



Butte County Department of Development Services

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FORM NO

PLG-10

BUTTE COUNTY GUIDE TO THE LAND CONSERVATION (WILLIAMSON) ACT

Butte County's objective in implementing the California Land Conservation Act of 1965 (referred to as the Williamson Act) is the promotion of agricultural productivity and the preservation of agricultural and open space land by discouraging premature and unnecessary conversion to urban uses.

A Williamson Act contract is an agreement entered into voluntarily, by and between the property owner and the County, to restrict the use of the land for agricultural, open space and compatible uses for a minimum term of nine (9) years, in return for a reduction in property taxes on the land. The agreement runs with the land and renews automatically every January 1st (unless non-renewed by the landowner or County), so that there are always nine years remaining in the contract term.

The purpose of this guide is to provide a basic understanding of the Williamson Act, the application process, and cancellation process. For further information visit <http://www.buttecounty.net/dds/Planning/WilliamsonAct.aspx> or contact The Department of Development Services.

Approved Agricultural Uses

Primary Agricultural Uses: Uses determined by the Board of Supervisors to be compatible with the Williamson Act. Primary agriculture is defined as commercial agricultural production resulting in food, fiber, and similar uses. The production of marijuana is not considered a primary agricultural use. For the list of approved uses see the *Butte County Administrative Procedures and Uniform Rules for Implementing the California Land Conservation (Williamson) Act*.

Compatible Uses: Compatible uses are also allowed, but must be incidental, related, appropriate, and clearly subordinate to the primary agricultural use, and may not significantly alter or inhibit the primary use on the land. Compatible uses include storage or processing facilities for agricultural products produced on the property, on-farm sale stands, etc. Open space is also considered a compatible use under the Williamson Act program; however, certain limitations apply.

Use Permits and Land Divisions: The determination that a land use is compatible with the Williamson Act does not in itself entitle the landowner to that use. Land use on Williamson Act Land is also subject to all County, State, and Federal laws and regulations such as zoning and conditional use permit approval. The Williamson Act Advisory Committee shall, on a case-by-case basis, consider and make a recommendation to the Board of Supervisors concerning whether a proposed use is consistent with the Williamson Act. Applications for such reviews must be accompanied by an initial retainer of **\$2,256.20**. There are four findings that must be made before a conditional use permit may be deemed compatible with the Williamson Act:

1. Conditions have been required for, or incorporated into, the use that mitigate or avoid onsite and offsite impacts.
2. The productive capability of the subject land has been considered as well as the extent to which the use may displace or impair agricultural operations.

3. The use is consistent with the preservation of agricultural and open space land or supports the continuation of agricultural uses.
4. The use does not include a residential subdivision.

Open Space Use

Open space uses may be approved by the Board of Supervisors, after consideration by the Williamson Act Advisory Committee. To qualify as an allowed open space use, the Board of Supervisors must make the finding that the applicant’s land is used for the preservation of important open space land for:

1. Wildlife & biotic habitat area per Section 51201(j).
2. Managed wetlands area per Section 51201(l).
3. Recreational uses per Section 51201(n).
4. Scenic highway corridors (per Section 51201(i)).

Conversion to Open Space Use: The conversion from agricultural use to an open space use requires execution of a new or amended contract. If the landowner is unwilling to enter into a new or amended contract, the Board of Supervisors may non-renew any contract for lands which have been converted to an open space use.

Minimum Parcel Sizes

To be enrolled in the Williamson Act, parcels must meet or exceed minimum lot sizes established by the applicable base Butte County zoning district. Parcels must also meet the minimum parcel size required by Table One. Minimum parcel size requirements also apply to parcels eligible for home building permits, and parcels eligible for sale or transfer.

TABLE ONE:

Type of Activity	Minimum Acres per Contract and Parcel Size
Orchards (vineyards, kiwi, fruit, nut and similar crops)	20
Field Crops (irrigated row-crops, small grains, and similar crops)	80
Irrigated Pasture or Irrigated Rice Production	80
Open Space Uses	80
Dry Land Grazing	160

The Contract

Contracts are effective for a minimum of nine years in accordance with California State procedures. Completed applications for new contracts must be filed before September 15th to become effective the following year. Every new contract begins January 1st of the year following the approval of the application. Williamson Act contracts renew automatically each year, absent a notice of nonrenewal.

Binding Agreement: The Williamson Act contract is binding on the property owner and runs with the land. The contract limits the uses of the enrolled land to those allowed under the County program.

Enforcement: Material breach on land subject to a Williamson Act contract is defined as a 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 or a landowner may bring any action to enforce a contract. The County reserves the right to non-renew any contract where the actual use of the property is inconsistent with the County’s Williamson Act program.

The Application

Please contact the Department of Development Services if you have questions about the information required for applications to enroll property in the Williamson Act:

1. **Map** - A copy of a recorded map or assessor's parcel map showing the subject real property and delineating each parcel.
2. **Legal Description of Each Parcel** - May often be found in the preliminary title report.
3. **Owner Information** - Names and addresses of all owners.
4. **Resource Management Plan** - Only for open space applications.
5. **Application Fee** - A Williamson Act contract application is charged on an actual cost basis, with the applicant responsible for all costs for the County to review the application and prepare any necessary documents. An initial retainer fee of **\$2,256.20** must be paid at the time of application submittal, which will include additional fees collected on behalf of other County departments to review the application. If the initial retainer funds become depleted, replenishment of the retainer must be paid to allow the County to continue processing the application. Please make checks payable to: "Butte County"
6. **Additional Information** - The Williamson Act Advisory Committee may require additional information to determine whether a property is eligible for a contract.
7. **Description of the Property Use:**
 - a. **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 appurtenant structures, accessory uses, and any other information that describes the nature and scope of the commercial agricultural use.
 - b. **Open Space Management plan:** Applications involving open space uses may require further information and a management plan:
 - Wildlife Habitat Area
 - Managed Wetland Area
 - Recreational Use
 - Scenic Corridor
 - c. **Conservation Easements:** A copy of any conservation easements applicable to the property.

The Process for New Contracts

1. Applicant completes application on or before September 15th and submits to Department of Development Services.
2. The Planning Division deems application to be complete and moves it forward to the Williamson Act Advisory Committee.
3. The Williamson Act Advisory Committee considers the application and makes a recommendation to the Board of Supervisors.
4. The Board considers the Williamson Act contract and approves or denies it.
5. Approved contracts are recorded by the County.

6. Williamson Act contracts become effective on January 1st of the year following approval.

Lot Line Adjustments and Other Land Divisions

In accordance with the Land Conservation Act, the landowner and the County may upon their mutual agreement rescind a contract in order to simultaneously enter into a new Williamson Act contract in order to facilitate a lot line adjustment. Approval of a lot line adjustment or other land division on Williamson Act land requires a consistency review by the Williamson Act Advisory Committee and approval by the Board of Supervisors. In addition to the lot line adjustment or other land division review fee, the initial retainer fee for contract amendment is \$1,316.79; no additional fee is required for the Williamson Act consistency review.

Termination of Contract

Non-renewal of Williamson Act Contract: Non-renewal is always the preferred means of terminating a contract. When notice is provided on or before September 30 the contract shall expire eight (8) years from December 31 of the year that a timely notice was provided. The County prior to the expiration date of the contract shall not permit uses of the land that do not comply with the restrictions of the contract. An initial retainer of **\$2,256.20** applies to applications for non-renewal or partial nonrenewal.

Notice of Partial Non-renewal: Notice of partial non-renewal for lands within a Land Conservation Agreement. If only a portion of the lands within an agreement are non-renewed, the remaining contract lands must conform to the minimum acreage requirements in Table One, above. It is the applicant's responsibility to provide accurate legal descriptions of the area to be non-renewed and the area to remain in the contract.

Immediate Cancellation of Williamson Act Contract: In accordance with the Land Conservation Act, a landowner may petition the County for immediate cancellation (termination) of a contract on all or a portion of the property. The Board of Supervisors may only approve cancellation of the contract if certain requirements are met. An initial retainer of \$8,928.96 must accompany the petition. Because cancellation of a Williamson Act contract requires review under the California Environmental Quality Act (CEQA), additional fees apply.

- In order for the contract to be cancelled, the Board of Supervisors must make specific findings as set forth in state law.
- To cancel a Williamson Act contract, a petition signed by all parties having a legal or equitable interest in the property shall be submitted to the Development Services Department with the applicable fees.
- Cancellation of a portion of the contract must result in remaining contract parcels that conform to the minimum acreage requirements of Table One.
- Upon approval of a requested cancellation and recordation of a final certificate of cancellation of contract, the subject land will be taxed at its current fair market value.
- **Cancellation Fee:** Cancellation of a Williamson Act contract is subject to the payment to the State Treasurer of a cancellation fee equal to 12.5% of the cancellation valuation of the property, as determined by the County Assessor based upon the current fair market value of the land as though it were free of the contractual restrictions. Cancellation of most Williamson Act contracts also requires the landowner to make a cancellation fee payment to Butte County equal to 12.5% of the cancellation valuation of the property.

Helpful Links

For information about the California Land Conservation (Williamson) Act, view the California Department of Conservation webpage at

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

For information about the Butte County Williamson Act program, including the *Butte County Administrative Procedures and Uniform Rules for Implementing the California Land Conservation (Williamson) Act*, see the Butte County Williamson Act homepage at

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

For the current Butte County Planning application fee schedule, see

<http://www.buttecounty.net/dds/Fees.aspx>

For the relevant section of the California Government Code Chapter 7, see

http://www.leginfo.ca.gov/.html/gov_table_of_contents.html commencing with Section 51200.