

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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

Resolution No. 23-9

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 TO AGRICULTURE EXCLUSIVE.

**WHEREAS**, Hansen Family Farms have applied to place approximately 115 acres into a Class "C" Agricultural Preserve in the Ferndale 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 Timberland Production or Agricultural zoning; 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 is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15061 (b)(3)); and

**WHEREAS**, on October 6, 2022 the Humboldt County Planning Commission

recommended that the Board of Supervisors rezone the property currently zoned Unclassified to Agriculture Exclusive; 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 C Agricultural Preserve of approximately 115 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 23 acres from Unclassified to Agriculture Exclusive.

**EVIDENCE:** a) Project File: PLN-2022-17731

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 23 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 Agricultural Grazing and Agricultural Exclusive by the Humboldt County General Plan. The proposed preserve would protect and preserve approximately 115 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 an organic dairy farm, to grow hay and to raise beef cattle. 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 shall contain not less than 100 acres of cropland (i.e., tillable soil) and no individual lot or parcel of land therein should be less than 20 contiguous acres.

**EVIDENCE:** The subject property totals approximately 115 acres. No individual lot or parcel is less than 20 acres.

**FINDING:** The land is shown in an “agricultural” designation on the Humboldt County General Plan and is zoned for agricultural use.

**EVIDENCE:** The land is currently designated Agricultural Grazing and Agricultural Exclusive, and is zoned Agriculture Exclusive and Unclassified. The proposed rezone of the lands currently zoned Unclassified will ensure that the entirety of the agricultural preserve is compliant with this requirement of the Williamson Act Guidelines.

**FINDING:** The proposed zoning and contract will prohibit any parcel divisions.

**EVIDENCE:** Minimum lot area requirements are 60 acres for parcels zoned AE. This would preclude any subdivision of the parcels, as subdivided parcels could not meet

minimum standards. Additionally, the Hansen Family Farm Land Conservation Contract stipulates that the land shall not be divided into preserves of less than 100 acres.

6. **FINDING:** Land not zoned Timber Production (“TPZ”) within the preserve must be placed within an agricultural zoning district. 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:** The majority of the proposed land is zoned AE. Approximately 23 acres on APN 106-111-002 is zoned Unclassified (“U”). This portion is proposed as part of this application to be reclassified to AE. 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:** Land within the cropland preserve shall consist of prime land or tillable non-prime land of statewide or local significance.

**EVIDENCE:** Much of the subject property consists of prime agricultural land as defined in Government Code 51201. The land has supported an organic family dairy farm since the early 1930s. There are currently about 75 milking cows and 30 beef cattle, plus offspring. The land’s ability to support livestock for production of food and fiber, and demonstrated carrying capacity of over one animal unit per acre as defined by the USDA, qualify it as prime agricultural land. In addition much of the soil is rated 80-100 in the Storie Index Rating.

#### **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 C agricultural preserve stipulate that the land must be agriculturally zoned if it is not TPZ. Approximately 23 acres of proposed preserve land is zoned Unclassified (U) and therefore is proposed to be rezoned to AE. This new more restrictive zoning, along with specified minimum parcel size, and proposed Land Contract, would all prohibit future parcel division and discourage parcel 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 Agricultural Exclusive and Agricultural Grazing. The portion of the parcel proposed for a zone reclassification (~23 acres) is currently zoned Unclassified ("U"). The rest of the parcel, and proposed preserve land is zoned AE. 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.

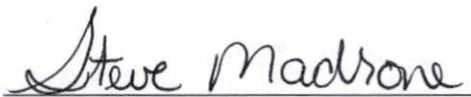
10. **FINDING:** The zone reclassification does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**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 Hansen Family Farm Zone Reclassification, Agricultural Preserve and enter into a Land Conservation Contract with Hansen Family Farm.

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

  
Steve Madrone, Chair  
Humboldt County Board of Supervisors


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--  
ABSTAIN: Supervisors--

STATE OF CALIFORNIA )  
County of Humboldt )

I, KATHY HAYES, Clerk of the Board of Supervisors, 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 entitled 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

  
NIKKI TURNER  
Deputy Clerk of the Board of Supervisors of  
the County of Humboldt, State of California