

Assembly Bill No. 1944

CHAPTER 889

An act to amend Section 51238.3 of, and to add Section 51284.1 to, the Government Code, relating to land use.

[Approved by Governor September 28, 2000. Filed
with Secretary of State September 29, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1944, Wayne. Williamson Act.

(1) Existing law, the Williamson Act, provides that a landowner and a city or county may enter into a mutually beneficial contract to restrict the use of agricultural land by creating an agricultural preserve. The act defines a compatible use as any use determined by the county or city administering the preserve or by the act to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to the contract. The act provides that certain conditions and restrictions for compatible uses do not apply to uses that are expressly specified within the contract prior to June 7, 1994, and that constituted a compatible use under the act when the contract was signed or amended.

This bill would provide that a compatible use is expressly specified within the contract only if it is specifically enumerated within the 4 corners of the Williamson Act contract without reference to other documents.

(2) Existing law permits the county board of supervisors or city council to grant tentative approval for cancellation of a contract if it finds that the cancellation is either consistent with the purposes of the act or in the public interest.

This bill would require the board or council to mail a notice to the Director of Conservation of its acceptance of the landowner application for tentative cancellation. The bill would require the director to submit his or her comments on the proposed cancellation to the board or council.

The people of the State of California do enact as follows:

SECTION 1. Section 51238.3 of the Government Code is amended to read:

51238.3. (a) The requirements of Sections 51238.1 and 51238.2 shall not apply to compatible uses for which an application was submitted to the city or county prior to June 7, 1994, provided that the use constituted a "compatible use" as that term was defined by this chapter either at the time the application was submitted, or at

the time the Williamson Act contract was signed with respect to the subject contract lands, whichever is later.

(b) Neither shall the requirements of Sections 51238.1 and 51238.2 apply to land uses of contracted lands in place prior to June 7, 1994, that constituted a “compatible use” as the term “compatible use” was defined by this chapter either at the time the use was initiated, or at the time the Williamson Act contract was signed with respect to the subject contract lands, whichever is later.

(c) (1) Neither shall the requirements of Sections 51238.1 and 51238.2 apply to uses that are expressly specified within the contract itself prior to June 7, 1994, and that constituted a “compatible use” as the term “compatible use” was defined by this chapter at the time that Williamson Act contract was signed with respect to the subject contract lands, or at the time the contract was amended to include the uses, whichever is later. For purposes of this subdivision, the requirements of Sections 51238.1 and 51238.2, effective January 1, 1995, shall apply to contracts for which contract nonrenewal was initiated and was withdrawn after January 1, 1995.

(2) For purposes of this chapter, a compatible use is considered to be expressly specified within the contract only if it is specifically enumerated within the four corners of the Williamson Act contract either without the benefit of referenced documents, or with respect to Williamson Act contracts signed on or before June 7, 1997, with the benefit of referenced documents as those documents existed at the time the Williamson Act contract was initially signed. This subdivision shall be narrowly construed to be consistent with the purposes of this chapter.

SEC. 2. Section 51284.1 is added to the Government Code, to read:

51284.1. (a) When a landowner petitions a board or council for the tentative cancellation of a contract and when the board or council accepts the application as complete pursuant to Section 65943, the board or council shall immediately mail a notice to the Director of Conservation. The notice shall include all of the following:

- (1) A copy of the petition.
- (2) A copy of the contract.
- (3) A general description, in text or by diagram, of the land that is the subject of the proposed cancellation.
- (4) The deadline for submitting comments regarding the proposed cancellation. That deadline shall be consistent with the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7), but in no case less than 30 days prior to the scheduled action by the board or council.

(b) The Director of Conservation shall review the proposed cancellation and submit comments to the board or council by the deadline specified in paragraph (4) of subdivision (a). Any



comments submitted shall advise the board or council on the findings required by Section 51282 with respect to the proposed cancellation.

(c) Prior to acting on the proposed cancellation, the board or council shall consider the comments by the Director of Conservation, if submitted.

