



CALIFORNIA FARM BUREAU FEDERATION

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Via E-Mail and U.S. Mail
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August 2, 2018

Chair Wagenknecht and Supervisors
Napa County Board of Supervisors
1195 Third Street, Suite 310
Napa, CA 94559

Re: Napa County Grand Jury Report – “The Williamson Act in Napa County”

Dear Chair Wagenknecht and Members of the Board:

The Napa County Farm Bureau and the California Farm Bureau Federation (collectively the “Farm Bureau”), on behalf of both its membership within Napa County and more broadly across the entire State of California¹, writes to you with respect to the Napa County Grand Jury’s final report of June 15, 2018 on the Williamson Act (the “Grand Jury Report”). As is explained in detail below, we believe the Grand Jury Report was an unfortunate product for that body, and betrays an agenda that is unrelated to the public purpose of this statutory scheme. Moreover, the Grand Jury Report presents a blinkered understanding of land use law and policy in general, and a limited apprehension of agricultural land conservation, in particular. Whatever that body’s composition and predilection, we think that the Board of Supervisors should stand firmly behind Napa County’s storied record and history as an ag-protective county and respond to the Grand Jury in robust defense of the Williamson Act and its continued administration in the County.

1. The Williamson Act Protects the Public Interest in Farmland

The Williamson Act, formally known as the California Land Conservation Act, was enacted in 1965 and stands within the firmament of California land use policy as California’s most venerable and popular incentive-based program for the conservation of agricultural lands. Over its 50-year history, it has been a bulwark in the face of development pressures to pave over or

¹ The California Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California’s largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 40,000 agricultural, associate and collegiate members in 56 counties, including 635 members within the County of Napa. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources.

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otherwise convert prime and other important soils²; its original enactment was a direct and ultimate response to rising land values and their attendant property taxation. Those soils have been directly recognized by the Legislature as worthy of public protection under the Williamson Act:

“[T]he preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation.” (Gov. Code § 51220(a).)

In fact, the Williamson Act recognizes again and again the *public* values of protecting farmland under its auspices:

“[I]n a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments.” (Gov. Code 51220 §(d).)

In every sense, the Legislature was clear that the protection of farmland under the Williamson Act framework as a *public* value, calling the program “necessary for the promotion of the general welfare and the protection of the public interest in agricultural land.” (Gov. Code 51220 §(f).) We think, therefore, that the Grand Jury Report chases another issue when it focuses on purported private individual wealth and issues of “subsidy” and “lifestyle”.

2. The Williamson Act Complements, and Does Not Duplicate, Zoning

The Grand Jury Report is also shot through with references to Napa County’s robust zoning for agriculture, and the inference that the Williamson Act is duplicative of this authority. We strongly disagree. Napa County’s commitment to agriculture and the preservation of agriculture and open space is estimable and we applaud that; however, the zoning power is a different tool for the preservation of agricultural land and open space, with a basis, process and outcome that sometimes overlaps in result with the Williamson Act, but may not always. Both alternative tools – the Williamson Act and use of zoning – in concert are perhaps the best and most flexible regime for pursuing the County’s goals with respect to the protection of agricultural lands.

There is no question that the zoning power – that is, the ability of elected officials or the voters to affirmatively restrict the use of land in the name of the police power – is a valuable tool for protecting agricultural lands and restricting growth and development to those areas in which they are most desired. This authority is often without direct public cost, as it places the burden and cost of property restriction on the landowner – a virtue as far as the public fisc is concerned,

² The most recent data from the Department of Conservation estimates that the Williamson Act protects approximately 16.1 million acres of farmland statewide, representing about 47 percent of California’s farmland. 52 of California’s 58 counties participate; within Napa County alone, about 74,000 acres of farmland are protected.

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but also sometimes cause for political difficulty insofar as some property owners are involuntarily restricted as to land use opportunities they would rather embrace. It is also an authority that generally does not offer permanent commitment of land use, as repeal of zoning is never farther away than the next election or set of elected officials. It is therefore difficult to rely upon zoning alone as a comprehensive strategy for the long-term protection of agricultural lands, as attractive development opportunities arise with associated public benefits such as jobs and tax revenue.

The Williamson Act, on the other hand, is a completely voluntary and incentive-based program for the protection of agricultural lands which tends to commit agricultural land to protection for a definite time horizon, and which therefore enjoys broad popular support among landowners – the chief stewards of the agricultural landscape. It is not dependent upon voters or elected officials for the protection of agricultural lands, and is not subject to immediate development pressures when they arise – a landowner can get out of the Williamson Act upon the expiration of a contract, but not immediately. In this sense it differs greatly from the use of the zoning power, and makes landowners into partners for the protection of agricultural lands – and not opponents.

3. Implementation, Administration and Oversight in Napa County

The Grand Jury Report also makes a number of findings about the Board’s knowledge and oversight of the Williamson Act program in Napa County, and makes further findings about implementation – specifically, reporting and enforcement. Certainly, these items are in most cases remediable, and do not vitiate the Williamson Act’s overall effectiveness as a statewide statutory program taken in the public interest. Typically, a county’s board of supervisors is broadly knowledgeable about the Williamson Act program within its jurisdiction; much of contract implementation is, of a matter of course, delegated to staff departments. If this Board would like further discussion on the Williamson Act, Farm Bureau would be happy to participate in a public workshop.

With respect to reporting and enforcement, the Grand Jury Report has identified varying rates of self-reporting in the assessment process under the Williamson Act; our experience has been that these rates are not out of line with state averages, and does not make the Williamson Act an unsuccessful program in Napa County. Farm Bureau is currently working to educate our growers in reporting appropriate Williamson Act information on a statewide basis, and is considering various avenues for integration with other forms of reporting – including crop reports – to provide better avenues for reporting. We would be happy to continue this conversation in Napa County, to ensure the program runs as smoothly as the statute intends.

In summary, Farm Bureau appreciates the Board’s commitment to the protection of agricultural lands, and the County’s proud history in that regard. We view the Grand Jury Report as an unfortunate product which misses the mark in chasing issues unrelated to the core concern

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of protecting good farmland. We hope this Board will respond to the Grand Jury Report accordingly.

Very truly yours,



Christian C. Scheuring
Managing Counsel



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