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WILLIAMSON ACT LAND EXCHANGE PROGRAM

A program for early release from the Williamson Act Program in exchange for dedication of perpetual Agricultural Land Conservation Easements

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STATE OF CALIFORNIA
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THE WILLIAMSON ACT LAND EXCHANGE PROGRAM

Senate Bill 1240 (1997) added Section 51256 to Chapter 7 of the California Government Code, otherwise known as the California Land Conservation (Williamson) Act. This new provision of the Williamson Act allows a landowner to terminate a ten-year Williamson Act contract early in exchange for dedicating an equal amount and quality of agricultural land to a perpetual agricultural land conservation easement under the provisions of the Agricultural Land Stewardship Program. The land being taken out of the Williamson Act must be contiguous to existing urbanized areas and not be growth-inducing. The development value of the land being protected under the easement must be equal to the normal Williamson Act contract termination penalty (12.5% times the open market value of the land being withdrawn from the Williamson Act). Local governments affected by the easement must agree that the land should be given perpetual protection. The State of California must also agree to the exchange.

Following is the language of Senate Bill 1240:

51256. Notwithstanding any other provision of this chapter, a city or county, upon petition by a landowner, may enter into an agreement with the landowner to rescind a [Williamson Act] contract in order to simultaneously place other land under an agricultural conservation easement, as defined in Section 10211 of the Public Resources Code [Agricultural Land Stewardship Program], provided that the board or council makes all of the following findings:

(a) The agreement will not result in discontinuous patterns of urban development.

(b) The agreement is not likely to result in the removal of adjacent land from agricultural use. In making this finding, the board or council shall consider testimony and other evidence presented by the owner or operator of agricultural operations on land adjacent to the contracted land.

(c) The proposed agricultural conservation easement is consistent with the criteria set forth in Sections 10251 and 10252 of the Public Resources Code.