



COUNTY OF HUMBOLDT

For the meeting of: 5/21/2024

File #: 24-854

To: Board of Supervisors
From: Planning and Building Department
Agenda Section: Public Hearing

SUBJECT:

The Marshall Ranch, LLC Agricultural Reserve, Zone Reclassification, Notice of Merger, and Land Conservation Contract

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce Ordinance No. ____ by title and waive further reading; and
2. Open the public hearing, receive, and consider the staff report, the Planning Commission's findings and accept public comment; and
3. Close the public hearing; and
4. Adopt Resolution No. ____ making all required findings for approval of the Zone Reclassification and Notice of Merger (Attachment 7); and
5. Adopt Ordinance No. ____ (Attachment 1) amending section 311-7 of the Humboldt County Code by reclassifying property within the proposed Marshall Ranch, LLC Agricultural Preserve currently zoned Agriculture Exclusive and Unclassified to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum parcel size of 160 acres (AE B-5(160)); and
6. Direct the Clerk of the Board to publish a summary of the zoning changes withing 15 days of the date of the hearing (Attachment 2); and
7. Adopt Resolution No. ____ forming the Marshall Ranch Class B Agricultural Preserve (Attachment 3); and
8. Direct the Chair to execute the Marshall Ranch Land Conservation Contract (Attachment 4).

SOURCE OF FUNDING:

The applicant has paid the fees associated with filing this project.

DISCUSSION:

Executive Summary:

The Board of Supervisors is being asked to approve a Zone Reclassification and Class B agricultural preserve of approximately 2,867 acres in the Briceland area. The property is owned by The Marshall Ranch, LLC and is used for cattle grazing, timber production and the enhancement of oak woodland and coniferous forest

health. The proposed agricultural preserve meets the required findings for the Zone Reclassification and establishment of the agricultural preserve. The Williamson Act Committee reviewed the project on May 10, 2023, and recommended approval. The Humboldt County Planning Commission reviewed the project on Sept. 21, 2023, and recommended approval.

Project Location:

The project is in the Briceland area, on the southeast of Briceland Thorne Road, approximately 0.4 miles southeast from the intersection of Briceland Thorne Road and Old Briceland Road, on the parcels known to be in Sections 17, 18, 19, 20, 21, 28, 29, and 30 of Township 4S, Range 3E, Humboldt Meridian.

Present General Plan Land Use Designation:

Residential Agriculture with a 40-acre minimum parcel size (RA40), Residential Agriculture with a 20-acre minimum parcel size (RA20), Timberland (T), and Agricultural Grazing (AG), 2017 General Plan. Density: 40 acres per unit, 20 acres per unit, 40-160 acres per unit, and 20-160 acres per unit respectively. Slope Stability: Moderate Instability (2).

Present Zoning:

Agriculture Exclusive (AE), Timberland Production Zone (TPZ), Unclassified (U), and Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)).

Environmental Review:

The project is exempt from environmental review per Sections 15317 (Open Space Contracts or Easements), 15305(a) (Minor Alterations in Land Use Limitations) and 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines.

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Assessor Parcel Numbers: 215-062-003, 215-062-005, 215-062-007, 215-063-005, 215-063-006, 215-063-007, 215-064-001, 215-064-004, 215-064-005, 220-061-011, 222-081-001, 222-081-003, 222-081-005, 222-081-010, 222-081-012, 222-082-002, 222-083-002, 222-154-005, 222-154-006, 222-154-007

Record Number: PLN-2023-18106

Briceland area

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 10 years and is automatically renewed every year, maintaining a constant ten10-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.).

In order to qualify for a Class "B" Grazing Land Preserve and contract, the preserve area must contain at least

600 acres of land and no individual lot or parcel should be less than 160 contiguous acres. Any lands in the preserve not zoned TPZ must be placed in the Agriculture Exclusive zoning district with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)). The land within the preserve must be non-prime agricultural land of statewide or local significance. The parcels must be devoted to agricultural and have provided a gross annual income of \$12,000 from agricultural production for three 3 of the last five 5 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 20 assessor parcels comprised of 34 separate parcels totaling approximately 2,867 acres. The land is designated Residential Agriculture with a 40-acre minimum parcel size (RA40), Residential Agriculture with a 20-acre minimum parcel size (RA20), Timberland (T), and Agricultural Grazing (AG) per the Humboldt County General Plan. The land is zoned Agriculture Exclusive (AE), Timberland Production Zone (TPZ), Unclassified (U), or Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5 (160)). The AE (~ 374 acres) and U (~ 126 acres) zoned portions are proposed to be reclassified to AE-B-5(160). Of the 34 separate parcels, nine of the parcels are equal to, or more than 160 contiguous acres, and 25 of the parcels are less than 160 contiguous acres. All of the parcels will be merged into one parcel. Once zone reclassification and merging of parcels occurs the subject land meets all the requirements for a Class "B" Grazing Land Preserve. The slope stability is considered moderately unstable, and the land is and has been used by historically for cattle grazing, timber production, and the enhancement of oak woodland and coniferous forest health. Approximately forty-seven percent47% of the total property is zoned TPZ and approximately thirty-six percent36% is currently zoned AE-B-5(160). After rezoning 53% of the total property will be zoned AE-B-5(160). The ranch's income exceeded the minimum gross income for a preserve for at least the last three 3 out of five 5 years. On September Sept. 21, 2023, the project was heard before the Humboldt County Planning Commission, who unanimously recommended that the Humboldt County Board of Supervisors approve the Marshall Ranch, LLC Zone Reclassification, Notice of Merger, and enter into a Land Conservation Contract with The Marshall Ranch, LLC.

There are no outstanding zoning violations on the subject parcels.

REQUIRED FINDINGS:

The California Land Conservation Act of 1965, also known as the Williamson Act, provides legislative authority and specifies the findings that must be made to establish Agricultural Preserves. The Williamson Act may be found commencing with Section 51200 of the Government Code. Generally, the following findings must be made to establish Agricultural Preserves.

1. That the proposed preserve is consistent with the County's General Plan (Section 51234 Government Code); and
2. That 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.

Additionally, to be eligible for the establishment of an Agricultural Preserve, the agricultural property must

meet the criteria for one of the four “classes” (A, B, C or D) of Agricultural Preserve Contracts. A summary of the criteria for a Class “B” Preserve is listed below:

CLASS B PRESERVE:

1. The preserve area shall contain not less than 600 acres of land, and no individual lot or parcel of land shall be less than 160 contiguous acres.
2. An ordinance placing all land not zoned TPZ (Timberland Production Zone) within the agricultural preserve in the AE (Agriculture Exclusive) zoning district with a combining zone establishing a 160-acre minimum parcel size (AE-B-5(160)) must be adopted by the Board of Supervisors either prior to formation of the preserve or prior to the execution of the contract. During the term of the contract, all rights of division are subservient to the enforceable restriction secured by the Land Conservation Contract and Section 8 of Resolution No. 16-144.
3. Land within the preserve shall be non-prime agricultural land of statewide or local significance.

ZONE RECLASSIFICATION:

Humboldt County Code Section 312-50.3 specifies the findings that must be made in order to approve a Zone Reclassification. The relevant required findings are as follows:

1. The amendment is in the public interest; and
2. The amendment is consistent with the General Plan; and
3. The amendment 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.

Other than the zoning designations which are proposed to be changed and parcels of less than 160 acres in size are merged, the subject property meets all other requirements for a Class “B” Grazing Land Preserve. The parcels have underlying land use designations of Residential Agriculture with a 40-acre minimum parcel size (RA40), Residential Agriculture with a 20-acre minimum parcel size (RA20), Timberland (T), and Agricultural Grazing (AG). The land is currently used for cattle grazing, timber production, and the enhancement of oak woodland and coniferous forest health, with gross annual income exceeding \$12,000. The Preserve will meet the minimum requirement of 600 acres, with no individual lot of less than 160 acres, once merged.

The required findings for approving the Zone Reclassification can be made. 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-B-5(160) if it is not TPZ. A vast majority of the proposed land is zoned TPZ or AE-B-5(160). Approximately 374 acres is zoned Agriculture Exclusive (AE) and approximately 126 acres is zoned Unclassified (U). These portions are proposed as part of this application to be reclassified to AE-B-5(160). 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.

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 "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 Residential Agriculture with a 40-acre minimum parcel size (RA40), Residential Agriculture with a 20-acre minimum parcel size (RA20), Timberland (T), and Agricultural Grazing (AG). The portions of the preserve proposed for a zone reclassification (~500 acres) are currently zoned Agriculture Exclusive (AE) or Unclassified (U). The rest of the proposed preserve land is zoned AE-B-5(160) or TPZ. Reclassifying from AE and U to the more restrictive AE-B-5(160) 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 concludes the zoning reclassification enabling an agricultural preserve land contract to be entered is consistent with the goals and policies of the General Plan.

The parcels are zoned and planned for resource production and were not utilized for determining compliance with housing element law.

Amendments to the zoning code and maps may be initiated by a majority vote of the Board of Supervisors based on:

1. Recommendation by any Board member.
2. Recommendation of the County Planning Commission.
3. Recommendation of the County Community Development Services Department.
4. Receipt of a petition for amendment, pursuant to Section 312-50.5 by the owner of the property within the area proposed for reclassification.

NOTICE OF MERGER:

Humboldt County Code Section 327.5-18 specifies the findings that must be made in order to approve a Merger of Parcels. The relevant required findings are as follows:

1. The parcel are legal, contiguous parcels; and
2. The parcels meet health, building, and zoning requirements.; and
3. The merged parcels will not create health or safety problems.

The proposed merged parcel would involve 31 legal, contiguous parcels per Certificate of Subdivision Compliance, Instrument No. 2016-007292, two legal, contiguous parcels per Notice of Merger and Certificate of Subdivision Compliance, Instrument No. 2016-007290 and Notice of Merger and Certificate of Subdivision Compliance, Instrument No. 2016-007291, and one legal parcel per Lot Line Adjustment and Certificate of

Subdivision Compliance, Instrument No. 2012-11663.

The resultant parcel will be zoned both AE-B-5(160) and TPZ and the parcel is compliant with the building and zoning requirements.

The proposed merger complies with all standards of the zone district which are intended to protect public health, safety, and welfare. Based on staff analysis and the findings made in this report, there is no evidence that the proposed merger will be materially injurious to properties or improvements in the vicinity.

FINANCIAL IMPACT:

According to the Humboldt County Assessor's Office, property value for the land included in the proposed establishment of an agricultural preserve is \$804,008. This results in an approximate \$8,040 tax liability. Per the California Department of Conservation, the restricted values (i.e., lands under a Williamson Act contract) are estimated to save agricultural landowners from 20-75% in property liability tax each year. The restricted values are affected by income production calculations, base year values, and the State Board of Equalization's annual yield component. The County **county** would therefore be responsible for the loss of revenue from the differences in the taxes collected in light of the loss of state subventions.

Expenses associated with the monitoring of compliance with this program will be covered through the General Fund (Williamson Act Enforcement program), allocated in the Current Planning Division's Fiscal Year 2023-2024 budget.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework priority of enforcing laws and regulations to protect residents and encouraging conservation of agricultural land.

OTHER AGENCY INVOLVEMENT:

The project was circulated to various State and local agencies for comments and recommendations. Both the Williamson Act Committee and the Planning Commission recommend approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to enter into a contract with the Property owners seeking to enroll land into the Williamson Act Program. However, the County's Guidelines support the creation of an Agricultural Preserve and including the working agricultural lands in the program would further the agricultural goals of the General Plan. Therefore, staff does not recommend further consideration of this alternative.

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. Ordinance No. ____
 - A. Ordinance No. ____ Exhibit B (map)
2. Summary of Ordinance
 - A. Summary of Ordinance, map to be published (Exhibit A)
3. Resolution No. ____ establishing Class B Preserve
 - A. Resolution No. ____ establishing Class B Preserve Exhibit B (map)

File #: 24-854

4. The Marshall Ranch, LLC Land Conservation Contract
5. Notice of Merger for Recordation
6. Planning Commission Staff Report
7. Zone Reclassification and Notice of Merger Resolution

APPLICANT AND PLANNER INFORMATION:

Applicant

The Marshall Ranch, LLC
c/o Elizabeth Marshall Maybee
5270 Old Briceland Road
Garberville, CA 95542

Owner

Same as applicant

Agent

Same as applicant

Please contact Rodney Yandell, Senior Planner, at 707-445-7541 or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled item.

PREVIOUS ACTION/REFERRAL:

Planning Commission Resolution No.: 23-085
Meeting of: September 21, 2023
File No.: 23-1270 - PLN-2023-18106