

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; March 16, 2021

Resolution No. ____ - ____ Resolution of the Board of Supervisors of the County of Humboldt CANCELING A WILLIAMSON ACT CONTRACT AND WAIVING EARLY CANCELLATION PENALTIES ON PROPERTY BEING DEDICATED TO THE BUREAU OF LAND MANAGEMENT FOR HABITAT CONSERVATION PURPOSES FOR RECORD NO. PLN-2021-17040

WHEREAS, On December 16, 2008, the Board of Supervisors adopted a Resolution (AGP #08-109) establishing the Westfall Agricultural Preserve; and

WHEREAS, The League purchased the Westfall property (8224 Elk River Road) in 2016, in collaboration with the Bureau of Land Management (BLM), with the goal of transferring the property to the adjacent 7,472-acre Headwaters Forest Reserve to enhance public access opportunities; and

WHEREAS, in 2017, Save the Redwoods acquired the property from the Westfall's and entered into a successor land conservation contract; and

WHEREAS, the Westfall property contains 24 acres of redwood forest, significant floodplain meadows, and a mile-long frontage of the imperiled Elk River, where restoration for Coho salmon habitat is underway in partnership with the BLM; and

WHEREAS, the property also contains a ~1,000 square foot house and small barn, both of which have been maintained and cared for during the League's ownership through the employment of live-in caretakers. The BLM has an agency-wide policy of not accepting property that contain improvements. Due to this fact, removing the house from the League-BLM transaction is a requirement. Respecting the County's desire to preserve its housing stock, the League and BLM have searched for alternatives to demolishing the house; and

WHEREAS, the parties have engaged with the Humboldt County Planning & Building Department to arrive at the solution of creating a separate parcel for the house, nearby barn, and its immediately surrounding land. BLM would then be able to acquire the larger, vacant parcel from the League, while the League retains the smaller house parcel for subsequent sale to a private buyer; and

WHEREAS, the Williamson Act in Government Code Section 51280 et sequence allow cancellation of contracts and cancellation of contracts without payment of cancellation fees subject to making certain findings; and

WHEREAS, the Board of Supervisors held a duly-noticed public hearing, on March 16, 2021, and reviewed, considered, and discussed the application canceling a Williamson Act

Contract and waiving early cancellation penalties on property being dedicated to the Bureau of Land Management for Habitat purposes.

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

1. FINDING: **CEQA.** The action is exempt from the California Environmental Quality Act.

- EVIDENCE:**
- a) CEQA Guidelines Section 15325 exempts from environmental review the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources. The fundamental action contemplated with this action is dedication of open space to the Bureau of Land Management.
 - b) CEQA Guidelines Section 15061(b) finds a project to exempt from CEQA if: (3) The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed activity does not propose a new activity on the site and proposes no new construction. The project will allow an existing occupied dwelling to continue to be an occupied dwelling.

2. FINDING Consistent with Government Code Section 51282 the Board of Supervisors finds that the cancelation of this contract and waiving cancellation fees to be in the Public Interest, that other public concerns substantially outweigh the objectives of this chapter; and that there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

- EVIDENCE**
- a) The land is being transferred to BLM for habitat conservation purposes and in that scenario the structure will not be used as a residence. This would result in the loss of a residential unit in Humboldt County which would be detrimental to a housing supply which is currently not adequate based on the low vacancy rate of rentals and the low number of housing units available for sale. It is in the public interest to preserve existing housing stock when feasible.

- b) This action will enable Save the Redwoods to maintain the residence as a separate legal parcel and convey the remainder of the property to BLM without violating the Williamson Act Contract.
- c) If the County does not grant the petition to cancel the Williamson Act Contract and waive the cancellation fees, the property will be dedicated to BLM and the contract will be cancelled but at that point the property will have been transferred and the house structure will be part of the BLM holdings. d the house will be lost to the housing stock. It is in the public interest to cancel the Williamson Act contract prior to any property conveyance to retain the house as a residential unit.
- d) The property is adjacent to the Headwaters Forest Reserve and contains 24 acres of redwood forest, significant floodplain meadows, and a mile-long frontage of the imperiled Elk River, where restoration for Coho salmon habitat is underway in partnership with the BLM. There is no other property on the Elk River that meets these criteria

3. FINDING The landowner’s petition is accompanied by a proposal for a specified alternative use of the land.

EVIDENCE a) Save the Redwoods submitted a letter dated March 2, 2021 that outlines the intent to dedicate the property to BLM and BLM’s intended use of the property for habitat enhancement purposes.

4. FINDING The future use of the land and its economic return to the landowner will not exceed the unexpired period of the contract.

EVIDENCE a) The property will be dedicated to BLM for habitat purposes and to allow public access. The cancellation of the contract is not to allow use of the property for public gain, but to enhance habitat and allow public access.
 b) The residence will be used solely as a residence and will not have other commercial or economic value.

5. FINDING The cancellation is result of a change in the use of the land which does not produce a greater economic return to the owner.

EVIDENCE a) The property will be dedicated to BLM for habitat purposes and to allow public access. The cancellation of the contract is not to allow use of the property for public gain, but to enhance habitat and allow public access.
 b) The residence will be used solely as a residence and will not have other commercial or economic value.

6. FINDING The board determines that it is in the best interests of the program to conserve agricultural land use that the payment or is not required.

EVIDENCE a) When the property is conveyed to BLM, the Williamson Act Contract can be canceled, and no more taxes will be paid on the property. By retaining canceling the contract and allowing the house parcel to be retained, there will continue to be a dwelling unit at this location and the house parcel will continue to be part of the tax role. This property will no longer be in agricultural production and there is no value in keeping the Williamson Act Contract intact until canceled by BLM.

NOW, THEREFORE, be it resolved that the Board of Supervisors hereby:

- 1 Adopts the Findings listed above; and
- 2 Authorizes cancellation of the Williamson Act Contract for APN's 311-041-034 and 311-041-036 and waives payment of Cancellation fees; and
- 3 Directs the Planning and Building Direct to submit a letter to the Secretary of the Natural Resources Agency requesting approval of the Cancellation without payment of Cancellation fees.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on March 16, 2021, by the following vote:

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chair

Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: KATHY HAYES

Date: _____, 2021

By _____ Deputy