

The Williamson Act Status Report 2018-19



Gavin Newsom, Governor
Wade Crowfoot, Secretary, Natural Resources Agency
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California
**Department of
Conservation**



Our Mission

The Department of Conservation balances today's needs with tomorrow's challenges and fosters intelligent, sustainable, and efficient use of California's energy, land, and mineral resources. The Department administers multiple programs to promote the conservation of working lands and orderly growth and development.

The Williamson Act

The Williamson Act, also known as the California Land Conservation Act of 1965, has helped preserve agricultural and open space lands since 1965. Local governments and landowners enter into voluntary contracts to restrict enrolled lands to agricultural and open space uses, typically for 10-year rolling terms, in exchange for property tax reductions. The Act supports California's conservation, food security, and orderly growth goals while helping farmers and ranchers to stay in production.

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Cover Graphics

Front: Orchard, San Joaquin Valley

Photo by: Mike Kisko

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October 2021

Dear Land Conservation Partners:

I am pleased to present the Department's 2018-19 Williamson Act Status Report. This report provides enrollment data submitted to the Department from participating cities and counties, and its accuracy is solely dependent upon the availability of enrollment data submitted by participating cities and counties.

Since 1965, the Williamson Act (Act) has been California's premier agricultural and open space land protection tool. It persists as a popular program statewide with ninety percent of the state's counties enrolled and 13.6 million acres of land in protection with just over one third of those being prime farmland. In the decade since the state discontinued subvention payments to counties, only one county – Imperial – has opted out of the Act.

Despite this broad participation, the department has seen continuing struggles at the local level to maintain funding for existing lands protected by the Act as well as expand protections for new lands. Consequently, the department has seen progressively less attention given to compliance and less emphasis put on reconciling records between the Recorder's Office (where contracts are recorded), the Planning Departments (approving projects), Assessor's Office (assesses the property tax). As both the Recorder and Assessor are at a county level, this is particularly pronounced in areas where the contracted lands are located within a city.

Over the period presented in this report, the Department has seen a total of 89,945 acres coming out of protection by the Act, which is a moderate increase over the previous reporting period. Further, the Department has been notified that 489,355 acres are planned for non-renewal over the next 10 years, which is a sharper increase. Since projected disenrollment is dependent on development occurring, it should be noticed that projections are uncertain and will continue to be monitored.

Looking forward, California's agricultural lands will be at the center of historic urban land-use challenges, including addressing the state's housing shortage, growing infrastructure needs, and renewable energy goals. These factors will be compounded by groundwater management, a changing climate, as well as projected deepening of a state economic recession. Over the next year and years to come, state and local leaders will face increasingly complex decisions about how to continue to protect agricultural land while meeting many different societal needs. Through this, the Department sees the Williamson Act's flexibility and broad participation as vital assets in confronting these challenges. However, work is needed to better align the Act with emerging fiscal and policy realities and the Department stands ready to support efforts to strengthen it further.



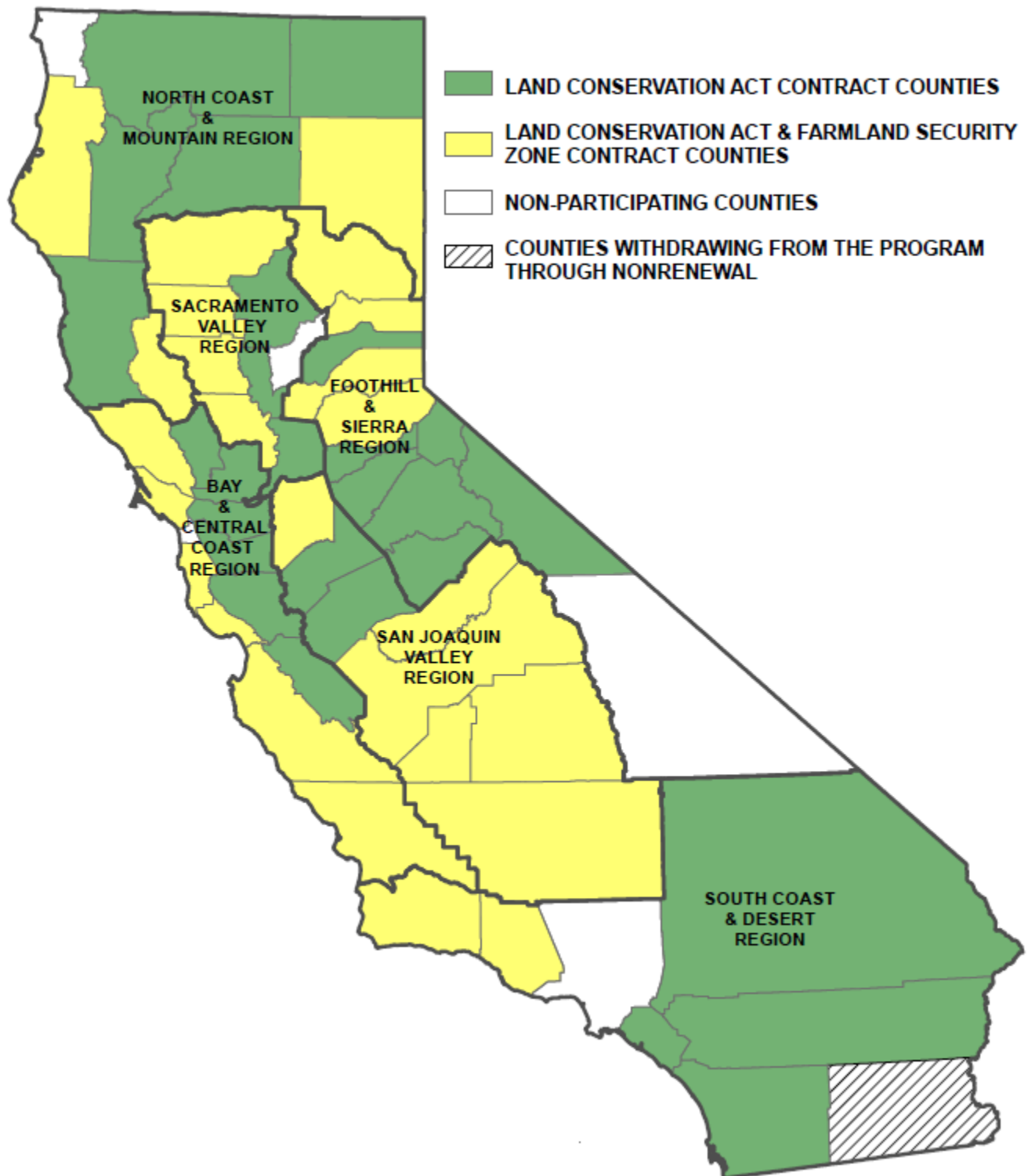
The Department of Conservation sincerely thanks the local governments that work with us to support the program, and to provide the data that underlie the production of this report.

Sincerely,

Kealii Bright

Keali'i Bright
Division of Land Resource Protection
Division Director

California Department of Conservation The Williamson Act: 2018-19 Status Report



Use of Terms

This report uses the terms *standard contract* and *super contract* to refer to the two types of contracts created under the Act. The *standard contract* refers to a typical 10-year contract. The *super contract* refers to a 20-year contract. The use of the term contract is intentionally non-specific and can encompass *standard contracts* and *super contracts*.

Program Overview

The Williamson Act (Act or program) has been the state's primary agricultural land protection program since its enactment in 1965. Following World War II, California experienced tremendous population and economic growth. This growth, in tandem with the state's property tax system, led to increased pressures to convert agricultural land to urban use. Rapidly escalating property taxes often presented a prohibitive burden for farmers who wanted to maintain their agricultural operations. In response, the California Legislature passed the Act in 1965 to preserve agricultural and open-space lands by discouraging "premature and unnecessary conversion to urban uses."¹

The Act authorizes cities and counties to enter into contracts with private landowners to restrict specific parcels of land to agricultural and open-space uses.² In return, landowners receive reduced property tax assessments based upon the land's farming and open-space uses, as opposed to its full market value. Landowners can place prime agricultural land and non-prime agricultural land under contract, typically for 10-year terms that are automatically renewed on an annual basis. Cities and counties can also offer 20-year contracts, known as Farmland Security Zone or Super Williamson Act contracts, for certain types of agricultural lands defined by the Department of Conservation's (DOC's) Farmland Mapping and Monitoring Program. In exchange for the longer commitment, landowners receive greater property tax reductions. Technically, cities and counties can offer contracts for other lengths of time, including 9 and 18-year contracts.³

More than 16 million of California's 31.4 million acres of farm and ranch land have participated in the program. Of California's 58 counties, 52 have executed contracts with landowners.⁴ In addition to the counties, some cities also have executed contracts with landowners – either because of the city annexing the unincorporated county area properties or as a result of an independent program separate from the county.

Purpose of the Report

Government Code section 51207 requires DOC to submit a biennial report to the Legislature regarding local implementation of the Act. DOC is mandated to report, among other data, total enrolled acres and the number of acres removed from contract through cancellation, public acquisition/eminent domain, annexation, or nonrenewal.

The Act does not require cities and counties to report new contracts. Instead, Government Code section 16144 requires cities and counties that participate in the Act to report total

¹ Government Code Section 51220 (c).

² California Government Code sections 51200-51297.4.

³ California Government Code section 51244(b).

⁴ Alpine County has adopted the program but has yet to execute a contract. Los Angeles County's open space enforceable restrictions on Catalina Island are eligible for subventions (when available), however, there are no executed contracts reported.

enrollment numbers to the Secretary of Natural Resources to qualify for the Open-Space Subvention Act.⁵ Prior to the elimination of subvention payments in FY 2010-11, DOC would review and verify these claims for the Controller, who would then pay participating cities and counties an established subvention per acre enrolled in the program to offset the city or county's foregone property tax revenues. Although the state no longer offers subvention payments, most cities and counties still report enrollment acres using the Open-Space Subvention Survey worksheet.

Working in conjunction with the Williamson Act, the Open-Space Subvention Act provided for the partial reimbursement of property tax revenue lost as a result of participation in the program to local governments.⁶ Cities and counties were eligible to receive \$5 per acre of prime agricultural land enrolled in the program and \$1 per acre of non-prime land. Farmland Security Zone lands generated \$8 per acre.

This report summarizes enrollment and contract termination trends for the 2018-19 reporting period, which runs from January 1, 2018 – December 31, 2019. The report relies on local subvention survey data and mandated notices sent by cities and counties to solicit comment from DOC about cancellations, public acquisitions/eminent domain, annexations, and nonrenewals. Because the data reported is self-reported, there could be other changes occurring to contracts that DOC is not aware.

Fiscal Challenges Impact Reporting, but Local Participation Remains High

In addition to the 52 counties that administer local Williamson Act programs, some cities also administer a local program; however, DOC does not receive complete statewide reliable data about participation rates. For the 2018 reporting period, 43 counties and two cities submitted subvention enrollment data to DOC, and for the 2019 reporting period 33 counties and two cities reported data. A decrease in reporting rates from participating counties is likely related to the elimination of subventions. There is no penalty for not reporting, and some local governments question the value of reporting subvention claims when the state has given no indication that it intends to resume subvention payments. Furthermore, based on discussions with local governments, it imposes a significant financial burden to local government to compile the necessary information and prepare the report. Thus, there is no apparent benefit to preparing and submitting the report, while there are multiple costs.

Enrolled Acres

The Act requires DOC to report the number of acres of land under contract in various categories. Tables A-1 and A-2, located at the end of this report, present reported enrollment acres across California during the reporting period for standard contracts and super contracts. The reported acres are further broken down based on the land category – including prime agricultural land and non-prime agricultural land. The enrollment data presented in Tables A-1 and A-2 comes from the counties and cities that reported Williamson Act enrollment data. As stated earlier, not all participating cities and counties submit subvention reports. Furthermore, for those that do, the level of specificity in the submitted data varies from report to report. As such, the information listed in Tables A-1 and A-2 underrepresents total enrollment.

⁵ California Code of Regulations, Title 14, Division 6, Articles 1 and 2 (the Department works with the Secretary to validate subvention payment requests).

⁶ California Government Code sections 16140-16154.

Contract Terminations and Other Trends

The Act requires cities and counties to notify DOC when acres are removed from contract through cancellation, public acquisition/ eminent domain, annexation, or nonrenewal.⁷ Table A-3 provides this information. The Act also requires DOC to report, for at least one-third of all participating cities and counties, the following:

- The number of approved⁸ cancellation requests and pending⁹ cancellation requests.
- The amount of cancellation fees that remain unpaid or uncollected.¹⁰
- The number of acres covered by cancellation certificates.¹¹
- The number of nonrenewal notices, withdrawal of nonrenewal notices, and expiration notices.¹²
- The number of acres covered by active nonrenewal notices and expiration notices.¹³

Table A-3

Year	Final Cancellations Recorded *	Acres Cancelled #	Tentative Cancellations Remaining *	Unpaid or Uncollected Cancellation Fees	Nonrenewal Notices *	Acres Under Nonrenewal #	Acres Under Nonrenewal ~	Acres Expired Through Nonrenewal Expiration ~	Nonrenewal Withdrawal Notices *	Acres removed through Public Acquisition *	Annexation ~	Expiration Notices *
2018	10	1,397	3	\$562,500	33	959	286,860	18,379	3	681	0	0
2019	14	151	3	\$940,250	67	2,587	202,495	69,129	0	208	0	1
Totals	24	1,548	6	\$1,502,750	100	3,546	489,355	87,508	3	889	0	1

* Notices received by the Department

Acreage for notices received by Department

~ Acreage reported by county/city on Open-Space Subvention reports

Anticipated Department Activities

DOC continues to notice that some local governments struggle to maintain reliable, consistent records for contracted lands that encompass the program's 50-year history. Furthermore, a

⁷ Government Code § 512083 (cancellation), §51295 (eminent domain), § 51243.5 (annexation), and § 51245 (nonrenewal).

⁸ Approved cancellation requests are interpreted to mean that a Final Certificate of Cancellation was recorded within the reporting year.

⁹ Pending cancellation requests are interpreted to mean that a Tentative Certificate of Cancellation was recorded within the reporting year and is still awaiting a Final Certificate of Cancellation to be recorded.

¹⁰ The amount remaining unpaid or uncollected is interpreted to mean those fees where a Tentative Certificate of Cancellation was provided to the department in the given reporting year, but no fee has been paid and no Final Certificate of Cancellation was recorded.

¹¹ Includes only the number of acres for the reporting year where a Final Certificate of Cancellation was recorded by the county and reported to the department.

¹² Not all participating jurisdictions submit notices to the Department of Conservation.

¹³ The number of acres covered by active nonrenewal notices was obtained through the submission of Open Space Subvention Data submitted by participating jurisdictions. Expiration of contract refers to a contract that has completed the nonrenewal process and, as such, expired. Expiration acreage was obtained through the submission of Open Space Subvention Data submitted by participating jurisdictions.

county planning office's records for a contracted property may differ from the assessor's records for the same property.

Concerns and questions continue to arise regarding cannabis, solar fields, use compatibility, breach of contract, and most recently, the Sustainable Groundwater Management Act (SGMA). DOC has heard from many of the San Joaquin Valley counties and citizens who have expressed concerns with these and other issues. While most of these types of questions are best addressed at the local level, state-level discussion and input may be appropriate.

2018/2019 Reporting Jurisdictions by Region

Sacramento Valley Region	2018	2019
Tehama	Yes	Yes
Glenn	Yes	Yes
Butte	Yes	Yes
Colusa	Yes	Yes
Sutter	Yes	Yes
Sacramento	Yes	Yes
Yolo	Yes	Yes
San Joaquin Valley Region	2018	2019
San Joaquin	Yes	Yes
Stanislaus	Yes	Yes
Merced	Yes	Yes
Madera	Yes	Yes
Fresno	No	No
Kings	Yes	Yes
Kern	Yes	Yes
Tulare	Yes	Yes
Foothills and Sierra Region	2018	2019
Plumas	Yes	No
Sierra	Yes	Yes
Nevada	Yes	No
Placer	No	No
El Dorado	Yes	Yes
Amador	Yes	Yes
Calaveras	Yes	Yes
Tuolumne	Yes	Yes
Alpine	No	No
Mariposa	Yes	Yes
Mono	Yes	Yes
South Coast and Desert Region	2018	2019
Santa Barbara	Yes	Yes
Ventura	Yes	Yes

Los Angeles	Yes	Yes
Orange	No	No
San Diego	No	No
San Bernardino	Yes	Yes
Riverside	Yes	No
Imperial	No	No
North Coast Mountain Region	2018	2019
Lassen	No	No
Siskiyou	Yes	Yes
Modoc	Yes	No
Humboldt	Yes	Yes
Mendocino	No	No
Lake	No	No
Trinity	No	No
Shasta	Yes	Yes
Bay Area and Central Coast Region	2018	2019
Sonoma	Yes	No
Napa	Yes	Yes
Marin	Yes	No
Solano	Yes	No
San Mateo	No	No
Santa Clara	Yes	Yes
Santa Cruz	Yes	No
Contra Costa	Yes	Yes
San Benito	Yes	Yes
Monterey	Yes	Yes
San Luis Obispo	Yes	Yes
Alameda	Yes	Yes
City of Fremont	No	Yes
City of Palo Alto	Yes	Yes

Table A-1: 2018 Total Reported Enrollment in Acres

Region	Standard Prime	Standard Nonprime	Super Urban Prime	Super Urban Nonprime	Super Nonurban Prime	Super Nonurban Nonprime	Total
North Coast and Mountain Region	144,883	786,679	0	0	518	193	932,272
Sacramento Valley Region	606,892	1,511,618	33,075	4,193	115,128	9,059	2,279,964
Foothill and Sierra Region	34,532	675,721	0	1,750	1,165	7,595	720,763
Bay and Central Coast Region	396,084	2,894,978	43,175	4,872	14,121	26,320	3,379,550
San Joaquin Valley Region	2,514,243	2,452,374	81,904	682	513,327	20,292	5,582,822
South Coast and Desert Region	172,628	515,304	3,177	709	561	238	692,618
Totals	3,869,261	8,836,673	161,331	12,206	644,819	63,698	13,587,988

Data was obtained from Open-Space Subvention Surveys submitted by participating jurisdictions.

Totals include both continuing and nonrenewal contracts.

Table A-2: 2019 Total Reported Enrollment in Acres

Region	Standard Prime	Standard Nonprime	Super Urban Prime	Super Urban Nonprime	Super Nonurban Prime	Super Nonurban Nonprime	Total
North Coast and Mountain Region	126,617	677,844	221	221	0	0	804,903
Sacramento Valley Region	606,539	1,515,142	33,075	4,194	115,167	9,049	2,283,167
Foothill and Sierra Region	17,656	526,082	0	1,750	5	4,160	549,653
Bay and Central Coast Region	233,782	2,382,736	43,620	4,853	15,078	5,025	2,685,095
San Joaquin Valley Region	2,473,997	2,439,802	59,737	455	562,692	24,444	5,561,126
South Coast and Desert Region	128,198	503,168	3,464	735	565	235	636,365
Totals	3,586,790	8,044,774	140,117	12,208	693,507	42,913	12,520,309

Data was obtained from Open-Space Subvention Surveys submitted by participating jurisdictions.

Totals include both continuing and nonrenewal contracts.