# Staff Report

Meeting Date: December 10, 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 97001, 20003B, 12003, and 72025 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 continues to review survey responses, changes in property ownership and property boundaries.

## Discussion

During the review process it was found that property under four 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 (Guidelines).

*Contract No. 97001 and 2003B – Humanity for Horses*

* 97001 There are two separate property owners under this contract. 801 acres owned by Humanity for Horses is being recommended for non-renewal as they do not have an established commercial agricultural use occurring on the property and the property is only a portion of an existing contract.
* 20003B 658.11 owned by Humanity for Horses is being recommended for non-renewal as they do not have an established commercial agricultural use occurring on the property and it consists of portions of legal parcels which do not qualify for contract.

*Contract No. 12003 – Harris*

* There are two separate property owners under this contract. 240 acres owned by Harris is being recommended for non-renewal as they have not applied for their own separate contract upon purchase of this property, which is only a portion of an existing contract. The owners have submitted a comment stating that they are not opposed to the issuance of a notice of non-renewal.

*Contract No. 72025 – The Claes Heritage Land Trust*

* There are eleven separate property owners under this contract. 640 acres owned by The Claes Heritage Land Trust is being recommended for non-renewal as they have not completed the application process to apply for their own separate contract upon purchase of this property.
* The 2023 use survey was not returned, and no response was received to staff’s request for information on the uses occurring on this property

*Contract No. 72025 – Bennett*

* There are eleven separate property owners under this contract. 640 acres owned by Mr. Bennett is being recommended for non-renewal as the primary use of the property has changed to Timber production. Mr. Bennet has completed and submitted an application to rezone the property to Timber Production Zoning (TPZ).
  + Government Code Section 51282.5 provides no cancellation fees shall be imposed for cancellations for land which has been zoned as timberland production. The first step in the process of cancellation is to issue a Notice of Non-Renewal. Mr. Bennett has provided comment which indicates that he is not opposed to the issuance of a Notice of Non-Renewal.

## 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 in order for it to become effective on the renewal date of January 1. The earliest these notices can become effective is January 1, 2026.***

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 for certain property under Williamson Act Contract No. 97001, 20003B, 12003, and 72025 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 certain property under Williamson Act Contract No. 97001, 20003B, 12003, and 72025.

* 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