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Chapter 889: Continuing to Fine Tune the Williamson Act

Timothy J. Baldwin

Code Sections Affected

Government Code §§ 51284.1 (new), 51238.3 (amended).
AB 1944 (Wayne); 2000 STAT. Ch. 889

I. INTRODUCTION

About 16 miles west of the State Capitol Building, in agriculturally rich Yolo County, the City of Woodland Planning Commission recently approved plans to develop 1,097 acres of farmland into housing for thousands of residents¹ seeking country living with a short commute to urban employment. The scenario is no different than in many suburban bedroom communities throughout California.² Farmland gives way to housing, industrial parks, and other urban development, forever removing fertile valley soil from agricultural production.³

As the richest agricultural-producing state in the country, California faces many challenges in preserving valuable agricultural lands and open space in the face of a burgeoning population.⁴ Counties throughout the California's Central Valley deal with the dilemma of balancing a growing population's demand for suburban housing and agriculture's dependence upon the fertile soil surrounding urban areas.⁵ One tool consistently used for the last three decades to manage the development of agricultural land and preserve open space throughout California is the Land Conservation Act of 1965, or, as it is popularly known, the Williamson Act.⁶ By contracting with local county agencies under the Williamson Act, farmers receive

1. See Mike Heimbree, *TOC Becomes Springlake*, DAILY DEMOCRAT, June 14, 2000, at A1 (discussing recent city council approval for housing development).

2. See *Sierra Club Grades Efforts To Stop Sprawl*, SANTA ROSA PRESS DEMOCRAT, Oct. 5, 1999, at A1, available in 2000 WL 24112600 (declaring the loss of agricultural land in California to be more than 100,000 acres a year despite preservation incentives of the Williamson Act).

3. *Id.*

4. See Dale Will, *The Land Conservation Act at the 32 Year Mark: Enforcement, Reform, and Innovation*, 9 S.J. AGRIC. L. REV. 1, 2 (1999) (introducing the Williamson Act and its impact by stating the importance of California's agricultural industry).

5. See Jim Steinberg, *Fresno County, Calif., To Consider Zoning Program*, FRESNO BEE, May 27, 1999 available in 1999 WL 17343419 (reporting that twenty percent of Fresno County's exceptionally productive farmland will be developed by the year 2040 in order to meet population increases, and concluding that this change may result in Fresno no longer being the single most productive agricultural county in the country).

6. CAL. GOV'T CODE § 51200 (West 1983); see Will, *supra* note 4, at 35 (concluding that the Williamson Act has successfully preserved open space for the past three decades).

a tax incentive to leave their land undeveloped.⁷ Discord among city land managers, developers, and county supervisors, however, tends to arise when contracted agricultural lands fall within the growth path of cities expanding their borders into county agricultural preserves, or when contracted landowners wish to pursue other non-agricultural ventures, such as gravel mining on contracted land.⁸

As a portion of the farmland destined for development in Yolo County has been contractually restricted to agricultural use under the Williamson Act, city managers and the Yolo County Board of Supervisors now face the dilemma of meeting the housing needs of a growing community by canceling or rescinding the contract, while still preserving agricultural land as intended under the law.⁹ Under the Williamson Act, a land owner may petition for cancellation or removal of contracts to land if the appropriate board or council makes a specific finding that cancellation is consistent with the purpose of the Act, *or* is in the public interest.¹⁰ In accordance with the law, developers in Yolo County petitioned the County Board of Supervisors for rescission of the contract within the agricultural preserve, offering agricultural conservation easements as an alternative.¹¹

This brief example demonstrates the complexity of the Williamson Act as it relates to cancellation or rescission of contracts, and the preservation of agricultural land in the face of urban development. Legislative tinkering with the Williamson Act in the 2000 session did not go unnoticed by the Yolo County Board of Supervisors, who recognized the potential impact of Chapter 889 on their decision to rescind a Williamson Act contract on land proposed for development.¹² Accordingly, the County Board of Supervisors developed specific findings consistent with Government Code section 51282, and included specific public policy reasons for rescission of the contract in accordance with early drafts of Chapter 889.¹³

In its final form, Chapter 889 attempts to ensure that the intent of the Williamson Act is followed by requiring local land use planning bodies to

7. CAL. GOV'T CODE § 51200 (West 1983).

8. See Randy Drummer, *Deals Churn to Put Chino Calif. Dairy Land to Work*, BUS. PRESS ONTARIO, May 24, 1999 available in 1999 WL 17341916 (summarizing the city of Chino's decision to annex land for development within the County's agricultural preserve and the Department of Land Conservation's challenges to cancellation of Williamson Act contracts); see also Will, *supra* note 4, at 11 (describing city annexation of contracted land and confusion regarding contract cancellation).

9. See Charlotte Sanchez-Kosa, *Land Easement No Field of Dreams*, DAILY DEMOCRAT, June 7, 2000, at A1 (showing disagreement of the Woodland City Council vote for rescission of Williamson Act contract by the Yolo County Farm Bureau).

10. CAL. GOV'T CODE § 51282(a) (West 1983).

11. See YOLO CO. ZONE FILE NO. 98-038 Memorandum at 1, June 6, 2000, [hereinafter Zone File] (on file with the *McGeorge Law Review*) (voting to adopt specific findings under Government Code section 51282). The council also adopted findings of "public interest" that had been prepared in accordance with an early draft of Chapter 889, allowing all of the County's bases to be covered in regard to the contract cancellation. *Id.*

12. *Id.*

13. See *id.* at E (listing alternative findings for cancellation which show the importance of Chapter 889 and its potential effect on development plans many years in the making).

immediately notify the Director of the Department of Conservation about pending contract cancellations, thus allowing for comment regarding the impact of proposed removals of agricultural land from production.¹⁴ Compatible use of contracted land is also restricted by Chapter 889 to those uses expressly specified within the four corners of the contract.¹⁵ By continuing to fine tune the Williamson Act, Chapter 889 attempts to preserve a valuable tool in managing urban sprawl through the preservation of productive agricultural lands and open space without increasing the complexity of the Act as it relates to county and city land use planners in their effort to strike a balance between growth and preservation.¹⁶

II. PRIOR AND EXISTING LAW

Conceived in response to the tax assessment of agricultural lands at their highest potential development value, the Williamson Act provided relief to farmers who were being forced to sell land into development in order to pay taxes.¹⁷ Evolving over the past 35 years, the Williamson Act has become California's single largest conservation tool, preserving over fifteen million acres of private farmland and open space throughout the State since its inception.¹⁸ Critical to the Act's success and the constitutionality of preferential tax assessments is contractual enforcement.¹⁹ In order for agricultural lands under the Williamson Act to receive a lower tax assessment, the property must be sufficiently restricted in use under the intent and duration of the contract.²⁰ Failure to enforce restrictions on contracted lands by allowing cancellation or non-conforming uses, through either derelict local land use planning or statutory uncertainty, erodes the constitutional underpinnings of the Act.²¹ Chapter 889 attempts to address two areas of potential weakness in regard to

14. CAL. GOV'T CODE § 51238.3 (amended by Chapter 889).

15. *Id.* § 51284.1 (enacted by Chapter 889).

16. See NATURAL RESOURCES COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 3 (Apr. 11, 2000) (contemplating the effects of continued amendments to the Williamson Act, while noting the potential to create confusion and difficulty among land planners).

17. CAL. GOV'T CODE § 51220 (West 1983); see Will, *supra* note 4, at 3 (describing the impetus behind the Williamson Act, based on a 1922 appellate court decision requiring tax assessors to estimate property values to their highest potential use, even if current agricultural land use receipts were conceivably less than taxes owed on the property).

18. See SENATE LOCAL GOVERNMENT COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 3 (Apr. 11, 2000) (describing the Williamson Act as the state's largest conservation program and discussing the amount of property restricted by contracts).

19. See Will, *supra* note 4, at 3 (introducing the constitutional underpinnings of the Williamson Act, starting with the constitutional amendment of Proposition 3 in 1966).

20. CAL. GOV'T CODE § 51244 (West 1983); *Sierra Club v. City of Hayward*, 28 Cal. 3d 840, 851, 623 P.2d 180, 187 (1981) (emphasizing the importance of enforcement as the constitutionality of the Williamson Act is hinged upon sufficient restriction on land use in return for tax reductions received).

21. CAL. CONST. art. XIII, § 8; see SENATE LOCAL GOVERNMENT COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 3 (Apr. 11, 2000) (commenting on the constitutional integrity of the Williamson Act, following the legislative relaxation of the cancellation provisions within the Act, in response to the holding in *Sierra Club v. City of Hayward*).

Williamson Act enforcement: compatible land use, and timely reporting of proposed contract cancellations to the Department of Conservation.²²

Because Williamson Act contracts automatically renew on an annual basis, removal of property from contractual restriction typically occurs through non-renewal of contracts, freeing property from restriction in ten years.²³ Cancellation of a Williamson Act contract involves the approval of the governmental contracting party, such as the county board of supervisors or city council, and allows for immediate removal of restrictions from property in return for a 12.5% cancellation fee, based on the current market value of the particular property.²⁴ As an alternative to paying a cancellation fee, contracted lands that qualify for cancellation may be exchanged for conservation easements of "like value" agricultural lands under the Agricultural Lands Stewardship Program Act (ALSP).²⁵ Contract cancellations, however, were greatly scrutinized by the California Supreme Court in *Sierra Club v. City of Hayward*,²⁶ where the Court limited cancellations to emergency situations not inconsistent with the intent of the law and in the public interest.²⁷ Following this decision, the State Legislature amended the Williamson Act, loosening cancellation restrictions contrary to the Court's decision, so that contract cancellations could be achieved by specific findings indicating *either* consistency with the purpose of the Act *or* with the public interest.²⁸

Subject to the California Environmental Quality Act (CEQA),²⁹ cancellation of a Williamson Act contract has always required notification to the Department of Conservation.³⁰ Prior to Chapter 889, notification was given as a comment solicitation for negative impacts, or by informing the department director of cancellation hearings ten days prior to the board meeting date and thirty days after cancellation approval.³¹ This process of notification has been criticized because it

22. CAL. GOV'T CODE §§ 51238.3, 51284.1 (amended by Chapter 889).

23. CAL. GOV'T CODE § 51244 (West 1983 & Supp. 2000).

24. *Id.* § 51283 (West 1983 & Supp. 2000).

25. CAL. PUB. RES. CODE DIV. 10.2; *see also* Will, *supra* note 4, at 31 (noting the potential to provide for longer term conservation with the use of easements under ALSP, which are conditioned on the contracted lands suitability for cancellation, and therefore impacted by changes in the cancellation process under Chapter 889).

26. 28 Cal. 3d 840, 623 P.2d 180 (1981); *see id.* at 848, 623 P.2d at 187 (synthesizing the Court's decision regarding contract cancellation with the constitutional requirements of enforcement of the Williamson Act).

27. *Id.*, 623 P.2d 180 at 187; *see* Will, *supra* note 4, at 27 (describing the California Supreme Court's handling of a Williamson Act contract cancellation that led to the State Legislature relaxing cancellation requirements).

28. CAL. GOV'T CODE § 51283 (West 1983 & Supp. 2000); *see* SENATE LOCAL GOVERNMENT COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 3 (Apr. 11, 2000) (revisiting court decisions regarding cancellation and Assemblymember Richard Robinson's responding legislation which changed the statute and called for grace periods which were later found to be unconstitutional).

29. CAL. PUB. RES. CODE §§ 21000-21178.1 (West 1996 & Supp. 2000) (codifying the California Environmental Quality Act.).

30. CAL. GOV'T CODE § 51284; *see* SENATE LOCAL GOVERNMENT COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 2 (Apr. 11, 2000) (describing the notification process for pending contract cancellations prior to Chapter 889 as being potentially too late in the decision-making process).

31. CAL. GOV'T CODE § 51284.

does not allow the Department of Conservation adequate time to comment on the cancellation in a manner that promotes adherence to the Act's intent and cancellation guidelines.³²

Compatible land use, like cancellations, has been viewed as an important component in the Williamson Act's constitutionality.³³ Failure to adequately restrict contracted land to agricultural production as intended by the Williamson Act may lead to industrial land owners inappropriately reaping tax benefits by claiming to limit development of agricultural land.³⁴ The law regarding compatible land use under the Williamson Act has evolved over time.³⁵ As the law stands now, compatible use may not: "(1) compromise long term agricultural productivity, (2) displace or impair agricultural operations, or (3) remove adjacent land from agricultural production."³⁶ Ultimately, the goal of preserving prime production agricultural land has been relaxed somewhat over time, and the following uses are now compatible under the Act: non-prime agricultural land as open space; "incidental mining operations" that do not impair soil fertility or agricultural operations; farm labor housing; and utilities—all of which are subject to local control when adopting a compatible land use into a contract.³⁷

III. CHAPTER 889

With only one statutory amendment and one addition, Chapter 889 continues to fine tune the Williamson Act by subtly tightening compatible land use requirements³⁸ and adding a provision for the overview of the cancellation process.³⁹ By amending section 51238.3 of the Government Code, Chapter 889 effectively limits the use of contracted land to compatible uses consistent with the purpose of the Williamson Act and the details of the contract itself.⁴⁰ No documents referenced

32. See SENATE LOCAL GOVERNMENT COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 2 (Apr. 11, 2000) (commenting on the timing of notification to the Department of Conservation, and noting that it may be too late in the process to afford useful comment).

33. See *id.* (warning that without adequate land use controls, the constitutional integrity of the Williamson Act will be eroded and invite judicial intervention).

34. See Will, *supra* note 4, at 16 (describing some early compatible land uses under the Williamson Act as "race tracks, hotels, country clubs, large scale mining and concrete plants").

35. See 1994 Cal. Stat. ch. 1251 (enacting CAL. GOV'T CODE § 51248.1) (codifying compatible land use); *id.* (detailing the refinement process of compatible land use prior to Chapter 889).

36. CAL. GOV'T CODE § 51238 (West 1983 & Supp. 2000); see SENATE LOCAL GOVERNMENT COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 3 (Apr. 11, 2000) (describing the most recent changes in the Williamson Act in regard to compatible land use).

37. CAL. GOV'T CODE § 51238 (West 1983 & Supp. 2000); see also Will, *supra* note 4, at 17 (expounding on Act amendments under AB 2663, including the acceptance of open space as a "compatible use," rather than agricultural use, and the allowance of "incidental mining operations" as compatible so long as the overall goal of preservation of agricultural land was not affected); SENATE RULES COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 3 (Aug. 8, 2000) (describing farm worker housing and utilities as compatible land use).

38. CAL. GOV'T CODE § 51238.3 (enacted by Chapter 889).

39. *Id.* § 51284.1 (enacted by Chapter 889).

40. *Id.* § 51238.3 (amended by Chapter 889).

within the signed Williamson Act contract may be used to establish compatible land use.⁴¹ This amendment will prevent counties from referencing outside documents.⁴² For example, when a county uses a general plan in determining compatible land use, and later changes the reference document to allow for land use which is not consistent with the purpose of the Act, the county is acting outside the intentions of the Act.⁴³ Chapter 889 prevents such circumvention of the intent of the Williamson Act.

In adding section 51284.1 to the Williamson Act, Chapter 889 requires that a county board or city council must send notice to the Director of Conservation immediately upon acceptance of an application for cancellation of a contract, allowing for comments to be made prior to any decision.⁴⁴ The notification must include: a copy of the petition for cancellation; a copy of the Williamson Act contract; and a general description of the land subject to cancellation.⁴⁵ By notifying the Director of Conservation prior to any decision regarding contract cancellation, notification is made prior to, instead of during the CEQA process.⁴⁶ Hence, comments made by the Department of Conservation may guide the particular board or council through the process, consistent with the purpose of the Act.⁴⁷

IV. ANALYSIS OF CHAPTER 889

With the Williamson Act's thirty-five year history of successful agricultural land preservation, critics of Chapter 889 appear to base their arguments on the old adage "if it's not broke, don't fix it."⁴⁸ On the other hand, the argument that continued fine tuning of the Act only increases the complexity of the law, and confuses land managers, has merit when one considers the number of changes to the Williamson Act since its inception.⁴⁹ Even if Chapter 889 increases the complexity

41. See *id.* (limiting the impacted contracts to those contracts signed after June 7, 1997).

42. *Id.*; see SENATE RULES COMMITTEE, FLOOR ANALYSIS OF AB 1944, at 3 (Aug. 19, 2000) (limiting reference to external documents in order to establish compatible land use).

43. SENATE RULES COMMITTEE, FLOOR ANALYSIS OF AB 1944, at 3 (Aug. 19, 2000); see also ZONE FILE, *supra* note 11, at E-3 (summarizing Yolo County's General Plan policies, established to protect agricultural land which could be considered examples of referenced documents and subsequently changed by unilateral board action); *id.* (detailing Land Use Policy 6, developed to conserve agricultural land presently farmed or having prime agricultural soils; and Land Use Policy 14, created to prohibit new residential or suburban subdivisions in agriculturally designated areas).

44. CAL. GOV'T CODE § 51284.1 (enacted by Chapter 889).

45. *Id.*

46. *Supra* note 29.

47. See SENATE RULES COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 4 (Aug. 8, 2000) (discussing the notification provisions of Chapter 889 and their comparison to prior law).

48. See NATURAL RESOURCES COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 2 (Apr. 11, 2000) (concluding that cancellation provisions, in place for over 20 years, have allowed the proper flexibility and that perpetually amending the Act adds uncertainty to the process).

49. *Id.*; see 1998 Cal. Stat. ch. 353 sec. 5 (enacting CAL. GOV'T CODE § 51296) (creating the "Super Williamson Act" allowing for greater tax reductions in return for a 20 year restriction on land); 1998 Cal. Stat. ch. 495 sec. 1 (enacting CAL. GOV'T CODE § 51256) (allowing for contract cancellation in return for the establishment

of the Williamson Act, it is unlikely that such complexity will result in decreased enrollment of lands in the program.⁵⁰ With over 15 million acres enrolled in the Williamson Act, cancellation throughout the 1990s has remained low despite several amendments to the Act.⁵¹

Other critics of Chapter 889 point out that the practice of referencing documents pertaining to compatible use within a Williamson Act contract is perfectly valid under contract law and should be preserved to allow for flexibility.⁵² By changing the criteria of what constitutes compatible land use from a contractual principal to a statutory prohibition, referenced documents will no longer be allowed to define compatible land use.⁵³ This eliminates the temptation for a board of supervisors to amend referenced documents in order to meet future demand for land use changes.⁵⁴ Although restrictions in Williamson Act contracts have often been analyzed under contract law, Chapter 889 imposes a rigid statutory construction for compatible use.⁵⁵ This change will reinforce the purpose of the Act and help ensure its constitutionality, as proper land use will be sufficiently restricted in order to justify the tax benefit received by the landowner as provided for under the State Constitution.⁵⁶

The notification provision included in Chapter 889 has also been criticized as being redundant, as the current law already requires that notification be given to the Department of Conservation prior to and immediately following any Williamson Act cancellation.⁵⁷ However, if notification takes place immediately upon completion of an application for cancellation rather than later in the CEQA process, it affords the Department of Conservation an opportunity for input, ensuring that the purpose of the Act is followed.⁵⁸

Both provisions of Chapter 889 are aimed at fine tuning the Williamson Act to ensure proper restriction of contracted land use and cancellation of contracts, and to maintain the constitutionality of tax reductions received by agricultural land

of a permanent conservation easement under the ALSP).

50. See SENATE RULES COMMITTEE, FLOOR ANALYSIS OF AB 1944, at 3 (Aug. 19, 2000) (showing cancellations from Department of Conservation statistics).

51. *Id.*

52. See NATURAL RESOURCES COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 2 (Apr. 11, 2000) (noting that "specifying compatible use and referenced documents is a valid form of contract law").

53. CAL. GOV'T CODE § 51238.3 (amended by Chapter 889); see also Will, *supra* note 4, at 18 (noting that courts regularly analyze Williamson Act litigation in terms of legal contractual obligations, rather than strictly as a creature of statute, because contracts are a major part of restricting enrolled land).

54. See SENATE RULES COMMITTEE, FLOOR ANALYSIS OF AB 1944, at 3 (Aug. 19, 2000) (discussing the limitation of compatible land use to those enumerated within the contract except those contracts signed prior to June 7, 1997, where the referenced documents were in existence prior to the contracts).

55. CAL. GOV'T CODE § 51238.3 (amended by Chapter 889).

56. See *supra* note 21 and accompanying text.

57. See NATURAL RESOURCES COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 2 (Apr. 11, 2000) (criticizing reporting requirements).

58. See SENATE RULES COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 3 (Aug. 19, 2000) (describing pre-Chapter 889 notification requirements as "too late to trigger useful comments").

owners.⁵⁹ Perhaps the most striking criticism of Chapter 889 centers around what the Legislature removed from the bill before sending it on to Governor Davis for his signature.⁶⁰ California's Constitution was amended to allow for tax reductions on agricultural land enrolled in the Williamson Act, significantly restricting such land from development for a period of at least ten years.⁶¹ The California Supreme Court in *Sierra Club* recognized the importance of land use restrictions to the constitutionality of the Act, criticizing contract cancellations as undermining the Act's constitutional underpinnings.⁶² The California Supreme Court opined that the Legislature, in drafting the Williamson Act, intended to limit contract cancellation to "extraordinary circumstances" not addressable through normal contract non-renewal.⁶³ The issue of lax contract cancellations on the part of county boards was addressed by Chapter 889's author in earlier drafts of the legislation.⁶⁴ The original bill language would have closed an "old loophole" in the law, created by the *Sierra Club* decision. It also would have created a cancellation process consistent with the purpose of the Act, and the California Supreme Court's holding.⁶⁵ By removing this language from the bill, and leaving the more liberal cancellation provisions intact, discord will still exist between the opinion of the Court and current law regarding contract cancellations and their potential effects on the Act's constitutionality.⁶⁶

V. CONCLUSION

If the purpose of the Williamson Act is to prevent agricultural lands from development in the face of expanding city borders, the argument that Chapter 889 does not go far enough in restricting the ability of a board or council to cancel a contract appears valid at first blush. Cancellation requirements involve findings of consistency with the Act including that: (1) the cancellation applies to land already

59. See *id.* (generalizing the intention of Chapter 889).

60. See SENATE LOCAL GOVERNMENT COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 2 (Apr. 11, 2000) (noting that a third section of Chapter 889 that restricted contract cancellations to ensure the constitutional integrity of the Williamson Act, was amended out of Chapter 889).

61. See Will, *supra* note 4, at 5 (describing the constitutional underpinnings of the Williamson Act).

62. *Sierra Club v. City of Hayward*, 28 Cal. 3d 840, 848, 623 P.2d 180, 185 (1981); see Will, *supra* note 4, at 6 (noting that "lax enforcement of Williamson Act restrictions jeopardizes the constitutional footing of the program").

63. See *Sierra Club*, 28 Cal. 3d at 848, 623 P.2d 185 (stating that "the legislature recognized that in rare instances unforeseen events might require the release of land from its contractual restriction before the restriction lapses by its own terms"); Will, *supra* note 4, at 28 (explaining the Supreme Court's position on contract cancellation as strict to the "overwhelming theme of the legislation . . . to preserve undeveloped land in the face of development pressures").

64. See SENATE LOCAL GOVERNMENT COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 2 (Apr. 11, 2000) (considering early provisions to tighten contract cancellations).

65. AB 1944 (Cal. 2000) (as introduced on Feb. 15, 2000, but not enacted).

66. *Id.*; see SENATE LOCAL GOVERNMENT COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 4 (Apr. 11, 2000) (arguing in favor of earlier versions of AB 1944 as it would have harmonized cancellation provisions in the Williamson Act with the Supreme Courts decision in *Sierra Club*).

not renewed; (2) the cancellation will not cause adjacent land removal from agricultural use; (3) alternative land use is consistent with the general plan; (4) contagious growth will not result from cancellation, or cancellation is in the public interest.⁶⁷ Cancellation of a Williamson Act contract is considered to serve the public interest when public concern outweighs the purpose of the act, and no other suitable developmental land is available.⁶⁸

Under early drafts of Chapter 889, cancellation findings had to be consistent with the law *and* the public interest, further restricting a board or council's ability to cancel contracts in order to meet short-term development needs.⁶⁹ However, if a board or council can adequately draft specific findings as to why a particular contract cancellation is consistent with the Act, they can likely draft public policy reasons for such cancellation. Therefore, the argument that Chapter 889 does not go far enough to restrict contract cancellations due to amendments removing the requirement of making multiple findings for cancellation may be moot.

When the Yolo County Board of Supervisors found that the cancellation of a Williamson Act contract covering 162 acres being farmed within a planned development area was consistent with the Act, they painstakingly described why the cancellation was in the public interest as an additional finding for cancellation.⁷⁰ For every argument made by the Yolo County Board of Supervisors, there was a valid argument to the contrary. Therefore, in assessing the worth of Chapter 889, emphasis should not be placed on its failure to reinstate the cancellation requirements prior to legislative tinkering in response to *Sierra Club*, as modern land planners are savvy enough to overcome these requirements when necessary.⁷¹ The worth of Chapter 889 is in its continued strengthening of the Williamson Act as a tool to preserve productive agricultural land while encouraging smart growth.

In total, Chapter 889's continued fine tuning of the Williamson Act will help to preserve this valuable land use management tool.⁷² As development and urban sprawl continue to be important and controversial issues in California, periodic refinement of the Williamson Act is necessary to preserve its effectiveness and constitutionality in the eyes of courts for another 30 years into the future. Without legislation like Chapter 889 and the Williamson Act, difficult land planning

67. CAL. GOV'T CODE § 51282 (West 1983).

68. *Id.*; see also SENATE LOCAL GOVERNMENT COMMITTEE, COMMITTEE ANALYSIS OF AB 1944, at 2 (Apr. 11, 2000) (classifying the specific findings for contract cancellations as within the public interest, including the effect of changing *or* to *and* within the Williamson Act in early drafts of Chapter 889, and requiring findings consistent with the law *and* in the public interest).

69. See *supra* text accompanying notes 59-61 (discussing the original AB 1944 verbiage further restricting contract cancellation).

70. *Supra* notes 9-11 and accompanying text; see also ZONE FILE, *supra* note 11, at E-1 (basing findings upon the fact that cancellation would not remove adjacent lands from production agriculture so long as the land owner's stated intent was to continue farming, and upon the fact that no other proximate land was available or suitable for development due to proposed changes in the FEMA flood plain).

71. *Supra* notes 26-28 and accompanying text.

72. See *supra* Part III (providing description of Chapter 889's changes to the Williamson Act).

decisions, like the one made in Yolo County, could occur in a manner contrary to the best interest of the citizenry of the State.