



COUNTY OF HUMBOLDT

For the meeting of: 8/1/2024

File #: 24-1159

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

The 2015 Sean O'Day and Kathryn O'Day Family Trust Agricultural Preserve, Coastal Development Permit, Notice of Merger, and Land Conservation Contract

Assessor Parcel Numbers: 403-071-052, 403-071-059, 403-071-060, and 403-071-061

Record Number: PLN-2024-18973

Freshwater area

An application to establish a Class "A" Agricultural Preserve of approximately 157 acres pursuant to the California Land Conservation Act and the Humboldt County Williamson Act Guidelines and enter into a Land Conservation Contract, and to merge APNs 403-071-052 and 403-071-060 into one parcel of approximately 44 acres in size pursuant to Section 1.A(1) of Humboldt County Board of Supervisors Resolution No. 16-144 (Humboldt County Williamson Act Guidelines). A Coastal Development Permit is required for the merger of lands within the coastal zone.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the Resolution (Resolution 24-) (Attachment 1) which does the following:
 - A. Finds the proposed project is exempt from environmental review per Sections 15305(a) and 15317 of the CEQA Guidelines; and
 - B. Makes all the required findings for approval of the Coastal Development Permit, Notice of Merger, Agricultural Preserve, and Land Conservation Contract; and
 - C. Recommends The 2015 Sean O'Day and Kathryn O'Day Family Trust Agricultural Preserve and Land Conservation Contract to the Board of Supervisors for approval; and
 - D. Approves the Coastal Development Permit and Notice of Merger subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:

The project is in the Freshwater area, at the southeast intersection of Myrtle Avenue and Felt Road, on the property known as 2905 Felt Road.

Present General Plan Land Use Designation:

Agricultural Exclusive (AE), Freshwater Community Plan (FWCP) and Humboldt County General Plan (HCGP); Agriculture Exclusive/Prime and Non-Prime Lands (AE), Humboldt Bay Area Plan (HBAP). Density: 20-60 acres per unit; 60-acre minimum parcel size respectively. Slope Stability: Relatively Stable (0).

Present Zoning:

Agriculture Exclusive (AE); Agriculture Exclusive with a 60-acre minimum parcel size, with Flood Hazard Areas and Transitional Agricultural Lands combining zones (AE-60/F,T).

Environmental Review:

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

State Appeal:

Project is appealable to the California Coastal Commission.

Major concerns:

None.

Executive Summary:

An application has been made to establish a Class "A" Prime Land Preserve of approximately 157 acres in the Freshwater area. The property is owned by The 2015 Sean O'Day and Kathryn O'Day Family Trust and is used for cattle grazing.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban uses. When entering an agricultural preserve, the property owner executes a Land Conservation Contract with the County to restrict the uses of the land to agriculture, open space and/or compatible uses. The minimum term for a Land Conservation Contract is ten 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.).

To qualify for a Class "A" Prime Land Preserve and contract, the preserve area must contain at least 100 contiguous acres and no individual parcel of land shall be less than 20 acres in size. The land must be more than 50 percent prime agricultural land. All land not zoned Timber production Zone (TPZ) must be classified Agriculture Exclusive (AE). The parcels must be devoted to agricultural use and have provided a gross annual income of \$12,000 per ownership unit from agricultural production for three of the last five years. While under contract the rights of division, including any existing legal patents, are subservient to the enforceable restriction secured by the Land Conservation Contract and Section 8 of the Humboldt County Williamson Act Guidelines.

The proposed preserve land consists of four assessor parcels totaling approximately 157 acres. The land is designated Agricultural Exclusive (AE) and Agriculture Exclusive/Prime and Non-Prime Lands (AE) per the Humboldt County General Plan and the Humboldt Bay Area Plan respectively. The land is zoned Agriculture Exclusive (AE) and Agriculture Exclusive with a 60-acre minimum parcel size, with Flood Hazard Areas and Transitional Agricultural Lands combining zones (AE-60/F,T). Of the four separate parcels, three of the parcels are more than 20 contiguous acres and one (APN 403-071-060) is less than 20 contiguous acres. APNs 403-071-052 and 403-071-060 will be merged into one parcel of approximately 44 acres in size. Once merging of the two parcels occurs the subject land meets all the requirements for a Class "A" Prime Land Preserve. The slope stability is considered relatively stable, and the land is and has been used historically for cattle grazing. Approximately 52 percent of the subject property is considered prime farmland if irrigated and drained. The ranch's income from the sale of cattle averaged approximately \$81,610 a year for three of the last five years, according to the provided income verification.

APN 403-071-060 and the area of APN 403-071-052 where the merger will occur are within the coastal zone in a coastal zone categorical exclusion area for lot line adjustments and mergers; however, a coastal development permit is required as the area where the merger will occur is partially within a mapped farmed wetland and the categorical exclusion does not apply per Section I (c).2.a of Categorical Exclusion Order E-86-4.

There are no outstanding zoning violations on the subject parcels.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff has concluded that the proposed agricultural preserve meets the required findings. The Williamson Act Committee reviewed the project on July 11, 2024, and recommended approval.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have responded recommending approval. (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could recommend not approving the project. This alternative should be implemented if your Commission is unable to make all the required findings. Planning Division staff has concluded 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. Notice of Merger Map
 - C. Agricultural Preserve Map
2. Applicant's Evidence in Support of the Findings
3. WAC Draft Minutes July 11, 2024
4. Referral Agency Comments and Recommendations

APPLICANT AND PLANNER INFORMATION:

Applicant

The 2015 Sean O'Day and Kathryn O'Day Family Trust
c/o Sean O'Day
4285 Hillras Way
Fortuna, CA 95540

Owner

Same as applicant

Agent

None

Please contact Rodney Yandell, Senior Planner, at 707-268-3732 or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled item.