

# The Williamson Act Status Report 2020-21



Gavin Newsom, Governor  
Wade Crowfoot, Secretary, Natural Resources Agency  
David Shabazian, Director, Department of Conservation



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: Broccoli, Monterey County

Photo by: Michael Kisko

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**Division of Land Resource Protection**

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Dear Land Conservation Partners:

I am pleased to present the Department's 2020-2021 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), formally known as the Land Conservation Act of 1965, 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 12.2 million acres of land in protection with just over one quarter of those being prime farmland.

Over the period presented in this report, the Department has seen a total of 90,488 acres coming out of protection by the Act, which is a slight increase over the previous reporting period. Further, the Department has been notified that 317,882 acres are planned for non-renewal over the next 10 years. Since projected dis-enrollment is dependent on development occurring, it should be noted that projections are uncertain and will continue to be monitored.

Looking forward, the Department is excited to work with our local government partners to implement SB 574 (Laird, Statutes of 21-22). This bill made important changes to modernize the program, strengthening local leadership, streamlining implementation, and improving how data is collected and reported. Over the next year, the Department will be providing outreach and guidance around these changes and increasing much needed technical support for local implementation.

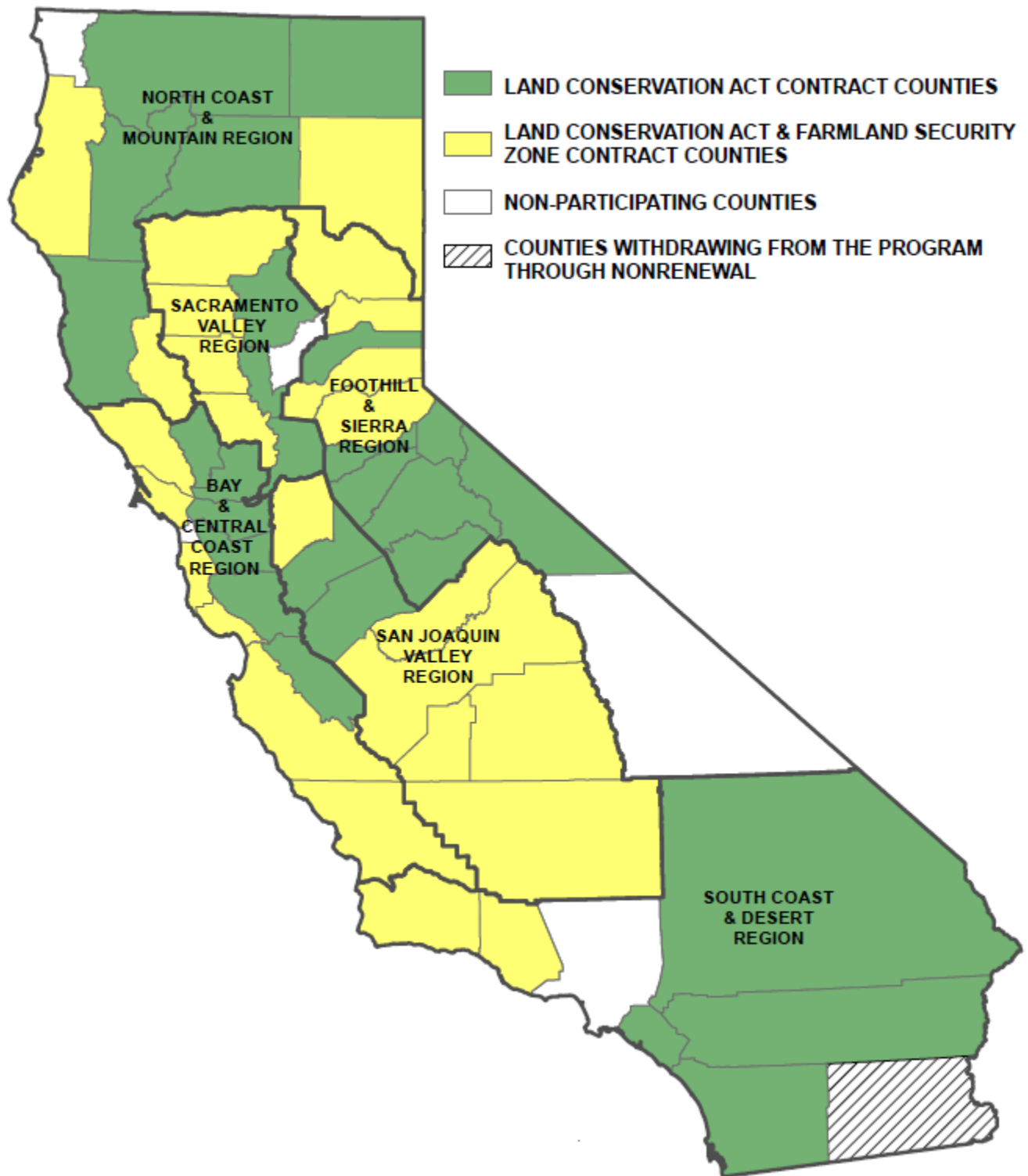
The Department of Conservation sincerely thanks the local governments that work with us to support the program, and to provide the data that underlie the production of this report.

Sincerely,

*Kealii Bright*

Kealii Bright  
Division of Land Resource Protection  
Division Director

# California Department of Conservation The Williamson Act: 2020-21 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."<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup> 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 required DOC to submit a biennial report to the Legislature regarding local implementation of the Act. The report is mandated to include, among other data, total enrolled acres and the number of acres removed from contract through cancellation, public acquisition/eminent domain, annexation, or nonrenewal. Although the recent passage of Senate Bill 574 (effective January 1, 2022) has removed this requirement,

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<sup>1</sup> Government Code Section 51220 (c).

<sup>2</sup> California Government Code sections 51200-51297.4.

<sup>3</sup> California Government Code section 51244(b).

<sup>4</sup> 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.

the Department will continue to maintain Williamson Act enrollment information digitally and will post this information on its website biennially.

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 enrollment numbers to the Secretary of Natural Resources to qualify for the Open-Space Subvention Act.<sup>5</sup> 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. 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.

Although the state no longer offers subvention payments, most cities and counties still report enrollment acres using the Open-Space Subvention Survey worksheet. Senate Bill 574 has simplified Williamson Act reporting, and now requires participating cities and counties to report Williamson Act enrollment in the form of Geographic Information System (GIS) files.

This report summarizes enrollment and contract termination trends for the 2020-21 reporting period, which runs from January 1, 2020 – December 31, 2021. 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 2020 reporting period, 35 counties and two cities submitted subvention enrollment data to DOC, and for the 2021 reporting period 24 counties and one city 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. These factors, among others, spurred the passage of Senate Bill 574 which significantly reduced city and county Williamson Act reporting and consultation requirements, as well as simplified Williamson Act enrollment reporting requirements.

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

<sup>6</sup> California Government Code sections 16140-16154.

## 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 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. (See Table A-3 for a list of reporting jurisdictions.) Furthermore, for those that do report, the level of specificity in the submitted data varies. As such, the information listed in Tables A-1 and A-2 underrepresents total enrollment.

**Table A-1: 2020 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	602,752	1,393,536	0	1,750	133	180	2,002,151
Sacramento Valley Region	857,233	2,098,851	32,631	4,826	110,687	21,846	3,126,075
Foothill and Sierra Region	439,632	1,233,650	0	0	138	180	1,673,600
Bay and Central Coast Region	350,783	2,532,316	44,172	4,886	15,971	5,031	2,953,160
San Joaquin Valley Region	484,766	2,422,942	19,714	3,774	42,824	11,951	2,985,970
South Coast and Desert Region	733,003	957,962	11,102	1,800	1,166	7,415	1,712,586
Totals	3,468,169	10,639,256	107,619	17,036	170,920	50,403	14,453,542

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

Totals include both continuing and nonrenewal contracts.



**Table A-2: 2021 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	23,740	302,094	621	221	0	0	326,676
Sacramento Valley Region	439,597	1,366,892	33,237	4,208	115,167	9,049	1,968,151
Foothill and Sierra Region	15,112	306,971	0	0	29	1,797	323,908
Bay and Central Coast Region	347,512	2,400,549	45,096	4,960	16,206	5,049	2,819,372
San Joaquin Valley Region	1,670,568	1,768,533	60,036	453	571,612	24,351	4,095,553
South Coast and Desert Region	78,343	426,479	0	0	133	0	504,956
Totals	2,572,957	6,540,788	138,989	9,842	703,142	40,068	10,038,615

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

Totals include both continuing and nonrenewal contracts.

**Table A-3: 2020/2021 Reporting Jurisdictions by Region**

<b>Sacramento Valley Region</b>	<b>2020</b>	<b>2021</b>
Tehama	Yes	Yes
Glenn	Yes	Yes
Butte	Yes	Yes
Colusa	Yes	Yes
Sutter	Yes	Yes
Sacramento	Yes	Yes
Yolo	No	No
<b>San Joaquin Valley Region</b>	<b>2020</b>	<b>2021</b>
San Joaquin	Yes	Yes
Stanislaus	Yes	No
Merced	Yes	No
Madera	Yes	Yes
Fresno	No	No
Kings	Yes	Yes
Kern	Yes	Yes
Tulare	Yes	No
<b>Foothills and Sierra Region</b>	<b>2020</b>	<b>2021</b>
Plumas	Yes	No
Sierra	Yes	No
Nevada	No	No
Placer	Yes	Yes
El Dorado	Yes	Yes
Amador	No	No
Calaveras	Yes	Yes
Tuolumne	Yes	Yes
Mariposa	Yes	No
Mono	Yes	No
<b>South Coast and Desert Region</b>	<b>2020</b>	<b>2021</b>
Santa Barbara	Yes	Yes
Ventura	Yes	No
Los Angeles	No	No

Orange	No	No
San Diego	Yes	No
San Bernardino	No	No
Riverside	No	No
Imperial	No	No
<b>North Coast Mountain Region</b>	<b>2020</b>	<b>2021</b>
Lassen	No	No
Siskiyou	Yes	No
Modoc	Yes	Yes
Humboldt	No	Yes
Mendocino	No	No
Lake	No	No
Trinity	No	No
Shasta	Yes	No
<b>Bay Area and Central Coast Region</b>	<b>2020</b>	<b>2021</b>
Sonoma	No	No
Napa	Yes	Yes
Marin	No	No
Solano	Yes	Yes
San Mateo	No	No
Santa Clara	Yes	Yes
Santa Cruz	No	No
Contra Costa	Yes	Yes
San Benito	Yes	Yes
Monterey	Yes	Yes
San Luis Obispo	Yes	Yes
Alameda	Yes	No
City of Fremont	Yes	No
City of Palo Alto	Yes	Yes

## 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.<sup>7</sup> Table A-4 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 approved<sup>8</sup> cancellation requests and pending<sup>9</sup> cancellation requests.
- The amount of cancellation fees that remain unpaid or uncollected.<sup>10</sup>
- The number of acres covered by cancellation certificates.<sup>11</sup>
- The number of nonrenewal notices, withdrawal of nonrenewal notices, and expiration notices.<sup>12</sup>
- The number of acres covered by active nonrenewal notices and expiration notices.<sup>13</sup>

**Table A-4: Contract Terminations and Other Trends**

Year	Final Cancellations Recorded *	Acres Cancelled #	Tentative Cancellations Remaining*	Unpaid or Uncollected Cancellation Fees	Nonrenewal Notices *	Acres Under Nonrenewal ~	Acres Expired Through Nonrenewal Expiration ~	Nonrenewal Withdrawal Notices *	Acres removed through Public Acquisition *	Annexation ~	Expiration Notices *
2020	4	213	5	\$1,716,125	24	178,276	18,379	0	275	23	0
2021	14	2245	5	\$10,325,750	21	139,606	69,129	22	201	23	0
Totals	18	2458	10	\$12,041,875	45	317,882	87,508	22	476	46	0

\* Notices received by the Department

# Acreage for notices received by Department

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

<sup>7</sup> Government Code § 51283 (cancellation), §51295 (eminent domain), § 51243.5 (annexation), and § 51245 (nonrenewal).

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

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> Not all participating jurisdictions submit notices to the Department of Conservation.

<sup>13</sup> 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.

## 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 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. Most of these types of questions are best addressed at the local level; for this reason, the State has passed Senate Bill 574.

Senate Bill 574 amended the Williamson Act by reducing nonessential State administrative and consultation requirements resulting in increased program efficiency and streamlined local implementation, while maintaining the Department's role to assist local, regional, state, federal agencies, and landowners regarding the policies, purposes, and procedures of the program.

Senate Bill 574 changes to the Williamson Act include but are not limited to:

- Section 51207 removes the Department's requirement to publish a biennial Williamson Act Report, but now requires the Department to post on its website biennially: the number of acres of land under contract, the number of acres removed from contract through cancellation, eminent domain, or annexation.
- Section 51237.5 now requires that on or before January 30th of each year, each city or county in which an agricultural preserve is located to provide the Department with geographical information system (GIS) data files of all agricultural preserves and Williamson Act contracted land in existence at the end of the preceding year.
- Section 51245 removes the requirement to notify the Department within 30 days of a notice of nonrenewal or a notice of withdrawal of a nonrenewal.
- Section 51283.4 changes the language to be consistent with 51283.1(c) (old section 51203(c)) that makes the cancellation fee valid for one year after the Assessor's original valuation, and requires the County to send a withdrawal of Tentative Cancellation to the Department of Conservation.
- Section 51284 removes the requirement for the county to send notice of the upcoming public hearing for a cancellation petition to the Department of Conservation. The County is still required to send the published notice of the decision made for the cancellation.
- Section 51291 eliminates the Department of Conservation's review and comment period for a public Acquisition of Williamson Act land. The public agency must notify the local governing body of the public acquisition and consider any comments they may have.
- Section 51297 removes language requiring the Department of Conservation to approve a cancellation for a Farmland Security Zone contract. Local agencies must still make appropriate findings and may seek guidance from the Department.

A full summary of Senate Bill 574 can be found on the [California Legislative Information website](#). These changes will allow both the State and participating jurisdictions to more productively support the State's agricultural land conservation goals.

## **Conclusion**

The Department of Conservation is pleased to present this last and final biennial Williamson Act Status Report, and again 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. Future Williamson Act enrollment information and data will be accessible on the Department's website.