



# COUNTY OF HUMBOLDT

For the meeting of: 3/11/2025

---

**File #:** 25-331

---

**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 in the 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 the attached resolution (Attachment 1) forming the 2015 Sean O'Day and Kathryn O'Day Family Trust Class A Agricultural Preserve; 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 provide a certified board order to the Planning and Building staff to be included with the notification of decision to the appropriate 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 200 acres in the Ferndale 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 and feed production.

On Aug. 1, 2024, the Planning Commission 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 24-041 is included in this report as Attachment 3.

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

---

**File #: 25-331**

---

Conservation Contract is 10 years and is automatically renewed every year, maintaining a constant ten-year contract. In exchange for restricting the uses, the land is valued as open space land pursuant to open space valuation laws for taxation purposes (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 consists of one approximately 200-acre assessor parcel. The land is Agriculture Exclusive/Prime and Non-Prime Lands (AE) per the Eel River Area Plan. The land is zoned Agriculture Exclusive with a 60-acre minimum parcel size, with Archaeological Resource Area Outside Shelter Cove, Flood Hazard Areas, Streams and Riparian Corridors Protection, and Transitional Agricultural Lands combining zones (AE-60/A,F,R,T). The slope stability is considered relatively stable, and the land has been used historically for dairy farming, cattle grazing, and feed production, and is currently used for cattle grazing and feed production. One hundred percent of the subject property is considered prime farmland if irrigated or irrigated and drained. The ranch's income from feed sales, livestock sales, and property rental for the purpose of dairy farming averaged approximately \$117,111 a year for 3 of the last 5 years, according to the provided income verification.

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-2024-18974

**Assessor Parcel Number:** 106-091-009

**Project Location:**

The project is in the Ferndale area, on the east side of Pleasant Point Road, approximately 1/2 mile north of the intersection of Grizzly Bluff Road and Pleasant Point Road, on the property known as 595 Pleasant Point Road.

**Present General Plan Land Use Designation:**

Agriculture Exclusive/Prime and Non-Prime Lands, Eel River Area Plan (ERAP). Density: 60-acre minimum parcel size. Slope Stability: Relatively Stable (0).

**Present Zoning:**

Agriculture Exclusive with a 60-acre minimum parcel size, with Archaeological Resource Area Outside Shelter Cove, Flood Hazard Areas, Streams and Riparian Corridors Protection, and Transitional Agricultural Lands combining zones (AE-60/A,F,R,T).

**Environmental Review:**

The project is exempt from environmental review per Section 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:**

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 in light of the loss of state subventions.

In this case the property tax is \$25,407.04. The property is on soil that supports grazing year-round, especially when irrigated. This would move the tax rate reduction conservatively to 75% which would result in a reduction in tax of \$19,055.28, meaning that the property would generate \$6,351.76 in annual taxes.

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 (Budget unit 1100-277).

**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. Planning Commission Resolution 24-041

**PREVIOUS ACTION/REFERRAL:**

Meeting of: August 1, 2024; February 25, 2025  
File No.: 24-1160; 25-234

**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.