



COUNTY OF HUMBOLDT

For the meeting of: 12/11/2018

File #: 18-1533

To: Board of Supervisors
From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Brodt Dairies New Class "D" Agricultural Preserve and Farmland Security Zone

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open a public hearing in the manner prescribed by law;
2. Receive a staff report, consider the applications, and receive public testimony;
3. Close the public hearing;
4. Adopt the necessary findings prepared by Current Planning Division staff;
5. Adopt Resolution No. _____ (Attachment A) establishing the Brodt Agricultural Preserve and Farmland Security Zone;
6. Authorize the Chair of the Board to execute the Land Conservation Contract (Attachment B);
7. Authorize the Chair of the Board to execute the Conveyance and Agreement (Attachment C);
8. Direct Current Planning Division staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research;
9. Direct the Clerk of the Board to record copies of the Resolution and Land Conservation Contract with the County Recorder; and
10. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's Office, County Counsel, Current Planning Division, the California Office of Land Conservation, and any other interested party.

SOURCE OF FUNDING:

General Fund.

DISCUSSION:

Project Description:

The Brodt Dairies submitted an application to establish a Class "D" agricultural preserve and Farmland Security Zone of approximately 135 acres. The property is owned by the Brodt Revocable Trust and is utilized as a portion of the Brodt's dairy operation.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion of those lands to urban uses. When entering an agricultural

preserve, the property owner executes a Land Conservation Contract with the county to restrict the uses of the land to agriculture, open space and/or compatible uses. The minimum term for a Land Conservation Contract is ten years and is automatically renewed every year. In exchange for restricting the uses, the land is valued as open space land pursuant to open space valuation laws (Revenue and Taxation Code Sections 421, et seq.). For a Farmland Security Zone, the term for the Land Conservation Contract is 20 years.

In order to qualify for a Class “D” Unique Farmland and Dairy Preserve and contract, the preserve area must contain at least 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide or local significance. The land must be in an agricultural designation and zoned for agricultural use. The parcels must be devoted to agricultural commodities for commercial purposes in accordance with the county’s Williamson Act Guidelines, and have provided a gross annual income of \$12,000 from agricultural production for three of the last five years. While under contract, the zoning and contract would prohibit any parcel divisions (which includes the sale of separate legal parcels).

The subject parcel contains approximately 135 acres of prime agricultural land. All but approximately 20 acres of the property is irrigated. The soil type is exclusively mapped as Dungan soils, which has a land capability classification of 1 and is classified as a prime farmland if irrigated by the Soil Conservation Service. The proposed Class “D” preserve consists of five separate parcels that have been in existence since at least 1969. All of these parcels are over ten acres in size.

For the establishment of a Farmland Security Zone, the land must be designated on the Important Farmland Series maps or meet the definition of “prime” agricultural land per Government Code Section 51201(c), and must be located within 3 miles of the Sphere of Influence Boundary of an incorporated city. The land’s classification as a Class 1 soil meets the definition of “prime” agricultural land per Section 51201(c) and the property is less than 1 mile from the city limits of the City of Ferndale, an incorporated city.

The property is located in the Coastal Zone and has an Agriculture Exclusive designation and is zoned for agricultural use (AE-60,F,R,T). The property has combining zones for Flood Hazard and Riparian Corridor Protection, and Transitional Agricultural Lands. The current Agriculture Exclusive zoning and proposed contract prohibit further parcel divisions.

The land is used for a dairy, with income that exceeds \$12,000 a year for each of the last three years, according to the income verification provided by the applicant. The property is developed with a single family residence and multiple agricultural buildings to support the dairy operation. There are no outstanding building or zoning violations on the subject property.

Based upon the on-site inspections, a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes the proposed agricultural preserve meets the required findings. The Williamson Act Committee reviewed the proposed project on March 28, 2018 and recommended approval. The County Planning Commission reviewed the proposed Class “D” preserve on August 2, 2018 and adopted a resolution (Attachment E) recommending that the

Board approve the proposed preserve and Farmland Security Zone because it is consistent with the county's adopted Guidelines for Class "D" Agricultural Preserves and the county's General Plan.

REQUIRED FINDINGS:

The California Land Conservation Act of 1965, also known as the Williamson Act, provides the legislative authority and specifies the findings that must be made to establish Agricultural Preserves. The Williamson Act may be found commencing with Section 51200 of the Government Code. Generally, the following findings must be made to establish Agricultural Preserves.

1. That the proposed preserve is consistent with the County's General Plan (Section 51234 Government Code); and
2. That the land to be included in the agricultural preserve contract is, and will continue to be, used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture.

Additionally, to be eligible for the establishment of an Agricultural Preserve, the agricultural property must meet the criteria for one of the four "classes" (A, B, C or D) of Agricultural Preserve Contracts. A summary of the criteria for a Class "D" Preserve is listed below.

Class D

- a. The preserve area shall contain not less than 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide or local significance. Individual parcels must have been in existence for a minimum of ten (10) years prior to application for a land conservation contract.
- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan and zoned for agricultural use.
- c. The parcels in question are used for, and devoted to, agricultural pursuits and have provided a gross annual income of \$12,000 from agricultural production for three of the past five years.
- d. The proposed zoning and contract would prohibit any parcel divisions.
- e. Residential development rights beyond one single family residence for each ownership unit in the preserve would be conveyed to the county for the life of the contract.
- f. Not more than twenty five percent (25%) of the land area within the preserve is zoned Timberland Production Zone.

The required findings can be made. The proposal is consistent with, and furthers the goals of, the agricultural policies of the Eel River Area Plan (ERAP). The establishment of the preserve furthers the goals of assuring the protection of the county's agricultural economy and minimizes the conflicts between agricultural and urban land uses by restricting the subdivision of these lands. The primary purpose of the Williamson Act is to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban areas. The land supports the production of food and fiber as defined by Section 51201 Government Code and consists of prime and tillable non-prime lands. The property currently is utilized primarily for growing hay with income from agricultural production that exceeds the minimum gross income for a commercial farm.

Farmland Security Zone

Lands to be subject to a farmland security zone contract must be designated on the Important Farmland Series maps or shall meet the definition of "prime" agricultural land per Government Code Section 51201(c) and shall be located within three (3) miles of the Sphere of Influence boundary of an incorporated city. The minimum preserve area and minimum parcel size for land to be placed in a farmland security zone shall be the same as for the equivalent class of agricultural preserve.

The required findings for approving the Farmland Security Zone can be made. The land within the proposed preserve and farmland security zone is identified as a class 1 (prime) soil in the Soils of Western Humboldt study (1965, UC Davis) and therefore meets the

definition of prime per Section 51201(c) of the California Government Code. The parcel is located less than one (1) mile from the city limits of the City of Ferndale, an incorporated city.

The Planning Division staff and the Planning Commission recommend that the Board approve the proposed agricultural preserve because it is consistent with the County's adopted Guidelines for Class D Agricultural Preserves and the county's General Plan. Establishment of the preserve is in the public interest in that it preserves lands for agricultural use.

Designation of lands as Agriculture Preserves is categorically exempt from the provisions of California Environmental Quality Act (CEQA) per Class 17, Section 15317.

FINANCIAL IMPACT:

2018 Prop 13 Factored Base Year Values for the Brodt Dairies property is \$1,885,000 which would result in an approximate \$18,850.00 tax liability. Per the California Department of Conservation, the restricted values (i.e. lands under a Williamson Act contract) are estimated to save agricultural landowners from 20 - 75% in property tax liability each year. The restricted values are affected by income production calculations, base year values, and the State Board of Equalization's annual yield component. The County would therefore be responsible for the loss of revenue from the differences in the taxes collected in light of the loss of state subventions. This is estimated to be a loss to the General Fund of between \$3,770 and \$14,138 annually.

Expenses associated with the monitoring of compliance with this program will be covered through the General Fund (Williamson Act Enforcement program), allocated in the Current Planning Division's Fiscal Year 2018-2019 budget.

OTHER AGENCY INVOLVEMENT:

The project was circulated to various state and local agencies for comments and recommendations. All agencies and departments that commented have recommended approval. Both the Williamson Act Committee and the Planning Commission recommend approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to enter into a contract with the property owners seeking to enroll into the Williamson Act Program. However, the parties have met the criteria set forth in the county's guidelines and their participation in the program would further the agricultural goals of the General Plan. Therefore, Current Planning Division staff does not recommend further consideration of this alternative.

ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

1. Resolution establishing the Brodt Dairies Class "D" Agricultural Preserve with Legal Description (Exhibit A) and Map of Preserve (Exhibit B)
2. Land Conservation Contract for the Brodt Dairies proposed preserve
3. Conveyance and Agreement for Development Restrictions
4. Planning Commission staff report of August 2, 2018
5. Planning Commission Resolution

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PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A.

Meeting of: N/A.