



COUNTY OF HUMBOLDT

For the meeting of: 12/7/2021

File #: 21-1727

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Diamond C Ranch Partial Agricultural Preserve Dis-establishment, Zone Reclassification, Agricultural Preserve Reformation and Land Conservation Contract. Application No. PLN-2020-16295

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open a public hearing;
2. Receive the staff report, consider the application, and receive public testimony;
3. Adopt the necessary findings presented in the resolution;
4. Adopt Resolution No. _____ (Attachment A) dis-establishing portions of the Tooby Ranch Agricultural Preserve;
5. Adopt Ordinance No. _____ (Attachment B) amending Section 311-7 of the Humboldt County Code by reclassifying property in the Garberville Area within APN's 223-071-013, 223-071-004, 223-052-007, 223-012-017, 223-071-015 from Agricultural Exclusive and Unclassified to Agricultural Exclusive with a combining zone specifying a minimum parcel size of 160 acres;
6. Direct the Clerk of the Board to publish a summary of the zoning changes within 15 days of the date of the hearing (Attachment C);
7. Adopt Resolution No. _____ (Attachment D) establishing the Diamond C Ranch Agricultural Preserve;
8. Authorize the Chair of the Board to execute the Land Conservation Contract (Attachment E)
9. Direct staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research;
10. Direct the Clerk of the Board to record copies of the Resolution and Land Conservation Contract with the County Recorder;
11. 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
12. Close the public hearing.

SOURCE OF FUNDING:

Planning and Building Planning and Engineering Services Revenue Account No. 1100-277-608000.

DISCUSSION:

Project Description

This request would approve the reformation of a portion of an existing Class “B” agricultural preserve into a separate Class B preserve. Included in this request is a request to rezone lands from Unclassified and Agriculture Exclusive to Agriculture Exclusive with a minimum parcel size of 160 acres as required under the county’s Williamson Act Guidelines. The existing 10,500 acre Class B preserve is the Tooby Ranch Agricultural Preserve which has been under a land conservation contract since 1977. This land conservation contract was non-renewed by the Board of Supervisors in 2016 as part of a legal settlement pursuant to Humboldt County Superior Court Case entitled *County of Humboldt v. McKee, et al.* The property that is subject to this application is a portion of the larger Tooby Ranch.

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 8 parcels in November 2020 from Buck Mountain Ranch Limited Partnership. The proposed reformation would dis-establish 1,757.5 acres of the existing Buck Mountain/Upper Tooby Ranch Class “B” preserve and reform those lands into the proposed preserve new Diamond C Ranch Class “B” preserve of approximately 1,757.5 acres. This proposed preserve is represented by the maps attached to this staff report as Exhibit “A”. One parcel is developed with a single-family residence, a garage/storage shed building, a horse/working-stock barn and corral, a kennel, and a cattle corral. The other 8 parcels are vacant and only used for cow-calf operations and grazing.

Williamson Act Requirements

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 10 years and it 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.).

To qualify for a Class “B” Grazing Land Preserve and contract, the preserve area must contain at least 600 acres of land, and no individual lot or parcel can be less than 160 contiguous acres (the Guidelines do not state that all lands within the preserve must be contiguous). The land must be in an agricultural designation and zoned for agricultural use and a minimum parcel size of 160 acres (AE-B-5(160)). The land must be non-prime agricultural land of statewide or local significance. While under contract, the zoning and contract would prohibit any parcel divisions (which includes the sale of separate legal parcels).

The subject property consists of nine assessor parcels. Seven of the parcels are contiguous for a

combined total of 1,590.5 acres. The other two parcels are contiguous with each other for a total of 167 acres.

The applicant has provided a copy of the grazing agreement he has with the owner of the parcels located between the non-contiguous parcels (APNs 223-012-003 and 223-012-015) of the proposed preserve, which is evidence of the connectivity between the 167-acre portion and the 1,590.5 acres-portion. There are no outstanding building or zoning violations on the subject property.

The parcels all have an Agricultural Grazing General Plan designation. They are zoned for Agricultural Exclusive (AE), Timberland Production Zone (TPZ), and Unclassified (U). Four of the parcels have combining zones Special Building Site Combining Zone B-5 (B-5(160 acres)). The parcels currently zoned as Unclassified and which do not contain the Special Building Site Combining Zone will be reclassified as part of this action. The current and proposed zoning and the proposed contract prohibit further parcel divisions.

The land is used for cattle grazing and brings in an income of more than \$12,000 per year by way of cattle sales. The applicant has provided auction yard receipts for each of the past three years that exceed \$12,000.

Zone Reclassification

Section 312-50 of the Humboldt County Code (H.C.C.) specifies the findings that must be made to approve a Zone Reclassification. These findings are as follows:

1. The proposed change is in the public interest; and
2. The proposed change is consistent with the General Plan; and
3. The amendment 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.

The rezoning of Unclassified Zoning and Agriculture Exclusive to Agriculture Exclusive with a Special Building Site Combining Zone specifying a minimum parcel size of 160 acres is in the public interest by protecting agricultural resources. It is consistent with the County General Plan policies to protect the county's agricultural resources and open space land. The reclassification will bring the properties zoning in-line with the Agricultural Grazing land use designation that applies to the property.

The Williamson Act Committee reviewed the application on August 11, 2021, and all five members voted in favor of recommending approval. The project was reviewed by the Planning Commission on September 16, 2021. Four commissioners were present during the hearing, and all four commissioners recommended approval.

FINANCIAL IMPACT:

The 2021 Prop 13 Factored Base Year Values for the Diamond C property proposed for addition is \$2,360,197 which would result in an approximate \$236,019.70 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 2021-2022 budget.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents by preserving lands used for agricultural purposes.

OTHER AGENCY INVOLVEMENT:

Assessor's Office

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose not to enter into a contract with the property owners seeking to enroll additional land into the Williamson Act Program. However, the County's Guidelines support expansion of existing Preserves and including the additional working agricultural lands 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:

- Attachment 1: Resolution Dis-establishing Portions of the Tooby Ranch Class "B" Preserve
- Attachment 2: Zoning Re-Classification Ordinance, Re-zoning map
- Attachment 3: Summary of the Zoning Ordinance
- Attachment 4: Resolution Establishing Diamond C Ranch Agricultural Preserve, Preserve Map
- Attachment 5: Copy of Land Conservation Contract
- Attachment 6: Planning Commission Staff Report and Signed Resolution
- Attachment 7: Request for Tax Reduction and 2021 Tax Bill

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A
Meeting of: N/A
File No.: N/A