



California

**Department of
Conservation**

Division of Land
Resource Protection

Williamson Act

**Land Conservation Act of 1965 (LCA)
Public Acquisition Process Overview
August 2023**

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Williamson Act Public Acquisition Notification Process

- What is a Public Acquisition?
- Who gets notified?
- How SB574 changed the process?
- When do contracts get removed?
- Where do I find more Information?



Department of Conservation Role

- Assist lead agencies
- Assist Acquiring agencies with questions about the government code.
- Maintain a record of the public acquisition when it occurs (2nd Notice)





GOVERNMENT CODE - GOV

TITLE 5. LOCAL AGENCIES [50001 - 57607] (Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 1. CITIES AND COUNTIES [50001 - 52203] (Division 1 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES AND COUNTIES [50001 - 51298.5] (Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 7. Agricultural Land [51200 - 51297.4] (Chapter 7 added by Stats. 1965, Ch. 1443.)

ARTICLE 6. Eminent Domain or Other Acquisition [51290 - 51295] (Article 6 added by Stats. 1965, Ch. 1443.)

51290. (a) It is the policy of the state to avoid, whenever practicable, the location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land therefor, in agricultural preserves.

(b) It is further the policy of the state that whenever it is necessary to locate such an improvement within an agricultural preserve, the improvement shall, whenever practicable, be located upon land other than land under a contract pursuant to this chapter.

(c) It is further the policy of the state that any agency or entity proposing to locate such an improvement shall, in considering the relative costs of parcels of land and the development of improvements, give consideration to the value to the public, as indicated in Article 2 (commencing with Section 51220), of land, and particularly prime agricultural land, within an agricultural preserve.

(Amended by Stats. 1998, Ch. 690, Sec. 5. Effective January 1, 1999.)

51290.5. As used in this chapter, "public improvement" means facilities or interests in real property, including easements, rights-of-way, and interests in fee title, owned by a public agency or person, as defined in subdivision (a) of Section 51201.

Williamson Act Public Acquisition Government Code

- [Government Code Sections 51290 – 51295](#)
- [Government Code Sections 51296.6 – school districts cannot acquire FSZ contracts.](#)



What is a Public Acquisition?

- Any land located within an agricultural preserve (both contracted and noncontracted) acquired by a public agency for a public improvement.
- *Note: As used in this chapter, "public improvement" means facilities or interests in real property, including easements, rights-of-way, and interests in fee title, owned by a public agency or person, as defined in subdivision (a) of Section 51291." ([GC §51290.5](#))*





Some Examples of Public Improvements:

- Water resource infrastructure
- Transportation improvements
- Park
- Wildlife Habitat
- Easements are also considered public improvements



Two Types of Public Acquisitions

Eminent Domain = Williamson Act Contract deemed null and void.

- Acquiring agency has eminent domain authority.
- Acquiring agency intends to use that authority.
- Acquiring agency may reach an agreement with seller before completing the full eminent domain process = “In lieu of eminent domain”

Not Eminent Domain = Williamson Act contract remains.

- The acquisition is a gift from a landowner to a public entity for a public use.
- Acquiring agency does not have eminent domain authority.
- Acquiring agency may have eminent domain authority but did not initiate the eminent domain process or does not intend to use it.

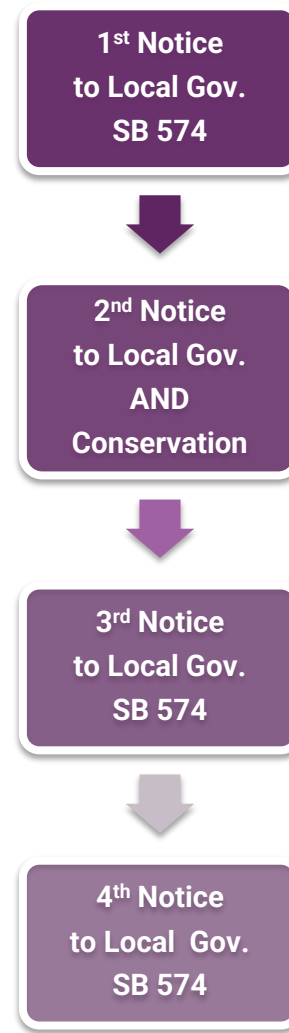


Public Acquisition Notification Process

[GC Section 51291](#)



1. Before acquiring land, notify local jurisdiction and allow 30 days for comment.
2. Within 10 days of acquiring the land (close of escrow), notify the Department of Conservation and the local jurisdiction that the land was acquired.
3. If there are any significant changes to the project, notify the local jurisdiction.
4. If the land was acquired and the agency no longer intends to use all or any portion of the land for the proposed project, notify the local jurisdiction. ([GC Section 51295](#))





Notices Should Include

- **Description** – a general description by text or diagram of the agricultural preserve land proposed for the acquisition.
- **Findings** – An explanation of how the acquiring agency considered the findings required or determined exemption of those findings.
- **Contract**– A copy of the Williamson Act contract if applicable.
- **Method of Acquisition** – Eminent Domain/In Lieu of Eminent domain, gift or other.



Public Acquisition – Findings Required



[Gov. Code §51292](#) *“No public agency or person shall locate a public improvement within an agricultural preserve unless the following findings are made:”*

Gov Code Section 51292 Findings:

- 1) The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.
- 2) If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

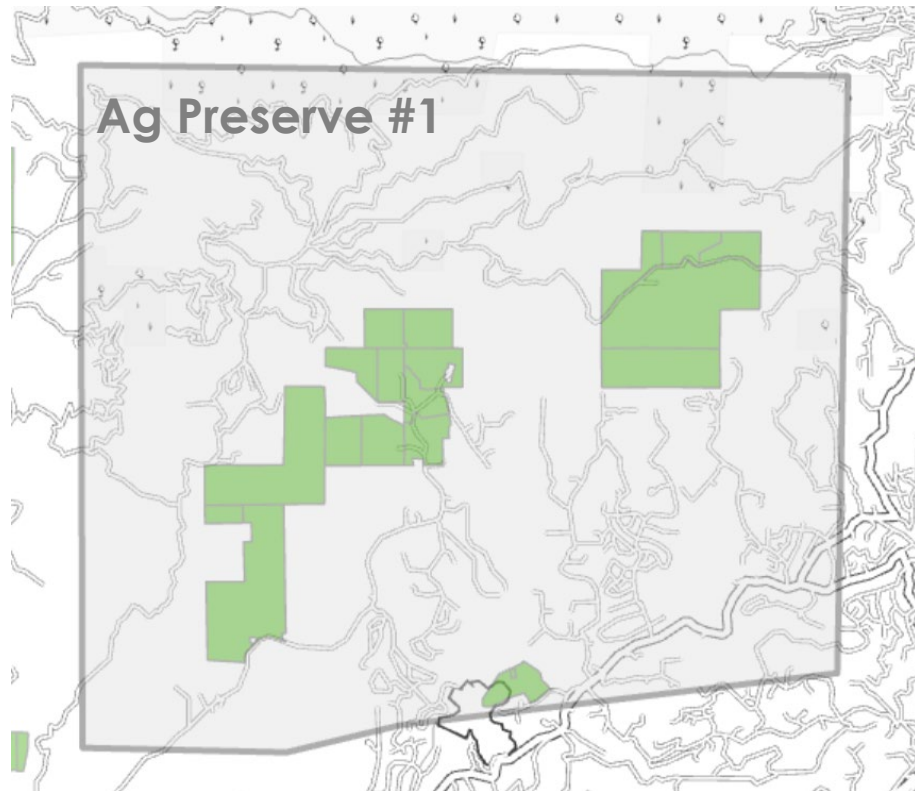
GC Section 51293: Exempt From Findings

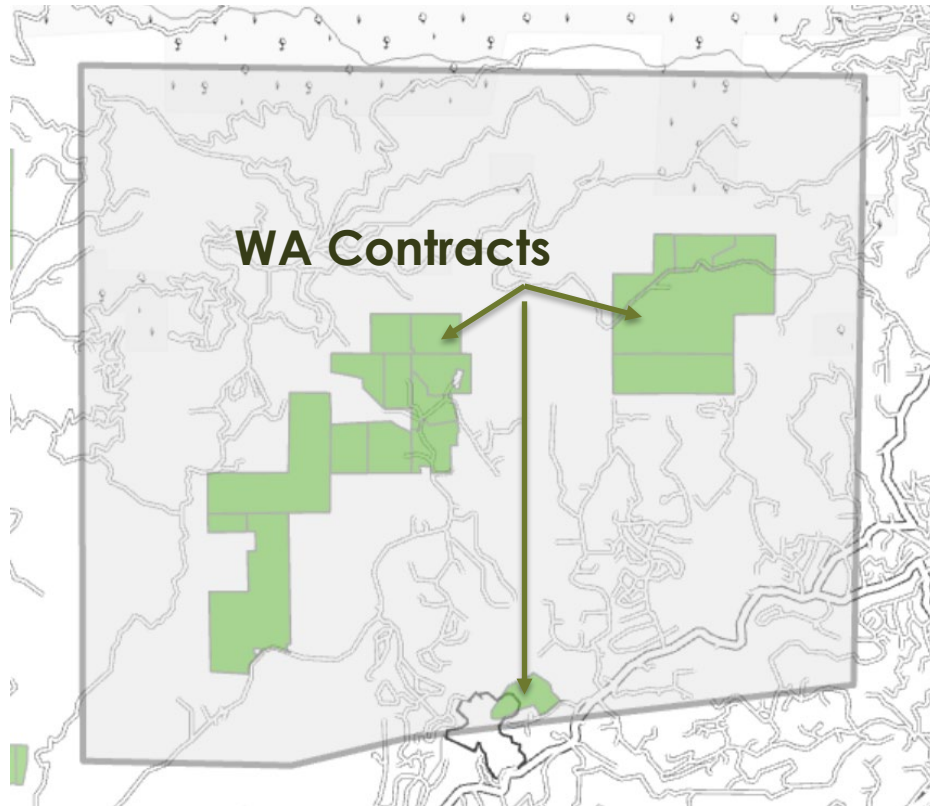
Review (a) – (j) to determine appropriate exemption.



Agricultural Preserves

- Designated Geographic areas within a county or city
- Williamson Act Contracts are only accepted within designated Areas or Agricultural Preserves
- The Public acquisition notification process refers to both contracts and Agricultural Preserves
- For more information about Williamson Act Agricultural Preserves see:
[Government Code \(GC\) § 51230 - 51239](#)





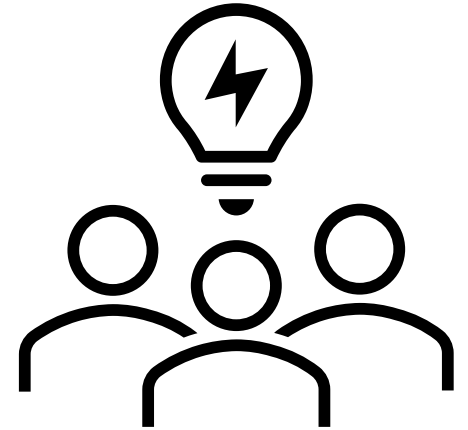
Williamson Act Contracts

- Are between the landowner and the County/City
- Are for 10 years (20 years for Farmland Security Zone contracts)
- Automatically renew for the full term every year until a notice of nonrenewal is submitted
- For more information about Williamson Act contracts see: [\(GC\) § 51240 - 51257.5](#)



Special Considerations:

- **1st Notice NOT required for:** acquisition of land for the erection, construction, or alteration of gas, electric, piped subterranean water or wastewater, or communication facilities. GC Section 51291.5
- **Compliance with CEQA is not the same as providing notices:**
The Williamson Act public acquisition notification process is required in addition to the CEQA process and must include the required findings.





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Williamson Act Public Acquisitions – Links

- [Department Public Acquisitions Web page:](#)
- [Public Acquisition Notification Procedures – A Step by Step Guide \(PDF\)](#)
- [Public Acquisitions GC Section\(51290 – 51295\)](#)
- [Public Acquisition of Farmland Security Zone \(FSZ\)](#)
- [Williamson Act Home Page – This presentation](#)



THANK YOU

QUESTIONS?

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