



COUNTY OF HUMBOLDT

For the meeting of: 3/16/2021

File #: 21-322

To: The Humboldt County Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Request to Cancel Williamson Act Contract and Waive Early Cancellation Penalties on Property being Dedicated to the Bureau of Land Management for Habitat Conservation Purposes

RECOMMENDATION:

That the Board of Supervisors:

1. Open the public hearing and receive the staff report, testimony public; and
2. Close the public hearing; and
3. Adopt the resolution (Resolution 21-__). (Attachment 1) which does the following:
 - a. Adopts the Findings supporting cancellation of the Williamson Act contract without payment of early cancellation fees; and
 - b. Authorizes cancellation of the Williamson Act Contract for APN's 311-041-034 and 311-041-036 and waives payment of Cancellation fees; and
 - c. Directs the Planning and Building Department to submit a letter to the Secretary of the Natural Resources Agency requesting approval of the Cancellation without payment of Cancellation fees.

SOURCE OF FUNDING:

The cost of coordinating with Save the Redwoods and Bureau of Land Management covered in the 2020/21 Department Budget.

DISCUSSION:

Executive Summary

The cancellation of this Williamson Act Contract is requested to allow this parcel to be divided to create an approximately 2 acre parcel to support the existing house on the property. The house would be sold and retained as part of the County housing stock and tax base. The remainder of the parcel will be dedicated by Save the Redwoods to the Bureau of Land Management for habitat conservation purposes.

As discussed in the letter of support from Save the Redwoods (Attachment 2), the property was purchased with the goal of transferring the property to BLM. Under BLM ownership the recently remodeled house on site would no longer be used as a residence. Discussions between BLM, Save the Redwoods and the County were undertaken to determine if there was a path that could allow the house to be sold separately and retained as part of the County housing stock.

The proposal is that Save the Redwoods will transfer all the property to BLM except an approximately 2 acre parcel with the house and barn on it. This will be done as an exemption to the Subdivision Map Act as a conveyance to a public entity (BLM). The Williamson Act Contract would not allow this to occur. Normally, termination of a Williamson Act Contract would involve payment of fines for early termination. In this case, the Board is being asked to waive the cancellation fee. The amount of the Cancellation Fee has not been determined because imposition of the fee would negate this proposal and the property would be conveyed in its entirety to BLM and the house would be used for other purposes. Once the property is conveyed to BLM the Williamson Act will be canceled and the property will no longer be subject to taxation.

The objective is to retain the house as a residential unit on its own parcel and allow dedication to occur. The Williamson Act allows for the early termination of a contract and waiver of cancellation fees pursuant to Government Code section 51283 as follows:

- (c) If it finds that it is in the public interest to do so, the board or council may waive any payment or any portion of a payment by the landowner, or may extend the time for making the payment or a portion of the payment contingent upon the future use made of the land and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been canceled, if all of the following occur:*
- (1) The cancellation is caused by an involuntary transfer or change in the use which may be made of the land and the land is not immediately suitable, nor will be immediately used, for a purpose which produces a greater economic return to the owner.*
 - (2) The board or council has determined that it is in the best interests of the program to conserve agricultural land use that the payment be either deferred or is not required.*
 - (3) The waiver or extension of time is approved by the Secretary of the Natural Resources Agency. The secretary shall approve a waiver or extension of time if the secretary finds that the granting of the waiver or extension of time by the board or council is consistent with the policies of this chapter and that the board or council complied with this article. In evaluating a request for a waiver or extension of time, the secretary shall review the findings of the board or council, the evidence in the record of the board or council, and any other evidence the secretary may receive concerning the cancellation, waiver, or extension of time.*

These findings are addressed in the attached resolution. The two big considerations are first, that the property would not be used for an activity that has a higher economic value than the Williamson Act

Contract would allow. The property will be used for habitat conservation and public access purposes and thus will not have a higher level of economic return than allowed under the Williamson Act Contract. The second item has to do with the need for approval by the Secretary of the Natural Resources Agency. Upon action by the Board of Supervisors a request will be sent to the Secretary with the Board's findings requesting that the cancellation fee waiver be granted. The attached resolution requests the Board authorized the Director of Planning and Building to send this letter.

FINANCIAL IMPACT:

There will be no additional effect on the General Fund. If the house is retained as a separate parcel it will continue to be part of the tax base for Humboldt County and property taxes will be paid on the property.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The following alternative is available for consideration:

The Board could choose not to grant the cancellation or the cancellation fee waiver. This would result in the entire parcel being transferred to BLM and the house would not be retained in the County housing inventory or tax base.

ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

1. Draft Board Resolution and Findings
2. Letter of Support from Save the Redwoods

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: August 25, 2020

File No.: N/A