

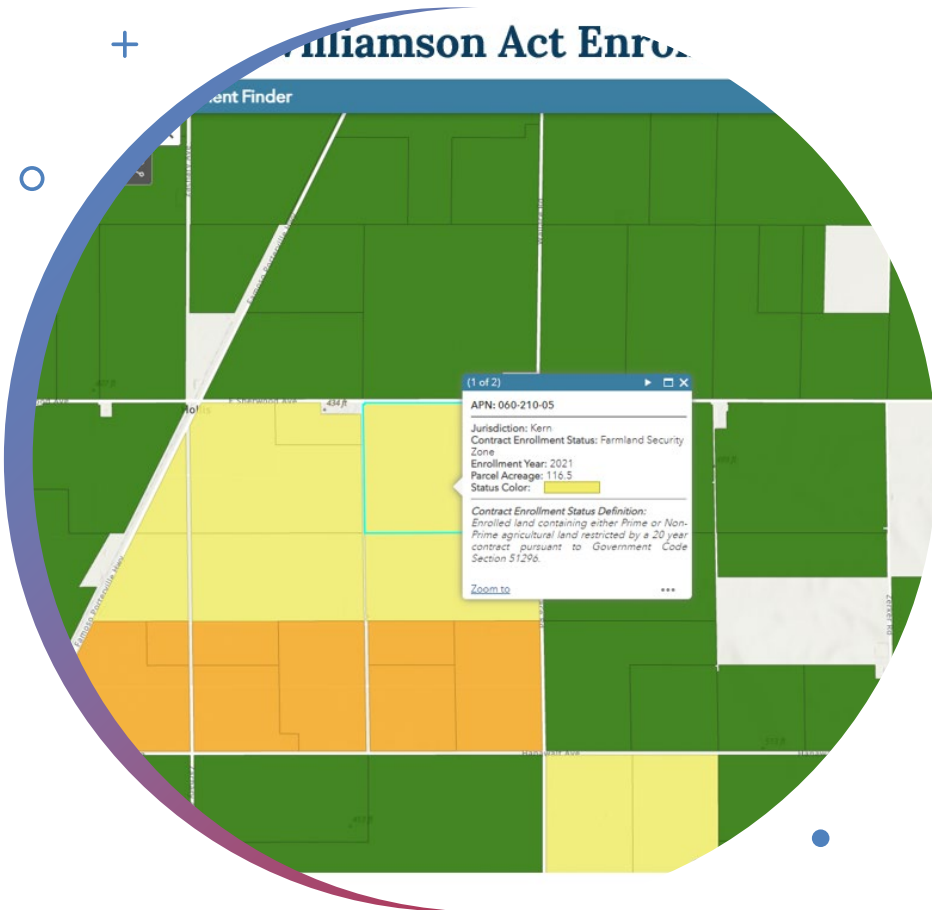


California
**Department of
Conservation**
Division of Land Resource
Protection

Williamson Act

Land Conservation Act of 1965
Material Breach
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Williamson Act Material Breach

- Williamson Act Overview
- Williamson Act Material Breach
- Government Code – Phases Towards Final Determination
- Role of Local Government
- Role of the Landowner
- Role of Concerned Citizens
- Role of Department of Conservation (DOC)



Land Conservation Act of 1965 “Williamson Act”

- Voluntary program/contracts
- Restricts land usage
- 10-20 year contracts
- Contract renew annually
- Contract runs with the land
- Local rules and regulations (GC 51231)



Intent of the Williamson Act

- Preservation of ag land
- Conservation of open space
- Discourage conversion of ag land to urban uses

What is DOC's Role in Williamson Act?

- Provide technical assistance and advice ([GC § 51206](#))
- Detailed review of WA processes
- Data/records retention, annual WA enrollment reports
- CEQA / WA review and commenting ([CEQA appendix G](#))



California
**Department of
Conservation**





What's in it for the Landowner?

- Taxed on generated income vs. potential market value
- [Revenue & Taxation Code Section 421-431](#)
- ~ 20-70% property tax reduction
- Tax savings can be reinvested



What's in it for the Community?

- Ensures locally produced food and fiber
- Creates stability for support industries
- Provides regional food security
- Provides buffers (planning tool)
- Mitigation



Williamson Act Material Breach

Government Code [§51250\(b\)](#) defines a material breach on land subject to a Williamson Act contract as a commercial, industrial or residential building(s), exceeding 2,500 square feet that is not permissible under the Williamson Act, contract, local uniform rules or ordinances, and which was permitted or built after January 1, 2004.

Options: termination of portion of contract (rather than entire contract cancellation);
\$ penalty of up to 25% of unrestricted Fair Market Value.





Phases Towards Final Determination of Material Breach of Williamson Act Contract Through Administrative Hearing

- Discovery Phase
- Investigation Phase
- Preliminary Determination Phase
- Pre-Hearing Phase
- Hearing Phase
- Final Determination



Discovery Phase (Step 1)

A point in time where either:

(1) DOC becomes aware of a possible material breach and notifies the local agency where the land is situated of such possibility ([Gov. Code section 51250, subd. \(c\)](#));

or

(2) A local agency becomes aware of a possible material breach within its jurisdiction.

([Gov. Code section 51250, subd. \(d\)](#).)

In either situation, the local agency must then proceed to the investigation phase



Investigation Phase (Step 2)

Upon notice from DOC of a possible material breach, or its own discovery of same, the local agency must investigate whether “it is likely” that a material breach has occurred.

In its investigation, the local agency “shall endeavor” to communicate with the landowner about the facts and circumstances related to the possible material breach.

[\(Gov. Code section 51250, subd. \(d\).\)](#)

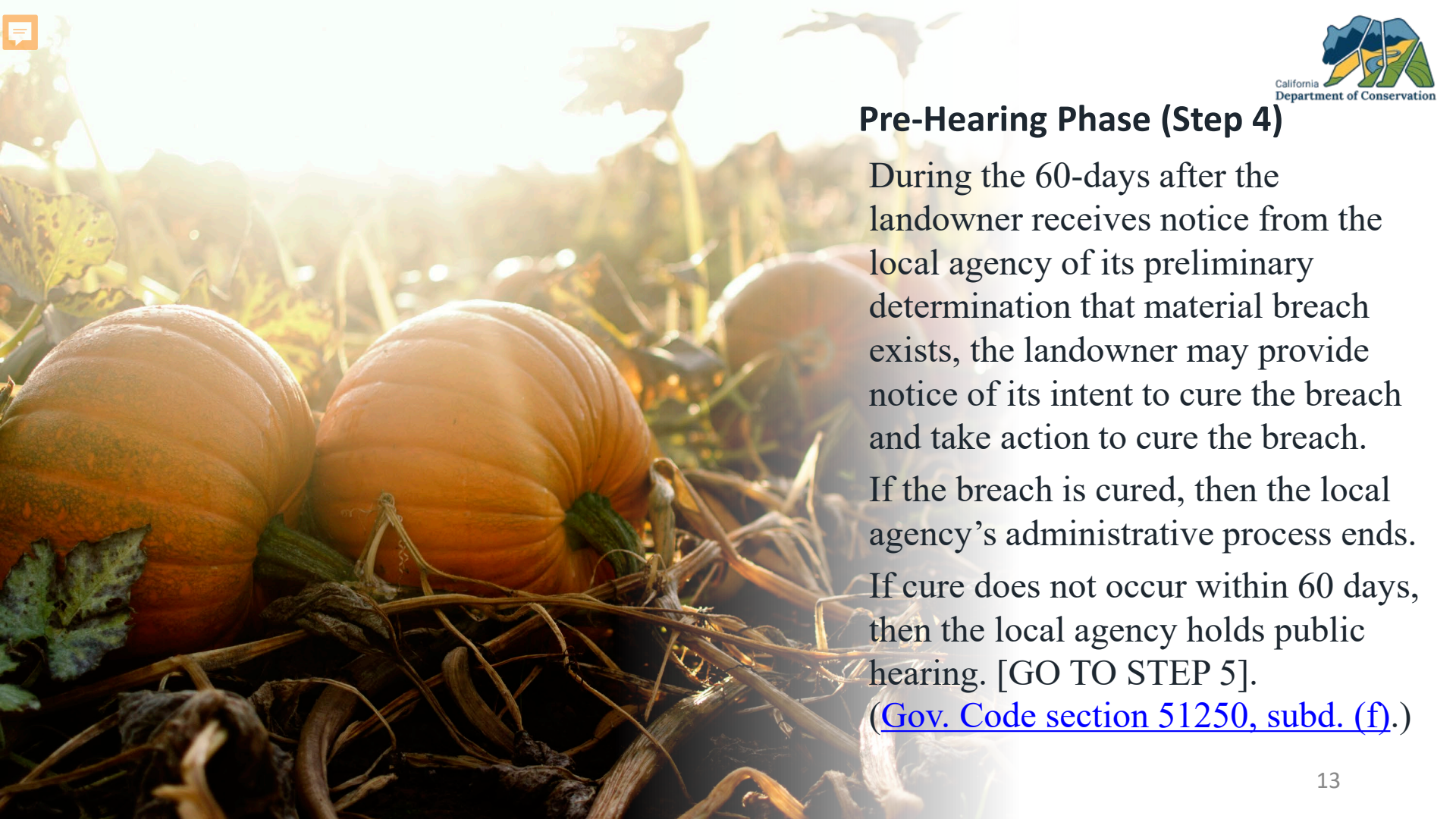


Preliminary Determination Phase (Step 3)

If the local agency determines that it is likely that breach is material (the local agency’s “preliminary determination”), it must notify the landowner and DOC of preliminary determination within 10 days.

The landowner or DOC can object to preliminary determination, and if so, local agency must hold a public hearing [GO TO STEP 5].

[\(Gov. Code section 51250, subd. \(e\).\)](#)



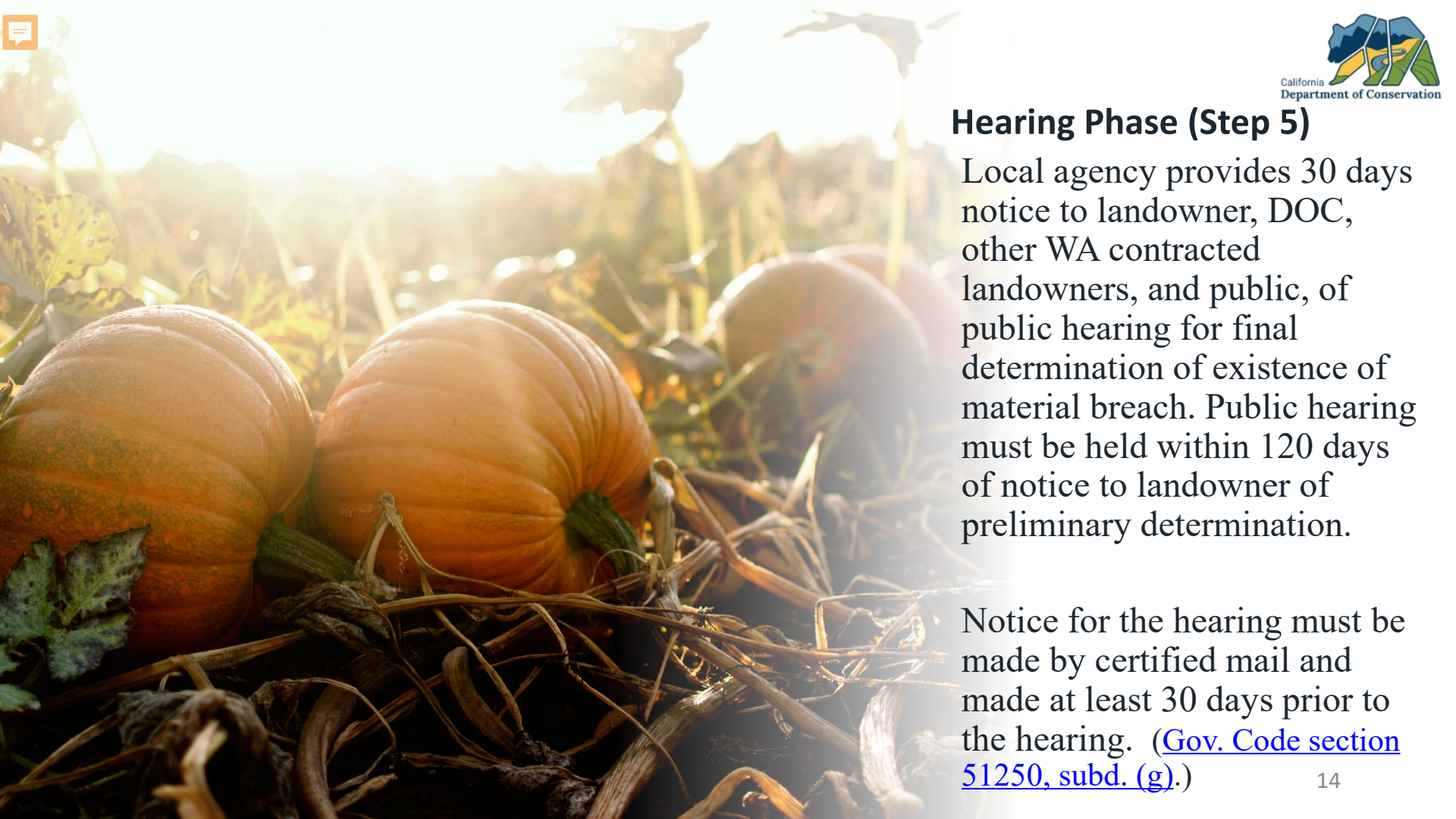
Pre-Hearing Phase (Step 4)

During the 60-days after the landowner receives notice from the local agency of its preliminary determination that material breach exists, the landowner may provide notice of its intent to cure the breach and take action to cure the breach.

If the breach is cured, then the local agency's administrative process ends.

If cure does not occur within 60 days, then the local agency holds public hearing. [GO TO STEP 5].

[\(Gov. Code section 51250, subd. \(f\).\)](#)



Hearing Phase (Step 5)

Local agency provides 30 days notice to landowner, DOC, other WA contracted landowners, and public, of public hearing for final determination of existence of material breach. Public hearing must be held within 120 days of notice to landowner of preliminary determination.

Notice for the hearing must be made by certified mail and made at least 30 days prior to the hearing. ([Gov. Code section 51250, subd. \(g\).](#))



Final Determination (Step 6)

If the local agency determines at public hearing that material breach exists, it must do so based on findings supported by substantial evidence, and it must order abatement or assess monetary penalty. ([Gov. Code section 51250, subd. \(i\) and \(j\)](#)).

If the landowner wishes to challenge a final administrative determination that a material breach exists, the landowner can pursue any “available legal remedy” to do so. ([Gov. Code section 51250, subd. \(i\)\(2\)](#).)



Role of Local Government



- Williamson Act Contracts Monitoring
- Provide Information to Landowners
- Create Local Rules/Regulations
- Investigate Possible Contract Breaches
- Enforce Contract Terms



Role of Landowners



- Understand restrictions placed on their land in exchange for property tax reductions
- Ask questions of the local planning & assessor's department if anything is unclear
- Abide by contract terms
- Respond to and remedy timely if needed any possible material breach



Role of Concerned Citizens



- Understand restrictions placed on land in exchange for property tax reductions
- Ask questions of the local planning department if anything is unclear
- Report, in writing, possible material breaches to the local planning department first, or DOC



Role of Department of Conservation



- Provide technical assistance and advice ([GC § 51206](#))
- Provide a review of WA processes
- Data/records retention, annual WA enrollment reports
- Respond as required by government code



CONSULT YOUR OWN LEGAL COUNSEL





Links



- [Leginfo.legislature.ca.gov](https://leginfo.ca.gov) Contracts [GC 51240 - 51257.5]
- Basic Steps to Final Administrative Determination of the Existence of a Material Breach of a Williamson Act Contract (pdf)
- Material Breach Flow Chart (GC 51250) (pdf)



THANK YOU

Questions?

Williamson Act/CEQA Team

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