# Staff Report

Meeting Date: September 3, 2024

To: Siskiyou County Board of Supervisors

From: Bernadette Cizin, Associate Planner

Subject: Update to the Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts

## Background

The California Land Conservation Act of 1965, better known 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 purpose of restricting specific 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 August 6, 2024, Board of Supervisors meeting, planning staff presented information on the Williamson Act program and discussed potential revisions to the County’s Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts (‘Guidelines’).

Based on the discussion and direction from the Board, Staff has incorporated revisions to better clarify responsibilities and requirements of the County and contracted landowners and to simplify the contracting and amendment process.

## Discussion

The following recommended changes have been incorporated into the Draft version of the County Guidelines:

1. **Establish one Agricultural Preserve consisting of all property within the county which is currently encumbered by Williamson Act Contract (See Section III of Exhibit A).**

This action will:

1. Disestablish all existing Agricultural Preserves.
2. Establish a single Agricultural Preserve which consists of only properties currently encumbered by Williamson Act contract.
3. Remove from Agricultural Preserve any properties that are not currently under a Williamson Act Contract.
4. Requirements to establish Agricultural Preserves will now become requirements for Williamson Act Contracts (i.e. soils requirements, acreage, etc.).
5. Cause revisions to the language throughout the guidelines to reflect the single Agricultural Preserve.
6. **Better define what is considered a significant increase to an existing Williamson Act Contract (See Section III Item A of Exhibit A).**

This action will:

1. Define that the county considers an increase of up to 25 acres or 2.5% of the existing contracted property, whichever is lesser, to not be a significant increase to a contract.
A proposed increase of the Agricultural Preserve by more than 25 acres or more than 2.5% of the contracted land would be considered by the Agricultural Administrator and the Board on a case-by-case basis.
2. **Remove the growing and harvesting of timber as an allowed primary use of contracted property (See Section IV Item A of Exhibit A).**

This action will:

1. Not allow the establishment of Williamson Act Contracts where the primary use of the land is growing and harvesting timber.
	1. Property owners who wish to change the primary use to the growing and harvesting of timber from the use agreed upon in a Williamson Act contract have the option to Rezone to Timber Production Zoning, with no cancellation fees, as noted in Government Code Section 51282.5.
2. **Remove and revise Commercial Agricultural Production Uses (See Section IV Item A of Exhibit A).**

This action will:

1. Remove uses described as accessory as these belong under compatible uses.
2. Better describe the use of Production of Fiber
3. Remove the growing of timber, as previously discussed.
4. **Remove Agritourism activities from Compatible Uses (See Section IV Item B of Exhibit A).**

This action will:

1. Remove Agritourism as it is not defined or used in County Code.
2. Redistribute activities described under Agritourism as these activities remain applicable.
3. **Include Vacation Rentals under Residential Uses (See Section IV Item B of Exhibit A).**

This action will:

1. Allow the use of an existing residence to be rented on a short-term basis with applicable permits.
2. **Revised Conservation Programs to require property owners to provide Conservation contracts/easements to the Planning Division (See Section IV Item B of Exhibit A).**

This action will:

1. Clarify that it is the responsibility of the property owner to provide Conservation Contracts or Easements for review of compatibility with their Williamson Act and clarifies that if this does not occur, the county will issue a Notice of Non-Renewal.
2. **Included a Minor Amendment - Agricultural Preserve Administrator may approve a Change in Use as a Minor Contract Amendment. (See Section IV Item C of Exhibit A).**

This action will:

1. 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)
2. Allow review and approval by the Agricultural Preserve Administrator.
3. **Included a process for Withdraw a Notice of Non-Renewal (See Section VII Item A of Exhibit A).**

This action will:

1. Provide clarification as to the withdrawal process depending on if the property owner or the county issues the Notice of Non-Renewal.

The following were discussed at the August Board meeting but not incorporated into the Draft version of the County Guidelines for the reasons described below:

1. **Applicant may provide a Proof of Legal Parcel in lieu of a Title Report.**

As directed by the board, staff looked into the possibility of title research being conducted within the department.

Resources - Staff’s access to the necessary documents is through the county Recorder’s office. The documents that are readily available and searchable by name, assessor’s parcel number and recording date are limited back to about 1975. Finding documents recorded prior to that requires reviewing logs by name and reviewing each document individually to see if it is applicable to the property. Aside from the considerable time it takes to research all historical information on a parcel, it was discussed that we likely do not have the staffing to dedicate to this.

Costs – Staff reached out to a local title company to inquire about costs. The fee for a local title company to provide a Preliminary Title Report is $400 per parcel and $400 for each additional parcel for residential properties. Planning Staff rates average $99.00 per hour.

Liability – Title Reports are insured for accuracy. It was questioned whether staff providing this research would come with liability to the County.

Staff is recommending that the requirement to provide a Title Report as part of an application package remain as it will provide information necessary to determine if the proposed property qualifies for a Williamson Act Contract, including but not limited to the following: ownership, lienholder, easements/restrictions. However, because recent documents are readily available to staff, it is recommended that we allow Title Reports as old as 5 years be considered submittable.

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

As discussed at the August Board meeting, it is preferred to continue to require parcels meet minimum size requirements as defined in state law.

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.

## Recommended Action

Continue the Public Hearing to September 17, 2024, to adopt revisions to the Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts.

## Attachments

1. Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts – Redlines (Version 2 based on 08/06/2024 BoS discussion)