



## **LAND CONSERVATION CONTRACT (Williamson Act) CANCELLATION INSTRUCTIONS**

1. **GENERAL COMMENTS** - The purpose of this process is to remove land from an Agricultural Preserve and Land Conservation Contract. This removes the property from the land use restrictions associated with the Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts in Solano County and also eliminates any tax savings inherent in land conservation contract assessments.
2. **APPLICATION** - The application will be accepted when the following information is filed with the Department of Resource Management.
  - a. Completed Petition for Cancellation of Land Conservation Contract signed by the owner(s) of record.
  - b. Completed Environmental Evaluation Questionnaire provided by the Department of Resource Management.
  - c. Cancellation of a portion of an agricultural preserve and land conservation contract requires submittal of a legal description of the property and a copy of the Assessor's Parcel Map delineating the property.
  - d. Filing Fee: Fee as set by the Board of Supervisors. The Application Filing Fee includes the cost of time and materials for Planning Services Division processing, reporting, public notice and hearing for this type of application. This fee does not include environmental review. **If time and materials needed to process your application exceed the application filing fee amount plus 100% of the fee amount, you will be billed for the additional costs incurred by the County.**
3. **PUBLIC NOTICE** - Two advertised public hearings are required for each cancellation petition, one by the Planning Commission and one by the Board of Supervisors. At least ten (10) days prior to each hearing, the Department of Resource Management will provide written notice by first class mail to the applicant and owners of property located within 500 feet of the property involved. Notice will also be published in a newspaper of general circulation or posted in the vicinity of the project location. This public notice is to inform the public of their right to appear and be heard on the matter.
4. **PUBLIC HEARING** - The owner or his representative should be present at the public hearings. If he is unable to attend, he may request a continuance in writing. During the hearings before the Planning Commission and the Board of Supervisors, all interested persons will have the opportunity to speak in favor or in opposition to granting the cancellation petition. Persons speaking will usually be asked their interest in the petition and other pertinent questions deemed necessary in determining approval or denial of the cancellation petition. Normally, the applicant is invited to speak first.
5. **DECISION** - The Planning Commission holds a public hearing on the cancellation petition and adopts a resolution which is forwarded to the Board of Supervisors. The Assessor's Office determines a cancellation value and certifies it for the Board of Supervisors. The Board then determines a cancellation fee and certifies the amount to the Auditor. The Board of Supervisors then holds its public hearing on the cancellation petition. In order to approve a cancellation petition the Board of Supervisors must find that either:
  - (1) cancellation is consistent with the purposes of the Williamson Act; or
  - (2) cancellation is in the public interest.



Under item 5(1), the Board of Supervisors must make all of the following findings:

- a. That the cancellation is for land on which a notice of non-renewal has been served.
- b. That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- c. That cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan.
- d. That cancellation will not result in discontinuous patterns urban development.
- e. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

Under 5(2), (cancellation is in the public interest) the Board of Supervisors must specifically find:

- a. That other public concerns substantially outweigh the objectives of the Williamson Act.
- b. That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contract land should be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

6. **PETITION GRANTED** - Upon tentative approval of a cancellation petition, several steps are required (Section 51283.3 and 51283.4) to complete the process which includes:

- a. The Clerk to the Board of Supervisors records a Certificate of Tentative Cancellation which contains at least: the name of the property owner, the amount of the cancellation fee as certified by the Board, any contingency of waiver, or deferment of its payment, conditions and contingencies and legal description of the property involved.
- b. The landowner notifies the Board when the conditions and contingencies enumerated in the certificate of tentative cancellation have been satisfied. Within thirty (30) days of receipt of such notice, and determination that conditions and contingencies have been satisfied, the Clerk to the Board shall record a Certificate of Cancellation of the contract.