




AGENDA ITEM NO.
C1a

COUNTY OF HUMBOLDT

For the meeting of: May 15, 2018

Date: April 23, 2018

To: Board of Supervisors

From: John H. Ford, Director of Planning and Building 


Subject: AGPN-17-001 Johannesen agricultural preserve partial dis-establishment and partial cancellation. Assessor Parcel Numbers: 216-133-001, 216-141-006, 216-144-003, 223-013-003, 223-013-004, Garberville area

RECOMMENDATION(S):

That the Board of Supervisors:

1. Consider the request for Final Cancellation submitted by Norman and Deborah Johannesen in accordance with Section 51283.4(b) of the California Government Code; and
2. Determine that the conditions for the cancellation of the applicable portions of Agricultural Preserve Contract 77-30 have been met and adopt Resolution 18-44 (Attachment A) approving final cancellation; and
3. Direct the Clerk of the Board to record the Certificate of Cancellation (Attachment B); and
4. Direct the Clerk of the Board to give notice of the Board's action to the applicant, the Assessor's Office, County Counsel, the Planning Division, the Director of the California Office of Land Conservation and any other interested party.

Prepared by _____

CAO Approval 

REVIEW:

Auditor _____ County Counsel  Human Resources _____ Other _____

TYPE OF ITEM:

Consent
 Departmental
 Public Hearing
 Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Wilson Seconded by Supervisor Bass

Ayes Bass, Fennell, Sundberg, Bohn, Wilson
Nays _____
Abstain _____
Absent _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

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

Dated: 5/15/18

By: 
Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING:

Applicant Fees.

DISCUSSION:

On January 23, 2018 the Board tentatively approved a cancellation of a portion of the Williamson Act Contract for the Johannesen portion of lands known as the Tooby Ranch. Included within this approval was a determination that the following findings could be made as specified by California Government Code Section 51282(a):

- (1) That the cancellation is in the public interest; and
- (2) Other public concerns substantially outweigh the objectives of the Williamson Act in this case; and
- (3) That there is no proximate, non-contracted land which is both available and suitable for the proposed use, or that development of the contracted land would provide more contiguous patterns of urban development.

In accordance with the requirements of Section 51284 of the California Government Code, the Notice of Decision of Tentative Cancellation was published in a paper of general circulation (Times-Standard) on February 16, 2018, and a copy of the published notice was sent to the Department of Conservation.

This tentative approval specified that upon the effective date of the ordinance rezoning the property into Timberland Production, the conditions of the tentative approval would be met. By Ordinance 2590, adopted on January 23, 2018, the Board approved the rezoning of the property. Thirty days from that passage, on February 23, 2018, the ordinance became effective. Accordingly, the conditions of the tentative approval have been met.

BACKGROUND

On January 23, 2018, the Board of Supervisors held a public hearing to consider reclassifying approximately 230 acres of property zoned Agriculture Exclusive into TPZ, and to tentatively approve the dis-establishment and cancellation of a portion of the Tooby Ranch Agricultural Preserve and Williamson Act Contract. The reclassification to TPZ allows for the subsequent cancellation of the Williamson Act Contract per Section 51282.5 of the California Government Code in lieu of the 9 year non-renewal of the Land Conservation Contract for the TPZ zoned Johannesen portion of the preserve. As of the February 23, 2018 effective date of the reclassification of 230 acres to TPZ, all of the Johannesen ownership is zoned TPZ and suitable for immediate cancellation.

FINANCIAL IMPACT:

Funds for processing the application come from applicant fees, 1100277 608000, and will not affect the general fund. Immediate cancellation of land conservation contracts for land zoned timber production is statutorily exempt from the twenty-five percent cancellation fee that the Williamson Act and county guidelines require for other types of immediate contract cancellation.

This action is consistent with the Board's Strategic Framework through the Board's priorities to manage our natural resources and ensure the sustainability of agricultural and timber resources.

OTHER AGENCY INVOLVEMENT:

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

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose to not execute and record the certificate of final cancellation if the conditions and contingencies identified in the certificate of tentative cancellation have not been satisfied. However, the record shows that all provisions set forth in the certificate of tentative cancellation have been met. Therefore, Planning Division staff does not recommend further consideration of this alternative.

ATTACHMENTS:

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 approving Dis-establishment and Cancellation of the applicable portions of Williamson Act Land Conservation Contract No. 77-30.
- Attachment B Certificate of Cancellation for the applicable portions of Land Conservation Contract No. 77-30.

ATTACHMENT A

**Resolution approving the Partial Dis-establishment and Cancellation of
Williamson Act Land Conservation Contract
No. 77-30**

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of May 15, 2018

RESOLUTION NO. 18-44

RESOLUTION MAKING THE REQUIRED FINDINGS OF DIS-ESTABLISHMENT AND CANCELLATION AND APPROVING RECORDATION OF A CERTIFICATE OF CANCELLATION FOR WILLIAMSON ACT CONTRACT 77-30: CASE NUMBER AGPN-17-001; ASSESSOR PARCEL NUMBERS 216-133-001, 216-141-006, 216-144-003, 223-013-003, 223-013-004

WHEREAS, Land Conservation Contract No 77-30 was entered into between the County of Humboldt and Arthur Tooby, recorded on February 25, 1977, in Volume 1397, Page 166 of Official Records of the County of Humboldt; and

WHEREAS, the current land owners of a portion of the lands under contract, Norman and Deborah Johannesen, have submitted a petition to the Board of Supervisors for dis-establishment and cancellation of the applicable portions of Land Conservation Contract No 77-30; and

WHEREAS, The Humboldt County Board of Supervisors held a public hearing on January 23, 2018 to consider the request for tentative cancellation of the applicable portions of Land Conservation Contract 77- 30 and at the conclusion of the public hearing approved the petition based on its ability to make the Public Interest Findings listed under Section 51282 of the Government Code as follows: The tentative cancellation is in the public interest because a) other public concerns substantially outweigh the objectives of the Williamson Act; and b) there is no proximate, non-contracted land which is both available and suitable for the proposed use; and

WHEREAS, in accordance with Section 51282.5 of the Government Code, the owner of lands zoned as timberland production pursuant to Sections 51112 or 51113 may petition the board for cancellation of that portion of the contract, and that upon petition the board shall approve the cancellation of the contract; and

WHEREAS, Ordinance No. 2590 reclassifying the subject lands as Timberland Production Zone was effective on February 23, 2018; and

WHEREAS, the applicants, Norman and Deborah Johannesen, have demonstrated that they have met the conditions of approval for tentative cancellation of the applicable portions of Land Conservation Contract No. 77-30; and

NOW, THEREFORE, be it resolved that the County of Humboldt has determined that the conditions for cancellation have been met and hereby cancels the applicable portions of Land Conservation Contract No. 77-30.

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


- 1) Authorizes the Chair to sign the Certificate of Cancellation as set forth in Attachment B; and
- 2) Directs the Clerk of the Board to record the Certificate of Cancellation in the Office of the County

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of May 15, 2018

RESOLUTION NO. 18-44

Recorder and to give notice of the Board's action to the applicant, the Assessor's Office, County Counsel, the Planning Division, the Director of the California Office of Land Conservation and any other interested party within 30 days of this hearing.

Dated: May 15, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors

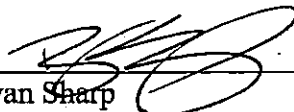
Adopted on motion by Supervisor Wilson, seconded by Supervisor Bass, and the following vote:

AYES: Supervisors Bohn, Sundberg, Bass, Fennell, Wilson
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.

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



By Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

ATTACHMENT B

Certificate of Cancellation for portions of
Williamson Act Land Conservation Contract No. 77-30

Recording requested by:
County of Humboldt
Planning and Building Department
EXEMPT from recording fees per C.G.C. 27383

When recorded return to:
Humboldt County Planning Division
3015 H Street
Eureka, CA 95501

SPACE ABOVE FOR RECORDER USE ONLY

**CERTIFICATE OF CANCELLATION OF PORTIONS OF THE WILLIAMSON ACT LAND
CONSERVATION CONTRACT NO. 77-30**

In accordance with Article 5, Chapter 7, Division 1 of Title 5 (beginning with Section 51280) of the Government Code of the State of California, the County of Humboldt has granted approval of a petition by Norman and Deborah Johannesen, hereinafter referred to as LANDOWNER, for final cancellation of the following described Williamson Act Land Conservation Contract:

Land Conservation Contract No. 77-30 for Assessor Parcel Numbers 216-133-001, 216-141-006, 216-144-003, 223-013-003, 223-013-004; totaling approximately 320 acres.

Recorded in the office of the Humboldt County Recorder on February 25, 1977 in Volume 1397 of Official Records at Page 166.

Legal Description: See Exhibit A attached to this certificate and incorporated herein as though specifically set forth at length.

The petition for cancellation was accompanied by a proposal for a specific alternative use of the land, which has been approved by the Board of Supervisors on January 23, 2018. In accordance with Section 51282.5 of the California Government Code, because the land has been zoned as timber production the cancellation fee is \$0.00.

The Board of Supervisors has, in accordance with Government Code Section 51283.4, made its determination that the conditions and contingencies of the Certificate of Tentative Cancellation are in fact satisfied and, hereby executes, by its Chair, a Certificate of Cancellation of the portion of the Agricultural Preserve Contract covering the land described above and shall cause the same to be recorded.

The conditions and contingencies which have been satisfied prior to execution of this Certificate of Cancellation by the Chair of the Board of Supervisors are as follows:

1. The effective date of the ordinance rezoning the subject property into Timberland Production.

I certify the foregoing approval and the issuance of this Certificate of Cancellation were authorized by action duly taken by the Humboldt County Board of Supervisors in regular session held on May 15, 2018.

EXHIBIT A

PROPERTY DESCRIPTION

All that real property situated in the County of Humboldt, State of California, described as follows:

The East Half of the Southeast Quarter of Section 11 and the East Half of the Northeast Quarter of Section 14, and the West Half of the Southwest Quarter of Section 12 and the North Half of the Northwest Quarter of Section 13, all in Township 4 South, Range 4 East, Humboldt Meridian.

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 May 22, 2018 before me, Suzanne M. Lippre, Notary Public
(insert name and title of the officer)

personally appeared Ryan Sundberg
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 Suzanne M. Lippre (Seal)

