

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-

Record Number PLN-2022-17731

Assessor Parcel Numbers 106-101-006-000, 106-101-007-000, 106-101-008-000, 106-111-002-000

Resolution by The Planning Commission of the County of Humboldt to recommend that the Board of Supervisors reclassify 23 acres of land from Unclassified to Agricultural Exclusive, establish the Hansen Family Agricultural Preserve and enter into a Land Conservation Contract.

WHEREAS, Darren and Karen Hansen have applied to establish a Class C Agricultural Preserve in the Ferndale area of approximately 115 acres, pursuant to the California Land Conservation (Williamson) Act; and

WHEREAS, the proposed Agricultural Preserve may be approved if it can be found that: (1) the proposed preserve is consistent with the County's General Plan (Section 51234 Government Code); (2) the land to be included in the agricultural preserve contract is, and will continue to be, used for the purposes of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; (3) the preserve area should not be less than the required minimum acres of the type of preserve unless it is proven to the satisfaction of the Planning Commission and Board of Supervisors that the proposal is a viable working preserve meeting all of the qualifications pursuant to Prime Agricultural Lands or Non-Prime Lands of Statewide significance; (4) the land must be zoned for agricultural purposes; (5) the land shall consist of prime and/or non-prime agricultural land of statewide significance; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the State of California has determined that the establishment of agricultural preserves is categorically exempted from the provisions of the California Environmental Quality Act (CEQA) per Class 17, Section 15317; and

WHEREAS, the Department has determined that the zone reclassification from Unclassified into the more restrictive Agriculture Exclusive zone is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15061 (b)(3)); and

WHEREAS, the County Planning Division has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the proposed agricultural preserve and zone reclassification (Case No. PLN-2022-17731); and

WHEREAS, on **October 6, 2022**, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

Now, THEREFORE BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors makes all the following findings:

- 1. FINDING:** **Project Description:** Application for a zone reclassification to reclassify approximately 23 acres of land zoned Unclassified as Agriculture Exclusive, establishment of a Class C Agricultural Preserve ("Hansen

Family Agricultural Preserve”) of approximately 115 acres and execution of a Land Conservation Contract pursuant to the California Land Conservation Act, otherwise known as the Williamson Act.

EVIDENCE: Project file: PLN-2022-17731

2. FINDING: **CEQA.** The proposed project is statutorily and categorically exempt from the provisions of the California Environmental Quality Act (CEQA).

EVIDENCE: a) Section 15317 of the CEQA Guidelines categorically exempts the establishment of agricultural preserves and open space contracts.

b) Section 15061(b,3) exempts projects where it can be seen with certainty that there is no possibility of significant environmental impacts associated with the project. In this case the rezone of approximately 23 acres from unclassified to a more restrictive Agriculture Exclusive zone to facilitate an agricultural preserve has no possibility of significant environmental impacts.

FINDINGS FOR THE ESTABLISHMENT OF THE AGRICULTURAL PRESERVE

3. FINDING: The proposed development is in consistent with the County's General Plan.

EVIDENCE: The Eel River Area Plan (ERAP) recognizes the importance of agriculture and local agricultural resources in several goals and policies. Section 3.34 of the ERAP, “Agriculture,” states “The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy and conflicts shall be minimized between agricultural and urban land uses.” Numerous policies aim to sustain the productivity of agricultural lands such as limiting land divisions and developments that impair agricultural production and discouraging conversion to non-ag uses on ag lands (Section 30253.1.d, Section 30242, and Section 3.24 “Agriculture within the Urban Limit”) Resource protection policies in the ERAP recognize the importance of transitional agricultural lands. Chapter 4.5 of the Humboldt County General Plan “Agricultural Resources” also acknowledges the significance of agriculture in Humboldt County. The two goals listed under 4.5.3 include “Agricultural Production – economically viable agricultural operations contributing to the growth and stability of the economy and a strong market demand for agricultural lands dedicated to agricultural production” and also “Preservation of Agricultural Lands – agricultural land preserved to the maximum extent possible for continued agricultural use in parcel sizes that support economically feasible agricultural operations.” A specific policy, AG-P3, is to “Support the Williamson Act Property Tax Incentive Program” by continuing, enhancing, and growing the County Williamson Act program. The primary purpose of the Williamson Act of 1965 was to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban areas. The Williamson Act Contracts restrict subdivision of preserve lands, rendering rights of division as subservient to the contract for Class C. Several additional policies in Chapter 4.5 of the

Humboldt County General Plan prioritize the conservation of agricultural lands and soils (AG-P5, AG-P6, AG-P16). Establishing agricultural preserve clearly aligns with the Humboldt County General Plan.

- 4. FINDING:** 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.

EVIDENCE: The proposed preserve land has historically been used is utilized as an organic dairy farm, as well as to raise beef cattle, and to grow hay. The proposed preserve would support and encourage continuation of commercial agricultural uses through contractual obligation. Based on information submitted, the establishment of the preserve will not conflict with any adjoining or surrounding land uses. The Humboldt County Williamson Act Advisory Committee has reviewed the proposed preserve and recommend approval.

CLASS C CRITERIA – HUMBOLDT COUNTY WILLIAMSON ACT GUIDELINES

- 5. FINDING:** The preserve area must not be less than 100 acres of cropland (i.e. tillable soils) with no individual parcel of less than 20 acres. The land must be in an “agricultural” designation on the Humboldt County General Plan and be zoned for agricultural use.

EVIDENCE: The total proposed preserve area is approximately 115 acres. Three of the four APN proposed to be included comprise one legal parcel and contain approximately 95 acres. The other parcel is 20 acres in size. The proposed preserve land is all designated “Agriculture Exclusive” or “Agriculture Grazing” in the General Plan. The land is all zoned “Agriculture Exclusive” except for approximately 23 acres zoned Unclassified (“U”), which is proposed to be rezoned as part of this application to Agriculture Exclusive.

- 6. FINDING:** Lands not zoned Timber Production (“TPZ”) within the preserve must be placed in an agricultural zone with minimum parcel sizes as determined by the Planning Commission and Board of Supervisors prior to the execution of the contract. All rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract.

EVIDENCE: A majority of the proposed preserve land is zoned Agriculture Exclusive with a minimum parcel size of 60 acres, with combining zones for Wetland Protection, Flood Hazard, Streams and Riparian Corridor Protection, Transitional Agricultural Lands (AE-60 – W,F,R,T). There are 23 acres outside the coastal zone (“Inland”) that are zoned Unclassified (U). The land zoned Unclassified will be rezoned to an Agriculture Exclusive

- 7. FINDING:** Land must consist of prime land or tillable non-prime land of statewide or local significance, or a combination of prime or tillable non-prime lands.

EVIDENCE: Much of the subject property consists of prime agricultural land as defined in Government Code 51201. The land has supported an organic

family dairy farm since the early 1930s. There are currently about 75 milking cows and 30 beef cattle, plus offspring. The land's ability to support livestock for production of food and fiber, and demonstrated carrying capacity of over one animal unit per acre as defined by the USDA, qualify it as prime agricultural land. In addition much of the soil is rated 80-100 in the Storie Index Rating.

FINDINGS FOR ZONE RECLASSIFICATION

- 8. FINDING:** The amendment is in the public interest.
- EVIDENCE:** The zone reclassification is necessary, due to program requirements, to establish the proposed lands as an agricultural preserve. Establishing such preserves is in the public best interest to protect spaces for agricultural and open space uses. The primary purpose of the Williamson Act of 1965 was to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban areas. The guidelines for a Class C agricultural preserve stipulate that the land must be zoned AE or AG if it is not TPZ. Approximately 23 acres of proposed preserve land is zoned Unclassified ("U") and therefore is proposed to be rezoned to Agriculture Exclusive. This new more restrictive zoning, along with specified minimum parcel size, and proposed Land Contract, would all prohibit future parcel division and discourage conversion away from agricultural uses of the land. Long term conservation of agricultural lands and open spaces is in the public interest.
- 9. FINDING:** The amendment is consistent with the County General Plan.
- EVIDENCE:** The amendment increases land zoned for agriculture in the County. Chapter 4.5 of the Humboldt County General Plan "Agricultural Resources" includes numerous goals related to preserving agricultural resources including the "Preservation of Agricultural Lands – agricultural land preserved to the maximum extent possible for continued agricultural use in parcel sizes that support economically feasible agricultural operations." Several additional policies in Chapter 4.5 of the Humboldt County General Plan prioritize the conservation of agricultural lands and soils (AG-P5, AG-P6, AG-P16). Therefore placing more land in agricultural zones aligns with the County General Plan.
- 10. FINDING:** The zone reclassification does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
- EVIDENCE:** The parcels are zoned and planned for resource production and were not utilized for determining compliance with housing element law.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Recommends that the Humboldt County Board of Supervisors approve the **Hansen Family Preserve Zone Reclassification, Agricultural Preserve and enter into a Land Conservation Contract with Darren and Karen Hansen.**

Adopted after review and consideration of all the evidence on **October 6, 2022.**

The motion was made by Commissioner _____ and seconded by Commissioner _____ and the following ROLL CALL vote:

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director,
Planning and Building Department