# Staff Report

Meeting Date: January 2, 2024

To: Siskiyou County Board of Supervisors

From: Bernadette Cizin, Associate Planner

Subject: Intention to Serve Notice of Non-Renewal of properties under Williamson Act Contract 78019 and CEQA Determination

## Background

Pursuant to the Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts (guidelines), Section VI) C) which requires when a portion of property under an existing contract is sold, the owner must apply for their own separate contract, the Wildlands Conservancy submitted an application requesting their property be rescinded from Contract 78019 and a new contract be issued. This request was presented to the Board and was not approved on September 5, 2023.

Per the county guidelines Section VI) C) 2) d), should the board not approve the request for a new contract, the county will issue a notice of non-renewal for the existing contract at the earliest possible time in accordance with the Government Code and these Rules.

As there are multiple property owners under this contract, prior to issuance of a Notice of Non-Renewal, staff sent notice to the remaining owners, of the Board’s decision to not approve the Wildlands Conservancy’s request and provided 60 days for them to apply to have their property rescinded from Contract 78019 and a separate contract issued, consisting solely of their property.

## Discussion

There are seven separate property owners under Contract 78019.

*Wildlands Conservancy*

* 3720 acres. The board has reviewed their request for a Williamson Act Contract and has not approved this request.

*Richard Hayden III*

* 16.2 acres. The parcel is substandard in size. Because the adjacent properties are under different ownership and/or not within an Agricultural Preserve, there is currently not an avenue for this property to meet the minimum parcel size requirements through parcel merger or boundary line adjustment. As of the preparation of this report, the property owner has not sent any correspondence.

Two property owners have applied for their own contract and their applications are being processed. Two property owners had requested extensions to submit their applications and were granted extensions to December 31, 2023. One property is already under non-renewal.

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 the referenced Williamson Act Contract 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, 2024.***

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 the referenced Williamson Act Contract, 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. 78019

* 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