

BILL ANALYSIS

SENATE RULES COMMITTEE	SB 715
Office of Senate Floor Analyses	
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 THIRD READING

Bill No: SB 715
 Author: Wolk (D), et al
 Amended: 5/28/09
 Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE : 4-0, 5/6/09
AYES: Wiggins, Cox, Kehoe, Wolk
NO VOTE RECORDED: Aanestad

SUBJECT : Agricultural land: Williamson Act

SOURCE : County of Yolo

DIGEST : This bill reforms the Williamson Act by increasing local enforcement authority over contract compliance and conditioning the subdivision of land for development if the land is under contract.

Senate Floor Amendments of 5/28/09 require landowners to furnish local officials with information regarding their compliance with the Williamson Act, and make technical changes.

ANALYSIS : Current law, known as the Williamson Act, allows landowners to sign contracts with cities and counties that enforceably restrict their land to agricultural production, open space, and compatible uses. In return, county assessors must reassess the contracted property to reflect its use value instead of its market value. Current law requires landowners to furnish local

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officials with information that the local officials need to determine whether the land is eligible for Williamson Act contracts.

This bill requires city councils and county boards of supervisors to deny the proposed subdivision of Williamson Act contracted land unless they find that each resulting parcel:

1. Is consistent with the Williamson Act contract.
2. Is consistent with the city or county's local Williamson Act rules.
3. Is capable of sustaining commercial agricultural use, open space use, or both.
4. Has an existing commercial agricultural use, an open space use, or both, the improvements needed for those uses, or a feasible plan for achieving any needed improvements.

If local officials make these four findings, they can impose reasonable and necessary restrictions on the new residential uses or buildings to ensure compliance with the Williamson Act contract, local rules, or the new statutory requirements.

This bill requires landowners to furnish local officials either initially or on an on going basis with information that directly relates to the landowners' compliance with the Williamson Act that the local officials need to determine whether the land is eligible for Williamson Act contracts.

This bill requires county assessors to start raising the assessed valuation on Williamson Act contracted lands immediately, if a county or city nonrenews a Williamson Act contract "for cause." This bill defines "for cause" as a landowner's documented failure to comply with the Williamson Act, local Williamson Act rules or ordinances, or the terms of a Williamson Act contract.

Comments

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The California Constitution allows for the preferential assessment of open space lands for property tax purposes when the land is enforceably restricted. This is the constitutional basis for the Williamson Act's scheme for giving landowners property tax breaks. Some supporters of the Williamson Act fear that the courts may overturn these preferential assessments if they perceive that the contracts are insufficiently restrictive. If landowners can subdivide and build houses on contracted land and still keep their tax breaks, then a court may bring down the whole scheme. Subdivisions and development that displaces commercial agricultural operations and open space uses threatens the Williamson Act's constitutional integrity. This bill adds more conditions on the subdivision of contracted land.

FISCAL EFFECT : Appropriation: No Fiscal Com.: No
Local: No

SUPPORT : (Verified 6/1/09)

County of Yolo (source)
California State Association of Counties
Regional Council of Rural Counties

AGB:do 6/1/09 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****