# Staff Report

Meeting Date: October 17, 2023

To: Siskiyou County Board of Supervisors

From: Bernadette Cizin, Associate Planner

Subject: Intention to Serve Notice of Non-Renewal of Williamson Act Contracts 22006, 22011, 78019, 72059, 04002, 08005, 72021, 83008, 97001 and 72025 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 eighteen parcels under 10 contracts no longer meet requirements outlined in the Siskiyou County Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts (guidelines).

*Contract No. 22006 - Costello*

* One 33.12-acre parcel is being recommended for non-renewal as it is substandard in size, less than the 40-acre minimum. The owner was given time by the board to adjust the property boundaries to bring the parcel into compliance. The owner has not applied for a boundary line adjustment.

*Contract No. 22011 – Crawford*

* One 27-acre parcel is being recommended for non-renewal as it is substandard in size, less than the 40-acre minimum. The owner was given time by the board to adjust the property boundaries to bring the parcel into compliance. The owner has not applied for a boundary line adjustment.

*Contract No. 78019 – Reynolds*

* One 80-acre parcel is being recommended for non-renewal as the current property owner purchased only a portion of the existing contract and has decided not to apply for their own contract. They are not opposed to the non-renewal.

*Contract No. 72059 – Ericson*

* One 10.01-acre parcel is being recommended for non-renewal as the current property owner purchased only a portion of the existing contract, there is no commercial agricultural use occurring and the parcel is substandard in size. The owner has indicated to staff that they are not opposed to the non-renewal.

*Contract No. 04002 – Snider*

* One 40-acre parcel is being recommended for non-renewal as there is no commercial agricultural use occurring.

*Contract No. 08005 – Johnson*

* One 10.01-acre parcel is being recommended for non-renewal as the current property owner purchased only a portion of the existing contract, there is no commercial agricultural use occurring and the parcel is substandard in size.

*Contract No. 72021 – King*

* One 28.50-acre parcel is being recommended for non-renewal as there is no commercial agricultural use occurring and the parcel is substandard in size.

*Contract No. 83008 – Doernhoefer*

* One 10-acre parcel is being recommended for non-renewal as there is no commercial agricultural use occurring and the parcel is substandard in size.

*Contract No. 97001 – Kvalvik*

* One 99-acre parcel is being recommended for non-renewal as the current property owner purchased only a portion of the existing contract and has not applied for their own contract.

*Contract No. 72025 – Ulics*

* One 62-acre parcel is being recommended for non-renewal as the current property owner purchased only a portion of the existing contract, the change in use from the approved use of Ranching to Timber for Harvest is a significant and the owner has not applied for a contract amendment to address these issues.

*Contract No. 72025 – Chandler*

* One 160-acre parcel is being recommended for non-renewal as the current property owner purchased only a portion of the existing contract and there is no commercial agricultural use occurring on the property.

*Contract No. 72025 – Joens*

* Two parcels, 15.94-acres and 108.67 acres are being recommended for non-renewal as the current property owner purchased only a portion of the existing contract, the change in use from the approved use of Ranching to Timber for Harvest is a significant and the owner has not applied for a contract amendment to address these issues.

*Contract No. 72025 – Moody*

* Two parcels, 112.98-acres and 0.44-acres are being recommended for non-renewal as the current property owner purchased only a portion of the existing contract, and no monitoring survey has been returned to verify the uses occurring on the property.

*Contract No. 72025 – Hawkinson*

* One 640-acre parcel is being recommended for non-renewal as the current property owner purchased only a portion of the existing contract and has not applied for their own contract.

*Contract No. 72025 – Scarface Investments*

* Two parcels, 538.02-acres and 40-acres are being recommended for non-renewal as the current property owner purchased only a portion of the existing contract and has not applied for their own contract.

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 the properties listed in Exhibit A of the Draft Resolution and under referenced Williamson Act Contracts 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 properties.

## 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, 2023.***

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 properties listed in Exhibit A to the Draft Resolution and under referenced Williamson Act Contracts, 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 properties under Contract No. 22006, 22011, 78019, 72059, 04002, 08005, 72021, 83008, 97001 and 72025

* 1. Exhibit A-1 within Draft Resolution: List of recommended properties
1. Exhibit A-2 within Draft Resolution: Notice of Non-Renewal – Draft
2. Agricultural Preserve Administrator Staff Reports with Recommendations
3. Comments