# Staff Report

Meeting Date: June 18, 2024

To: Siskiyou County Board of Supervisors

From: Bernadette Cizin, Associate Planner

Subject: Proposed Nielsen Williamson Act Rescission with Re-entry, Agricultural Preserve Amendment (APA-23-05) and CEQA Determination

## Background and Discussion

On April 5, 2023, the County received an application for a Williamson Act Contract amendment to bring approximately 5288.36 acres, owned by Thomas Nielsen, under one Williamson Act contract consisting solely of property under his ownership with the Agricultural Use of rangeland and pasture for livestock production and forage. The property is currently under five Williamson Act contracts, two of which have multiple property owners. In order to bring the subject property under one contract, the existing Agricultural Preserve should be amended to remove the subject property and a new Agricultural Preserve created.

During the initial review of the project, it was found that one of the subject parcels, APN 022-230-380 is substandard in size (under the 40-acre minimum requirement). The applicant was notified that because this parcel is only 21 acres, it does not meet the minimum parcel size requirement and would be recommended for non-renewal. It was also explained that the owner did have the option to apply to adjust the property boundary to increase the size of this parcel to over 40- acres. In response, the property owner submitted a Boundary Line Adjustment application (Figure 2) which proposes to merge the 21-acre parcel with an adjacent parcel which exceeds the 40-acre minimum requirement.

This project was originally scheduled for a public hearing on May 21, 2024. However, staff requested it be continued to today’s date due to the discovery of new information regarding legal parcels within the subject property which required additional research.

It had been discovered that a small portion, 37.1 acres of a 117.1 acre parcel was not included in the original contract. Staff has not been able to identify why, as this property has never been transferred or developed for other uses. It continues to be used for dryland grazing as part of the Nielson ranch.

This project does not propose to remove property however, 37 acres should be added to bring all of a legal parcel under contract.

**Agricultural Preserve Administrator Review**

Staff prepared a detailed report (Exhibit C) for review and recommendation by the Agricultural Preserve Administrator. Based on the report, the Administrator found the applicant’s request is consistent with the County Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts and recommends the Board rescind and reissue the contract as proposed and amend the existing preserves to remove the subject property and establish a new agricultural preserve.

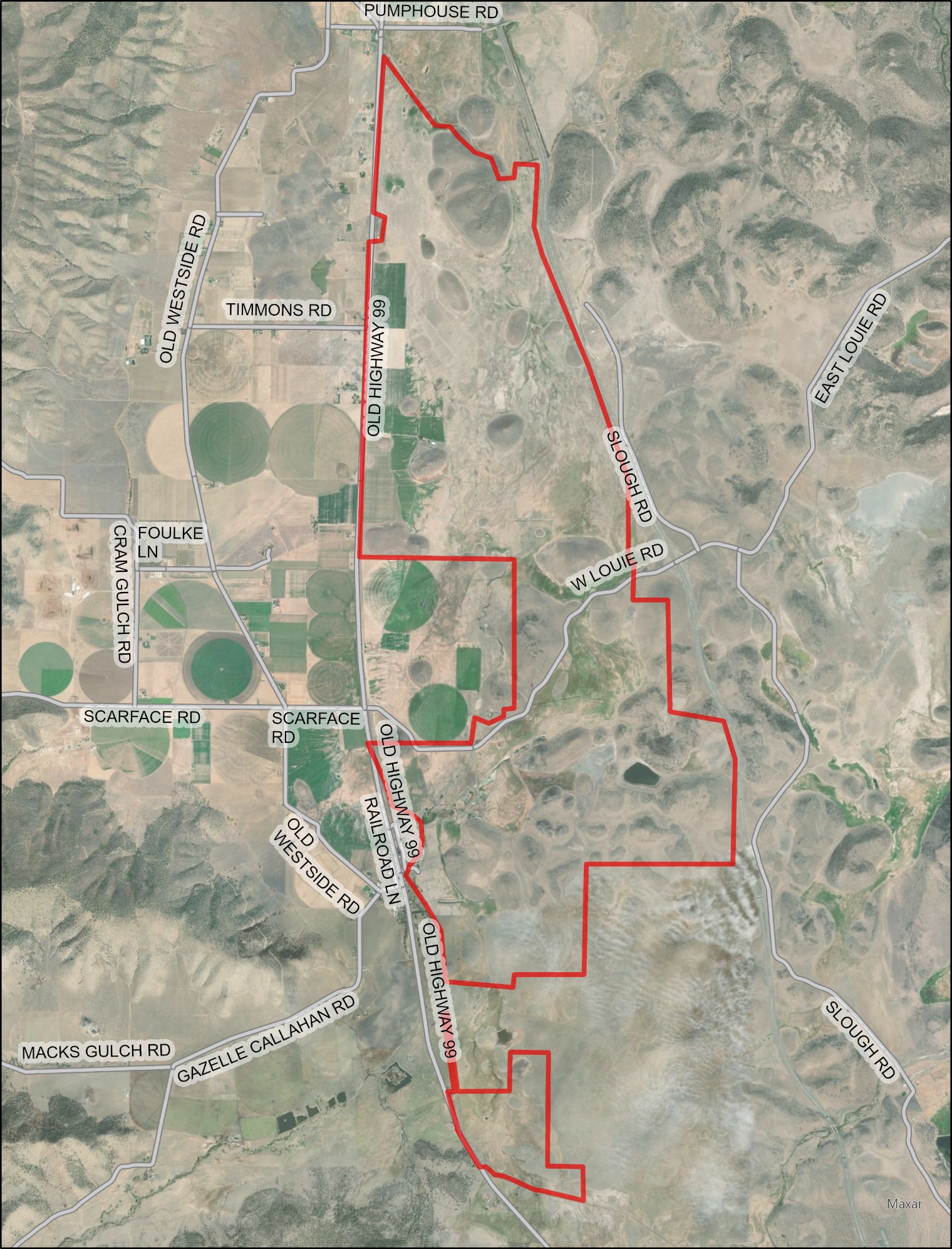
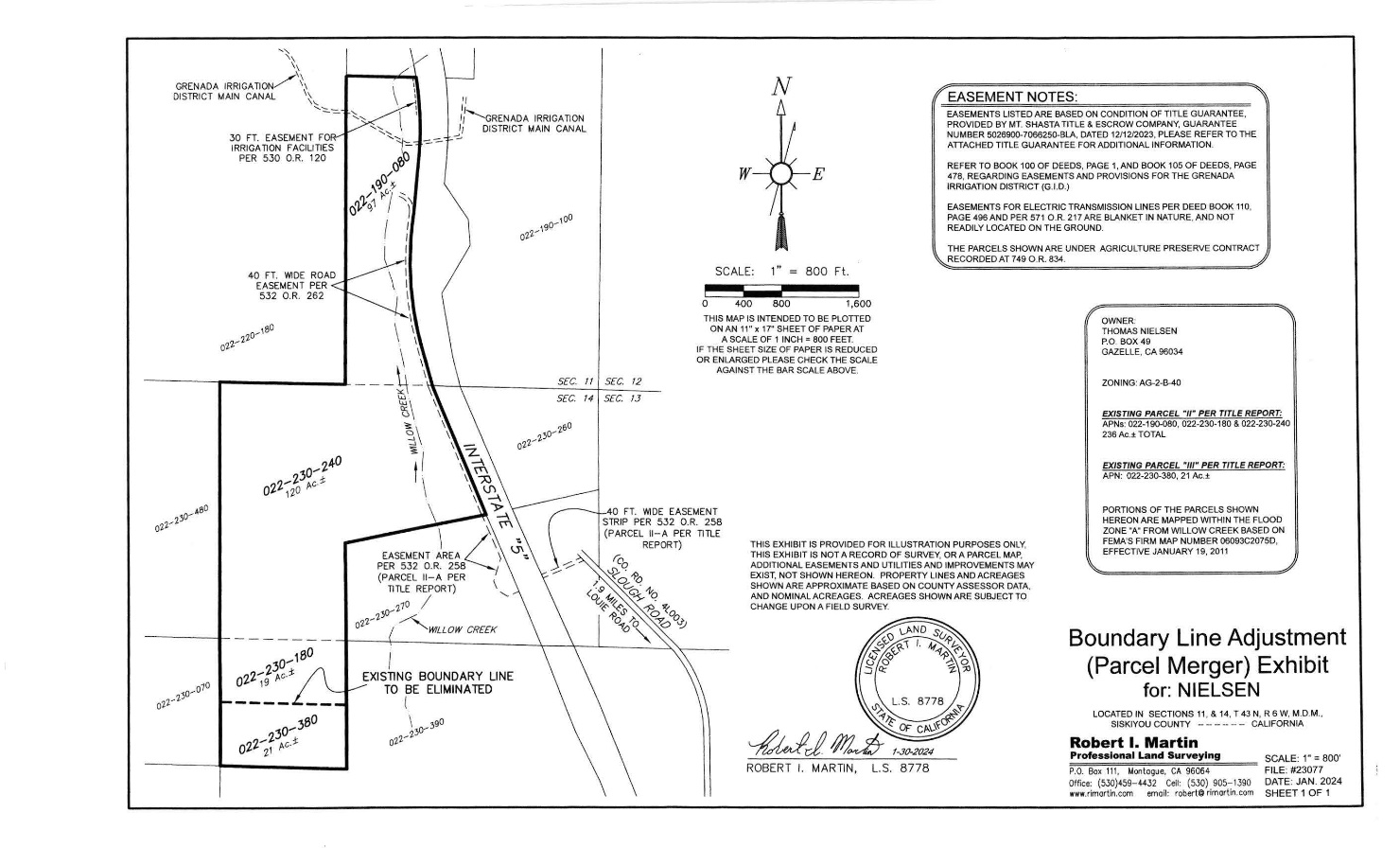


Figure 1: Subject property

   
Figure 2: Boundary Line Adjustment Exhibit Map

## 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.

## Comments

Agency Comments

***Siskiyou County Assessor – May 13, 2024***

The Assessor’s office has provided estimated tax assessment values for the two APNs recommended to be included in this project (Exhibit D).

Planning Response: No Response necessary.

Public Comments

Notice of the project was published and posted as required prior to the Board of Supervisors meeting and no public comment was received as of the preparation of this staff report.

## 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 contract and Agricultural Preserve 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 Preserve and establishment of a new preserve; and
3. Adopt the attached resolution approving the rescission and reentry of the applicable Williamson Act contract; and

## Exhibits to the Staff Report

1. Draft Resolution amending the existing Agricultural Preserve 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. Agricultural Preserve Administrator Staff Report with Recommendation
5. Comments – Assessor’s Office