

# Mendocino County Sustainable Ag Lands Committee

## WILLIAMSON ACT FACT SHEET



### Background

The California Land Conservation Act, more popularly known as the Williamson Act, was enacted in 1965 to preserve agricultural and open space lands from premature conversions to urban uses.

The Williamson Act helps to preserve agricultural and open space land by lowering property taxes of landowners when they enter into 10-year rolling agreements (9-year rolling contracts in Mendocino County since 2010) with counties to restrict the use of their property to agriculture and open space.

The intent of the Act is to maintain the agricultural economy of the state and to ensure adequate, healthful and nutritious food for future residents. The lowered property tax is based on a complex calculation tied to agricultural income rather than the current fair market value of the land.

The state paid counties subvention funding to offset the loss in property taxes related to Williamson Act contracts from 1971-2009. State budget cuts have not allowed for any subvention funds to be allocated to counties since 2009. To incentivize counties to continue to support the Act, AB 2530/SB 863 passed in 2010 and gave counties the option to reduce contracts from 10 years to 9 years and recapture 10% of the property tax value. Mendocino County adopted the 9-year rolling contract term in 2010 and has applied this term length ever since.

### Williamson Act in Mendocino County

- As of December of 2018 there were 33,742 acres of prime land and 430,802 acres of range land/non-prime land under Williamson Act contracts in the county.
- Applications to place properties under a Williamson Act contract can be submitted to the county for consideration by the Planning Commission and Board of Supervisors on or before May 1<sup>st</sup> of the year prior to the year which the contract is desired to take effect.
- All eligibility requirements must be met prior to properties being considered for a contract.
- The Assessor's Office shall mail agricultural preserve questionnaires to the owners of contracted land no less than every 4 years to verify compliance with the terms of the contract.
- Full text can be found under Chapter 22.08 of the Mendocino County Code.



"... CONSIDER 16 MILLION ACRES [PROTECTED BY THE WILLIAMSON ACT], IN MANY CASES THE BEST AGRICULTURAL LAND IN THE STATE OF CALIFORNIA, WHICH MEANS THE BEST AGRICULTURAL LAND IN THE WORLD. I THINK THAT THE ACT HAS FORCED DEVELOPMENT ONTO OTHER LAND AND THAT IT WILL CONTINUE TO DO SO. BUT, ULTIMATELY, IF WE ARE GOING TO BE ABLE TO GROW ENOUGH FOOD TO FEED THE WORLD, IT WILL BE UP TO LOCAL GOVERNMENT TO KEEP OUR BEST LAND OFF THE MARKET, TO TELL DEVELOPERS 'NO, IF YOU WANT TO BUILD, YOU MUST GO SOMEPLACE ELSE.'"

JOHN WILLIAMSON  
(1913-1998)

Former State Assemblyman  
and Author of the Williamson Act



### ***Agricultural Preserve Information***

- An agricultural preserve may be created prior to or concurrently with the creation and execution of a Williamson Act contract restricting land within the preserve. However, all land under a Williamson Act contract must be located within an agricultural preserve.
- Once an agricultural preserve is established, a Williamson Act contract may be executed for any qualifying agricultural or open space land within the preserve.
- No agricultural preserve may be established or approved by the Board of Supervisors unless all properties within the proposed preserve boundaries has been approved by the Board of Supervisors for the following restrictive zoning: Agricultural (A-G), Rangeland (R-L), or Forestland (F-L).
- With some exceptions, an agricultural preserve shall consist of no less than 100 acres; provided that, in order to meet this requirement, two or more parcels may be combined if they are contiguous and further provided that no parcel containing less than 100 acres shall be combined for this purpose with any other parcels within an existing agricultural preserve unless the owners of all parcels included within the agricultural preserve have indicated their approval in writing on the petition.
- No agricultural preserve may be disestablished or altered to remove land from the preserve if such removal would cause or contribute to the premature or unnecessary conversion of agricultural land to urban uses or to significant encroachment of incompatible land uses into the immediate vicinity of contracted land.

### ***Williamson Act Contract Eligibility***

- A minimum of 50% of the contracted property must be continuously used or maintained for agricultural uses.
- Parcels must be a minimum of 10 acres for prime lands or 40 acres for non-prime lands.
- Compatible uses (structures, etc.) allowed on contracted lands must occupy no more than 15% of the contracted land, or 5 acres, whichever is less excluding public/private roads or driveways.
- Lands restricted by a contract must meet annual income requirements of \$1000/acre for prime land with vines or bushes, \$300/acre for prime land with fruit or nut trees, \$2000 gross total income per farm operation plus \$2.50/acre gross income for prime or non-prime lands used for unprocessed animal or plant products, hay production, grazing, non-permanent row crops or horse breeding.
- Evidence of substantial investment/development (whether incurred by a property owner or tenant), including capitalized improvements, maintenance and other costs related to qualified agricultural uses, may be substituted for annual income. The county may consider all qualifying agricultural income generated by the property, including tenant income, which shall be pro-rated based on the percentage of the year the property was used by the tenant.
- The contract runs with the land and not the ownership.
- Cannabis is considered an allowable use on contracted properties, but is not a qualifying use that can be used to meet the income requirements above. (County resolution 17-041. March 21, 2017)
- Non-renewal of a contract can be initiated by the landowner or the county.