

(Continued from Page 14)

guage of the contract. In addition, the landowner must pay a penalty of 12 1/2% of the unrestricted value of the land to the State for removing the land from contract prior to the expiration of the nonrenewal period. The California Supreme Court has construed the cancellation provisions of the Williamson Act narrowly, emphasizing that cancellation should only be available in extraordinary situations and only when the Act's express prerequisites for contract cancellation are satisfied.

Contract Rescission

A third alternative is contract rescission. Under Government Code section 51256, a landowner may enter an agreement with the local government to rescind the contract on the land proposed for mining and simultaneously place other land in the same county, of equal or greater size and value, in a permanent agricultural conservation easement. This alternative

company controls agricultural land in the same county as the project that can be put under a permanent easement. **This** process is subject to the review and approval of the Department and can be a lengthy process, though shorter than nonrenewal.

Compatible Use

There also seems to be significant interest in a fourth alternative - compatible use. However, the compatible use provisions as applied to mining projects on

Williamson Act land are often the source of misapplication and confusion. While it is true that uses deemed compatible with the Williamson Act are permitted without resorting to either contract nonrenewal or cancellation, such uses must be consistent with all the statutory principles of compatibility.

A compatible use under Government Code section 51238.1 (a), must not (1) significantly harm soil fertility, (2) significantly displace existing or potential agricultural operations or (3) induce non-agricultural development of surrounding enrolled lands. Uses that pass this test may be deemed compatible under the Williamson Act.

The alternative standards for

non-prime land under Government Code section 51238.1(c) allow local governments to find compatible uses on non-prime lands that do not meet the criteria in subsection (a) if they: (1) require conditions for mitigation, that would allow the project to meet the subsection (a) requirements; (2) have considered the productive capabilities of the land and the extent to which agricultural operations may be displaced; and (3) the use is consistent with the Act's purposes to preserve agricultural land or the use or conservation of natural resources on the parcel. The use of mineral resources shall comply with section 51238.2.

(Continued on page 16)

Government Code section

Tomato field in Solano County. Since its passage in 1965, nearly 16 million acres of the state's 30 million acres of farm and ranch lands are currently protected under the Williamson Act.