

(Continued from page 16)

Williamson Act land contravenes the basic purpose of the Act and therefore, is not a use to which any of the grandfather provisions apply. Any use that results in the premature conversion of Williamson Act land and displaces existing farmland is not a use that would have been deemed compatible, as that term has been historically defined by the Act and the Department. Therefore, the grandfather compatibility provisions rarely if ever apply to mining activity.

Grandfather Provisions

The grandfather provisions of the Williamson Act (section 51238.3) provide an exemption to compatible use sections 51238.1 and 51238.2 in very limited circumstances. The use must have been in place prior to June 7, 1994, the application for such use submitted prior to June 7, 1994, or the use expressly specified within the four corners of the contract prior to June 7, 1994. Additionally, the use must have been deemed compatible as the term was defined by this chapter at the time the use was initiated, the application submitted, the contract amended or at the time the contract was signed, whichever is later.

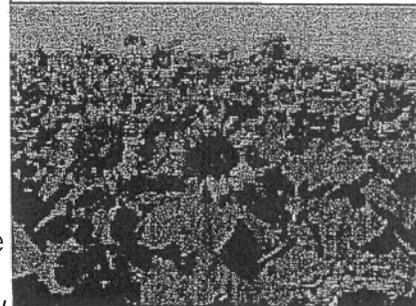
These provisions are sometimes misapplied by landowners in an effort to obtain local government approval of mining on Williamson Act contracted land. The grandfather provisions do not apply where the use would not have been compatible prior to 1994, when the clarifying compatible use sections were added. Prior to 1994, state standards for determining compatible uses were largely implied from the basic purposes of the Act. The Williamson Act has always prohibited the use of enrolled land for purposes inconsistent with the preservation of the agricultural value of the land, Mining that impairs all or a portion of Wil-

The substantial tax benefits accorded to landowners through Williamson Act contracts are predicated on these important policy objectives. It would make little sense and raise constitutional issues to continue such benefits when virtually the entire basis for them - the agricultural productive capacity of the property - has been eliminated.

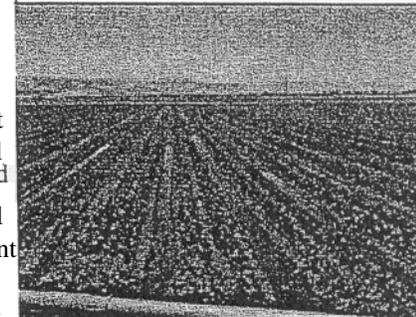
In considering mining operations on Williamson Act land, it is important to keep in mind the legislative intent of the Act: that preservation of a maximum amount of the limited supply of agricultural land is necessary; - - - that the preservation of lands in agricultural production constitutes an important physical, social, esthetic and economic benefit to the state. The Department of Conservation encourages landowners considering mining projects on Williamson Act land and local governments receiving such proposals to contact the Division of Land Resource Protection for discussions on this often-

confusing issue. The Division can be reached at (916) 324-0850

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Sunflowers



Irrigated Lettuce Field