



WILLIAMSON ACT GENERAL CANCELLATION PROCESS

A Land Conservation (Williamson) Act cancellation is an option only under limited circumstances and conditions, as set forth in Government Code (GC) §51280 et seq. In such cases, landowners may petition a board/council for Williamson Act contract cancellation. The board/council may grant tentative cancellation only if it makes required statutory findings (GC §51282(a)).

If the required findings are met, 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 (GC §51283(b)). In some cases, a city or county may have adopted rules which specify a higher cancellation fee for removal of the contract.

The General Cancellation Process

Landowner:

Landowner petitions for cancellation with the county/city. Please contact the county/city planning office for the local application process.

County/City:

County/city is required to mail a notice of the public hearing and a copy of the landowner's petition to the Director of Conservation ten (10) days prior to the planning commission meeting (GC § 51284.1 (a)).

County/City gathers information for the tentative cancellation notice (also known as the cancellation petition). The Department has compiled a Cancellation Petition Advice Paper to assist landowners and jurisdictions in compiling and organizing the material necessary to document the need to prematurely exit existing Land Conservation Act contracts. The county or city should prepare the draft cancellation findings; however, the findings may be drafted by the applicant. Any findings drafted by the applicant shall be reviewed by the county or city before they are forwarded on to the Department for review and ultimately considered for adoption by the board or council.

Once the County/City determines the cancellation petition is complete, a copy of the petition is sent to the county assessor for the determination of the current fair market value of the land and a cancellation fee valuation.

Forwards a copy of the cancellation petition to the Department not less than 30 days before any scheduled action.

Department of Conservation:

Reviews the proposed cancellation and submits comments to the county/city with regard to the submitted findings as required by GC §51282.

County/City:

Board/council must consider the Department's comments.

The county assessor determines the cancellation fee valuation prior to any board/council action on the tentative cancellation, and sends the valuation to the landowner and the Department for review. If the landowner or Department believes the cancellation valuation is not accurate, a Formal Review may be requested within 45 days of receiving the cancellation valuation notice.

Mails notice of hearing to every landowner under contract within 1 mile of exterior boundary. Mails notice of hearing to the Department ten (10) days before hearing.

Holds public hearing on tentative contract cancellation.

Board/council determines whether to grant "tentative approval" based upon meeting the required cancellation findings: (1) Consistency with the purposes of the Williamson Act, and/or (2) In the Public Interest
Board/council certifies the cancellation fee amount.

The county/city publishes a notice of its decision within 30 days of tentative cancellation of the contract (after hearing), and sends a copy of the published notice to the Department that includes:

1. Date, time and place of public hearing
2. Explanation of the decision
3. Findings made
4. General description of land under contract'

Upon tentative approval of a petition, the clerk of the board/council will record with the county recorder a certificate of tentative cancellation that includes (§51283.4):

1. Name of landowner requesting cancellation
2. The fact that a certificate of cancellation of contract will be issued and recorded upon satisfaction of conditions and contingencies specified.
3. The fee must be recomputed if the cancellation fee is not paid within 1 (one) year of the last valuation.

4. A requirement that the landowner must obtain all necessary permits to commence the project.

Landowner:

Notifies board/council of satisfaction of all conditions and contingencies required in the certificate of tentative cancellation, including paying the cancellation fee to the county/city treasurer.

County/City:

Executes and records a Certificate of Cancellation of Contract within 30 days of being notified by the landowner that satisfaction of conditions and contingencies required in the certificate of tentative cancellation have been met.

County treasurer sends cancellation fee to State Controller within 30 days of execution of certificate of cancellation. The letter to the Controller should be copied to the Department of Conservation and include:

1. Project name, number, cancellation/contract number
2. Assessor's parcel number(s)
3. Applicant or Landowner
4. Assessed cancellation valuation