



**WILLIAMSON ACT UPDATE**  
**FREQUENTLY ASKED QUESTIONS**

**Why is the Community Development Agency considering an update to the Williamson Act rules and procedures now?**

The existing rules and procedures were last updated approximately 24 years ago. While they have been administered by the County without significant problems, changes affecting agriculture in Marin have occurred over the past quarter century that should be considered in the update.

For instance, the existing rules and procedures include a list of land uses determined to be compatible with Williamson Act requirements that's based on a long out-of-date version of the County agricultural zoning standards. Replacing this antiquated list with the current version of the County agricultural zoning standards will explicitly provide contract holders with an expanded and more diversified list of compatible uses, such as intergenerational homes for family members and accessory dwelling units.

Another example of the antiquated nature of the existing rules and procedures can be found in the standards the County relies upon to determine a property's eligibility for a new or renewed Williamson Act contract. One such standard requires the County to consider the "capability of the agricultural use to produce a living for the owner." This factor no longer reflects the growing importance of off-farm jobs as a source of income for farming households, especially for the small family farms characteristic of Marin's agriculture.

Amending the current rules and procedures to make them more informative about certain State law provisions of the Williamson Act is another reason for the update, including those related to lot line adjustments, transferring ownership of Williamson Act property between family members, and non-renewal and cancelation of Williamson Act contracts.

**Under the proposed rules and procedures do I have to apply to renew my existing Williamson Act contract?**

No. No new applications or new fees are required at the time of renewal. Unless the County or landowner has initiated a process to cancel the contract, all contracts automatically renew each year. If a landowner has modified their contract, for example by adjusting lot boundaries, they will need to submit a new application and fee.

**What is a modified contract?**

Modified contracts involve proposed changes in the size, location, or boundaries of qualifying lots or contracted areas. Changes in the type(s) and intensity of agricultural production do not constitute a modification of the contract so long as the dominant use of the land remains commercial agriculture.

**When would the proposed rules and procedures go into effect?**

If adopted by the Marin County Board of Supervisors, the proposed rules and procedures would apply automatically to all contracts upon their next annual renewal date. The adoption of these new rules and procedures will not trigger a requirement for the existing contract-holders to make a new application or pay fees.

**I have an existing contract, what sections of the proposed rules and procedures apply to me?**

Most of the proposed rules and procedures would apply to existing, new, and modified contracts. However, existing contract holders would not be subject to the requirements for filing and processing of new Williamson Act contract applications when their contracts renew automatically each year (Sections I.D and I.F).

**What happens if I do not continuously produce an agricultural commodity on my land?**

The County recognizes that agricultural producers may need to essentially press the pause button on production activities due to various causes, such as market forces, labor supply, agricultural management strategies, and the availability of water and other environmental factors. For this reason, the eligibility standards in Section II.3.C of the proposed update allows for consideration of gross income from agricultural production over a 3 to 5 year period.

**Why is zoning being addressed in Williamson Act contracts?**

All property within the unincorporated county is subject to the County’s zoning regulations established by Marin County Code Title 20 or 22, as applicable. In addition, the County relies upon those regulations as the basis for identifying compatible uses for Williamson Act properties. Bringing the compatible uses for the Williamson Act into alignment with the current agricultural zoning allows for consideration of additional compatible uses which are presently not explicitly allowed in the outdated standards still in effect for contracts. Examples of more contemporary uses in the current agricultural zoning include intergenerational homes for family members and accessory dwelling units.

**Which rules and procedures resolution currently applies to my property?**

Regardless of the date of the original contract, all contracts are currently subject to the rules and procedures in Resolution 2000-135 adopted by the Marin County Board of Supervisor October 21, 2000. You can find a copy of this Resolution at <https://www.marincounty.org/depts/cd/divisions/planning/long-range-planning-initiatives/page-data/williamson-act-contract-update>.

**Are there any monetary changes associated with the proposed rules and procedures?**

The Marin County Assessor’s office will continue to assess your property as they have done in the past. The updated rules and procedures will not change the property tax savings property owners benefit from through their respective Williamson Act contracts. Additionally, no fees will be required for contracts to renew automatically each year.

## **Will the County's monitoring and enforcement of Williamson Act contracts change because of the update?**

The Community Development Agency staff will continue monitoring on an as-needed basis as it has done for the last four years since taking over the administration of the Williamson Act program from the County Assessor's office. Most monitoring will occur through routine business, such as reviewing building permits for new structures on Williamson Act properties and responding to questions or input about the status of commercial agriculture on properties that may arise from the public or other agencies. The Community Development Agency may also send a questionnaire to contract holders requesting updated information about the type and extent of commercial agriculture on their land, although this step is expected to occur infrequently when commercial agricultural activities on a property are not plainly evident through other means of monitoring.

## **Why does the County monitor and enforce Williamson Act rules and procedures?**

Williamson Act contracts are binding legal agreements between agricultural property owners and the County, whereby the property owners receive a significant reduction in property taxes from the County Assessor in exchange for maintaining commercial agriculture as the dominant use of the land. The County is responsible for ensuring that the terms of a contract are upheld as long as the contract is in effect, especially because contracts run with the land and commercial agriculture may cease due to changes in ownership of Williamson Act properties over time.

The State Department of Conservation has oversight authority for the administration of Williamson Act programs and implementation of State law at the local level. County monitoring and enforcement is important to demonstrate that Marin is being responsible in its implementation of the Williamson Act should the State audit the County's program.

## **I have an existing contract. How will these new rules change things for me?**

The main change is that when considering whether or not a new activity on your property is compatible with your Williamson Act contract, the standards will not be found in a short list of activities within the contract itself (as is the case with the current contract) but rather in the Marin County Code where all uses deemed compatible with agricultural lands are listed.

## **Where can I find more information regarding the Williamson Act?**

Information regarding Marin County Williamson Act program can be found at:

<https://www.marincounty.org/depts/cd/divisions/planning/applications-fees-and-resources/fact-sheets/page-data/williamson-act-program/williamson-act-program>

The California Department of Conservation website is also a great resource.

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