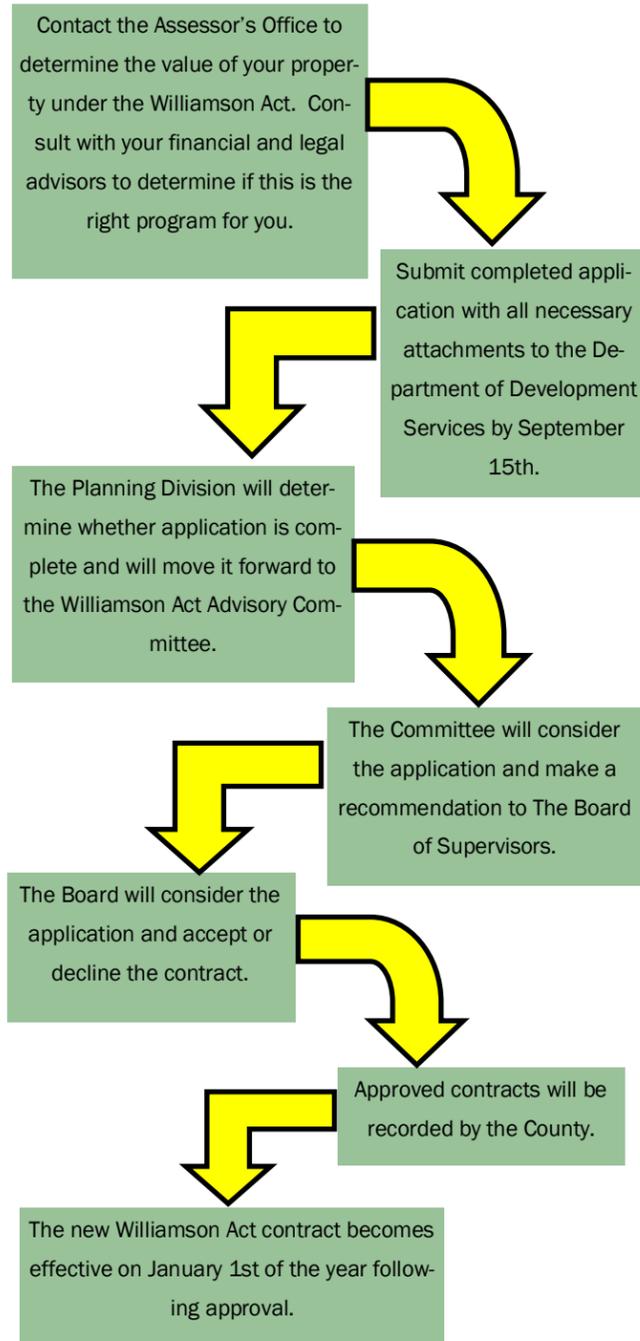


NEW CONTRACTS



More information can be found on the Department of Development Services website.

www.buttecounty.net/dds

TERMINATING CONTRACTS

- **Non-renewal** – This is the preferred method to terminate a Williamson Act contract. A non-renewal notice must be submitted to the Department of Development Services on or before September 30th. Starting the following the year, the tax assessment for the property will begin to normalize. The contract will still be in effect for eight years following a nonrenewal notice. Every year the property tax will incrementally increase until it reaches the current fair market value tax rate.
- **Partial Non-renewal** - Similar to non-renewal but only part of the enrolled land will be removed from the contract. The remaining contracted land must meet minimum parcel size requirements.
- **Immediate Cancellation** - Land owners may petition the County to immediately cancel their land from the Act. The Board of Supervisors can only approve the cancellation if specific findings can be made. To cancel a contract, all parties with a legal or equitable interest in the property must sign a petition for cancellation. Depending on the date of the Williamson Act contract, the property owner must pay a cancellation fee equal to 12.5% or 25% of the valuation of the cancelled property. Upon approval and finalization of the cancellation, the subject land will be taxed at its current fair market value.
- **Lot Line Adjustments** – The landowner and County, upon mutual agreement, may rescind a contract and simultaneously enter into a new contract in order to make lot line adjustments. All adjusted parcels must meet minimum parcel size requirements.

RESOURCES FOR LANDOWNERS



**Butte County
Department of Development Services**

www.buttecounty.net/dds

7 County Center Drive
Oroville, CA 95965
(530) 538-7601

Butte County Assessor

assessorsoffice@buttecounty.net
25 County Center Drive, Suite 100
Oroville, CA 95965
(530) 538-7721

Butte County Williamson Act

<http://www.buttecounty.net/dds/Planning/WilliamsonAct.aspx>

Butte County Planning Fee Schedule

http://www.buttecounty.net/Portals/10/Fees/Planning/Master_Fee_Schedule-Planning.pdf

California Department of Conservation Williamson Act

<http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx>

Brochure : Wyatt Pless 2015

Butte County
Department of Development Services

WILLIAMSON ACT



CALIFORNIA LAND CONSERVATION (WILLIAMSON) ACT

The California Land Conservation Act, otherwise known as the Williamson Act, was enacted in 1965. The Williamson Act was written into law in order to preserve agricultural and open-space land, and to discourage premature and scattered urban development.

In return for signing a binding contract limiting their property to agricultural use, landowners receive property tax assessments which are lower than normal because they are based on farming or open space use as opposed to the property's unrestricted market value.

The Open Space Subvention Act of 1971 provided local governments an annual subvention from the State of the property tax revenues foregone under the Williamson Act until the year 2009. These payments have been suspended since then, due to State revenue shortfalls. The Williamson Act program is currently funded by the County.

All Williamson Act contracts are signed by both the landowner and the County, and are effective for a minimum of nine years. The contract rolls over annually each year, so the remaining term of each contract is always ten years.* In exchange for signing this contract the land owner receives a property tax break approximately between 15- 60%.

*In 2012 Butte County implemented AB1265, reducing the term of its Williamson Act contracts from 10 years to 9 years. This program reduces the program's benefit to landowners by 10%, but also reimburses the County for approx. 40% of the program costs.

Type of Agricultural Use	Typical Property Tax Reduction <i>(actual reduction will differ based on the specific property)</i>
Orchards	17%
Rice and Field Crops	18%
Cattle	64%

LIMITATIONS & ENFORCEMENT

A Binding Agreement

The Williamson Act is a binding agreement that runs with the land. In other words, if the land is sold or transferred the contract still remains in effect.

The land under contract must be used for the intended purpose stated in the contract. For example, if the contract is solely for open space preservation, farming of this land is prohibited under the contract.

Use Permits and Land Divisions

Many uses allowed by right on agriculturally zoned lands have been deemed compatible with the county's Williamson Act program. The Williamson Act Advisory Committee will review applications for use permits, land divisions and certain other uses on Williamson Act land on a case-by-case basis to determine their compatibility with the program. The following are requirements for approval:

- Conditions have been required for, or incorporated into, the use that mitigate or avoid onsite and offsite impacts.
- The productive capability of the land has been considered as well as the extent to which the use may displace or impair agricultural operations.
- The use is consistent with the preservation of agricultural and open space land or supports the continuation of agricultural uses.
- The use does not include a residential subdivision.

Enforcement

A material breach of the contract is defined as commercial, industrial, or residential building(s), exceeding 2,500 square feet that is not permissible under the Williamson Act contract, local uniform rules or ordinances.

The County reserves the right to non-renew any contract which does not follow the limitations set by the Williamson Act contract.

REQUIREMENTS



The Butte County Board of Supervisors must approve all new Williamson Act contracts.

APPROVED USES

Primary Agricultural Use: The primary use of the property must be commercial agricultural production resulting in food, fiber, or similar products. The production of marijuana is not considered a commercial agricultural use under the Butte County Williamson Act program.

Compatible Uses: These uses must be incidental, related, appropriate, and clearly subordinate to the primary agricultural use. For example, a fruit stand is a compatible use when on the same property as a fruit orchard.

Primary Open Space Uses: Lands used for open space can be enrolled in the Williamson Act. This must be land that is used for the preservation of one the following:

- Wildlife and biotic habitat area
- Managed wetland area
- Recreational use
- Scenic highway corridor

MINIMUM PARCEL SIZE

Parcels comprising new contracts must meet or exceed the minimum parcel size established in the applicable zoning district. Parcels must also meet the applicable Williamson Act program size requirement in the table below. For example, if an orchard parcel is located in an AG-40 zone it must be at least 40 acres in size in order to be enrolled, although the minimum size for a Williamson Act parcel in orchard use is 20 acres.

Type of Activity	Minimum Parcel Size (acres)
Orchards/ Vineyards	20
Field Crops	80
Irrigated Pasture/ Irrigated Rice	80
Open Space Uses	80
Dry Land Grazing	160

APPLICATION REQUIREMENTS

The following information is required for an application for a new contract. The applicant should discuss the application submittal requirements with Planning Division staff prior to submittal. Additional information may be required in order to clarify, correct or supplement the information below:

Map - A copy of a recorded map or assessor's parcel map showing the subject real property and delineating each parcel.

Legal Description - May often be found in the preliminary title report.

Owner Information- Names and addresses of all owners.

Resource Management Plan - Only for open space applications.

Application Fee - The applicant is responsible for all costs for County staff to review the application and prepare any necessary documents. An initial retainer fee must be provided at the time of application submittal. Additional costs may be incurred to allow staff to continue processing the application. Ask Planning staff about the current application fee.

Additional Information - The Williamson Act Advisory Committee will review the application, and may require additional information to determine whether a property may be eligible for a contract. The Board of Supervisors must all approve new contracts.

Agricultural Use Description - A statement by the applicant describing the type and quantity of the commercial agricultural use, including but not limited to how the parcel or parcels of land are to be commercially utilized for the production of food or fiber. This statement should include methods of production, acreage, improvements, a description and/or map of all structures, accessory uses, and any other information that describes the nature and scope of the commercial agricultural use.

Open Space Management Plan- The following open space uses may require information and a management plan:

- Wildlife Habitat Area
- Managed Wetland Area
- Recreational Use
- Scenic Corridor

Conservation Easements - A copy of any conservation easements for the property.