# Staff Report

Meeting Date: April 16, 2024

To: Siskiyou County Board of Supervisors

From: Bernadette Cizin, Associate Planner

Subject: Intention to Serve Notice of Non-Renewal of property under Williamson Act Contracts 71018, 71036, 71051, 71061A, 71061B, 72043, 76024, 77037, 78034, 78028 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 - 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 property under ten contracts no longer meet requirements and/or are in violation of the Siskiyou County Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts (Rules).

*Contract No. 71018 – Metcalf*

* There are two separate property owners under this contract. 80 acres owned by Ronald Metcalf is being recommended for non-renewal as there has been no response to the 2023 survey to verify Agricultural Uses on the property.
* The response to the 2021 survey noted the use of the property was Livestock Grazing with “0” head of livestock. Staff requested clarification and received no response from the property owner.

*Contract No. 71036 – 2402771 Ontario Limited*

* There are two separate property owners under this contract. 172.7 acres owned by 2402771 Ontario Limited is being recommended for non-renewal as there has been no response to the 2023 or 2021 surveys to verify Agricultural Uses on the property.
* One 18.1-acre parcel does not meet the 40-acre minimum parcel size requirement.

*Contract No. 71051 – Eastlick*

* There are three separate property owners under this contract. 3.67 acres owned by Mr. Eastlick is being recommended for non-renewal as there has been no response to the 2023 or 2021 surveys to verify Agricultural Uses on the property.
* The 3.67-acre parcel does not meet the 40-acre minimum parcel size requirement.

*Contract Nos. 71061A, 71061B and 72043 – Hester*

* There are two separate property owners under contracts 71061A and 71061B. Contract 72046 consists of 146.3 acres which are all owned by Michael Hester.
* 492.65 acres owned by Michael Hester is being recommended for non-renewal as it was identified in the survey that the property is utilized for intensive farming however that is not occurring on the property, as confirmed by a site visit.
* 56.63 acres of one parcel is under contract 71061A and 55.72 acres of that same parcel is under contract 71061B.
* Only a portion of a 626.3-acre parcel is under contract.

*Contract No. 76024 – Szabados*

* There are three separate property owners under this contract. 93.87 acres owned by Fred Szabados is being recommended for non-renewal as there is an open code case on the property. The County code violation is also in violation of the Siskiyou County Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts Section IV. A.

*Contract No. 77037 – Rescue Ranch*

* Rescue Ranch is a privately owned, non-profit, no-kill dog shelter. No Commercial Agricultural Use is occurring on this property.

*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.
* The parcel is substandard in size.
* The County Treasurer/Tax Collector commented that the taxes are delinquent (Exhibit C-1).

*Contract No. 78028 – Hartman*

* There are two separate property owners under this contract. 40 acres owned by Ruth Hartman is being recommended for non-renewal as there is no commercial agricultural use occurring on the property.
* Only 40 acres of one 70.8-acre parcel is under contract.

## 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 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. 71018, 71036, 71051, 71061A, 71061B, 72043, 76024, 77037, 78034 and 78028 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. 71018, 71036, 71051, 71061A, 71061B, 72043, 76024, 77037, 78034 and 78028.

* 1. Exhibit A-1 within Draft Resolution: List of recommended properties
  2. Exhibit A-2 within Draft Resolution: Notice of Non-Renewal - DRAFT

1. Agricultural Preserve Administrator Staff Report with Recommendation
2. Comments
3. Treasurer/Tax Collector Comment.