

Requirements for Williamson Act Contracts

The Pinnacle

By Patrick Casey

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An agricultural landowner may decide to enter into a Williamson Act Contract (“Contract”) in order to reduce the property taxes on their agricultural land. In order to do this, the landowner must meet all of the requirements of the Williamson Act. The first requirement is that the landowner’s land must be within an agricultural preserve, which is an area within which a city or county will enter into Contracts with landowners. The preserve area is designated by resolution of the board of supervisors or the city council having jurisdiction. Only land located within an agricultural preserve is eligible for a Contract, and the minimum permitted agricultural preserve size is 100 acres.

The next requirement is that the land must be devoted to agricultural use, which means that the land must be used for purposes of producing an agricultural commodity. California law defines an agricultural commodity as being all plant and animal products produced in this state for commercial purposes. Therefore, any agricultural land that is not being used for commercial purposes will not qualify for a Contract.

If the landowner meets these basic requirements, then they must contact the respective city or county planning department to initiate the Williamson Act process. The planning department will meet with the landowner to review the land that is proposed to be subject to the Contract. An analysis will be done to determine the importance of preserving the landowner’s property. There are various factors that go into this analysis and a landowner will need to talk with the planning department to go over the factors.

If the planning department approves the proposed Contract, then the landowner will need to go before the county planning commission or the city council, whichever is appropriate, for approval of the Contract. The minimum term of the Contract will be 10 years, and some counties, such as Monterey, require that the Contract be for 20 years. The Contract will also give the respective county or city the authority to monitor the Contract to insure compliance with it. If the Contract is approved, then it will be recorded with the county recorder’s office and will be binding on all present or future landowners until the contract is terminated.

A Contract is going to automatically renew each year. This means that every year that the land is subject to the Contract is deemed to be the first year of the Contract.

Simply because a landowner owns land within an agricultural preserve that meets the agricultural use requirements does not mean that they will be granted a Contract. The Contract process is complicated and there are potential land use and political factors that

go into approving a Contract. Any landowner considering doing this should talk with an attorney about the possibility of entering into a Contract on their land. For more information, please call Patrick Casey, who is an attorney at Lombardo & Gilles, at (831) 754-2444.