



California
**Department of
Conservation**
Division of Land Resource
Protection

Williamson Act

Land Conservation Act of 1965

LAFCOs, Annexations, and Williamson Act

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Land Conservation Act of 1965 “Williamson Act”

- Voluntary program/contracts
- Restricts land usage
- 10-20-year contracts
- Contract renew annually
- Contract runs with the land
- Local rules and regulations (GC 51231)



LAFCOs, Annexations, & the Williamson Act

Today's presentation will cover:

- What is a LAFCO?
- What is annexation?
- What statutes apply?

https://www.conservation.ca.gov/dlrp/wa/Pages/removing_contracts.aspx





What is a LAFCO?

Local
Agency
Formation
Commission

https://calafco.org/About_LAFCOs



LAFCOs are independent regulatory commissions created by the California Legislature to control the boundaries of cities and most special districts. The Cortese-Knox-Hertzberg Act directs LAFCOs to achieve two main purposes: 1. Discourage sprawl. 2. Encourage orderly government.

There are 58 LAFCOs working with nearly 3,500 governmental agencies (400+ cities, and 3,000+ special districts).

LAFCOs' regulatory powers are outlined in California Government Code (GC) Sections [56375](#) and [56133](#). This includes approving, establishing, expanding, reorganizing, and, in limited circumstances, dissolving cities and special districts.





LAFCOs' Responsibilities

- Coordinating changes in local governmental boundaries
- Conducting special studies that review ways to reorganize, simplify, and streamline governmental structure
- Preparing a sphere of influence for each city and special district within each county
- Conducting service reviews to evaluate the provision of municipal services within each county



How Does LAFCO Work to Preserve Agricultural Lands?

“LAFCOs must also consider the effect that any proposal will produce on existing agricultural lands. By guiding development toward vacant urban land and away from agricultural preserves, LAFCO assists with the preservation of our valuable agricultural resources while addressing urban infill.”

https://calafco.org/About_LAFCOs





What is annexation?

Local
Agency
Formation
Commission



https://calafco.org/About_LAFCOs



An annexation occurs when a city or district attaches additional territory to its boundary.

Typical applicants for boundary changes might include:

- Individual homeowners requesting annexation to a sewer district due to a failing septic system.
- Developers seeking annexation to cities in order to obtain urban services for new housing.
- Cities wishing to annex pockets or "islands" of unincorporated land located within their borders in order to avoid duplication of services with the county.



Consult Your Own Legal Counsel

As a voluntary and locally implemented program, the Williamson Act requires each participating jurisdiction to establish its own rules and regulations for implementation of the Act. We suggest consultation with local rules and regulations, LAFCO, and the City's legal counsel before proceeding with any official action.



TITLE 5. LOCAL AGENCIES [50001 - 57607] (Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 1. CITIES AND COUNTIES [50001 - 52203] (Division 1 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES AND COUNTIES [50001 - 51298.5] (Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 7. Agricultural Land [51200 - 51297.4] (Chapter 7 added by Stats. 1965, Ch. 1443.)

[GC 51243.5](#)

ARTICLE 3. Contracts [51240 - 51257.5] (Article 3 added by Stats. 1965, Ch. 1443.)

- 51243.5.** (a) This section shall apply only to land that was within one mile of a city boundary when a contract was executed pursuant to this article and for which the contract was executed prior to January 1, 1991.
- (b) For any proposal that would result in the annexation to a city of any land that is subject to a contract under this chapter, the local agency formation commission shall determine whether the city may exercise its option to not succeed to the rights, duties, and powers of the county under the contract.
- (c) In making the determination required by subdivision (b), pursuant to Section 51206, the local agency formation commission may request, and the Department of Conservation shall provide, advice and assistance in interpreting the requirements of this section. If the department has concerns about an action proposed to be taken by a local agency formation commission pursuant to this section or Section 51243.6, the department shall advise the commission of its concerns, whether or not the commission has requested it to do so. The commission shall address the department's concerns in any hearing to consider the proposed annexation or a city's determination whether to exercise its option not to succeed to a contract, and shall specifically find that substantial evidence exists to show that the city has the present option under this section to decline to succeed to the contract.
- (d) A city may exercise its option to not succeed to the rights, duties, and powers of the county under the contract if both of the following had occurred prior to December 8, 1971:
- (1) The land being annexed was within one mile of the city's boundary when the contract was executed.
 - (2) The city had filed with the county board of supervisors a resolution protesting the execution of the contract.
- (e) A city may exercise its option to not succeed to the rights, duties, and powers of the county under the contract if each of the following had occurred prior to January 1, 1991:
- (1) The land being annexed was within one mile of the city's boundary when the contract was executed.
 - (2) The city had filed with the local agency formation commission a resolution protesting the execution of the contract.
 - (3) The local agency formation commission had held a hearing to consider the city's protest to the contract.
 - (4) The local agency formation commission had found that the contract would be inconsistent with the publicly desirable future use and control of the land.
 - (5) The local agency formation commission had approved the city's protest.
- (f) It shall be conclusively presumed that no protest was filed by the city unless there is a record of the filing of the protest and the protest identifies the affected contract and the subject parcel. It shall be conclusively presumed that required notice was given before the execution of the contract.
- (g) The option of a city to not succeed to a contract shall extend only to that part of the land that was within one mile of the city's boundary when the contract was executed.
- (h) If the city exercises its option to not succeed to a contract, then the city shall record a certificate of contract termination with the county recorder at the same time as the executive officer of the local agency formation commission files the certificate of completion pursuant to Section 57203. The certificate of contract termination shall include a legal description of the land for which the city terminates the contract.
- (Amended by Stats. 2002, Ch. 188, Sec. 1. Effective January 1, 2003.)

A City's Refusal of Succession of a Williamson Act Contract

When a city annexes land that is subject to a Williamson Act contract, the local agency formation commission shall determine whether the city may exercise its option to not succeed the rights, duties, and powers of the county regarding the existing contract. However, this can only occur in very specific situations and requires further reading of the statute to determine whether this option would apply. Please see [Government Code Section 51243.5](#).

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A city must succeed to the contract except as provided in section [51243.5](#) ([section 51243](#)).

A city may exercise its option to decline to succeed to the contract if specified conditions had occurred prior to December 8, 1971 or January 1, 1991. In either case, one condition is that the city must have filed a resolution protesting the execution of the contract, and that protest must have identified the affected contract and subject parcel ([section 51243.5\(d\), \(e\) and \(f\)](#)).





A city must succeed to the contract except as provided in section [51243.5](#) ([section 51243](#)).

[Section 51243.5](#) applies only to land that was within one mile of the boundary of the city when the contract was executed and for a contract executed prior to January 1, 1991.





City's Proposal and Resolution to Annex Contracted Land

The city's proposal and resolution to annex contracted land must state whether it will succeed to the contract pursuant to section [51243](#) or intends to exercise its option to decline to succeed to the contract pursuant to GC section [51243.5](#) (see also Cortese-Knox-Hertzberg GC sections [56738](#), [56752](#), [57101](#)).





LAFCO Hearing Notification to DOC

LAFCO must notify Department of Conservation (DOC) of a hearing to annex contracted land to a city ([Government Code section 56753](#)).

The notice shall include the contract number, date of execution and a copy of any protest the city filed pursuant to section [51243.5](#) (see also Cortese-Knox-Hertzberg GC [section 56753.5](#)).





LAFCO Hearing

LAFCO must address DOC's concerns in the hearing to consider the annexation or whether the city has the option to decline to succeed to the contract (GC [section 51243.5\(c\)](#)).





LAFCO Determination

LAFCO must determine whether the city shall succeed to the contract or has the option to decline to succeed to the contract based on substantial evidence (see Cortese-Knox-Hertzberg GC [section 56754](#)).





LAFCO Condition of Approval

Government Code section [56889](#) (Cortese-Knox-Hertzberg) requires the LAFCO to condition its approval of the annexation on the City's adoption of rules and procedures for the administration of the Williamson Act contracts to which it will succeed.





Specific Conditions & Findings for Annexation Approval

LAFCOs are prohibited from approving annexation of contracted land unless specific conditions apply and findings are made. Note that these have conditions and findings:

GC Sections

[51296.3](#), Farmland Security Zones

[51296.4](#), Farmland Security Zones

[56426](#), Farmland Security Zones

[56426.5](#), Inc & Sphere of Influence

[56749](#), Farmland Security Zones

[56856](#), Farmland Security Zones

[56856.5](#), Findings (general)



Yes, Cities Do Hold Williamson Act Contracts





THANK YOU

Questions?

Williamson Act/CEQA Team

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<https://www.conservation.ca.gov/dlrp/wa>