

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 21-145  
Record Number PLN-2020-16295  
Assessor's Parcel Number: APN 223-016-017,  
223-071-013, 223-071-004, 223-052-007, 223-016-006, 216-134-  
010, Portion of 223-012-009, 223-016-008, 223-071-015.**

**Resolution by the Planning Commission of the County of Humboldt to conditionally approve the Diamond C Ranch Agricultural Preserve,**

**WHEREAS, Dylan Carr,** submitted an application dated March 10, 2020 requesting approval of the partial disestablishment of the parcels listed above from the existing Buck Mountain Ranch agricultural preserve, subsequent reformation of the above listed parcels into Diamond C Ranch, and the zone re-classification of 223-012-009 from Unclassified (U) to AE-B-5(160); and

**WHEREAS,** pursuant to Sections 15317 (Open Space Contracts or Easements) of the CEQA Guidelines the proposed project is found categorically exempt from environmental review; and

**WHEREAS,** the Humboldt County Planning Commission held a duly noticed public hearing on September 16, 2021 and reviewed, considered, and discussed the application for the partial disestablishment, reformation, zone reclassification, and new land conservation contract, and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED,** that the Planning Commission makes all the following findings:

- 1. FINDING: Project Description:** Application has been made to reform an existing Class "B" agricultural preserve into a separate Class B preserve. The existing Class B preserve was originally under the Tooby Ranch conservation preserve/contract since 1977 in cow/calf production. The 761.5-acre parcel (APN 223-016-017) has been owner-operated by the applicant in commercial cow/calf production since 2001. The applicant purchased the other 7 parcels and one portion of a parcel, in November 2020 from Buck Mountain Ranch Limited Partnership. The proposed reformation would dis-establish 1,796.5 acres of the existing Buck Mountain/Upper Tooby Ranch Class "B" preserve and reform those lands into a preserve as follows: The proposed new Diamond C Ranch Class "B" preserve would be approximately 1,796.5 acres, and is represented by the maps attached to this staff report as Exhibit "A". One parcel (223-016-017) is developed with 1 residence, a garage/storage shed building, a horse/working-stock bard and corral, a kennel, and a cattle corral. This land is currently used for a cow-calf operation. The other 8 parcels are vacant and only used for cow-calf operations and grazing.

- EVIDENCE:**
- a) Project File: PLN-2020-16295
  - b) *Grazing Agreement between Dylan Carr and Thomas P. Crandall* dated January 20, 2020.
  - c) Livestock sales receipts for APN 223-016-017 from years 2015, 2017, and 2018.

- 2. FINDING: CEQA.** The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).

**EVIDENCE:** The proposed project may be found categorically exempt from environmental review pursuant to Section 15317 Open Space Contracts or Easements because the proposed action will result in the same subject parcels remaining in an agricultural preserve. None of the subject parcels will be taken out of a preserve, but will be in a different preserve. The disestablishment and zone reclassification are necessary to reform the parcels into the new preserve and new land conservation contract.

**3. FINDING:** The proposed actions are in conformance with the 2017 Humboldt County General Plan.

**EVIDENCE:** a) The Agricultural Grazing (AG) land use designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Residential uses must support agricultural operation. Density range is 20 -160 acres/unit.

b) The project complies with the County's Housing Element as it doesn't add or reduce the number of housing units within the County. The lands are currently planned and zoned for agricultural use and timber production and, as such, were not included in the housing assessment. The parcels will continue to be resource lands, planned and zoned for agricultural use and timber production. The project does not reduce the residential density utilized by the Department of Housing and Community Development.

c) All of the parcels are located within an area of moderate to high geologic instability. The parcels are within a high fire hazard area and within the state responsibility area for fire protection. No new development is proposed as a result of the partial dis-establishment, reformation, and zone reclassification. Future development of all parcels will be required to comply with the provisions of this County's Fire Safe Ordinance and demonstrate compliance with all building code requirements. The project will comply with SRA requirements. Based on these findings and staff recommendations, the proposed development will not increase risks to hazards.

**4. FINDING:** The proposed project is consistent with the Land Use element of the 2017 Humboldt County General Plan- specifically the Agriculture Resources Section 4.5.

**EVIDENCE:** a) The project will support the Williamson Act Property Tax Incentive Program by reforming the subjects parcels into a new preserve and Williamson Act contract. Because these lands are scheduled for nonrenewal in 2026, this action will result in the continuation of these lands as an agricultural preserve and in the Williamson Act Property Tax Incentive Program.

b) This action is increasing the effectiveness of the Williamson Act Program by keeping these lands in the program. The subject lands consist of 1,796.5 acres out of Buck Mountain Ranch's 13,106.5 total acres that are scheduled for cancellation of their Williamson Act contract in 2026.

**5. FINDING:** The project is consistent with the purposes of the Agricultural Exclusive (AE) zone, the Timberland Production Zone (TPZ), and the combining zone Minimum building site area of 160 acres (B-5(160)) in which the site is located, and conforms with all applicable standards and requirements of the Zoning regulations. The land is



designated "agricultural" on Humboldt County General Plan maps and is zoned agricultural.

- EVIDENCE:**
- a) The parcel is consistent with §312-1.1.2 Legal Lot Requirement and compliant with the provisions of the Subdivision Map Act, as described below:
  - b) APN 223-016-017 has been owned by the applicant since 2001. It is one legal parcel due to Notice of Lot Line Adjustment (NOLLA) COSC 2019-009837.
  - c) The subject portion of APN 223-012-009 and 216-134-010 are one patent parcel described in the Patent recorded in Book 5 of patents, page 47.
  - d) APNs 223-016-008 and 223-071-015 are one patent parcel described in the Patent recorded in Book 3, Page 641.
  - e) APNs 223-052-007 and 223-071-004 are made up of three patent parcels described in the Patent recorded in Book 2, Page 511; Book 5, Page 295; and Book 6, Page 347.
  - f) APNs 223-071-013 and 223-016-006 are one patent parcel, described in Book 4, Page 344 of Patents.
  - g) The proposed actions are principally permitted in the Timberland Production zone (TPZ) because grazing and other agricultural uses are principally permitted in this zone.
  - h) The proposed actions are principally permitted in the Agricultural Exclusive zone (AE) because all agricultural production, including grazing and cow/calf operations, are included in this zone. The parcels of land which are currently zoned Unclassified will be rezoned to Agricultural Exclusive as part of this project.
  - i) The proposed actions are consistent with the Minimum Building B-5(160) combining zone because there is only one existing residence on one of the nine parcels. No residences are proposed.
  - j) One of the parcels is currently zoned Unclassified (U) and is proposed to be re-classified as Agricultural Exclusive Building Minimum building site area is 160 acres AE-B-5(160)).

**5. FINDING:** The The Zoning Reclassification is in the public interest.

**EVIDENCE:** The Rezoning is required in order to enable the land to be enrolled in the County's Williamson Act Program which is in the public interest through its protection of the county's agricultural resources.

**6. FINDING:** The Zoning Reclassification is consistent with the County General Plan.

**EVIDENCE:** The rezoning of Unclassified land to Agricultural Exclusive is consistent with the County General Plan policies to protect agricultural resources and open space land. The land use designation for the properties is Agricultural grazing, for which the AE zoning is most consistent.

7. **FINDING:** The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE:** The project complies with the Housing Element and will not reduce the number of available housing units within the County.

8. **FINDING:** The proposed actions are consistent with the California Land Conservation Act of 1965, also known as the Williamson Act, which provides the legislative authority and specifies the findings that must be made to establish Agricultural Preserves and to both execute and cancel land conservation contracts. The Williamson Act may be found commencing with Section 51200 of the California Government Code.

**EVIDENCE:** a) The subject lands were established as an approximately 10,500 acre Class "B" agricultural preserve by Resolution No. 77-30. The Land Conservation Contract was recorded February 25, 1977 and was non-renewed on June 2, 2016. The lands remain subject to the Land Conservation Contract until the termination date of February 1, 2026. The current proposal is for a dis-establishment of a portion of the existing Class "B" preserve and an immediate reformation of the portion of the land conservation contract pertaining to the subject properties.

b) The proposed preserve is consistent with the County's General Plan (Section 51234 Government Code) because the lands all have an agricultural designation (AG), and the proposed preserve is supporting the Williamson Act.

c) The other requirements of Section 51200 are consistent with the requirements of the Humboldt County Board of Supervisors Resolution 16-144 of the Adoption of the revised Guidelines for Establishment of Agricultural Preserves in the County of Humboldt, detailed below.

9. **FINDING:** The proposed actions are consistent with the Humboldt County Board of Supervisors Resolution 16-144 of the Adoption of the revised Guidelines for Establishment of Agricultural Preserves in the County of Humboldt. The proposed preserve and Williamson Act contract meet the County guidelines for a class "B" preserve.

**EVIDENCE:** a) Minimum Preserve Area: The proposed Diamond C Ranch will have two portions: one of which comprises 7 assessor parcels of land for a combined total of 1,633.5 contiguous acres. The other portion is two parcels of land, which is one patent parcel, of 163 contiguous acres. The total area of land in the proposed preserve is 1,796.5 acres. This exceeds the minimum preserve area requirement of 600 acres. This meets the requirement that no individual parcel or lot of land shall be under 160 contiguous acres.

b) Zone Classification: Two of the nine parcels are zoned AE only. Four of the nine parcels are zoned appropriately as AE-B-5(160). Two of the nine parcels are zoned AE and TPZ. One of the nine parcels is zone Unclassified (U). The parcels in the proposed preserve that are not zoned Timberland Production Zone (TPZ) will be re-

classified as AE-B-5(160), which will be five of the nine parcels. By reclassifying the zoning of these five parcels, the preserve will meet the requirement in Section 1.B(2) that all land not in TPZ shall be zoned AE-B-5(160).

c) Non-Prime Agricultural Land: Soil maps from the Natural Resources Conservation Service (NRCS) (2021) show the property as being roughly one quarter Burgsblock-Coolyork-Tannin complex, roughly half Yorknorth-Witherell complex; and roughly a quarter Coolyork-Yorknorth complex. None of these soils are classified as prime farmland. None of the criteria defining prime agricultural land in California Government Code 51201(c) were met. This is consistent with the requirement in Section 1.B(3) that land within a class "B" preserve shall not be prime agricultural land of statewide or local significance.

d) Agricultural production standards: The preserve complies with and exceeds the annual production standards of \$12,000 in gross income per year from cattle sales, detailed in Section 1.F(7a), as shown by agricultural sales receipts of cattle from three of the past five years from the applicant.

e) No parcel divisions: The zoning of the proposed preserve is Agricultural Exclusive specifying a minimum parcel size of 160 acres. The preserve will be prohibited from being further divided under the Humboldt County Zoning Ordinance in addition to the prohibition within the land conservation contract per Section 1.D.(4c).

f) Residential development rights: Residential development rights beyond one single family residence for each ownership unit in the preserve would be conveyed to the County for the life of the contract with the execution of the land conservation contract per Section 1.D(4d). Currently, there is one residence on the proposed preserve, which is consistent with this requirement.

g) TPZ 25% Maximum: Less than 25% of the land area within the preserve is zoned TPZ, consistent with Section 1.D(4e).



**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

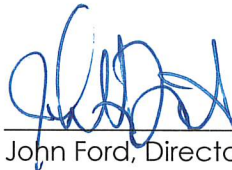
- Adopt the findings set forth in this resolution; and
- Recommend that the Board of Supervisors approve the **Diamond C Ranch** Partial Agricultural Preserve Dis-establishment, Agricultural Preserve reformation, Zone Reclassification; and

Adopted after review and consideration of all the evidence on **September 16, 2021**.

The motion was made by COMMISSIONER Mike Newman and second by COMMISSIONER Noah Levy and the following ROLL CALL vote:

AYES: COMMISSIONERS: Alan Bongio, Noah Levy, Mike Newman, Melanie McCavour  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS: Thomas Moulder, Peggy O'Neill, Brian Mitchell  
ABSTAIN: COMMISSIONERS:  
DECISION: Motion carries 4/0

I, John Ford, Secretary 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.



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John Ford, Director  
Planning and Building Department

## ATTACHMENT 1

### CONDITIONS OF APPROVAL - ZONE RECLASSIFICATION

Approval of the Zone Reclassification is conditioned on the following terms and requirements which must be satisfied before the Zone Reclassification can be scheduled for action by the Board of Supervisors.

1. The applicant shall submit a legal description of the approximately 80 acres to be re-zoned into AE-B-5(160) for review and approval by the County Land Surveyor. The applicable review fee (currently \$206.00) must accompany each legal description. The legal description must be approved by the County Land Surveyor prior to the Zone Reclassification being scheduled for a decision by the Board of Supervisors.
2. Prior to hearing, the applicant shall submit a check to the Planning Division, payable to Humboldt County in the amount of \$50. This check is to cover the County Clerk's costs for filing the Notice of Exemption pursuant to Section 15067 of the CEQA Guidelines.
3. The property owner(s) shall execute and file with the Planning Division the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. A copy of the required form will be provided in the final approval packet.

## CONDITIONS OF APPROVAL – AGRICULTURAL PRESERVE

Approval of the partial disestablishment and reformation 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 signed and notarized Land Conservation Contract on a form prepared by the Planning Division prior to scheduling the project for hearing.

### Informational Notes

1. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date") except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must commence may be extended as provided by Section 312-11.3 of the Humboldt County Code.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover processing of the project shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, will develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground-stone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains are Native American, the NAHC will be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

**The applicant is responsible for ensuring compliance with this condition.**