



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

L-1

Hearing Date: December 15, 2015

To: Board of Supervisors

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

Subject: **L.D. O'Rourke Agricultural Preserve**
Case Number AGP-15-003
Assessor Parcel Numbers (APNs) 100-121-002, 100-121-003, 100-131-001, 100-131-002, 100-291-001, 100-291-003, and 100-291-012
Approximately 1.5 miles northwest from the intersection of Port Kenyon Road and Meridian 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. 15-132 (Attachment A) establishing the L.D. O'Rourke 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

Prepared by *Cliff Johnson*
Cliff Johnson, Senior Planner

CAO Approval *Amy Green*

Auditor _____ County Counsel *[Signature]* Human Resources _____ Other _____

TYPE OF ITEM:

____ Consent
____ Departmental
XXXX **Public Hearing**
____ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Bohn*

Seconded by Supervisor *Bass*

Ayes *Sundberg, Lorelace, Fennell, Bohn, Bass*

Nays _____

Abstain _____

Absent _____

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

Dated: *Dec. 15, 2015* *[Signature]*

with the County Recorder;

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

An application has been made to establish a Class "C" agricultural preserve of approximately 800 acres. The property is owned by the L.D. O' Rourke Foundation and is utilized primarily for livestock grazing.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging conversion to urban uses. When entering an agricultural preserve, the property owner executes a Land Conservation Contract with the County to restrict uses of the land to agriculture, open space and/or compatible uses. The minimum term for a Land Conservation Contract is ten years and is automatically renewed every year. 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 "C" Cropland Preserve and contract, the preserve area must contain at least 100 acres of cropland (i.e., tillable soil) and no individual lot or parcel of land should be less than 20 contiguous acres. 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 \$2,500 from agricultural production for three of the last five years. While under contract, the zoning and contract prohibit any parcel divisions (which includes the sale of separate legal parcels).

The subject property contains approximately 800 acres of prime agricultural land and consists of seven assessor parcels that existed prior to the County's subdivision regulations. Each of those assessor parcels are more than 20 acres in size. All 800 acres of the property meets the definition of tillable soils (less than 9 percent slope) and roughly 200 acres is identified as prime soils.

The property is located in the Coastal Zone and has an Agriculture Exclusive designation and is zoned for agricultural use (AE-60/W,F,R,T). The property has combining zones for Wetland Protection, Flood Hazard, Riparian Corridor Protection and Transitional Agricultural Lands. The current Agriculture Exclusive zoning and the proposed contract prohibit further parcel divisions.

The land is used primarily for cattle grazing and brings in an income of more than \$2,500 per month by way of a grazing lease, well exceeding the \$2,500 per year requirements of the County's Williamson Act Guidelines. The applicant has provided verification of the lease, which has existed since 2009. There are no outstanding building or zoning violations on the subject property.

Based 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 July 15, 2015 and recommended approval. The County Planning Commission reviewed the proposed Class "C" preserves on September 3, 2015 and adopted a resolution (Attachment D) recommending that the Board approve the proposed preserve and Farmland Security Zone because it is consistent with the County's adopted Guidelines for Class C 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 "C" Preserve is listed below.

Class C

- a. The preserve area should not be less than 100 acres of cropland (i.e. tillable soils) with no individual parcel of less than 20 acres.
- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan.
- c. The lands not zoned TPZ within the preserve must be zoned agricultural prior to the execution of the contract, and all rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract.
- d. The land shall consist of prime agricultural land or non-prime agricultural land as defined by Section 51201 Government Code.

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 the 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 primarily for growing hay 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 C 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: 2015 Prop 13 Factored Base Year Values for the L.D. O'Rourke property is \$1,763,210 which would result in an approximate \$17,632.10 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 2015-2016 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 L.D. O'Rourke Class "C" Agricultural Preserve with location map
- Attachment B: Land Conservation Contract for the L.D. O'Rourke proposed preserve
- Attachment C: Planning Commission staff report of September 3, 2015
- Attachment D: Planning Commission Resolution

ATTACHMENT A
RESOLUTION NO. 15-132

**Establishing the L.D. O'Rourke Class C 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)

2015-023805-9

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

Clerk: MM Total: \$0.00
Dec 22, 2015 at 11:23:35
CONFORMED COPY

**HUMBOLDT COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 15-132**

**RESOLUTION ESTABLISHING THE L.D. O'ROURKE AGRICULTURAL PRESERVE
WITH UNIFORM RULES INCLUDING COMPATIBLE USES (AGP#15-003)**

Pursuant to Board of Supervisors' Action of December 15, 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 December 15, 2015

RESOLUTION NO. 15-132

**RESOLUTION ESTABLISHING THE L.D. O'ROURKE AGRICULTURAL PRESERVE
WITH UNIFORM RULES INCLUDING COMPATIBLE USES (AGP# 15-003)**

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 C 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. 15-003 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:

- (1) 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.
- (2) Field, row, tree, berry and bush crops, including timber growing and harvesting.
- (3) Raising and grazing of horses, cattle, sheep and goats.
- (4) Dairies.
- (5) Nurseries, greenhouses, aviaries, apiaries, and mushroom farms.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of December 15, 2015

RESOLUTION NO. 15-132

B. Uses Permitted with a Use Permit:

- (1) 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.
- (2) Fruit and vegetable storage or packing plants and wayside stands for sale of products produced on the premises.
- (3) Grain and produce storage warehouses.
- (4) Dog kennels.
- (5) Excavation of earth and soil for agricultural purposes only.
- (6) Animal feed yards and sale yards.
- (7) Extraction of minerals and petroleum products consistent with Sections 51238.1 and 51238.2 of the Government Code.
- (8) Labor camps.
- (9) Animal hospitals.
- (10) The erection, construction, alteration or maintenance of gas, electric, water, communication facilities.
- (11) Public stables and training facilities.
- (12) 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.
- (13) Home occupations and cottage industries.
- (14) Agricultural homestays.
- (15) Incidental public service purposes consistent with Section 51293 of the Government Code.
- (16) 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 December 15, 2015

RESOLUTION NO. 15-132

BE IT FURTHER RESOLVED that a certified copy of this resolution and the attached map of Agricultural Preserve No. 15-003 shall be filed in the office of the County Recorder by the Clerk of the Board of Supervisors.

Dated: December 15, 2015



ESTELLE FENNELL, Chair
Humboldt County Board of Supervisors

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

AYES:	Supervisors	Sundberg, Lovelace, Fennell, Bohn, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
County of Humboldt)

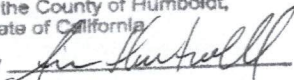
I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

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



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



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:

TRACT ONE:

That real property situate in the County of Humboldt, State of California, generally known and designated as "GREEN BARN PASTURE" conveyed to BERTHA RUSS LYTEL by Deed from Z. Russ Company dated May 9, 1941, recorded December 8, 1941, in Book 253 of Deeds, Page 160, Records of the County of Humboldt, State of California, and described as follows, to wit:

PARCEL ONE:

That portion of the Southwest Quarter of Section 33 bounded as follows:

BEGINNING at a point 11.40 chains East and 60 links North of the Southwest corner of said Section 33; and running
thence South 60 links to the Township line;
thence West on Township line 11.40 chains to Southwest corner of Section 33;
thence North on section line 40 chains more or less to Northwest corner of said Southwest Quarter of Section 33;
thence East on quarter section line 10.40 chains;
thence Southerly on a straight line to the point of beginning.

Also a strip of land 9 chains wide off the East side of the Southeast Quarter of Section 32 for the full length thereof and containing 36 acres more or less.

All in Township 3 North of Range 2 West of Humboldt Base and Meridian.

Subject to the right of way granted to Richard T. Harville by Decree of Preliminary Distribution entered in the above entitled Court on September 25, 1974, and recorded as Instrument No. 17157 on September 30, 1974 in Volume 1258 of Official Records, Page 173, Records of Humboldt County, California.

PARCEL TWO:

A right of way for road uses over the strip of land 40 links in width adjacent on the West to the East line of Section 5 in Township 2 North of Range 2 West, Humboldt Meridian, and extending from the North line of said Section 5 Southerly 24.58 chains more or less to the North line of the land heretofore conveyed to Jespersen by Z. Russ & Sons Company;
said right being in common with others who are entitled to use said road and those who may hereafter become so entitled either by Grant from Z. Russ Company or otherwise.

PARCEL THREE:

A right to use a road in common with others who now or hereafter may be entitled to such use as said road was conveyed to Bertha Russ Lytel from Z. Russ Company by Deed hereinabove referred to, which said road parallels the East line of Section 5 in Township 2 North of Range 2 West, Humboldt Meridian, and lying West of said section line, and extending from said North line of the Jespersen land Southerly to the North line of the County Road known as the Centerville Road.

TRACT TWO:

That real property situate in the County of Humboldt, State of California, generally known and designated as "THE OCCIDENTAL DAIRY" conveyed to BERTHA RUSS LYTEL by Deed from Z. Russ Company dated May 9, 1941, recorded December 8, 1941, in Book 253 of Deeds, Page 161, Records of the County of Humboldt, State of California, and described as follows, to wit:

PARCEL A:

The Northwest quarter of Section 33, Township 3 North, Range 2 West, Humboldt Meridian, lying and being within a portion of Swamp and Overflowed Land Survey No. 228.

EXCEPTING therefrom the following described parcel of land:

BEGINNING at the quarter section corner between Sections 28 and 33 in said Township;
thence West 7 chains to the left bank of Mill Slough;
thence along said bank in a general Southeasterly direction to a point directly South of the point of beginning;
thence North 3.50 chains to the point of beginning.

PARCEL B:

That portion of Swamp and Overflowed Land Survey originally numbered 136, lying within a portion of the Southeast Quarter of Southwest Quarter of Section 28, Township 3 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at a point on the right bank of Mill Slough distant 8.40 chains West of the quarter section corner between Sections 28 and 33 of said Township;
thence West 6.70 chains to another point on the right bank of Mill Slough;
thence along the bank of said Slough, first Northeasterly and then Southeasterly to the point of beginning.

PARCEL C:

That portion of Swamp and Overflowed Land Survey originally numbered 136, lying within a triangular parcel of land in the Southeast Quarter of Southwest Quarter of Section 28, Township 3 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at the Southwest corner of said Southeast Quarter of Southwest Quarter of Section 28;
thence South 87 1/4 degrees East, along the South boundary of said Section 28, a distance of 110 feet;
thence North 55 1/4 degrees West, 133.70 feet to a point on the West boundary of said Southeast Quarter of Southwest Quarter of Section 28;
thence South 71 feet to the point of beginning.

Being the same parcel as granted in the Deed from Antone Zana and wife, to Z. Russ Company, a California corporation, dated March 22, 1918 and recorded March 27, 1918 in Book 141 of Deeds at Page 419.

TRACT THREE:

That portion of Swamp and Overflowed Land Survey originally numbered 136, lying within the West Half of Northeast quarter of Section 33, Township 3 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at the Southwest corner of the Northwest Quarter of Northeast Quarter of said Section 33;
thence East 9 chains, more or less, to the County Road, as said road existed on August 21, 1896;
thence North along said road, 40 feet;
thence West 9 chains, more or less, to the quarter section line running North and South through the center of said Section 33;
thence South 40 feet to the point of beginning.

TRACT FOUR:

That portion of Section 32, Township 3 North, Range 2 West, Humboldt Meridian, lying within a portion of Swamp and Overflowed Land Survey No. 35 and lying within a portion of Swamp and Overflowed Land Survey No. 228, described as follows:

BEGINNING at the Southeast corner of the Northeast Quarter of said Section 32; running

thence West on quarter section line 9 chains;

thence South to a point which is 9 chains West of the East line of said Section 32 and 38.66 chains North of the South line of said Section, said point also being on the division fence at South boundary of what is called the Occidental Dairy;

thence along said division fence South 85 degrees West 13.43 chains;

thence North 47 3/4 degrees West along fence line 30.40 chains to center line of small slough;

thence along middle of said slough West 2.30 chains;

thence continuing along same North 40 degrees West 10 chains;

thence continuing along same North 14 degrees West 14.85 chains, to a point on the section line between Sections 29 and 32 of said Township, distant 24.13 chains East of the United States Government Meander Corner situated 1.36 chains West of the corner to Sections 29, 30, 31 and 32 in said Township;

thence East 57.23 chains more or less along North line of Section 32 to the Northeast corner thereof;

thence South along section line 40 chains more or less to the place of beginning.

TRACT FIVE:

Those portions of Swamp and Overflowed Land Survey No. 227 and No. 231, lying within a portion of Sections 20, 21, 28, and 29, Township 3 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at a point on the South line of said Section 29 distant 24.13 chains East of the meander corner of the United States Government Survey which is situated 1.36 chains West of the corner common to Sections 29, 30, 31 and 32, in said Township;

thence North 2.16 chains;

thence East 5.00 chains;

thence North 60 degrees East, 14.20 chains;

thence North 15 degrees East, 13.00 chains;

thence North 38 degrees East, 18.00 chains;

thence North 11.90 chains;

thence North 12 degrees East, 22 chains;

thence North 25 degrees East, 40.00 chains;

thence North 57 degrees East, 20.00 chains;

thence East 7.26 chains to the West line of State Tide Land Survey No. 29;

thence South, along said West line, 25 chains;

thence following the left bank of Salt River upstream, as follows:

South, 80 degrees West 23.26 chains,

South 68 degrees West 5.50 chains,

South 45 degrees West 8.23 chains,

South 10 degrees West 10.00 chains,

South 3.00 chains

East 5.11 chains,

South 40 degrees East 5.00 chains,

South 52 degrees East 10.00 chains,

South 30 degrees East 5.00 chains,

South 15.00 chains,

South 24 degrees East 17.00 chains,

South 45 degrees East 7.00 chains, and

East 6.00 chains to the Northerly terminus of the most Easterly boundary line of said Swamp and Overflowed Land Survey No. 231;

thence leaving Salt River, South, along said most Easterly boundary line of Survey No. 231, a distance of 17.02 chains to the South line of said Section 28;

thence West along the South line of said Sections 28 and 29, a distance of 77.23 chains, more or less, to the point of beginning.

TRACT SIX:

All the land embraced within the boundaries of State Tide Land Survey No. 29, situated in the Southwest Quarter of Section 21, Township 3 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at a post on the margin of the low water mark of the Salt River, 20 chains East and 11 chains North of the corner common to Sections 20, 21, 28 and 29 in said Township;

thence North 28.50 chains to the low water mark on said River;

thence following the meanders of said low water mark, left bank upstream, as follows:

South $64 \frac{3}{4}$ degrees East 2.00 chains,

South $55 \frac{1}{4}$ degrees East, 4.00 chains,

South $45 \frac{1}{4}$ degrees East 2.50 chains,

South $30 \frac{3}{4}$ degrees East 3.90 chains,

South $16 \frac{1}{4}$ degrees East 7.00 chains,

South 3.00 chains,

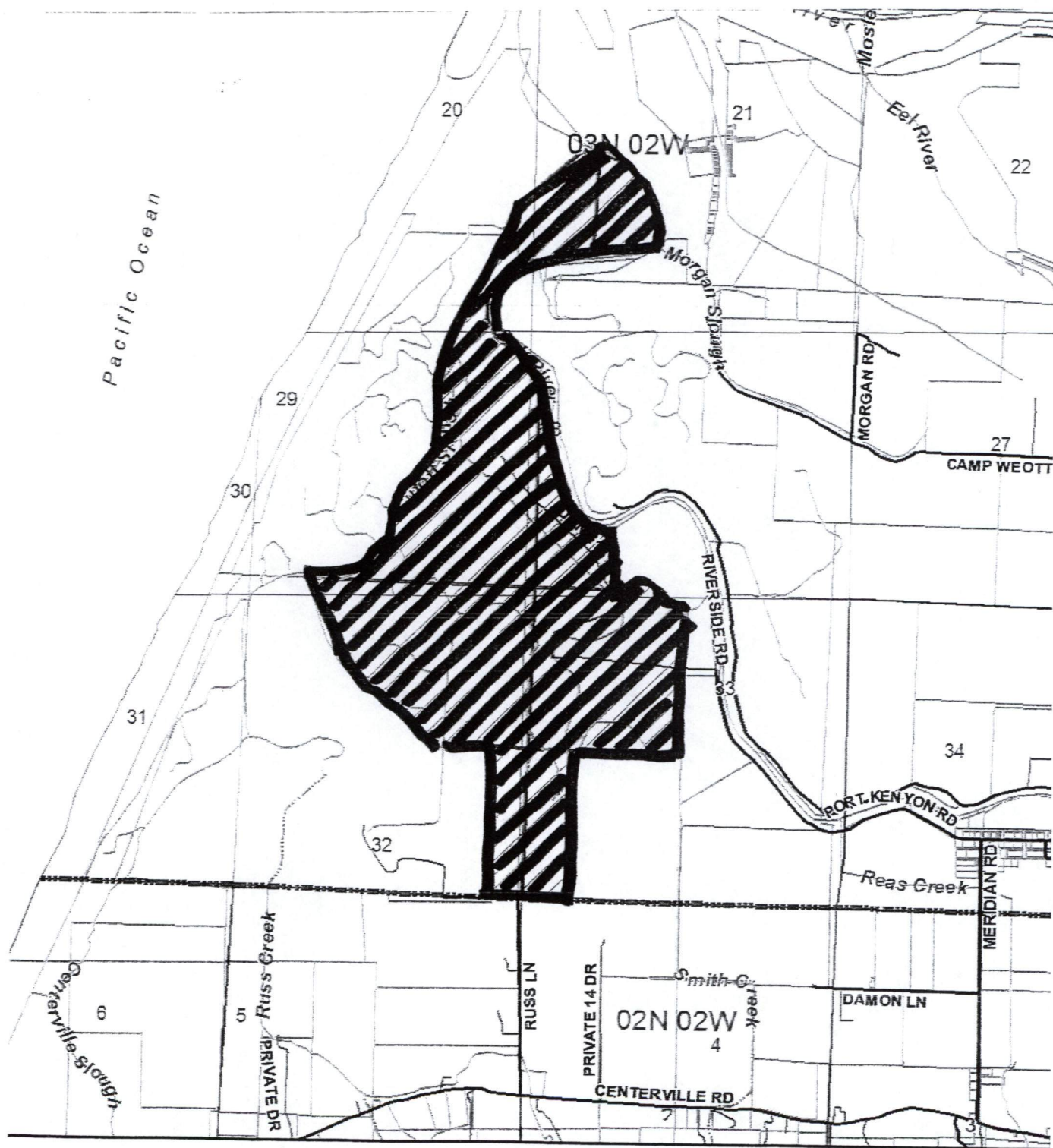
South 13 degrees West 2.40 chains,

South 23 degrees West, 2.00 chains,

South $40 \frac{1}{2}$ degrees West 3.50 chains,

South $58 \frac{3}{4}$ degrees West 5.50 chains, and

South $70 \frac{3}{4}$ degrees West 2.93 chains to the point of beginning.



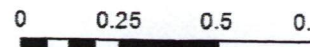
LOCATION MAP

PROPOSED L.D. O'ROURKE FOUNDATION
AGRICULTURAL PRESERVE
FERNDALE AREA

AGP-15-003

APN: 100-121-002 et seq

T03N R02W S20-21,28-29,32-33 HB&M (Ferndale)



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)

Clerk: MM Total: \$0.00
Dec 22, 2015 at 11:23:35
CONFORMED COPY

**LAND CONSERVATION CONTRACT
(L.D. O'Rourke Foundation Preserve)**

THIS CONTRACT is dated this 21st day of December, 2015, by and between L.D. O'Rourke Foundation, A California Nonprofit Public Benefit Corporation referred to as OWNER, 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 C Agricultural Preserve heretofore established by COUNTY by Resolution No. 15-132; 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 **L.D. O'Rourke Foundation, PO Box 877, Ferndale, CA 95536** 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.

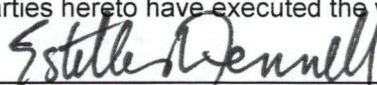
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IN WITNESS WHEREOF, the parties hereto have executed the within contract.

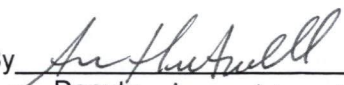


Chair of the Board of Supervisors Estelle R. Fennell
of the County of Humboldt, State of California.

(SEAL)

ATTEST:

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

By 
Deputy Ana Hartwell

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 December 21, 2015 before me, Catherine Whitman Munsee,
personally appeared ESTELLE R. 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

Owners of Record

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 Thomas Renner By _____
Thomas Renner VICE PRESIDENT, L.D. O'ROURKE FOUNDATION

By Betty Diehl By _____
Betty Diehl, SECRETARY, L.D. O'ROURKE FOUNDATION

(Signature(s) to be Notarized)

see attached CA 2015
Notary Acknowledgments

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 _____

By _____

Title _____

Title _____

Corporation Name: _____

Corporation Name: _____

(Signature(s) to be Notarized)

APPROVED AS TO FORM:

By Natalie Duke
County Counsel Natalie Duke

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

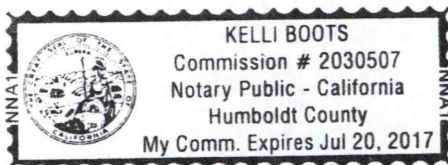
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Humboldt)
 On Sept 14, 2015 before me, Kelli Boots, Notary Public,
 Date Here Insert Name and Title of the Officer
 personally appeared Thomas Renner
 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 Kelli Boots
 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: L.D. O'Rourke Foundation Preserve
Land Conserv. Contract Document Date: 9.14.15
 Number of Pages: _____ Signer(s) Other Than Named Above: Betty Diehl

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ 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

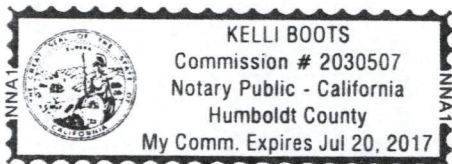
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Humboldt)
 On Sept 14 2015 before me, Kelli Boots, Notary Public,
 Date Here Insert Name and Title of the Officer
 personally appeared Betty Diehl
 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 Kelli Boots
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

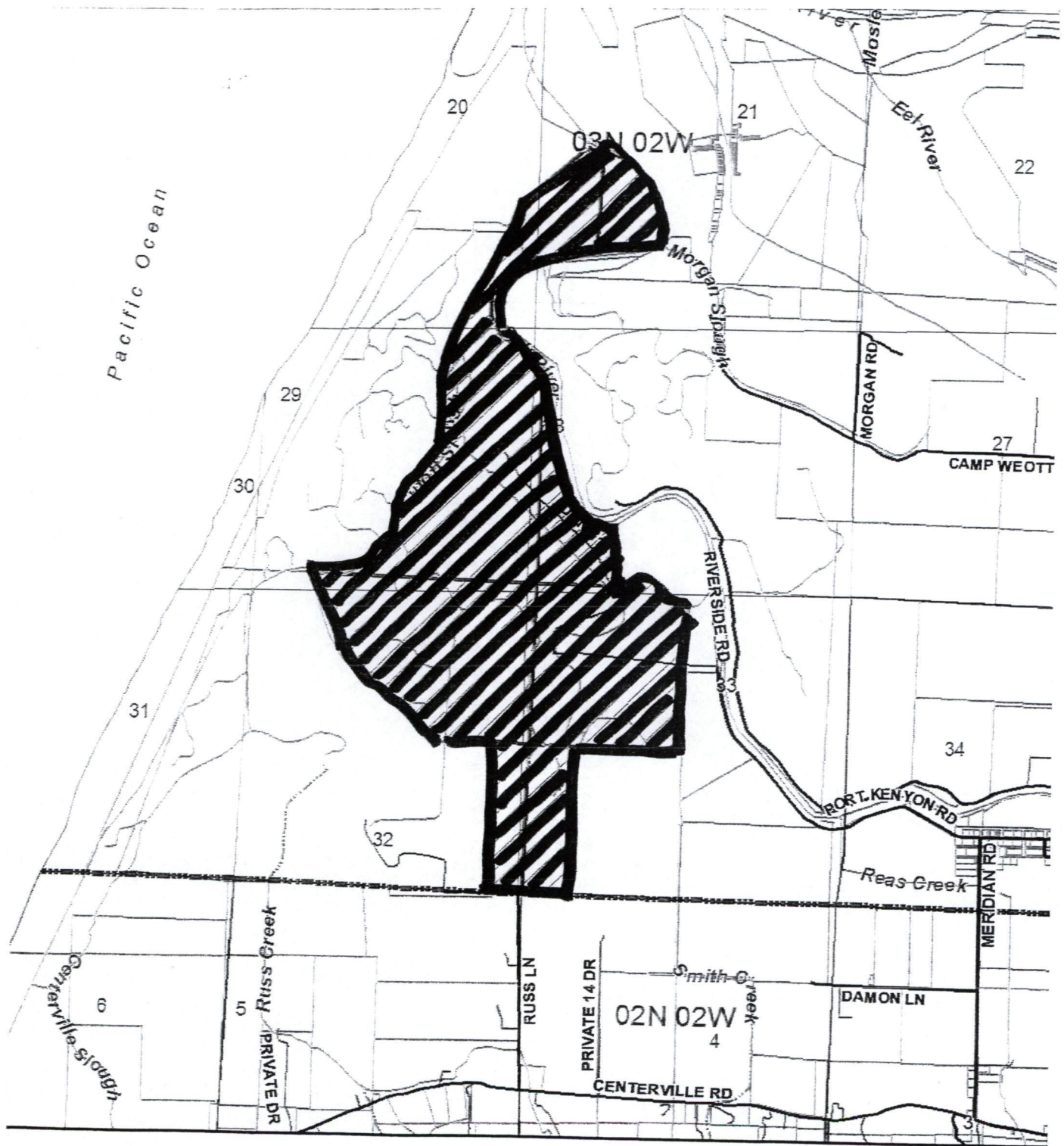
Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document LD- O'Rourke Foundation Preserve
 Title or Type of Document: Land conserv. contract Document Date: 9-14-15
 Number of Pages: _____ Signer(s) Other Than Named Above: Thomas Renner

Capacity(ies) Claimed by Signer(s)

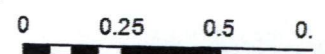
Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

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



LOCATION MAP

PROPOSED L.D. O'ROURKE FOUNDATION
 AGRICULTURAL PRESERVE
 FERNDALE AREA
 AGP-15-003
 APN: 100-121-002 et seq
 T03N R02W S20-21,28-29,32-33 HB&M (Ferndale)



DESCRIPTION

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

TRACT ONE:

That real property situate in the County of Humboldt, State of California, generally known and designated as "GREEN BARN PASTURE" conveyed to BERTHA RUSS LYTEL by Deed from Z. Russ Company dated May 9, 1941, recorded December 8, 1941, in Book 253 of Deeds, Page 160, Records of the County of Humboldt, State of California, and described as follows, to wit:

PARCEL ONE:

That portion of the Southwest Quarter of Section 33 bounded as follows:

BEGINNING at a point 11.40 chains East and 60 links North of the Southwest corner of said Section 33; and running
thence South 60 links to the Township line;
thence West on Township line 11.40 chains to Southwest corner of Section 33;
thence North on section line 40 chains more or less to Northwest corner of said Southwest Quarter of Section 33;
thence East on quarter section line 10.40 chains;
thence Southerly on a straight line to the point of beginning.

Also a strip of land 9 chains wide off the East side of the Southeast Quarter of Section 32 for the full length thereof and containing 36 acres more or less.

All in Township 3 North of Range 2 West of Humboldt Base and Meridian.

Subject to the right of way granted to Richard T. Harville by Decree of Preliminary Distribution entered in the above entitled Court on September 25, 1974, and recorded as Instrument No. 17157 on September 30, 1974 in Volume 1258 of Official Records, Page 173, Records of Humboldt County, California.

PARCEL TWO:

A right of way for road uses over the strip of land 40 links in width adjacent on the West to the East line of Section 5 in Township 2 North of Range 2 West, Humboldt Meridian, and extending from the North line of said Section 5 Southerly 24.58 chains more or less to the North line of the land heretofore conveyed to Jespersen by Z. Russ & Sons Company;
said right being in common with others who are entitled to use said road and those who may hereafter become so entitled either by Grant from Z. Russ Company or otherwise.

PARCEL THREE:

A right to use a road in common with others who now or hereafter may be entitled to such use as said road was conveyed to Bertha Russ Lytel from Z. Russ Company by Deed hereinabove referred to, which said road parallels the East line of Section 5 in Township 2 North of Range 2 West, Humboldt Meridian, and lying West of said section line, and extending from said North line of the Jespersen land Southerly to the North line of the County Road known as the Centerville Road.

TRACT TWO:

That real property situate in the County of Humboldt, State of California, generally known and designated as "THE OCCIDENTAL DAIRY" conveyed to BERTHA RUSS LYTEL by Deed from Z. Russ Company dated May 9, 1941, recorded December 8, 1941, in Book 253 of Deeds, Page 161, Records of the County of Humboldt, State of California, and described as follows, to wit:

PARCEL A:

The Northwest quarter of Section 33, Township 3 North, Range 2 West, Humboldt Meridian, lying and being within a portion of Swamp and Overflowed Land Survey No. 228.

EXCEPTING therefrom the following described parcel of land:

BEGINNING at the quarter section corner between Sections 28 and 33 in said Township;
thence West 7 chains to the left bank of Mill Slough;
thence along said bank in a general Southeasterly direction to a point directly South of the point of beginning;
thence North 3.50 chains to the point of beginning.

PARCEL B:

That portion of Swamp and Overflowed Land Survey originally numbered 136, lying within a portion of the Southeast Quarter of Southwest Quarter of Section 28, Township 3 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at a point on the right bank of Mill Slough distant 8.40 chains West of the quarter section corner between Sections 28 and 33 of said Township;
thence West 6.70 chains to another point on the right bank of Mill Slough;
thence along the bank of said Slough, first Northeasterly and then Southeasterly to the point of beginning.

PARCEL C:

That portion of Swamp and Overflowed Land Survey originally numbered 136, lying within a triangular parcel of land in the Southeast Quarter of Southwest Quarter of Section 28, Township 3 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at the Southwest corner of said Southeast Quarter of Southwest Quarter of Section 28;
thence South 87 1/4 degrees East, along the South boundary of said Section 28, a distance of 110 feet;
thence North 55 1/4 degrees West, 133.70 feet to a point on the West boundary of said Southeast Quarter of Southwest Quarter of Section 28;
thence South 71 feet to the point of beginning.

Being the same parcel as granted in the Deed from Antone Zana and wife, to Z. Russ Company, a California corporation, dated March 22, 1918 and recorded March 27, 1918 in Book 141 of Deeds at Page 419.

TRACT THREE:

That portion of Swamp and Overflowed Land Survey originally numbered 136, lying within the West Half of Northeast quarter of Section 33, Township 3 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at the Southwest corner of the Northwest Quarter of Northeast Quarter of said Section 33;
thence East 9 chains, more or less, to the County Road, as said road existed on August 21, 1896;
thence North along said road, 40 feet;
thence West 9 chains, more or less, to the quarter section line running North and South through the center of said Section 33;
thence South 40 feet to the point of beginning.

TRACT FOUR:

That portion of Section 32, Township 3 North, Range 2 West, Humboldt Meridian, lying within a portion of Swamp and Overflowed Land Survey No. 35 and lying within a portion of Swamp and Overflowed Land Survey No. 228, described as follows:

BEGINNING at the Southeast corner of the Northeast Quarter of said Section 32; running

thence West on quarter section line 9 chains;

thence South to a point which is 9 chains West of the East line of said Section 32 and 38.66 chains North of the South line of said Section, said point also being on the division fence at South boundary of what is called the Occidental Dairy;

thence along said division fence South 85 degrees West 13.43 chains;

thence North 47 3/4 degrees West along fence line 30.40 chains to center line of small slough;

thence along middle of said slough West 2.30 chains;

thence continuing along same North 40 degrees West 10 chains;

thence continuing along same North 14 degrees West 14.85 chains, to a point on the section line between Sections 29 and 32 of said Township, distant 24.13 chains East of the United States Government Meander Corner situated 1.36 chains West of the corner to Sections 29, 30, 31 and 32 in said Township;

thence East 57.23 chains more or less along North line of Section 32 to the Northeast corner thereof;

thence South along section line 40 chains more or less to the place of beginning.

TRACT FIVE:

Those portions of Swamp and Overflowed Land Survey No. 227 and No. 231, lying within a portion of Sections 20, 21, 28, and 29, Township 3 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at a point on the South line of said Section 29 distant 24.13 chains East of the meander corner of the United States Government Survey which is situated 1.36 chains West of the corner common to Sections 29, 30, 31 and 32, in said Township;

thence North 2.16 chains;

thence East 5.00 chains;

thence North 60 degrees East, 14.20 chains;

thence North 15 degrees East, 13.00 chains;

thence North 38 degrees East, 18.00 chains;

thence North 11.90 chains;

thence North 12 degrees East, 22 chains;

thence North 25 degrees East, 40.00 chains;

thence North 57 degrees East, 20.00 chains;

thence East 7.26 chains to the West line of State Tide Land Survey No. 29;

thence South, along said West line, 25 chains;

thence following the left bank of Salt River upstream, as follows:

South, 80 degrees West 23.26 chains,

South 68 degrees West 5.50 chains,

South 45 degrees West 8.23 chains,

South 10 degrees West 10.00 chains,

South 3.00 chains

East 5.11 chains,

South 40 degrees East 5.00 chains,

South 52 degrees East 10.00 chains,

South 30 degrees East 5.00 chains,

South 15.00 chains,

South 24 degrees East 17.00 chains,

South 45 degrees East 7.00 chains, and

East 6.00 chains to the Northerly terminus of the most Easterly boundary line of said Swamp and Overflowed Land Survey No. 231;

thence leaving Salt River, South, along said most Easterly boundary line of Survey No. 231, a distance of 17.02 chains to the South line of said Section 28;

thence West along the South line of said Sections 28 and 29, a distance of 77.23 chains, more or less, to the point of beginning.

TRACT SIX:

All the land embraced within the boundaries of State Tide Land Survey No. 29, situated in the Southwest Quarter of Section 21, Township 3 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at a post on the margin of the low water mark of the Salt River, 20 chains East and 11 chains North of the corner common to Sections 20, 21, 28 and 29 in said Township;

thence North 28.50 chains to the low water mark on said River;

thence following the meanders of said low water mark, left bank upstream, as follows:

South $64 \frac{3}{4}$ degrees East 2.00 chains,

South $55 \frac{1}{4}$ degrees East, 4.00 chains,

South $45 \frac{1}{4}$ degrees East 2.50 chains,

South $30 \frac{3}{4}$ degrees East 3.90 chains,

South $16 \frac{1}{4}$ degrees East 7.00 chains,

South 3.00 chains,

South 13 degrees West 2.40 chains,

South 23 degrees West, 2.00 chains,

South $40 \frac{1}{2}$ degrees West 3.50 chains,

South $58 \frac{3}{4}$ degrees West 5.50 chains, and

South $70 \frac{3}{4}$ degrees West 2.93 chains to the point of beginning.

RECEIPT



Transaction #: 61343
 Receipt #: 2015012926
 Cashier Date: 12/22/15 11:23
 Cashier By: MM
 Print Date: 12/22/2015 11:24:17

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

11:24:17
 12/22/2015

CUSTOMER INFORMATION		TRANSACTION INFORMATION		PAYMENT SUMMARY	
HUMBOLDT CNTY		Date Received:	December 22, 2015 11:06	Total Fees:	\$0.00
		Source Code:	10 a.m. Reservation	Total Payments:	\$0.00
		Return Code:	MAIL	Balance Due:	\$0.00
		Trans Type:	Recording		
		Bin Number:			
		Agent Ref Number:	X		

TRANSACTION PROBLEMS



1	Payment	
	EXEMPT	\$0.00
5	Official Records	
RESOLUTION NO	Document #: 2015-023805 Pages: 9 Date: 12/22/2015 11:23:35 From: HUMBOLDT CNTY To: RESOLUTION ESTABLISHING THE L D OROURKE AGRICULT	
MISC	Document #: 2015-023806 Pages: 13 Date: 12/22/2015 11:23:35 From: L D OROURKE FOUNDATION To: HUMBOLDT CNTY	
RESOLUTION NO	Document #: 2015-023807 Pages: 6 Date: 12/22/2015 11:23:35 From: HUMBOLDT CNTY To: RESOLUTION ESTABLISHING THE FORBES AGRICULTURAL	
MISC	Document #: 2015-023808 Pages: 13 Date: 12/22/2015 11:23:35 From: FORBES DYLLAN RUSSELL To: HUMBOLDT CNTY	
MISC	Document #: 2015-023809 Pages: 10 Date: 12/22/2015 11:23:35 From: HUMBOLDT CNTY To: ORDINANCE AMENDING SECTION 311 7 OF THE HUMBOLDT	

ATTACHMENT C

Planning Commission staff report of September 3, 2015 for the L.D. O'Rourke 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: September 3, 2015

To: Humboldt County Planning Commission

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

Subject: **L.D. O'Rourke** Agricultural Preserve
Case Number AGP-15-003
Assessor Parcel Numbers (APNs) 100-121-002, 100-121-003, 100-131-001, 100-131-002, 100-291-001, 100-291-003, and 100-291-012
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	12
Topographical Map	13
Attachments	
Attachment 1: Recommended Conditions of Approval	14
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	15
Attachment 3: Applicant's Evidence in Support of the Required Findings	18
Attachment 4: Referral Agency Comments and Recommendations	19

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
September 3, 2015	Agricultural Preserve	Cliff Johnson

Project: An application to establish a Class "C" agricultural preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. The approximately 800 acre property is owned by the L.D. O'Rourke Foundation and is utilized primarily for cattle grazing.

Project Location: The project is located in the Ferndale area, off of a private driveway that is located approximately 1.5 miles northwest from the intersection of Port Kenyan Road and Meridian Road. Located in sections 20, 21, 29, 32 and 33 of Township 03 North, Range 02 West, Humboldt Meridian.

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), Flood Hazard Areas (F), Streams and Riparian Corridor Protection (R), Transitional Agricultural Lands (T); (NR/R) Natural Resources (NR), Streams and Riparian Corridor Protection (R)

Case Number AGP-15-003

Application Number 9737

Assessor Parcel Number: 100-121-002, 100-121-003, 100-131-001, 100-131-002, 100-291-001, 100-291-003, and 100-291-012

Applicant	Owner
L.D. O'Rourke Foundation	Same
PO Box 877	
Ferndale CA 95536	

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.

L.D. O'ROURKE FOUNDATION AGRICULTURAL PRESERVE

Case Number AGP-15-003

Assessor Parcel Numbers 100-121-002, 100-121-003, 100-131-001, 100-131-002, 100-291-001, 100-291-003, and 100-291-012

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 L.D. O'Rourke Foundation 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 "C" agricultural preserve of approximately 800 acres. The property is owned by the L.D. O' Rourke Foundation and is utilized primarily for livestock grazing.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging conversion to urban uses. When entering an agricultural preserve, the property owner executes a Land Conservation Contract with the County to restrict uses of the land to agriculture, open space and/or compatible uses. The minimum term for a Land Conservation Contract is ten years and is automatically renewed every year. 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 "C" Cropland Preserve and contract, the preserve area must contain at least 100 acres of cropland (i.e., tillable soil) and no individual lot or parcel of land should be less than 20 contiguous acres. 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, the zoning and contract prohibit any parcel divisions (which includes the sale of separate legal parcels).

The subject property contains approximately 800 acres of prime agricultural land and consists of seven assessor parcels that existed prior to the County's subdivision regulations. Each of those assessor parcels are more than 20 acres in size. All 800 acres of the property meets the definition of tillable soils (less than 9 percent slope) and roughly 200 acres is identified as prime soils.

The soil type is Ferndale silt loam, Bayside silty clay loam, Loleta loam and Loleta silty clay loam. The Ferndale silt loam is classified as a Class I soil by the Soil Conservation Service and is considered a prime soil. The Loleta silty clay loam and Loleta loam soils are classified as Class II soils by the Soil Conservation Service and are considered prime soils. Most of the Bayside silty clay loam is classified as Class III and IV soils and are not prime, with the exception of the bayside silty clay loam 3 soils (Ba3) which is a Class II soil and considered a prime soil.

The property is located in the Coastal Zone and has an Agriculture Exclusive designation and is

zoned for agricultural use (AE-60 –W,F,R,T). The property has combining zones for Wetland Protection, Flood Hazard, Riparian Corridor Protection and Transitional Agricultural Lands. The current Agriculture Exclusive zoning and the proposed contract prohibit further parcel divisions.

The land is used primarily for cattle grazing and brings in an income of more than \$2,500 per month by way of a grazing lease, well exceeding the \$2,500 per year requirements of the County's Williamson Act Guidelines. The applicant has provided verification of the lease, which has existed since 2009. There are no outstanding building or zoning violations on the subject property.

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 July 15, 2015 and recommended approval.

Alternatives: The Planning Commission could recommend not to approve the project. This alternative should be implemented if the 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 15-**

**Case Number AGP-15-003
Assessor Parcel Numbers 100-121-002, 100-121-003, 100-131-001, 100-131-002, 100-291-001, 100-291-003, and 100-291-012**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the L.D. O'Rourke Foundation Class C Agricultural preserve application.

WHEREAS, the L.D. O'Rourke Foundation has applied to establish a new Class "C" 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 Number AGP-15-003); 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 September 3, 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 800 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/W,F,R,T); and
5. The land consists of prime lands and non-prime agricultural lands of statewide significance, 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 recommends 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 L.D. O'Rourke Foundation Class "C" 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 "C" 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 September 3, 2015

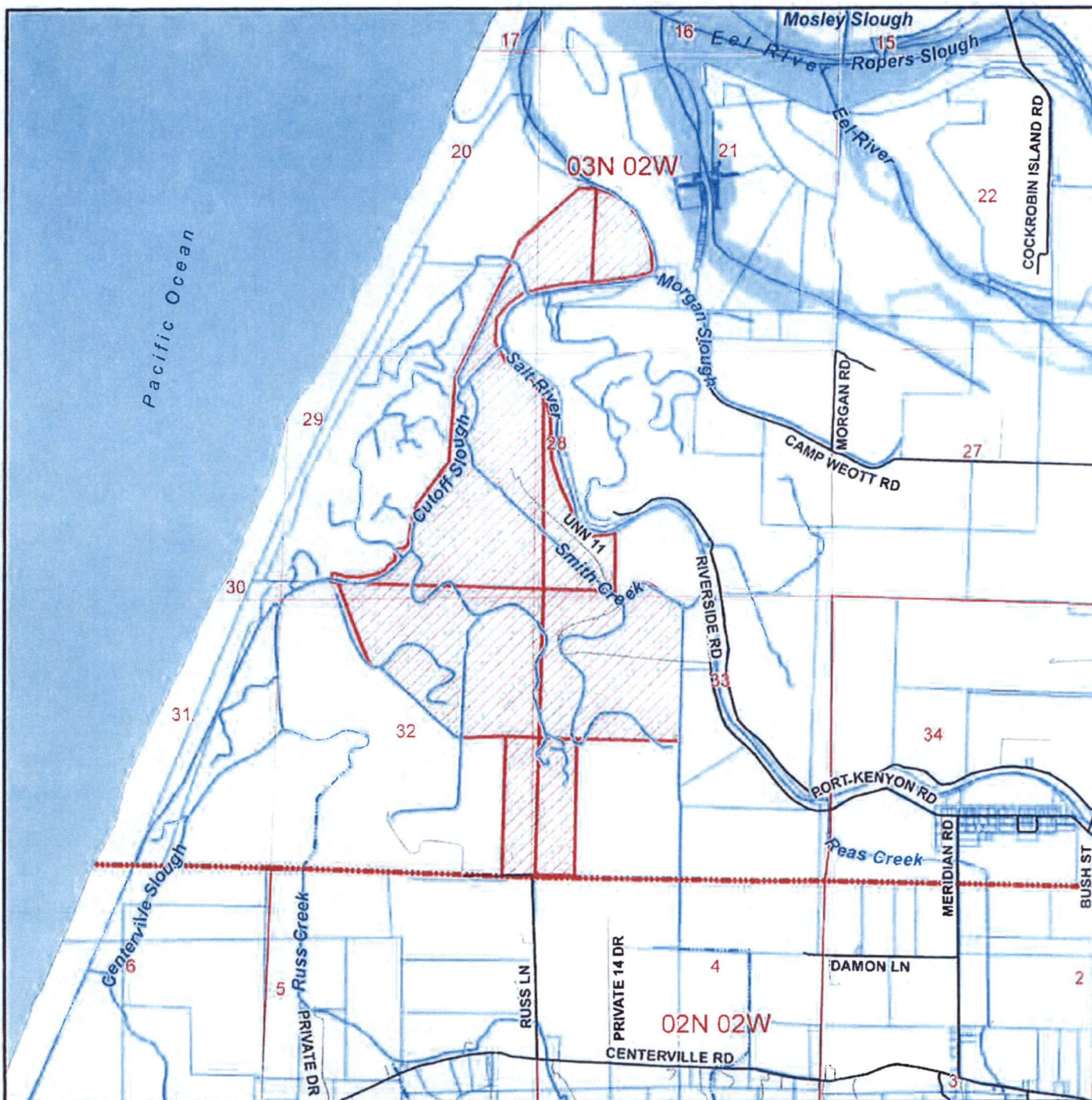
The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

Robert Morris, Chair

I, Patti Lawson, 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.

Patti Lawson, Clerk



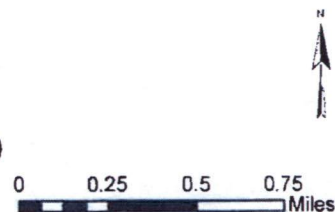
LOCATION MAP

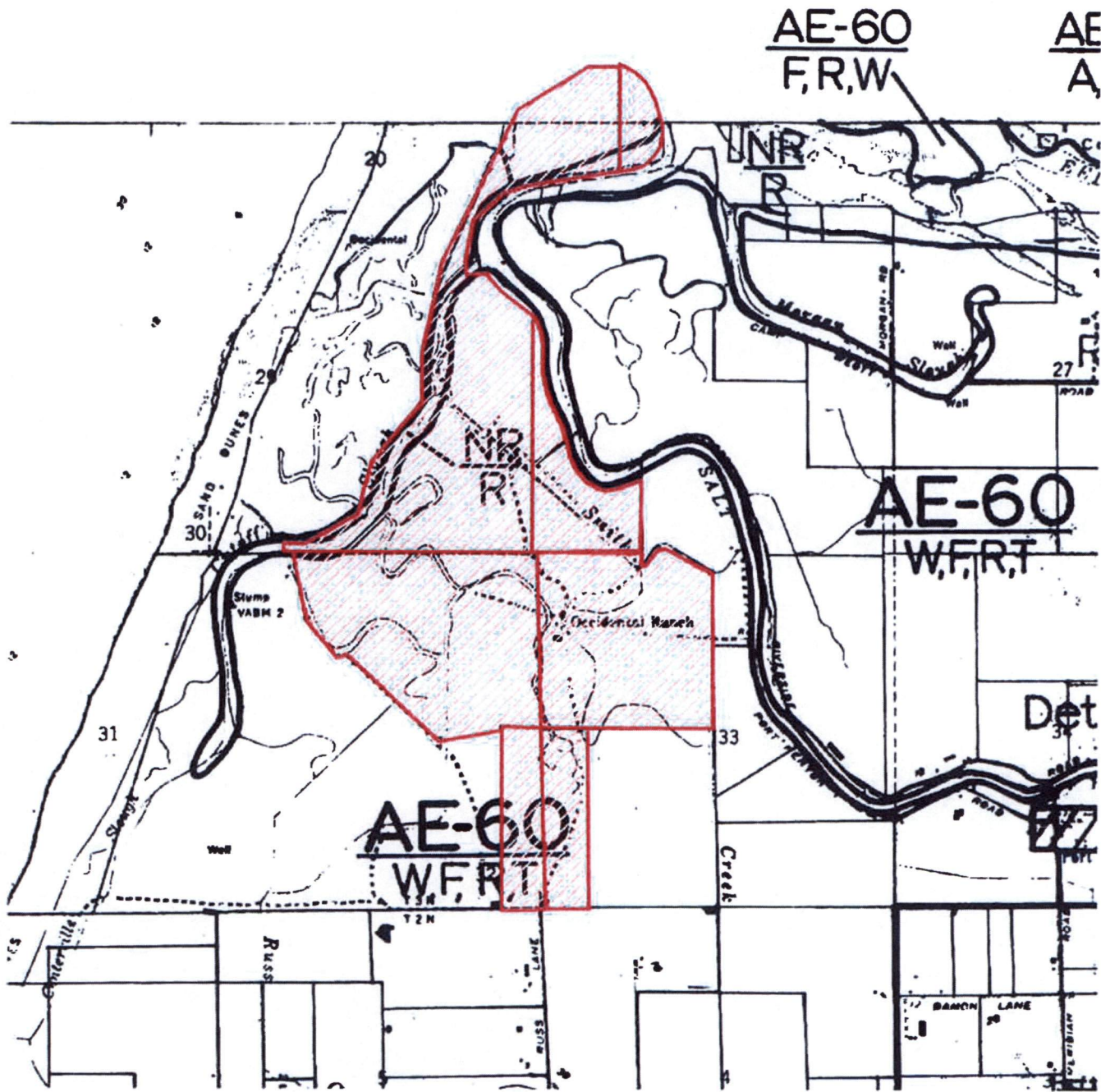
PROPOSED L.D. O'ROURKE FOUNDATION AGRICULTURAL PRESERVE FERNDALE AREA AGP-15-003

Project Area = 

APN: 100-121-002 et seq
T03N R02W S20-21,28-29,32-33 HB&M (Ferndale)

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.





ZONING MAP

**PROPOSED BENBOW VALLEY INVESTMENTS PT
 DESIGN REVIEW &
 LOT LINE ADJUSTMENT
 BENBOW AREA
 DR-15-009/LLA-15-016
 APN:033-301-015 et seq
 T04S R03E S36 HB&M (Garberville)**

PROJECT AREA = 



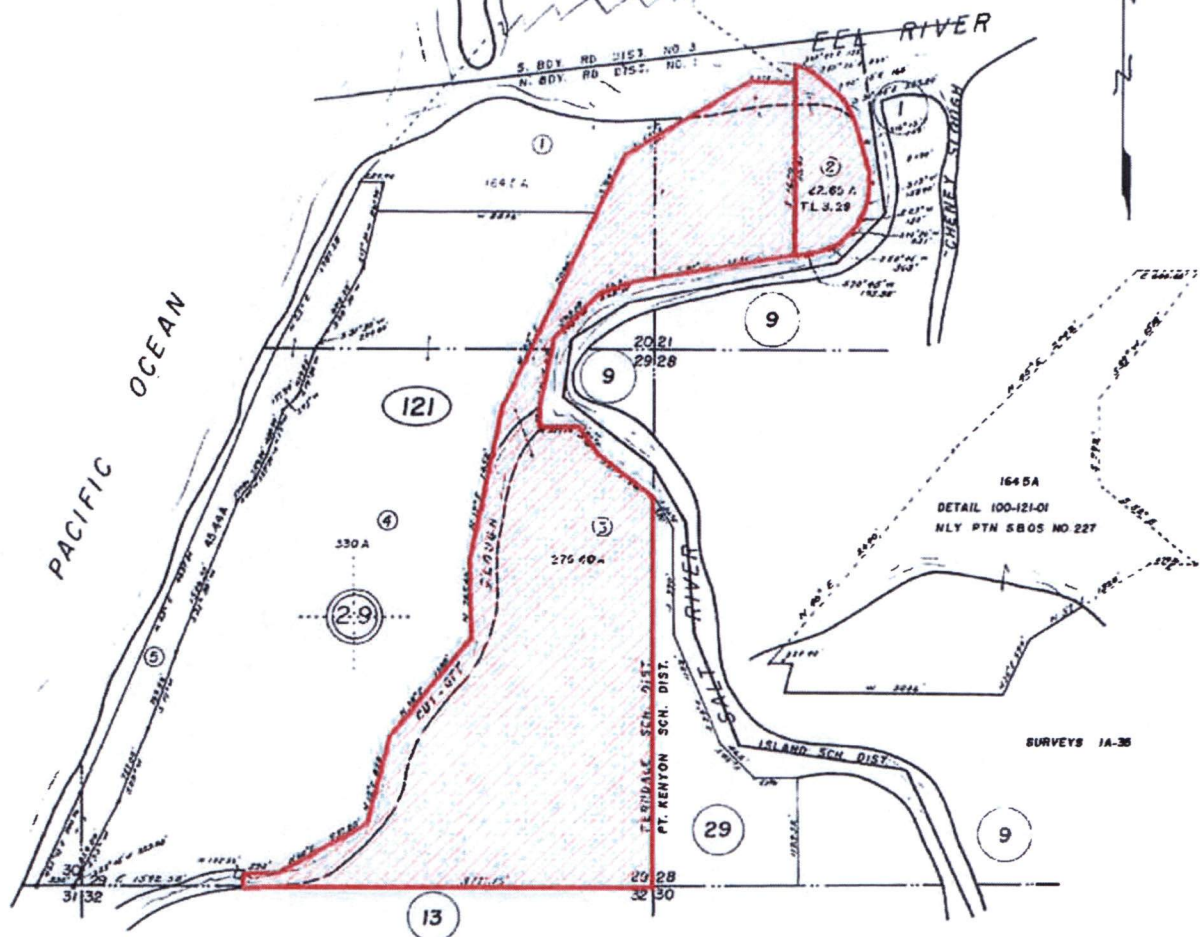
MAP NOT TO SCALE

PTN SECS 20,21,29 & 30, 3N 2W

100-12

1" = 1,000

T. C. A. 83-00



PROJECT SITE =

ASSESSOR PARCEL MAP

**PROPOSED L.D. O'ROURKE FOUNDATION
AGRICULTURAL PRESERVE
FERNDAL AREA**

AGP-15-003

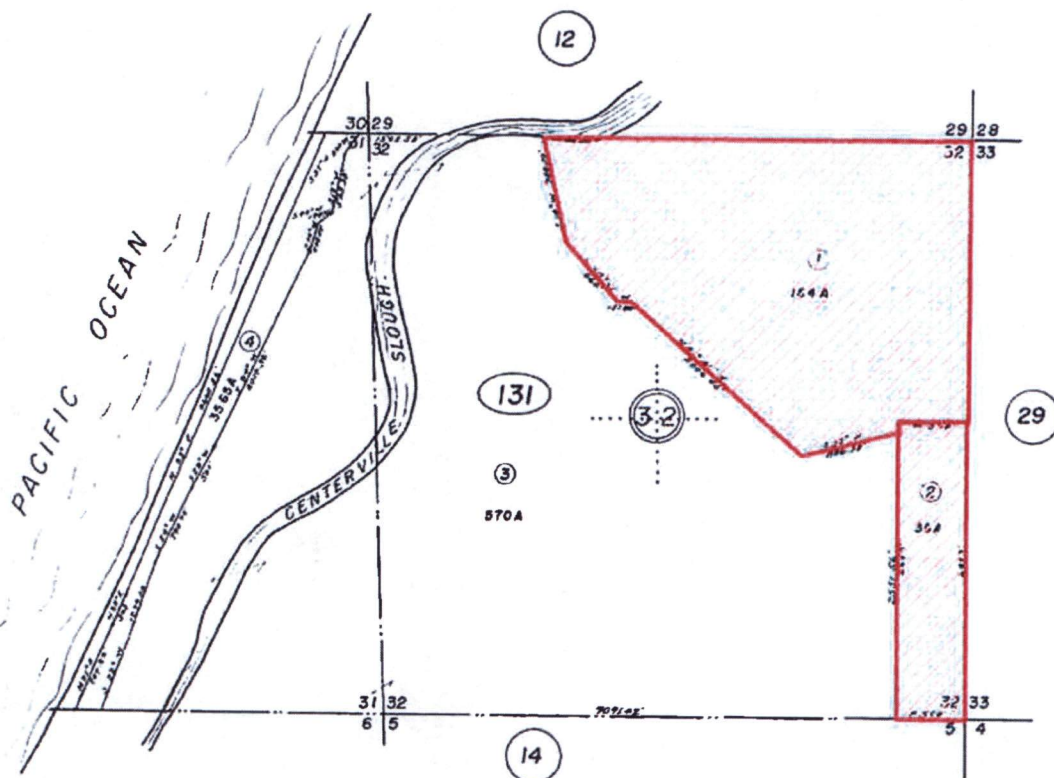
APN: 100-121-002 et seq

T03N R02W S20-21,28-29,32-33 HB&M (Ferndale)

MAP NOT TO SCALE

SECS 31 & 32, 3 N 2 W

100-13



PROJECT SITE = 

ASSESSOR PARCEL MAP

**PROPOSED L.D. O'ROURKE FOUNDATION
AGRICULTURAL PRESERVE
FERNDALE AREA**

AGP-15-003

APN: 100-121-002 et seq

T03N R02W S20-21,28-29,32-33 HB&M (Ferndale)

MAP NOT TO SCALE

100-29



**PROPOSED L.D. O'ROURKE FOUNDATION
AGRICULTURAL PRESERVE
FERNDALE AREA**

MAP NOT TO SCALE



AERIAL MAP

PROPOSED L.D. O'ROURKE FOUNDATION AGRICULTURAL PRESERVE

FERNDALE AREA

AGP-15-003

APN: 100-121-002 et seq

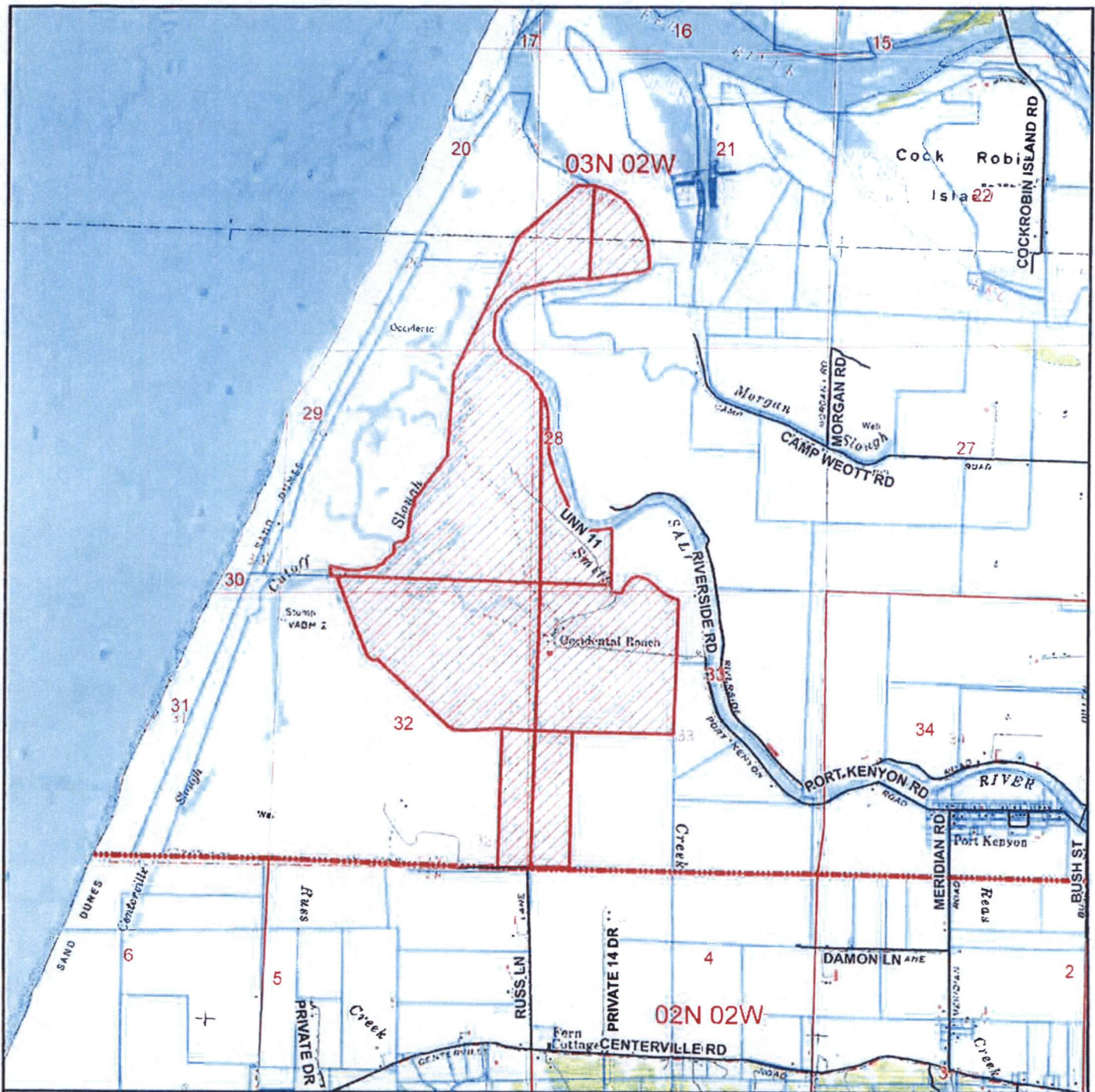
T03N R02W S20-21,28-29,32-33 HB&M (Ferndale)

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



TOPO MAP

PROPOSED L.D. O'ROURKE FOUNDATION AGRICULTURAL PRESERVE FERNDALE AREA

AGP-15-003

APN: 100-121-002 et seq

T03N R02W S20-21, 28-29, 32-33 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 0.75 Miles



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.
4. The applicant shall pay to the Humboldt County Planning Division any unpaid balance associated with the processing of this application.

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 C "Cropland" Preserve is listed below.

Class C

- a. The preserve area should not be less than 100 acres of cropland (i.e. tillable soils) with no individual parcel of less than 20 acres.
- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan.
- c. The lands not zoned TPZ within the preserve must be zoned agricultural prior to the execution of the contract, and all rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract.
- d. The land shall consist of prime agricultural land or non-prime agricultural land as defined by Section 51201 Government Code.

The required findings can be made based on the following 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.*" 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 is designated Agriculture Exclusive by the Eel River Area Plan. The Framework Plan contains policies which preserve agricultural and open space lands. The Department believes that the proposal is consistent with, and furthers, the goals of the agriculture policies. In addition, the proposal to establish agricultural preserves furthers the goals of assuring the protection of the County's agricultural economy and to 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 cattle operation. The County Assessor staff and the Williamson Act Committee reviewed the proposed Class "C" Preserve and recommend approval. Planning staff believes that the proposed 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 C Criteria

- a. The preserve area should not be less than 100 acres of cropland (i.e. tillable soils) with no individual parcel of less than 20 acres.

The Department has determined that the proposed preserve consists of approximately 800 acres and a review of Department records did not identify any separate parcels below 20 acres. The land within the proposed preserve consists of a mixture of prime lands and non-prime tillable lands of statewide significance. Approximately 400 acres is classified as prime land, with the remainder being classified as tillable land of local significance.

- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan.

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

- c. The lands not zoned TPZ within the preserve must be zoned agricultural prior to the execution of the contract, and all rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract.

With the exception of a very small amount of riparian corridor that is zoned Natural Resources, all of the lands within the proposed Class "C" Preserve are zoned AE B-5(160). This zoning specifies a minimum parcel size of 160 acres and the contracts will provide that the division of the property be subservient to the requirements of the Williamson Act Guidelines.

- d. The land shall consist of prime or non-prime agricultural land as defined by Section 51201 Government Code.

Approximately 400 acres of the proposed Class "C" preserve is designated as prime agricultural lands. The remainder of the proposed preserve is designated as tillable non-prime land of local significance.

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 LD O'Rourke Foundation 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 proposed agricultural preserve.

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		



**PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION**

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

**WILLIAMSON ACT COMMITTEE
Agricultural Center
5630 South Broadway, Eureka**

July 15, 2015 draft Meeting Minutes

I. Call to Order

The meeting was called to order at 4:12 p.m. by Chair John LaBoyteaux.

II. Roll Call

WAC Members Present: John LaBoyteaux, John Rice, Peggy Satterlee

III. Approval of Minutes

No minutes for review and approval

IV. Scheduled Matters

Item 1. Salt River Watershed Council (SRWC Ag Preserve)

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class D preserve and Farmland Security Zone pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. (Rice/Satterlee, Approved Unanimously)

Item 2. L.D. O'Rourke Foundation (O'Rourke Ag Preserve)

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class C preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. (Rice/Satterlee, Approved Unanimously)

Item 3. Dyllan Forbes (Forbes Ag Preserve)

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class C preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. (Satterlee/Rice, Approved Unanimously)

Item 4. Luke McCanless (McCanless Ag Preserve)

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class C preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. (Rice/Satterlee, Approved Unanimously)

- V. **Old Business** Summary of previous meeting regarding changing income requirements.
Staff will provide alternatives at next meeting.
- Williamson Act meeting times. Motion by Peggy Satterlee to change time
to third Thursday of the month at 3:00 pm. Motion seconded by John
Rice. Motion passes 3/0.
- VI. **New Business** None
VII. **Correspondence** None
VIII. **Public Comments** None
IX. **Adjournment** Meeting was adjourned by Chair LaBoyteaux at 4:58 p.m.

ATTACHMENT D

Planning Commission Resolution regarding the L.D. O'Rourke Preserve

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

**Case Number AGP-15-003
Assessor Parcel Numbers 100-121-002, 100-121-003, 100-131-001, 100-131-002, 100-291-001, 100-291-003, and 100-291-012**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the L.D. O'Rourke Foundation Class C Agricultural preserve application.

WHEREAS, the L.D. O'Rourke Foundation has applied to establish a new Class "C" 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 Number AGP-15-003); 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 September 3, 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 800 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/W,F,R,T); and
5. The land consists of prime lands and non-prime agricultural lands of statewide significance, 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 recommends 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 L.D. O'Rourke Foundation Class "C" 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 "C" 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 September 3, 2015

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

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

Robert Morris, Chair

I, Patti Lawson, 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.

Patti Lawson, Clerk