# Supplemental Staff Report

Meeting Date: September 5, 2023

To: Siskiyou County Board of Supervisors

From: Bernadette Cizin, Associate Planner

Subject: Proposed Wildlands Conservancy Agricultural Preserve Amendment, Williamson Act Rescission and Re-entry (APA-22-09) and CEQA Determination

## Background and Discussion

On August 1, 2023, staff brought before the Board a proposed Agricultural Preserve amendment to bring approximately 3720 acres, owned by The Wildlands Conservancy, under one individual Williamson Act contract as they had recently purchased property that was only a portion of the property under the existing contract. Staff recommended that the Board approve their request and issue a notice of non-renewal for any substandard and portion parcels. After Board discussion and comment by the applicant, staff modified the recommendation to approve the request and direct staff to bring back any substandard and portion parcels with a recommendation for non-renewal at a later date, giving the applicant time to adjust property lines to make the parcels conform to county guidelines. The Board directed staff to gather more information regarding the agricultural and compatible uses occurring on the subject property. The public hearing was continued to September 5, 2023.

**Additional Information Requested**
Staff contacted the applicant team regarding the Board discussion and requested they provide the requested information. In response, a letter (Exhibit C) was sent detailing the following points of discussion.

* Hunting club – as discussed at the Board meeting and confirmed in their letter, there are currently no hunting leases or programs occurring on the property. 7.3.1 of the Livestock Grazing Lease agreement allows for the Lessor to have a hunting lease and that they will make effort to ensure hunting does not conflict with the livestock program.

*Planning Response: Hunting has historically been considered a compatible use, as it should not displace or interfere with the agricultural uses occurring on the property. Should the property owner wish to expand upon the hunting lease to include such activities as camping or large gatherings, pursuant to guidelines Section IV B, the proposed use shall be submitted to the Administrator in writing for review and determination of compatibility.*

* Water rights and usage – the applicant addressed the questions of “if the water rights have been restricted or limited and if this has impacted the agricultural use?” within their response letter.

*Planning Response: Planning has no comment regarding the water usage as it relates to if the property qualifies for Williamson Act Contract. Beyond soils classifications, irrigation is not part of the evaluation process.*

* Legitimate Commercial Agricultural Use –A description of the grazing operations occurring on the subject property was provided in the applicant’s response letter. Grazing operations are handled by Nash Livestock. Additionally, Rick Hayden utilizes the property for grazing.

*Planning Response: The original 1977 application was approved with the specified use of dry and irrigated grazing. The current property owners have purchased the Hayden Ranch cattle and continue to build the herd under the ‘Wild Salmon Brand’. These cattle generally graze with Nash Family’s cattle on the subject property from spring through early winter. Staff spoke with Mrs. Hayden and confirmed that Rick Hayden also utilizes this property between Forest Service and other private grazing lease allotments.*

* Benefits of the reduced tax rate to the Commercial Agricultural Use occurring on the property – The applicant noted funds generated by savings on property taxes are re-invested directly back into the property within the Preserve through improvements such as watering troughs, fencing and irrigation infrastructure (see Exhibit C – photos).
The County Assessor’s office has provided comparison documents for the parcels that are proposed as part of this project.

*Planning Response: Planning has no comment regarding the benefits of the reduced tax rate as it relates to if the property qualifies for Williamson Act Contract. The use of tax savings is not part of the evaluation process.*

**Additional Findings**

Upon further review of parcel creation, rebooking of Assessor Parcel Numbers, staff has found that the 83.7-acre parcel originally described as ineligible parcel B, shown in figure 2 of *the Agricultural Preserve Administrator staff report*, is entirely within an Agricultural Preserve and is in fact eligible when evaluating parcel size and creation.

Additionally, the 634.4-acre portion parcel originally described as ineligible parcel C, shown in figure 3 of *the Agricultural Preserve Administrator staff report* could be considered eligible should the Board consider the addition of the 15.50 acres, not previously within an agricultural preserve, to not be a significant increase in size (approximately 0.02% of the legal parcel size), as allowed by Section III. A of the county guidelines. The 15.5-acre addition to the Ag Preserve would bring the entire 634.3-acre parcel in compliance with county standards.

## Comments

A letter from the applicant was received and is provided as Exhibit A to this supplemental report.

Agency Comments

***Siskiyou County Assessor – August 24, 2023***

The Assessor’s office has provided estimated tax assessment values for the three parcels included in this project (Exhibit C-2).

 Planning Response: No Response necessary.

## Analysis

The property meets the requirements for acreage, soils and use according to the Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts. The property historically has been used for and continues to be used for livestock grazing. The 18-acre substandard parcel and portion parcels have the potential to meet minimum parcel size requirements should the owners pursue boundary line adjustments.

## Environmental Review

Staff is proposing that the proposed project be considered categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15317, *Open Space Easements or Contracts.* A Categorical Exemption implies that the project will not result in any significant adverse environmental effects. CEQA Guidelines Section 15317 specifically exempts the making and renewing of open space contracts under the Williamson Act, which is applicable to the subject action.

The Board of Supervisors must consider the proposed CEQA exemption together with any comments received during the public review process. Further, the exemption can only be approved if the Board finds, based on the whole record before it, that there is not substantial evidence that the project will have a significant effect on the environment. Accordingly, a finding to this effect has been incorporated into both draft resolutions prepared for the Board’s consideration.

Recommended Action

Should the Board of Supervisors concur with staff’s analysis, staff recommends that the Board of Supervisors find that the proposed modifications to the Williamson Act contracts, and Agricultural Preserves are exempt from CEQA and approve said modifications.

A draft motion to this effect is provided below.

Recommended Motions

I move to take the following actions:

1. Determine the project exempt from CEQA in accordance with Section 15317, Open Space Easements or Contracts; and
2. Adopt the attached resolution approving amendment to the existing Agricultural Preserves and establishment of a new preserve which includes the 15.5 acres previously not within a preserve; and
3. Adopt the attached resolution approving the rescission and reentry of the applicable Williamson Act contract which includes the 15.5 acres previously not encumbered by Williamson Act Contract; and
4. Direct staff to bring back a recommendation for non-renewal of any remaining substandard or portion parcels no later than September 2024.

Exhibits to the Staff Report

1. Draft Resolution amending the existing Agricultural Preserves and establishing a new preserve
2. Draft Resolution Approving the Rescission of the subject property from the existing contracts and Reentry into a new Williamson Act Contract
3. Exhibit A within Draft Resolution: Williamson Act Contract - Draft
4. Comments
5. Property owner comment letter, photos, and lease agreement
6. Assessor – estimated tax assessment values