

# YOLO COUNTY

## WILLIAMSON ACT ELIGIBILITY CRITERIA

### **Sec. 101 Purpose**

The Yolo County Williamson Act Eligibility Criteria are intended to summarize the County's existing requirements for agricultural landowners wishing to enter into new contracts under the California Land Conservation Act of 1965, as amended, also known as the Williamson Act.

### **Sec. 102 Definitions**

Many terms contained herein are defined by the Williamson Act, which is codified in the California Government Code, the California Revenue & Taxation Code, and California Code of Regulations. For completeness and accuracy, the specific statutes should be consulted.

### **Sec. 103 General policies**

The Williamson Act was adopted by the State Legislature in 1965, and the Legislature continues to amend, revise, and add sections to the Government Code and Revenue and Taxation Code that directly affect the Yolo County Williamson Act program.

There are a number of policies and requirements established in State law and local ordinance that direct the County's implementation of the California Land Conservation Act. Foremost are those actions taken by the State in 2009 to withdraw its contribution to financially support the Williamson Act by eliminating subvention contributions to participating counties. Without such funding, rural counties such as Yolo County have been hard pressed to fund the Act to ensure agriculture is adequately preserved.

Consequently, in anticipation that the State would discontinue all subvention payments, Yolo County placed a moratorium on accepting applications for new contract(s) on October 13, 2009. The County now intends to lift the moratorium and adopts these Criteria to set the requirements for agricultural landowners who wish to initiate new contracts.

### **Sec. 104 Agricultural Preserves**

Government Code Section 51230 requires that an Agricultural Preserve consist of no less than 100 acres, unless the Board determines that the unique characteristics of the agricultural operations in the area call for smaller preserves, and that the establishment of the preserve is consistent with the General Plan. Agricultural Preserves may be made up of land in one or more ownerships. Property owners with less than 100 acres may combine two or more contiguous parcels to form standard-size preserves. Owners of parcels smaller than 100 acres, who are unable to combine their properties with adjacent parcels to create a standard-size Agricultural Preserve, may request the establishment of a substandard Agricultural Preserve contingent upon meeting the requirements of the Government Code Section 51230. Substandard-size Agricultural Preserves shall be considered only for unincorporated areas comprised of a number of contiguous parcels currently in crop production. Land isolated from existing agricultural production areas is not eligible for a substandard-size Agricultural Preserve.

## **Sec. 105 Williamson Act Land Use Agreements and FSZ Contracts**

The eligibility of agricultural land for Williamson Act Land Use Agreements (Williamson Act Contracts) and Farmland Security Zone (FSZ) Contracts shall be determined pursuant to the requirements of the Land Conservation Act, the 2030 Countywide General Plan and Zoning Ordinance, these Criteria, and the Board of Supervisors. The Yolo County Community Services Department and the Clerk of the Board of Supervisors handles the processing of all Williamson Act Land Use Agreements.

Property owners may request to enter into a Williamson Act Land Use Agreement or FSZ Contract, after the Board of Supervisors lifts the moratorium established in 2009. A single application to establish one Contract consisting of two or more legal parcels may be made by a single applicant only if the applicant owns all the parcels and the parcels are contiguous. Contiguous parcels under different ownership require separate applications. Williamson Act Land Use Agreements and FSZ Contracts shall run with the land and are binding upon any heir, successor, lessee, or assignee. The requirements are as follows:

- (a) The property must be designated "Agricultural" or "Open Space" under the Countywide General Plan and be located within an Agricultural Preserve.
- (b) The property must be zoned Agricultural Intensive (A-N), Agricultural Extensive (A-X), or Public Open Space (POS).
- (c) The applicable minimum legal lot size set by the Yolo County Zoning Code must be met. Only whole, legally created parcels shall be accepted under a Williamson Act Land Use Agreement or FSZ Contract. The minimum acreage of each parcel subject to a new Williamson Act Land Use Agreement shall be no less than 40 gross acres where the soils are capable of cultivation and are irrigated (prime agricultural land); 80 gross acres where the soils are capable of cultivation but are not irrigated; and 160 acres where the soils are not capable of cultivation, including rangeland and lands which are not income producing (non-prime agricultural land).
- (d) In addition to agricultural uses, open space uses are allowed under the Williamson Act pursuant to Government Code Section 51201(o). For parcels devoted primarily to open space uses, an open space contract shall be required, rather than a standard contract involving agricultural land. An open space contract shall also be required for existing farmland under contract that is converted to an open space use.
- (e) Property owners already subject to a ten (10) or nine (9)-year Williamson Act Land Use Agreement (depending upon whether the County is implementing Assembly Bill 1265) may request to rescind the existing contract and enter into a new 20- or 18-year Farmland Security Zone (FSZ) Contract (Government Code Section 51296 et seq.). FSZ Contracts self-renew each year like other Contracts. To qualify for a FSZ Contract, all of the requirements set forth in Section (e)(1) above (i.e., land use designation, zoning, minimum legal lot/contract size, land uses) must be met.
- (f) The establishment of a Farmland Security Zone and subsequent FSZ Contract(s) in Yolo County shall include only those lands located within three miles of a LAFCo-adopted city Sphere of Influence.

- (g) In addition, the subject property must be designated by the Board as a Farmland Security Zone (FSZ). FSZs shall meet all of the following requirements (Government Code Sections 51296.1, 51296.8.):
- (1) The land must be within an Agricultural Preserve.
  - (2) The land must be designated on the Important Farmland Mapping Program ("Map") as predominantly one of the following:
    - i. Prime Farmland
    - ii. Farmland of Statewide Significance
    - iii. Unique Farmland, or
    - iv. Farmland of Local Importance.
  - (3) If the proposed FSZ is not designated on the Map, the land shall qualify if it is predominately prime agricultural land as defined in Government Code Section 51201 (c) (Government Code Section 51296.8).
  - (4) No land shall be included in an FSZ unless expressly requested by the owner.
  - (5) Any land located within a city sphere of influence shall not be included in an FSZ, unless the creation of the FSZ has been approved by resolution by the city with jurisdiction within the sphere.
  - (6) If more than one owner of contiguous properties requests the creation of an FSZ, the County shall place those properties in the same FSZ.
  - (7) Upon termination of a FSZ Contract, the Farmland Security Zone shall simultaneously be terminated.