



California
**Department of
Conservation**
Division of Land
Resource Protection

Williamson Act Easement Exchange Basics

Land Conservation Act of 1965

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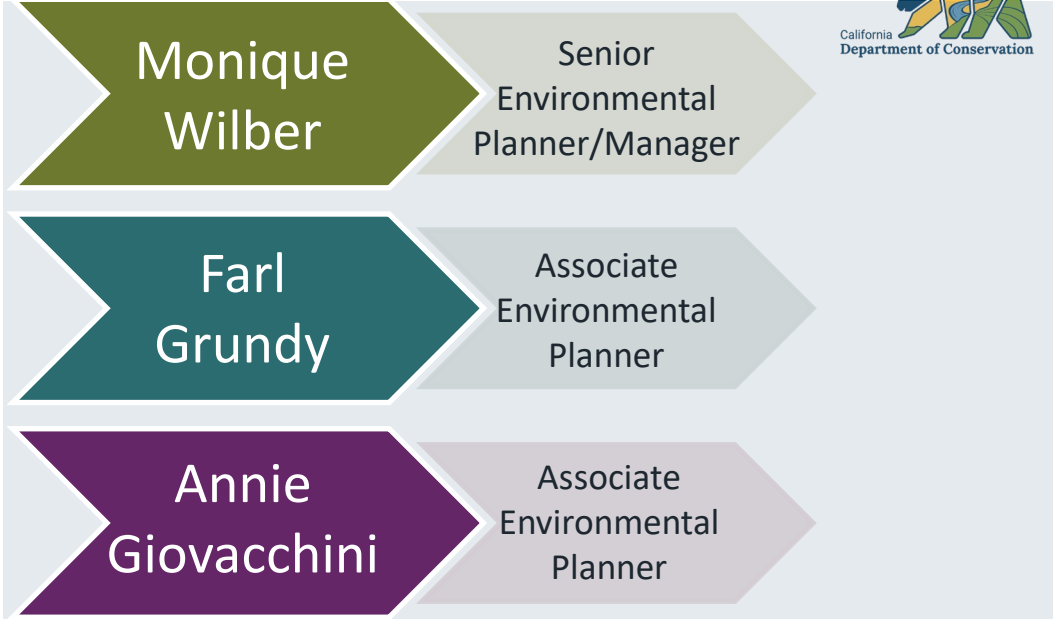
Williamson Act / CEQA

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<https://www.conservation.ca.gov/dlrp/wa>



Williamson Act & CEQA Program



Team WA/CEQA!



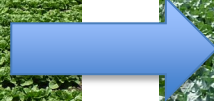


Williamson Act (Land Conservation Act of 1965)

Local governments enter contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value.



What is an Easement Exchange?



An easement exchange is a voluntary rescission process for counties or cities and landowners to terminate a Williamson Act contract and simultaneously dedicate a permanent agricultural conservation easement on **other** land.



What is an “Agricultural Conservation Easement?”

The goal of an agricultural conservation easement is to maintain agricultural land in active production by removing the development pressures from the land. Such an easement prohibits practices that would damage or interfere with the agricultural use of the land, in perpetuity.*

[Public Resources Code 10211](#)

[Civil Code 815.1](#)

[CA Constitution Article 13, section 8](#)

* https://www.conservation.ca.gov/dlrp/grant-programs/Pages/ACE_Overview.aspx





More on Agricultural Conservation Easements



- ✓ Easement is between the landowner & a qualified organization
 - ✓ Organization must have conservation of ag land as a primary purpose
 - ✓ Land trust or land conservancy
- ✓ Restricted land remains in private ownership
- ✓ Restricted specific development rights forever

BUT

- ✓ Landowner retains all other rights to land
- INCLUDING
- ✓ Right to deny public access to land
 - ✓ Managing the land for agricultural uses
 - ✓ Private enjoyment of land not in breach of contract



Local Benefit of an Easement Exchange



The easement exchange process allows the exchange of land in lieu of paying Williamson Act cancellation fees to the State, providing an agricultural conservation benefit to the local city or county area, by keeping acreage in local farming and ranching.



What Type of WA Land is Eligible to Participate?

Williamson Act contracted lands on the urban edge of cities and developed areas are eligible.

Must meet finding that cancellation...will not result in leapfrog development.
[GC 51282\(b\)\(4\)](#)

If development pressure is non-urban (such as mining), eligible land does not have to be contiguous to urban areas.



Source: Google Maps



Where Can Ag Conservation Easements be Established?



Eligibility and Selection Criteria:

Defined in the
California Farmland Conservancy Program (CFCP)

[PRC 10251](#)

[PRC 10252](#)

Land should be:

- Of size to support commercial agriculture
- Make a beneficial contribution to area ag land conservation
- Without conservation, land would likely be converted to nonagricultural use
- Quality ag land

And: the county or city demonstrates long-term commitment to ag land conservation by:

- General Plan policies supporting agriculture
- Right-to-Farm ordinance
- CEQA
- LAFCO policies
- Strategic ag enterprise economic support and enhancement policies



What is the Term Length of an Ag Conservation Easement?



[PRC 10211](#)

**CALIFORNIA FARMLAND
CONSERVANCY PROGRAM
ACT [10200 - 10264]**

[CC 815.2](#)

PROPERTY [654 - 1422]



How is an Easement Exchange Initiated?



Land Owner

- Initial consultation with county/city
- Submits petition to county/city
- Explains how proposal meets statutory criteria
- Prepares draft findings
>>>>>

County/ City

- Reviews required findings
- Determines if eligibility criteria met
- Evaluates easement pursuant to selection criteria
- If approved
>>>>>>

DOC

- Review by DOC
- Review by Secretary of Resources (CNRA)
- Final decision
- If approved, then
>>>>>

County/ City

Enters agreement with landowner to simultaneously:

- Rescind Williamson Act contract
- Place other land in Ag Conservation Easement

Planner & Assessor Notes for Ag Conservation Easement (ACE) Exchange in GC 51256

❖ Board or Council makes findings:

- ❖ Criteria consistent with PRC 10251
- ❖ Evaluated with selection criteria in PRC 10252
- ❖ ACE land is = size or > than the WA land to be rescinded
- ❖ ACE land evaluation considers:
 - ❖ Soil quality
 - ❖ Water availability
 - ❖ Adjacent land uses
 - ❖ Ag support infrastructure

❖ Assessor's Office considerations:

- ❖ Value of ACE land per PRC 10260 is = to or > than:
 - ❖ 12.5% of cancellation valuation of the WA land per GC 51283
 - ❖ 25% of cancellation valuation of the WA land per GC 51297, if contract entered into pursuant to Article 7 (GC 51296) (FSZ)
- ❖ Determine within 90 days before approval of city/county of an agreement





Enforcement



Civil Code – CIV 815.7.

(a) No conservation easement shall be unenforceable by reason of lack of privity of contract or lack of benefit to particular land or because not expressed in the instrument creating it as running with the land.

(b) Actual or threatened injury to or impairment of a conservation easement or actual or threatened violation of its terms may be prohibited or restrained, or the interest intended for protection by such easement may be enforced, by injunctive relief granted by any court of competent jurisdiction in a proceeding initiated by the grantor or by the owner of the easement.

(c) In addition to the remedy of injunctive relief, the holder of a conservation easement shall be entitled to recover money damages for any injury to such easement or to the interest being protected thereby or for the violation of the terms of such easement. In assessing such damages there may be taken into account, in addition to the cost of restoration and other usual rules of the law of damages, the loss of scenic, aesthetic, or environmental value to the real property subject to the easement.

(d) The court may award to the prevailing party in any action authorized by this section the costs of litigation, including reasonable attorney's fees.

(Added by Stats. 1979, Ch. 179.)



Statutory Codes for Easement Exchanges

Government Code (GC)

[51256](#), [51256.1](#), [51256.2](#) WA Easement Exchange

[51282\(b\)\(4\)](#) WA Cancellation findings

[51283](#) WA Cancellation fee (Assessor, Auditor, BOS/Council certifications and approvals)

[51296](#) WA Establishment of Farmland Security Zone (FSZ)

[51297](#) WA Cancellation of FSZ

Public Resources Code (PRC)

[10211](#) CFCP Ag Conservation Easement (ACE) definition

[10251](#) CFCP ACE eligibility criteria

[10252](#) CFCP ACE selection criteria

[10260](#) CFCP ACE and Fee Title appraisals

Civil Code (CC)

[815.1](#) Real Property Conservation Easement purposes

[815.2](#) Real Property Conservation Easement definition

[815.7](#) Real Property Conservation Easement enforcement

California Constitution

[Article XIII Sec. 8](#) Taxation on restricted land





For more information:



Division of Land Resource Protection (DLRP) in the Department of Conservation (DOC)

[DLRP](#)

[Williamson Act](#)

[Williamson Act Statutes and Regulations](#)

[Williamson Act Enrollment Finder Mapping Tool](#)



[Easement Exchange Fact Sheet](#)

[Farmland Mapping & Monitoring Program](#)

[California Important Farmland Finder \(CIFF\) Mapping Tool](#)

[Agricultural Conservation Easements](#)

[California Farmland Conservancy Program \(CFCP\)](#)



California Council of Land Trusts

CCLT's mission is to conserve California's extraordinary land and water resources through a strong network of land trusts with one cohesive voice across urban and rural communities.

[California Council of Land Trusts](#)

[California Farmland Trust](#)

[Marin Agricultural Land Trust](#)

[California Rangeland Trust](#)

Check out the mission of others, such as:

[Tuolumne County Land Trust](#)

Mission Statement: The Tuolumne County Land Trust is dedicated to perpetuating this area's scenic, natural, historical, and agricultural values.

[American Farmland Trust](#)



THANK YOU

Questions?

Williamson Act/CEQA Team
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