

**The Williamson Act: Past, Present, Future?
A Legislative Oversight Hearing**

California Senate Local Government Committee

Land Use Planning Implications of the Williamson Act
and its Importance as a Planning Tool to
Sustain California's Growth and Prosperity

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Honorable Senate Local Government Committee:

I am here today representing the California State Association of Counties and the California County Planning Director's Association in presenting you with reasons why the continued use of the Williamson Act Program, including the provision of State subventions to counties, is important for California's future. This important farmland conservation program not only assures the sustainability of a strong agricultural presence for California's economy, but also provides an important land use planning program used by county planning agencies to effectively implement General Plan conservation programs which address the growth of urban areas, the expansion of public infrastructure and the conservation of important agriculture and open space resources. As an administrator of a large Williamson Act Program in the Central Valley, I intend to provide you some insight of the benefits this program provides in promoting effective land use planning.

Kern County Assemblyman John C. Williamson authored the California Land Conservation Act (Williamson Act) in 1965. Assemblyman Williamson's legacy after the program's 45 year existence is a 16.6 million acre conservation program that has successfully kept agricultural lands under contractual land use restrictions for purposes of ensuring a strong agricultural presence in the State's economy.

Kern County's Williamson Act Program is one of the largest in the State with 1,471,469 acres enrolled in Williamson Act contracts plus another 145,150 acres included in Farmland Security Zone contracts. This Statewide agricultural conservation program has been a popular program with Kern County land owners and has successfully kept large contiguous areas in continued agricultural production (see attached map).

As a land use planner, I am going to focus my comments on the importance of how the Williamson Act Program compliments local government planning efforts and is effective when used in conjunction with General Plan, Zoning and other programs to guide urban growth and help protect agricultural resource areas from incompatible use. In addition, I am going to address the importance that the Williamson Act Program plays in promoting the State's efforts to implement greenhouse gas reduction strategies imposed by AB 32 and SB 375.

Williamson Act's Importance in Promoting Orderly Urban Growth

Although much can be said of the importance of the Williamson Act Program in sustaining agriculture, it is important to also focus on the influence that this conservation program has in controlling the expansion of urban growth into agricultural areas. The Williamson Act Program's purpose is to discourage haphazard and premature urban development patterns in agricultural areas. County planning agencies rely on the Williamson Act Program as an effective tool to forestall premature urbanization of agricultural areas.

Kern County has been successful in utilizing the presence of Williamson Act contracted properties as a reason to discourage premature urban expansion adjacent to the Metropolitan Bakersfield Area and to discourage leapfrog development proposals. By incorporating specific policy directives in the General Plan which discourage amendments to planned agricultural land use designations involving contracted property, the General Plan works together with the Williamson Act to effectively discourage premature development proposals on the periphery of the Metropolitan area.

The County also incorporates specific criteria in the General Plan that must be considered by the decision-makers when evaluating the suitability of converting agricultural land to urban use. These standards include proximity to urbanization and services and the potential to adversely affect adjacent Williamson Act contracted properties. The presence of contracted land adjacent to development proposals has been an important factor used by decision-makers in concluding that some proposals to amend the General Plan from agricultural use are premature.

The use of General Plan designations and zoning by themselves have not been effective in assuring orderly growth that discourages sprawl into the State's farmlands. Presently, the Williamson Act offers the only large-scale effective means for local governments to set aside large contiguous areas as agricultural preserves. Williamson Act agricultural preserves combined with enforceable contractual restrictions are not as vulnerable as General Plans to short-term shifts in the local political economy.

In addition to the important relationship the Williamson Act has with General Plans, there are other State laws utilized by land use planning agencies which acknowledge the importance of the Williamson Act program when land use decisions are made. These include the California Environmental Quality Act (CEQA), the Subdivision Map Act and the Cortese-Knox-Hertzberg Local Government Reorganization Act which all have provisions that acknowledge the importance of Williamson Act contracted land when determining the environmental effects of a project, subdividing property into smaller parcel sizes and when considering the Local Agency Formation Commission (LAFCO) Spheres of Influence designations and city incorporated boundary annexations. The recognition of the restrictive nature of Williamson Act contracts has long been an important tool of local government land use planning programs.

In discussing approaches to conserve farmland from urban encroachment, critics are always quick to assert that the Williamson Act program is voluntary and consist of limited 10 or 20 year contract terms which presents only a temporary fix to protecting farmland. In response, I would assert that the program while in effect adds a self-renewing additional year to the contract on an annual basis such that the terms of the contract are always 10 years for the Williamson Act property and 20 years for the Farmland Security Zone property. Many of these properties have been under contract for over four decades. In reviewing the program's effectiveness over the last 45 years, it is clear that a significant amount of the State's agricultural lands have been kept in long-term farming and ranching use for the benefit of the State's economy.

Williamson Act's Effect on Addressing Greenhouse Gas Emissions

With the advent of the greenhouse gas reduction legislation (AB 32, SB 375) it would seem logical for the State to recognize the important contribution the Williamson Act Program provides by preserving productive farmland that takes substantial amounts of carbon dioxide out of the air. In order to meet the aggressive greenhouse gas reduction goals of these climate change laws, it is important for the State to recognize the greenhouse gas reduction benefits the Williamson Act Program provides by reinstating subvention payments to County program participants.

Loss of Williamson Act Subvention Payments Could Impede Effective Land Use Planning

In the FY 2009-10 State Budget, Governor Schwarzenegger deleted all but \$1,000 to counties participating in the Williamson Act Program. This action eliminated over \$4.6 million in State

subvention funds to Kern County that would have helped backfill the County for property tax reductions granted to property owners participating in the Williamson Act Program. Continued failure by the State to provide Williamson Act subvention funds will cause cash-strapped counties to question their ability to continue participating in the program since the subvention funds incentivize program participation by partially replacing property tax revenues lost on enrolled lands. Local government decisions to curtail participation in the program could exacerbate farmland conversion and jeopardize the economic viability of thousands of farming and ranching enterprises.

In conclusion, I want to emphasize the important role that the Williamson Act Program plays in assisting local governments in conserving farmland and providing for orderly growth. The limited tax burden on contracted parcels helps to stabilize farm income and keep many farmers and ranchers in business. In return, the recurring 10 and 20 year contracts provide an effective tool to prevent premature and leapfrog development and support efforts in county General Plans to conserve California's remaining important farmlands and ensure orderly growth.

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