

Nonrenewals in rural counties in 1986-87 through 1987-88 were greater than in urban counties. However, since 1988-89 the pattern has reversed and urban nonrenewals now double rural county nonrenewals (Figure 6).

As a direct result of the increase in recent nonrenewals, the cumulative totals of nonrenewed land — the total acreage undergoing the nine-year phaseout of contract status at any one time — has also increased in the past five years; since 1987-88 cumulative nonrenewals have grown from 540,000 acres to nearly 650,000 acres.

It is assumed that many nonrenewals of Williamson Act contracts are filed in anticipation of converting farmland to other uses. Nonrenewal trends thus may be seen as an advance indication of the likely development of farmland in particular locations, as noted earlier.

The 650,000 acres currently phasing out through nonrenewal (more than 4% of all acres enrolled in the program), is a record amount of cumulative nonrenewals for any one time. Table 6 (previous section) shows the acreage of cumulative nonrenewal and percentage of total acreage for each county and region (Also see Figure 7). Table A-4 (Appendix A) also lists cumulative nonrenewals by county and city.

Acreage currently being phased out is more than 10% of the total contracted land in 10 counties (Table 9). Seven of these counties are urban/suburban. The remaining three; Placer, Nevada, and El Dorado are rapidly urbanizing foothill counties. Four of the 10 are urban-southern California counties: Riverside, Orange, San Bernardino, and Ventura. All of these counties are undergoing extensive urban expansion and have relatively small amounts of land remaining under contract. However, several of the counties remain

Table 8

**Nonrenewals, Cancellations, and Additions
Cities and Counties - Five Year Trend**

Fiscal Year	Nonrenewals	Cancellations	Additions
1986-87	67,186	4,060	142,147
1987-88	97,330	3,371	84,114
1988-89	70,794	8,121	147,655
1989-90	124,811	2,073	80,912
1990-91	145,755	2,271	99,602

Source: Department of Conservation

important agricultural counties to the State for the value of the commodities they produce.

Sacramento is the only Central Valley County in this high percentage group. Several other San Joaquin Valley and Sacramento Valley counties also have sizeable amounts of acreage in the nonrenewal phaseout, as indicated in Table 6, but their relatively large amounts of contracted land, overall, put them below the 10% mark. Still, it is worth noting the nonrenewal trends in these counties because of the large acreage involved. With the largest contracted acreage in the State, Kern County also leads all counties in cumulative nonrenewals — 95,000 acres (44,000 were nonrenewed this year). Other counties in the two Valley regions with more than 10,000 acres in nonrenewal phaseout include Solano, San Joaquin, Yolo and Stanislaus.

Another means of identifying nonrenewal trends is to note significant increases in cumulative nonrenewals in recent years. In the three years between 1987-88 and 1990-91, seventeen counties more than doubled the amount of their total acres placed under nonrenewal. Highest among them in terms of acreage increase and percent increase were:

County	Acres
Stanislaus	43,734 (860%)
Sacramento	39,844 (0 in 1987)
Yolo	28,582 (1,269%)
Santa Clara	17,620 (319%)
Alameda	14,710 (335%)

Three other Central Valley counties were also high on this list — Madera, San Joaquin and Tulare. Conversely, counties whose cumulative nonrenewal

totals dropped dramatically in the three-year period, in terms of acreage and percent decrease, were:

County	Acres
Kern	66,364 (41%)
San Diego	22,583 (70%)
Napa	5,445 (90%)
Fresno	4,171 (38%)

Looking at cumulative nonrenewal on a regional basis (Table 6), the highest total acreage undergoing the nine-year process is in the San Joaquin Valley; the lowest total is in the Mountain/North Coast region. As a percentage of the total acreage under contract, the region with the greatest levels of cumulative nonrenewal are the South Coast/Desert region (11.69%) and the Foothill/Central Sierra region (9.39%); the Mountain/North Coast and the San Joaquin Valley regions are the lowest.

Table 9

Cumulative Nonrenewals as a % of Total Contracted Land Top Ten Counties

County	% of Total
Orange	70.96%
Placer	40.86%
Riverside	33.65%
San Bernardino	27.91%
Contra Costa	27.23%
Ventura	26.14%
Nevada	22.41%
El Dorado	19.77%
Sacramento	16.77%
Alameda	12.97%

Source: Department of Conservation

Williamson Act Cumulative Nonrenewal Acreage by Region as a Percentage of Total Nonrenewal Acreage, 1990-91

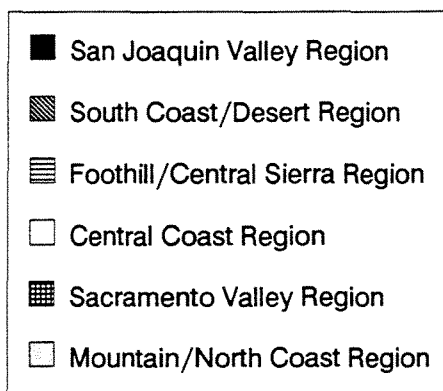
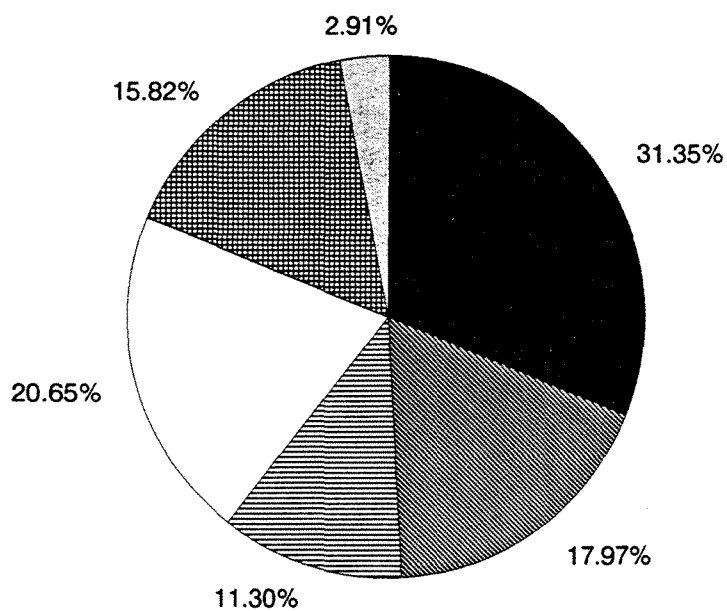


Figure 7.

Source: Department of Conservation

V. STATE SUBVENTIONS

The Open Space Subvention Act was enacted in 1971 to partially replace foregone tax revenue experienced by local governments participating in the Williamson Act program. (See Appendix B for a full description of the Act).

In 1990-91, 15,046,983 acres qualified for State subventions (to be paid in June, 1992), which represents 95% of the total enrolled acres (Table A-3, Appendix A). The remaining 5% under contract was either land disqualified because of nonrenewal, or disqualified because the land was valued less under Proposition 13 than the Williamson Act. The Williamson Act provides for assessing contracted land at the income or updated Proposition 13 value, whichever is lower. (Contracted lands producing high income crops which have not changed ownership in many years, typically are valued at Proposition 13 levels.) Depending on change of ownership and agricultural production, eligibility for subvention on some lands fluctuates from year to year. Land valued less under Proposition 13 accounted for 28% of the total land which did not qualify for subvention entitlement payments this year; cumulative nonrenewals accounted for the balance.

It is estimated that subvention payments will total approximately \$14.1 million for Fiscal Year 1991-92. Of the total allocations, 72% will reimburse counties and cities for the protection of prime agricultural land (urban prime and other prime). Total payments will be approximately \$5.7 million for urban prime, and \$4.4 million for other prime acreage, while \$3.9 will be paid for open space of state-wide significance.

In 1990-91, \$13.5 million was paid in open space subvention entitlements. This amount reflected a 4% reduction due to the general fund deficit. In 1989-90, the State provided \$19.4 million in subventions to eligible county and city governments. (This included almost \$5 million in a one-year budget augmentation in response to counties lobbying for a higher state share of the program's local cost.) It was estimated that in 1988-89, State Open Space Subventions covered, on average, about one third of the total local general fund property tax revenue loss due to the Williamson Act.

Open Space Subvention payments have steadily increased since the Subvention Act's inception in 1971, climbing with the number of acres enrolled. In 1972-73, the State paid \$8.8 million in Open Space subventions, compared to about \$14 million today. Acres under the program receiving subventions in 1972-73 was 11.4 million acres; today it is 15.0 million.

VI. TRACKING THE LOCATION OF CONTRACT TERMINATIONS

An internal needs study was recently conducted for the Department by Dr. Sokolow, Professor of Political Science, University of California at Davis. The study was executed to determine what information or data analyses would be most useful to elaborate upon in the annual Williamson Act status report. Interviews with a number of current and potential users of the status report revealed that the most frequently requested item of information was location of contract terminations. Interviewees felt that contract nonrenewal serves as a rough, but early, indicator of eventual agricultural land conversion, and that knowing the location of nonrenewals will help define future geographic trends in farmland losses.

In response to this expressed need, the Department's Office of Land Conservation staff analyzed several methods for collecting and plotting information on contract nonrenewal at the county level. Ultimately, telephone interviews with county officials, as a follow-up to the Department's receipt of the annual Open Space Subvention applications received from participating local governments was selected as the most promising method to document nonrenewal location. While the sample was too small to be of any use as a basis for valid conclusions about the causes and implications of nonrenewal, a test of the telephone interview method with Ventura County indicated the method's effectiveness in gathering this geographical information. Unfortunately, it is apparent that another valuable aspect of this infor-

mation — reasons for nonrenewal — will be more difficult to obtain. Because this information is not required as part of the nonrenewal application process, as it is with the cancellation process, its availability is highly dependent on the familiarity that local Williamson Act officials have with individual property owner land-use decisions in their counties. California Environmental Quality Act (CEQA) documents, such as environmental impact reports, may offer an alternative source of information on causes of nonrenewals.

In future status reports, the Department will begin reporting on the collection and analysis of data on the location of contract terminations for selected counties. An attempt will also be made to track this information on maps in order to provide the following kinds of assessments: 1) the relationship of terminations to urbanizing areas; 2) the type of land being affected (e.g., prime versus nonprime lands); 3) nonrenewal as an indicator of future farmland conversion; and, 4) the effect that land use planning decisions have on the decisions of landowners to maintain their Williamson Act contracts.

VII. RECENT AMENDMENTS TO THE ACT

Beginning with the 1990-91 reporting period, this Report will include a discussion of recent legislation affecting the Act. The 1989 Department of Conservation report, Land in the Balance, provided a thorough chronology of the major legislative changes in the Act through 1987 (see Appendix C for a full reference for this report). In the past three years, however, there have been three bills signed into law which have resulted in small, but significant, changes in the Act.

Williamson Act Contract Terminations

In the 1989 Legislative Session, Assemblyman David Kelley was successful in the passage of Assembly Bill 1159 (Chapter 943). AB 1159 amended the Act to require that local governments notify the Department of Conservation, and owners of nearby Williamson Act contracted land, of intended contract terminations. The Bill requires notification to the Department of Conservation within 30 days of the filing date of any of the following forms of contract termination: 1) initiations of contract nonrenewal; 2) expirations of contracts by nonrenewal; or 3) tentative contract cancellations. AB 1159 also requires the Department to include information from these notices as part of the annual Williamson Act Status Report. Other sections of this Report now reflect the information on contract terminations required by AB 1159.

Assemblyman Kelley carried the notification process a step further in the

1991 Legislative Session. AB 720 (Chapter 125, Statutes 1991), sponsored by the Department of Conservation, requires that local governments not only notify the Department of tentative contract cancellations, but also submit supporting documentation including required findings. Because the 180-day statute of limitations on contract cancellations runs from the date of the tentative cancellation, the State was often left with little time to address improper cancellations once they were brought to the Department's attention. Notifications that are accompanied by the documentation necessary to judge the adequacy of findings now provide the State the full 180 days to take enforcement action, if necessary.

Additionally, AB 720 requires that the legally mandated findings necessary to justify the local approval of contract cancellations accompany the notification sent to the Department. Timely notification of contract cancellations, accompanied by local supporting documentation, now enables the Department to advise and work with local agencies to help them avoid inappropriate or illegal cancellations.

City Protest of County Williamson Act Contracts

The 1990 Legislative Session also produced a significant change in the Act. Assembly Bill 2764, Kelly, (Chapter 841, Statutes 1990) repealed the city protest provision of the Act. The city protest provision was originally included in the Act to accommodate city general planning.

While counties could sign contracts within one mile of city boundaries, the protest provision enabled cities to selectively protect themselves from being “boxed in” by contracts whose terms might exceed their planning horizon for urban growth.

Under the city protest provision, a county was required to notify a city at the time it signed a Williamson Act contract on land within one mile of the city’s boundary. Following notification, the city could lodge a protest with the county Local Agency Formation Commission over the signing of the contract. If approved by the Commission, the protested contract could later be voided by the city upon annexation. Unlike contract cancellation, this termination required no payment of penalties.

In a 1990 recommendation to the Secretary for Resources, the Resource Agency appointed Williamson Act Advisory Committee called for the termination of the protest provision in response to reported abuses. Among other concerns, the Committee was disturbed by the practice of “blanket” protests, whereby cities would automatically protest all county contracts within one mile of their boundaries, regardless of the contract’s effect on local general plans. Also, the Committee felt that the provisions were being abused by land speculators who would enter contracts near cities, often knowing that the contract would be protested. In such a scenario the speculator would enjoy tax relief until the land was annexed for urban expansion, at which time the contract could be terminated without penalty, and the land developed usually at substantial profit.

Based on the Committee’s recommendation, AB 2764 was introduced. Besides deleting the protest provision, the

bill stipulates that any protest lodged prior to January 1, 1991, is not valid unless the protest identifies the affected contract and subject parcel. This latter clause invalidates past “blanket” protests.

Compatible Use of Williamson Act Lands

During the past several years, the Department has become increasingly involved in local debates over the issue of what comprises a compatible use of Williamson Act contracted lands. The Act gives local government the authority to establish rules to govern the administration of the Act, including rules on compatible use. However, while the Act is clear that compatible uses should not hinder or impair agricultural uses of contracted lands, it is vague on exactly what constitutes a compatible use.

The lack of clear direction in the statute, coupled with the growing “fiscalization” of land use in response to county budget problems, have resulted in increased local pressure to liberalize uses that are deemed appropriate on Williamson Act lands. A few of the questionable uses recently brought to the Department’s attention have included industrial warehouses, auto repair shops, recreational/residential developments, private residential sewage treatment plants, whole-parcel open-pit mining and processing, and non-agricultural trucking operations. Often county planners have come to the Department for assistance in defining appropriate proposed uses on contracted land after finding little direction within the Act itself.

In order to provide a clearer definition of "compatible use", the Department sponsored, and Assemblyman Bill Jones authored, AB 1770 in 1990. This two-year bill, currently residing in the Senate Local Government Committee, would require local governments participating in the Act to adopt compatible use ordinances (currently required, but not explicit). The bill would also require that the ordinances and the specific uses adopted by local governments meet three general principles of compatibility. The proposed principles are based on a distillation of legislative intent expressed in the Act, as well as on pertinent case law and Attorney General opinions. Generally, the principles would require that for a use to be deemed compatible with the Act, it must not degrade agricultural land productivity, interfere with ongoing or future agricultural uses, or stimulate further non-agricultural growth. The bill would allow local governments to condition land uses to meet these principles. Finally, the bill would provide the Department with an opportunity to review and provide non-binding commentary on proposed ordinances.

Future Legislation

In January 1990, Governor Wilson established the interagency Growth Management Task Force. Among the issues that the Task Force was directed to address was agricultural land preservation. Responding to this charge, the Task Force has considered a number of Williamson Act issues. With the release of the Task Force's report, it is anticipated that further potential modifications to the Williamson Act program will be identified.

VIII. ADMINISTERING THE WILLIAMSON ACT: Department of Conservation Activities in 1991

The Williamson Act and companion Open Space Subvention Act, place a number of responsibilities on the Department of Conservation. First and foremost, the Government Code gives the Department the primary responsibility for the statewide administration of the combined program (Government Code Section 51206). The Department is empowered to "research, publish, and disseminate information regarding the policies, purposes, procedures, administration, and implementation" of the Act. The Department is also authorized to "meet with and assist...agencies, organizations, landowners, or any other person or entity in the interpretation" of the Act.

The Department compiles and reports statistics on the status of the Williamson Act, particularly enrollment of new acres and termination of contracts. (This report represents the annual culmination of these activities.) Also, the Department is the state agency responsible for receiving required local notifications of changes in Williamson Act contract status (e.g., contract nonrenewal, cancellation or termination through eminent domain).

Under the Open Space Subvention Act, the Department is given responsibility, via the Secretary for Resources, for administering local subvention application verification and payment authorization.

Working in conjunction with the Resources Agency, the Department may

also raise enforcement issues for the Secretary's resolution or referral to the Attorney General.

Local Assistance

Through its Office of Land Conservation, the Department has responded to hundreds of individual requests for assistance, advice, interpretation or information during the past year. Most frequently, the Office's Williamson Act program staff of two and one half employees receive requests from local government and agricultural landowners. The majority of these requests have been routine matters of interpretation however, in 1991, a number of issues were addressed, either through informal correspondence or legal opinion, that merit specific mention because of their implications for the sustained effectiveness of the Act. The most significant of these issues include:

- **Compatible use** - As described in the previous section on "Recent Amendments to the Act", the lack of guidance on what constitutes a compatible use of Williamson Act lands has led to complaints over actual and proposed uses that may infringe on the Act's purpose to preserve agricultural land. The Department has sponsored legislation (AB 1770, Jones) to provide clarification on compatibility.

-
- **Contract Cancellations** - There have been several requests for Department interpretation of the validity of findings used by local governments in supporting contract cancellations. Department-sponsored legislation passed last year now enables the Department to receive and review contract cancellation findings, and to provide early consultation with local governments in order to avoid inappropriate cancellations.
 - **Minimum Parcel Size** - Legislation added to the Act in 1985 now specifies 10 and 40-acre minimum parcel sizes for prime and nonprime contracts. Subdivision of contracted lands into parcels above the minimum, but nevertheless of insufficient size for commercial agricultural use, has occurred. For example, one proposal called for subdividing prime contract land into 10-acre lots for residential uses.
 - **Consistency With General Plan/ Zoning** In one county, a local interest group expressed concerns over the issue of inconsistent zoning of Agricultural Preserve and contracted lands. The county zoning called for 8-acre minimum parcel sizes on Agricultural Preserve lands not under contract, and above minimum sizes for contracted parcels. The local interest group felt that the "underlay" zoning was growth-inducing and contrary to the purpose of the Act. While the Act expresses intent that zoning within the agricultural preserve be consistent with the objective of maintaining land in parcels large enough to sustain open space and agricultural uses, nowhere is this intent explicitly stated as a statutory requirement.
 - **Recreation Definition** - The Williamson Act provides for recreational use of lands under contract. While the definition of recreational use emphasizes non-disruptive uses that could be carried on incidental to the agricultural or open space uses, a number of questions have been raised by local interest groups and landowners about proposals for more intensive commercial recreational uses on contracted land, including golf course developments. Current law is ambiguous on the legality of recreational uses which convert contracted lands. The Department has advised local governments that recreational use which disrupts or competes with agricultural uses, or induce non-agricultural growth, are inconsistent with the Act.
 - **Capitalization Rate** - For years, agricultural groups have called for a revision to the statutory capitalization rate formula used to calculate land value under the Williamson Act. The formula contains factors that are highly volatile from year to year, resulting in fluctuating land values and taxes, and creating economic uncertainty for contract landowners. This year, interest groups have asked the Department to consider the issue. The Department has been consulting with the State Board of Equalization about possible solutions.
 - **Labor and Caretaker Housing** - In one county, the ability to distinguish between agricultural labor or caretaker housing, legitimate uses under the Act, and rental units, has been a keen issue. While the Resources Agency and the Department have sought to discourage placement of rental units on contracted land, local tolerance for this practice varies.

Outreach and Education

The Williamson Act is a complex body of law encompassing elements of land use, contract and tax law, land appraisal and assessment, soil science and agronomy. In assisting landowners and local government agencies to resolve problems with the Williamson Act, or Open Space Subvention Acts, the Office of Land Conservation staff have found that incomplete or inaccurate understanding of the Act by landowners and local administrators is often the main cause.

To improve local administration of the Act, the Department has been active in educational and informational outreach. Besides its many publications (see Appendix C), the Department's Office of Land Conservation has been active in conducting presentations and exhibits about the Act at numerous conferences and meetings, and through University Extension classes. Presentations have included the American Planner's Association, County Supervisor's Association, Resource Conservation Districts, and local business, farm, and conservation organizations.

During the past two years, three special publications were released by the Department. In December 1989, a two-part Department-funded University of California study of the Act was published. This study included documentation of the Act's local costs and benefits; landowner, and local and state leadership assessments on the effectiveness of the Act; and, the presentation and evaluation of various options to the current Open Space Subvention formula. The second part of this study, a historical analysis, provided the basis for a 25th anniversary commemorative document.

In December 1990, a document celebrating the 25th anniversary of the Williamson Act was produced. This publication offers a history of the Act, along with vital statistics and personal perspectives on the Act from participating farmers and ranchers.

Finally, the Department produced a simple brochure on the Williamson and Open Space Subvention Acts as an introductory reference for those seeking to understand the basic elements of this land conservation program.

This year the Office has initiated an ongoing series of regional workshops for local administrators and landowner advisors. The first all day workshop was held in Davis for the ten-county Sacramento region. The purposes of the workshops are to provide basic information on the Act, facilitate inter-county discussion of common problems and innovative solutions related to the Act, to develop personal contacts among state and local administrators, and to answer specific questions.

In terms of local agency staff attendance and participant feedback, the first workshop was a success. The second workshop is scheduled for the Spring of 1992. Subsequent workshops will be conducted quarterly in various regions of the State with the goal of repeating workshops on a four-year rotational basis.

In response to new statutory reporting requirements, the Department has begun overhauling the Open Space Subvention reporting process and record keeping. The improved statistics pre-

sented in this report are the result of this effort. The Department has made it a top priority to initiate personal contact with every local administrator of the Act and to provide assistance in correcting and maintaining local acreage and contract status reporting.

While the work has led to great strides in improving the accuracy and efficiency of the subvention program, it has pointed to the need for a more direct local assistance and auditing effort. In 1986, the Department conducted a test audit of several cities and counties. The audit resulted in the correction of several improper procedures and the recap of 20 times the cost of the audit in the refund of overpaid open space subventions. The detailed analysis of local subvention programs indicates the continuing need for auditing.

Environmental Review

An important activity of the Williamson Act program staff is the review of, and comment on, California Environmental Quality Act documents, primarily environmental impact reports (EIRs). It is through the review of approximately 300 project EIRs each year that the Department is able to identify potential project impacts on, and improper use and terminations of, Williamson Act contracts. This activity has a positive impact on the effective local administration of the Act. Through its comment letters the Department is able to provide early information and advice to local project proponents and administrators about the correct use of Williamson Act contracted lands, avoiding later problems.

Maintenance of Open Space Subventions

The past year has been a difficult one for the State budget. The task of maintaining a balanced budget prompted the Legislature to question the efficacy of every State General Fund program. The financial underpinnings of the Williamson Act, approximately \$14 million in General Funds paid annually by the State in the form of local Open Space Subventions to participating counties and cities, has also been scrutinized. The administration continues to evaluate ways to make the Williamson Act more efficient.

IX. INNOVATIONS IN LOCAL WILLIAMSON ACT ADMINISTRATION: A Case Study

Beginning with this report, a section is included sharing innovative developments in the local administration of the Williamson Act. Most cities and counties have their own unique approach to the Act and often share similar problems and challenges in implementing the program. They also share a history of developing innovative solutions to these problems. This section of the report will serve to communicate those innovations that may have broad applicability to common problems.

The Yolo County Williamson Act “Blue Ribbon” Task Force Report

The Yolo County Williamson Act program will be the subject of this year's report on local innovations. Yolo County has traditionally been among the most ardent promoters of farmland protection, particularly through its use of the Williamson Act. The County currently maintains almost 480,000 acres of its farmland under Williamson Act contract. This represents nearly 90% of the County's total farmland. Not only does Yolo County have one of the highest percentage enrollment figures in the State, but the percent of its contracted land that is “prime” and “urban prime” is also among the top counties in this category. The County is one of the few that, up until recently, has never allowed a contract cancellation (a small cancellation was allowed during the past year for a fruit drying operation

needed by local farmers). However, like other Central Valley counties, Yolo has been under tremendous urbanization pressure in recent years, as indicated by over 31,000 acres that are currently undergoing Williamson Act contract nonrenewal, and the increasing “parcelization” of its agricultural lands.

In 1989, the Yolo County Board of Supervisors appointed a Blue Ribbon Task Force to “discuss and formulate recommendations on questions relating to County administration of the state Land Conservation Act of 1965 (Williamson Act)”. While the Task Force addressed a number of issues surrounding the Act, its primary focus was on the problems of 1) the maintenance of parcel sizes suitable for commercial agricultural production, and 2) the prevention of fragmentation of farmland by parcel splits as a precursor to urbanization in agricultural areas.

In 1990, the Task Force issued its report. Following is a synopsis of the report's major recommendations.

Program Entry

Like other counties, when Yolo first entered the Williamson Act program, property tax revenue was not the major issue that it is today. Thus, there was little hesitation in opening the program to all agricultural landowners, with only slight concern paid to whether the land was truly being used for commercial agriculture. The result is that today the County forfeits

badly needed property tax revenues from lands that are, in some cases, nothing more than rural homesites. Conversely, landowners were allowed to contract lands whose highest long term value to the County were for uses other than agriculture.

The Task Force recommended that, henceforth, only lands whose primary use is clearly for commercial agriculture, outdoor recreation, such as hiking or hunting, or of "public value" as open space or wildlife habitat, be allowed under contract.

More specifically, the Task Force called for stringent minimum parcel sizes: 1) 75 acres for cultivated and irrigated lands; 2) 150 acres for cultivated, non-irrigated lands; and, 3) 500 acres for rangeland or non-income producing native land. It further recommended that contiguous, but separate, sub-minimum size parcels, that together meet the minimum size requirements, be legally merged before being allowed to enter a contract. For sub-minimum, non-contiguous parcels to qualify for separate contracts, the Task Force recommended that they be required to meet the minimum size in aggregate, be free of living units, comply with zoning, and be stipulated as a "non buildable parcel" for the life of the contract.

Like other counties, Yolo is experiencing a revival in small scale family farming. For many of these farmers 75 and 150-acre farms are too large to afford or maintain. To accommodate these farmers, as well as certain other legitimate farming operations, the Task Force recommended an exception to the minimum parcel size. In order to qualify for the exception, farmers must submit an annual declaration

to the assessor that demonstrates that the land is used for commercial agricultural production. In no case can these parcels fall below 20 or 40 acres for irrigated or non-irrigated cropland, respectively. In the first year, failure to submit the annual declaration or meet the exception criteria will trigger assessment of the parcel at its factored base year value (this recommendation may not be legal, and is currently under review by the County), and, in the second year of non-compliance, contract nonrenewal.

Finally, subsequent sale of legal size parcels within a single contract occasionally occurs. The Task Force proposed that the single residential unit per contract limitation continue to apply to the entire contract, regardless of the number of separate ownerships.

Conditional Uses in Agricultural Preserve Zones

Large scale enrollment of its rural lands early on has now presented the County with little flexibility to site certain commercial and industrial uses that would enhance the competitiveness of Yolo County agriculture, as well as its overall economy. Examples of such uses include processing plants, wholesale nurseries, and research greenhouses. To address this situation without undermining the purposes of the Williamson Act, the Task Force proposed liberalization of uses permitted in Agricultural Preserve (AP) zones. The Task Force recommended allowing ag-related commercial or industrial facilities in AP zones (subject to public hearings and conditional use permits). To qualify, the proponent would have to demonstrate that the use will support

production agriculture in Yolo County, the use is not appropriate in a developed area, and there are no suitable alternative sites outside the Agricultural Preserve zone.

Minimum conditions for agricultural related commercial uses in AP zones, according to the Task Force, would include taxation of the affected land at its factored base year (non-agricultural) value, and the imposition of measures to mitigate aspects of the use that would hinder or impair neighboring agricultural or open space uses. All other restrictions of the AP zone would continue to apply.

While the Task Force did not make specific recommendations regarding open space and recreational uses, it did recommend that commercial recreational uses not benefit from the Williamson Act.

Splits of Williamson Act Contracts

The Task Force took a strong stand on the issue of parcel splits of contracted lands. It concluded that "... orderly transitions toward increasing parcelization are best accomplished through nonrenewal of contracts...". The Task Force reaffirmed the intent of the Act to maintain parcels in relatively large sizes conducive for commercial agriculture.

Towards this objective, the Task Force recommended without exception that all splits of existing contracted parcels meet the recommended standard for new contracts (i.e., 75, 150 and 500 acres). Williamson Act parcel splits would be subject to the findings that the new parcels will: 1) not encourage the encroachment of non-agricultural uses; 2) serve to maintain the agricultural

economy; 3) support the preservation of prime lands; and/or 4) act to preserve lands with public open space value.

Cancellation of Contracts

In the 1981 Sierra v. Hayward California Supreme Court decision, Williamson Act contract cancellation was unequivocally identified as a method for contract termination to be used in extraordinary circumstances only. The Task Force not only reaffirmed the Court's view, but took it one step further by recommending that the County continue its opposition to cancellations. However, while emphasizing that nonrenewal is the acceptable termination procedure, the Task Force conceded that unforeseen emergency situations might merit cancellation as a remedy. The Task Force stressed that cancellations should only be allowed when the stringently interpreted findings required by state law can be made, and only following at least two public hearings each before the planning commission and the board of supervisors.

The Task Force also recommended that approval of either contract nonrenewal or cancellation be dependent on the prior approval by the county of the proposed zoning to take effect subsequent to contract termination.

Related Policy Recommendations

The Task Force recognized that while the Williamson Act is an important farmland protection planning tool, it is not enough for the adequate conservation of agricultural land and open space in the face of today's tremendous development

pressures. The Task Force recommended that the County adopt a combination of policies and mechanisms to accomplish its land conservation goals. Among the additional measures recommended by the Task Force were the following.

- *A Right to Farm Ordinance* to protect the rights of farmers on the urban fringe
- *A Direct Marketing Ordinance* to allow and regulate farmer-to-consumer sales
- *Agricultural Enterprise Zoning* to attract supporting ag-related industry
- *Improved Mitigation of Farmland Depletion* as part of the CEQA process (e.g., impact fees, conservation easements, etc.)
- *A General Plan Agricultural Element* to unify policies that protect and promote agricultural land use, including policies that strategically target minimum parcel-size zoning, and that direct development away from prime soils
- *Improved Regional Planning* through better coordination with other local governments
- *Public/Private Funding* for land conservation

Conclusion

The Task Force's recommendations point to a continuation of the strong farmland and open space protection policies for which Yolo County is well known. Altogether the recommendations alternately tighten the existing County program and add flexibility to address land

use needs of the 1990's. While contract entrance, maintenance, and exit conditions are considerably tightened, flexibility is added to allow for new trends in family farming and sustainable agriculture, and to accommodate non-agricultural uses that actually enhance agricultural viability.

In September 1991, the Yolo County Board of Supervisors reviewed and adopted most of the Task Force's recommendations.

Appendix A

Tables: County and City Totals

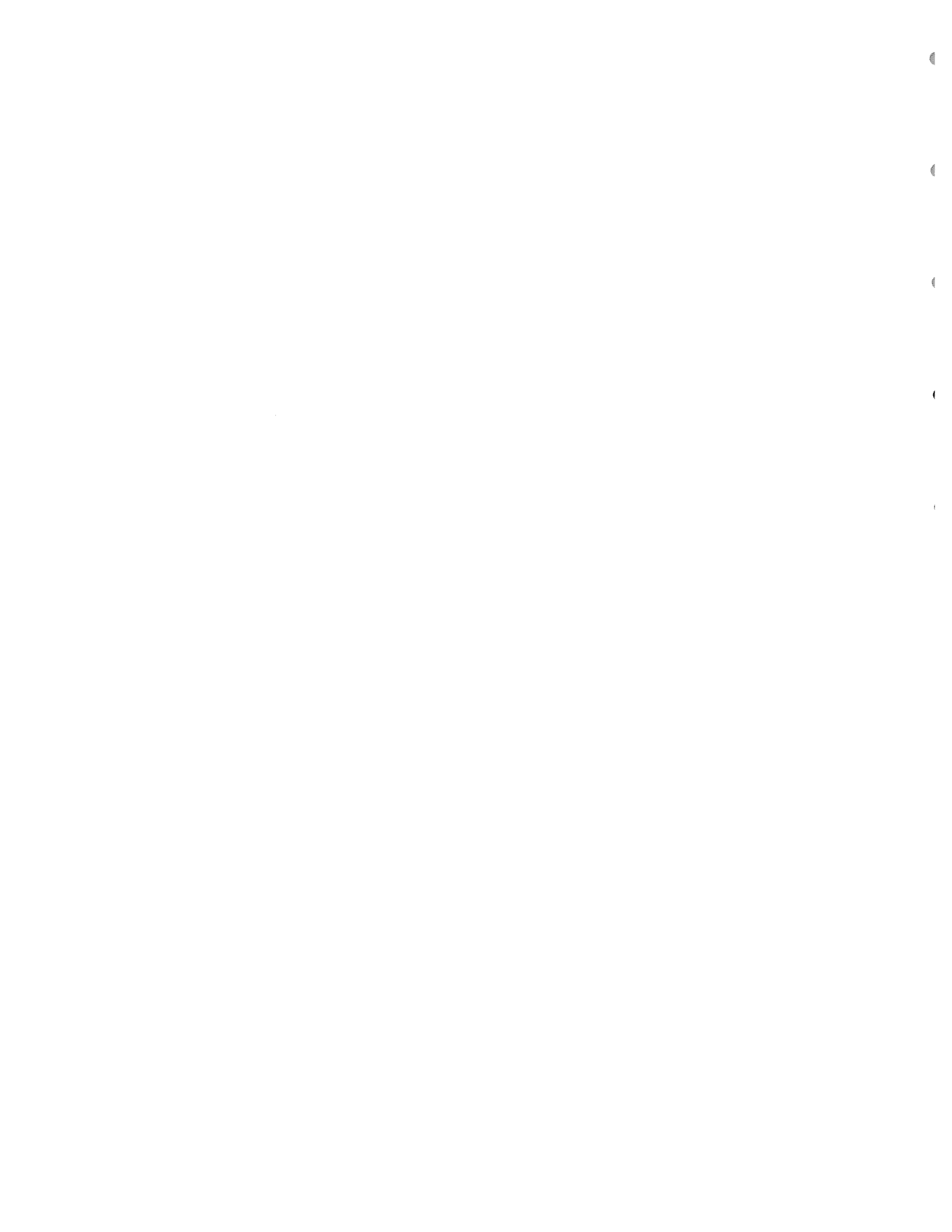


Table A-1

**Status of Williamson Act Lands
Total Acres Under Contract**

COUNTY	Urban Prime	Other Prime	NonPrime/ Open Space	Total 1990-91	Net Change from 89-90
Alameda	6,963	11,306	143,388	161,657	-3,197
Amador	0	4,401	91,055	95,456	-818
Butte	14,885	105,324	105,856	226,065	453
Calaveras	0	1,167	133,007	134,174	-483
Colusa	0	10,345	190,455	200,800	249
Contra Costa	3,655	11,322	60,748	75,725	-4,014
El Dorado	0	1,327	48,434	49,761	-823
Fresno	54,778	1,051,725	452,904	1,559,407	-4,593
Glenn	0	71,996	250,041	322,037	0
Humboldt	76	3,531	192,526	196,133	346
Kern	60,516	890,225	787,082	1,737,823	-38,351
Kings	40,197	518,608	124,449	683,254	545
Lake	0	5,923	43,666	49,589	-29
Lassen	0	25,878	261,347	287,225	10,304
Los Angeles	0	0	40,052	40,052	0
Madera	29,627	219,761	305,148	554,536	1,531
Marin	1,397	9,009	83,089	93,495	-19
Mariposa	0	0	165,751	165,751	0
Mendocino	0	29,365	443,568	472,933	756
Monterey	3,850	59,521	623,095	686,466	864
Napa	5,649	8,678	46,806	61,133	774
Nevada	0	5,875	0	5,875	-1,062
Orange	2,753	929	41,230	44,912	-3,418
Placer	5,311	20,976	49,256	75,543	-2,669
Plumas	0	7,119	75,084	82,203	-499
Riverside	8,426	60,075	10,580	79,081	-3,356
Sacramento	10,137	103,185	124,220	237,542	-244
San Benito	9,016	46,675	524,774	580,465	23,775
San Bernardino	10,101	2,652	9,132	21,885	-995
San Diego	2,522	14,009	90,980	107,511	-2,639
San Joaquin	126,520	264,706	168,561	559,787	-285
San Luis Obispo	7,614	68,904	675,837	752,355	13,810
San Mateo	209	2,747	43,711	46,667	642
Santa Barbara	32,639	37,540	467,999	538,178	-648
Santa Clara	12,751	2,768	347,369	362,888	-3,299
Santa Cruz	1,911	1,948	8,553	12,412	47
Shasta	403	14,327	136,767	151,497	-1,577
Sierra	0	1,953	35,082	37,035	0
Siskiyou	0	86,744	294,083	380,827	-1,618
Solano	31,434	92,360	156,904	280,698	-1,896
Sonoma	5,517	25,028	252,948	283,493	-1,152
Stanislaus	84,745	218,663	411,320	714,728	226
Tehama	0	54,837	748,049	802,886	1,597
Trinity	0	0	22,268	22,268	980
Tulare	131,473	475,988	526,634	1,134,095	7,042
Tuolumne	0	0	125,016	125,016	-997
Ventura	32,945	17,578	101,824	152,347	-5,824
Yolo	85,652	209,446	184,145	479,243	-1,812
County Totals	823,672	4,876,444	10,224,793	15,924,909	-22,376

Table A-1 (continued)

**Status of Williamson Act Lands
Total Acres Under Contract**

CITY	Urban Prime	Other Prime	NonPrime/ Open Space	Total 1990-91	Net Change from 89-90
Camarillo	645	0	0	645	0
Carlsbad	323	0	20	343	0
Coachella	529	52	0	581	0
Corona	79	0	0	79	-599
Fremont	496	0	6,756	7,252	-393
Hayward*					
Indio	200	0	0	200	0
Menlo Park	0	0	1,992	1,992	0
Newark	275	0	3,105	3,380	-4
Oceanside	693	0	356	1,049	0
Oxnard	191	0	2	193	-82
Palo Alto	149	0	318	467	0
Perris	775	0	0	775	0
Redlands	360	0	0	360	6
Roseville	0	0	2,733	2,733	0
Sacramento	1,249	0	62	1,311	0
San Jose*					
Saratoga	30	0	186	216	-12
Thousand Oaks	0	0	298	298	0
City Totals	5,994	52	15,828	21,874	-1,084
County Totals	823,672	4,876,444	10,224,793	15,924,909	-22,376
Grand Total	829,666	4,876,496	10,240,621	15,946,783	-23,460

*The Cities of Hayward and San Jose reported 2,679 acres and 4,791 acres respectively last year. Both Cities failed to submit a final subvention entitlement application before the deadline for this report.

Source: Department of Conservation

Table A-2

Williamson Act Acreage Changes - Fiscal Year 1990-91
Additions, Nonrenewals (Initiated and Expired), and Removals

COUNTY	Acres Added	Nonrenewals - # & Acres			Cancellations		Eminent Domain		Annexations	
		#	Acres	Expired	#	Acres	#	Acres	#	Acres
Alameda	0	14	2,182	961	0	0	5	2,236	0	0
Amador	194	7	2,534	1,012	0	0	0	0	0	0
Butte	668	9	1,101	32	2	183	0	0	0	0
Calaveras	0	4	3,654	483	0	0	0	0	0	0
Colusa	249	0	0	0	0	0	0	0	0	0
Contra Costa	0	10	1,293	3,764	0	0	2	250	0	0
El Dorado	0	5	2,466	823	0	0	0	0	0	0
Fresno	3,006	24	1,389	550	10	131	11	6,918	0	0
Glenn	0	1	38	0	0	0	0	0	0	0
Humboldt	346	0	0	0	0	0	0	0	0	0
Kern	6,047	14	1,239	42,603	4	45	4	1,750	0	0
Kings	735	2	80	0	0	0	0	0	6	190
Lake	0	0	0	29	0	0	0	0	0	0
Lassen	10,304	0	0	0	0	0	0	0	0	0
Los Angeles	0	0	0	0	0	0	0	0	0	0
Madera	1,651	19	10,272	60	0	0	1	60	0	0
Marin	45	0	0	64	0	0	0	0	0	0
Mariposa	0	0	0	0	0	0	0	0	0	0
Mendocino	756	8	1,073	0	0	0	0	0	0	0
Monterey	965	1	111	0	0	0	0	0	3	101
Napa	774	1	55	0	0	0	0	0	0	0
Nevada	0	1	557	1,062	0	0	0	0	0	0
Orange	0	0	0	3,418	0	0	0	0	0	0
Placer	318	27	7,295	2,987	0	0	0	0	0	0
Plumas	21	0	0	0	0	0	1	520	0	0
Riverside	84	43	5,820	3,436	1	4	0	0	0	0
Sacramento	441	32	14,034	685	0	0	0	0	0	0
San Benito	25,370	12	1,285	1,595	0	0	0	0	0	0
San Bernardino	10	4	2,575	785	0	0	0	0	8	220
San Diego	246	19	903	2,885	0	0	0	0	0	0
San Joaquin	602	24	5,380	117	1	770	0	0	0	0
San Luis Obispo	22,137	5	126	0	0	0	1	8,327	0	0
San Mateo	647	0	0	5	0	0	0	0	0	0
Santa Barbara	5,432	7	1,442	6,080	0	0	0	0	0	0
Santa Clara	1,190	18	11,049	3,305	0	0	8	1,112	6	72
Santa Cruz	47	0	0	0	0	0	0	0	0	0
Shasta	0	0	0	1,577	0	0	0	0	0	0
Sierra	0	0	0	0	0	0	0	0	0	0
Siskiyou	2,598	0	0	0	1	2	2	4,214	0	0
Solano	39	18	4,796	1,895	2	40	0	0	0	0
Sonoma (1)	508	3	653	1,551	0	0	3	109	0	0
Stanislaus	483	53	34,702	18	1	39	1	113	3	87
Tehama	2,960	6	436	204	0	0	3	1,159	0	0
Trinity	980	0	0	0	0	0	0	0	0	0
Tulare	7,593	29	6,478	4	0	0	3	366	3	181
Tuolumne	0	8	1,226	283	3	714	0	0	0	0
Ventura	2,002	12	1,831	7,826	0	0	0	0	0	0
Yolo	99	63	16,920	162	0	0	0	0	10	1,749
County Totals	99,547	503	144,995	90,261	25	1,928	45	27,134	39	2,600

Table A-2 (continued)

**Williamson Act Acreage Changes - Fiscal Year 1990-91
Additions, Nonrenewals (Initiated and Expired), and Removals**

CITY	Acres Added	Nonrenewals - # & Acres			Cancellations		Eminent Domain		Annexations	
		#	Initiated	Expired	#	Acres	#	Acres	#	Acres
Camarillo	0	0	0	0	0	0	0	0	0	0
Carlsbad	0	0	0	0	0	0	0	0	0	0
Coachella	0	0	0	0	0	0	0	0	0	0
Corona	0	1	7	599	0	0	1	37	0	0
Fremont	0	4	464	50	2	343	0	0	0	0
Hayward*										
Indio	0	0	0	0	0	0	0	0	0	0
Menlo Park	0	0	0	0	0	0	0	0	0	0
Newark	0	0	0	0	0	0	1	4	0	0
Oceanside	0	0	0	0	0	0	0	0	0	0
Oxnard	0	0	0	0	0	0	0	0	1	82
Palo Alto	0	0	0	0	0	0	0	0	0	0
Perris	0	0	0	0	0	0	0	0	0	0
Redlands	55	0	0	49	0	0	0	0	0	0
Roseville	0	0	0	0	0	0	0	0	0	0
Sacramento	0	1	96	0	0	0	0	0	0	0
San Jose*										
Saratoga	0	1	5	12	0	0	0	0	0	0
Thousand Oaks	0	1	188	0	0	0	0	0	0	0
City Totals	55	8	760	710	2	343	2	41	1	82
County Totals	99,547	503	144,995	90,261	25	1,928	45	27,134	39	2,600
Grand Totals	99,602	511	145,755	90,971	27	2,271	47	27,175	40	2,682

Notes:

(1) - Sonoma County had 231 acres removed by City Protest.

*The Cities of Hayward and San Jose did not submit a final subvention entitlement application before the deadline for this report.

Table A-3

**Williamson Act Land Eligible for Subvention Entitlements (Acres) FY 1990-91
and Net Change from FY 1989-90**

COUNTY	Urban Prime	Other Prime	Open Space	Total FY 90-91	Net Change*
Alameda	3,601	7,331	113,501	124,433	-3,642
Amador	0	4,321	86,789	91,110	-2,561
Butte	14,142	92,219	96,729	203,090	9,446
Calaveras	0	1,167	127,001	128,168	-3,654
Colusa	0	10,345	190,455	200,800	249
Contra Costa	2,020	6,562	42,345	50,927	-621
El Dorado	0	1,055	38,866	39,921	-2,957
Fresno	50,971	1,048,138	450,409	1,549,518	743
Glenn	0	69,433	248,962	318,395	-1,437
Humboldt	76	3,531	192,107	195,714	346
Kern	44,837	826,686	767,027	1,638,550	3,921
Kings	39,118	411,689	119,347	570,154	41,007 **
Lake	0	5,535	43,298	48,833	-1
Lassen	0	25,878	261,347	287,225	10,339
Los Angeles	0	0	40,052	40,052	0
Madera	23,800	196,340	294,544	514,684	6,290
Marin	1,387	8,999	82,035	92,421	107
Mariposa	0	0	165,246	165,246	-933
Mendocino	0	28,881	431,516	460,397	-7,196
Monterey	3,368	44,722	612,864	660,954	-1,505
Napa	3,756	4,748	44,753	53,257	2,282
Nevada	0	4,740	0	4,740	-563
Orange	10	630	12,401	13,041	0
Placer	2,516	12,126	30,031	44,673	-6,977
Plumas	0	7,113	69,326	76,439	-6,295
Riverside	2,968	42,891	6,124	51,983	-6,132
Sacramento	6,136	94,489	97,073	197,698	-12,166
San Benito	5,720	43,995	513,772	563,487	25,122
San Bernardino	7,277	2,446	6,054	15,777	-3,048
San Diego	1,901	7,506	88,288	97,695	-10,473
San Joaquin	113,689	253,600	163,768	531,057	6,666
San Luis Obispo	5,439	65,745	658,557	729,741	12,259
San Mateo	209	2,747	43,530	46,486	647
Santa Barbara	30,240	35,215	461,994	527,449	-5,256
Santa Clara	9,345	2,341	325,556	337,242	-11,131
Santa Cruz	1,491	1,777	8,425	11,693	-328
Shasta	305	14,097	133,233	147,635	0
Sierra	0	1,953	32,269	34,222	0
Siskiyou	0	86,353	293,083	379,436	-3,922
Solano	24,118	89,234	143,002	256,354	-7,319
Sonoma	4,820	24,104	241,143	270,067	-149
Stanislaus	80,972	201,399	380,757	663,128	-36,906
Tehama	0	50,806	743,453	794,259	1,977
Trinity	0	0	22,268	22,268	980
Tulare	129,653	459,264	516,196	1,105,113	12,354
Tuolumne	0	0	113,688	113,688	-12,379
Ventura	25,073	15,910	77,821	118,804	-1,274
Yolo	75,810	199,894	167,878	443,582	-17,510
County Totals	714,768	4,517,955	9,798,883	15,031,606	-31,600

Table A-3 (continued)

**Williamson Act Land Eligible for Subvention Entitlements (Acres) FY 1990-91
and Net Change from FY 1989-90**

CITY	Urban Prime	Other Prime	Open Space	Total FY 90-91	Net Change*
Camarillo	160	0	0	160	-127
Carlsbad	323	0	20	343	0
Coachella	0	529	52	581	0
Corona	11	0	0	11	-34
Fremont	473	0	5,551	6,024	-807
Hayward***					
Indio	0	0	0	0	0
Menlo Park	0	0	1,992	1,992	0
Newark	211		3,105	3,316	-4
Oceanside	693	0	319	1,012	-10
Oxnard	191	0	2	193	-82
Palo Alto	149	0	318	467	0
Perris	775	0	0	775	0
Redlands	288	0	0	288	-27
Roseville	0	0	0	0	0
Sacramento	0	0	0	0	-96
San Jose***					
Saratoga	30	0	75	105	-111
Thousand Oaks	0	0	110	110	-188
City Totals	3,304	529	11,544	15,377	-1,486
County Totals	714,768	4,517,955	9,798,883	15,031,606	-31,600
Grand Total	718,072	4,518,484	9,810,427	15,046,983	-33,086

*The Net Change figure here represents the change in the amount of acreage entitled to subventions. This includes acreage which was valued less under Proposition 13 last year, and which now qualifies for subvention payments this year.

**Kings County reported 40,670 acres for subvention payments which were valued less under Proposition 13 last year. This skews the Net Change total for the counties which would actually be -72,270 without this large addition.

***The Cities of Hayward and San Jose reported 2,679 acres and 4,791 acres respectively last year. This year, both Cities failed to submit a final subvention entitlement application before the deadline for this report.

Table A-4

Land in the Williamson Act - Acres not eligible for subventions

COUNTY	Cumulative Nonrenewals			Proposition 13 Lower Values		
	Urban Prime	Other Prime	Open Space	Urban Prime	Other Prime	Open Space
Alameda	3,328	1,919	15,725	34	2,056	14,162
Amador	0	80	4,266	0	0	0
Butte	128	722	2,751	615	12,383	6,376
Calaveras	0	0	6,006	0	0	0
Colusa	0	0	0	0	0	0
Contra Costa	1,635	2,453	16,531	0	2,307	1,872
El Dorado	0	272	9,568	0	0	0
Fresno	3,709	778	2,458	98	2,809	37
Glenn	0	703	0	0	1,860	1,079
Humboldt	0	0	419	0	0	0
Kern	15,610	59,731	19,597	69	3,808	458
Kings	115	323	120	964	106,596	4,982
Lake	0	76	365	0	312	3
Lassen	0	0	0	0	0	0
Los Angeles	0	0	0	0	0	0
Madera	2,501	6,515	5,361	3,326	16,906	5,243
Marin	10	10	1,054	0	0	0
Mariposa	0	0	329	0	0	176
Mendocino	0	484	12,052	0	0	0
Monterey	236	1,066	8,777	246	13,733	1,454
Napa	115	132	354	1,778	3,798	1,699
Nevada	0	1,062	0	0	73	0
Orange	2,743	299	28,829	0	0	0
Placer	2,795	8,850	19,225	0	0	0
Plumas	0	6	5,758	0	0	0
Riverside	5,458	16,698	4,456	0	486	0
Sacramento	4,001	8,696	27,147	0	0	0
San Benito	2,977	2,680	11,002	319	0	0
San Bernardino	2,824	206	3,078	0	0	0
San Diego	621	6,503	2,692	0	0	0
San Joaquin	11,629	7,319	4,187	1,202	3,787	606
San Luis Obispo	2,175	3,159	17,280	0	0	0
San Mateo	0	0	181	0	0	0
Santa Barbara	903	1,294	4,852	1,496	1,031	1,153
Santa Clara	3,406	427	21,813	0	0	0
Santa Cruz	80	89	128	340	82	0
Shasta	98	230	3,534	0	0	0
Sierra	0	0	2,813	0	0	0
Siskiyou	0	391	1,000	0	0	0
Solano	7,020	2,319	12,625	296	807	1,277
Sonoma	697	924	11,805	0	0	0
Stanislaus	3,653	15,442	30,391	120	1,822	172
Tehama	0	824	3,330	0	3,207	1,266
Trinity	0	0	0	0	0	0
Tulare	1,140	1,474	8,415	680	15,250	2,023
Tuolumne	0	0	11,328	0	0	0
Ventura	7,872	1,668	24,003	0	0	0
Yolo	9,404	8,053	13,570	438	1,499	2,697
County Totals	96,883	163,877	379,175	12,021	194,612	46,735

Table A-4 (continued)

Land in the Williamson Act - Acres not eligible for subventions

CITY	Cumulative Nonrenewals			Proposition 13 Lower Values		
	Urban Prime	Other Prime	Open Space	Urban Prime	Other Prime	Open Space
Camarillo	485	0	0	0	0	0
Carlsbad	0	0	0	0	0	0
Coachella	0	0	0	0	0	0
Corona	68	0	0	0	0	0
Fremont	23	0	1,205	0	0	0
Hayward*						
Indio	200	0	0	0	0	0
Menlo Park	0	0	0	0	0	0
Newark	64	0	0	0	0	0
Oceanside	0	0	37	0	0	0
Oxnard	0	0	0	0	0	0
Palo Alto	0	0	0	0	0	0
Perris	0	0	0	0	0	0
Redlands	72	0	0	0	0	0
Roseville	0	0	2,733	0	0	0
Sacramento	1,249	0	62	0	0	0
San Jose*						
Saratoga	0	0	111	0	0	0
Thousand Oaks	0	0	188	0	0	0
City Totals	2,161	0	4,336	0	0	0
County Totals	96,883	163,877	379,175	12,021	194,612	46,735
Grand Total	99,044	163,877	383,511	12,021	194,612	46,735

*The Cities of Hayward and San Jose did not submit a final subvention entitlement application by the deadline for this report.

Source: Department of Conservation

Table A-5

Prime Williamson Act Acres By Region

	Prime Acres	% of Total Prime
San Joaquin Valley Region:		
Fresno	1,106,503	19.54%
Kern	950,741	16.79%
Kings	558,805	9.87%
Madera	249,388	4.41%
San Joaquin	391,226	6.91%
Stanislaus	303,408	5.36%
Tulare	<u>607,461</u>	<u>10.73%</u>
Total:	4,167,532	73.61%
South Coast/Desert Region:		
Los Angeles	0	0.00%
Orange	3,682	0.07%
Riverside	68,501	1.21%
Santa Barbara	70,179	1.24%
San Bernardino	12,753	0.23%
San Diego	16,531	0.29%
Ventura	<u>50,523</u>	<u>0.89%</u>
Total:	222,169	3.92%
Foothill/Central Sierra Region:		
Amador	4,401	0.08%
Calaveras	1,167	0.02%
El Dorado	1,327	0.02%
Mariposa	0	0.00%
Nevada	5,875	0.10%
Placer	26,287	0.46%
Plumas	7,119	0.13%
Sierra	1,953	0.03%
Tuolumne	<u>0</u>	<u>0.00%</u>
Total:	48,129	0.85%
Central Coast Region:		
Alameda	18,269	0.32%
Contra Costa	14,977	0.26%
Marin	10,406	0.18%
Monterey	63,371	1.12%
Napa	14,327	0.25%
San Benito	55,691	0.98%
Santa Clara	15,519	0.27%
Santa Cruz	3,859	0.07%
San Luis Obispo	76,518	1.35%
San Mateo	2,956	0.05%
Sonoma	<u>30,545</u>	<u>0.54%</u>
Total:	306,438	5.41%

Table A-5 (continued)

Prime Williamson Act Acres By Region

	Prime Acres	% of Total Prime
Sacramento Valley Region:		
Butte	120,209	2.12%
Colusa	10,345	0.18%
Glenn	71,996	1.27%
Sacramento	113,322	2.00%
Solano	123,794	2.19%
Tehama	54,837	0.97%
Yolo	<u>295,098</u>	<u>5.21%</u>
Total:	789,601	13.95%
Mountain/North Coast Region:		
Humboldt	3,607	0.06%
Lake	5,923	0.10%
Lassen	25,878	0.46%
Mendocino	29,365	0.52%
Shasta	14,730	0.26%
Siskiyou	86,744	1.53%
Trinity	<u>0</u>	<u>0.00%</u>
Total:	166,247	2.94%

Source: Department of Conservation

Appendix B

How the Williamson Act Program Works

HOW THE WILLIAMSON ACT PROGRAM WORKS

At the heart of the program is the relationship between the landowner and the county or city government. They are joined together in a contract which each agrees to give up specific benefits in return for mutual gain. The landowner forgoes the possibility of development, or conversion of property into non-agriculture or non-open space uses during the term of the contract, in return for lower property taxes. The local government forgoes a portion of its property tax revenues in return for the planning and land use advantages implicit in retaining rural land in agricultural or other open space use.

Both local government and the landowner are voluntary participants. Whether or not to enroll in the Williamson Act program is a decision for the county board of supervisors or the city council. Once a program is in place in a community, agricultural landowners have the option to enroll.

Generally, it is easier to enroll land into the Williamson Act than to withdraw it from contractual agreement. State law (Government Code Chapter 7, Revenue and Taxation Code Sections 421 through 530.5) specifies the requirements and procedures for these and other aspects of the program. Following is an expanded description of the major features of the program.

Getting Into the Program

An interested landowner files an application for a Williamson Act contract

with a county or city government, usually with the planning department. Assuming the parcel's eligibility (see below), the application is routinely processed and approved. The contract signed by the landowner and the local government has an initial term of 10 years, with renewal occurring automatically each year. (County governments can establish initial contract terms for longer periods of time; several use 20-year terms.) Since a contract is attached to the land, it is not affected by the transfer of parcel ownership.

Eligibility

All agricultural acreage in California — whether devoted to crops or grazing animals — is eligible for Williamson Act coverage. Contracts can also be extended to non-agriculture “open space” lands, a category which includes scenic highway corridors, wildlife habitats, wetlands, salt ponds, and recreational lands.

The other major statewide eligibility requirements concern location within an agricultural preserve (see below) and minimum parcel size. With the intention of keeping Williamson Act parcels large enough to maintain agriculture operations, state policy now calls for a 10-acre minimum for prime land and 40 acres for nonprime acreage. Local governments can and do impose additional requirements on the acceptance and retention of contracts, including larger minimum parcel sizes and other standards for the agricultural use of properties.

Land Classifications

Participating acreage is classified into three land use categories: urban prime, other prime, and nonprime. While these classifications have no bearing on contract eligibility, they are the basis for the allocation of state subventions to local governments with Williamson Act parcels. More generally, the classifications provide a means for tracking trends in the program's acreage. The prime/nonprime difference is a standard distinction based on the relative capability of a parcel for growing crops and supporting grazing animals. The urban prime category includes parcels located within three miles of cities of 25,000 population or more (15,000-25,000 in some cases).

Agricultural Preserves

Location within an agricultural preserve is a major requirement for the enrollment and retention of Williamson Act parcels. Either the preserve already exists or is created by the local government at the time the contract is approved. With a minimum size of 100 acres (or more according to local government standards), a single preserve may contain more than one contracted parcel as well as non-contracted land. The preserve requirement is intended to serve a planning and land use purpose — to concentrate participating parcels in areas reserved for agriculture and thus protect them from other uses. Many counties have supported this objective by making exclusive or other agricultural zoning coincide with the preserves.

Preferential Assessment

For property tax purposes, Williamson Act parcels are assessed according to the income produced by the land, not according to the market value approach (adjusted since 1979 according to Proposition 13 restrictions) employed for most other types of property in California. Specifically, county assessors use an income capitalization method to determine the value of contracted land. This method takes into account a standard interest rate, a risk factor, and the property tax rate, as well as net income. Preferential assessment in this manner requires the assessors to ignore comparable sales data (now adjusted according to a base year) as the basis for valuing Williamson Act property.

In nearly all cases, the income capitalization approach produces a lower assessed valuation for a parcel — and hence a smaller property tax payment — than an assessment that takes into account the market value. For some contracted parcels, however, the Williamson Act value is higher than the updated base year value required under Proposition 13. Since 1979, assessors have been required to apply the lower of the two assessments.

Withdrawing From the Program

Terminating a contract is more complex than enrolling in one. The 10-year contracts are automatically renewed every year. Stopping this process requires deliberate action, by either the landowner or local government to amend the original contract.

The four methods for removing a parcel from Williamson Act coverage are: 1) nonrenewal; 2) cancellation; 3) city annexation under certain conditions; and 4) eminent domain. Most terminations are accomplished through nonrenewal.

Nonrenewal

Either party to the contract — the landowner or the local government — can initiate such an action by filing a notice of nonrenewal. The notice institutes a 9-year phase out of the contract over its remaining life. Conversion of the land to a non-agricultural use is delayed until the end of the phase out, while the assessment is gradually increased from the Williamson Act use value level to full market value. The state subvention entitlement for the acreage represented by a nonrenewed parcel ceases at the time notice is given.

Cancellation

State law limits circumstances under which cancellation can take place. Cancellation is to be used only for “extraordinary” circumstances, California courts have ruled. As compared to the phase out of a nonrenewal, a cancellation results in immediate termination of a contract. Only the landowner can apply for a cancellation, and only the governing board of a local government — county board of supervisors or city council — can approve such a request. To do so, the board has to conduct a hearing on the request and make certain findings. The board must find that a specific cancellation would either be consistent with the intent of the Williamson Act or would be in the public interest.

Consistency means that: 1) an alternative use is specified which is consistent with local general plans; 2) the removal of adjacent lands from agriculture is not likely to result; 3) discontinuous urban development will not result; and 4) there is no nearby non-contracted land available for the alternative use.

A landowner with an approved cancellation pays a penalty equal to 12.5% of the current market value of the land. Penalty payments are deposited into the State's General Fund. Cancellations undergo a two-step process in which a tentative approval by a governing board is followed within a year by a final approval. The one-year interval allows for obtaining the necessary permits for the alternative use. Without such permits and the payment of the penalty, the final approval is denied. (State review and approval is not required for processing a cancellation, as is required for removal of parcels from the Timber Production Zone Program.)

City Protest and Annexation

Under certain circumstances, annexation of a Williamson Act parcel by a city automatically results in a termination of the contract without penalty. This applies to a parcel which, at the time of enrollment in the program, was located within one mile of the city's boundary and with a contract which had been protested by the city at that time. Contracts on other parcels continue in force at the time of annexation. Since January 1, 1991, new city protests of contracts have not been possible because of an amendment to the Williamson Act.

Eminent Domain

Contracts are also terminated when parcels are acquired by state or local government agencies for public improvements. Removal from Williamson Act and agricultural preserve status is immediate, either for all or part of a parcel, depending on how much of the land is taken for the public purpose. State law attempts to limit such removals by denying the location of public improvements in agricultural preserves based primarily on lower land costs and if other lands provide feasible locations.

State Subventions

In partial compensation for the foregone property tax revenues resulting from reduced assessments on contracted lands, the state annually pays a subvention to all participating counties and cities. Funds are allocated according to the acreage in urban prime, other prime, and nonprime classifications. The payments are based on annual reports of enrolled acreage filed by local governments with the State Department of Conservation.

Counties and cities do not receive subventions for land under contract which is undergoing nonrenewal, or whose value is as high, or higher, under the Williamson Act than it would be if it were unrestricted by contract, and therefore assessed at the Proposition 13 value.

Since 1976, Open Space Subvention entitlement rates have been fixed at:

- Five dollars (\$5) to eight dollars (\$8) per

acre for prime agriculture land within three miles of incorporated cities of specified sizes ("urban prime");

- One dollar (\$1) per acre for all other prime agriculture land; and
- Forty cents (\$0.40) per acre for all land, other than prime agricultural land, which is devoted to open-space uses of statewide significance ("nonprime").

Prime agricultural land is defined by the Act as land having good soil characteristics for agriculture or supporting high levels of agricultural production according to economic criteria. Open space of statewide significance is defined in the Government Code as land which constitutes a resource whose preservation is of more than local importance for ecological, economic, educational, or other purposes. Much of the open space, or nonprime, lands under Williamson Act contract are grazing and watershed lands.

Appendix C

Publications From the Department of Conservation

PUBLICATIONS FROM THE DEPARTMENT OF CONSERVATION

Williamson Act

- The Williamson Act after Proposition 13: Still a Bargain. August 1983, 9 pp. (Publication No. WA 83-01)
- Williamson Act Task Force. Consensus for Action: An Interim Report to the Secretary for Resources. 1986. 28 pp. (Publication No. WA 86-01)
- The Williamson Act: A Short Review. 1988. 15 pp (Publication No. WA 88-01A)
- Land In the Balance: Williamson Act Costs, Benefits and Options. Executive Summary. Prepared by the University of California. December 1989. 19 pp.
- Land In the Balance: Williamson Act Costs, Benefits and Options. Part I - An Analysis of Foregone Revenues, Subvention Options, Landowner Benefits, Perceptions and Local Administration. Prepared by the University of California. December 1989. 198 pp.
- Land In the Balance: Williamson Act Costs, Benefits and Options. Part II - Preserving Agricultural Land in California: A Short History of the Williamson Act. Prepared by the University of California. December 1989. 54 pp.
- The Williamson Act: 25 Years of Land Conservation. Commemorative Document. December 1990. 44 pp.
- The Williamson Act: Protecting Our Land Resources. A three-fold informational brochure. 1991.
- Steps in the Williamson Act Contract Cancellation Process. 3 pp.
- Open Space Subvention Entitlement Reports to the Controller. Fiscal Years 1972-73 to present. 3 pp.
- Annual Williamson Act Status Reports. 1988-89 to present.
- Provisions Relating to the California Land Conservation Act of 1965 (Williamson Act). Sections 51200-51295 of the California Government Code.
- Open Space Subventions. Sections 16140-16154 of the California Government Code.
- Valuation of Open-Space Land Subject to an Enforceable Restriction. Sections 421 to 430.5 of the California Revenue and Taxation Code.

Related Publications

- Conserving the Wealth of the Land: A Plan for Soil Conservation. Soil Conservation Advisory Committee. September 1987. 83 pp. (Publication No. S-87-01).
- Taking Action: Recommendations for Implementing the Soil Conservation Plan. Soil Conservation Committee. October 1990. 50 pp. (Publication No. S-90-01).
- The Impacts of Farmland Conversion in California. Prepared by Jones & Stokes Associates, Inc. August 1990. 111 pp.
- Farmland Conversion Report: 1984 to 1986
Farmland Conversion Report: 1986 to 1988
Farmland Conversion Report: 1988 to 1990 (In publication).
- Biennial Statistical Reports (maps) of Important Farmland changes for 45 counties are available at cost. Produced by the Farmland Mapping and Monitoring Program.

Publications are available from:

The Department of
Conservation

Office of Land
Conservation

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