

A CASE STUDY OF THE WILLIAMSON ACT IN TEHAMA COUNTY

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B.A., California State University, Sacramento, 2005

THESIS

Submitted in partial satisfaction of
the requirements for the degree of

MASTER OF PUBLIC POLICY AND ADMINISTRATION

at

CALIFORNIA STATE UNIVERSITY, SACRAMENTO

FALL
2008

A CASE STUDY OF THE WILLIAMSON ACT IN TEHAMA COUNTY

A Thesis

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Abstract
of
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Statement of Problem

The Williamson Act was designed by the California State Legislature in 1965 to protect agricultural land from premature development. Landowners contract with counties that participate in Williamson Act contracts. These contracts state that the landowner will not develop contracted land for 10 years, and in exchange their property taxes will be assessed based on use, not on value. The Williamson Act is a popular policy throughout California, as most counties throughout the State currently offer contracts to land owners. The State of California gives subvention payments back to participating counties to recoup a portion of the property taxes they would normally receive without Williamson Act contracts.

Sources of Data

For this thesis, I examined the implementation and effectiveness of the Williamson Act in Tehama County through a three-part study, analyzing statistical data from the National Agricultural Statistics Service, and data on the Williamson Act from the California Department of Conservation. Second, I analyzed maps of Tehama County

agricultural land from the Department of Conservation released every two years starting in 1984. Finally, this case study conducted interviews included the local planning director, county assessor, the individual in the assessor's office who administers the Williamson Act, and an individual with orchard land in Williamson Act contracts, as well as an individual with rangeland in Williamson Act contracts.

Conclusions

The Williamson Act appears to be effective in Tehama County, and I speculate it is probably equally effective in other rural areas with limited development pressure. I am unsure if these conclusions would apply equally throughout California, especially in areas with significant development pressure. The subvention payments counties receive to help supplement property tax revenue they would normally receive without the Williamson Act are the primary reason counties are able to afford to continue the program. If the State of California decides to cancel these subvention payments I expect participating counties would non-renew all contracts.

_____, Committee Chair
Edward L. Lascher, Jr., Ph.D.

Date

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Chapter 1

INTRODUCTION

The Williamson Act is a popular means of agricultural preservation in California. However, it is unknown how well the Act really works. I can offer some insight on what the Act appears to have accomplished, whether it has affected development, and if stakeholders are satisfied with the program. This paper will conduct a case study of the Williamson Act in Tehama County, and attempt to substantiate conclusions on whether or not it has been effective in staving off development of agricultural land. It will then take a limited look to determine if Tehama County agriculture is closely aligned with California agriculture, and whether any conclusions made about Tehama County could be applicable statewide.

I selected Tehama County because it has a large amount of land enrolled in the Williamson Act. Tehama County may not be similar to many urban counties, I believe it may be similar to many rural counties in respect to development pressure and number of individuals moving into the County. Finally, Tehama County adopted Williamson Act contracts only two years after the State of California initiated the program, which creates a good historical overview.

The Williamson Act is an agricultural preservation measure passed by the California State Legislature in 1965. The Williamson Act allowed local jurisdictions to offer landowners a break on their property taxes in exchange for their agreement not to develop the land for a period of 10 years. The State of California spends approximately

\$80 million annually administering the Williamson Act and providing subvention payments to the participating counties and cities so they can partially recover the money they lost in property taxes.

Williamson Act land in Tehama County remained relatively stable between 1994 and 2007 with approximately 800,000 acres enrolled. In 1995, and 1996, Tehama County's Williamson act land fell below 800,000 acres, but overall there was little movement. As of 2002, 96.89% of farmland in the county was enrolled in the Williamson Act.

A significant amount of information has been published about the two main types of agricultural easements: purchase of development rights (PDR) and zoning ordinances. Universities and state agencies have published a small amount of research about the Williamson Act specifically. The limited amount of published research about the Williamson Act has been conducted for university research or commissioned by a State agency. I aim to build on this small body of work.

The remainder of this thesis is organized as follows. Chapter 2 reviews the broad subject of agricultural easements, what types there are, how they are effective or ineffective, and how they are implemented by localities. The chapter will then provide detailed information about the Williamson Act. I explain why it was enacted by the California State Legislature, how it was implemented around the state, and who qualifies to participate in the act. Chapter 3 evaluates what has been written about the Williamson Act, trends in California farming, and the existing arguments concerning tax policy

around the Williamson Act. Chapter 4 presents my three-part methodology. I assess the Williamson Act through a combination of quantitative information about agricultural usage, mapping data, and qualitative interviews. Chapter 5 reviews the results of the three-part research method, including detailed appendixes of the interviews with local stakeholders. Chapter 6 provides my conclusions about the Williamson Act in Tehama County, and explains whether I believe any recommendations implemented statewide would be productive.

Chapter 2

BACKGROUND OF AGRICULTURAL EASEMENTS

There is a substantial body of academic literature available on the broad concept of agricultural easements. To fully understand what is involved in the Williamson Act, it is necessary to analyze literature about the purchase of development rights and zoning ordinances. This chapter will provide a brief background on those subjects, along with an overview of the Williamson Act. The subsequent literature review chapter will focus squarely on the main issue at hand: the effectiveness of the Williamson Act.

Local governments have used two main techniques for preserving agricultural land: purchase of development rights (PDR) and zoning ordinances. These two methods have been implemented in many different ways, resulting in a continuing debate to determine which method is most effective.

A purchase of development rights (PDR) gives public and private money to landowners in exchange for the development rights of their property (Arendt, 1997). PDR can be done permanently, giving a landowner a lump sum of money, in exchange for an agreement that the landowner will never develop the land. These agreements can also be temporary, allowing agreements to leave land undeveloped only for a specified amount of time. This method is more popular than permanent restrictions. Contractual agreements benefit the landowner by offering property tax reductions.

Several different types of zoning changes are used to preserve agricultural land. Local officials implement urban growth areas to promote higher density development in

the urban core, reducing sprawl. Open space zoning, also referred to as cluster zoning, allows a portion of property to be developed more densely than typically permitted, removing development rights from the remaining land permanently (Arendt, 1992) (see also Arendt, 1997). Others advocate for agricultural zoning, which limits development to an area no larger than two acres 150 acre farm (Daniels, 1997).

Transfer of development rights (TDR) is a final method often discussed in academic circles. This method combines purchase of development rights and zoning ordinances. TDR is a market-based technique in which rural landowners and urban developers exchange development rights and establish strict agricultural zoning. Transferring development rights to areas looking for higher density keeps development out of rural areas. Developers compensate landowners for their development rights at market rate, creating a market incentive for agricultural interests to buy into the program (Sokolow, 2006a).

The Williamson Act, also known as the California Land Conservation Act, was enacted in 1965 as a method to protect land from development through the purchase of development rights. When landowners voluntarily sign a Williamson Act contract they are agreeing to refrain from developing their land for 10 years, in return for their property taxes being assessed on use, not on potential land value. These are revolving contracts; by statute, one year is added to the 10-year contract annually, keeping the contract constantly at 10 years (California Department of Conservation [CDC], 2007).

The intent of the legislature in passing the Williamson Act was to deter the premature conversion of agricultural and other open space land to urban uses, by preserving as much agricultural land as possible. The Legislature was also concerned with preserving the agricultural economy, the agricultural work force, and preserving the availability of nutritious food (California Government Code Section 51220, 2008).

Local jurisdictions are able to enroll open space beyond agricultural land into Williamson Act contract: including scenic highway corridors, wildlife habitat areas, or wetlands (California Government Code Section 51201, 2008). Generally, for land to qualify for contract there must be at least 100 contiguous acres. However, neighboring landowners may enter a contract together, not affecting the other's ownership rights. If land is sold while in contract, the new owner inherits the contract, it is not voided. Local jurisdictions have the capability to override the state minimum parcel size, and set a minimum parcel size they believe is best for their jurisdiction, evidence of how much of the policy is left to local interpretation. Of the 29 million acres of farm and ranch land in California, approximately 16.9 million are protected under Williamson Act contracts (CDC, 2007).

The Act is very broad, authorizing counties to participate in a voluntary program for open space preservation. Implementation and day-to-day operations are left to the discretion of each county. As a result, the cost of running the program varies greatly among different areas. Glenn County spent \$7,000 while Fresno County spent \$165,000

administering the Williamson Act in 1988-1989 (Carter, Goldman, Maus, Sexton, Sokolow, Spezia et al., 1989).

The Williamson Act saves landowners between 20% and 75% in property tax liability per year. Many farmers (one in three according to the Williamson Act Fact Sheet) (CDC, 2007) claim they would no longer own their land if they did not receive a property tax deduction.

Counties and cities have jurisdiction over Williamson Act contracts, which are overseen by the local planning department. As of 2005, all of California's 58 counties except Del Norte, Inyo, Los Angeles, San Francisco, and Yuba offer Williamson Act contracts (CDC, 2007).

Local governments participating in Williamson Act contracts are experiencing a decrease in revenue as a result of the drop in land value assessments. To offset this loss, the state makes payments to participating jurisdictions, known as subvention. These payments will be paid for the first 10 years from the date the land is entered into contract. Jurisdictions are given \$5 per acre for all prime agricultural land, \$1 per acre for all other land, and \$8 per acre for land that is located within three miles of the sphere of influence for any incorporated city (Govt Code Section 16140-16154).

There are two ways for Williamson Act landowners to stop their contract. They can file a notice of non-renewal, or file a notice of cancellation. For non-renewal, landowners are able to stop their contracts, but it is a nine-year process where the

assessed value increases each year until property taxes are assessed based on market value (Wassmer, 2008).

Cancellation is more difficult and costly. First, the landowner must file a notice with the county, and the landowner can be assessed a fee. The board or council in charge may only agree for tentative cancellation of the Williamson Act contract if it is in public interest, if it is not likely to result in surrounding land to be removed from agricultural use, the cancellation is needed for an alternative use that is consistent with the general plan, it will not result in a sporadic pattern of urban growth, and there is no other land nearby that is available for the new proposed use requiring the contract to be canceled. Before the governing body gives tentative approval of the cancellation, the local assessor will determine the fair market value of the land, and the landowner will pay a fee equal to 12.5% of the cancellation valuation of the property (Govt Code Section 51280-51287).

Chapter 3

LITERATURE REVIEW

Every state offers property tax breaks on agricultural land, but the money provided by government to maintain the land is often less than developers can provide (Arendt, 1997). Little has been done to assess the effectiveness of the Williamson Act and other similar policies. Assessing agricultural policies such as the Williamson Act can be difficult. Many of these agricultural policies have not been implemented long enough to do any meaningful long-term assessment (Sokolow, 2006b). Additionally, there is not a base case scenario available to compare how development would have occurred without such policies.

Little research regarding the Williamson Act has been conducted. While there are a few academic articles on the broader concept of agricultural preservation found on JSTOR (a full-text electronic journal database) and reviewed in a subsequent section of this chapter, no articles explicitly concerning the Williamson Act were found. A subsequent electronic search of the Lincoln Institute of Land Policy's website also did not result in any relevant articles on the Williamson Act.

Research published on the Williamson Act is dominated by a few authors conducting research for a government commissioned report or done by the University of California Agricultural Extension Service. The non-partisan Legislative Analyst's Office (LAO) has also published some limited responses to this program. The articles found

concerning the Williamson Act have added important information to understanding the Williamson Act, but have left some aspects unexplored concerning this policy.

The published material is mainly qualitative in nature; researchers have interviewed landowners about their opinions of the Williamson Act. The articles published the results of these interviews, and found that landowners enter into contract to preserve land and protect it from development. These authors did not reach any substantial conclusions on how the Williamson Act could be improved.

What We Know About Trends in California Farming

Academics and the LAO agree that government intervention is warranted to preserve agricultural land. As suburbia has expanded, agricultural land has been lost. One of the most difficult aspects of assessing the Williamson Act and similar policies in other states is determining the proper way to gauge its effectiveness. Proponents of these policies claim they are needed to preserve agricultural land from development.

Proponents want to protect California's agricultural land for many reasons. In California, the agricultural industry provides food for the nation, provides substantial employment, and helps the environment. In 2004, California had 77,000 farms and ranches. This was less than 4% of farms nationwide, but California was the number one agricultural producer in the nation. The average California farming operation had \$413,000 in sales, compared to the nationwide average of \$114,000. California provided more than half the nation's total of fruits, nuts, and vegetables. Due to the diverse

climate, California was able to produce 350 different crops (California Department of Food and Agriculture, 2005).

Other than food, farms provide many other items necessary for modern American life. The appropriate management of farms helps California's land, water, air, as well as wildlife. Between 1997 and 2002, farmers and ranchers increased wetlands by 131,400 acres nationwide. In addition, California has approximately 1 million acres of cotton, which removes 325,000 pounds of smog from the atmosphere every day (California Farm Bureau, 2005).

Farms also make significant contributions to California's economy. Farming and related enterprises directly account for 7% of the yearly gross state product. In addition, farmers and ranchers supply many jobs to the state. Farming and its related industries are responsible for approximately 8% of all jobs in the State while farms themselves employ close to 450,000 employees during peak harvest times (California Farm Bureau, 2005).

Further support for the protection of agricultural land comes from California voters. A 2005 survey of 900 likely voters conducted by McLaughlin and Associates indicated that 46.7% of respondents felt state government was doing too little to protect family farmers and ranchers in California. 26.1% of respondents felt the right amount was being done to protect agricultural land, and 5.6% felt state government was doing too much. 21.5% of respondents did not know, or refused to answer (California Farm Bureau, 2005).

Proponents of agricultural preservation support all of the above arguments; however, their arguments need to be weighed against the following counter points. Proponents often make the case that all agricultural land is lost due to urbanization. Urbanization however, is only one way that agricultural land is lost, this land can also be moved to environmental uses, or be left idle for economic reasons which is categorized as an “other” conversion. The Farmland Mapping and Monitoring Program transferred 167,000 net acres into the other category between 1988 and 1998, about half of the conversion caused by urban development (Kuminoff, Sokolow, & Sumner, 2001).

While California produces a tremendous amount of food, much of this food is shipped out of state, and much of the food eaten in California is imported from other states, a fact not often discussed by proponents of agricultural preservation. Altering current food shipments would make food more expensive. Additionally, productivity of agricultural land has increased much faster than land quantity has decreased. Adjusted for inflation, the production per acre value in 1964 was \$422, which rose to \$928 in 1997, while the relative price of food declined (Kuminoff et al., 2001).

Much of the existing literature on the Williamson Act has come to the same conclusion both farmers and administrators are happy with the program, but would like to see some small changes made to the program. The desired changes have not been identified in past research. Williamson Act participants enroll in the program first and foremost because they believe in protecting their land, and want it available for

agriculture in future generations. It appears the monetary incentives are a secondary benefit to most participants (Rilla & Sokolow, 2000).

A 2000 study of Marin, Sonoma, and Yolo Counties (Rilla & Sokolow), conducted by the University of California Agricultural Issues Center found seven distinct motivations for landowners to enter into easements. These three counties have agricultural preservation methods, known as easements, available above and beyond what the Williamson Act accomplishes. The authors conducted a qualitative study and their results are as follows from most popular to least popular response:

- Preserving land for farming
- Cash for non-farm use
- Passing the land to future generations
- Obtaining cash to invest in the farming operation
- Settling an estate problem
- Cash to reduce farm debt, and preserving the land for open space (Rilla & Sokolow, 2000).

Finding similarities in these seven motivations, the authors developed three themes which cause landowners to give up development rights:

- Preserving land for farming or open space
- Serving family needs to resolving an estate problem or transferring the land to the next generation

- Obtaining cash for non-farm purposes, to invest in farm operations, or reducing current farm debt (Rilla & Sokolow, 2000).

The authors expressed the importance of preserving farmland was to participants. In many situations, the money was an added bonus for something they would have done on their own. The authors reached four conclusions they believed would improve agricultural preservation programs. First, easement programs should find ways to better explain the easement negotiations and expedite the process with interested landowners. Second, easement programs should make a more conscious effort to describe to subsequent purchasers of the land how the easement will affect their use of the land. Third, the programs should monitor the easement programs as part of a cooperative process rather than an adversarial process, which provokes hostility amongst landowners, as many of the easement participants felt the individuals monitoring them did so in a combative manner. Finally, the programs should seek to involve landowners in conservation activities other than those directly related to their easement (Rilla & Sokolow, 2000).

These conclusions were similar to research conducted in northeastern states, which suggests these are overarching themes among landowners involved in conservation methods (Rilla & Sokolow, 2000). Similar findings were made by Carter et al. (1989), as landowners were motivated mainly by retaining the land in farming for future generations to protect it from development.

Individuals involved in administering the Williamson Act like the program as well. In-person interviews of 200 government officials and community leaders found that 90% favor retaining the program, and 88% believe the benefits outweigh costs. The majority of respondents wanted to see some administrative or policy changes within the program (Carter et al., 1989).

Existing Arguments About the Benefits and Costs of Farm Tax Credits

Staff from the non-partisan Legislative Analyst's Office (LAO) (2004)

historically has been critical of some provisions of the Williamson Act, although the LAO believes there is a need for agricultural preservation in California. The LAO is critical because the state exercises no control over what parcels are conserved through contract, and public money is used to preserve all parcels equally, even though some parcels may never face development pressure (Legislative Analyst Office [LAO], 2004).

The LAO (2004) has also levied criticism that it is possible to cancel Williamson Act contracts, although difficult. Without permanently removing development rights, there will always be some level of incentive for certain landowners to attempt to sell their land for development because of the increased monetary incentives (LAO, 2004). As of 2001, land for development sold for approximately \$40,000 per acre, while average agricultural prices in California were \$1,050 for grazing land and \$5,500 for fruit, nut trees, and vegetables (Kuminoff et al., 2001). The LAO has suggested if the state is truly interested in preserving agricultural land, contracts should permanently remove development rights (LAO, 2004).

Lastly, the LAO (2004) has been critical of the subvention payments, which cost California more than \$80 million annually. LAO staff has recommended eliminating these payments ten percent per year over a ten-year period in conjunction with gradual increases in property taxes collected by local governments. The LAO has asserted this structure would allow local governments to preserve open space more effectively, although the organization did not elaborate on how this alternate structure would accomplish land preservation (Analysis of the 2004-2005 Budget Bill Tax Relief (9100), 2004).

A 1989 report conducted by Carter et al., estimated that the Williamson Act has resulted in a statewide reduction of \$120.4 million in property taxes. Of this, \$44.5 million affected county general fund revenue, special district funds were reduced by approximately \$16.4 million, and school district funds, which receive automatic reimbursement, were reduced by \$59.4 million. To compensate for these reductions, the state made subvention payments totaling \$14.5 million in 1988-1989, approximately 32% of the money counties and cities did not receive as a result of the Act. The authors were critical of the fact that these subvention payments did not replace all of the counties' reduced revenue (Carter et al., 1989).

The reduction of tax money received by each county is dependent on what type of land they have in contract. Prime land is awarded a greater per acre payment than nonprime land. Counties with a large amount of non-prime land under contract, like Tehama County with a large number of cattle ranches, receive lower per acre subvention.

In 1988-1989, Tehama County was 15th in countywide savings compared with other participating counties from the Williamson Act, at \$2,091,000 but was 41st in savings per acre at \$2.65 (Carter et al., 1989).

Carter et al., (1989) left several questions for further policy consideration. First, they contended that statewide priorities for land conservation need to be identified by the State of California. The Williamson Act seeks to protect all kinds of rural land, without priorities for any specific type of land whether it is urban, rural, prime or non-prime. Some Williamson Act parcels are not stopping development, but putting it on a time schedule in the urban fringe. Speculators with land on the urban fringe will reap the property tax benefits, and then not renew the contract to sell the land for development. If contracts permanently removed development rights, this problem would be alleviated, but would it also be a deterrent from landowners entering into contracts? In the 1960s Legislators amended the Act to include any type of open space land, however, as of Carter et al.'s 1989 article; no jurisdiction had assertively used this program to protect these types of lands. Why does this occur, and should the program be more widely used? Finally, local control is one of the key features of the program. But this creates some tension as to uniform standards for the program throughout the state. Should more control be given back to the State of California for administering the program and setting requirements for contracted land?

Kim Mueller (1983) found that Williamson Act's financial incentives were reduced around 20% after Proposition 13 passed, but concluded that it still offers a

significant benefit for landowners. This article also found that based on how land assessment is done for tax reductions, dry grazing land receives the largest reduction in property taxes. In some areas, Williamson Act taxes would be higher than the amount owed under Proposition 13. Assembly Bill 581 (Revenue and Taxation Code, section 423 (d); Chapter 1075, Statutes of 1979 as cited in Mueller, 1983) created a provision to allow land in this situation be taxed on the lower Proposition 13 value. Without this allowance, taxes for fruit and nut orchards in Tehama County would be approximately 125% more than the same land not in contract (Mueller, 1983).

Conclusion

The literature available on the Williamson Act is still sparse, although this policy is still relatively new, so it is unrealistic to have an entire body of information on the subject. Proponents are continuously advocating that the Williamson Act must be preserved. However they ignore several key facts including that not all agricultural land is lost due to urbanization, and that more acres of land are being harvested now than in previous years.

While the literature that has been compiled on the subject is good, it does not reach any substantial conclusions. Both key articles cited in this study, Rilla and Sokolow (2000) and Carter et al. (1989) reached brief observations of policy aspects that should be further considered but did not elaborate on their conclusions. Reading these articles, the conclusions seemed to be an afterthought, rather than the point of the article.

My study will interview Williamson Act stakeholders in Tehama County, an area never before studied. Based on the literature review, I believe a more thorough analysis needs to be done determining what public benefit is gained from the Williamson Act. In my opinion, the most effective way to study the Williamson Act is through a three-step approach combining qualitative and quantitative data. After reaching conclusions about Tehama County, I will compare it to California to see if any recommendations could possibly be implemented statewide.

The qualitative interviews will attempt to determine whether participants in Tehama County have opinions of the Williamson Act similar to previous studies. This study will also add professional insight from interviews with the County Planning Director and County Assessor, which has not been included in previous studies. Additionally, this body of research will add more substantial conclusions to what could be done to make the Williamson Act a more effective policy, considering the previous conclusions such as the LAO's (2004) belief that these easements should be permanent and other suggestions made by Rilla and Sokolow (2000) and Carter et al. (1989).

Chapter 4

METHODOLOGY

The Williamson Act is important to California farmers and ranchers, reducing their property tax liability 20% to 75%. The State provides subvention payments to participating counties and cities in the Williamson Act to partially replace the money foregone in property taxes. Because public money is spent in the form of subvention payments there should be some form of evaluation of the program. I aim to provide such an analysis in this thesis. There are three different aspects to my methodology to help create the most accurate picture of the Williamson Act possible. These include analysis of quantitative data, reviewing maps showing land use patterns, and drawing information from qualitative interviews.

The quantitative portion of this research will analyze agricultural data from Tehama County: how much agricultural land exists in the county, how much of this land is enrolled in the Williamson Act, and how much agricultural land has been converted to other uses. To accomplish this I have obtained data from two sources. The first source is National Agricultural Statistics Service covering census data from 1992, 1997, and 2002. The second source is the California Department of Conservation with data on Williamson Act enrollment released every year from 1994 to 2007. These data will provide information on how much agricultural land has been lost, what percentage of agricultural land is enrolled in the Williamson Act, and the amount of money earned by farmers and ranchers.

These quantitative data are important because they help move from generalities of “farmland is being lost” to understanding exactly what has occurred. Specifics are needed because proponents of agricultural preservation techniques have painted a picture that agricultural land is quickly disappearing, but have not provided any specifics. This information will help to understand at what rate farmland is lost.

The second portion of the methodology will entail analyzing maps of Tehama County produced every two years from 1984 to 2002 by the California Department of Conservation. These maps depict where and how land use has moved including prime farmland¹, farmland of state importance², unique farmland³, farmland of local importance⁴, grazing land⁵, urban built-up land⁶, other land⁷, and water⁸. This information is significant to this study because it shows when and where development has occurred,

¹ Prime farmland has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

² Farmland of statewide importance is similar to prime farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

³ Unique farmland consists of lesser quality soils used for the production of the state’s leading agricultural crops. This land is usually irrigated, but may include nonirrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

⁴ Farmland of local importance includes all lands, which are not included in prime, statewide, or unique and are cropped continuously or on a cyclic basis (irrigation is not a factor).

⁵ Grazing land is land on which the existing vegetation is suited to the grazing of livestock.

⁶ Urban built up land is occupied by structures with a building density of at least one unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures.

⁷ Other land is land not included in any other mapping category, common examples include low density rural developments, brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry, or aquaculture facilities, stripmines, borrow pits, and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as other land.

⁸ Water includes perennial water bodies with an extent of at least 40 acres.

which is a different perspective that cannot be obtained through the quantitative data. There is speculation among academics that the Williamson Act has helped to prevent leapfrog development, and assisted in steering where development does and does not occur. Observing changes in developed areas throughout these 18 years will provide more insight into this theory.

Tehama County first permitted the Williamson Act in 1968, and at the time had defined developed areas. Those developed areas make the County an appropriate proxy to begin determining if the Williamson Act may have an impact on preventing leapfrog development. This will become clear if those significant urban areas have continued, and if no additional areas have been created.

Other areas of the state that had experienced leapfrog development before the implementation of the Williamson Act, or locations that did not have significant participation in the program, likely would not experience the same benefits as expected in Tehama County, because once an urban center begins to grow it is difficult to curb. Therefore, while Tehama County will provide insight on how development can be controlled and maneuvered in rural areas through Williamson Act type policies, the implications and benefits may not be the same in urban areas already experiencing leapfrog development.

While quantitative data and mapping are both essential to understanding the influence of the Williamson Act, they cannot provide a complete picture of the effect the Williamson Act has in Tehama County, and California. Perceptions and opinions about

the Williamson Act will be influential in dictating the potential success or failure of the program. These important subtleties about the program can only come out through interpersonal communication that is not possible to obtain through quantitative data and mapping. As a purely hypothetical example, if landowners believed the program was administratively difficult to enroll in, it is probable that fewer people would participate.

I conducted interviews to reveal such intricacies about the program including the Tehama County Planning Director, the Tehama County Assessor and the individual responsible for Williamson Act land valuation in the Assessor's office, two County Supervisors, someone who has an orchard in Williamson Act Contract, and someone who has rangeland in Williamson Act contract.

The Planning Director was an appropriate person to interview because this individual is involved in creating the General Plan and has an institutional knowledge of the Williamson Act, and any potential elements of the County it has affected. Through the interview, I sought to gain an overall professional understanding of the Williamson Act, how it was implemented, and some insight into its effectiveness.

Similarly, the County Assessor has a professional understanding of the Williamson Act. It is the Assessor's job to determine what land is worth, and if land is taken out of contract through non-renewal or contract cancellation, how much the owner should pay in property taxes. Previous research on the Williamson Act has not included professional influences such as the planning department or assessor's office, and it is my belief this addition adds an important understanding to the literature at hand.

The County Supervisors have an understanding about any potential political implications behind the Williamson Act that the other individuals may not. County Supervisors are the people responsible for representing constituents separated by geographic districts at the county level on many issues. County supervisors have broader responsibilities and a correspondingly more general political perspective, in contrast to the Assessor who is elected countywide and is responsible for property tax valuation, but holds a more technical job.

The interviews with the two types of landowners, orchards and rangeland, help to distinguish any possible differences concerning the Williamson Act between the two uses. The State of California values these types of property differently; hence they may generate different subvention payments back to local counties and cities. Recall that prime farmland receives \$8 per acre while rangeland receives \$1 per acre, and the majority of contracts in Tehama County receive the \$1 per acre subvention payment.

Assuming the landowners interviewed are happy with their decision to participate, there is a risk landowners in Williamson Act contract will be very passionate about the program, and seek to advocate for the program. I consider this possibility when evaluating the interview data. Similarly, I have chosen not to interview representatives from the Farm Bureau (and similar organizations). Since this organization has an important outlook on the Williamson Act, staff is likely to assume the role of advocates because this is the assigned role of a lobbyist. Because this is an academic paper, advocacy is less useful for getting a handle on how well the Act is working.

The interview portion of this thesis has a very small sample size of seven individuals; there is a greater opportunity for bias to filter into this analysis. I carefully selected the people involved in the study to represent all imperative perspectives on the Williamson Act, but it is possible they do not. If a larger study of Tehama County were conducted it may be determined the people involved in this study, while representing their own beliefs accurately, were not representative of the County.

Furthermore, any consequences of recommendations about the Williamson Act based on knowledge gained in Tehama County may not be appropriate for implementation statewide. Tehama County is a very rural area with limited development pressure. First, Tehama County likely has drastically different needs concerning agricultural preservation than an urban center such as Sacramento County with significant projected growth. Second, while some other counties may be similar to Tehama County in terms of being predominately rural and having an agriculturally based economy, they may be quite different in other respects. Additionally, as established in the literature review, the State of California left a tremendous amount of local control to jurisdictions when implementing the Williamson Act, and the differences between counties could cause something to be an effective policy in one location and ineffective in another area.

Despite the shortcomings of this research methodology, this thesis will still serve as an important addition to the growing literature about the Williamson Act and agricultural preservation techniques. The combination of quantitative data, mapping, and

qualitative interviews has not been done before. Second, the qualitative interviews represent an extension from previous research by including the professional, practical, and political implications in the same body of research. Finally, this piece will attempt to draw on more substantial conclusions than previous work.

I prepared the survey questions to discover some of the more intricate aspects of the Williamson Act that cannot be discovered through quantitative data and mapping. I asked study participants if they believe the Williamson Act has accomplished the stated goals of the California State Legislature in 1965: preserving agricultural land and open space, preserving the agricultural economy and work force, and preserving the availability of nutritious food. I also asked participants if they were to create legislation for agricultural preservation what specific features they would want to see in the bill.

As alluded to earlier, it is expected that the Williamson Act is effective in Tehama County, and that a majority of participants favor the program. It is also expected that the program is equally effective in other rural areas, but possibly less effective compared to more urban areas or the entire State. The level of effectiveness may in part be because of the availability of non-renewal and contract cancellation. As land becomes more valuable for development, the incentives for non-renewal or contract cancellation increase.

In the final section of analysis, I will test these expectations through quantitative data comparing Tehama County with California. If agricultural land lost between the two areas is comparable, it will demonstrate that conclusions made about Tehama County

may be appropriate statewide. This will be done using the same data from the National Agricultural Statistics Service and the California Department of Conservation.

Chapter 5

RESULTS

This thesis has revealed that while there is a substantial body of literature on agricultural preservation techniques in general, very little has been written or studied about the Williamson Act in California. Public money is spent on subvention payments for participating local jurisdictions, so there should be some analysis of what public benefit is gathered from expenditures on this program. This paper discusses a conducted case study in Tehama County to determine how effective the Williamson Act is in this County. This chapter reviews the findings from Tehama County separated into the quantitative data, mapping information, and findings from qualitative interviews. Next, the chapter reviews similar quantitative data in California to assess whether results from the County could be applied statewide.

Findings from Tehama County

Tehama County has experienced some very minimal loss of agricultural land over the time period included in this study. It is plausible this is due to the amount of agricultural land in this area protected by the Williamson Act, but it is not definitive. This phenomenon could also be caused if construction in this area was more costly than surrounding locations, or if there was a very low demand for development because not many people desire to live there.

Quantitative Data in Tehama County

Agricultural land loss in Tehama County has been very slight. Tehama County is 1,892,900 acres, of which 800,003 acres were enrolled in the Williamson Act as of 2007. In 1992, 53.72% of the county was devoted to agriculture, which was reduced to 45.56% in 2002. The vast majority of this agricultural land is enrolled in the Williamson Act. In 1997, 95.71% of agricultural land was enrolled. And although agricultural land has decreased, the percentage of Williamson Act land has increased: by 2002, 96.89% of land was enrolled. As seen in Table 5.1, other than a dip in the mid-1990s, enrolled land has remained relatively stable.

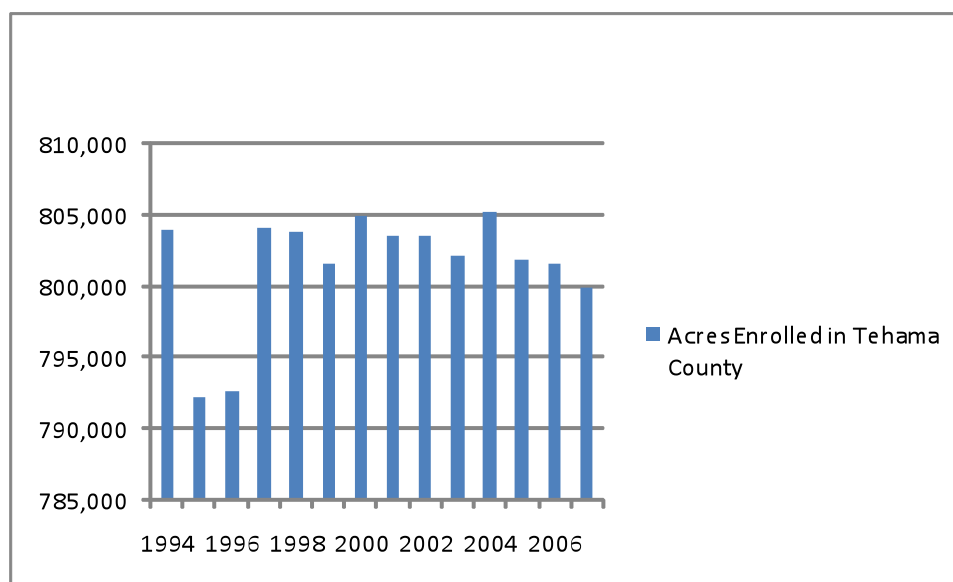


Figure 5.1. Acres enrolled in the Williamson Act County.

Mapping Data in Tehama County

The Department of Conservation produces maps of counties in California every two years, beginning in 1984. These maps show prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, grazing land, urban and built up land, other land, and water. When this program began in 1984, counties were unable to categorize all of the land in their jurisdiction, so more land has been correctly identified as the program has progressed. This lack of categorization caused much of the land in extremely rural parts of Tehama County be categorized in “other land” until 2002 most of it was classified to “grazing land.”

Tehama County is a large, but very rural county, with a total of 1,892,900 acres and 61,686 people in 2006 (U.S. Census Bureau, 2008). The first map released in 1984 identified 24 developed areas in the county. Twenty-four may seem like a large number of developed areas, but as a result of Tehama County’s rural nature, most of these areas are of no considerable size. The largest urbanized area is the City of Red Bluff with a population of 13,947 in 2007 (City-Data.com, 2008b) followed by the City of Corning with a population of 7,136 in 2007 (City-Data.com, 2008a). Tehama County has one other incorporated area, the City of Tehama with a population of 449 in 2007 (City-Data.com, 2008c).

Analyzing the mapping information reveals some interesting information; farmland acreage has remained relatively stable in Tehama County between 1984 and 2002. Total agricultural land in 1984 was 954,355 acres, which decreased 3,546 acres by

2000 to 950,809 acres. Agricultural acreage dramatically increased in 2002, to 1,787,205, acres, as a result of the conversion from “other land” to “grazing land.”

In 2000, there were 871,006 acres of “other land,” reduced to 34,510 acres in 2002, a decrease of 836,496 acres, due to a definitional switch as land was reclassified. There were 706,027 acres of “grazing land” in 2000, which increased to 1,549,716 in 2002, a total increase of 843,689 acres. Grazing land was 81.87% of the County in 2002. The conversions between these two types of land as the mapping and monitoring at the Department of Conservation has progressed makes it difficult to completely understand how agricultural land changed between 2000 and 2002, but it is clear that there was very little agricultural land lost between 1984 and 2002.

Developed land also remained relatively stable between 1984 and 2002 in Tehama County. In 1984, there were 9,406 acres of developed land, 0.5% of land in the County, which increased 2,015 acres by 2002 for a total developed area of 11,556 acres, or 0.61% of land in the County.

As previously stated, I identified 24 developed areas on the initial 1984 map. When contrasted with the 2002 map, I identified 21 developed areas throughout the County. It appeared that these three areas had been transferred into grazing land from developed land between 1984 and 2002. Development in the County during this time span has not significantly changed. Eight of the 21 developed areas had some very minor changes, many of which are even too minute for accurate description.

Of those development changes that can be described, the City of Red Bluff has experienced northern and southern growth along the Interstate 5 corridor. There was no significant development to the east or west where there is a substantial amount of agricultural land. Finally the City of Corning had growth similar to the City of Red Bluff, development along Interstate 5.

The only area that had any notable growth was a newly developed area that appeared in 2000 referred to as Landing Strip on the GIS maps west of Cottonwood. I was able to identify this area as Lake California, a 2,200-acre private housing subdivision (Lake California, 2008). Before development, this was grazing land.

Population growth is inevitable, but should be developed in the best way possible, avoiding sprawl. Because only one new developed area was built between 1984 and 2002, I believe this provides provisional evidence that the Williamson Act has been able to prevent leapfrog development in Tehama County. The design of this study has not eliminated the possibility that this lack of development was not caused by high construction costs, a lack of demand, or any similar scenario.

In summary, the GIS mapping data adds to the preliminary conclusion that the Williamson Act has been effective in preventing leapfrog development in Tehama County. Between 1984 and 2002 very little agricultural land was lost, and very little development occurred.

Results – Qualitative Interviews

The qualitative interviews revealed many similar themes compared to the interviews done in the studies cited in the literature review. The individuals participating in the Act, as well as people administering the Act believe it is effective, and has accomplished the goals set forth by the Legislature in 1965. I asked study participants to rate the effectiveness of the Williamson Act on a scale of 1 to 10, 1 being least effective and 10 being most effective. The lowest score given was a 6, highest score a 10, with a median of 8 and average of 8.2.

Participants believe the Act is effective because of the inability to cancel Williamson Act contracts, and the influence they perceive it has had on growth in Tehama County. One participant expressed his opinion that the Act has helped the County remain more rural than it would have been without the Act. Additionally, another participant believes that the Williamson Act has been effective at steering development, but has not constricted development. County Supervisor Charlie Willard also articulated that the Williamson Act has helped steer development in Tehama County. Without being coached, two participants articulated that in their opinion the Williamson Act has prevented leapfrog development from occurring in Tehama County. Such options provide evidence that there may be merit to an academic's argument that the Williamson Act has prevented leapfrog development (A. Sokolow, personal communication, July 30, 2008).

There was mixed opinion about the amount of local control that the Legislature left to cities and counties on how they implemented the Act. Three people did not believe

that the Legislature should have control over what land could enter into contract, as suggested by the Legislative Analyst's Office. Participants with this opinion feared that the Williamson Act would become a pawn depending on the political inclinations of those in power. Interviewees also expressed general support for local control, and that politicians in Sacramento unfamiliar with Tehama County should not have power to make decisions like that effecting Tehama County. One participant believed that the Legislature should have made more uniform requirements when enacting the Williamson Act. This participant did not believe that changes to create uniformity between counties should occur now, because counties and local landowners have come to expect certain benefits from the program, and these changes would meet substantial resistance.

The Planning Director, County Assessor, and both Supervisors stressed the importance of the subvention payments Tehama County receives from the State of California to partially repay the money lost from lower property taxes. The County received \$980,264 in 2005 (the most recent year data has been released) (Department of Conservation, 2006) from the state, and 801,921 acres were enrolled in the Williamson Act, as of 2005. Subvention is 10% of the County's total budget, but a large portion of discretionary revenue. Local government budgets have become more constrained due to unfunded mandates from the State of California. Because of this, discretionary revenue like subvention has become more important to counties.

Without subvention payments, local counties and cities would not have an incentive to participate in the Williamson Act because of the reduction in property taxes

it creates. According to the Tehama County Assessor, in past State budgets, there have been proposals to eliminate subvention payments to counties. When these proposals surface, counties that would be affected have made it clear to Legislators at the State Capitol they will file non-renewal on every contract within their jurisdiction because they are not willing to participate in the program without subvention.

One interviewee indicated that the state spends \$39 million per year funding subvention payments. He feels this is small compared to the total state budget of just over \$100 billion, and people rely on and support the program, so the subvention payments should remain. While interviews show that, at least in this sample, people really like the program, the current budget deficit was caused by small programs like the Williamson act adding up over time.

I asked everyone but the County Supervisors their opinion on the structure of the subvention payments. Because Tehama County is mainly rangeland it receives primarily \$1 per acre payments. Subvention payments begin at \$1 per acre for upland agriculture like rangeland, and peak at \$8 for highly productive fertile land. I was specifically inquiring if these individuals believed it would be more equitable for all jurisdictions to receive \$3 per acre, rather than it being segregated based on the productivity or location of land. None of the interviewees expressed an opinion on this suggestion, therefore, it seems they do not believe the current distribution of payments is inequitable.

My interviews provide some support for the Legislative Analyst's (Legislative Analyst Office [LAO], 2004) suggestion that Williamson Act contracts are giving

landowners a tax break for something they would do naturally but the evidence here is ambiguous. Both landowners interviewed have deep personal attachments to their land, and one of the primary reasons for entering into contract was to maintain their property as open space. The individual with rangeland was skeptical whether he would have been able to retain his land when the ranching operation began without the Williamson Act. He then said that he would have found some way to make ends meet in order to keep the land, but it would have been difficult. The orchard manager was unequivocal that he would have been able to retain his land without the benefits of the Williamson Act, in fact his land is normally assessed on its Proposition 13 values as permitted by Assembly Bill 581 (Revenue and Taxation Code, Section 423 (d); Chapter 1075, *Statutes of 1979*, as cited in Mueller, 1983).

Both County Supervisors interviewed articulated a common theme in public policy: people do not pay attention until something happens. The majority of their constituents are not aware of the Williamson Act, other those who are directly involved. In contrast, those who are paying attention care a great deal about the Williamson Act, and are resistant to any proposed changes. There is also evidence that there is not the political will on the County Board of Supervisors to enact changes to the Williamson Act. One of the County Supervisors worked on a proposal for two years that would require Williamson Act participants to prove they have an agricultural product. In the end, he was unable to find a second for his motion.

In summary, it seems that Williamson Act stakeholders in Tehama County are very happy with the Act. The problems and complaints that arose during discussion were minor, some of which may be solved through the new general plan. As found in previous research and suggested by the LAO (2004), it appears that, landowners are rewarded with a reduction on their property tax bills for something they would have done anyway. To maintain the Williamson Act, it is critical that counties continue receiving subvention payments from the State of California. This revenue comes with no strings attached, and counties rely on it to balance their budgets.

Tehama County Conclusions

There is circumstantial evidence that the Williamson Act has been effective in Tehama County based on quantitative and qualitative data. There is a high level of participation in the program, indicating that the program is easy to enroll in and readily available. In addition, there has been very little agricultural land lost in the time frame examined. GIS maps show that there has been little leapfrog development, and development that has occurred has been orderly along major interstates or infill development. Finally, participants in the Act are happy with the program, and with the exception of minor complaints, feel the program is well run. These conclusions are not definitive however, because the methodology of this paper has not ruled out other factors that could cause the lack of development, such as high construction costs, or lack of demand. With this in mind, I feel fairly confident the Williamson Act has played a role in preserving agricultural land and preventing leapfrog development.

State and County Comparison

Examining data between California and Tehama County there are very few similarities between the two areas. Tehama County has a larger percentage of land devoted to agriculture, and a higher percent of agricultural land enrolled in the Williamson Act compared to California. Between 1994 and 2007, Williamson Act land in Tehama County has remained relatively stable at approximately 42% of total land in the County. Land enrolled in the Williamson Act land in California has slightly increased during this same time period from 15.71% to 16.32%. A greater percentage of total land in Tehama County is farmland land compared to California as a whole. As of 2002, 45.56% of all land in Tehama County was used for agricultural purposes, contrasted with 27.17% in California. Of Tehama County's agricultural land, 96.71% was enrolled in the Williamson Act in 2002 compared with 89.08% statewide as seen in Table 5.1.

Table 5.1

Farmland Comparison Between Tehama and California

	Tehama		California	
	1997	2002	1997	2002
Percentage of Farm Acres per Entire Location	46.78%	45.56%	28.36%	12.71%
Percentage of Farm Land in the Williamson Act	95.71%	96.89%	87.29%	89.08%

The total amount of agricultural land has decreased in Tehama County from 1,016,851 acres in 1992 to 862,440 acres in 2002 and in California; it has decreased from 28,978,997 acres in 1992 to 27,589,027 acres in 2002. Despite this fact, the estimated market values have continued to increase, even though there is less total land (see Table 5.2).

Table 5.2

Comparison of Tehama and California Land in Acres and Dollars

	Year	Land in Farms, Acres	Estimated Market Value of Land and Buildings, Average per Farm, Dollars
Tehama	1992	1,016,851	\$651,023.00
	1997	885,426	\$772,234.00
	2002	862,440	\$843,119.00
California	1992	28,978,997	\$820,063.00
	1997	28,795,834	\$839,126.00
	2002	27,589,027	\$1,206,822.00

In Tehama County and California, the percentage of farmland that is made up of pastureland and cropland has remained relatively constant. However, over time, the amount of pastureland has decreased and cropland has increased as seen in Figures 5.2 and 5.3.

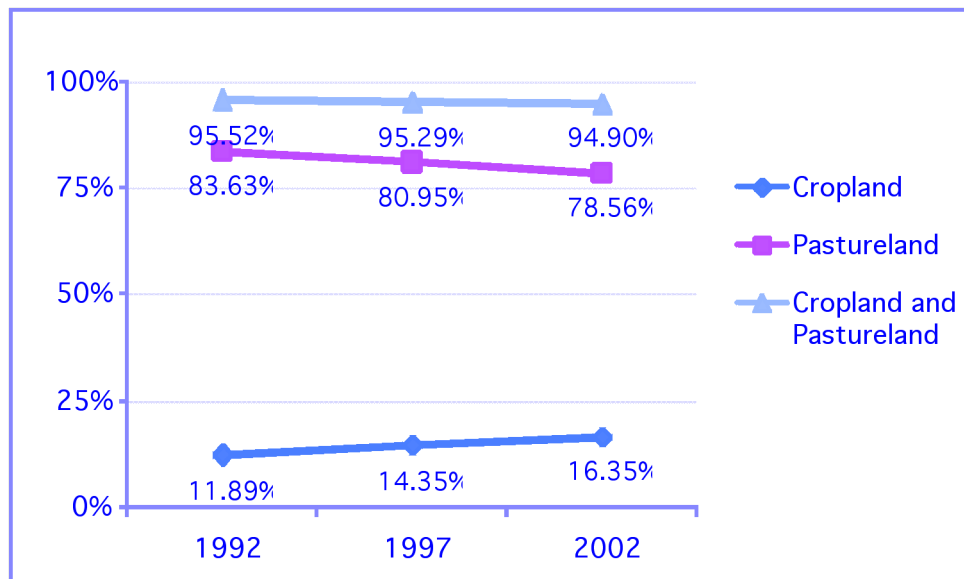


Figure 5.2. Tehama County farmland composition.

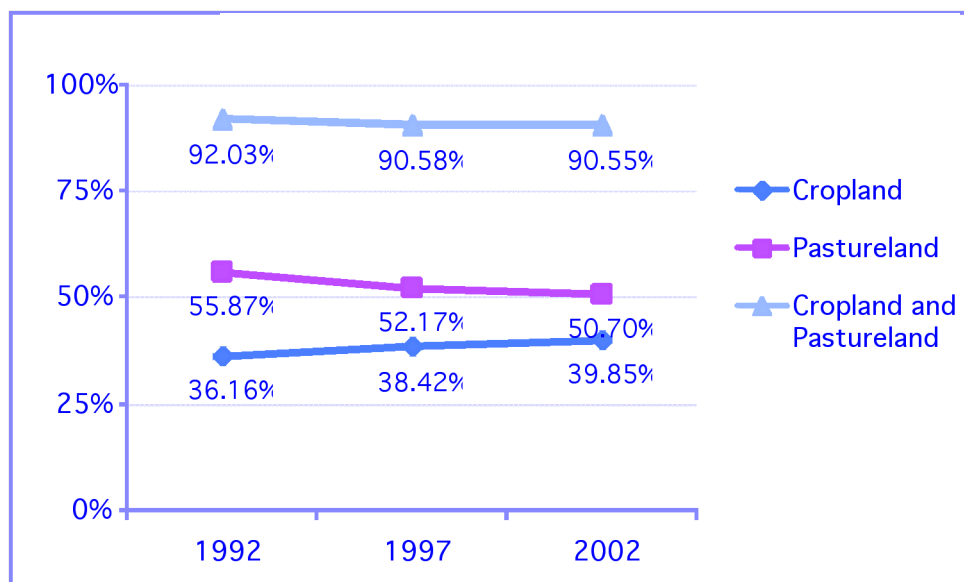


Figure 5.3. California farmland composition.

Due to the fact there are relatively few similarities between agricultural trends in California and Tehama County, I do not believe that recommendations could be implemented in an across the board fashion.

Planning Director Interview

George Robson, Planning Director in Tehama County, believes the Williamson Act has been very effective in protecting agricultural land in the area, and protecting against leapfrog development. According to Mr. Robson, this rural county experiences approximately 2% population growth per year, and 96% of private land in the County is in the Williamson Act, or other natural resource protections. Tehama County has enacted the Williamson Act somewhat differently than permitted in statute. Tehama County has a 40 minimum acreage requirement for high producing land, normally an orchard. The County has implemented a 160-acre requirement for rangeland and other lower producing land. Tehama County has not integrated including non-agricultural land in Williamson Act contracts as permitted in state law. Mr. Robson speculated this was because it was not something that had been requested by County residents.

There is one area of land off of Moonshadow Road that has 10-acre home sites in Williamson Act contracts. According to Mr. Robson this land began as a large plot of land in Williamson Act Contract, and over time was divided into smaller parcels. He reported from time to time there is a proposal for the County to file non-renewal on these land parcels, but he was of the opinion this would not be worth the problems it would cause, and is an anomaly in the County.

Other than the Williamson Act, Tehama County has used agricultural zoning since the 1950s. The majority of private land in the county is zoned for agricultural purposes. The County uses “exclusive agriculture” which is highly productive land, and

“upland agriculture,” referring to rangeland. Agriculture zones range from 10-acre minimum for the highly productive areas, up to 160-acre minimums for rangeland. In these agriculture zones, the County normally allow for up to two residences per property. According to Mr. Robson this housing allotment is fairly liberal.

Mr. Robson expressed the opinion that the adoption of agricultural zoning was very effective in the County, because it allows the County to refuse premature development. Most land outside of developed centers in Tehama County does not have needed facilities like water and sewer. City planners are able to point developers to areas that area already zoned for residential uses that have access to necessary utilities. When asked about the LAO’s (2004) suggestion that counties should use strict agricultural zoning to preserve agricultural land from being developed, rather than the Williamson Act, he agreed that a policy like that would likely work in Tehama County.

Despite his opinion agricultural zoning would work in Tehama County, Mr. Robson believes the Williamson Act has been extremely effective, he would rate it as an 8 on the effectiveness scale from 1 to 10, with 10 being most effective. The Williamson Act is beneficial to the County because it removes political polarization of land protection. Without Williamson Act contracts, he believes there would have been more political fights surrounding agricultural land preservation.

There are two specific aspects of the Williamson Act Mr. Robson believes are misguided. First, on Williamson Act land there is a requirement that structures not directly related to agriculture uses cannot be any more than 2,500 square feet. If

landowners violate the square footage requirement, they could be held for a breach of contract. Mr. Robson does not believe there was any proliferation of housing on Williamson Act land, and the legislation was unnecessary. The second aspect he believes is misguided were the changes to lot line adjustments. Previously, it was simple to make changes to lot lines if the landowners believed it was beneficial. Rules for lot line adjustments have been changed, and although they are still possible it is now an extremely bureaucratic process.

Concerning effective aspects of the Williamson Act, Mr. Robson believes the inability to cancel contracts is beneficial. This keeps developers from putting subdivisions in rural areas without services, creating leapfrog development in the county. During his 30-year tenure with the planning department, there has been one contract cancellation, which in his opinion was appropriate. This land was near Red Bluff High School and existing residential developments, had available services like water and sewer, and had not ever been agriculturally productive. Mr. Robson estimated there was between 12 to 24 non-renewals filed in Tehama County per year, which he reported was not significant. He believes the Williamson Act is accomplishing the stated goals of the California Legislature of preserving agricultural land, the agricultural economy, and nutritious food. However, he does believe it was more effective before Proposition 13 passed.

Mr. Robson expressed his opinion that the local control allowed in the Williamson Act is good. Planning should remain on the local level to allow counties to

implement policies they know are appropriate for their counties. He would not want to see additional involvement from the State concerning the Williamson Act. Also showing his support for local control in planning matters, he was not supportive of the LAO's (2004) proposal to restrict the availability of Williamson Act Proposals to land that is only deemed to be at risk for development.

The subvention payments from the State are extremely important to Mr. Robson. Tehama County receives approximately \$1 million a year from the State of California, which is 10% of Tehama County's total budget, and a significant portion of the discretionary revenue. Without these payments Tehama County would not have any reason to continue offering Williamson Act Contracts.

Assessor Interview

Tehama County Assessor Mark Colombo believes the Williamson Act is effective in Tehama County, and reported participants make very few complaints. He was unsure if there would be a more efficient way to administer an agricultural preserve program.

When asked to rate the Williamson Act, he gave it a five or a six on an effectiveness scale of 1 to 10, with 10 being most effective. Mr. Colombo believes that Tehama County will change very little in the coming years because so much of the county is protected by Williamson Act contracts.

He was concerned at the thought of making significant changes to the Williamson Act, because farmers and ranchers have come to expect certain things from the program making changes difficult. He reported there were some previous problems with lot line adjustments in Burr Valley and Tasu, but those issues have since been solved with State intervention, but he did not specify what was done.

Upland rangeland saves significantly more money than higher producing orchard land. Mr. Colombo said that many orchards in Tehama County were assessed based off of their Proposition 13 valuation because the products from the orchard are worth so much money, and rangeland is not actively producing anything.

Mr. Colombo believes the subvention payments are very important to individual counties. Tehama County receives approximately \$1,000,000 per year from subvention. More important to him is that all of this money is discretionary, contrasted with traditional property taxes that 25 cents per dollar is discretionary. In some of the recent

budget debates there were suggestions to cancel subvention payments to local jurisdictions. Mr. Colombo reported that Fresno and several other localities have said if this happened they would file all Williamson Act land in their area for non-renewal. The proposal to stop subvention payments has been dropped each year. Additionally, he discussed the fact that the state pays \$39 million per year in subvention, which he felt was only a “drop in the bucket” compared to the entire budget, and felt it should remain.

Williamson Act Administrator Interview

The individual in the Assessor's office who is responsible for administering the Williamson Act, and assessing the value of land in contract, has worked in this capacity for the last six years. He would assess the effectiveness of the Williamson Act as an 8, on a scale of 1 to 10 with 10 being most effective. This administrator believes the Williamson Act is very effective in steering where development occurs in the county, but does not believe it has hindered development.

He is of the opinion the Williamson Act accomplished the goals of the Legislature when passed in 1965 of retaining open space, the agricultural economy, and nutritious food. This individual does not favor the LAO (2004) proposal to allow the state to restrict what property enters into contract. He believes this is most effectively done on the local level, and feared if the state had control over these decisions they would become politicized as so many things in Sacramento do. He thinks it would have been wise for the state to require uniformity between counties implementing the Williamson Act, but would not support trying to require that uniformity now.

He was able to illustrate the difference in savings between a landowner with a productive orchard and upland rangeland on a theoretical piece of property that has the same acreage and was purchased the same year. The productive orchard would pay approximately \$120 per acre if the land was not in contract and \$86.00 per acre in contract for a savings of \$34 per acre. The theoretical upland rangeland, less fertile than

the orchard would be assessed \$100 per acre if the land was not in contract and \$1 per acre if the land was in contract for a savings of \$99 per acre.

Tehama County Supervisor Interview

Tehama County Supervisor Charlie Willard believes the goals set forth by the California State Legislature for the Williamson Act in 1965 were accomplished, but have fallen short in some respects. He believes the Act was more valuable before the advent of Proposition 13. Because of the fact that counties can no longer change their property tax rates he believes this has lessened the effectiveness of the Act. On the other hand, he believes the Act has been very effective at controlling development in Tehama County.

Supervisor Willard believes the subvention payments to local jurisdictions are critical to maintaining the program. Tehama County is able to use subvention money for any program, contrasted with other unfunded mandates that have been passed down from the State.

He believes to continue the program long-term, agricultural interests need to join with environmental interests. With the passage of AB 32 and increasing knowledge about global warming, many environmental lobbies are now more powerful, if farmers join with these powerful groups they can likely accomplish more, and see fewer harmful regulations put upon them. But, he is unsure if this will happen.

He also discussed the ebb and flow of political cycles. He believes there was political will for agriculture at one point. Then the political pendulum swung in the other direction to a pro-development stance during the housing boom, but he believes it is now coming back in the other direction for environmental and agricultural concerns.

To make the Williamson Act, or any other agricultural easement more effective, Supervisor Willard believes contracted landowners should show they produce at least \$2500 in agricultural products each year. Approximately three years ago, he worked for two years to change this aspect of Tehama County Williamson Act contracts. He was unable to find a Supervisor to second his motion, proving there is not currently the political will change the Act.

Mr. Willard would also like to see someone visit contracted property every five years to ensure they are involved in agriculture of some sort. This would be especially important if the State removes subvention payments, because while the landowner benefits from reduced property taxes, any public benefit is debatable if they are not actively involved in agriculture. This is currently not feasible due to staffing constraints. Mr. Willard understands that farmers may be resistant to the idea of someone coming to their property to verify what they are doing, however believes this is a fair tradeoff for the reduction they receive on their property taxes. Lastly, Supervisor Willard would like additional reimbursements for farmers who put something back into the environment, like cleaning the river or stream around one's property.

When asked what his constituents would think about changing the Williamson Act, Mr. Willard responded that the majority of them do not know what the Williamson Act is, and therefore would not care. Those involved in agriculture care greatly about the act, but he believes many of them have a mentality they want to have their cake and eat it

too. He is of the opinion that some landowners sign up for the Williamson Act, and enjoy the property tax breaks until they want to sell the property.

Supervisor Willard believes the portion of constituents who care about the Williamson Act are those involved in agriculture, approximately 20% to 25% of constituents. He does not believe these landowners pay close attention until there is something they believe may affect them, and they generally do not care about their contracts until tax time. Mr. Willard spoke about the recurring theme in politics that people do not pay attention until there is a crisis, and he believes it is the same for agricultural land. A majority of people would learn about the Williamson Act and agriculture in California if there were a sudden food shortage.

Supervisor Willard believes that prior attempts to create 40-acre ranchettes, and other lot line adjustments, such as the case in Burr Valley was a mistake, and misuse of the Williamson Act. The County is currently working on a new general plan that should fix previous problems in lot line adjustments and attempts by developers to make home sites out of Williamson Act land.

Tehama County Supervisor Interview

Tehama County Supervisor George Russell believes the Williamson Act has accomplished the stated goal of the California Legislature in 1965 of preserving the agricultural economy, open space, work force, and nutritious food supply. He believes it is especially effective for individuals with smaller farms, allowing them to work off the farm, but still keep the agricultural operation.

He believes the Williamson Act is effective as an agricultural preservation method because people must make a serious decision about signing the Williamson Act contract not to develop their land because the contracts are so solid. He does not know how long the subvention payments can be sustained, with the current state budget crisis.

Mr. Russell does not believe a majority of his constituents know about the Williamson Act because it does not directly affect them. But, those in agriculture care about the Act greatly and would be unhappy with proposed changes, such as if application were more difficult. He believes that these landowners involved in the Williamson Act are very appreciative of the benefit they get from the Act.

His assessment of how intensely his constituents care about the Williamson Act is based on the fact that more people turn out at Planning Commission and Council meetings if something dealing with the Williamson Act is on the agenda, contrasted with an average meeting. Mr. Russell believes that landowners involved in agriculture care about the Williamson Act as much as any one person can care about any issue. For instance, technical changes were proposed to the act concerning lot line adjustments. The

Council wanted to enact a more literal interpretation of the Williamson Act code than the County had previously done. This enlisted many concerns from stakeholders in Williamson Act contracts. He believes that the new general plan will solve many of the previous problems that have existed in the county concerning lot line adjustments.

Orchard Landowner Interview

The individual who participated in this study has 600 acres of prune orchards that are farmed by his family, all his income comes from farming. He and his wife live on their orchard, which was purchased in 1960. They originally bought 278 acres, and added three parcels since that time. This orchard is a family operation; there is a seven member Board of Directors, all family members who hire the interviewee to manage daily operations. They meet several times during the year to attend to the orchard's business.

This farm is located in the unincorporated County, approximately one mile from the City of Red Bluff. The City attempted to include the orchard in the sphere of influence at one time, but the owner was able to persuade the City not to due to the fact that his land is in the Williamson Act, and a significant portion of his land is in a flood zone and could not be developed even if the land was not under contract.

These 600 acres are all treated differently in terms of Williamson Act Contracts. The farm manager has a small portion of land near a mill that is not in contract, because he believes his grandchildren may want to develop the land someday because of its location. Although it appeared he did not like this idea, he believed with the location of the land it may someday be the best use of the land. Other sections of this 600-acre orchard are in the 10-year option for Williamson Act. Lastly, sections of the orchard, which are near the Sacramento River and in a flood zone are in the Super Williamson Act because this land could never be developed in any circumstance.

The orchard landowner had a parcel of land on Highway 99 East next to a school, which was in Williamson Act contract some time ago, but he chose to file a notice of non-renewal because he believed it being so close to a school the land likely would have a better use in the near future. Admittedly however, he did not like the idea of the land being developed. Once the land was out of Williamson Act contract, he sold the land, but believes the new owner may have put the land back into contract.

This landowner enrolled his land into Williamson Act contracts because of the tax benefits and his desire to preserve the open space; however, he was not able to identify which of these was his primary reason. He was unequivocal that he would still own his property without the benefits gained through the Williamson Act. Although he has land in the Williamson Act, and entered the land into contract partly for a break on property taxes, he does not get a large break on property taxes and often pays the Proposition 13 property tax value because the orchard is so productive. But the biggest benefit for the interviewee from having land in contract is property tax savings. He acknowledged this was contradictory, but noted he wants the farming operation to be as efficient as possible even if it is a small savings.

Putting the land into Williamson Act contracts was an easy decision for this family; they want to keep the land in farming, and do not want the land developed. When asked if he had a personal attachment to the land, he said “a huge personal attachment, very strong.” He and his wife have two daughters who sit on the orchard’s Board of Directors, who also have a strong attachment to the land, although they are not farmers.

There is interest among his children to continue the orchard operation when their father retires. The interviewee expressed that the orchard serves as his family's home base, and is what pulls them together. It is one thing everyone in the family has in common.

On broader policies of the Williamson Act, this individual believes Tehama County is more agricultural than it would be without contracts. And because of this, the Williamson Act has been a strong benefit for Tehama County. It was clear he believes the Act has accomplished the stated goal of the California Legislature when this was enacted to preserve agricultural land, the agricultural economy, and the availability of nutritious food. He would rate the Williamson Act a 9 on an effectiveness scale of 1 to 10, with 10 being most effective.

To make agricultural preservation more effective, this landowner believes the general plan should play a larger role than it currently does. He cited the County is currently working on a new general plan that would allow 416,000 new residents in the next 20 years. This general plan proposal has the potential to increase the County from currently having 20 people per square mile to 361 people per square mile. He stated he is not opposed to growth, but it was clear he felt this was too much for the County. The interviewee also discussed that residents should be educated on why agricultural preservation is good for the County. He believes that public buy in is essential because these residents are in control of public officials through the electoral process.

To increase the effectiveness of the Act, he would like to see more uniformity in how the land is assessed by the County. Currently, each County has its own assessment

method because there is so much local control permitted in the Act. He believes the contracts are much stronger than people realize, and likes the Act because it is not intrusive, renewing automatically taking little effort on his behalf. He did not believe that the Williamson Act Contracts should be changed to a permanent restriction on development, because landowners already have this option through conservation easements. There was no explicit opinion on the LAO's (2004) suggestion to only let parcels, which have some sort of development risk, enter into contract.

Rangeland Landowner Interview

The individual who participated in this study has 1491 acres of rangeland and 39 acres of hay. The interviewee, his wife, and their daughter live on the rangeland. He works this land himself, and approximately 60% of the family income comes from the farming operation. This land was purchased by his father in 1958, and has been in the family ever since.

This land is located in the unincorporated part of Tehama County, approximately 13 miles from the City of Red Bluff. All of the rangeland is enrolled in a 10-year Williamson Act contract. This land was enrolled in 1969, a year after the program was implemented in Tehama County. The 39 acres of hay are not included in the act because they are one acre short of Tehama County's minimum for prime farmland.

The greatest benefit this landowner gets from the Williamson Act is the property tax benefit. He cited being able to keep land in agriculture as the second greatest benefit. There was some hesitation in the interviewee's voice when asked about whether he would have been able to retain this land without the Williamson Act. He said it would have been very difficult in the late 1970s and early 1980s, but they would have found a way.

This land was under contract when the participant took over the ranching operation from his father. He said it was an easy decision to enter the land into contract initially, and keep the land in contract because of the tremendous savings on property

taxes. The individual interviewed also said he was very attached to the property, it has been in the family for a long time and he likes the family heritage behind that.

Concerning larger concepts of the Williamson Act, this individual believed the Williamson Act has altered development in Tehama County and throughout California by creating some restrictions on development. Specifically, he believes the Williamson Act has helped control development and prevents leapfrog development. He believes the stated legislative goals in 1965 of preserving agricultural land, the agricultural economy, and the availability of nutritious food were accomplished, and the program is tremendously successful. He cited a time in the mid 1970s when development was strong and he believed the Williamson Act was able to control development. When used correctly, he would rate the program on an effectiveness scale as a 10, with 10 being most effective.

The participant cited experience with the Planning Director trying to implement the Williamson Act incorrectly by creating 40-acre parcel home sites. He had personally been involved with a lawsuit that would have created this type of contracted land near his property. The Department of Conservation sued Tehama County for this action and won. The interviewee reported that similar misuses of the Williamson Act have occurred throughout the state, and often be approved because unless a nearby landowner loudly complains there is no one to stop the abuse. He felt the County Supervisors needed to maintain a more vigilant watch over their city planners.

To make agricultural preservation more effective, he believes counties should have a flat minimum acreage requirement, rather than Tehama County's standard of 40 acres for prime land and 160 acres for rangeland. However, the interviewee believes the essential important aspects for the program to be effective were already in place. The participant felt adhering to the LAO's (2004) suggestion of permanently removing development rights from contracted land would be beneficial his only concern was how California would find money for such a program. He was quite opposed to the idea of only allowing parcels that have development pressure into contract.

Chapter 6

CONCLUSIONS

There are some similarities between agricultural land in Tehama County and California, but not many. Both locations had stability in the total amount of pastureland and cropland, with a gradual decrease in the amount of pastureland and an increase in cropland as was seen in Figures 5.2 and 5.3. There are also similarities in the gradual decline of agricultural land. The differences between Tehama County and California appear to be more significant than the similarities. A much smaller percentage of California's acreage is dedicated to agriculture, which is not surprising due to expansive cities like those in greater Los Angeles and the San Francisco region. However, it is surprising to observe the dramatic differences in the amount of agricultural land enrolled in the Williamson Act contracts.

I believe the potential reason for the dramatic difference in rate of participation between Tehama County, with 96.89% of agricultural land enrolled in the Act, and California, with 89.08% of agricultural land enrolled, is because of the minimal development pressure in Tehama County compared to the rest of the State. A farmer in Tehama County is not expecting a development surge, driving up land prices, whereas other locations, even in traditional farming communities like Fresno have experienced a development boom, which may make the idea of selling for development more attainable, therefore landowners are tentative to sign up for a ten year re-renewing contract.

The second reason, which may explain the difference in patterns, is that a very rural area such as Tehama County will have lower land values than suburban, or up and coming suburban areas. Because of the lack of up and coming suburban areas, a landowner who enrolled his or her property in the Williamson Act in a suburban area with a higher property value, would theoretically have higher rate of savings than property in Tehama County. Accordingly, these individuals participate in the program at a lower rate.

To test this theory, I would suggest obtaining similar data on Williamson Act enrollment in other counties from the California Department of Conservation. I would test Fresno, San Bernardino, and similar counties, which have seen substantial development over the past few years, to determine where in this spectrum they fall. Because of this, I remain unconvinced if recommendations made for Tehama County could be universally applied across the State.

In a rural area such as Tehama County with limited development pressure, I believe the Williamson Act works well. It appears to have potentially had a part in containing leapfrog development, and participants and administrators are happy with the program. Complaints about the program from interview participants were minimal, and the chief concern about abuse of the program from development should be taken care of in this general plan update, according to the Planning Director and two County Supervisors. To further test the theory on leapfrog development, I believe one should attempt to find an agricultural area that experienced leapfrog development before the

inception of the Williamson Act, to determine if this style of development continued after the implementation of the Act, or if it altered development patterns. It seems plausible that these conclusions could be applicable in other rural agricultural counties, like Sierra County, and there are several counties like this in rural Northern California.

My main concern about the Williamson Act is the subvention payments. I do not agree with the LAO's (2004) assessment that the payments should be phased out over a ten-year period. I believe agriculture provides enough of a public benefit to California that some level of public expenditure to keep it sustainable is warranted, even if the participants in this study who would keep their land in agriculture without this benefit are representative of the population.

Public policy is done through a series of carrots and sticks, to achieve public goals. Carrots are a positive way to encourage a desired action; a stick will reach that same action in a less amicable way. I believe the availability of Williamson Act contracts is a carrot to support the health of the agricultural economy in California. If a stick approach was selected, a large tax could be levied on a property owner if he or she took land out of agriculture and sold for development. While the Williamson Act receives very little opposition, this stick approach would be unpopular among individuals favoring private property rights, and those opposed to burdensome taxes.

Agriculture is a public benefit to the California economy through employment and food sales, and because public money is spent through the Williamson Act, I believe some additional requirements should be implemented in order for people to participate. I

agree with Supervisor Willard's assessment that landowners should prove they are producing a certain amount of agricultural products every year, and land that is not in agricultural production should not be eligible. Although political will does not currently exist on Tehama County Board of Supervisors to implement this type of policy, I speculate it may exist at the state level. And I do not believe only allowing productive agricultural land into contract would have any different impact on the State or County level despite the lack of similarities between the County and the State.

With the current problems in the California State budget, subvention payments are often one of the programs proposed for elimination. If subvention payments were removed at some point in the future, I do not believe all counties would be able to continue offering Williamson Act contracts. Without subvention payments from the State, counties would not be able to compensate for the reduced revenue received as a result of the Williamson Act, and I expect they would non-renew all contracts.

My statewide recommendation would be that legislators pass legislation to continue subvention payments, but require verification that there is a public benefit, in the form of agricultural commodities, produced on the land. I believe this legislation has potential to receive support from Republicans and Democrats. Republicans are historically supportive of agriculture and the Williamson Act. Democrats, while not outright unsupportive, believe the program is a giveaway to wealthy landowners. The compromise would allow the Williamson Act to continue, but lessen the amount of

money the State must give to the counties, and verify citizens get some measure of public benefit from this program.

In conclusion, there is preliminary evidence that the Williamson Act has been effective in Tehama County. The county has lost very little agricultural land, and has a high rate of participation in the Act. Additional evidence that the Williamson Act is effective comes from the mapping data. Development in Tehama County has progressed in a structured way along major interstates and through infill. There was only one newly developed area during the time frame analyzed. Final evidence for the effectiveness of the Williamson Act came from the positive responses from the stakeholders who participated in the interviews. Despite these good indications on the effectiveness of the Williamson Act, other factors for the lack of development in Tehama County can not be ruled out, such as high cost or limited demand for development.

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