

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

Resolution Number 24-041

Record Number PLN-2024-18974

Assessor's Parcel Number: 106-091-009

Resolution by The Planning Commission of the County of Humboldt to establish The 2015 Sean O'Day and Kathryn O'Day Family Trust Agricultural Preserve.

WHEREAS, The 2015 Sean O'Day and Kathryn O'Day Family Trust have applied to place approximately 200 acres into a Class "A" Agricultural Preserve and enter into a Land Conservation Contract 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; (4) the land must be zoned for agricultural purposes; (5) the land must be more than 50 percent prime agricultural land; 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 Section 15317 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 The 2015 Sean O'Day and Kathryn O'Day Family Trust Agricultural Reserve and Land Conservation Contract (Record No. PLN-2024-18974); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on August 1, 2024, and reviewed, considered, and discussed the application for the Agricultural

Reserve 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 for the establishment of the Agricultural Preserve:

- 1. FINDING:** **Project Description:** An application to establish a Class "A" Agricultural Preserve of approximately 200 acres pursuant to the California Land Conservation Act and the Humboldt County Williamson Act Guidelines and enter into a Land Conservation Contract.

EVIDENCE: Project file: PLN-2024-18974

- 2. FINDING:** **CEQA.** The proposed project is 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.

FINDINGS FOR THE ESTABLISHMENT OF THE AGRICULTURAL PRESERVE

- 3. FINDING:** The proposed project is in consistent with the Eel River Area Plan.

EVIDENCE: Section 3.34 of the Eel River Area Plan "Agriculture" establishes that the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy. Policy 3.34.A.1 states *"Lands outside Urban Limit Lines that are prime agricultural lands based on the adopted definition of prime lands of the State of California shall be planned for continued agricultural use, and no division or development of such lands shall be approved which would lower the economic viability of continued agricultural operations on them."*

The proposed preserve land is designated Agriculture Exclusive/Prime and Non-Prime Lands by the Eel River Area Plan. The proposed preserve would protect and preserve approximately 200 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 for dairy farming, cattle grazing, and feed production. 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 A CRITERIA – HUMBOLDT COUNTY WILLIAMSON ACT GUIDELINES

5. FINDING: The preserve area should not be less than 100 acres with no individual lot or parcel of less than 20 contiguous acres.

EVIDENCE: The subject property totals approximately 200 acres and is one separate legal parcel.

6. FINDING: Land not zoned Timberland Production Zone (TPZ) within the preserve must be placed within the Agricultural Exclusive (AE) zoning district 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: The land within the preserve is zoned AE 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).

7. FINDING: The land must be more than 50 percent prime agricultural land.

EVIDENCE: One hundred percent of the subject property is considered prime farmland if irrigated or irrigated and drained.

8. FINDING: The land must be devoted to agricultural use and have provided a gross annual income of \$12,000 per ownership unit from agricultural production for three of the last five years.

EVIDENCE: 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 three of the last five years, according to the provided income verification.

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
- Recommend that the Humboldt County Board of Supervisors approve The 2015 Sean O'Day and Kathryn O'Day Family Trust Agricultural Preserve and Land Conservation Contract.

Adopted after review and consideration of all the evidence on **August 1, 2024**.

The motion was made by Commissioner Noah Levy and seconded by Commissioner Sarah West and the following vote:

AYES: Commissioners: Noah Levy, Iver Skavdal, Jerome Qiriazzi, Peggy O'Neill, Sarah West

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners: Thomas Mulder, Lorna McFarlane

DECISION: Motion carried 5/0

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 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 \$460.00) 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 an executed and notarized Land Conservation Contract.

18974 O'Day Class "A" Prime Land Preserve Map

