



COUNTY OF HUMBOLDT

For the meeting of: 8/1/2024

File #: 24-1160

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

The 2015 Sean O'Day and Kathryn O'Day Family Trust Agricultural Preserve and Land Conservation Contract
Assessor Parcel Number: 106-091-009
Record Number: PLN-2024-18974
Ferndale area

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.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the Resolution (Resolution 24-) (Attachment 1) which does the following:
 - A. Finds the proposed project is exempt from environmental review per Section 15317 of the CEQA Guidelines; and
 - B. Makes all the required findings for approval of the Agricultural Preserve and Land Conservation Contract; and
 - C. Recommends The 2015 Sean O'Day and Kathryn O'Day Family Trust Agricultural Preserve and Land Conservation Contract to the Board of Supervisors for approval.

DISCUSSION:

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.

Executive Summary:

An application has been made to establish a Class “A” Prime Land Preserve of approximately 200 acres in the Ferndale area. 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.

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 Conservation Contract is ten 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 (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 percent 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 three of the last five 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 land 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 three of the last five 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.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have responded recommending approval. (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could recommend not approving the project. This alternative should be implemented if your Commission is unable to make all the required findings. Planning Division staff has concluded that the required findings can be made and does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Agricultural Preserve Map
2. Applicant's Evidence in Support of the Findings
3. WAC Draft Minutes July 11, 2024

4. Referral Agency Comments and Recommendations

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.