# Staff Report

Meeting Date: August 6, 2024

To: Siskiyou County Board of Supervisors

From: Bernadette Cizin, Associate Planner

Subject: Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts, Revision

## Background

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is a program created by the State to help conserve agricultural land and open space areas. The Williamson Act enables local governments to enter into contracts with private landowners for the purposes of restricting specific parcels of land to agricultural or related open spaces uses. In return, landowners receive lower property tax assessments based upon farming and open space uses as opposed to full market value.

Local governments are not mandated to participate in this program, but those that do are able to tailor the program to suit local goals and objectives.

During the January 17, 2024, Board of Supervisors meeting, at the Vacation Rental Zoning Ordinance update hearing, the Board directed staff to revise the County’s Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts (‘Guidelines’) to include Vacation Rentals as a Compatible Use.

Staff took this opportunity to review the guidelines for additional revisions that could be made to better clarify responsibilities and requirements of the County and contracted landowners and to propose changes that could potentially simplify the contracting and amendment process.

## Discussion

Staff has worked with the Agricultural Commissioner and other stakeholders to improve the guidelines and is proposing the following:

* Establish one Agricultural Preserve consisting of all property within the county which is currently encumbered by Williamson Act Contract.

*This action will remove from the proposed single Agricultural Preserve any properties that are not currently under a Williamson Act Contract. It will remedy the issue of the numerous Agricultural Preserves that have been established over the years that no longer meet current requirements. This will be reflected throughout the entire document as this change will significantly alter several sections which refer to separate Agricultural Preserves. Additionally, previous requirements for Agricultural Preserves would become contract requirements to maintain standards that must be met for property to enter the program.*

* Revised Application Requirements to provide a Proof of Legal Parcel (generally a subdivision map, a certificate of compliance etc.) in lieu of a Title Report.

*It has been brought to our attention that certain costs, including that of a title report, have deterred property owners from applying for contract amendments. This revision could potentially save property owners the cost of a title report when applying for a Williamson Act Contract Amendment while still providing the county with the necessary information to evaluate their property. Property owners will need to be forthcoming regarding lienholders who hold interest in the property and be prepared to provide their information and consent to any contract modifications. Should a property owner not be able to provide Proof of the Legal Parcel, they must provide a current Title Report. The downside of not requiring a Title Report would be that staff will not be able to identify and/or verify if a lienholder or conservation easement exist on any of the contracted property.*

* Revise Contract Acreage Requirements to allow for substandard parcels already included in a contract to remain under contract.

*When a property is evaluated for Williamson Act Contract, each separate parcel is reviewed to ensure it meets certain requirements. It has been found that many parcels already under contract do not meet the minimum parcel size requirements. Government Code Section 51222 states that agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is at least 10 acres in size in the case of prime agricultural land or at least 40 acres in size in the case of land which is not prime agricultural land.*

*Staff has provided language for the Board’s consideration, which would allow substandard parcels (under 40-acres) to remain under contract, regardless of if it is intensive farming, should the Board determine the parcel is a necessary part of the agricultural operation and it is prime agricultural land.*

*Aside from the revisions to these guidelines, Staff is also working on a Voluntary Merger option for any property within the County. It is a simplified process by which two or more parcels of land are merged into a single legal parcel without going through the current Boundary Line Adjustment process. Thus, providing not only property owners under a Williamson Act Contract but any owner of contiguous legal parcels, a less burdensome option to merge parcels.*

* Provided revised provisions regarding properties dedicated to the growing and harvesting of timber.

*Some land viable for timber harvest has been found to not meet the Soils Requirements currently in place. This added provision would allow these properties to qualify for a Williamson Act Contract without meeting the soils requirements, however it is recommended to require a higher number of acres.*

*Additionally, it has been questioned if land primarily used for growing and harvesting timber should be under Williamson Act Contract when Timber Production Zoning appears to be more applicable.[[1]](#footnote-1) If the County choses to remove the Growing and Harvesting of Timber as an allowed primary use, properties currently under contract with this as the approved agricultural use would remain under those existing contracts. Owners wishing to change their primary use to the Growing and Harvesting of Timber would not be allowed to do so. However, they may apply to re-zone to Timber Production Zoning and Contract Cancellation pursuant to Government Code Section 51282.5. Which provides that the County shall approve a cancellation of a contract upon land Zoned TPZ with no cancellation fee imposed.*

* Removed Agritourism activities from Compatible Uses

*The term Agritourism is not defined or used in County Code. Also, types of uses that could be interpreted to be a type of agritourism, fall within other defined Compatible Uses.*

* Included Vacation Rentals under Residential Uses.
* Revised Conservation Programs to require property owners to provide Conservation contracts/easements to the Planning Division.

*It has been found that some properties encumbered by Contract have been entered into Conservation Easements and Programs without prior approval by the County. This addition clarifies that it is the responsibility of the property owner to provide this information for review of compatibility with the Williamson Act and clarifies that if this does not occur, the county will issue a Notice of Non-Renewal*.

* Provide the Agricultural Preserve Administrator may approve a Change in Use as a Minor Contract Amendment.

*This will allow a Minor Amendment Fee to be assessed (50% of the normal application fees plus CEQA fees (Planning Fees County Code Section 10-6.1601)*

*The Minor Contract Amendment will be documented with a Planning Staff Report, reviewed and approved by the Agricultural Preserve Administrator, and an Amendment Document officially recorded by the County Recorder’s office.*

* Provided direction to Withdraw a Notice of Non-Renewal

*This simply provides clarification as to the withdrawal process depending on if the property owner or the county issues the Notice of Non-Renewal.*

* Language cleanup of the document, to reflect all proposed changes throughout the entire document.

The edits summarized above are with the intention of better defining compatible uses, consolidating the Agricultural Preserves and better clarifying to property owners their responsibility of maintaining the program but also providing information on the County’s role in administering and enforcing the program.

## Recommended Action

Direct Planning staff as to what revisions the Board would like to see made to the current Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts and set a date for the Public Hearing to review and adopt the revisions.

## Attachments

1. Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts - Redlines
1. County Counsel comment: Under Gov’t Code 5110’1: “A TPZ is a 10-year restriction on the use of land, and will replace the use of agricultural preserves (Williamson Act contracts) on timberland.” [↑](#footnote-ref-1)