

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

Resolution Number 23-085

Record Number PLN-2023-18106

Assessor's Parcel Numbers: 215-062-003, 215-062-005, 215-062-007, 215-063-005, 215-063-006, 215-063-007, 215-064-001, 215-064-004, 215-064-005, 220-061-011, 222-081-001, 222-081-003, 222-081-005, 222-081-010, 222-081-012, 222-082-002, 222-083-002, 222-154-005, 222-154-006, 222-154-007

Resolution by The Planning Commission of the County of Humboldt to establish The Marshall Ranch Agricultural Preserve.

WHEREAS, The Marshall Ranch, LLC have applied to place approximately 2,867 acres into a Class "B" Agricultural Preserve and enter into a Land Conservation Contract in the Briceland area 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; (4) the land must be zoned for agricultural purposes and provide for minimum parcel sizes; (5) the land shall not 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 Reclassifications from Agriculture Exclusive and Unclassified into the more restrictive Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE-B-5(160)) is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15061 (b)(3) of CEQA Guidelines; and

WHEREAS, the Department has determined that the merging of parcels to meet the 160-acre minimum parcel size to qualify for a Class "B" Agricultural Preserve is categorically exempt

from the provisions of the California Environmental Quality Act (CEQA) per Section 15305 (a) of CEQA Guidelines; 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 Marshall Ranch, LLC Agricultural Reserve, Zone Reclassification, Notice of Merger, and Land Conservation Contract (Record No. PLN-2023-18106); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on September 21, 2023, and reviewed, considered, and discussed the application for the Agricultural Reserve, Zone Reclassification, Notice of Merger, and Land Conservation Contract, and reviewed and considered all evidence and testimony presented at the hearing.

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

1. **FINDING:** **Project Description:** An application to establish a Class “B” Agricultural Preserve of approximately 2,867 acres pursuant to the California Land Conservation Act and the Humboldt County Agricultural Preserve Guidelines and enter into a Land Conservation Contract, and to rezone lands within the preserve not zoned Timberland Production Zone (TPZ) to Agriculture Exclusive with a combining zone establishing a 160-acre minimum parcel size (AE-B-5(160)), and to merge all 33 separate parcels (consisting of 20 APNs) within the preserve (24 of which less than 160 acres in size) into one parcel of approximately 2,867 acres in size pursuant to Section 1.B(2) of Humboldt County Board of Supervisors Resolution No. 16-144 (Humboldt County Williamson Act Guidelines).

EVIDENCE: Project file: PLN-2023-18106

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

EVIDENCE: Section 15317 of the CEQA Guidelines categorically exempts the establishment of agricultural preserves and open space contracts. 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. Section 15305 (a) Section 15305(a) applies to parcel mergers not resulting in the creation of any new parcel. In this case, the rezone of approximately 374 acres of AE

and approximately 126 acres of U to AE B-5(160) and the merging of all of the parcels into one parcel to facilitate an agricultural preserve has no possibility of significant environmental impacts because it further restricts the uses and development of the property.

FINDINGS FOR THE ESTABLISHMENT OF THE AGRICULTURAL PRESERVE

3. **FINDING:** The proposed project is in consistent with the County General Plan.

EVIDENCE: Chapter 4.5 of the Humboldt County General Plan “Agricultural Resources” recognizes 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. 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). The proposed preserve land is designated Agriculture Grazing (AG), Residential Agriculture (RA), and Timber Production (T) by the Humboldt County General Plan. The proposed preserve would protect and preserve approximately 2,867 acres of agricultural land in the County.

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 as grazing land by The Marshall Ranch. In addition to grazing, the forested portions of the land support timber production and are zoned as such. 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 B CRITERIA – HUMBOLDT COUNTY WILLIAMSON ACT GUIDELINES

5. **FINDING:** The preserve area should not be less than 600 acres with no individual lot or parcel of less than 160 contiguous acres.

EVIDENCE: The subject property totals approximately 2,867 acres. Parcels within the preserve will be merged into one parcel.

6. **FINDING:** Land not zoned Timberland Production Zone (TPZ) within the preserve must be placed within the Agricultural Exclusive zoning district with a combining zone specifying a minimum lot size of 160 acres (AE-B-5(160)) prior to the execution of the contract. All rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract and Section 8 of the Humboldt County Williamson Act Guidelines.

EVIDENCE: A vast majority of the proposed land is zoned TPZ or AE-B-5(160). Approximately 374 acres is zoned Agriculture Exclusive (AE) and approximately 126 acres is zoned Unclassified (U). These portions are proposed as part of this application to be reclassified to AE-B-5(160). The minimum parcel size also restricts division of this land. With the adoption of the zone reclassification, all of the proposed preserve land will be zoned for agriculture AE-B-5(160) or TPZ.

7. **FINDING:** The land shall consist of non-prime agricultural land of statewide or local significance.

EVIDENCE: Per Section 1.F(5) non-prime agricultural land means “lands, including grazing lands, which are not prime agricultural land as defined in Section 51201(c) of the Government Code, that are designated for agricultural use in the General Plan, and which are in agricultural use, have present or future potential for significant agricultural production, or provide for compatible open space uses consistent with the purposes of the Williamson Act.”

All land within the proposed preserve is non-prime agricultural land. It has an Agricultural designation in the County General Plan (AG and/or T or RA). The land has been used for commercial agricultural production, for grazing and timber production by a ranch. The Slope Stability of the land is rated “2” as being moderately unstable.

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 B agricultural preserve stipulate that the land must be zoned AE-B-5(160) if it is not TPZ. A vast majority of the proposed land is zoned TPZ or AE-B-5(160). Approximately 374 acres is zoned Agriculture Exclusive (AE) and approximately 126 acres is zoned Unclassified (U). These portions are proposed as part of this application to be reclassified to AE-B-5(160). The new, more restrictive, zoning district; specified minimum parcel size; and proposed Land Contract would all prohibit future parcel division and discourage conversion away from agricultural uses of the land. 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 Humboldt County General Plan has numerous goals and policies related to protecting and preserving its agricultural assets and economy. Chapter 4.5 of the Humboldt County General Plan “Agricultural Resources” recognizes 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.”

The land proposed for this preserve is designated in the General Plan as Residential Agriculture with a 40-acre minimum parcel size (RA40), Residential Agriculture with a 20-acre minimum parcel size (RA20), Timberland (T), and Agricultural Grazing (AG). The portions of the preserve proposed for a zone reclassification (~500 acres) are currently zoned Agriculture Exclusive (AE) or Unclassified (U). The rest of the proposed preserve land is zoned AE-B-5(160) or TPZ. Reclassifying from AE and U to the more restrictive AE-B-5(160) helps ensure the land is used for agricultural purposes and not prematurely subdivided for competing urban land uses. Entering into Land Conservation Contracts such as when creating an agricultural preserve also helps ensure the land is protected for agricultural uses. Therefore, staff concludes the zoning reclassification enabling an agricultural preserve land contract to be entered is consistent with the goals and policies of the 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.

FINDINGS FOR NOTICE OF MERGER

- 11. FINDING:** Section 327.5-18 Legal, Contiguous Parcels

EVIDENCE The proposed merged parcel would involve 31 legal, contiguous parcels per Certificate of Subdivision Compliance, Instrument No. 2016-007292. The proposed merged parcel would also involve two legal, contiguous parcels per Notice of Merger and Certificate of Subdivision Compliance, Instrument No. 2016-007290 and Notice of Merger and Certificate of Subdivision Compliance, Instrument No. 2016-007291.

- 12. FINDING:** Section 327.5-18 Parcels meet health, building, and zoning requirements.
- EVIDENCE** The resultant parcel will be zoned both AE-B-5(160) and TPZ and the parcel is compliant with the building and zoning requirements.
- 13. FINDING:** Section 327.5-18 Merged parcel will not create health or safety problems.
- EVIDENCE** The proposed merger complies with all standards of the zone district which are intended to protect public health safety and welfare. Based on staff analysis and the findings made in this report, there is no evidence that the proposed merger will be materially injurious to properties or improvements in the vicinity.

DECISION

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

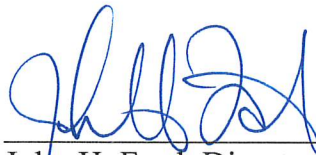
- Adopt the findings set forth in this resolution; and
- Recommends that the Humboldt County Board of Supervisors approve The Marshall Ranch, LLC Agricultural Reserve, Zone Reclassification, Notice of Merger, and Land Conservation Contract.

Adopted after review and consideration of all the evidence on **September 21, 2023**.

The motion was made by Commissioner Iver Skavdal and seconded by Commissioner Brian Mitchell and the following ROLL CALL vote:

AYES: Commissioners: Iver Skavdal, Noah Levy, Lonyx Landry, Thomas Mulder,
Peggy O'Neill, Brian Mitchell, Sarah West
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion carries 7/0

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

CONDITIONS OF APPROVAL

Approval of the Agricultural Preserve is conditioned on the following terms and requirements which must be satisfied before the Agricultural Preserve, Zone Reclassification, Notice of Merger, and Land Conservation Contract can be scheduled for action by the Board of Supervisors.

Conditions of Approval

1. The applicant shall submit a legal description of the Agricultural Preserve for review and approval by the County Land Surveyor. The applicable review fee (currently \$445.00) must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the Land Conservation Contract application being scheduled for a decision by the Board of Supervisors.
2. The applicant shall submit a completed Notice of Merger and Certificate of Subdivision Compliance document along with legal document review fees (currently \$130.00), notary fees (currently \$15.00) and recording fees, as applicable.
3. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$106.00) as required by the County Assessor shall be paid to the County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
4. The applicant shall submit an executed and notarized Land Conservation Contract.

The Marshall Ranch (Williamson Application)

North ↑

