

August 14, 2022

David-Michael Farber Kennedy  
5621 E. 23rd Street 5  
Long Beach, Ca 90815  
530-859-3252

Contract #73030

Dear County of Siskiyou,

Thank you for contacting me. I received the Williamson Act Contract Compliance letter at the end of July 2022. The letter was postmarked July 21 2022, but the letter is dated July 19, 2021.

Also the second notice I was sent on August 8, 2022 has possibly the wrong APN number for the other parcel under contract #73030. It is listed as 019-050-270 not 019-050-271.

I would like to officially protest this notice and try to come to some sort of resolution with the county. There are two reasons for the protest which I layout.

1. First, within the original contract dated February 26, 1973 Volume 682 Page 686 Under section 11. Division of Land- New Contracts. States "In the event the Premises is divided, a contract identical to the contract then covering the Premises shall be executed by the Owner of each parcel created by the division at the time of the division."

As well as located on the counties webpage.

[https://www.co.siskiyou.ca.us/sites/default/files/fileattachments/planning/page/2431/pln2021\\_agpreserve\\_processsguide.pdf](https://www.co.siskiyou.ca.us/sites/default/files/fileattachments/planning/page/2431/pln2021_agpreserve_processsguide.pdf) "May I Sell or Otherwise Divide the Property? Yes. Your property may be sold although the obligation imposed by the Contract will continue to apply to the use of the land. Your property may also be divided subject to existing land division requirements and compliance with Agricultural Preserve rules. However, a new Land Conservation Contract will have to be executed by the Owner of each parcel created by the division at the time of the division pursuant to Section 12 of the Contract."

APN 019-050-271 and 019-050-210 which are the parcels from the original contract dating back to 1973. Since I am the new property owner of APN: 019-050-210, I believe the current contract should remain in effect or if the division happened when the previous owner, David Dunlap sold the parcels

separately, I should be afforded the opportunity to sign a new identical Williamson Act contract.

2. Secondly, I believe I am in compliance. I am currently growing and harvesting timber on the property which is allowed.

In the original contract dated February 9, 1973 Volume 681 Page 885 Under section A. 1. "Agriculture, including but not limited to tree, vine, row and field crops, dairies, poultry, small animal farming, livestock production, growing and harvesting of trees;"

As well as in the Siskiyou County Planning website it lists acceptable uses.

In the "Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts" As adopted on February 7, 2021 and amended on September 15, 2020

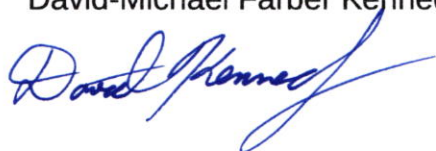
A. Agricultural Production Uses

11. The growing of timber with the purpose of harvesting timber, the harvesting of timber, and necessary processing facilities.

To sum up, if the reason to issue a Notice of Non-Renewal is because the other property owner is not complying with the terms of the contract #73030, I should be able to sign an identical contract as stated in the original which would solve that issue. Lastly, I am in compliance. As long as production is for at least one of the allowed uses it is in compliance. The contract does not specify that I have to have a certain number of cows, or poultry, or rows of crops, or only one type of agricultural use and not the other. I am allowed to do any of the acceptable forms of production.

I look forward to discussing and resolving the issues with the office.

Sincerely,  
David-Michael Farber Kennedy

A handwritten signature in blue ink, appearing to read "David Kennedy", written over the typed name.



# COUNTY OF SISKIYOU

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## COMMUNITY DEVELOPMENT DEPARTMENT

Building ♦ Environmental Health ♦ Planning

806 South Main Street, Yreka, California 96097

Phone: (530) 841-2100 · Fax: (530) 841-4076

<https://www.co.siskiyou.ca.us/community-development>

RICHARD J. DEAN  
DIRECTOR

AARON STUTZ, MD  
PUBLIC HEALTH OFFICER

July 19, 2021

KENNEDY DAVID-MICHAEL FARBER  
5621 E 23RD STREET 5  
LONG BEACH CA 90815-2012

Re: Williamson Act Contract Compliance  
Contract #73030

Williamson Act contracts are binding agreements between landowners and the County Land restricted by Williamson Act contract must be used primarily for the commercial production of agricultural commodities . Any other uses or development must be compatible with the commercial agricultural use(s). (In accordance with Government Code Section 51200 et seq. and the Siskiyou County Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts).

This letter is to notify you that we have found that a *landowner* under your contract is not in compliance with state law, the Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts, County policies or terms within your contract.

We have given them 60-days to bring their property into compliance.

Failure to bring their land into compliance will cause the contract to be recommended for non-renewal. The County will schedule a Public Hearing before the Siskiyou County Board of Supervisors to determine if the County wishes to issue a Notice of Non-Renewal. We will send you a notice with the date, time, and place of the Public Hearing should your contact go before the Board of Supervisors. If you have any questions, please contact me at (530) 841-2151. If I am unable to answer, please leave me a voicemail with your name, phone number and the contract number listed above.

Sincerely,

Bernadette Cizin  
Assistant Planner

SISKIYOU COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT  
806 SOUTH MAIN STREET  
YREKA CA 96097

SACRAMENTO CA 957  
21 JUL 2002 PM 11

NEOPOST  
07/20/2022

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ZIP 96097  
041M10275633

KENNEDY DAVID-MICHAEL FARBER  
5621 E 23RD STREET 5  
LONG BEACH CA 90815-2012

90815-201205





# COUNTY OF SISKIYOU

## COMMUNITY DEVELOPMENT DEPARTMENT

**Building ♦ Environmental Health ♦ Planning**

806 South Main Street, Yreka, California 96097

Phone: (530) 841-2100 · Fax: (530) 841-4076

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RICHARD J. DEAN  
DIRECTOR

AARON STUTZ, MD  
PUBLIC HEALTH OFFICER

August 8, 2022

KENNEDY DAVID-MICHAEL FARBER  
5621 E 23RD STREET 5  
LONG BEACH CA 90815-2012

Re: Williamson Act Contract # 73030

The Community Development Department evaluates properties in Siskiyou County that are under Williamson Act contract to ensure their compatibility and consistency with the purpose and intent of the Williamson Act. We have found this contract to be out of compliance with the Williamson Act and/or our county policies.

It is our intent to move forward with a Notice of Non-Renewal for the above-mentioned contract. The Board of Supervisors will review the recommendation to issue a Notice of Non-Renewal at a Siskiyou County Board of Supervisors meeting. We will send you notice with the date, time, and place of the Public Hearing, at least 10 days before it is held. The hearing would likely be held at 311 Fourth Street, Second Floor, Yreka, California on Tuesday, September 6, 2022, at 9:00 a.m. or shortly thereafter. Should the Board of Supervisors approve of the Notice, you may make a written protest of the Notice in accordance with California Governmental Code Section 51245. The County may, at any time prior to the renewal date, withdraw the Notice of Non-Renewal.

If you feel that all properties under this contract are in compliance, or would like to discuss this further, please call our office at (530) 841-2100 or email [planning@co.siskiyou.ca.us](mailto:planning@co.siskiyou.ca.us) by no later than August 31, 2022.

Sincerely,

Bernadette Cizin  
Assistant Planner

BUILDING

Glenn Shockency, Deputy Director

ENVIRONMENTAL HEALTH

Dan Wessell, Deputy Director

Exhibit C-1 - 73030

PLANNING

Hailey Lang, Deputy Director

APN	Owner	Contract #	Acreage
019-050-210	KENNEDY DAVID-MICHAEL FARBER	73030	378
019-050-270	PATTIS SUSAN	73030	120

SISKIYOU COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT  
806 SOUTH MAIN STREET  
YREKA CA 96097

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SAN FRANCISCO CA 957

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ZIP 96097  
041M10275633

KENNEDY DAVID-MICHAEL FARBER  
5621 E 23RD STREET 5  
LONG BEACH CA 90815-2012

90815-201205



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kennedy David Michael Farber  
5621 E 23rd Street 5  
Long Beach, CA 90815-2012



9590 9402 7253 1284 9467 91

2. Article Number (Transfer from service label)

7022 0410 0001 9026 0035

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt



shall determine and certify to the County Auditor the amount of the cancellation fee which the Owner must pay the County Treasurer as deferred taxes upon cancellation, which shall be 50% of the cancellation valuation of the land as determined in subparagraph (b) of this section. If after the date this Contract is initially entered into the publicly announced County ratio of assessed to full cash value is changed, the percentage payment specified in this paragraph shall be changed so no greater percentage of full cash value will be paid than would have been paid had there been no change in such ratio.

(d) The Board of Supervisors may waive or defer payment of the cancellation fee or any portion thereof in accordance with subdivision (c) of Section 51283 of the Act (Government Code).

**Section 10. DISTRIBUTION OF DEFERRED TAXES.**

On receipt of any deferred taxes (cancellation fee) payable pursuant to Section 13 of this Contract, said deferred taxes shall be distributed as provided in Section 51204 of the Act (Government Code).

**Section 11. DIVISION OF LAND - NEW CONTRACTS.** In the event the Premises is divided, a contract identical to the contract then covering the Premises shall be executed by the Owner of each parcel created by the division at the time of the division.

**Section 12. DIVISION OF LAND - MINIMUM SIZE PARCELS.** The owner shall not divide the Premises contrary to the restrictions on the division of Premises as set forth in the Resolution establishing the Agricultural Preserve.

**Section 13. CONTRACTS BINDS SUCCESSORS.** The term "Owner" as used in this contract shall include the singular and plural and the heirs, executors, administrators, successors and assigns and this Contract shall run with

February 9, 1973  
681 OR 885RESOLUTION NO. 119 ESTABLISHING A NEW  
AGRICULTURAL PRESERVE WITH UNIFORM RULES  
INCLUDING COMPATIBLE USES

WHEREAS, the County of Siskiyou has been requested to establish the herein agricultural preserve; and,

WHEREAS, the County of Siskiyou is authorized to establish agricultural preserves pursuant to the California Land Conservation Act of 1965 as amended; and,

WHEREAS, the procedural requirements to establish an agricultural preserve as required by the Act have been followed; and,

WHEREAS, the land to be included within the Agricultural Preserve is used for the purpose of producing agricultural commodities for commercial purposes and compatible uses; and,

WHEREAS, the following uniform rules shall apply to this preserve:

A. Uses Permitted: Within such agricultural preserve no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged except for the following uses:

1. Agriculture, including but not limited to tree, vine, row and field crops, dairies, poultry, small animal farming, livestock production, growing and harvesting of trees;
2. Agricultural enterprises, including but not limited to farm labor housing, agricultural sheds and warehouses; packing, processing, storage or sale of agricultural products and supplies; repair, maintenance, servicing, storage and sale of agricultural machinery, implements and equipment; transportation of agricultural products, supplies and equipment together with the maintenance, storage, repair and service of necessary trucks and equipment; feeding and selling of livestock; provided however, when the such enterprises are located on a farm or ranch it is secondary to the farm or ranch operation.
3. Trailers for the housing of farm labor or incidental to farm housing.

# **Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts**



**As adopted on February 7, 2021  
and amended on September 15, 2020**

This document has been formatted to be accessible for screen readers and individuals with impaired vision; however, if there are elements in this document that you are unable to read, please contact the Siskiyou County Planning Department at (530) 841-2100.

## **A. Agricultural Production Uses**

The following land uses, and those uses which in the opinion of the Planning Director, subject to ratification by the Board of Supervisors, are substantially similar in nature thereto, shall be deemed agricultural production uses and thus allowed within an agriculture preserve on Williamson Act contracted lands (uses involving plants that have been defined as illegal by the Federal and/or State government are expressly prohibited as being an allowed use. This limitation confirms existing policy and practice):

1. Rangeland and pasture for livestock production and forage.
2. Intensive farming, including but not limited to the growing and harvesting of vegetables, field crops, fruit and nut crops, bush and berry crops, vineyards, hay crops, and nursery, cut flower, and other ornamental crops.
3. Livestock and animal production for food and/or fiber.
4. Operation of dairies and feed lots.
5. Keeping of honey bees.
6. Growing of plant products for producing biofuels.
7. Commercial breeding and training of horses, including training for racing as well as stock horses. A finding must be made, based upon evidence, that the primary function of the operation is commercial horse breeding or training for sale, and this is the source of revenue or income to the cover the cost(s) of the operation.
8. Fiber for basket-making and related commercial purposes.
9. Accessory uses which support commercial agricultural operations including curing, processing, packaging, packing, and shipping of agricultural products.
10. Accessory structures appurtenant and necessary to the commercial agricultural operation, including dwellings located on the land and occupied by persons directly engaged in the commercial agricultural operation (including lessors and lessees).
11. The growing of timber with the purpose of harvesting timber, the harvesting of timber, and necessary processing facilities.

## **B. Compatible Uses**

The following land uses, and those uses which in the opinion of the Planning Director, subject to ratification by the Board of Supervisors, are be substantially similar in nature thereto, shall be deemed compatible with agricultural production uses and thus allowed within agricultural preserves, provided that these land uses are not the principal use, do not displace the agricultural production use, and occur while there is an agricultural production use occurring within the agricultural preserve as described above. Income derived from compatible uses will be capitalized for land valuation purposes.

Notice to the Owner shall be addressed as follows:

David William & Irene M  
RT 1 Box 230  
Montague Calif. 96064

IN WITNESS WHEREOF the Owner and the County  
have executed this Contract on the day first above written.

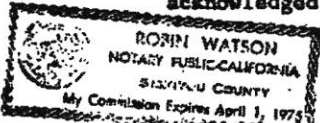
David William  
OWNER

ATTEST: COUNTY OF SISKIYOU, Board of Supervisors

Norma Price Clerk  
James D. Hayden Chairman

STATE OF CALIFORNIA }  
COUNTY OF SISKIYOU } ss.

On this 6th day of February, 1973, before me, Robin Watson, a Notary Public, in and for said Siskiyou County, personally appeared James D. Hayden known to me to be the Chairman of the Board of Supervisors of Siskiyou County whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Robin Watson  
Notary Public

My Commission Expires: 4-1-74

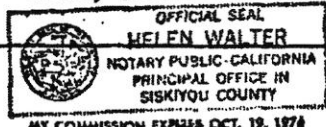
ooOoo

STATE OF CALIFORNIA }  
COUNTY OF Siskiyou } ss.

On this 2nd day of November, 1972, before me, Heleen Walter, a Notary Public, in and for said Montague County, personally appeared David E. Vincent known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

Heleen Walter  
Notary Public

My Commission expires:





## Bernadette Cizin

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**From:** Bernadette Cizin  
**Sent:** Thursday, August 18, 2022 1:54 PM  
**To:** David  
**Subject:** RE: Contract 73030

Hello David,

Should the county issue the notice of non-renewal, your property will remain under contract and in Agricultural Preserve throughout the 9 year non-renewal period. During that time you may apply for a contract amendment. Currently the application fees are \$875.00. They are not refundable.

Bernadette Cizin  
Assistant Planner  
Siskiyou County Community Development  
806 S. Main Street, Yreka, CA 96097  
530-841-2151

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**From:** David <[healthyplantlife@gmail.com](mailto:healthyplantlife@gmail.com)>  
**Sent:** Thursday, August 18, 2022 12:23 PM  
**To:** Bernadette Cizin <[bpcizin@co.siskiyou.ca.us](mailto:bpcizin@co.siskiyou.ca.us)>  
**Subject:** Re: Contract 73030

Hi Bernadette,

If the county goes forward with the non-renewal, can I apply for an amendment any time throughout the 9 year period or does that have to be done before the non-renewal is approved?

What are the total fees I would have to pay to apply and is it non refundable if I get turned down? Is it \$600 or more

Thank you,  
David

On Aug 16, 2022, at 10:26 AM, David <[healthyplantlife@gmail.com](mailto:healthyplantlife@gmail.com)> wrote:

Thank you

On Aug 16, 2022, at 9:34 AM, Bernadette Cizin <[bpcizin@co.siskiyou.ca.us](mailto:bpcizin@co.siskiyou.ca.us)> wrote:

Please see my notes below in Red. Let me know if you need anything else.

Thank you.

---

**From:** David <[healthyplantlife@gmail.com](mailto:healthyplantlife@gmail.com)>  
**Sent:** Monday, August 15, 2022 7:39 PM  
**To:** Bernadette Cizin <[bpcizin@co.siskiyou.ca.us](mailto:bpcizin@co.siskiyou.ca.us)>  
**Subject:** Re: Contract 73030

Hi Bernadette,

Thank you for clearing up the date and APN number.

Question about this change of use. I am confused this issue. My understanding is that any of the uses in the original contract are okay .

The owner specified Rangeland on the second page of the attached document and dry pasture/grazing on page 13.

I would not think that growing trees would be a significant change of use since it is in the original contract or would need a timber plan (this is not required, I just suggested that if you have one, you include it with your application package as it is very helpful when preparing the staff report for the Board of Supervisors) and change of zoning (this is not required, I thought I should let you know that it is an option for you because you have said your property is timberland). But maybe I am wrong from what your telling me. Will you please send me this original entry about the primary agriculture use for this contract, so I can have clarity. I have not been able to locate this in the original contract or in any of the documents I have.

Would you also send me the forms to apply to amend the contract? Thank you!

The two forms (links below) are required as part of your application package.  
[https://www.co.siskiyou.ca.us/sites/default/files/fileattachments/planning/page/2431/application\\_for\\_development\\_review\\_rev.\\_2022.pdf](https://www.co.siskiyou.ca.us/sites/default/files/fileattachments/planning/page/2431/application_for_development_review_rev._2022.pdf)

[https://www.co.siskiyou.ca.us/sites/default/files/fileattachments/planning/page/2431/pln2021\\_williamsonactcontractamd\\_appguide.pdf](https://www.co.siskiyou.ca.us/sites/default/files/fileattachments/planning/page/2431/pln2021_williamsonactcontractamd_appguide.pdf)

Sincerely,  
David

#### E. Change in Use

While under contract, the primary agricultural use of the property shall be consistent with the agricultural use originally approved for entry into the Williamson Act program. In the event that the primary agricultural use has significantly changed or is proposed to be significantly changed, in the opinion of the Planning Director, the proposed change shall be processed as a Williamson Act contract rescission and simultaneous reentry pursuant to State Law.

Implementing a crop rotation program or leaving the ground temporarily fallow for a season shall not be considered a change in use. A significant change in use would occur if the general nature of the primary agricultural commodity were to be changed. For example, if a Williamson Act contract was approved to raise cattle and this use was to be changed to raising crops or visa versa, this would be



considered a significant change in use. The contract rescission/reentry application shall follow the approval process for new contracts detailed herein. In the event that the change in primary agricultural use is not approved and the land owner does not or cannot resume the originally approved primary agricultural use, the Planning Director shall proceed with the County initiated non-renewal process specified under these rules.

On Aug 15, 2022, at 4:29 PM, Bernadette Cizin  
<[bpcizin@co.siskiyou.ca.us](mailto:bpcizin@co.siskiyou.ca.us)> wrote:

Mr. Kennedy,

First, I apologize for the typo on the date of the letter sent in July 2022. The notice sent in August 2022, the Assessor's office has remapped APN 019-050-271 to 019-050-270.

Regarding reason 1 of your letter –

You can apply to amend the existing contract to carve out your property and request the county reissue you a contract consisting solely of your property. This is discussed in Section VI. C #2 of the Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts (Rules).

Regarding reason 2 of your letter –

In your survey response (attached), you did not include the use of timber production. Had you indicated this use, we would have recommended that you apply for a contract amendment as this is a significant change in use from the originally approved use (Rangeland) approved for entry into the Williamson Act program. Rules Section IV. E. If Timber Production is the primary agricultural use on the property I would suggest you consider two options.

Option #1 – apply to rescind your portion of property from the existing contract and in your application, indicate the Agricultural use of the property is Timber Production. If you have a Timber Management or Harvest Plan, you should include it with your application package.

Option #2 – Should the County issue a Notice of Non-Renewal, at the end of the non-renewal period, apply to rezone the property to [Timber Production Zoning](#).

Prior to your letter, I was preparing the recommendation to issue a non-renewal of this contract as there is no Agricultural Use on 019-050-270 and the agricultural uses you indicated on your survey were minimal (2 head of livestock and 6 acres of sunflowers) and it does not appear that the land is used principally for commercial agricultural production.

Please let me know if you would like to discuss this further or have any additional questions. If you would like to apply for to rescind your property from this contract and request the county reissue you a separate contract, I would be glad to send you the forms and information.

Bernadette Cizin  
Assistant Planner  
Siskiyou County Community Development  
806 S. Main Street, Yreka, CA 96097  
530-841-2151

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**From:** Dianne Johnson <[dmjohnson@co.siskiyou.ca.us](mailto:dmjohnson@co.siskiyou.ca.us)>  
**Sent:** Monday, August 15, 2022 7:37 AM  
**To:** Bernadette Cizin <[bpcizin@co.siskiyou.ca.us](mailto:bpcizin@co.siskiyou.ca.us)>  
**Subject:** FW: Contract 73030

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**From:** David <[healthyplantlife@gmail.com](mailto:healthyplantlife@gmail.com)>  
**Sent:** Sunday, August 14, 2022 2:45 PM  
**To:** Planning <[planning@co.siskiyou.ca.us](mailto:planning@co.siskiyou.ca.us)>  
**Subject:** Contract 73030

Dear Bernadette,

Please see attachments

Thank you,  
David Kennedy

<73030\_KennedyDavid-MichaelFarber.pdf>

<#171 - Ellison, David.pdf>