



COUNTY OF HUMBOLDT

For the meeting of: 10/6/2022

File #: 22-1326

To: Planning Commission
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

Hansen Family Agricultural Preserve

Case Number PLN-2022-17731

Assessor Parcel Numbers (APNs) 106-101-006-000, 106-101-007-000, 106-101-008-000, 106-111-002-000
Ferndale Area

An application to establish a Class C Agricultural Preserve, Hansen Family Agricultural Preserve, of approximately 115 acres in the Ferndale area pursuant to the California Land Conservation Act, otherwise known as the Williamson Act, and the Guidelines for Establishment of Agricultural Preserves in the County of Humboldt, Res. No. 16-144 Humboldt County Williamson Act Guidelines. The property is owned by Darren and Karen Hansen and is utilized as an organic dairy farm, to grow hay and to raise beef cattle. The subject property consists of four Assessors Parcel Numbers (APNs). A Zone Reclassification is proposed to place approximately 23 acres of land zoned Unclassified in APN 106-111-002 into the Agricultural Exclusive zone district in order to facilitate the establishment of the Agricultural Preserve. The project is categorically and statutorily exempt from environmental review pursuant to Sections 15317 and 15061b(3) of the CEQA Guidelines.

RECOMMENDATION(S):

That the Planning Commission:

1. Describe the application as part of the Consent Agenda
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as part of the Consent Agenda; and
4. Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 - a. Recommend that the Board of Supervisors find the project exempt from environmental review pursuant to Sections 15061(b,3) and 15317 of the State CEQA Guidelines; and
 - b. make all of the required findings for approval of the Zone Reclassification, and Agricultural Preserve and Land Conservation Contract; and
 - c. approves the Zone Reclassification and Agricultural Preserve subject to the recommended conditions of approval (Exhibit A); and
 - d. enter into a Land Conservation Contract with Darren and Karen Hansen.

DISCUSSION:

Executive Summary: Application has been made to establish an approximately 115 acre Class "C"

Agricultural Preserve in the Ferndale area (Hansen Family Agricultural Preserve). The property is owned by Darren and Karen Hansen, who use the land for an organic dairy farm, as well as to raise beef cattle, and to grow hay.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban uses. When entering an agricultural preserve, the property owner executes a Land Conservation Contract with the County to restrict the uses of the land to agriculture, open space and/or compatible uses. The minimum term for a Land Conservation Contract ten years and is automatically renewed every year, maintaining a constant ten year contract. In exchange for restricting the uses, the land is valued as open space land pursuant to open space valuation laws (Revenue and Taxation Code Sections 421, et seq.).

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 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 agricultural and have provided a gross annual income of \$12,000 from agricultural production for three of the last five years. The land within a cropland preserve must consist of either prime land or tillable non-prime land of statewide or local significance, or both. While under contract, the zoning and contract would prohibit any parcel divisions (which includes the sale of separate legal parcels).

The Department has determined that the property consists of four assessor parcels totaling approximately 115 acres which comprise two legally separate parcels. One parcel measures just over the 20 acre minimum size for a lot or parcel The rest of the parcels comprise one legal parcel which contains approximately 95 acres. Approximately 92 acres of the proposed preserve are designated and zoned Agriculture Exclusive while the remaining approximately 23 acres are designated Agriculture Grazing and are currently zoned Unclassified. This application proposes to reclassify the 23 acres to an Agriculture Agricultural Exclusive. The property contains a mixture of prime land (~ 70%) and non-prime land. The land is and has been used for a dairy operation that generates an annual income exceeding the minimum gross income requirement of \$12,000 annually for the last three of five years. There are no outstanding violations on the subject property. The County Public Works Land Use division has recommended approval of the project.

Based on 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 27, 2022 and recommended approval.

Project Description: An application to establish a Class C Agricultural Preserve (“Hansen Family Agricultural Preserve”) of approximately 115 acres in the Ferndale area pursuant to the California Land Conservation Act, otherwise known as the Williamson Act, and the Guidelines for Establishment of Agricultural Preserves in the County of Humboldt, Res. No. 16-144 (“Humboldt County Williamson Act Guidelines”). The property is owned by Darren and Karen Hansen and is utilized as an organic dairy farm, to grow hay and to raise beef cattle.

The subject property consists of four Assessor Parcel Numbers (APNs). While one APN describes a parcel too small to be in the preserve (106-101-008, approximately 2 acres), research on the parcel’s origins revealed three APNs describe one legal parcel (106-101-007, 106-101-008, and 106-111-002). The fourth parcel (106-101-006) contains 20.44 acres per GIS but only 19.63 acres per the Assessor Lot size; therefore, the applicant seeks a minor modification to the requirement that each parcel be at least 20 acres so this parcel can be included. Minor modifications to minimum preserve areas or individual lots or parcels may be approved by the Board of Supervisors per Section 1.E of the Humboldt County Williamson Act Guidelines. Also a Zone Reclassification

is proposed to reclassify approximately 23 acres of land currently zoned Unclassified in APN 106-111-002 to Agricultural Exclusive.

Project Location: The project is located in Humboldt County, in the Ferndale area, on the West side of Lawson Lane, approximately 0.35 miles South from the intersection of Grizzly Bluff Road and Lawson Lane, on the properties known as 302 Lawson Lane and 530 Harbers Lane, both in Ferndale.

Present General Plan Land Use Designation: Agriculture Exclusive (AE) in the Eel River Area Plan (ERAP); Agriculture/Grazing (AG) in the General Plan (Inland).

Present Zoning: (Coastal) Agriculture Exclusive-Minimum lot size 60 acres, Wetland Protection, Flood Hazard, Streams and Riparian Corridor Protection, Transitional Agricultural Lands (AE-60 - W,F,R,T); (Inland) Unclassified (U).

Environmental Review: Project is categorically exempt from environmental review per Class 17, Section 15317 of the CEQA Guidelines and statutorily exempt per Section 15061(b)(3) of the CEQA Guidelines.

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

Major concerns: None.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either recommended approval or conditional approval. (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

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

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Site Plan
2. Location Map
3. Applicant's Evidence in Support of the Required Findings
 - A. WAC Draft Minutes 6.27.22
4. Referral Agency Comments and Recommendations