# Staff Report

Meeting Date: September 6, 2022

To: Siskiyou County Board of Supervisors

From: Bernadette Cizin, Assistant Planner

Subject: Intention to Serve Notice of Non-Renewal of Williamson Act Contracts 73022A, 78029, 73030, 72062, 73007, 73018, 73032, 74024, 76019, 76026, 78034, 83013, 89002 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) and agricultural uses were not verified by staff for 10 contracts as the property owners did not respond to requests for this information through the survey process as outlined in Compliance Monitoring, section V)B) of the Rules.

**AGN-22-04**

*Contract No. 73022A - Womack*

* One 15-acre parcel is being recommended for non-renewal as it is substandard in size, less than the 40-acre minimum. In addition, there was no agricultural use identified in the survey submitted by the property owner. 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 No. 73022A 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 B-1).

 **AGN-22-05**

*Contract No. 78029 – Woodson & Zembiec*

* Three parcels owned by two separate property owners, totaling approximately 400-acres, are being recommended for non-renewal as there are no Agricultural Production Uses on 40-acres as noted on the survey submitted by the property owner.
* The Woodsons, owners of 280 acres under this contract, have submitted an application to amend the existing contract. They have proposed to rescind their two parcels from contract no. 78029 and the county reissue a contract consisting solely of property under their ownership. This application has been deemed complete by planning staff and is being prepared to be brought before the board for their approval.
* Staff prepared a detailed report for review and recommendation by the Agricultural Preserve Administrator. Based on the report, the Siskiyou County Agricultural Preserve Administrator found that Williamson Act Contract No. 78029 is not consistent with the County Rules, for the reason just described, and recommends the Siskiyou County Board of Supervisors issue a Notice of Non-Renewal for said contract (Exhibit B-2).

**AGN-22-06**

*Contract No. 73030 – Kennedy & Pattis*

* Two parcels owned by two separate property owners, totaling approximately 498-acres, are being recommended for non-renewal for several reasons including that there are no commercial agricultural uses occurring on one of the properties and the agricultural uses on the other property, are minimal according to the surveys submitted by the property owners.
* Mr. Kennedy, the owner of the 378-acre parcel submitted a comment letter (Exhibit C-1). Staff has been in communication with Mr. Kennedy. He has been informed that should he wish to remain under contract, he can apply for a contract amendment to rescind his property from contract No. 73030 and request the county re-issue him a contract consisting solely of his property. In his letter he also indicated that the primary use of the property is timber production. Staff explained that this is a significant change in use from the use of Rangeland which the contract was originally approved for and this too would require a contract amendment.
* Staff prepared a detailed report for review and recommendation by the Agricultural Preserve Administrator. Based on the report, the Siskiyou County Agricultural Preserve Administrator found that Williamson Act Contract No. 73030 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 B-3).

**AGN-22-07**

*Contract No. 72062 – Baird*

* Since the completion of the Public Hearing Notice, the property owner has submitted a survey noting agricultural uses on this property.
* Staff would recommend not issuing a Notice of Non-Renewal for Contract No. 72062 at this time.

*Contract No. 73007 – Lakey*

* The property under this contract is under one ownership. The entire contract consisting of 720 acres is being recommended for non-renewal as there has been no response by the property owner to verify Agricultural Uses on the property.

*Contract No. 73018 – McIntosh*

* The property under this contract is under one ownership. The entire contract consisting of 587.1 acres is being recommended for non-renewal as there has been no response by the property owner to verify Agricultural Uses on the property.

*Contract No. 73032 – Johnson*

* While researching the parcel history for this project, it was found that the property under this contract is only a portion of a legal parcel. 2-acres of the legal parcel are under a separate contract (No. 71013) and 63.4 acres are not encumbered by a contract.
* On July 29, 2022, Mr. Johnson submitted a request to the Planning Division for an “Instruction Sheet- Williamson Act Notice of Non-Renewal” providing a copy of a Stanislaus County document as reference. Staff provided Mr. Johnson the appropriate forms, including instructions, on August 3, 2022. He responded that he did not need to apply for a Non-Renewal notice. He simply had to file it.
* On August 24, 2022, the Clerk’s office received a Notice of Non-Renewal for the 2-acres under Contract No. 71013 from Mr. Johnson. As this is only a portion of a contract, the owner must request authorization from the board. This is done through the application process provided to Mr. Johnson on August 3, 2022.
* ***Government Code Section 51245 “… Upon request by the owner, the board or council may authorize the owner to serve a notice of nonrenewal on a portion of the land under a contract.”***
* Staff would recommend not issuing a Notice of Non-Renewal for Contract No. 73032 at this time in order to give staff an opportunity to research this issue further and work with the property owners under both contracts to remedy this issue.

*Contract No. 74024 – Eastlick*

* Since the completion of the Public Hearing Notice, the property owner has submitted a survey noting agricultural uses on this property.
* Staff would recommend not issuing a Notice of Non-Renewal for Contract No. 74024 at this time.

*Contract No. 76019 – Cardone*

* The property under this contract is under one ownership. The entire contract consisting of 41 acres is being recommended for non-renewal as the property owner has stated that they wish for Notice of Non-Renewal to be issued for their property.

*Contract No. 76026 – Oliver*

* Since the completion of the Public Hearing Notice, the property owner has submitted a survey noting agricultural uses on this property.
* Staff would recommend not issuing a Notice of Non-Renewal for Contract No. 76026 at this time.

*Contract No. 78034 – Stafford*

* The property under this contract is under one ownership. The entire contract consisting of 35.4 acres is being recommended for non-renewal as there has been no response by the property owner to verify Agricultural Uses on the property.

*Contract No. 83013 – Thompson*

* The property under this contract is under one ownership. The entire contract consisting of 20 acres is being recommended for non-renewal as there has been no response by the property owner to verify Agricultural Uses on the property.

*Contract No. 89002 – Schroeder*

* The property under this contract is under one ownership. The entire contract consisting of 532.75 acres is being recommended for non-renewal as there has been no response by the property owner to verify Agricultural Uses on the property.
* Staff prepared a detailed report for review and recommendation by the Agricultural Preserve Administrator. Based on the report, the Siskiyou County Agricultural Preserve Administrator found that Williamson Act Contract No. 73007, 73018, 76019, 76026, 78034, 83013 and 89002 are not consistent with the County Rules, for the reason just described, and recommends the Siskiyou County Board of Supervisors issue a Notice of Non-Renewal for said contract (Exhibit B-4). It should be noted that since the recommendation by the Agricultural Preserve Administrator, property owner of Contract No. 76026 has returned a survey noting agricultural uses on the property and staff would recommend not issuing a notice of non-renewal at this time.

## Potential Next Steps

Should the Board agree with staff’s recommendation and authorize staff to issue the notices 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 Contract No. 73022A, 78029, 73030, 73007, 73018, 76019, 78034, 83013 and 89002, 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. 73022A, 78029, 73030, 73007, 73018, 76019, 78034, 83013 and 89002

* 1. Exhibit A-1 within Draft Resolution: Notice of Non-Renewal – Draft
1. Exhibit A-2 within Draft Resolution: Williamson Act Contract No. 73022A recommended for Non-Renewal with map of subject parcel
2. Exhibit A-3 within Draft Resolution: Williamson Act Contract No. 78029 recommended for Non-Renewal with map of subject parcels
3. Exhibit A-4 within Draft Resolution: Williamson Act Contract No. 73030 recommended for Non-Renewal with map of subject parcels
4. Exhibit A-5 within Draft Resolution: Williamson Act Contract No. 73007 recommended for Non-Renewal with map of subject parcels
5. Exhibit A-6 within Draft Resolution: Williamson Act Contract No. 73018 recommended for Non-Renewal with map of subject parcels
6. Exhibit A-7 within Draft Resolution: Williamson Act Contract No. 76019 recommended for Non-Renewal with map of subject parcel
7. Exhibit A-8 within Draft Resolution: Williamson Act Contract No. 78034 recommended for Non-Renewal with map of subject parcels
8. Exhibit A-9 within Draft Resolution: Williamson Act Contract No. 83013 recommended for Non-Renewal with map of subject parcels
9. Exhibit A-10 within Draft Resolution: Williamson Act Contract No. 89002 recommended for Non-Renewal with map of subject parcels
10. Agricultural Preserve Administrator Staff Reports with Recommendations
11. Exhibit B-1: Contract No. 73022A (AGN-220-04)
12. Exhibit B-2: Contract No. 78029 (AGN-22-05)
13. Exhibit B-3: Contract No. 73030 (AGN-22-06)
14. Exhibit B-4: Contract No. 72062, 73007, 73018, 73032, 74024, 76019, 76026, 78034, 83013 and 89002 (AGN-22-07)
15. Comments and Correspondence
16. Exhibit C-1: Letter regarding Contract No. 73030 and response
17. Exhibit C-2: Emails and Letter regarding Contract No. 73032 and response
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)