



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

L-2

Hearing Date: July 28, 2015

To: Board of Supervisors

From: Kevin R. Hamblin, Director of Planning and Building **KH**

Subject: **Regli Jerseys Port Kenyon Class D Agricultural Preserve**
Establishment of a Class "D" Agricultural Preserve and execution of Land Conservation Contract
Case Number AGP-14-003
Assessor Parcel Number (APN) 100-291-008
2512 Port Kenyon Road, Ferndale Area

RECOMMENDATIONS:

That the Board of Supervisors:

1. Open a public hearing in the manner prescribed by law;
2. Receive a staff report, consider the applications, and receive public testimony;
3. Adopt the necessary findings prepared by Current Planning Division staff;
4. Adopt Resolution No. **15-84** (Attachment A) establishing the Regli Jerseys Port Kenyon Agricultural Preserve;
5. Authorize the Chair of the Board to execute the Land Conservation Contract (Attachment B);
6. Direct Current Planning Division staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research;
7. Direct the Clerk of the Board to record copies of the Resolution and Land Conservation Contract with the County Recorder;

8. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's

Prepared by _____

Cliff Johnson, Senior Planner

CAO Approval **Amy Rosen**

Auditor _____ County Counsel **PRD** Human Resources _____ Other _____

TYPE OF ITEM:

____ Consent
____ Departmental
XXXX Public Hearing
____ Other _____

Applicant: James and Susan Regli
525 Witman Lane
Ferndale, CA 95536

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor **Bohn**

Seconded by Supervisor **Lovelace**

Ayes **Lovelace, Fennell, Bohn, Bass**

Nays

Abstain

Absent **Sundberg**

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: **July 28, 2015** **[Signature]**

Office, County Counsel, Current Planning Division, the California Office of Land Conservation, and any other interested party; and

9. Close the public hearing.

SOURCE OF FUNDING:

Planning and Building - Current Planning Revenue Account, No. 1100-277-608000.

DISCUSSION:

Project Description: James and Susan Regli (Regli Jerseys) have submitted applications to establish Class "D" Agricultural Preserves at three separate locations in the Ferndale bottoms. This application pertains to the Regli Jerseys (Port Kenyon) application.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging 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 each year during the 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.). The Class "D" Unique Farmland and Dairy Preserve is intended to preserve smaller units of land currently in production that because of their size or the topographical location do not qualify separately for inclusion in the Class A, B or C Preserve categories.

In order to qualify for a Class "D" Unique Farmland and Dairy Preserve and contract, the preserve area must contain at least 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide or local significance. The land must be in an agricultural designation and zoned for agricultural use. The parcels must be devoted to agriculture and have provided a gross annual income of \$2500 from agricultural production for three of the last five years. While under contract, parcel divisions (which includes the sale of separate legal parcels) are prohibited.

The Regli Jerseys Port Kenyon application is to establish a Class "D" agricultural preserve of approximately 85 acres. The property is owned by Jim and Susan Regli and is utilized for cattle grazing and a dairy operation. The subject land meets all the requirements for a Class "D" Preserve. The Department has determined that the property consists of one parcel of land that has been in existence prior to the establishment of the County's subdivision regulations. The entirety of the 85 acre parcel is planned Agriculture Exclusive under the Eel River Area Plan (ERAP) and is zoned Agriculture Exclusive with a minimum parcel size of 60 acres and combining zones for Floodplain protection, Riparian area protection, Transitional Agricultural land protection, and Wetland protection (AE-60/F,R,T,W). The land is used for a dairy operation and has income from agricultural production that exceeds the minimum gross income for a commercial farm. The current Agriculture Exclusive zoning designation and the proposed contract prohibit further parcel divisions. Approximately 83 of the 85 acre site are classified as Prime farmland. There are no outstanding zoning violations on the subject property. The County Assessor's Office and Agricultural Commissioner's Office have recommended approval.

Based upon the on-site inspections, a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes the proposed agricultural preserve meets the required findings. The Williamson Act Committee reviewed the proposed project on June 18, 2014 and recommended approval. The County Planning Commission reviewed the proposed Class "D" preserves on January 8, 2015 and adopted a resolution (Attachment D) recommending that the Board approve the proposed preserve because it is consistent with the County's adopted Guidelines for Class D Agricultural Preserves and the County's General Plan.

REQUIRED FINDINGS:

The California Land Conservation Act of 1965, also known as the Williamson Act, provides the 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 "D" Preserve is listed below.

Class D

- a. The preserve area shall contain not less than 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide or local significance. Individual parcels must have been in existence for a minimum of ten (10) years prior to application for a land conservation contract.
- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan and zoned for agricultural use.
- c. The parcels in question are used for, and devoted to, agricultural pursuits and have provided a gross annual income of \$2,500 from agricultural production for three of the past five years.
- d. The proposed zoning and contract would prohibit any parcel divisions.
- e. Residential development rights beyond one single family residence for each ownership unit in the preserve would be conveyed to the County for the life of the Contract.
- f. Not more than twenty five percent (25%) of the land area within the preserve is zoned Timberland Production Zone.

The required findings can be made. The proposal is consistent with, and furthers the goals of, the agricultural policies of the Eel River Area Plan (ERAP). The establishment of the preserve furthers the goals of assuring the protection of the County's agricultural economy and minimizes the conflicts between agricultural and urban land uses by restricting the subdivision of these lands. The primary purpose of the Williamson Act is to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban areas. The land supports livestock used for production of food and fiber as defined by Section 51201 Government Code and consists of prime and tillable non-prime lands. The property currently is utilized for cattle grazing and a dairy operation with income from agricultural production that exceeds the minimum gross income for a commercial farm.

The Planning Division staff and the Planning Commission recommend that the Board approve the proposed agricultural preserve because it is consistent with the County's adopted Guidelines for Class D Agricultural Preserves and the County's General Plan. Establishment of the preserve is in the public interest in that it preserves lands for agricultural use.

Designation of lands as Agriculture Preserves is categorically exempt from the provisions of California Environmental Quality Act (CEQA) per Class 17, Section 15317.

FINANCIAL IMPACT:

2014 Prop 13 Factored Base Year Values for the Regli Jerseys Port Kenyon property is \$815,945, which would result in an approximate \$8,159.45 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 tax liability 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 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 2014-2015 budget.

OTHER AGENCY INVOLVEMENT:

The project was circulated to various State and local agencies for comments and recommendations. All agencies and departments that commented have recommended approval. 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 into the Williamson Act Program. However, the parties have met the criteria set forth in the County's Guidelines and their participation in the program would further the agricultural goals of the General Plan. Therefore, Current Planning Division 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.

- | | |
|---------------|---|
| Attachment A: | Resolution establishing the Regli Jerseys Port Kenyon Class "D" Agricultural Preserve with location map |
| Attachment B: | Land Conservation Contract for the Regli Jerseys Port Kenyon proposed preserve |
| Attachment C: | Planning Commission staff report of January 8, 2015 |
| Attachment D: | Planning Commission Resolution |

ATTACHMENT A
RESOLUTION NO. 15-84

**Establishing the Regli Jerseys Port Kenyon Class D Agricultural Preserve with Uniform
Rules Including Compatible Uses**

Recording Requested by:

HUMBOLDT COUNTY BOARD OF
SUPERVISORS
County Courthouse
825 Fifth Street, Room 111
Eureka, California 95501

Return To:

HUMBOLDT COUNTY PLANNING
DEPARTMENT
3015 H Street
Eureka, CA 95501

(Exempt from fees per Gov't C. §27383)

2015-018834-6

Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HUMBOLDT CNTY

Clerk: KL Total: \$0.00
Oct 1, 2015 at 14:13:20

conformed copy

RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 15-84

RESOLUTION ESTABLISHING THE REGLI PORT KENYON AGRICULTURAL
PRESERVE WITH UNIFORM RULES INCLUDING COMPATIBLE USES (AGPIT 14-003)

Pursuant to Board of Supervisors' Action of July 28, 2015

(Exempt from recording fees pursuant to GCS 27383)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 28, 2015

RESOLUTION NO. 15-84

RESOLUTION ESTABLISHING THE REGLI PORT KENYON AGRICULTURAL PRESERVE WITH UNIFORM RULES INCLUDING COMPATIBLE USES (AGPIT 14-003)

WHEREAS, the County of Humboldt has been requested to establish an agricultural preserve to include the lands described in the attached Exhibit A; and

WHEREAS, the County of Humboldt is authorized to establish agricultural preserves pursuant to the California Land Conservation Act of 1965 (hereafter the "Act") and the County's Resolution Establishing Guidelines for Agricultural Preserves (hereafter the "Guidelines"); and

WHEREAS, the Humboldt County Planning Commission has considered and approved the establishment of this proposed agricultural preserve, and has made the findings required to support such approval pursuant to the Act and Guidelines; and

WHEREAS, the procedural requirements to establish an agricultural preserve as required by the Act and Guidelines have been followed; and

WHEREAS, the land to be included within the agricultural preserve is, and will continue to be, used for the purposes of producing agricultural commodities for commercial purposes and uses compatible with agriculture; and

WHEREAS, this Board is authorized by statute to determine according to uniform rules what constitutes a compatible use of land within each preserve.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The hereinafter-described real property located in the County of Humboldt is hereby designated and established as a Class D Agricultural Preserve within the meaning of and pursuant to the California Land Conservation Act of 1965, including amendments thereto, and shall be known as and may be referred to as: Agricultural Preserve No. 14-003. Said Property, is described in Exhibit A attached hereto.
2. The following findings are hereby made with respect to the establishment of this proposed agricultural preserve:
 - A. The establishment of this proposed Agricultural Preserve is consistent with the Humboldt County General Plan;
 - B. The requirements of the California Environmental Act have been met; and
 - C. The requirements of the Williamson Act (Government Code Section 51200 et seq) have been met.
3. The following uses are hereby declared to be compatible permitted uses or uses permitted with a use permit on all lands included within the recommended agricultural preserve:
 - A. Permitted Uses:
 - i. Single family residences essential for agricultural operations and noncommercial guest houses. One (1) single detached farm residence may be allowed for each ownership unit in the preserve.
 - ii. Field, row, tree, berry and bush crops, including timber growing and harvesting.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 28, 2015

RESOLUTION NO. 15-84

- iii. Raising and grazing of horses, cattle, sheep and goats.
- iv. Dairies.
- v. Nurseries, greenhouses, aviaries, apiaries, and mushroom farms.
- B. Uses Permitted with a Use Permit:
 - i. Farms devoted to the hatching, raising, dressing and marketing for commercial purposes of chickens, turkeys, other fowl or poultry, rabbits, chinchillas, beavers, fish, frogs or hogs.
 - ii. Fruit and vegetable storage or packing plants and wayside stands for sale of products produced on the premises.
 - iii. Grain and produce storage warehouses.
 - iv. Dog kennels.
 - v. Excavation of earth and soil for agricultural purposes only.
 - vi. Animal feed yards and sale yards.
 - vii. Extraction of minerals and petroleum products consistent with Sections 51238.1 and 51238.2 of the Government Code.
 - viii. Labor camps.
 - ix. Animal hospitals.
 - x. The erection, construction, alteration or maintenance of gas, electric, water, communication facilities.
 - xi. Public stables and training facilities.
 - xii. Agricultural-related recreation facilities, such as hunting and duck camps but excluding recreational activities such as golf courses, shooting ranges or similar activities which require non-agricultural development.
 - xiii. Home occupations and cottage industries.
 - xiv. Agricultural homestays.
 - xv. Incidental public service purposes consistent with Section 51293 of the Government Code.
 - xvi. Any other use determined to be a compatible use as provided in Section 51238.1 of the Government Code by the Board of Supervisors after notice and public hearing. Such uses shall be deemed a compatible use in any agricultural preserve. The Director of the Planning and Building Department shall maintain a list of uses found to be compatible pursuant to this section.

Some of the above listed uses will require a Use Permit in the Agricultural Exclusive Zone District, or require discretionary review by the Board of Supervisors, prior to the initiation of the use or activity. Uses which are included in the list of Uses Permitted with a Use Permit may be allowed without a Use Permit or discretionary review only if the Planning Director finds them to be "accessory" to a listed Permitted Use in paragraph 1.A above (i.e., the use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to, the "Permitted Use").

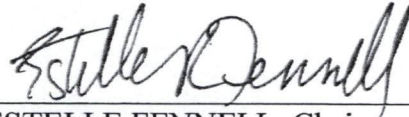
BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of July 28, 2015

RESOLUTION NO. 15-84

BE IT FURTHER RESOLVED that a certified copy of this resolution and the attached map of Agricultural Preserve No. 14-003 shall be filed in the office of the County Recorder by the Clerk of the Board of Supervisors.

Dated: July 28, 2015



ESTELLE FENNELL, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Bohn, seconded by Supervisor Lovelace, and the following vote:

AYES:	Supervisors	Lovelace, Fennell, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	Sundberg
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 an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

The within instrument is a full, true and correct copy of the original on file in this office.

ATTEST:

KATHY HAYES
Clerk of the Board of Supervisors
of the County of Humboldt,
State of California

By

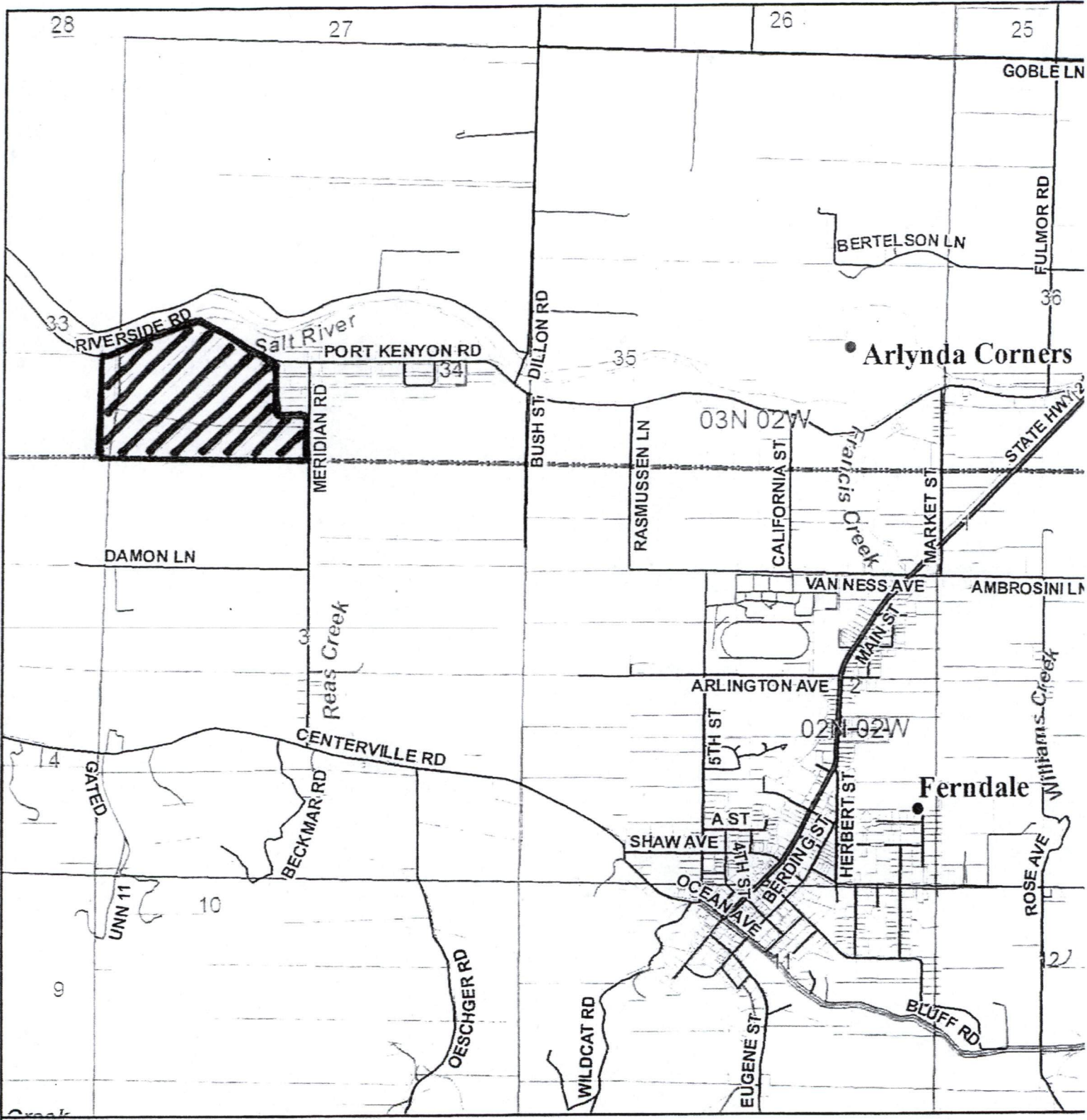


By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

BEGINNING at the Southwest corner of Section 34, Township 3 North, Range 2 West, Humboldt Meridian; and running
thence North $\frac{1}{4}$ degree East 1327 feet;
thence North $85\frac{1}{4}$ degrees East 100 feet;
thence North $80\frac{3}{4}$ degrees East 100 feet;
thence North $70\frac{3}{4}$ degrees East 100 feet;
thence North $59\frac{1}{2}$ degrees East 100 feet;
thence North $56\frac{1}{4}$ degrees East 254 feet;
thence North $68\frac{1}{4}$ degrees East 200 feet;
thence North $71\frac{3}{4}$ degrees East 154 feet;
thence North $74\frac{1}{2}$ degrees East 338 feet;
thence South $63\frac{3}{4}$ degrees East 1057 feet;
thence South $1\frac{1}{2}$ degrees East 770 feet;
thence North $88\frac{1}{2}$ degrees East 410 feet;
thence South $1\frac{1}{2}$ degrees East 538 feet; and
thence South $89\frac{1}{2}$ degrees West 2644 feet to the point of beginning.



LOCATION MAP

PROPOSED REGLI AGRICULTURAL PRESERVE FERNDALE AREA

AGP-14-003

APN: 100-291-008

T03N R02W S34 HB&M (Ferndale)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.25 0.5
Mile

RECEIPT



Transaction #: 58348
 Receipt #: 2015010100
 Cashier Date: 10/1/15 14:13
 Cashier By: KL
 Print Date: 10/1/2015 14:13:31

Kelly E. Sanders, Recorder
 Humboldt County, California
 825 5th Street
 Eureka, CA 95501
 (707) 445-7382

14:13:31
 10/1/2015

CUSTOMER INFORMATION

HUMBOLDT CNTY

TRANSACTION INFORMATION

Date Received: October 1, 2015 13:53
 Source Code: 10 a.m. Reservation
 Return Code: MAIL
 Trans Type: Recording
 Bin Number:
 Agent Ref Number: 2

PAYMENT SUMMARY

Total Fees: \$0.00
 Total Payments: \$0.00
 Balance Due: \$0.00

TRANSACTION PROBLEMS



1 Payment

EXEMPT

\$0.00

4 Official Records

RESOLUTION NO

Document #: 2015-018832 Pages: 6 Date: 10/1/2015 14:13:20

From: HUMBOLDT CNTY To: RESOLUTION ESTABLISHING THE REGLI GRIZZLY BLUFF AG

MISC

Document #: 2015-018833 Pages: 10 Date: 10/1/2015 14:13:20

From: REGLI JAMES P TR To: REGLI JAMES P TR

RESOLUTION NO

Document #: 2015-018834 Pages: 6 Date: 10/1/2015 14:13:20

From: HUMBOLDT CNTY To: RESOLUTION ESTABLISHING THE REGLI PORT KENYON AG

MISC

Document #: 2015-018835 Pages: 11 Date: 10/1/2015 14:13:20

From: REGLI JAMES P TR To: REGLI JAMES P TR

ATTACHMENT B
Land Conservation Contract

Recording Requested by:

HUMBOLDT COUNTY
BOARD OF SUPERVISORS
Eureka, California

Return To:

Planning Department
3015 H Street
Eureka, CA 95501
(Recorded without fee under GCS 27383)

2015-018835-11

Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HUMBOLDT CNTY

Clerk: KL Total: \$0.00
Oct 1, 2015 at 14:13:20
CONFORMED COPY

**LAND CONSERVATION CONTRACT
(Regli Port Kenyon Preserve)**

THIS CONTRACT is dated this 28th day of July, 2015, by and between James P. Regli and Susan M. Regli, as Trustees for the Regli Revocable Trust dated March 1, 2006 referred to as OWNER, and American AgCredit, FLCA, referred to as BENEFICIARY, and the COUNTY OF HUMBOLDT, a political subdivision of the State of California, hereinafter referred to as COUNTY.

WITNESSETH:

WHEREAS, OWNER warrants that they own certain land particularly described hereinafter, which is presently devoted to agricultural and compatible uses; and

WHEREAS, said land is located in a Class **D** Agricultural Preserve heretofore established by COUNTY by Resolution No. 15-84; and

WHEREAS, both OWNER and COUNTY desire to establish binding restrictions which will limit the use of said land to agricultural and incidental compatible uses;

NOW, THEREFORE, the parties agree as follows:

Section 1. This contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code, commencing with Section 51200, hereafter referred to as the "Act"), and pursuant to the County's Resolution adopting Guidelines for Agricultural Preserves which implements the Act in

Humboldt County (hereafter "local resolution") and the County's Resolution Establishing an Agricultural Preserve with Uniform Rules Including Compatible Uses (hereafter "authorizing resolution"), and is subject to all the provisions of the Act and County resolutions as they now exist, and as may be hereafter amended.

Section 2. The land to which all provisions of this contract shall apply is described in Exhibit "A" attached hereto. It is not intended to include in this contract any land zoned Timberland Production (TPZ) pursuant to Government Code Section 51100, et seq.

Section 3. During the term of this contract or any extension thereof, the land described herein shall be used only for agricultural uses, as defined by the Act or authorizing resolution, and those "compatible uses" as set forth in the Act or authorizing resolution, and shall not be used for any purpose other than said agricultural uses and compatible uses.

Section 4. This contract shall be effective on the date first written above, hereinafter the anniversary date, and shall remain in effect for an initial term of ten (10) years. On the first anniversary date and on each succeeding anniversary date, one year shall automatically be added to the unexpired term unless notice of non-renewal is given as provided by law.

Section 5. This contract shall run with the land described herein and shall be binding upon, and inure to the benefit of, all successors in interest of the OWNER. Neither the owner nor any successor in interest shall divide the land described herein, except that the County may approve a division of such land subject to the terms and conditions of the Act or local resolution if the proposed division meets all of the following conditions:

(a) Each preserve resulting from the division shall meet the minimum size requirements of the Act and local resolutions which are applicable to the land which is the subject of this contract, as provided in section 6 hereof; and

(b) Each parcel which is the subject of, or which results from the division shall meet the minimum size requirements of the Act and local resolutions which are applicable to the land which is the subject of this contract; and

(c) All successors in interest to owner shall enter into contracts at the time they assume title to any or all of the land described herein enforceably restricting said land pursuant to the statutory provisions referred to in Section 1 above.

Section 6. If the land subject to this contract is in a Class B Agricultural Preserve, it shall not be divided into preserves of less than 600 acres except that portions of the preserve may be rented or leased for agricultural and compatible uses. If the land subject to this contract is in a Class A or Class C Agricultural Preserve, it shall not be divided into preserves of less than 100 acres except that portions of the preserve may be rented or leased for agricultural and compatible uses. If the land subject to this contract is in a Class D Agricultural Preserve, it shall not be divided pursuant to the State Subdivision Map Act and must be sold, transferred or conveyed as a single unit of land.

Section 7. As used in this contract, the terms "divide" and "division" shall include any sale, transfer, encumbrance or any change in the manner in which title to all or any portion of the herein described land is held, whether immediate or future, but shall exclude "Immediate Family Transfers" approved by COUNTY pursuant to Government Code §51230.1. "Division" includes but is not limited to conveyance by deed, installment sales contract, contract of sale, contract for sale, deed of trust, gift or mortgage. Any purported division of the land described herein in violation of any provision of this contract shall be void.

Section 8. Any party signing this contract as a secured lender agrees to subordinate his security interest in the subject property to the rights, benefits and restrictions contained herein.

Section 9. Whenever notice must be given to COUNTY, it may be given by mailing it postage prepaid, addressed to the Board of Supervisors, County of Humboldt, County Courthouse, Eureka, California 95501; notice to OWNER may be given by mailing it first class postage prepaid addressed to **James P. Regli and Susan M. Regli, 525 Witman Lane, Ferndale, CA 95536** or at such other address OWNER may hereafter designate in writing; notice to BENEFICIARY may be given by mailing it first class postage prepaid addressed to **American AgCredit, FLCA, 5560 S.**

Broadway St., Eureka, CA 95503 or at such other address OWNER may hereafter designate in writing. Delivery shall be deemed complete the day after the date of mailing.

Section 10. In the event of any conflict between the provisions of this contract, the local resolutions and the Act, those provisions which most restrict the right to divide the land subject to this contract or to use said land for non-agricultural purposes shall govern.

Section 11. In the event of Cancellation of this contract pursuant to the Act and local resolution, the OWNER shall pay to the COUNTY a cancellation fee equal to 12.5% of the cancellation valuation as calculated in accordance with Section 51283 of the California Government Code.

Section 12. OWNER agrees to permit COUNTY physical inspection of the subject real property and make available for examination such other information or records pursuant to Section 441(d) of the Revenue and Taxation Code as is reasonable and necessary for administration of this contract.

Section 13. This contract may be dated by COUNTY to correspond with the date its Chairman is authorized to execute this contract.

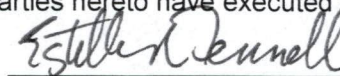
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IN WITNESS WHEREOF, the parties hereto have executed the within contract.




Chair of the Board of Supervisors Estelle Fennell
of the County of Humboldt, State of California.

(SEAL)

ATTEST:

KATHY HAYES
Clerk of the Board of Supervisors
of the County of Humboldt, State
of California.

By 
Deputy Ana Hartwell

Owners of Record

James P. Regli
By James P. Regli, Trustee of the Regli Revocable Trust dated March 1, 2006
By Susan M. Regli, Trustee of the Regli Revocable Trust dated March 1, 2006
Susan M. Regli

(Signature(s) to be Notarized)

Interest in Property

Section 8B of the Humboldt County Williamson Act Guidelines states that "all parties having any interest in any real property included in the contract which could ripen into a fee interest or be exercised in a manner inconsistent with the purpose of the preserve, such as a security interest, shall be required to join in the execution of the proposed contract before such contract is executed by the Board of Supervisors".

The following parties have a security interest in the real property included in this contract which could ripen into a fee interest:

TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS:

- (1) CHAIRPERSON OF THE BOARD, PRESIDENT OR VICEPRESIDENT; AND
- (2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER, OR TREASURER.

By David Jackson David Jackson By David Jackson David Jackson
Title Vice President Title Vice President
Corporation Name: American Ag Credit Corporation Name: American Ag Credit

(Signature(s) to be Notarized)

APPROVED AS TO FORM:

By Natalie Duke
County Counsel Natalie Duke

Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

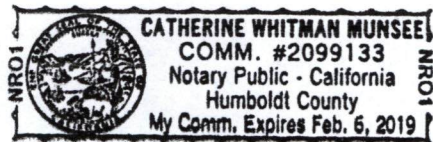
County of Humboldt)

On July 28, 2015, 2014 before me, Catherine Whitman Munsee, personally appeared ESTELLE FENNELL, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Catherine Whitman Munsee



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

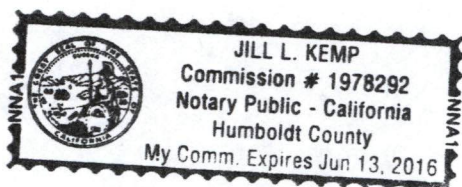
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Humboldt)
 On February 17, 2015 before me, Jill L. Kemp, Notary Public,
 Date Here Insert Name and Title of the Officer
 personally appeared James P. Regli and Susan M. Regli
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Jill L. Kemp
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Land Conservation Contract Regli Port Kump Document Date: February 17, 2015
 Number of Pages: 10 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: James P. Regli
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☒ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

Signer's Name: Susan M. Regli
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☒ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

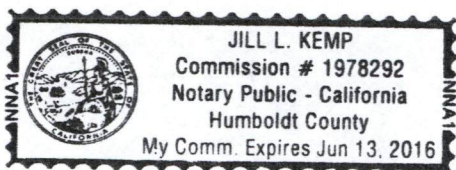
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Humboldt)
 On February 17, 2015 before me, Jill L. Kemp, Notary Public
 Date Here Insert Name and Title of the Officer
 personally appeared David Jackson
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Jill L. Kemp
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document Land Conservation
 Title or Type of Document: Contract - Red Port Kenyon Document Date: February 17, 2015
 Number of Pages: 9 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: David Jackson
☒ Corporate Officer — Title(s): Vice President
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

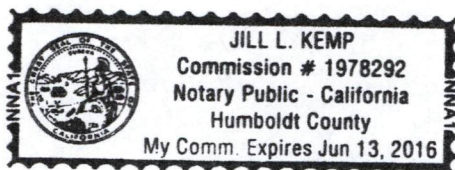
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Humboldt)
 On September 17, 2015 before me, Jill L. Kemp, Notary Public,
 Date Here Insert Name and Title of the Officer
 personally appeared David Jackson
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Jill L. Kemp
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document Land

Title or Type of Document: Conservation Contract Document Date: July 28, 2015
 Number of Pages: 11 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: David Jackson

☒ Corporate Officer — Title(s): Vice President

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

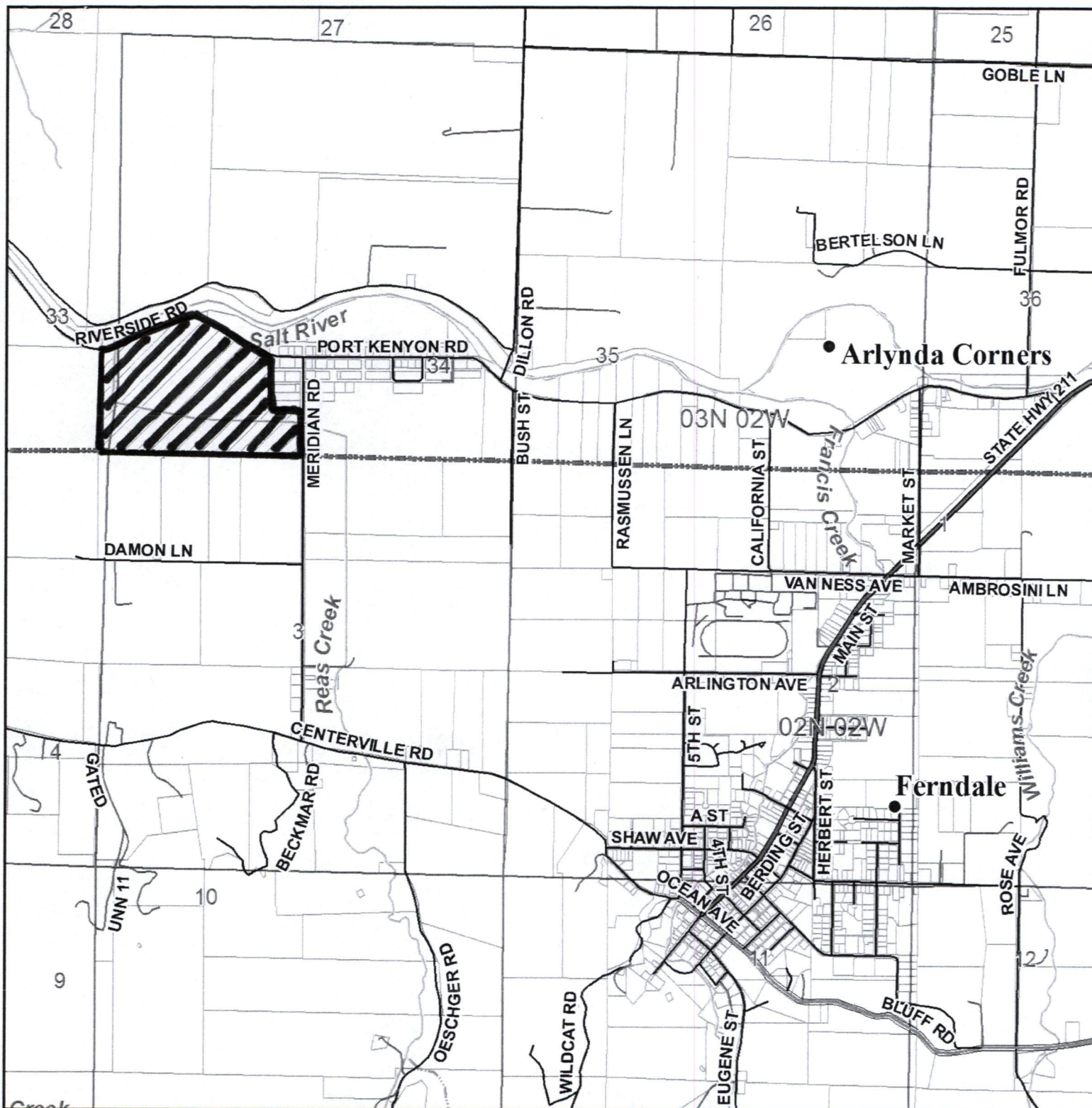
☐ Other: _____

Signer Is Representing: _____

DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

BEGINNING at the Southwest corner of Section 34, Township 3 North, Range 2 West, Humboldt Meridian; and running
thence North $\frac{1}{4}$ degree East 1327 feet;
thence North $85\frac{1}{4}$ degrees East 100 feet;
thence North $80\frac{3}{4}$ degrees East 100 feet;
thence North $70\frac{3}{4}$ degrees East 100 feet;
thence North $59\frac{1}{2}$ degrees East 100 feet;
thence North $56\frac{1}{4}$ degrees East 254 feet;
thence North $68\frac{1}{4}$ degrees East 200 feet;
thence North $71\frac{3}{4}$ degrees East 154 feet;
thence North $74\frac{1}{2}$ degrees East 338 feet;
thence South $63\frac{3}{4}$ degrees East 1057 feet;
thence South $1\frac{1}{2}$ degrees East 770 feet;
thence North $88\frac{1}{2}$ degrees East 410 feet;
thence South $1\frac{1}{2}$ degrees East 538 feet; and
thence South $89\frac{1}{2}$ degrees West 2644 feet to the point of beginning.



LOCATION MAP

PROPOSED REGLI
AGRICULTURAL PRESERVE
FERNDALE AREA
AGP-14-003

APN: 100-291-008

T03N R02W S34 HB&M (Ferndale)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.25 0.5
Miles

ATTACHMENT C

Planning Commission Staff Report of January 8, 2015 for the Regli Jerseys Port Kenyon Preserve



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: January 8, 2015

To: Humboldt County Planning Commission

From: Kevin R. Hamblin, Director, Planning and Building Department

Subject: **Regli Port Kenyon** Agricultural Preserve
Case Number AGP-14-003
Application Number 9216
Assessor Parcel Number (APN) 100-291-008-000
Ferndale Area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	5
Maps	
Location Map	7
Zoning Map	8
Assessor Parcel Map	9
Aerial Map	10
Topographical Map	11
Attachments	
Attachment 1: Recommended Conditions of Approval	12
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	13
Attachment 3: Applicant's Evidence in Support of the Required Findings	16
Attachment 4: Referral Agency Comments and Recommendations	17

Please contact Cliff Johnson, Senior Planner, at (707) 445-7541, or by email at cjohnson@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

Copy: Assessor's Office

AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
January 8, 2015	Agricultural Preserve	Cliff Johnson

Project: An application to establish a Class D agricultural preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. The property is approximately 85 acres in size and is utilized for a dairy operation.

Project Location: The project is located in the Ferndale area, approximately .33 miles west from the intersection of Meridian Road and Port Kenyon Road, on the property known as 2238 Port Kenyon Road.

Present Plan Designations: Agriculture Exclusive/Prime and Non-prime Lands (AE), Eel River Area Plan (ERAP), Density: 160 to 20 acres per dwelling unit, Slope Stability: Relatively Stable (0)

Present Zoning: (AE-60/W,F,R,T) Agriculture Exclusive-Minimum lot size 60.0 acres (AE-60)/Coastal Wetlands (W), Flood Hazard Areas (F), Streams and Riparian Corridor Protection (R), Transitional Agricultural Lands (T)

Assessor Parcel Number: 100-291-008-000

Applicant	Owner
James and Susan Regli 525 Witman Lane Ferndale CA 95536	Same

Environmental Review: Project is categorically exempt from environmental review per Class 17, Section 15317 of the CEQA Guidelines.

Major Issues: None.

State Appeal Status: Project is not appealable to the California Coastal Commission.

REGLI PORT KENYON AGRICULTURAL PRESERVE

Case Number AGP-14-003

Assessor Parcel Number 100-291-008-000

RECOMMENDED COMMISSION ACTION

1. Describe the application as a public hearing.
2. Request that staff present the project.
3. Open the public hearing and receive testimony; and
4. Close the hearing and make the following motion to recommend approval to the Board of Supervisors:

The Commission makes all the required findings, based on evidence in the staff report and public testimony, and recommends the Regli Port Kenyon Agricultural Preserve project to the Board of Supervisors for approval, subject to the recommended conditions of approval.

Executive Summary: An application has been made to establish a Class "D" agricultural preserve of approximately 85 acres. The property is owned by Jim and Susan Regli and is utilized for cattle grazing. The Class "D" Unique Farmland and Dairy Preserve is intended to preserve smaller units of land currently in production that because of their size or topographical location do not qualify separately for inclusion in the Class A, B or C Preserve categories.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging 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 each year of the 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 "D" Unique Farmland and Dairy Preserve and contract, the preserve area must contain at least 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide or local significance. The land must be in an agricultural designation and zoned for agricultural use. The parcels must be devoted to agriculture and have provided a gross annual income of \$2500 from agricultural production for three of the last five years. While under contract, any parcel divisions (which includes the sale of separate legal parcels) are prohibited.

The subject land meets all the requirements for a Class "D" Preserve. The Department has determined that the property consists of one parcel of land that has been in existence prior to the establishment of the County's subdivision regulations. The entirety of the 85 acre parcel is planned Agriculture Exclusive under the Eel River Area Plan (ERAP) and is zoned Agriculture Exclusive with a minimum parcel size of 60 acres and combining zones for Floodplain protection, Riparian area protection, Transitional Agricultural land protection, and Wetland protection (AE-60/F,R,T,W). The land is used for a dairy operation and has income from agricultural production that exceeds the minimum gross income for a commercial farm. The current Agriculture Exclusive zoning designation and the proposed contract prohibit further parcel divisions. Approximately 83 of the 85 acre site are classified as Prime farmland. There are no outstanding zoning violations on the subject property. The County Assessor's Office and Agricultural Commissioner's Office have recommended approval.

Based upon the on-site inspection, a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the proposed agricultural preserve meets the required findings. The Williamson Act Committee reviewed the project on June 18, 2014 and recommended approval.

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 14-**

**Case Number AGP-14-003
Assessor Parcel Number 100-291-008**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Regli Port Kenyon Class D Agricultural preserve application.

WHEREAS, Jim and Susan Regli have applied to establish a new Class "D" 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, 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 Class 17, Section 15317; 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 agricultural preserve (Case No. AGP-14-003); and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony on January 8, 2015.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The proposed agricultural preserve is consistent with the General Plan; and
2. The land is and will continue to be used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; and
3. The proposed agricultural preserve is approximately 85 acres, and that the County Assessor's office has determined it to be a viable working preserve; and

4. The proposed preserve is zoned for agricultural use (AE-60/F,R,T,W); and
5. The land consists of prime lands and tillable non-prime land, as defined by Section 51201 Government Code; and
6. The proposed project is categorically exempt from environmental review pursuant to Class 17, Section 15317 of CEQA; and

BE IT FURTHER RESOLVED that the Planning Commission recommend that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law; and
2. Consider the application; and
3. Adopt the necessary findings prepared by Planning Staff; and
4. Adopt Resolution No. _____ establishing the Regli Port Kenyon Class "D" Agricultural Preserve with uniform Rules including Compatible Uses; and
5. Authorize the Chair of the Board to execute a Land Conservation Contract for the Class "D" Preserve and; and
6. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
7. Direct the Clerk of the Board to give notice of the decision to the applicant, the California Office of Land Conservation and any other interested party; and
8. Direct the Clerk of the Board to file for record the executed Land Conservation Contract with the Humboldt County Recorder.

Adopted after review and consideration of all the evidence on January 8, 2015.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

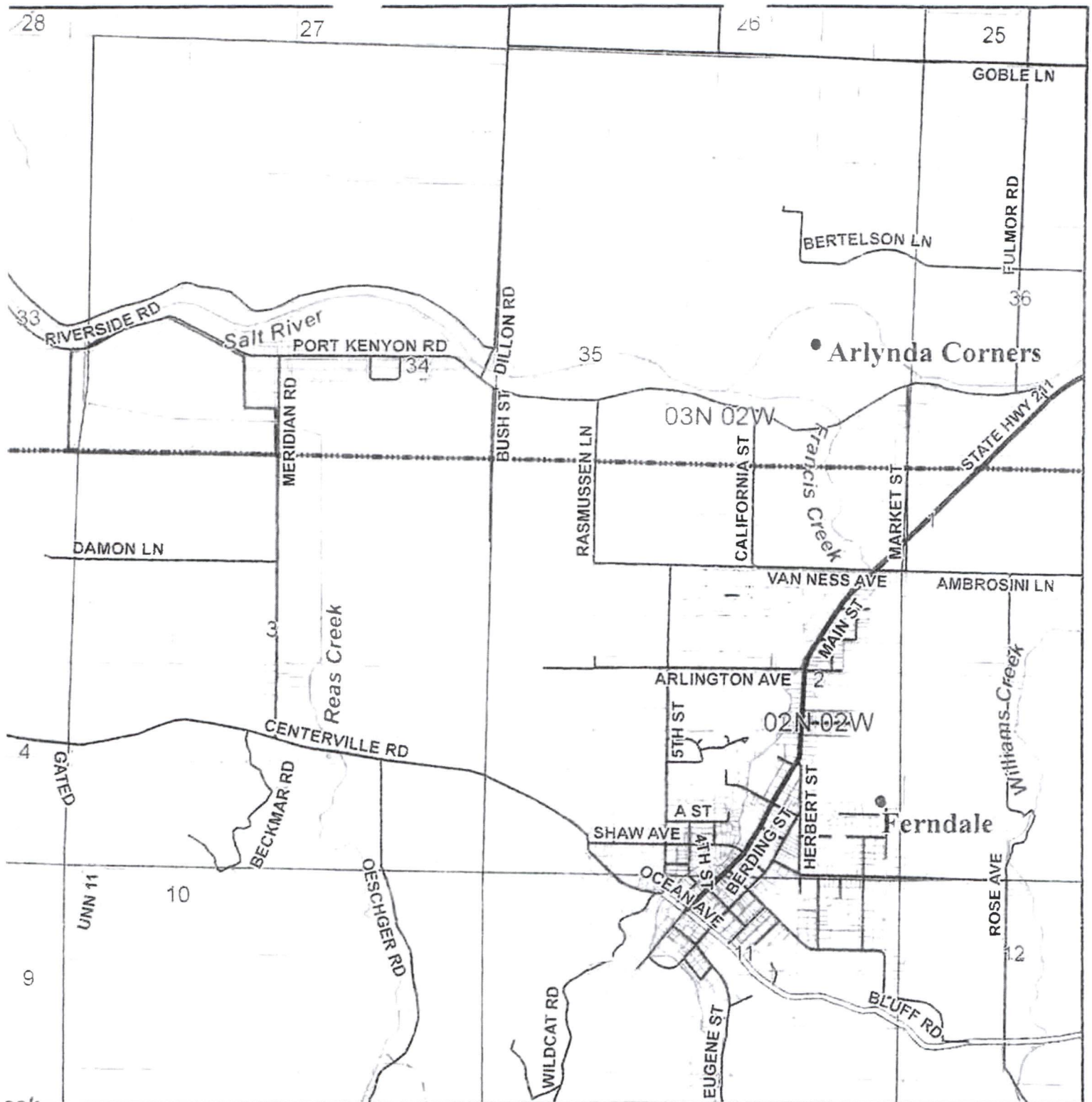
ABSENT: Commissioners:

DECISION:

Robert Morris, Chair

I, Catherine Munsee, Clerk 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.

Catherine Munsee, Clerk



LOCATION MAP

PROPOSED REGLI JERSEYS AGRICULTURAL PRESERVE FERNDALE AREA

AGP-14-003

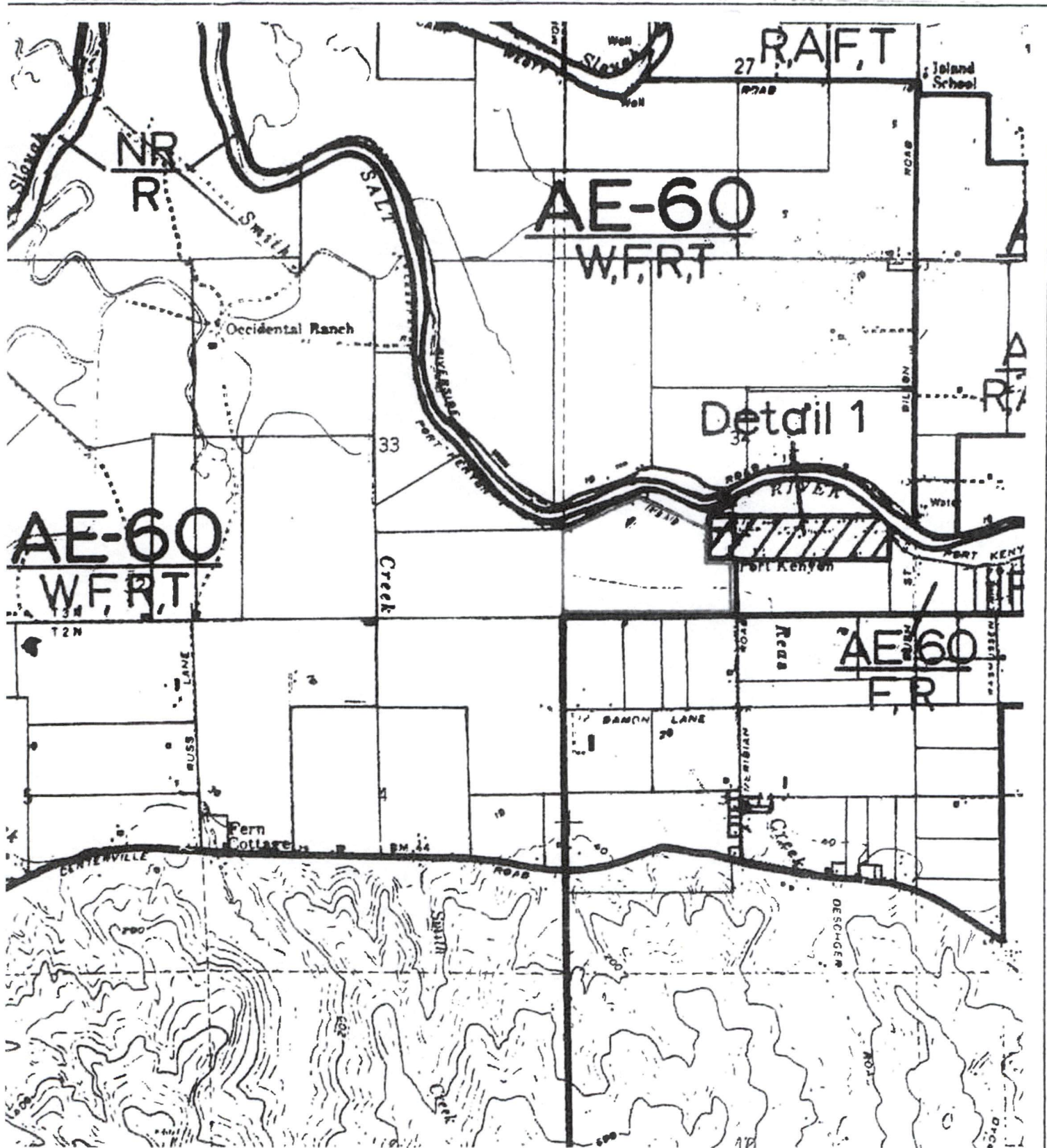
APN: 100-291-008

T03N R02W S34 HB&M (Ferndale)

Project Area = 

This map is intended for display purposes and
could not be used for precise measurement or
navigation. Data has not been completely checked
for accuracy.

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Miles



ZONING MAP

PROPOSED REGLI JERSEYS
AGRICULTURAL PRESERVE
FERNDALE AREA

AGP-14-003

APN: 100-291-008

T03N R02W S34 HB&M (Ferndale)

PROJECT AREA = 

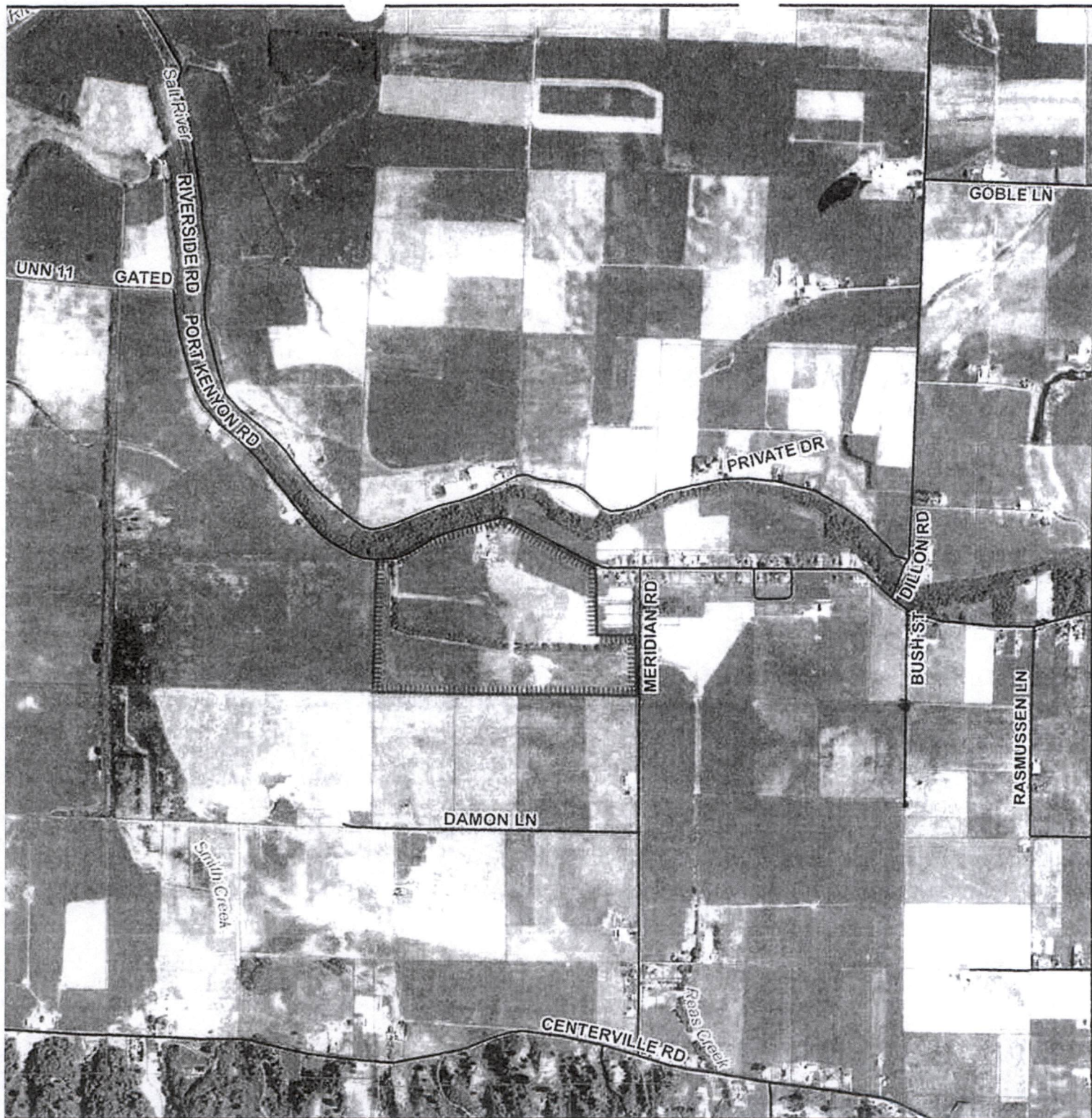


MAP NOT TO SCALE

© AGP-14-003 Regli Jerseys Port Kenyon 9216

July 28, 2015

Page 31



AERIAL MAP

PROPOSED REGLI JERSEYS
AGRICULTURAL PRESERVE
FERNDALE AREA

AGP-14-003

APN: 100-291-008

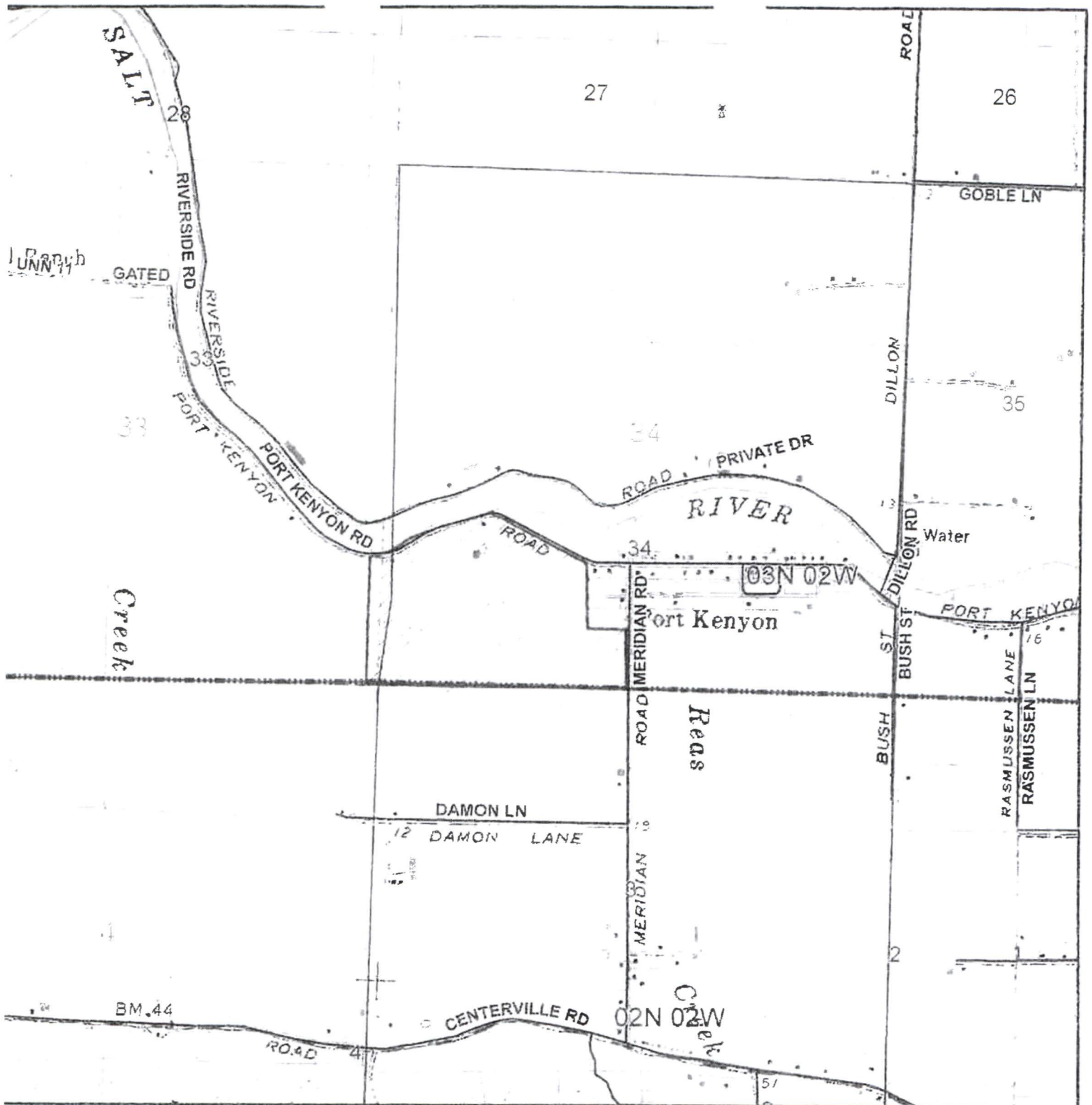
T03N R02W S34 HB&M (Ferndale)

Project Area =

This map is intended for display purposes and
could not be used for precise measurement or
navigation. Data has not been completely checked
for accuracy.



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Miles



TOPO MAP

PROPOSED REGLI JERSEYS
AGRICULTURAL PRESERVE
FERNDALE AREA

AGP-14-003

APN: 100-291-008

T03N R02W S34 HB&M (Ferndale)

Project Area = 

This map is intended for display purposes and
should not be used for precise measurement or
navigation. Data has not been completely checked
for accuracy.



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ATTACHMENT 1

CONDITIONS OF APPROVAL

Approval of the Agricultural Preserve is conditioned on the following terms and requirements which must be satisfied before the Agricultural Preserve 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 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. **The legal description review fee is currently \$209.00.**
2. **Within five (5) days of the effective date of the action,** the applicant shall submit a check to the Planning Division, made out the Humboldt County Recorder, in the amount of \$50 to execute the filing of a Notice of Exemption with the County Clerk and Office of Planning and Research.
3. The applicant shall submit an executed and notarized Land Conservation Contract.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings

Agricultural Preserve-Williamson Act Findings: The California Land Conservation Act of 1965, also known as the Williamson Act, provides the 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 "D" Preserve is listed below.

Class D

- a. The preserve area shall contain not less than 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide or local significance. Individual parcels must have been in existence for a minimum of ten (10) years prior to application for a land conservation contract.
- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan and zoned for agricultural use.
- c. The parcels in question are used for, and devoted to agricultural pursuits and have provided a gross annual income of \$2,500 from agricultural production for three of the past five years.
- d. The proposed zoning and contract would prohibit any parcel divisions.
- e. Residential development rights beyond one single family residence for each ownership unit in the preserve would be conveyed to the County for the life of the Contract.
- f. Not more than twenty five percent (25%) of the land area within the preserve is zoned Timberland Production Zone.

Staff Analysis

Agricultural Preserve-Williamson Act Criteria

1. **That the proposed preserves are consistent with the County's general plan** (Section 15234 Government Code).

The Framework Plan, Section 2520 Agricultural Lands, recognizes the significance of agriculture in Humboldt County. The goal of Section 2522 of the General Plan states: "*The optimum amount of agricultural land shall be conserved for and maintained in agricultural use to promote and increase Humboldt County's agricultural production.*" Section 3.34 of the Eel River Area Plan states: "*The maximum amount of prime agricultural land shall be maintained in agricultural production to ensure the protection of the areas' agricultural economy..*" 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 land proposed for the Class D agricultural preserve is designated Agriculture Exclusive by the Eel River Area Plan (ERAP). The Eel River Area Plan and the Framework Plan contain policies which preserve agricultural and open space lands. The Department believes that the proposal is consistent with, and furthers, the goals of these agriculture policies. In addition, the proposal to establish agricultural preserves furthers the goals of assuring the protection of the County's agricultural economy and minimize the conflicts between agricultural and urban land uses by restricting the subdivision of these lands.

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.**

The proposed preserve is currently being used for a dairy operation. County Assessor staff, the County Agricultural Commissioner, and the Williamson Act Committee have reviewed the proposed Class D preserve and recommend approval. Planning staff believes that the proposed reconfiguration of the agricultural preserve meets the required findings. Based on information submitted, staff believes the establishment of the preserve will not conflict with any adjoining or surrounding land uses.

Humboldt County Agricultural Preserve Guidelines Class D Criteria

- a. **The preserve area shall contain not less than 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide or local significance. Individual parcels must have been in existence for a minimum of ten (10) years prior to application for a land conservation contract.**

The Department has determined that the proposed preserve consists of approximately 85 acres. The Department has determined that this parcel has been in existence since before the establishment of the County's subdivision regulations and therefore well over 10 years. Approximately 83 acres is classified as prime agricultural land, with the remainder of the preserve area consisting of tillable non-prime land of statewide significance.

- b. **That the land is shown in an "agricultural" designation on the Humboldt County General Plan and zoned for agricultural use.**

The land has an Agriculture Exclusive designation and is zoned for agricultural use.

- c. **The parcels in question are used for, and devoted to agricultural pursuits and have provided a gross annual income of \$2,500 from agricultural production for three of the past five years.**

The proposed preserve will consist of one individual parcel of land which is currently being used for agricultural pursuits (dairy operation) and the applicant has submitted evidence

documenting that the preserve parcel has provided a gross annual income of at least \$2,500 from agricultural production for three of the past five years.

d. The proposed zoning and contract would prohibit any parcel divisions.

The zoning of the proposed preserve is Agriculture Exclusive specifying a minimum parcel size of 60 acres. The 85 acre preserve will be prohibited from being further divided under the Humboldt County Zoning Ordinance in addition to the prohibition within the land conservation contract.

e. Residential development rights beyond one single family residence for each ownership unit in the preserve would be conveyed to the County for the life of the Contract.

This provision specific to Class "D" Preserves relates to the development of new residential structures. The property currently is developed with two single family residences. Because residential development rights beyond one single family residence per ownership unit are restricted by terms of the land conservation contract, the County's Williamson Act Guidelines and the Resolution establishing uniform rules and compatible uses, one of these residences will become legally non-conforming. Since this is an existing condition of the property and not new development the County is not prohibited from entering into a land conservation contract with the landowner. One of the two existing residences will remain legal non-conforming for the duration of the contract and may be rebuilt if lost to casualty but may not be expanded.

f. Not more than twenty five percent (25%) of the land area within the preserve is zoned Timberland Production Zone.

None of the land within the proposed preserve is zoned Timberland Production Zone.

Environmental Impact: The designation of lands as Agricultural Preserves is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 17, Section 15317.

ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 3 includes a listing of all written evidence that was submitted by the applicant in support of making the required findings for the Regli Port Kenyon Agricultural Preserve.

The following materials are on file with the Planning Division unless otherwise indicated:

- Application Form
- Present Owners' Deeds
- Preliminary Title Report
- Verification of agricultural income

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment for the amendment to the agricultural preserve and the zone reclassification.

Those agencies that provided written comments originally are checked off.

Referral Agency	Response	Recommendation	Attached	On File
Agricultural Commissioner	✓	Approval		✓
Wiyot Tribe	✓	Approval		✓
Bear River Band	✓	Approval		✓
Farm Bureau		No response		
Assessor's Office	✓	Approval		✓
Williamson Act Committee	✓	Approval	✓	
State Department of Conservation		No response		
City of Ferndale	✓	Approval		✓
Cattlemen's Association		No response		
California Coastal Commission		No response		

WILLIAMSON ACT COMMITTEE MEETING

June 18, 2014

Draft Minutes

I. Call to Order

The meeting was called to order at 3:03 p.m. by Chair John LaBoyteaux.

II. Roll Call

WAC Members Present: John LaBoyteaux, Peggy Satterlee, John Vevoda, and John Brooks
 John Rice arrived at 3:20

Staff Present: Steve Werner, Planning; Jeff Dolf, Agricultural Commissioner; Mari Wilson, Assessor,
Davina Smith, County Counsel

Public Present: Rex Bohn, Jim Regli

III. Approval of Minutes:

Approval of October 28, 2013 minutes continued to next meeting.

Approval of October 16, 2013 and November 20, 2013 minutes. Vevoda/Satterlee, Approved
Unanimously.

IV. Scheduled Matters:

Item 1. Jim Regli (Regli Jerseys – Witman Lane)

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class D preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. The project is located in the Ferndale area, approximately 0.5 miles north from the intersection of Grizzly Bluff Road and Witman Lane, on the property known as 525 Witman Lane.

File No.: APN: 106-051-004

Case No.: AGP-14-002

Recommended WAC Action: Recommend that the Board of Supervisors find the preserve to be consistent with the County's Williamson Act Guidelines and the State Williamson Act, and approve the preserve as proposed.

Item 2. Jim Regli (Regli Jerseys – Port Kenyan)

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class D preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. The project is located in the Ferndale area, approximately 0.33 miles west from the intersection of Meridian Road and Port Kenyan Road, on the property known as 2238 Port Kenyan Road.

File No.: APN: 100-291-008

Case No.: AGP-14-003

Recommended WAC Action: Recommend that the Board of Supervisors find the preserve to be consistent with the County's Williamson Act Guidelines and the State Williamson Act, and approve the preserve as proposed.

Item 3. Jim Regli (Regli Jerseys – Grizzly Bluff)

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class D preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. The project is located in the Ferndale area, on the southwest corner of the intersection of Lawson Lane and Grizzly Bluff Road, on the property known as 4800 Grizzly Bluff Road.

File No.: APN: 106-101-009

Case No.: AGP-14-004

Recommended WAC Action: Recommend that the Board of Supervisors find the preserve to be consistent with the County's Williamson Act Guidelines and the State Williamson Act, and approve the preserve as proposed.

Staff report provided by Steve Werner, Planning.

Committee Discussion: Committee discussed three applications together but voted on each application, separately. Committee discussed determination of legal parcels and location of application lands in terms of adjacent preserves.

Public Comment: Jim Regli, owner, stated that the applications cover two separate dairy farms owned by applicant and his wife.

Close public comment

Committee deliberation: None

WAC Motion: Regli Jerseys – Witman Lane

The Committee recommends Planning Division accept the project as consistent with the Williamson Act Preserve Guidelines. (Vevoda/Brooks, Approved Unanimously)

WAC Motion: Regli Jerseys – Port Kenyan

The Committee recommends Planning Division accept the project as consistent with the Williamson Act Preserve Guidelines. (Brooks/Vevoda, Approved Unanimously)

WAC Motion: Regli Jerseys – Grizzly Bluff

The Committee recommends Planning Division accept the project as consistent with the Williamson Act Preserve Guidelines. (Vevoda/Satterlee, Approved Unanimously)

- V. Old Business:** Steve Werner presented updates for five ranches: Skaggs Tree Farm, Westpoint Ranch, Wolf Ranch, Sierra Pacific-Showers Rock, and Bear Creek Ranch.

Public Comment

Jeff Dolf, Agricultural Commissioner, presented a monitoring report to the Committee and indicated his office has the capacity to continue the monitoring program.

Committee expressed support for continuation of current monitoring process. Committee and County Counsel discussed changes to the guidelines and the language in the contracts. It was agreed to add a discussion of contract language to next meeting's agenda. Committee expressed frustration with process designed to enforce compliance. Jeff Dolf suggested that decisive action would have an impact on compliance.

Close Public Comment

John Brooks announced his resignation from the Committee sharing thoughts of gratitude toward his colleagues on the Committee and the work the Committee has done and is doing.

- VI. New Business:** None
- VII. Correspondence:** None
- VIII. Public Comments:** None
- IX. Adjournment:** Meeting was adjourned by Chair LaBoyteaux at 4:33 p.m.

ATTACHMENT D

Planning Commission Resolution regarding the Regli Jerseys Port Kenyon Preserve

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 15-02**

**Case Number AGP-14-003
Assessor Parcel Number 100-291-008**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Regli Port Kenyon Class D Agricultural preserve application.

WHEREAS, Jim and Susan Regli have applied to establish a new Class "D" 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, 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 Class 17, Section 15317; 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 agricultural preserve (Case No. AGP-14-003); and

WHEREAS, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony on January 8, 2015.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The proposed agricultural preserve is consistent with the General Plan; and
2. The land is and will continue to be used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; and
3. The proposed agricultural preserve is approximately 85 acres, and that the County Assessor's office has determined it to be a viable working preserve; and

4. The proposed preserve is zoned for agricultural use (AE-60/F,R,T,W); and
5. The land consists of prime lands and fillable non-prime land, as defined by Section 51201 Government Code; and
6. The proposed project is categorically exempt from environmental review pursuant to Class 17, Section 15317 of CEQA; and

BE IT FURTHER RESOLVED that the Planning Commission recommend that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law; and
2. Consider the application; and
3. Adopt the necessary findings prepared by Planning Staff; and
4. Adopt Resolution No.15-02 establishing the Regli Port Kenyon Class "D" Agricultural Preserve with uniform Rules including Compatible Uses; and
5. Authorize the Chair of the Board to execute a Land Conservation Contract for the Class "D" Preserve and; and
6. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
7. Direct the Clerk of the Board to give notice of the decision to the applicant, the California Office of Land Conservation and any other interested party; and
8. Direct the Clerk of the Board to file for record the executed Land Conservation Contract with the Humboldt County Recorder.

Adopted after review and consideration of all the evidence on January 8, 2015.

The motion was made by Commissioner Edmonds and seconded by Commissioner Shepherd.

AYES: Commissioners: Ulansey, Levy, McKenny, Morris, Edmonds, Shepherd, Bongio

NOES: Commissioners: None

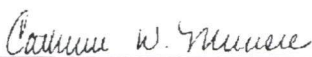
ABSTAIN: Commissioners: None

ABSENT: Commissioners: None

DECISION: Motion passes 7/0.


Robert Morris, Chair

I, Catherine Munsee, Clerk 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.


Catherine Munsee, Clerk