



COUNTY OF HUMBOLDT

For the meeting of: 2/25/2025

File #: 25-234

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: Majority

SUBJECT:

The 2015 Sean O'Day and Kathryn O'Day Family Trust Agricultural Preserve and Land Conservation Contract (Ferndale Area)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing, receive, and consider the staff report, the Planning Commission's findings and accept public comment; and
2. Close the public hearing; and
3. Adopt Resolution forming the 2015 Sean O'Day and Kathryn O'Day Family Trust Class A Agricultural Preserve (Attachment 1); and
4. Direct the Chair to execute the 2015 Sean O'Day and Kathryn O'Day Family Trust Land Conservation Contract (Attachment 2); and
5. Direct the Clerk of the Board to give notice of the decision to the 2015 Sean O'Day and Kathryn O'Day Family Trust, the Planning and Building Department, and any other interested parties.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Sustainable Natural Resources & Infrastructure Stewardship

Strategic Plan Category: 5004 - Preserve agricultural and timber land

DISCUSSION:

Executive Summary:

An application to establish a Class "A" Agricultural Preserve of approximately 157 acres in the Freshwater area pursuant to the California Land Conservation Act and the Humboldt County Williamson Act Guidelines and enter a Land Conservation Contract. The property is owned by the 2015 Sean O'Day and Kathryn O'Day Family Trust and is used for cattle grazing.

On Aug. 1, 2024, the Planning Commission approved a Coastal Development Permit to allow the merging of APNs 403-071-060 and APN 403-071-052 into one parcel of approximately 44 acres in size and recommended the Board of Supervisors approve the Agricultural Preserve and Land Conservation Contract by a vote of 5-0 without any changes to the project. Planning Commission Resolution 24-042 is included in this report as Attachment 4.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion 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 10 years and is automatically renewed every year, maintaining a constant 10-year contract. 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.).

To qualify for a Class "A" Prime Land Preserve and contract, the preserve area must contain at least 100 contiguous acres and no individual parcel of land shall be less than 20 acres in size. The land must be more than 50% prime agricultural land. All land not zoned Timber production Zone (TPZ) must be classified Agriculture Exclusive (AE). The parcels must be devoted to agricultural use and have provided a gross annual income of \$12,000 per ownership unit from agricultural production for 3 of the last 5 years. While under contract the rights of division, including any existing legal patents, are subservient to the enforceable restriction secured by the Land Conservation Contract and Section 8 of the Humboldt County Williamson Act Guidelines.

The proposed preserve land consists of four assessor parcels totaling approximately 157 acres. The land is designated Agricultural Exclusive (AE) and Agriculture Exclusive/Prime and Non-Prime Lands (AE) per the Humboldt Bay Area Plan. The land is zoned Agriculture Exclusive (AE) and Agriculture Exclusive with a 60-acre minimum parcel size, with Flood Hazard Areas and Transitional Agricultural Lands combining zones (AE-60/F,T). The slope stability is considered relatively stable, and the land is and has been used historically for cattle grazing. Approximately 52 percent of the subject property is considered prime farmland if irrigated and drained. The ranch's income from the sale of cattle averaged approximately \$81,610 a year for 3 of the last 5 years, according to the provided income verification. Of the four separate parcels, three of the parcels are more than 20 contiguous acres and one (APN 403-071-060) is less than 20 contiguous acres. With the approved merger of APNs 403-071-052 and 403-071-060, the subject land meets all the requirements for a Class "A" Prime Land Preserve.

There are no outstanding zoning violations on the subject parcels.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff has concluded that the proposed agricultural preserve meets the required findings. The Williamson Act Committee reviewed the project on July 11, 2024, and recommended approval.

Record Number: PLN-2024-18973

Assessor Parcel Numbers: 403-071-052, 403-071-059, 403-071-060, and 403-071-061

Project Location:

The project is in the Freshwater area, at the southeast intersection of Myrtle Avenue and Felt Road, on the property known as 2905 Felt Road.

Present General Plan Land Use Designation:

Agricultural Exclusive (AE), Freshwater Community Plan (FWCP) and Humboldt County General Plan (HCGP); Agriculture Exclusive/Prime and Non-Prime Lands (AE), Humboldt Bay Area Plan (HBAP). Density: 20-60 acres per unit; 60-acre minimum parcel size respectively. Slope Stability: Relatively Stable (0).

Present Zoning:

Agriculture Exclusive (AE); Agriculture Exclusive with a 60-acre minimum parcel size, with Flood Hazard Areas and Transitional Agricultural Lands combining zones (AE-60/F,T).

Environmental Review:

The project is exempt from environmental review per Sections 15317 (Open Space Contracts or Easements) of the CEQA Guidelines.

State Appeal:

Project is not appealable to the California Coastal Commission.

Major concerns:

None.

SOURCE OF FUNDING:

Applicant Fees - Planning and Engineering Services (1100277-608000)

FINANCIAL IMPACT:

According to the Humboldt County Assessor's Office, property value for the land included in the proposed establishment of an agricultural preserve is \$802,070. This results in an approximate \$8,021 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 liability tax 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 considering the loss of state subventions.

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 2024-2025 budget.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have responded recommending approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could deny approval if unable to make all the required findings. Staff is confident that the required findings in support of the proposal can be made and does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Resolution No. ____ establishing Class A Preserve
- A. Resolution No. ____ establishing Class A Preserve Exhibit B (map)
2. The 2015 Sean O'Day and Kathryn O'Day Family Trust Land Conservation Contract
3. Notice of Merger for Recordation
4. Planning Commission Resolution 24-042

PREVIOUS ACTION/REFERRAL:

Meeting of: Aug. 1, 2024

File No.: 24-1159

APPLICANT AND PLANNER INFORMATION:

Applicant

The 2015 Sean O'Day and Kathryn O'Day Family Trust
c/o Sean O'Day
4285 Hillras Way
Fortuna, CA 95540

Owner

Same as applicant

Agent

None

Please contact Rodney Yandell, Senior Planner, at 707-268-3732 or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled item.