



## COUNTY OF HUMBOLDT

AGENDA ITEM NO.

L-1

Hearing Date: December 8, 2015

To: Board of Supervisors

From: Kevin R. Hamblin, Director of Planning and Building *KRH*

Subject: **Salt River Watershed Council** New Class D Agricultural Preserve and Farmland Security Zone  
Case Number AGP-15-002  
Assessor Parcel Number (APN) 100-281-002-000  
Ferndale Area

### RECOMMENDATIONS:

That the Board of Supervisors:

1. Open a public hearing in the manner prescribed by law;
2. Receive a staff report, consider the applications, and receive public testimony;
3. Adopt the necessary findings prepared by Current Planning Division staff;
4. Adopt Resolution No. 15-124 (Attachment A) establishing the Salt River Watershed Council Agricultural Preserve;
5. Authorize the Chair of the Board to execute the Land Conservation Contract (Attachment B);
6. Direct Current Planning Division staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research;
7. Direct the Clerk of the Board to record copies of the Resolution and Land Conservation Contract with the County Recorder;

Prepared by *[Signature]*  
Cliff Johnson, Senior Planner

CAO Approval *[Signature]*

Auditor \_\_\_\_\_ County Counsel *[Signature]* Human Resources \_\_\_\_\_ Other \_\_\_\_\_

#### TYPE OF ITEM:

\_\_\_\_ Consent  
\_\_\_\_ Departmental  
XXXX **Public Hearing**  
\_\_\_\_ Other \_\_\_\_\_

#### PREVIOUS ACTION/REFERRAL:

Board Order No. \_\_\_\_\_

Meeting of: \_\_\_\_\_

#### BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Bohn

Seconded by Supervisor Lovelace

Ayes Sundberg, Lovelace, Fennell, Bohn, Bass  
Nays \_\_\_\_\_  
Abstain \_\_\_\_\_  
Absent \_\_\_\_\_

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

Dated: Dec. 8, 2015 *[Signature]*

8. 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
9. Close the public hearing.

**SOURCE OF FUNDING:** Planning and Building - Current Planning Revenue Account, No. 1100-277-608000.

**DISCUSSION:** The Salt River Watershed Council has made an application to establish a Class "D" agricultural preserve and Farmland Security Zone of approximately 21 acres. The property is owned by the Salt River Watershed Council and is utilized for growing hay.

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 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. 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.). For a Farmland Security Zone, the term for the Land conservation Contract is 20 years.

In order to qualify for a Class "D" Cropland Preserve and contract, the preserve area must contain at least 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide or local significance. The land must be in an agricultural designation and zoned for agricultural use. The parcels must be devoted to agriculture and have provided a gross annual income of \$2,500 from agricultural production for three of the last five years. While under contract, the zoning and contract prohibits any parcel divisions (which includes the sale of separate legal parcels).

The subject parcel contains approximately 21 acres of prime agricultural land. The soil type is Ferndale silt loam, which is classified as a Class I soil by the Soil Conservation Service and is considered a prime soil. The proposed Class D preserve consists of a single parcel of land that has existed as a separate parcel for over 50 years according to County records.

In order to qualify for a Farmland Security Zone the land must meet the definition of "prime" agricultural land per Government Code Section 51201(c) and shall be located within three (3) miles of the Sphere of Influence boundary of an incorporated city. The land's classification as a Class 1 soil meets the definition of "prime" agricultural land per Section 51201(c) and the property is less than 1 mile from the city limits of the City of Ferndale, an incorporated city.

The property is located in the Coastal Zone and has an Agriculture Exclusive designation and is zoned for agricultural use (AE-60/F.R). The property has combining zones for Flood Hazard and Riparian Corridor Protection. The current Agriculture Exclusive zoning and proposed contract prohibit further parcel divisions.

The land is used for growing and harvesting hay and provides approximately \$5,000 dollars a year from hay cutting. The applicant has provided income verification, and the County Agricultural Commissioner's office has verified that the \$2,500 income threshold can be met. The property is currently undeveloped and there are no outstanding building or zoning violations on the subject property.

Based upon the on-site inspections, a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes the proposed agricultural preserve meets the required findings. The Williamson Act Committee reviewed the proposed project on July 15, 2015 and recommended approval. The County Planning Commission reviewed the proposed Class "D" preserve on September 3, 2015 and adopted a resolution (Attachment D) recommending that the Board approve



the proposed preserve and Farmland Security Zone because it is consistent with the County's adopted Guidelines for Class D Agricultural Preserves and the County's General Plan.

**REQUIRED FINDINGS:** The California Land Conservation Act of 1965, also known as the Williamson Act, provides the legislative authority and specifies the findings that must be made to establish Agricultural Preserves. The Williamson Act may be found commencing with Section 51200 of the Government Code. Generally, the following findings must be made to establish Agricultural Preserves.

1. That the proposed preserve is consistent with the County's General Plan (Section 51234 Government Code); and
2. That the land to be included in the agricultural preserve contract is, and will continue to be, used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture.

Additionally, to be eligible for the establishment of an Agricultural Preserve, the agricultural property must meet the criteria for one of the four "classes" (A, B, C or D) of Agricultural Preserve Contracts. A summary of the criteria for a Class "D" Preserve is listed below.

#### **Class D**

- a. The preserve area shall contain not less than 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide or local significance. Individual parcels must have been in existence for a minimum of ten (10) years prior to application for a land conservation contract.
- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan and zoned for agricultural use.
- c. The parcels in question are used for, and devoted to, agricultural pursuits and have provided a gross annual income of \$2,500 from agricultural production for three of the past five years.
- d. The proposed zoning and contract would prohibit any parcel divisions.
- e. 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.
- f. Not more than twenty five percent (25%) of the land area within the preserve is zoned Timberland Production Zone.

The required findings can be made. The proposal is consistent with, and furthers the goals of, the agricultural policies of the Eel River Area Plan (ERAP). The establishment of the preserve furthers the goals of assuring the protection of the County's agricultural economy and minimizes the conflicts between agricultural and urban land uses by restricting the subdivision of these lands. The primary purpose of the Williamson Act is to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban areas. The land supports the production of food and fiber as defined by Section 51201 Government Code and consists of prime and tillable non-prime lands. The property currently is utilized primarily for growing hay with income from agricultural production that exceeds the minimum gross income for a commercial farm.

#### **Farmland Security Zone**

Lands to be subject to a farmland security zone contract must be designated on the Important Farmland Series maps or shall meet the definition of "prime" agricultural land per Government Code Section 51201(c) and shall be located within three (3) miles of the Sphere of Influence boundary of an incorporated city. The minimum preserve area and minimum parcel size for land to be placed in a farmland security zone shall be the same as for the equivalent class of agricultural preserve.

The required findings for approving the Farmland Security Zone can be made. The land within the proposed preserve and farmland security zone is identified as a class 1 (prime) soil in the Soils of Western Humboldt study (1965, UC Davis) and therefore meets the definition of prime per Section 51201(c) of the



California Government Code. The parcel is located less than one (1) mile from the city limits of the City of Ferndale, an incorporated city.

The Planning Division staff and the Planning Commission recommend that the Board approve the proposed agricultural preserve because it is consistent with the County's adopted Guidelines for Class D Agricultural Preserves and the County's General Plan. Establishment of the preserve is in the public interest in that it preserves lands for agricultural use.

Designation of lands as Agriculture Preserves is categorically exempt from the provisions of California Environmental Quality Act (CEQA) per Class 17, Section 15317.

**FINANCIAL IMPACT:** 2015 Prop 13 Factored Base Year Values for the Salt River Watershed Council property is \$238,733 which would result in an approximate \$2,387.33 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 2015-2016 budget.

**OTHER AGENCY INVOLVEMENT:** The project was circulated to various State and local agencies for comments and recommendations. All agencies and departments that commented have recommended approval. Both the Williamson Act Committee and the Planning Commission recommend approval.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:** The Board could choose not to enter into a contract with the property owners seeking to enroll into the Williamson Act Program. However, the parties have met the criteria set forth in the County's Guidelines and their participation 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:**

NOTE: 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 establishing the Salt River Watershed Council Class "D" Agricultural Preserve with location map
Attachment B:	Land Conservation Contract for the Salt River Watershed Council proposed preserve
Attachment C:	Planning Commission staff report of September 3, 2015
Attachment D:	Planning Commission Resolution



**ATTACHMENT A**  
**RESOLUTION NO. 15-124**

**Establishing the Salt River Watershed Council Class D Agricultural Preserve with Uniform  
Rules Including Compatible Uses**



**Recording Requested by:**

HUMBOLDT COUNTY BOARD OF  
SUPERVISORS  
County Courthouse  
825 Fifth Street, Room 111  
Eureka, California 95501

**Return To:**

HUMBOLDT COUNTY PLANNING  
DEPARTMENT  
3015 H Street  
Eureka, CA 95501

(Exempt from fees per Gov't C. §27383)

2015-023587-6  
Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: HC BOARD OF SUP

*Confirmed Copy*

Clerk: MM Total: \$0.00  
Dec 18, 2015 at 12:10:25

**HUMBOLDT COUNTY BOARD OF SUPERVISORS  
RESOLUTION NO. 15-124**

**RESOLUTION ESTABLISHING THE SALT RIVER WATERSHED COUNCIL  
AGRICULTURAL PRESERVE WITH UNIFORM RULES INCLUDING COMPATIBLE  
USES (AGP #15-002)**

Pursuant to Board of Supervisors' Action of December 8, 2015

*(Exempt from recording fees pursuant to GCS 27383)*



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of December 8, 2015

RESOLUTION NO. 15-124

**RESOLUTION ESTABLISHING THE SALT RIVER WATERSHED COUNCIL  
AGRICULTURAL PRESERVE WITH UNIFORM RULES INCLUDING COMPATIBLE USES  
(AGP #15-002)**

**WHEREAS**, the County of Humboldt has been requested to establish an agricultural preserve to include the lands described in the attached Exhibit A; and

**WHEREAS**, the County of Humboldt is authorized to establish agricultural preserves pursuant to the California Land Conservation Act of 1965 (hereafter the "Act") and the County's Resolution Establishing Guidelines for Agricultural Preserves (hereafter the "Guidelines"); and

**WHEREAS**, the Humboldt County Planning Commission has considered and approved the establishment of this proposed agricultural preserve, and has made the findings required to support such approval pursuant to the Act and Guidelines; and

**WHEREAS**, the procedural requirements to establish an agricultural preserve as required by the Act and Guidelines have been followed; and

**WHEREAS**, the land to be included within the agricultural preserve is, and will continue to be, used for the purposes of producing agricultural commodities for commercial purposes and uses compatible with agriculture; and

**WHEREAS**, this Board is authorized by statute to determine according to uniform rules what constitutes a compatible use of land within each preserve.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The hereinafter-described real property located in the County of Humboldt is hereby designated and established as a Class D Agricultural Preserve within the meaning of and pursuant to the California Land Conservation Act of 1965, including amendments thereto, and shall be known as and may be referred to as: Agricultural Preserve No. 15-002. Said Property, is described in Exhibit A attached hereto.
2. The following findings are hereby made with respect to the establishment of this proposed agricultural preserve:
  - A. The establishment of this proposed Agricultural Preserve is consistent with the Humboldt County General Plan;
  - B. The requirements of the California Environmental Act have been met; and
  - C. The requirements of the Williamson Act (Government Code Section 51200 *et seq*) have been met.
3. The following uses are hereby declared to be compatible permitted uses or uses permitted with a use permit on all lands included within the recommended agricultural preserve:
  - A. Permitted Uses:
    - i. Single family residences essential for agricultural operations and noncommercial guest houses. One (1) single detached farm residence may be allowed for each ownership unit in the preserve.



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of December 8, 2015

**RESOLUTION NO. 15-124**

- ii. Field, row, tree, berry and bush crops, including timber growing and harvesting.
  - iii. Raising and grazing of horses, cattle, sheep and goats.
  - iv. Dairies.
  - v. Nurseries, greenhouses, aviaries, apiaries, and mushroom farms.
- B. Uses Permitted with a Use Permit:
- i. Farms devoted to the hatching, raising, dressing and marketing for commercial purposes of chickens, turkeys, other fowl or poultry, rabbits, chinchillas, beavers, fish, frogs or hogs.
  - ii. Fruit and vegetable storage or packing plants and wayside stands for sale of products produced on the premises.
  - iii. Grain and produce storage warehouses.
  - iv. Dog kennels.
  - v. Excavation of earth and soil for agricultural purposes only.
  - vi. Animal feed yards and sale yards.
  - vii. Extraction of minerals and petroleum products consistent with Sections 51238.1 and 51238.2 of the Government Code.
  - viii. Labor camps.
  - ix. Animal hospitals.
  - x. The erection, construction, alteration or maintenance of gas, electric, water, communication facilities.
  - xi. Public stables and training facilities.
  - xii. Agricultural-related recreation facilities, such as hunting and duck camps but excluding recreational activities such as golf courses, shooting ranges or similar activities which require non-agricultural development.
  - xiii. Home occupations and cottage industries.
  - xiv. Agricultural homestays.
  - xv. Incidental public service purposes consistent with Section 51293 of the Government Code.
  - xvi. Any other use determined to be a compatible use as provided in Section 51238.1 of the Government Code by the Board of Supervisors after notice and public hearing. Such uses shall be deemed a compatible use in any agricultural preserve. The Director of the Planning and Building Department shall maintain a list of uses found to be compatible pursuant to this section.

Some of the above listed uses will require a Use Permit in the Agricultural Exclusive Zone District, or require discretionary review by the Board of Supervisors, prior to the initiation of the use or activity. Uses which are included in the list of Uses Permitted with a Use Permit may be allowed without a Use Permit or discretionary review only if the Planning Director finds them to be "accessory" to a listed Permitted Use in paragraph 1.A above (i.e., the use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to, the "Permitted Use").



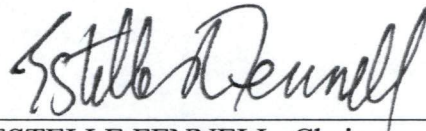
**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of December 8, 2015

**RESOLUTION NO. 15-124**

**BE IT FURTHER RESOLVED** that a certified copy of this resolution and the attached map of Agricultural Preserve No. 15-002 shall be filed in the office of the County Recorder by the Clerk of the Board of Supervisors.

Dated: December 8, 2015

  
ESTELLE FENNELL, Chair  
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Bohn, seconded by Supervisor Lovelace, and the following vote:

AYES:	Supervisors	Sundberg, Lovelace, Fennell, Bohn, Bass
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 a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

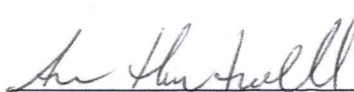
The within instrument is a full, true  
and correct copy of the original on  
file in this office.

ATTEST:

KATHY HAYES  
Clerk of the Board of Supervisors  
of the County of Humboldt,  
State of California

By 

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



By ANA HARTWELL  
Deputy Clerk of the Board of Supervisors of the  
County of Humboldt, State of California

### DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

BEGINNING at a point on the East line of Pacific Street 20 feet North from the Northwest corner of Block 2 in Port Kenyon according to the Map of Port Kenyon filed in the Office of the Recorder of Humboldt County, California; running

thence North  $88\frac{1}{2}$  degrees East 2125 feet to Salt River;  
thence along the river North  $55\frac{3}{4}$  degrees West 374 feet;  
thence North  $62\frac{1}{2}$  degrees West 350 feet;  
thence North  $76\frac{3}{4}$  degrees West 294 feet;  
thence South  $84\frac{1}{2}$  degrees West 450 feet;  
thence South 66 degrees West 846 feet; and  
thence (leaving Salt River) South  $1\frac{1}{2}$  degrees East 100 feet to the point of beginning.

EXCEPTING therefrom a small parcel off the East and thereof heretofore conveyed to Alfred E. Pixton and wife, by Deed dated May 29, 1943, and recorded in Book 261 of Deeds, Page 22.





# LOCATION MAP

PROPOSED SALT RIVER WATERSHED COUNCIL  
AGRICULTURAL PRESERVE  
FERNDALE AREA

AGP-15-002

APN: 100-281-002

T03N R02W S34 HB&M (Ferndale)

0 0.25



## **ATTACHMENT B**

### **Land Conservation Contract**



**Recording Requested by:**

HUMBOLDT COUNTY  
BOARD OF SUPERVISORS  
Eureka, California

**Return To:**

Planning Department  
3015 H Street  
Eureka, CA 95501  
(Recorded without fee under GCS 27383)

2015-023588-9

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: HC BOARD OF SUP

Clerk: MM Total: \$0.00  
Dec 18, 2015 at 12:10:25  
**CONFORMED COPY**

**FARMLAND SECURITY ZONE  
LAND CONSERVATION CONTRACT  
(Salt River Watershed Council Preserve)**

THIS CONTRACT is dated this 10<sup>th</sup> day of December, 2015, by and between Salt River Watershed Council, a California Public Benefit Corporation referred to as OWNER, and the COUNTY OF HUMBOLDT, a political subdivision of the State of California, hereinafter referred to as COUNTY.

**WITNESSETH:**

WHEREAS, OWNER warrants that they own certain land particularly described hereinafter, which is presently devoted to agricultural and compatible uses; and

WHEREAS, said land is located in a Class **D** Agricultural Preserve heretofore established by COUNTY by Resolution No. 15-124; and

WHEREAS, both OWNER and COUNTY desire to establish binding restrictions which will limit the use of said land to agricultural and incidental compatible uses;

NOW, THEREFORE, the parties agree as follows:

Section 1. This contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code, commencing with Section 51200, hereafter referred to as the "Act"), and specifically as

provided in Section 51296 relating to Farmland Security Zones, and pursuant to the County's Resolution adopting Guidelines for Agricultural Preserves which implements the Act in Humboldt County (hereafter "local resolution") and the County's Resolution Establishing an Agricultural Preserve with Uniform Rules Including Compatible Uses (hereafter "authorizing resolution"), and is subject to all the provisions of the Act and County resolutions as they now exist, and as may be hereafter amended.

Section 2. The land to which all provisions of this contract shall apply is described in Exhibit "A" attached hereto. It is not intended to include in this contract any land zoned Timberland Production (TPZ) pursuant to Government Code Section 51100, et seq.

Section 3. During the term of this contract or any extension thereof, the land described herein shall be used only for agricultural uses, as defined by the Act or authorizing resolution, and those "compatible uses" as set forth in the Act or authorizing resolution, and shall not be used for any purpose other than said agricultural uses and compatible uses.

Section 4. This contract shall be effective on the date first written above, hereinafter the anniversary date, and shall remain in effect for an initial term of ten (20) years. On the first anniversary date and on each succeeding anniversary date, one year shall automatically be added to the unexpired term unless notice of non-renewal is given as provided by law.

Section 5. This contract shall run with the land described herein and shall be binding upon, and inure to the benefit of, all successors in interest of the OWNER. Neither the owner nor any successor in interest shall divide the land described herein, except that the County may approve a division of such land subject to the terms and conditions of the Act or local resolution if the proposed division meets all of the following conditions:

(a) Each preserve resulting from the division shall meet the minimum size requirements of the Act and local resolutions which are applicable to the land which is the subject of this contract, as provided in section 6 hereof; and



(b) Each parcel which is the subject of, or which results from the division shall meet the minimum size requirements of the Act and local resolutions which are applicable to the land which is the subject of this contract; and

(c) All successors in interest to owner shall enter into contracts at the time they assume title to any or all of the land described herein enforceably restricting said land pursuant to the statutory provisions referred to in Section 1 above.

Section 6. If the land subject to this contract is in a Class B Agricultural Preserve, it shall not be divided into preserves of less than 600 acres except that portions of the preserve may be rented or leased for agricultural and compatible uses. If the land subject to this contract is in a Class A or Class C Agricultural Preserve, it shall not be divided into preserves of less than 100 acres except that portions of the preserve may be rented or leased for agricultural and compatible uses. If the land subject to this contract is in a Class D Agricultural Preserve, it shall not be divided pursuant to the State Subdivision Map Act and must be sold, transferred or conveyed as a single unit of land.

Section 7. As used in this contract, the terms "divide" and "division" shall include any sale, transfer, encumbrance or any change in the manner in which title to all or any portion of the herein described land is held, whether immediate or future, but shall exclude "Immediate Family Transfers" approved by COUNTY pursuant to Government Code §51230.1. "Division" includes but is not limited to conveyance by deed, installment sales contract, contract of sale, contract for sale, deed of trust, gift or mortgage. Any purported division of the land described herein in violation of any provision of this contract shall be void.

Section 8. Any party signing this contract as a secured lender agrees to subordinate his security interest in the subject property to the rights, benefits and restrictions contained herein.

Section 9. Whenever notice must be given to COUNTY, it may be given by mailing it postage prepaid, addressed to the Board of Supervisors, County of Humboldt, County Courthouse, Eureka, California 95501; notice to OWNER may be given by mailing it first class postage prepaid addressed to **Salt River Watershed Council, PO Box 778, Ferndale, CA 95536** or at such other

address OWNER may hereafter designate in writing. Delivery shall be deemed complete the day after the date of mailing.

Section 10. In the event of any conflict between the provisions of this contract, the local resolutions and the Act, those provisions which most restrict the right to divide the land subject to this contract or to use said land for non-agricultural purposes shall govern.

Section 11. In the event of Cancellation of this contract pursuant to the Act and local resolution, the OWNER shall pay to the COUNTY a cancellation fee equal to 12.5% of the cancellation valuation as calculated in accordance with Section 51283 of the California Government Code.

Section 12. OWNER agrees to permit COUNTY physical inspection of the subject real property and make available for examination such other information or records pursuant to Section 441(d) of the Revenue and Taxation Code as is reasonable and necessary for administration of this contract.

Section 13. This contract may be dated by COUNTY to correspond with the date its Chairman is authorized to execute this contract.

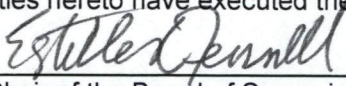
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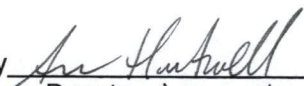
IN WITNESS WHEREOF, the parties hereto have executed the within contract.

  
Chair of the Board of Supervisors Estelle Fennell  
of the County of Humboldt, State of California.

(SEAL)

ATTEST:

KATHY HAYES  
Clerk of the Board of Supervisors  
of the County of Humboldt, State  
of California.

By   
Deputy Ana Hartwell



## Certificate of 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 December 10, 2015 before me, Catherine Whitman Munsee,  
personally appeared ESTELLE FENNELL, who proved to me on the basis of satisfactory  
evidence to be the person whose name is subscribed to the within instrument and acknowledged  
to me that he executed the same in his authorized capacity, and that by his signature on the  
instrument the person, or the entity upon behalf of which the person 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.

Catherine Whitman Munsee



### Owners of Record

By JACK P. RUSS, PRESIDENT SALT RIVER WATERSHED COUNCIL  
A CALIFORNIA PUBLIC BENEFIT CORPORATION  
By DAVID J. CARR, SEC'Y/TREAS

By \_\_\_\_\_

By \_\_\_\_\_

(Signature(s) to be Notarized)

### Interest in Property

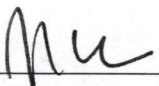
Section 8B of the Humboldt County Williamson Act Guidelines states that "all parties having any interest in any real property included in the contract which could ripen into a fee interest or be exercised in a manner inconsistent with the purpose of the preserve, such as a security interest, shall be required to join in the execution of the proposed contract before such contract is executed by the Board of Supervisors".

The following parties have a security interest in the real property included in this contract which could ripen into a fee interest:

*TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS:*

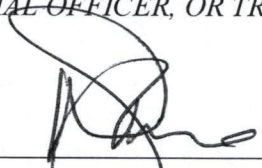
*(1) CHAIRPERSON OF THE BOARD, PRESIDENT OR VICEPRESIDENT; AND*

*(2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER, OR TREASURER.*

By  Jack P. Russ

Title PRESIDENT/CHAIRMAN

Corporation Name: SALT RIVER  
WATERSHED COUNCIL

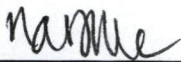
By  David J. Carr

Title SEC'Y TREASURER

Corporation Name: SALT RIVER WATERSHED  
COUNCIL

(Signature(s) to be Notarized)

APPROVED AS TO FORM:

By   
County Counsel Natalie Duke

See attached CA 2015  
Notary Acknowledgment



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

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 Sept 8, 2015 before me, Kelli Boots, Notary Public,

Date

Here Insert Name and Title of the Officer

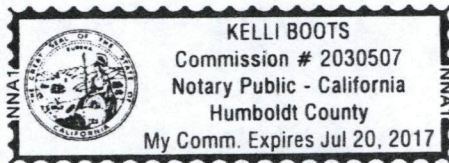
personally appeared David J. Carr and Jack P. Russ

Name(s) of Signer(s)

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

Kelli Boots

Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Farmland Security Zone Land Conserv. contract Document Date: 9/8/2015

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

#### DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

BEGINNING at a point on the East line of Pacific Street 20 feet North from the Northwest corner of Block 2 in Port Kenyon according to the Map of Port Kenyon filed in the Office of the Recorder of Humboldt County, California; running

thence North  $88\frac{1}{2}$  degrees East 2125 feet to Salt River;  
thence along the river North  $55\frac{3}{4}$  degrees West 374 feet;  
thence North  $62\frac{1}{2}$  degrees West 350 feet;  
thence North  $76\frac{3}{4}$  degrees West 294 feet;  
thence South  $84\frac{1}{2}$  degrees West 450 feet;  
thence South 66 degrees West 846 feet; and  
thence (leaving Salt River) South  $1\frac{1}{2}$  degrees East 100 feet to the point of beginning.

EXCEPTING therefrom a small parcel off the East and thereof heretofore conveyed to Alfred E. Pixton and wife, by Deed dated May 29, 1943, and recorded in Book 261 of Deeds, Page 22.





# LOCATION MAP

PROPOSED SALT RIVER WATERSHED COUNCIL  
AGRICULTURAL PRESERVE

FERNDALE AREA

AGP-15-002

APN: 100-281-002

T03N R02W S34 HB&M (Ferndale)

0 0.25





RECEIPT



Transaction #: 61207  
 Receipt #: 2015012794  
 Cashier Date: 12/18/15 12:10  
 Cashier By: MM  
 Print Date: 12/18/2015 12:10:42

Kelly E. Sanders, Recorder  
 Humboldt County, California  
 825 5th Street  
 Eureka, CA 95501  
 (707) 445-7382

12:10:42  
 12/18/2015

CUSTOMER INFORMATION		TRANSACTION INFORMATION		PAYMENT SUMMARY	
HC BOARD OF SUP		Date Received:	December 18, 2015 11:42	Total Fees:	\$0.00
		Source Code:	10 a.m. Reservation	Total Payments:	\$0.00
		Return Code:	MAIL	Balance Due:	\$0.00
		Trans Type:	Recording		
		Bin Number:			
		Agent Ref Number:	X		

TRANSACTION PROBLEMS



1	Payment
EXEMPT	\$0.00
6	Official Records
RESOLUTION NO	Document #: 2015-023587 Pages: 6 Date: 12/18/2015 24:10:25 From: HUMBOLDT CNTY To: RESOLUTION ESTABLISHING THE SALT RIVER WATERSHED
MISC	Document #: 2015-023588 Pages: 9 Date: 12/18/2015 24:10:25 From: SALT RIVER WATERSHED COUNCIL To: HUMBOLDT CNTY
RESOLUTION NO	Document #: 2015-023589 Pages: 6 Date: 12/18/2015 24:10:25 From: HUMBOLDT CNTY To: RESOLUTION ESTABLISHING THE MCCANLESS AGRICULTURE
MISC	Document #: 2015-023590 Pages: 9 Date: 12/18/2015 24:10:25 From: MCCANLESS LUCA D To: HUMBOLDT CNTY
RESOLUTION NO	Document #: 2015-023591 Pages: 11 Date: 12/18/2015 24:10:25 From: HUMBOLDT CNTY To: RESOLUTION AMENDING THE FORT BAKER RANCH AGRICULTURE
MISC	Document #: 2015-023592 Pages: 15 Date: 12/18/2015 24:10:25 From: FORT BAKER RANCH CO To: HUMBOLDT CNTY



## **ATTACHMENT C**

**Planning Commission staff report of September 3, 2015 for the Salt River Watershed Council  
Preserve**



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

---

3015 H Street Eureka CA 95501  
Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: September 3, 2015

To: Humboldt County Planning Commission

From: Kevin R. Hamblin, Director, Planning and Building Department

Subject: **Salt River Watershed Council** Agricultural Preserve  
Case Number AGP-15-002  
Assessor Parcel Number (APN) 100-281-002-000  
Ferndale Area

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Please contact Cliff Johnson, Senior Planner, at (707) 445-7541, or by email at [cjohnson@co.humboldt.ca.us](mailto:cjohnson@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

Copy: Assessor's Office



## AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
September 3, 2015	Agricultural Preserve	Cliff Johnson

**Project:** An application to establish a Class "D" agricultural preserve and Farmland Security Zone pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. The 21 acre property is owned by the Salt River Watershed Council and is utilized for growing hay.

**Project Location:** The project is located in the Ferndale area, on the north side of Port Kenyan Road, approximately 250 feet northeast from the intersection of Meridian Road and Port Kenyan Road, on the property located in the southeast quarter of Section 34, Township 03 North, Range 02 West.

**Present Plan Designations:** Agriculture Exclusive/Prime and Non-prime Lands (AE), Eel River Area Plan (ERAP), Density: 160 to 20 acres per dwelling unit, Slope Stability: Relatively Stable (0)

**Present Zoning:** (AE-60/F,R) Agriculture Exclusive-Minimum lot size 60.0 acres (AE-60), Flood Hazard Areas (F), Streams and Riparian Corridor Protection (R)

**Case Number** AGP-15-002

**Application Number** 9704

**Assessor Parcel Number:** 100-281-002

<b>Applicant</b>	<b>Owner</b>
Salt River Watershed Council	Same
PO Box 778	
Ferndale CA 95536	

**Environmental Review:** Project is categorically exempt from environmental review per Class 17, Section 15317 of the CEQA Guidelines.

**Major Issues:** None

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

## SALT RIVER WATERSHED COUNCIL AGRICULTURAL PRESERVE

Case Number AGP-15-002

Assessor Parcel Number 100-281-002-000

### Recommended Commission Action:

1. Describe the application as a public hearing.
2. Request that staff present the project.
3. Open the public hearing and receive testimony; and,
4. Close the hearing and make the following motion to recommend approval to the Board of Supervisors:

*The Commission makes all the required findings, based on evidence in the staff report and public testimony, and recommends the Salt River Watershed Council Agricultural Preserve project to the Board of Supervisors for approval, subject to the recommended conditions of approval.*

**Executive Summary:** An application has been made to establish a Class "D" agricultural preserve and Farmland Security Zone of approximately 21 acres. The property is owned by the Salt River Watershed Council and is utilized for growing hay.

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 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. 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.). For a Farmland Security Zone, the term for the Land conservation Contract is 20 years.

In order to qualify for a Class "D" Cropland Preserve and contract, the preserve area must contain at least 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide or local significance. The land must be in an agricultural designation and zoned for agricultural use. The parcels must be devoted to agriculture and have provided a gross annual income of \$2500 from agricultural production for three of the last five years. While under contract, the zoning and contract prohibits any parcel divisions (which includes the sale of separate legal parcels).

The subject parcel contains approximately 21 acres of prime agricultural land. The soil type is Ferndale silt loam, which is classified as a Class I soil by the Soil Conservation Service and is considered a prime soil. The proposed Class D preserve consists of a single parcel of land that has existed as a separate parcel for over 50 years according to County records.

In order to qualify for a Farmland Security Zone the land must meet the definition of "prime" agricultural land per Government Code Section 51201(c) and shall be located within three (3) miles of the Sphere of Influence boundary of an incorporated city. The land's classification as a Class I soil meets the definition of "prime" agricultural land per Section 51201(c) and the property is less than 1 mile from the city limits of the City of Ferndale, an incorporated city.

The property is located in the Coastal Zone and has an Agriculture Exclusive designation and is zoned for agricultural use (AE-60 -F,R). The property has combining zones for Flood Hazard and Riparian Corridor Protection. The current Agriculture Exclusive zoning and proposed contract



prohibit further parcel divisions.

The land is used for growing and harvesting hay and provides approximately \$5,000 dollars a year from hay cutting. The applicant has provided income verification and the County Agricultural Commissioner's office has verified that the \$2,500 income threshold can be met. The property is currently undeveloped and there are no outstanding building or zoning violations on the subject property.

Based upon the on-site inspection, 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 July 15, 2015 and recommended approval.

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 15-**

**Case Number AGP-15-002  
Assessor Parcel Number 100-281-002-000**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Salt River Watershed Council Class D Agricultural preserve application.**

**WHEREAS**, the Salt River Watershed Council has applied to establish a new Class "D" Agricultural Preserve and Farmland Security Zone in the Ferndale area pursuant to the California Land Conservation (Williamson) Act; and

**WHEREAS**, the proposed Agricultural Preserve may be approved if it can be found that: (1) the proposed preserve is consistent with the County's General Plan (Section 51234 Government Code); (2) the land to be included in the agricultural preserve contract is, and will continue to be, used for the purposes of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; (3) the preserve area should not be less than the required minimum acres of the type of preserve unless it is proven to the satisfaction of the Planning Commission and Board of Supervisors that the proposal is a viable working preserve meeting all of the qualifications pursuant to Prime Agricultural Lands or Non-Prime Lands of Statewide significance; (4) the land must be zoned for agricultural purposes and provide for minimum parcel sizes; (5) the land shall consist of prime and/or non-prime agricultural land of statewide significance; and

**WHEREAS**, the Farmland Security Zone may be approved if it can be found that: (1) the lands are designated on the Important Farmland Series maps or meet the definition of "prime" agricultural land per Government Code Section 51201(c) and (2) the land is located within three (3) miles of the Sphere of Influence boundary of an incorporated city; and

**WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the State of California has determined that the establishment of agricultural preserves is categorically exempted from the provisions of the California Environmental Quality Act (CEQA) per Class 17, Section 15317; and

**WHEREAS**, the County Planning Division has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the proposed agricultural preserve (Case Number AGP-15-002); and

**WHEREAS**, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

**WHEREAS**, the Planning Commission held a public hearing on this matter to receive other evidence and testimony on September 3, 2015.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:



1. The proposed agricultural preserve is consistent with the General Plan; and
2. The land is and will continue to be used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; and
3. The proposed agricultural preserve is approximately 21 acres, and that the County Assessor's office has determined it to be a viable working preserve; and
4. The proposed preserve is zoned for agricultural use (AE-60/F,R); and
5. The land consists of prime lands as defined by Section 51201 Government Code; and
6. The land is located within three (3) miles of the Sphere of Influence boundary of an incorporated city; and
6. The proposed project is categorically exempt from environmental review pursuant to Class 17, Section 15317 of CEQA; and

**BE IT FURTHER RESOLVED** that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law; and
2. Consider the application; and
3. Adopt the necessary findings prepared by Planning Staff; and
4. Adopt Resolution No. \_\_\_\_\_ establishing the Salt River Watershed Council Class "D" Agricultural Preserve and Farmland Security Zone with uniform Rules including Compatible Uses; and
5. Authorize the Chair of the Board to execute a Land Conservation Contract for the Class "D" Preserve and; and
6. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
7. Direct the Clerk of the Board to give notice of the decision to the applicant, the California Office of Land Conservation and any other interested party; and
8. Direct the Clerk of the Board to file for record the executed Land Conservation Contract with the Humboldt County Recorder.

Adopted after review and consideration of all the evidence on September 3, 2015

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

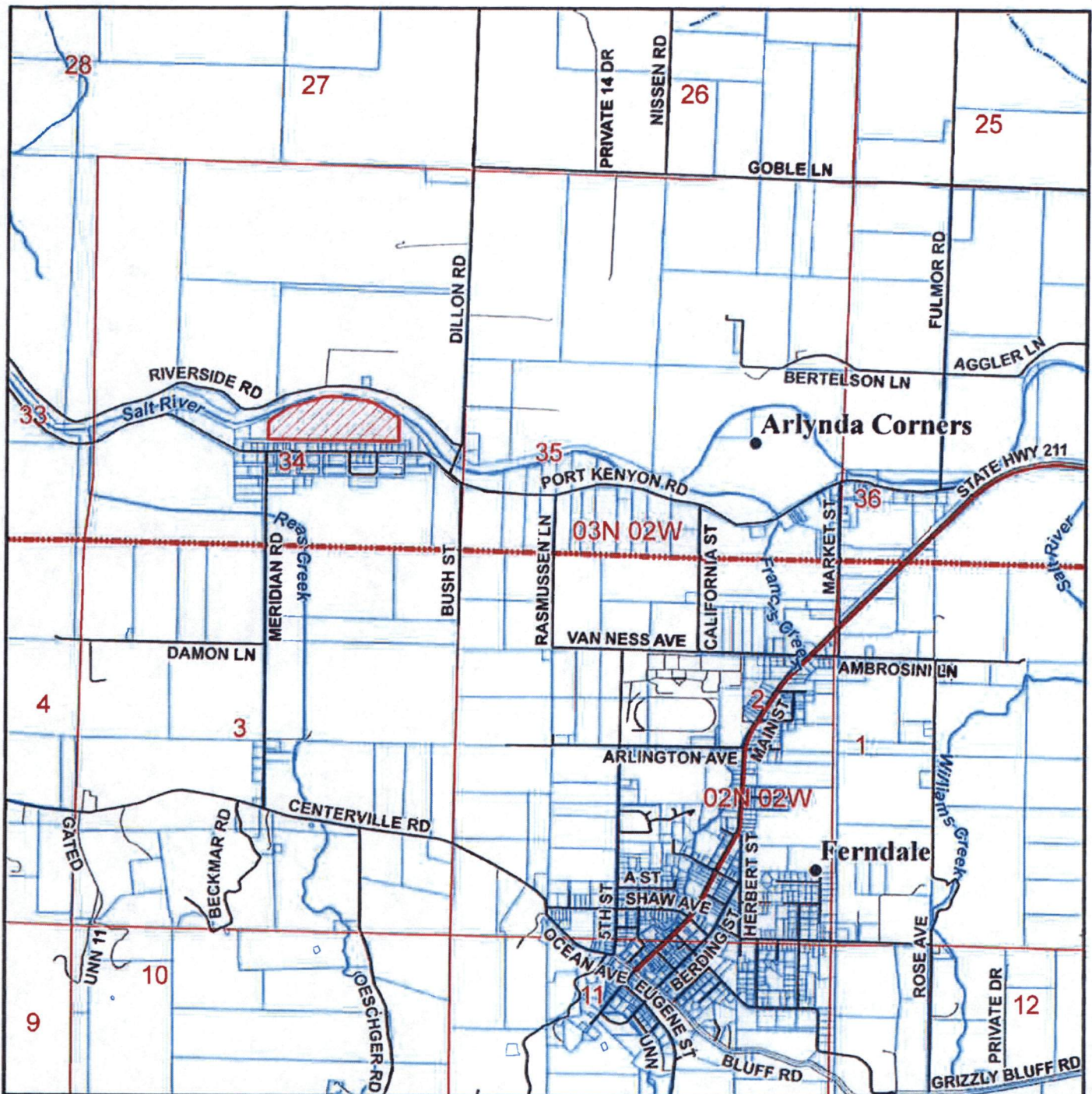
DECISION:

\_\_\_\_\_  
Robert Morris, Chair

I, Patti Lawson, Clerk 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.

\_\_\_\_\_  
Patti Lawson, Clerk





# LOCATION MAP

## PROPOSED SALT RIVER WATERSHED COUNCIL AGRICULTURAL PRESERVE

FERNDALE AREA

AGP-15-002

APN: 100-281-002

T03N R02W S34 HB&M (Ferndale)

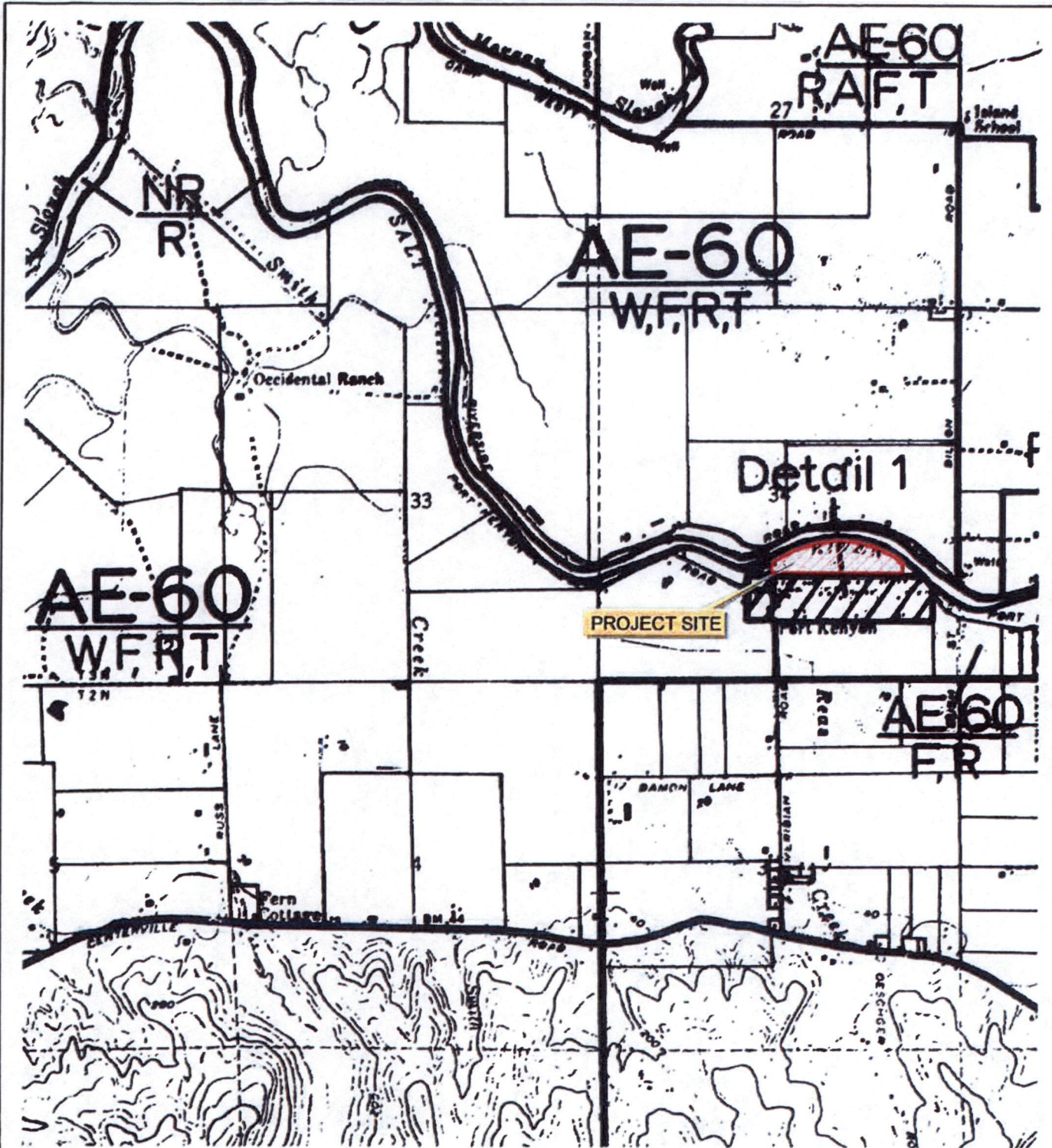
Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 0.25 0.5  
Miles





# **ZONING MAP**

## **PROPOSED SALT RIVER WATERSHED COUNCIL AGRICULTURAL PRESERVE FERNDALE AREA**

**AGP-15-002**

**APN: 100-281-002**

**T03N R02W S34 HB&M (Ferndale)**

**PROJECT AREA =** 

**MAP NOT TO SCALE**

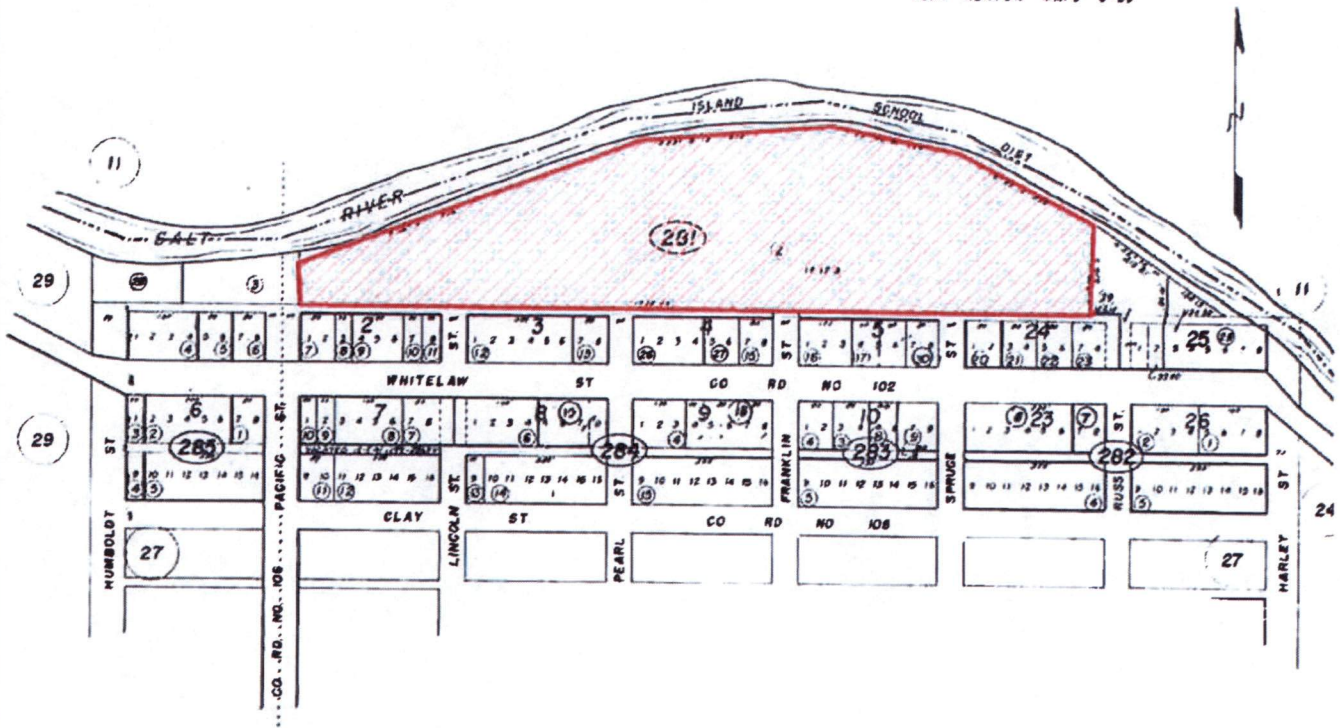


PTN SEC 34, 3 N 2 W

100-28

1" = 200'

PORT KENYON MAPS 6-25



PROJECT SITE =

### ASSESSOR PARCEL MAP

**PROPOSED SALT RIVER WATERSHED COUNCIL  
AGRICULTURAL PRESERVE  
FERNDALE AREA**

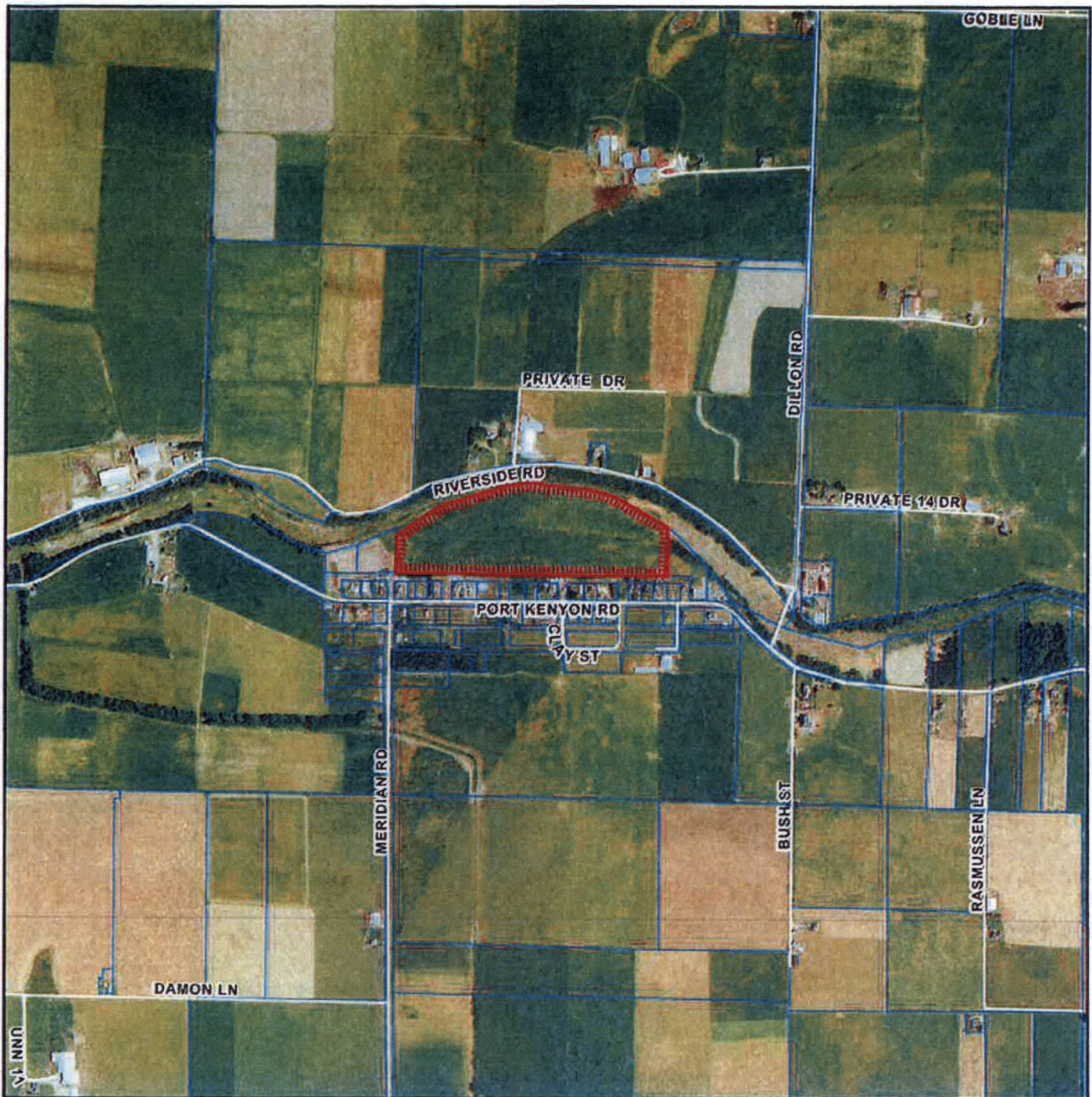
**AGP-15-002**

**APN: 100-281-002**

**T03N R02W S34 HB&M (Ferndale)**

MAP NOT TO SCALE





# **AERIAL MAP**

## **PROPOSED SALT RIVER WATERSHED COUNCIL AGRICULTURAL PRESERVE FERNDALE AREA AGP-15-002 APN: 100-281-002 T03N R02W S34 HB&M (Ferndale)**

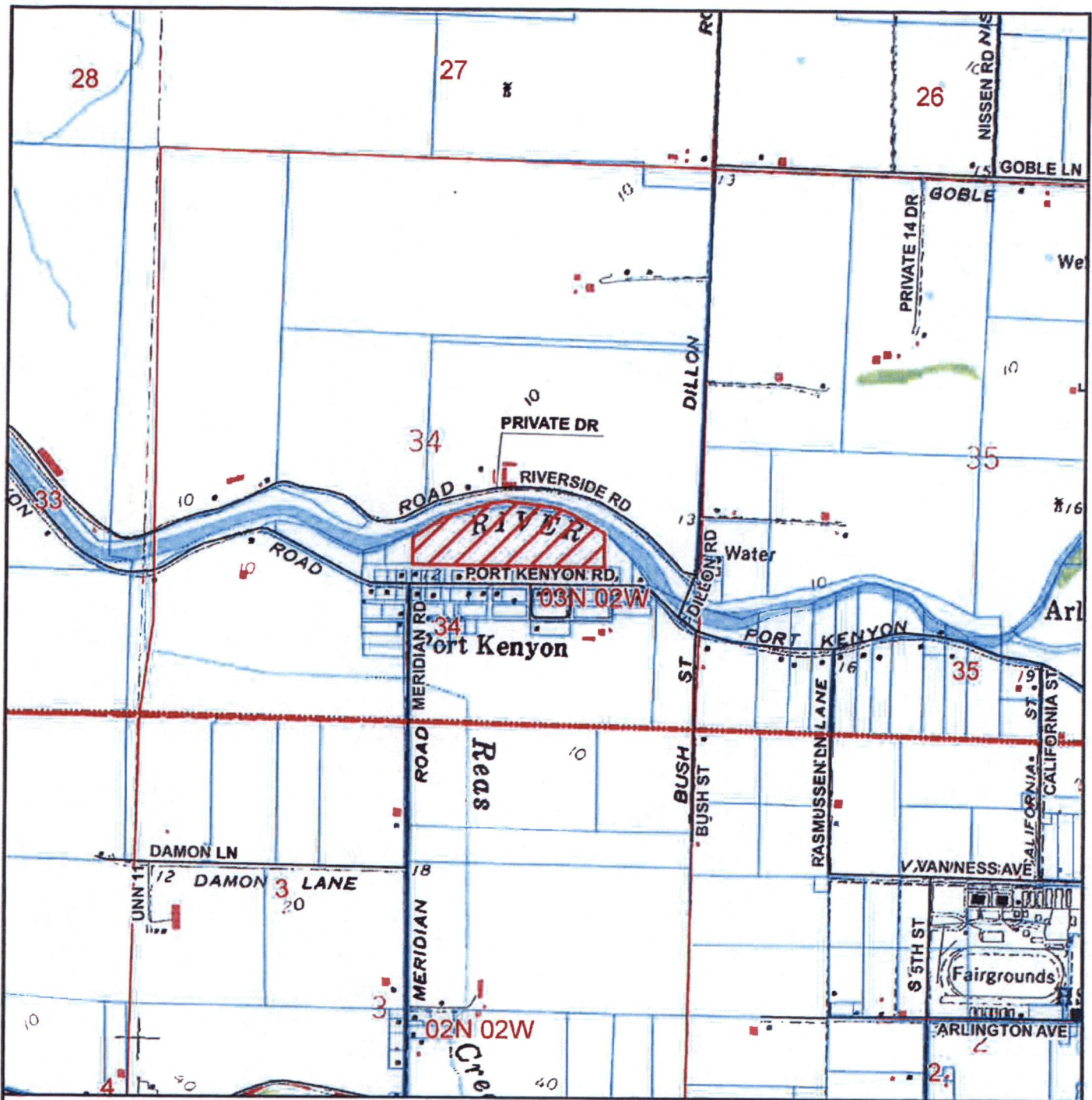
Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 0.25 Miles





# TOPO MAP

## PROPOSED SALT RIVER WATERSHED COUNCIL AGRICULTURAL PRESERVE

FERNDALE AREA

AGP-15-002

APN: 100-281-002

T03N R02W S34 HB&M (Ferndale)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.25 Miles





## ATTACHMENT 1

### CONDITIONS OF APPROVAL

Approval 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 legal description of the Agricultural Preserve for review and approval by the County Land Surveyor. The applicable review fee must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the Land Conservation Contract application being scheduled for a decision by the Board of Supervisors. **The legal description review fee is currently \$209.00.**
2. **Within five (5) days of the effective date of the action,** the applicant shall submit a check to the Planning Division, made out the Humboldt County Recorder, in the amount of \$50 to execute the filing of a Notice of Exemption with the County Clerk and Office of Planning and Research.
3. The applicant shall submit an executed and notarized Land Conservation Contract.
4. The applicant shall pay to the Humboldt County Planning Division any unpaid balance associated with the processing of this application.

## ATTACHMENT 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

#### Required Findings

**Agricultural Preserve-Williamson Act Findings:** The California Land Conservation Act of 1965, also known as the Williamson Act, provides the legislative authority and specifies the findings that must be made to establish Agricultural Preserves. The Williamson Act may be found commencing with Section 51200 of the Government Code. Generally, the following findings must be made to establish Agricultural Preserves.

1. That the proposed preserve is consistent with the County's General Plan (Section 51234 Government Code); and
2. That the land to be included in the agricultural preserve contract is, and will continue to be, used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture.

Additionally, to be eligible for the establishment of an Agricultural Preserve, the agricultural property must meet the criteria for one of the four "classes" (A, B, C or D) of Agricultural Preserve Contracts. A summary of the criteria for a Class "D" Preserve is listed below.

#### Class D

- a. The preserve area shall contain not less than 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide or local significance. Individual parcels must have been in existence for a minimum of ten (10) years prior to application for a land conservation contract.
- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan and zoned for agricultural use.
- c. The parcels in question are used for, and devoted to agricultural pursuits and have provided a gross annual income of \$2,500 from agricultural production for three of the past five years.
- d. The proposed zoning and contract would prohibit any parcel divisions.
- e. 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.
- f. Not more than twenty five percent (25%) of the land area within the preserve is zoned Timberland Production Zone.

#### Farmland Security Zone

Lands to be subject to a farmland security zone contract must be designated on the Important Farmland Series maps or shall meet the definition of "prime" agricultural land per Government Code Section 51201(c) and shall be located within three (3) miles of the Sphere of Influence boundary of an incorporated city. The minimum preserve area and minimum parcel size for land to be placed in a farmland security zone shall be the same as for the equivalent class of agricultural preserve.



## Staff Analysis

### Agricultural Preserve-Williamson Act Criteria

1. **That the proposed preserves are consistent with the County's general plan** (Section 15234 Government Code).

The Framework Plan, Section 2520 **Agricultural Lands**, recognizes the significance of agriculture in Humboldt County. The goal of Section 2522 of the General Plan states: *"The optimum amount of agricultural land shall be conserved for and maintained in agricultural use to promote and increase Humboldt County's agricultural production."* Section 3.34 of the Eel River Area Plan states: *"The maximum amount of prime agricultural land shall be maintained in agricultural production to ensure the protection of the areas' agricultural economy."* The primary purpose of the Williamson Act of 1965 was to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban areas.

The land proposed for the Class D agricultural preserve is designated Agriculture Exclusive by the Eel River Area Plan (ERAP). The Eel River Area Plan and the Framework Plan contain policies which preserve agricultural and open space lands. The Department believes that the proposal is consistent with, and furthers, the goals of these agriculture policies. In addition, the proposal to establish agricultural preserves furthers the goals of assuring the protection of the County's agricultural economy and to minimize the conflicts between agricultural and urban land uses by restricting the subdivision of these lands.

2. **That the land to be included in the agricultural preserve contract is, and will continue to be, used for the purpose of producing agricultural commodities for commercial purposes and uses compatible with agriculture.**

The proposed preserve is currently being used for growing hay. County Assessor staff, the County Agricultural Commissioner, and the Williamson Act Committee have reviewed the proposed Class D preserve and recommend approval. Planning staff believes that the proposed agricultural preserve meets the required findings. Based on information submitted, staff believes the establishment of the preserve will not conflict with any adjoining or surrounding land uses.

### Humboldt County Agricultural Preserve Guidelines Class D Criteria

- a. **The preserve area shall contain not less than 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide or local significance. Individual parcels must have been in existence for a minimum of ten (10) years prior to application for a land conservation contract.**

The Department has determined that the proposed preserve consists of approximately 21 acres that has been in existence since before the establishment of the County's subdivision regulations and therefore well over 10 years. All 21 acres is classified as prime agricultural land according to the Soil of Western Humboldt Study (1965).

- b. **That the land is shown in an "agricultural" designation on the Humboldt County General Plan and zoned for agricultural use.**

The land has an Agriculture Exclusive designation and is zoned for agricultural use.

- c. The parcels in question are used for, and devoted to agricultural pursuits and have provided a gross annual income of \$2,500 from agricultural production for three of the past five years.**

The proposed preserve will consist of one individual parcel of land which is currently being used for agricultural pursuits (production of hay) and the applicant has submitted evidence documenting that the preserve parcel has provided a gross annual income of at least \$2,500 from agricultural production for three of the past five years.

- d. The proposed zoning and contract would prohibit any parcel divisions.**

The zoning of the proposed preserve is Agriculture Exclusive specifying a minimum parcel size of 60 acres. The 21 acre preserve will be prohibited from being further divided under the Humboldt County Zoning Ordinance in addition to the prohibition within the land conservation contract.

- e. 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.**

Residential development rights beyond one single family residence will be conveyed to the County through the execution of the land conservation contract.

- f. Not more than twenty five percent (25%) of the land area within the preserve is zoned Timberland Production Zone.**

None of the land within the proposed preserve is zoned Timberland Production Zone.

**Environmental Impact:** The designation of lands as Agricultural Preserves is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 17, Section 15317.

#### **Farmland Security Zone**

The land within the proposed preserve and farmland security zone is identified as a class 1 (prime) soil in the Soils of Western Humboldt study (1965, UC Davis) and therefore meets the definition of prime per Section 51201(c) of the California Government Code. The parcel is located less than one (1) mile from the city limits of the City of Ferndale, an incorporated city.



### **ATTACHMENT 3**

#### **APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS**

Attachment 3 includes a listing of all written evidence that was submitted by the applicant in support of making the required findings for the Salt River Watershed Council Agricultural Preserve.

The following materials are on file with the Planning Division unless otherwise indicated:

- Application Form
- Present Owners' Deeds
- Preliminary Title Report
- Verification of agricultural income

#### ATTACHMENT 4

##### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment for the proposed agricultural preserve.

Those agencies that provided written comments originally are checked off.

Referral Agency	Response	Recommendation	Attached	On File
Agricultural Commissioner	✓	Approval		✓
Wiyot Tribe	✓	Approval		✓
Bear River Band	✓	Approval		✓
Farm Bureau		No response		
Assessor's Office	✓	Approval		✓
Williamson Act Committee	✓	Approval	✓	
State Department of Conservation		No response		
City of Ferndale	✓	Approval		✓
Cattlemen's Association		No response		
California Coastal Commission		No response		





**PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION**

3015 H Street Eureka CA 95501  
Phone: (707) 445-7541 Fax: (707) 268-3792

**WILLIAMSON ACT COMMITTEE  
Agricultural Center  
5630 South Broadway, Eureka**

**July 15, 2015 draft Meeting Minutes**

**I. Call to Order**

The meeting was called to order at 4:12 p.m. by Chair John LaBoyteaux.

**II. Roll Call**

WAC Members Present: John LaBoyteaux, John Rice, Peggy Satterlee

**III. Approval of Minutes**

No minutes for review and approval

**IV. Scheduled Matters**

**Item 1. Salt River Watershed Council (SRWC Ag Preserve)**

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class D preserve and Farmland Security Zone pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. (Rice/Satterlee, Approved Unanimously)

**Item 2. L.D. O'Rourke Foundation (O'Rourke Ag Preserve)**

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class C preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. (Rice/Satterlee, Approved Unanimously)

**Item 3. Dyllan Forbes (Forbes Ag Preserve)**

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class C preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. (Satterlee/Rice, Approved Unanimously)

**Item 4. Luke McCanless (McCanless Ag Preserve)**

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class C preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. (Rice/Satterlee, Approved Unanimously)

- V.      **Old Business**                      Summary of previous meeting regarding changing income requirements.  
Staff will provide alternatives at next meeting.
- Williamson Act meeting times. Motion by Peggy Satterlee to change time  
to third Thursday of the month at 3:00 pm. Motion seconded by John  
Rice. Motion passes 3/0.
- VI.      **New Business**                      None  
VII.      **Correspondence**                      None  
VIII.      **Public Comments**                      None  
IX.      **Adjournment**                      Meeting was adjourned by Chair LaBoyteaux at 4:58 p.m.



## **ATTACHMENT D**

### **Planning Commission Resolution regarding the Salt River Watershed Council Preserve**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 15-28**

**Case Number AGP-15-002  
Assessor Parcel Number 100-281-002-000**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Salt River Watershed Council Class D Agricultural preserve application.**

**WHEREAS**, the Salt River Watershed Council has applied to establish a new Class "D" Agricultural Preserve and Farmland Security Zone in the Ferndale area pursuant to the California Land Conservation (Williamson) Act; and

**WHEREAS**, the proposed Agricultural Preserve may be approved if it can be found that: (1) the proposed preserve is consistent with the County's General Plan (Section 51234 Government Code); (2) the land to be included in the agricultural preserve contract is, and will continue to be, used for the purposes of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; (3) the preserve area should not be less than the required minimum acres of the type of preserve unless it is proven to the satisfaction of the Planning Commission and Board of Supervisors that the proposal is a viable working preserve meeting all of the qualifications pursuant to Prime Agricultural Lands or Non-Prime Lands of Statewide significance; (4) the land must be zoned for agricultural purposes and provide for minimum parcel sizes; (5) the land shall consist of prime and/or non-prime agricultural land of statewide significance; and

**WHEREAS**, the Farmland Security Zone may be approved if it can be found that: (1) the lands are designated on the Important Farmland Series maps or meet the definition of "prime" agricultural land per Government Code Section 51201(c) and (2) the land is located within three (3) miles of the Sphere of Influence boundary of an incorporated city; and

**WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the State of California has determined that the establishment of agricultural preserves is categorically exempted from the provisions of the California Environmental Quality Act (CEQA) per Class 17, Section 15317; and

**WHEREAS**, the County Planning Division has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the proposed agricultural preserve (Case Number AGP-15-002); and

**WHEREAS**, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

**WHEREAS**, the Planning Commission held a public hearing on this matter to receive other evidence and testimony on September 3, 2015.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:



1. The proposed agricultural preserve is consistent with the General Plan; and
2. The land is and will continue to be used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; and
3. The proposed agricultural preserve is approximately 21 acres, and that the County Assessor's office has determined it to be a viable working preserve; and
4. The proposed preserve is zoned for agricultural use (AE-60/F.R); and
5. The land consists of prime lands as defined by Section 51201 Government Code; and
6. The land is located within three (3) miles of the Sphere of Influence boundary of an incorporated city; and
6. The proposed project is categorically exempt from environmental review pursuant to Class 17, Section 15317 of CEQA; and

**BE IT FURTHER RESOLVED** that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law; and
2. Consider the application; and
3. Adopt the necessary findings prepared by Planning Staff; and
4. Adopt Resolution No. \_\_\_\_\_ establishing the Salt River Watershed Council Class "D" Agricultural Preserve and Farmland Security Zone with uniform Rules including Compatible Uses; and
5. Authorize the Chair of the Board to execute a Land Conservation Contract for the Class "D" Preserve and; and
6. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
7. Direct the Clerk of the Board to give notice of the decision to the applicant, the California Office of Land Conservation and any other interested party; and
8. Direct the Clerk of the Board to file for record the executed Land Conservation Contract with the Humboldt County Recorder.

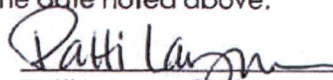
Adopted after review and consideration of all the evidence on September 3, 2015

The motion was made by Commissioner Shepherd and seconded by Commissioner Edmonds.

AYES: Commissioners: Ulansey, McKenny, Morris, Edmonds, Shepherd, Bongio  
 NOES: Commissioners: None  
 ABSTAIN: Commissioners: None  
 ABSENT: Commissioners: Levy  
 DECISION: Motion carries 6/0

  
 Robert Morris, Chair

I, Patti Lawson, Clerk 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.

  
 Patti Lawson, Clerk