# Staff Report

Meeting Date: July 12, 2022

To: Siskiyou County Board of Supervisors

From: Bernadette Cizin, Assistant Planner

Subject: Intention to Serve Notice of Non-Renewal of Williamson Act Contracts 71067, 95002, 20-02-1 and CEQA Determination

## Background

There are approximately 510 individual Williamson Act contracts covering approximately 2,600 separate APNs in Siskiyou County. Pursuant to the rules and procedures for the Siskiyou County’s Williamson Act program, County Planning staff has surveyed and reviewed properties under Williamson Act contract to verify compliance and determine whether landowners are using their property for commercial agricultural operations. This review is conducted in order to assure that the intent of the program of encouraging commercial agricultural production is being carried out under these contracts.

The primary goal of the County’s Williamson Act contracts is not only the preservation of agricultural lands, but rather, that the land is principally used for commercial agricultural production. With that in mind, staff reviewed survey responses and changes in property ownership and property boundaries.

## Discussion

During the review process it was found that three contracts no longer meet requirements outlined in the Siskiyou County Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts (Rules).

Contract No. 71067

Six parcels owned by six separate property owners, totaling approximately 323-acres, are being recommended for non-renewal for several reasons including that there are no commercial agricultural uses occurring on some of the properties and some properties have been found to be out of compliance with County Code. Staff prepared a detailed report for review and recommendation by the Agricultural Preserve Administrator [[1]](#footnote-1).

Based on the report prepared by staff, the Siskiyou County Agricultural Preserve Administrator found that Williamson Act Contract # 71067 is not consistent with the County Rules, for the reasons just described, and recommends the Siskiyou County Board of Supervisors issue a Notice of Non-Renewal for said contract (Exhibit A-2).

Contract No. 95002

As there is no longer a commercial agricultural use (see Rules Section IV.) occurring on 640-acres owned by Giant Alliance Holdings LLC and the property owner does not intend on re-establishing the agricultural use designated in the existing contract, this contract is being recommended for non-renewal. Staff prepared a report for review and recommendation by the Agricultural Preserve Administrator.

Based on the report prepared by staff, the Siskiyou County Agricultural Preserve Administrator found that Williamson Act Contract # 95002 is not consistent with the County Rules, for the reason described, and recommends the Siskiyou County Board of Supervisors issue a Notice of Non-Renewal for said contract (Exhibit A-3).

Contract No. 20-02-1

A 23-acre property owned by Golden Willow Ranch no longer meets the minimum parcel size requirements necessary to qualify for a Williamson Act Contract, which is a 40-acre minimum, nor have they established an intensive agricultural use in order to meet the 10-acre minimum requirement (Rules Section III. E.). Further, the primary use of the property is residential. Staff prepared a report for review and recommendation by the Agricultural Preserve Administrator.

Based on the report prepared by staff, the Siskiyou County Agricultural Preserve Administrator found that Williamson Act Contract # 20-02-1 is not consistent with the County Rules, for the reasons just described, and recommends the Siskiyou County Board of Supervisors issue a Notice of Non-Renewal for said contract (Exhibit A-4).

Potential Next Steps

Should the Board agree with staff’s recommendation and authorize staff to issue the notice of non-renewal, the Planning Department will file a Notice of Non-Renewal of Williamson Act Contract with the Assessor’s Office. Under Government Code Section 51245, *if a local government desires not to renew a Williamson Act contract, it shall serve written notice of non-renewal of the contract upon the contracted party(ies) in advance of the annual renewal date of the contract. A city or county shall serve written notice of non-renewal at least 60 days prior to the renewal date, which would require Siskiyou County to serve the Notice of Non-Renewal by no later than November 1, 2022.*

The recordation will trigger property tax reassessment of the affected parcels and a nine-year period contract phase out will commence. Pursuant to Government Code Section 51246(a), development restrictions on non-renewed contracted parcels will remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract.

Notice of the project was published and posted as required prior to the Board of Supervisors meeting and no public comments were received as of the preparation of this staff report.

Environmental Review

Staff evaluated the project’s potential for environmental impacts by reviewing the project relative to Appendix G of the CEQA Guidelines. Based on this review, it was determined that the issuance of a notice of non-renewal for the Williamson Act contract, as proposed, would not adversely impact the environment.

Staff recommends the proposed issuance of a notice of non-renewal for a Williamson Act contract be determined categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15317, Open Space Contracts or Easements. The Class 17 exemption applies as this project does not propose to alter or expand the existing Williamson Act contract, which will remain in effect for the nine-year roll out period.

The proposed CEQA exemptions must be considered together with any comments received during the public review process. Further, the exemptions can only be approved if the finding is made, based on the whole record before it, that there is not substantial evidence that there are unusual circumstances (including future activities) which might reasonably result in the project having a significant effect on the environment.

## Recommended Motion

I move to adopt the Resolutions Directing staff to Issue a Notice of Non-Renewal to Williamson Act Contracts No. 71067, 95001 and 20-02-1, which hereby taking the following actions:

1. The Board of Supervisors determine that the proposed issuance of Non-Renewals of Williamson Act contracts is categorically exempt under Section 15317 of the CEQA Guidelines; and

## Authorize staff to process the Notice of Non-Renewals with any changes directed by the Board.

Exhibits to the Staff Report

A. Draft Resolution, a Resolution of the County of Siskiyou, State of California, Directing Staff to Issue a Notice of Non-Renewal for Contract No. 71067, 95002 and 20-02-1

* 1. Exhibit A-1 within Draft Resolution: Notice of Non-Renewal – Draft

1. Exhibit A-2 within Draft Resolution: Williamson Act Contract No. 71067 recommended for Non-Renewal with map of subject parcels
2. Exhibit A-3 within Draft Resolution: Williamson Act Contract No. 95002 recommended for Non-Renewal with map of subject parcels
3. Exhibit A-4 within Draft Resolution: Williamson Act Contract No. 20-02-1 recommended for Non-Renewal with map of subject parcels
4. Agricultural Preserve Administrator Staff Reports with Recommendations
5. Exhibit B-1: Contract 71067
6. Exhibit B-2: Contract 95002
7. Exhibit B-2: Contract 20-02-1

1. On September 15, 2020, the Board of Supervisors amended the County’s Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts, which included replacing the Agricultural Preserve Advisory Board with an Agricultural Preserve Administrator. The County’s Planning Director serves as the Agricultural Preserve Administrator, and part of the Administrator’s duties including providing recommendations relating to existing contracts including non-renewal of Williamson Act contracts. [↑](#footnote-ref-1)