



FACT SHEET

WILLIAMSON ACT LANDS

GENERAL PLAN UPDATE INFORMATION

Website:
www.sdcounty.ca.gov/dplu/gpupdate

Informational Hotline:
619.615.8289

E-mail:
gpupdate.DPLU@sdcounty.ca.gov

Mailing Address:
County of San Diego
Department of Planning and Land Use
5201 Ruffin Rd, Suite B
San Diego, CA 92123

BACKGROUND

The California Land Conservation Act of 1965--commonly referred to as the Williamson Act--enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive a reduction in their assessed property taxes based upon farming and open space uses as opposed to full market value. Local governments receive an annual subvention to partially offset forgone property tax revenues from the state via the Open Space Subvention Act of 1971. However, in the 2009 State budget, the legislature suspended local subventions in an effort to address budget shortfalls.

County Board Policy I-38 (Agricultural Preserves) provides the County’s guidelines for implementation of the Williamson Act: <http://www.sdcounty.ca.gov/cob/docs/policy/I-38.pdf>.

AGRICULTURAL PRESERVES AND CONTRACTS

The adoption of the Williamson Act authorized the County to establish Agricultural Preserves and enter into contracts with property owners. An Agricultural Preserve is an area devoted to either agricultural use, open space use, recreational use, or any combination of such uses, and compatible uses which are designated by the County. Preserves are established by the Board of Supervisors for the purpose of defining the boundaries of those areas within which the County is willing to enter into contracts pursuant to the Act. Preserves contain some restrictions on use which are specified in State law and the Board adopted Agricultural Preserve resolution. Lands within Preserves are also rezoned to contain an “A” Special Area Designation to denote the presence of the adopted Agricultural Preserve.

Landowners within a Preserve may enter into a contract with the County to contractually restrict their land to the uses stated above whereby the assessment on their land will be based on its restricted use rather than on its market value.

The County has designated approximately 402,100 acres as Agricultural Preserves. Over 100 contracts within these Preserves exist totaling approximately 80,500 acres.

REMOVAL OF AGRICULTURAL PRESERVES AND CONTRACTS

The process for removing lands from Agricultural Preserves and contracts is set forth in Board Policy I-38. There are two options for terminating a contract. The preferred method of contract termination is nonrenewal which may be filed by the landowner or County. Nonrenewal takes 10 years from filing for expiration and the property taxes gradually rise to the full unrestricted rate at the end of the nonrenewal period.

Cancellation is an option under limited circumstances and findings set forth in Government Code (GC) §51280 et seq. In such cases, landowners may petition the County for the cancellation which may only be approved if statutory findings are made. For cancellations, the landowner is required to pay a cancellation fee equal to 12.5 percent of the cancellation valuation (unrestricted fair market value) of the property.

For both options, subsequent (or concurrent) Board action to remove the Agricultural Preserve and associated “A” Special Area Designator from the parcel, is required.

RELATIONSHIP TO GENERAL PLAN

Unincorporated lands under Agricultural Preserves or contracts must also comply with the County’s General Plan. Where a difference in standard or regulation occurs, the most restrictive applies. For example, where the General Plan may allow for reduction in lot sizes, the lots may be no smaller than the minimums specified in the Preserve or contract.

GENERAL PLAN UPDATE PROPOSED PRESERVE DISESTABLISHMENTS

The County contains an extensive amount of lands that are within agricultural preserves but not under contract and, in many cases, not being used for agriculture. The General Plan Update includes a future implementation program to remove lands from agricultural preserves where appropriate. This is proposed to reduce costs to property owners, to streamline the disestablishment process, and to recognize that the land is not devoted to agriculture. Removal from the preserve will allow for the land to be used pursuant to the General Plan Update.