

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on January 10, 2023

Resolution No. 23-10

Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS OF FACT, CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND REZONING LAND FROM UNCLASSIFIED AND AGRICULTURE EXCLUSIVE TO AGRICULTURE EXCLUSIVE WITH A COMBINING ZONE SPECIFYING 160 ACRES.

**WHEREAS**, Hunter Ranch LLC have applied to place approximately 14,792 acres into a Class "B" Agricultural Preserve in the Korbel 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 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 and provide for minimum parcel sizes; (5) the land shall consist of prime and/or non-prime agricultural land of statewide significance; and

**WHEREAS**, in order to comply with the requirements for establishment of an agricultural preserve the land must be zoned Agricultural Exclusive with a combining zone of 160 acres; and

**WHEREAS**, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable 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 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)); and

**WHEREAS**, on August 18, 2022 the Humboldt County Planning Commission recommended that the Board of Supervisors rezone the property to Agriculture Exclusive with a combining zone of 160 acres; and

**WHEREAS**, the Board of Supervisors opened a duly-noticed public hearing on January 10, 2023; and

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

1. **FINDING:** **Project Description:** Establishment of a Class B Agricultural Preserve of approximately 14,792 acres pursuant to the California Land Conservation Act, otherwise known as the Williamson Act, and the Guidelines for Establishment of Agricultural Preserves in the County of Humboldt, Res. No. 16-144 (“Humboldt County Williamson Act Guidelines”). Additionally, a Zone Reclassification to rezone approximately 10 acres from Unclassified to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)).

**EVIDENCE:** a) Project File: PLN-2022-17674

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. 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 10 acres from unclassified to Agricultural Exclusive 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:** 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 and Timber Production by the Humboldt County General Plan. The proposed preserve would protect and preserve nearly 15,000 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 Hunter Ranch LLC. 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 have 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 14,792 acres. No individual lot or parcel is less than 160 acres.

6. **FINDING:** Land not zoned Timber Production (“TPZ”) within the preserve must be placed within the Agricultural Exclusive (“AE”) zoning district with a combining zone specifying a minimum lot size of 160 acres 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. Approximately 10 acres on APN 315-204-004-000 is zoned Unclassified (“U”). This portion is proposed as part of this application to be reclassified to AE, with a Special Building Site combining zone establishing a 160 acre minimum parcel size (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 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). The land has been used for commercial agricultural production, for grazing by a ranch. The Slope Stability of the land is rated “3” as being the least stable.

#### **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 if it is not TPZ. The parcel on Hunter Ranch containing a small portion zoned Unclassified (APN 315-204-004) is about 175 acres total. Changing the approximately 10 acres zoned “U” to “AE” with a

Special Building Site combining zone establishing a 160 acres minimum allows this parcel and thus 175 more acres to be included in the preserve. 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 Agriculture Grazing and Timber Production, or just Timber Production. The portion of the parcel proposed for a zone reclassification (~10 acres) is currently zoned Unclassified ("U"). The rest of the parcel, and proposed preserve land is zoned AG; TPZ, or TPZ. Reclassifying from Unclassified to the more restrictive Agriculture Exclusive 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 believes 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.

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

- Adopt the findings set forth in this resolution; and
- Approves the Hunter Ranch LLC Zone Reclassification, Agricultural Preserve and enter into a Land Conservation Contract with Hunter Ranch LLC.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on January 10, 2023, by the following vote:

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

AYES: Supervisors: Bohn, Bushnell, Madrone, Wilson, Arroyo

NOES: Supervisors:

ABSENT: Supervisors:

  
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Steve Madrone, 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: January 10, 2023

By  Deputy