



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

L-3

Hearing Date: December 8, 2015

To: Board of Supervisors

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

Subject: **Fort Baker Ranch Zoning Reclassification, Notice of Merger and Amendment to Class B Agricultural Preserve**
Case Numbers AGP-15-006, ZR-15-010, NOM-15-016
Assessor Parcel Numbers (APNs) 317-021-001, 317-026-003
323 Kelly Road, Showers Pass Area

RECOMMENDATIONS

That the Board of Supervisors:

1. Introduce Ordinance No. 2541 by title and waive further reading;
2. Open the public hearing, receive and consider the staff report, the Planning Commission's findings and accept public comment;
3. Adopt the necessary findings prepared by Planning Staff; and approve the Notice of Merger
4. Adopt Ordinance No. 2541 amending Section 311-7 of the Humboldt County Code by reclassifying property in the Showers Pass area within APNs 317-021-001 and 317-026-003 currently zoned Agriculture Exclusive to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160))(Attachment A);

Prepared by Cliff Johnson by Steve Warner
Cliff Johnson, Senior Planner

CAO Approval Amy Rosen

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 Bass

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]

5. Direct the Clerk of the Board to publish a summary of the zoning changes within 15 days of the date of the hearing (Attachment B);
6. Adopt Resolution No. 15-126 adding lands to the existing Fort Baker Ranch Agricultural Preserve (AGP # 73-2) (Attachment C);
7. Direct the Chair to execute the Amendment to the Fort Baker Ranch Land Conservation Contract (Attachment D);
8. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research;
9. Direct Planning Staff to record the Notice of Merger;
9. Direct the Clerk of the Board to record copies of the Resolution and amendment to the Land Conservation Contract with the County recorder;
10. Direct the Clerk of the board to give notice of the decision to the applicant, the Assessor's office, County Counsel, the Planning Division, the California Office of Land Conservation and any other interested party; and
11. Close the public hearing.

SOURCE OF FUNDING: Planning and Building Planning and Engineering Services Revenue Account No. 1100-277-608000.

DISCUSSION

An application has been made to add approximately 240 acres to an existing 22,540 acre Class "B" Agricultural Preserve in the Showers Pass area. The proposed addition to the existing preserve currently consists of two parcels of land, one of which is 160 acres in size and one of which is 80 acres in size. Both parcels are currently zoned Agriculture Exclusive, and in order to meet the requirements of the County's Williamson Act Guidelines the applicant is requesting to rezone the parcels to Agriculture Exclusive specifying a minimum parcel size of 160 acres and to merge the two parcels into a single 240 acre parcel. The property is owned by the Fort Baker Ranch Company and is utilized for cattle grazing.

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

In order 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 shall be less than 160 contiguous acres. The land must be in an agricultural designation and zoned for agricultural use with a minimum parcel size of 160 acres (AE-B-5(160)). The land shall be non-prime agricultural land of statewide or local significance. While under contract, the zoning and contract prohibits any division, which includes the sale of separate legal parcels, into ownership units of less than 600 contiguous acres.

The Board approved the Fort Baker Ranch Class "B" Grazing Preserve (Ag Preserve # 73-2, Resolution 73-2) in January 1973 for approximately 22,540 acres. The preserve is used for a cattle grazing operation. The property owners are now requesting to add approximately 240 acres to this preserve.

A Determination of Status was recently completed for the property that determined that the subject property consists of two legal parcels of land, one of which is 160 acres in size and one of which is 80 acres. The applicant is requesting to merge the two parcels which will result in one parcel of 240 acres.

There are no outstanding zoning violations on the subject property. The parcel is planned for Agriculture/Grazing (AG) under the County's Framework Plan, is zoned Agriculture Exclusive, and is currently under agricultural production. As part of the request to add these lands to the preserve, the applicant is applying for a zoning reclassification to change the zoning of the Agriculture Exclusive land to Agricultural Exclusive with a combining zone specifying a minimum parcel size of 160 acres (AE-B5(160)). The reclassification and merger must happen prior to the amended preserve and contract. Should the zoning reclassification and merger be approved, the land meets all the requirements for addition into the existing Class "B" Grazing Preserve.

The Williamson Act Committee reviewed the amendment on October 1, 2015 and recommended approval. Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the proposed reconfigured agricultural preserve meets the required findings.

The Planning Commission reviewed the project at their meeting of November 2, 2015 and adopted a resolution (Attachment E) recommending that your Board approve the proposed preserve addition, notice of merger, and zoning reclassification because it is consistent with the County's adopted Guidelines for 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 "B" Preserve is listed below:

Class B

- a. The preserve area shall contain not less than 600 acres of land and no individual parcel of land shall be less than 160 contiguous acres.
- b. An ordinance placing all land not zoned TPZ (Timberland Production Zone) within the agricultural preserve in the A-E (Agriculture Exclusive) zoning district with a combining zone establishing a 160 acre minimum parcel size (AE-B-5(160)) must be adopted by the Board of Supervisors either prior to formation of the preserve or prior to the execution of the contract.
- c. Land within the preserve shall be non-prime agricultural land of statewide or local significance (designated for agricultural use in the General Plan and utilized for agricultural production).

Zone Reclassification

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

1. The proposed change is in the public interest; and

2. That the proposed change is consistent with the General Plan.
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.

Notice of Merger:

Title III, Division 2, Section 327.5-18 of the Humboldt County Code (HCC) specifies the findings that must be made to approve the merger of contiguous parcels upon proper application by the legal owner(s) of such parcels. Basically, the advisory agency (i.e., the Planning Director) may approve the merger, if on the basis of the application, investigation, and submitted evidence, the following findings are made:

1. The parcel resulting from the merger meets applicable health, building and zoning requirements, and
2. Approving the merger would not create health or safety problems.

Other than the zoning designation which is proposed to be changed, and the parcel size which is proposed to be resolved through the notice of merger, the subject property meets all other requirements for a Class "B" Grazing Land Preserve. The land has an Agriculture General designation and is being used for agricultural grazing. The Board approved the Fort Baker Ranch Class "B" Grazing Preserve (Ag Preserve # 73-2, Resolution 73-2) on January 2, 1973 for approximately 22,300 acres. This preserve has been in continuous agricultural use. The property owners are now requesting to add approximately 240 acres to this preserve. The County Assessor staff and the Williamson Act Committee have reviewed the proposed preserve and recommend approval. Based on information submitted, staff believes the addition to the preserve will not conflict with any adjoining or surrounding land uses.

The required findings for approving the zone reclassification can be made. Section 2520 of the Framework Plan (Agricultural lands) recognizes the significance of agriculture in Humboldt County. The goal of Section 2522 of the general Plan states that "The optimum amount of agricultural land shall be conserved for and maintained in agricultural use to promote and increase Humboldt County's agricultural production." 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. Furthermore, Section 5-2520.3 of the General Plan directs the County to "support, promote and broaden the application of Williamson Act contracts and agricultural preserves" to carry out these policies. The County's Williamson Act guidelines require that lands in a Class B Preserve not zoned TPZ must be placed in an agricultural exclusive zone specifying a minimum parcel size of 160 acres. The addition of these lands into an existing agricultural preserve and the more restrictive zoning district serves to preserve agricultural and open space lands in the County and is in therefore in the public interest. Staff believes that the proposed zone reclassification is consistent with the goals and policies of the General Plan. The amendment will not reduce the residential density of any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

The findings for approval of the notice of merger can be made. The properties proposed for merger are currently developed with two agricultural barns and an uninhabitable cabin. No health, building or zoning violations apply to the properties. The resultant 240 acre parcel will exceed the minimum under the zoning district. The proposed merger will enable the lands to be added into an existing agricultural preserve and utilized for agricultural purposes consistent with surrounding lands and the intended uses under the General Plan. There is no evidence that the merger will create any health or safety problems.

The Planning Division staff and the Planning Commission recommend that your Board approve the proposed addition to the agricultural preserve because it is consistent with the County's adopted Guidelines for Class B Agricultural Preserves and the County's General Plan. Establishment of the expanded 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. Reclassification of lands into a more restrictive zone district is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15061(b)(3). The merger of existing legal parcels is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 5, Section 15305.

FINANCIAL IMPACT: 2015 Prop 13 Factored Base Year Values for the Fort Baker Ranch property proposed for addition is \$113,240, which would result in an approximate \$1,132.40 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 2015-16 budget.

OTHER AGENCY INVOLVEMENT: The project was circulated to various State and local agencies for comments and recommendations and all have recommended approval or had no comments. 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 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

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:	Ordinance No. <u>2541</u> , Exhibit A (legal description), Exhibit B (map)
Attachment B:	Summary of Ordinance, Map to be published (Exhibit A)
Attachment C:	Resolution amending the Class B Preserve
Attachment D:	Amendment to Fort Baker Ranch Land Conservation Contract
Attachment E:	Planning Commission Resolution and Staff Report

ATTACHMENT A

Ordinance No. 2541

Exhibit A (legal description), Exhibit B (map)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of November 17, 2015

**ORDINANCE AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE BY
REZONING PROPERTY IN THE SHOWERS PASS AREA [ZR-15-10 (Fort Baker Ranch)]**

ORDINANCE NO. 2541

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Zoning Code is hereby amended by reclassifying lands in the Showers Pass area, i.e. those lands currently zoned Agriculture Exclusive within APN 317-021-001 and APN 317-026-003 to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)). The area described in Exhibit A is also shown on the Humboldt County zoning map R-29 and R-30 and on the map attached as Exhibit B of this Ordinance.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this 8th day of December, 2015 on the following vote, to wit:

AYES:	Supervisors	Sundberg, Lovelace, Fennell, Bohn, Bass
NOES:	Supervisors	--
ABSENT:	Supervisors	--



ESTELLE FENNELL, Chair
Board of Supervisors 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: _____

Ana Hartwell, Deputy

EXHIBIT A

PROPERTY DESCRIPTION

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

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

Lots 2, 3 and 4 of Section 19, Township 3 North, Range 4 East, Humboldt Base and Meridian and Lot 1 of Section 30, Township 3 North, Range 4 East, Humboldt Base and Meridian and:

Those portions of the Southeast Quarter of the Northwest Quarter and the East Half of the Southwest Quarter of Section 19, and of the Northeast Quarter of the Northwest Quarter of Section 30, Township 3 North, Range 4 East, Humboldt Base and Meridian, described as follows:

BEGINNING at the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 30, as the same is established by Survey No. 49, made by W.C. Elsemore, licensed surveyor, recorded in Book 5 of Surveys, Page 30, Humboldt County Records;

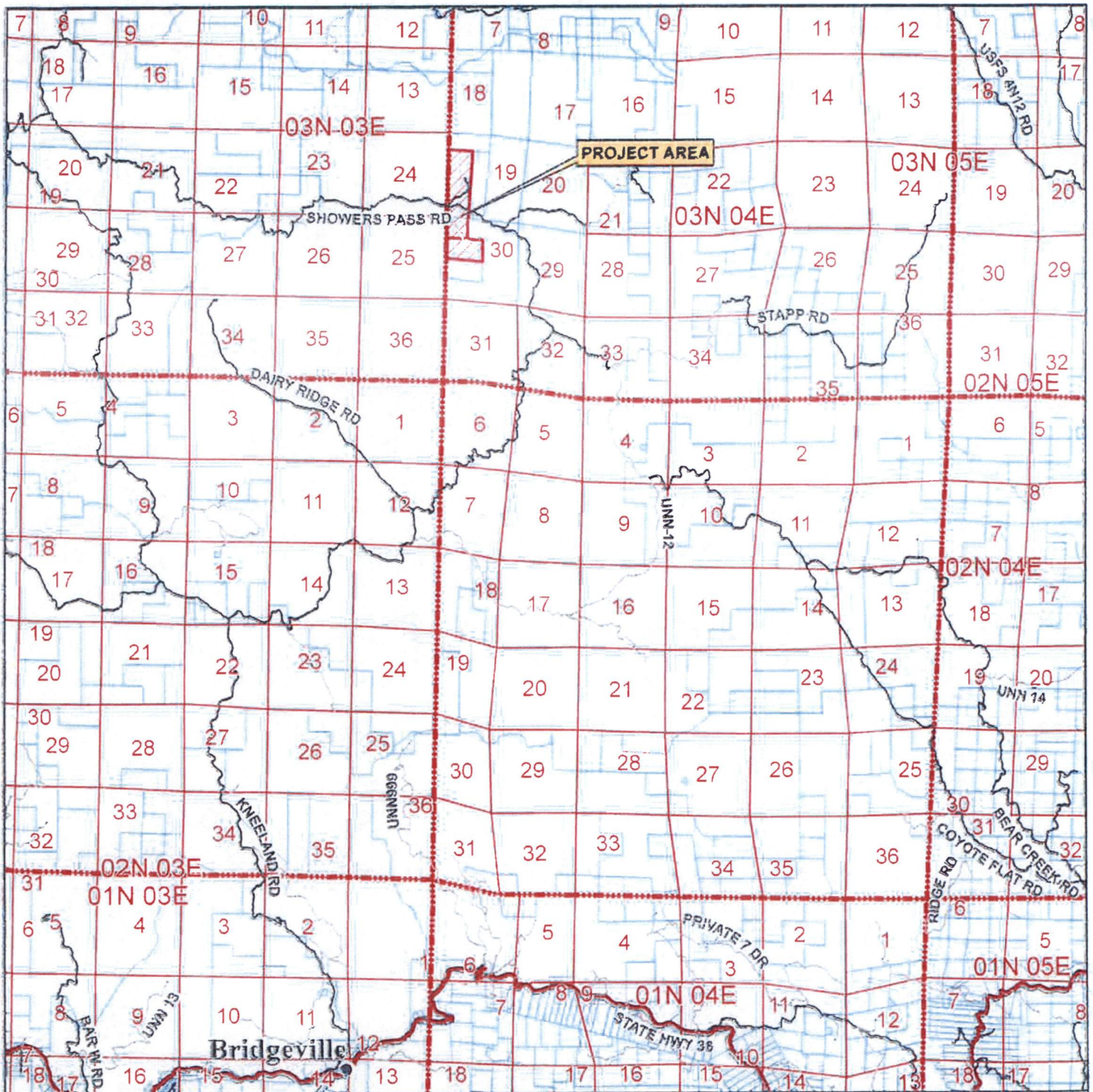
thence South 83 degrees 04 minutes East, along the South line of the Northeast Quarter of the Northwest Quarter of said Section 30, as so established, 279.5 feet;

thence Northerly in a direct line a mile, more or less, to a point on the North line of the Southeast Quarter of the Northwest Quarter of said Section 19, as the same is established in said survey, distant 279.5 feet South 79 degrees 30 minutes East from the Northwest corner of said Southeast Quarter of the Northwest Quarter of said Section 19, as so established;

thence North 79 degrees 30 minutes West, 279.5 feet to the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 19, as so established;

thence South along the West line of the Southeast Quarter of the Northwest Quarter and the East Half of the Southwest Quarter of said Section 19 and the West line of the Northeast Quarter of the Northwest Quarter of said Section 30, a mile, more or less, to the point of beginning.

**Lot 2 and the Southeast Quarter of the Northwest Quarter of Section 30,
Township 3 North, Range 4 East, Humboldt Base and Meridian.**



LOCATION MAP

PROPOSED FORT BAKER RANCH CO
AGRICULTURAL PRESERVE &
ZONE RECLASSIFICATION
SHOWERS PASS AREA
AGP-15-006/ZR-15-010

APN: 317-021-001 et seq

T03N R04E S19,30 HB&M (Yager Junction)

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 0.5 1 1.5 2 2.5 Miles

ATTACHMENT B

Summary of Ordinance, Map to be published (Exhibit A)

POST-ADOPTION SUMMARY OF ORDINANCE
(For publication after adoption)

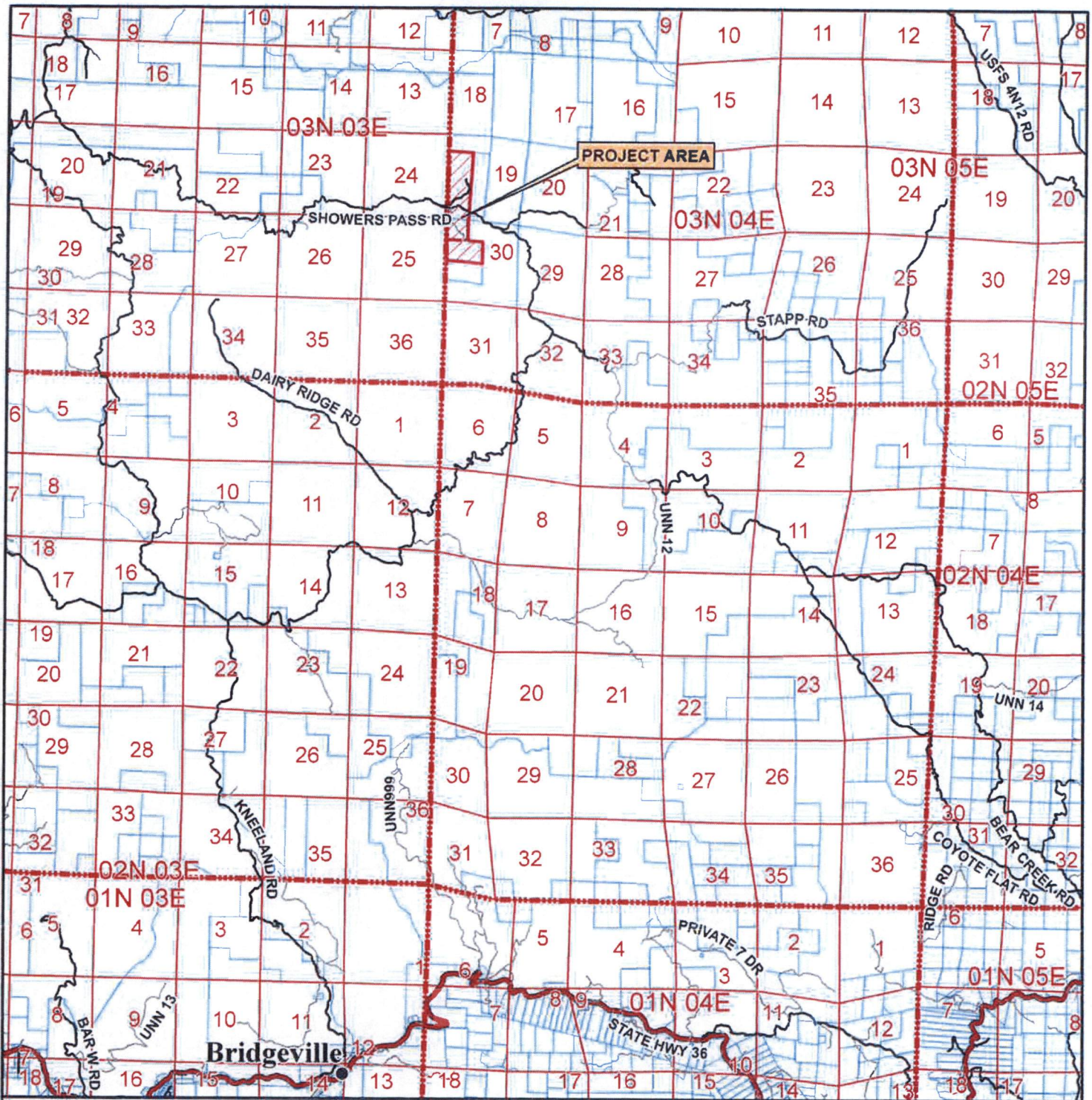
December 8, 2015, the Humboldt County Board of Supervisors adopted Ordinance No. _____, which amends Section 311-7 of the Humboldt County Zoning Code to reclassify lands currently zoned Agriculture Exclusive within APN 317-021-001 and APN 317-026-003 to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)). The ordinance revision will become effective thirty (30) days after the date of adoption. The names of the Supervisors voting for and against are as follows:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

A copy of the Ordinance is posted in the office of the Clerk of the Board of Supervisors, 825 Fifth Street, Eureka, California.



LOCATION MAP

PROPOSED FORT BAKER RANCH CO AGRICULTURAL PRESERVE & ZONE RECLASSIFICATION SHOWERS PASS AREA

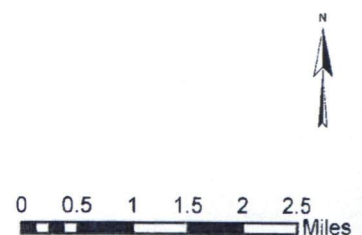
AGP-15-006/ZR-15-010

APN: 317-021-001 et seq

T03N R04E S19,30 HB&M (Yager Junction)

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.



ATTACHMENT C

Resolution No. 15-126

Amending the Fort Baker Ranch 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)

2015-023591-11
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. 15-126**

**RESOLUTION AMENDING THE FORT BAKER RANCH AGRICULTURAL PRESERVE
(RESOLUTION 73-2) WITH UNIFORM RULES INCLUDING COMPATIBLE USES (AG
PRESERVE #73-2)**

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. 15-126

**RESOLUTION AMENDING THE FORT BAKER RANCH AGRICULTURAL PRESERVE
(RESOLUTION 73-2) WITH UNIFORM RULES INCLUDING COMPATIBLE USES (AG
PRESERVE #73-2)**

WHEREAS, the County of Humboldt has been requested to amend 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 addition to of the existing Fort Baker Ranch Class B 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 B 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. 73-2.
Said Property, excluding all timber and timber lands zoned TPZ, 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:

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

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

RESOLUTION NO. 15-126

A. Permitted Uses:

- i. Single family residences essential for agricultural operations and noncommercial guest houses. Two (2) single detached farm residences may be allowed when consistent with the General Plan density standard.
- 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 Department of Community Development Services 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

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

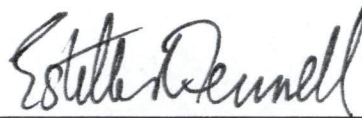
Certified copy of portion of proceedings, Meeting of December 8, 2015

RESOLUTION NO. 15-126

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").

BE IT FURTHER RESOLVED that a certified copy of this resolution and the attached map of Agricultural Preserve No. 73-2 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 Bass, 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:

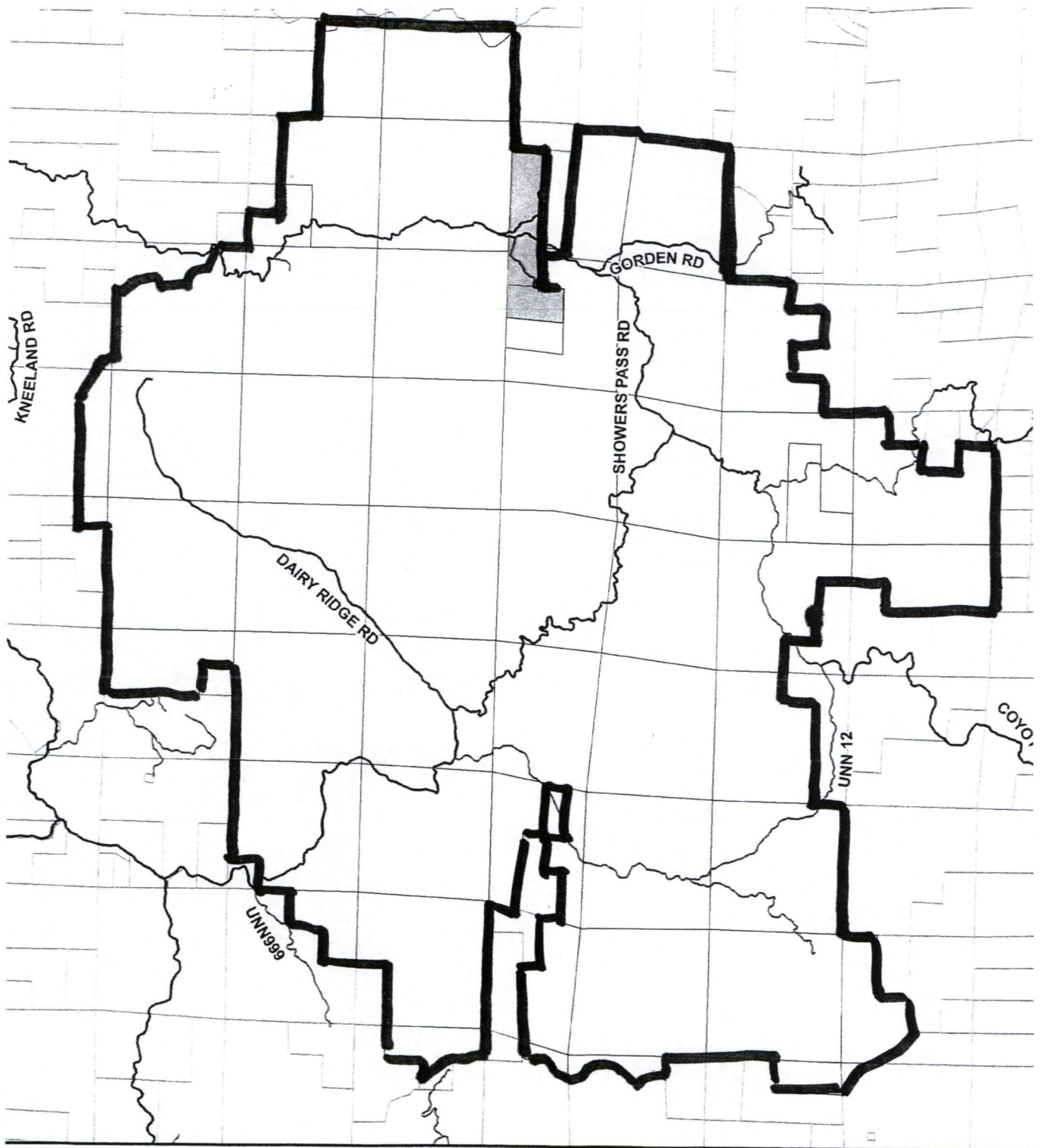
KATHY HAYES
Clerk of the Board of Supervisors
of the County of Humboldt,
State of California

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



AGRICULTURAL PRESERVE MAP
PROPOSED FORT BAKER RANCH CO
AGRICULTURAL PRESERVE &
ZONE RECLASSIFICATION
SHOWERS PASS AREA
AGP-15-006/ZR-15-010
APN: 317-021-001 et seq
T03N R04E S19,30 HB&M (Yager Junction)



EXHIBIT A

PROPERTY DESCRIPTION

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

Lots 2, 3 and 4 of Section 19, Township 3 North, Range 4 East, Humboldt Base and Meridian and Lot 1 of Section 30, Township 3 North, Range 4 East, Humboldt Base and Meridian and:

Those portions of the Southeast Quarter of the Northwest Quarter and the East Half of the Southwest Quarter of Section 19, and of the Northeast Quarter of the Northwest Quarter of Section 30, Township 3 North, Range 4 East, Humboldt Base and Meridian, described as follows:

BEGINNING at the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 30, as the same is established by Survey No. 49, made by W.C. Elsemore, licensed surveyor, recorded in Book 5 of Surveys, Page 30, Humboldt County Records;

Thence South 83 degrees 04 minutes East, along the South line of the Northeast Quarter of the Northwest Quarter of said Section 30, as so established 279.5 feet;

Thence Northerly in a direct line a mile, more or less, to a point on the North line of the Southeast Quarter of the Northwest Quarter of said Section 19, as the same is established in said survey, distant 279.5 feet South 79 degrees 30 minutes East from the Northwest corner of said Southeast Quarter of the Northwest Quarter of said Section 19, as so established;

Thence North 79 degrees 30 minutes West, 279.5 feet to the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 19, as so established;

Thence South along the West line of the Southeast Quarter of the Northwest Quarter and the East Half of the Southwest Quarter of said Section 19 and the West line of the Northeast Quarter of the Northwest Quarter of said Section 30, a mile, more or less, to the point of beginning.

Lot 2 and the Southeast Quarter of the Northwest Quarter of Section 30, Township 3 North, Range 4 East, Humboldt Base and Meridian.

PARCEL ONE

The following land in Township 2 North, Range 3 East, Humboldt Base and Meridian, according to the U. S. Government Survey and Official Plat thereof:

Section 1. All.

Section 2. All.

Section 3. All.

Section 4. Lot 1 of Section 4, being the fractional northeast quarter of the northeast quarter of said section, according to the Official Plat of said Township approved January 5, 1875.

Section 10. The north half of the northeast quarter; the southwest quarter of the northeast quarter; the northwest quarter.

Section 11. All.

Section 12. All.

Section 13. All.

Section 14. All, except the southwest quarter of the southwest quarter of said section.

Section 23. The north half of the northeast quarter; the southeast quarter of the northeast quarter.

Section 24. All, except the west half of the southwest quarter of said section.

Section 25. The north half of the northeast quarter; the southwest quarter of the northeast quarter; the northeast quarter of the northwest quarter.

The following land in Township 3 North, Range 3 East, Humboldt Base and Meridian, according to United States Government surveys:

Section 13. The south half of the northeast quarter; the south half of the northwest quarter; the south half.

Section 14. The south half of the northeast quarter; the southeast quarter.

Section 23. The east half of the northwest quarter; the east half.

Section 24. All.

Section 25. All.

Section 26. All.

Section 27. The east half of the northeast quarter; the south half; also about 50 acres lying in the south half of the northwest quarter and the west half of the northeast quarter of Section 27 and being all the portions of said subdivisions which lie on the southerly and easterly side of the following described line:

BEGINNING on the section line in the center of Yager Creek, said point being distant 1716 feet south from the northwest corner of said Section 27; running thence upstream meandering Yager Creek to a point which is north 891 feet and west 2343 feet from the quarter section corner between Sections

26 and 27; thence following the meanders of Butte Creek upstream to the section line at a point 214.6 feet west from the northeast corner of the west half of the northeast quarter of said Section 27.

Section 28. The southeast quarter of the southeast quarter.

Section 33. The east half of the northeast quarter; the east half of the southeast quarter.

EXCEPTING from last described subdivisions of Section 28 and 33 the portion conveyed by Russ, Porter and Ranson to Gray and Torrey by Deed dated July 16, 1880, recorded in Book 2, Page 224 of Deeds, in the office of the County Recorder of Humboldt County, California, and said excepted portion being bounded and described as follows:

BEGINNING at the northeast corner of the southwest quarter of the southeast quarter of said Section 28; running thence south 2805 feet; thence north 28 degrees east 2244 feet; thence east 264 feet; thence north 825 feet; thence west 1320 feet to the place of beginning, leaving in said subdivision after said exception 72.64 acres.

Section 34. All.

Section 35. All.

Section 36. All.

Also the following lands in Township 2 North, Range 4 East of Humboldt Base and Meridian, according to the United States Government surveys:

Section 2. The southwest quarter of the northwest quarter.

Section 3. Lots 1, 2, 3, and 4; the south half of the northeast quarter; the southeast quarter of the northwest quarter.

Section 4. Lots 1, 2, 3, and 4; the south half of the northwest quarter; the southwest quarter of the northeast quarter; the northwest quarter of the southeast quarter; the southwest quarter.

EXCEPTING 1 acre in the northwest quarter of the southeast quarter of Section 4, conveyed to Showers Pass School District by Deed recorded in Book 141, Page 213 of Deeds, in the Recorder's Office of Humboldt County, California, and the water rights near said school lot as granted to said School District by Deed recorded in Book 141, Page 214 of Deeds, in said Recorder's Office.

Section 5. All.

Section 6. All.

Section 7. All.

Section 8. All.

Section 9. The southwest quarter of the northeast quarter; the west half of the southeast quarter; the west

half.

Section 16. All.

Section 17. All.

Section 18. Lots 1, 2, 3, and 4; the east half of the northwest quarter; the east half of the northeast quarter; the east half of the southeast quarter; the northwest quarter of the southeast quarter.

Section 19. The east half of the southwest quarter and the east half.

Section 20. All.

Section 21. All.

Section 22. The west half of the northwest quarter, and that portion of the southwest quarter which lies northwesterly of Baker Creek; all that portion of the south half of the southeast quarter (if any at all) which lies northerly and westerly of Baker Creek.

Section 27. That portion of the northwest quarter which lies northwesterly of Baker Creek.

Section 28. The north half of the northeast quarter.

Section 29. The north half of the northwest quarter.

Section 30. The north half of the northeast quarter; the northeast quarter of the northwest quarter.

Also the following lands in Township 3 North of Range 4 East, Humboldt Base and Meridian, according to the United States Government surveys:

Section 19. The southeast quarter of the northwest quarter; the east half of the southwest quarter; the east half (subject to exception hereinafter set forth).

Section 20. All.

Section 28. The southwest quarter of the northeast quarter; the southwest quarter of the southeast quarter; the west half.

Section 29. All.

Section 30. Lot 4; the southeast quarter of the southwest quarter; the northeast quarter of the northwest quarter; the east half (subject to the exception hereinafter set forth).

Section 31. All.

Section 32. All.

Section 33. The northwest quarter of the northeast quarter; the east half of the northeast quarter; the northeast quarter of the southeast quarter; the west half.

Section 34. The west half of the northwest quarter; the southeast quarter of the northwest quarter; the southeast quarter of the northeast quarter; the south half.

EXCEPTING from the lands in Sections 19 and 30 in Township 3 North, Range 4 East, that portion thereof bounded and described as follows:

BEGINNING at the southwest corner of the northeast quarter of said section 30, as the same is estab-

lished by Survey No. 49 made by W. C. Elsemore, Licensed Surveyor, and recorded in Book 5, Page 30 of Surveys, Humboldt County Records; and running thence south 83 degrees 4 minutes east along the south line of said northeast quarter of the northwest quarter of Section 30, as so established, 279.5 feet; thence in a direct line nearly due north a mile, more or less, to a point on the north line of the southeast quarter of the northwest quarter of said Section 19, as the same is established in said survey, distant 279.5 feet south 79 degrees 30 minutes east from the northwest corner of said southeast quarter of the northwest quarter of Section 19; thence north 79 degrees 30 minutes west 279.5 feet to the northwest corner of said southeast quarter of the northwest quarter of Section 19 as so established; thence south along the west line of the southeast quarter of the northwest quarter; and east half of the southwest quarter of Section 19, and west line of northeast quarter of the northwest quarter of Section 30 a mile, more or less, to the place of beginning.

ALSO EXCEPTING that portion of the southeast quarter of the northwest quarter of the east half of the southwest quarter of Section 19, Township 3 North, Range 4 East, Humboldt Base and Meridian, as established by Survey No. 49 by W. C. Elsemore recorded in Book 5, Page 30 of Surveys in the office of the County Recorder of said County, conveyed to Clair Kelley and Rose Kelley, husband and wife, as joint tenants by Deed recorded September 13, 1957, in Book 459, Page 180 of Official Records, under Recorder's Serial No. 13751, in the office of the County Recorder of said County, described as follows:

BEGINNING on the Subdivision line at a point distant south 79 degrees 30 minutes east thereon 279.5 feet from the northwest corner of said southeast quarter of the northwest quarter; thence south 79 degrees 30 minutes east along said Subdivision line 838.5 feet to the northeast corner of said southeast quarter of the northwest quarter; thence southerly along the east line of said southeast quarter of the northwest quarter and the east line of said east half of the southwest quarter 3710 feet; thence north 79 degrees 30 minutes west parallel with the north line of said southeast quarter of the northwest quarter 838.5 feet, more or less, to the east line of land described in Deed to Nathaniel Ackley recorded April 28, 1949, under Recorder's Serial No. 3819 in the office of the County Recorder of said County; thence north along

said east line 3710 feet, more or less, to the point of beginning.

ALSO EXCEPTING those portions of the north half of the northeast quarter of the southwest quarter of the northeast quarter of Section 25, Township 2 North, Range 3 East, Humboldt Base and Meridian, and of the north half of the northeast quarter and of the northeast quarter of the northwest quarter of Section 30, Township 2 North, Range 4 East, Humboldt Base and Meridian, and of the north half of the northwest quarter of Section 29, Township 2 North, Range 4 East, Humboldt Base and Meridian, lying southerly of the centerline of the Van Duzen River.

ALSO EXCEPTING THEREFROM all land lying south of the centerline of the Van Duzen River and bounded on the west by the north and south center line of Section 25, Township 2 North, Range 3 East, Humboldt Base and Meridian, and bounded on the east by the west line of the east half of the northeast quarter of Section 29, Township 2 North, Range 4 East, Humboldt Base and Meridian.

PARCEL TWO

The northwest quarter of the southeast quarter and the south half of the southeast quarter of Section 4, Township 2 North, Range 3 East, Humboldt Base and Meridian.

PARCEL THREE

Those portions of the southeast quarter of the northeast quarter of Section 25, Township 2 North, Range 3 East, Humboldt Base and Meridian; Lot 2, the southeast quarter of the northwest quarter and the south half of the northeast quarter of Section 30, Township 2 North, Range 4 East, Humboldt Base and Meridian; and the south half of the northwest quarter and the west half of the northeast quarter of Section 29, Township 2 North, Range 4 East, Humboldt Base and Meridian, lying northerly of the centerline of the Van Duzen River.

EXCLUDED FROM AGRICULTURAL PRESERVE FOR HOME SITE the following lands described as follows:

BEGINNING at the northeast corner of Section 3, Township 2 North, Range 3 East, Humboldt Base and Meridian;
thence south 1320 feet;
thence west 150 feet to true point of beginning;
thence west 450 feet;
thence north 450 feet;
thence east 450;
thence south 450 feet to true point of beginning.

ATTACHMENT D
Amendment to the Fort Baker Ranch 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)

2015-023592-15

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

**LAND CONSERVATION CONTRACT
(Fort Baker Ranch Preserve)**

THIS CONTRACT is dated this 10th day of December, 2015, by and between Fort Baker Ranch Company, A California 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 **B** Agricultural Preserve heretofore established by COUNTY by Resolution No. 73-2; 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 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 (10) 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 **Fort Baker ranch Company, 600 Showers Pass road, Kneeland, CA 95549** 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.

//

//

//

//

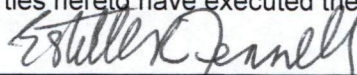
//

//

//

//

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 Ana Hartwell
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 Margaret N. Rice By _____
Vice President, Secretary
By CFO By _____
Fort Baker Ranch Co.

(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:

By _____ By _____
Title: _____ Title: _____

(Signature(s) to be Notarized)

APPROVED AS TO FORM:

By Natalie Duke
County Counsel Natalie Duke

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

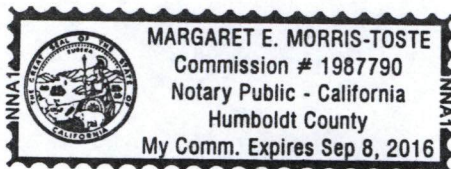
On DECEMBER 17, 2015 before me, Margaret E. Morris-Toste, Notary Public,

personally appeared MARGARET N. RICE
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 [Handwritten Signature]
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: LAND CONSERVATION CONTRACT
FORT BAKER RANCH PRESERVE Document Date: DECEMBER 17, 2015
Number of Pages: 7 Signer(s) Other Than Named Above: CHAIR OF BOARD OF SUPERVISORS & DEPUTY

Capacity(ies) Claimed by Signer(s)

Signer's Name: MARGARET N. RICE

☒ 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): _____

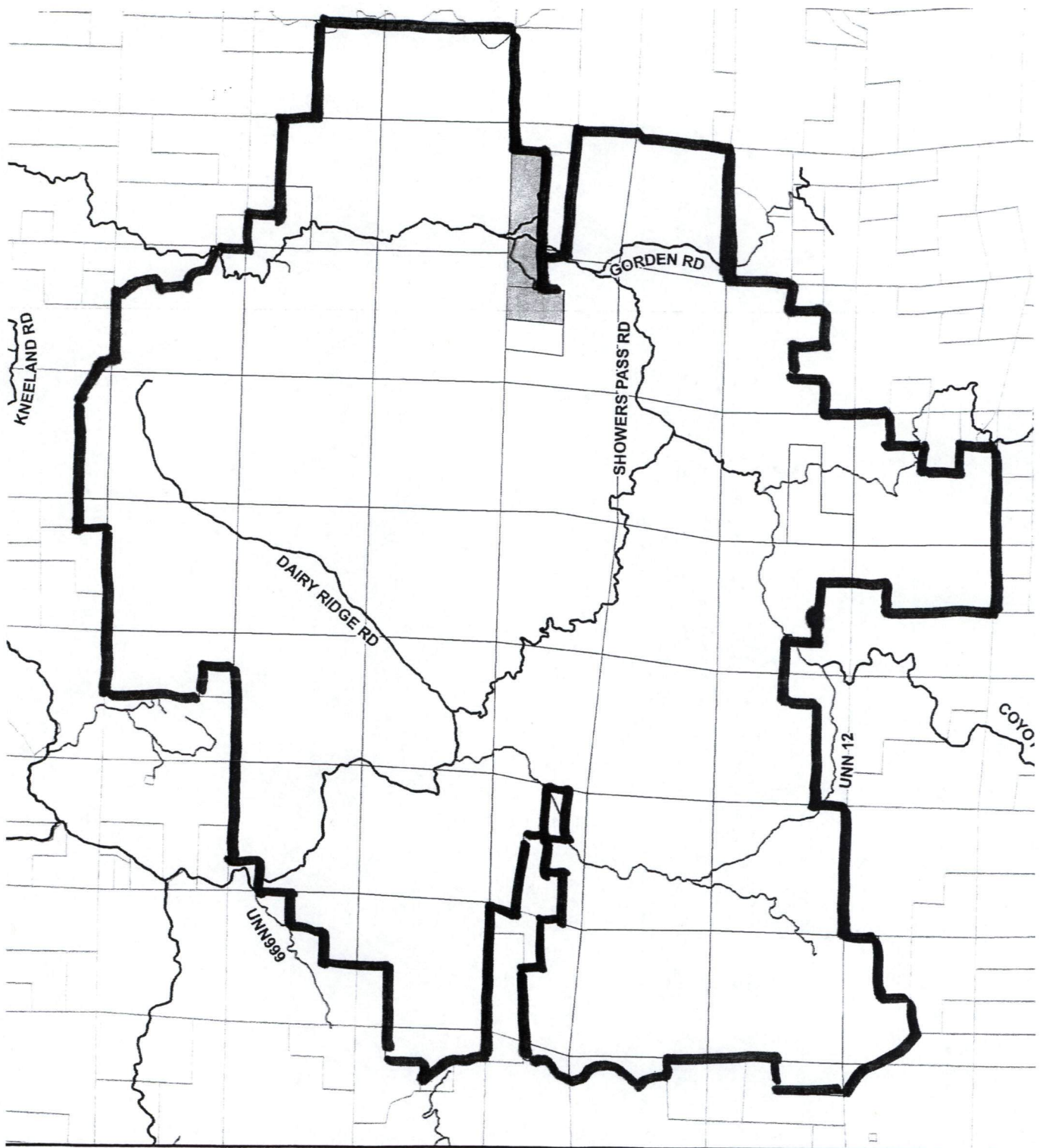
☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____



AGRICULTURAL PRESERVE MAP
PROPOSED FORT BAKER RANCH CO
AGRICULTURAL PRESERVE &
ZONE RECLASSIFICATION
SHOWERS PASS AREA
AGP-15-006/ZR-15-010
APN: 317-021-001 et seq
T03N R04E S19,30 HB&M (Yager Junction)



EXHIBIT A

PROPERTY DESCRIPTION

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

Lots 2, 3 and 4 of Section 19, Township 3 North, Range 4 East, Humboldt Base and Meridian and Lot 1 of Section 30, Township 3 North, Range 4 East, Humboldt Base and Meridian and:

Those portions of the Southeast Quarter of the Northwest Quarter and the East Half of the Southwest Quarter of Section 19, and of the Northeast Quarter of the Northwest Quarter of Section 30, Township 3 North, Range 4 East, Humboldt Base and Meridian, described as follows:

BEGINNING at the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section 30, as the same is established by Survey No. 49, made by W.C. Elsemore, licensed surveyor, recorded in Book 5 of Surveys, Page 30, Humboldt County Records;

Thence South 83 degrees 04 minutes East, along the South line of the Northeast Quarter of the Northwest Quarter of said Section 30, as so established 279.5 feet;

Thence Northerly in a direct line a mile, more or less, to a point on the North line of the Southeast Quarter of the Northwest Quarter of said Section 19, as the same is established in said survey, distant 279.5 feet South 79 degrees 30 minutes East from the Northwest corner of said Southeast Quarter of the Northwest Quarter of said Section 19, as so established;

Thence North 79 degrees 30 minutes West, 279.5 feet to the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 19, as so established;

Thence South along the West line of the Southeast Quarter of the Northwest Quarter and the East Half of the Southwest Quarter of said Section 19 and the West line of the Northeast Quarter of the Northwest Quarter of said Section 30, a mile, more or less, to the point of beginning.

Lot 2 and the Southeast Quarter of the Northwest Quarter of Section 30, Township 3 North, Range 4 East, Humboldt Base and Meridian.

PARCEL ONE

The following land in Township 2 North, Range 3 East, Humboldt Base and Meridian, according to the U. S. Government Survey and Official Plat thereof:

Section 1. All.

Section 2. All.

Section 3. All.

Section 4. Lot 1 of Section 4, being the fractional northeast quarter of the northeast quarter of said section, according to the Official Plat of said Township approved January 5, 1875.

Section 10. The north half of the northeast quarter; the southwest quarter of the northeast quarter; the northwest quarter.

Section 11. All.

Section 12. All.

Section 13. All.

Section 14. All, except the southwest quarter of the southwest quarter of said section.

Section 23. The north half of the northeast quarter; the southeast quarter of the northeast quarter.

Section 24. All, except the west half of the southwest quarter of said section.

Section 25. The north half of the northeast quarter; the southwest quarter of the northeast quarter; the northeast quarter of the northwest quarter.

The following land in Township 3 North, Range 3 East, Humboldt Base and Meridian, according to United States Government surveys:

Section 13. The south half of the northeast quarter; the south half of the northwest quarter; the south half.

Section 14. The south half of the northeast quarter; the southeast quarter.

Section 23. The east half of the northwest quarter; the east half.

Section 24. All.

Section 25. All.

Section 26. All.

Section 27. The east half of the northeast quarter; the south half; also about 50 acres lying in the south half of the northwest quarter and the west half of the northeast quarter of Section 27 and being all the portions of said subdivisions which lie on the southerly and easterly side of the following described line:

BEGINNING on the section line in the center of Yager Creek, said point being distant 1716 feet south from the northwest corner of said Section 27; running thence upstream meandering Yager Creek to a point which is north 891 feet and west 2343 feet from the quarter section corner between Sections

26 and 27; thence following the meanders of Butte Creek upstream to the section line at a point 214.6 feet west from the northeast corner of the west half of the northeast quarter of said Section 27.

Section 28. The southeast quarter of the southeast quarter.

Section 33. The east half of the northeast quarter; the east half of the southeast quarter.

EXCEPTING from last described subdivisions of Section 28 and 33 the portion conveyed by Russ, Porter and Ranson to Gray and Torrey by Deed dated July 16, 1880, recorded in Book 2, Page 224 of Deeds, in the office of the County Recorder of Humboldt County, California, and said excepted portion being bounded and described as follows:

BEGINNING at the northeast corner of the southwest quarter of the southeast quarter of said Section 28; running thence south 2805 feet; thence north 28 degrees east 2244 feet; thence east 264 feet; thence north 825 feet; thence west 1320 feet to the place of beginning, leaving in said subdivision after said exception 72.64 acres.

Section 34. All.

Section 35. All.

Section 36. All.

Also the following lands in Township 2 North, Range 4 East of Humboldt Base and Meridian, according to the United States Government surveys:

Section 2. The southwest quarter of the northwest quarter.

Section 3. Lots 1, 2, 3, and 4; the south half of the northeast quarter; the southeast quarter of the northwest quarter.

Section 4. Lots 1, 2, 3, and 4; the south half of the northwest quarter; the southwest quarter of the northeast quarter; the northwest quarter of the southeast quarter; the southwest quarter.

EXCEPTING 1 acre in the northwest quarter of the southeast quarter of Section 4, conveyed to Showers Pass School District by Deed recorded in Book 141, Page 213 of Deeds, in the Recorder's Office of Humboldt County, California, and the water rights near said school lot as granted to said School District by Deed recorded in Book 141, Page 214 of Deeds, in said Recorder's Office.

Section 5. All.

Section 6. All.

Section 7. All.

Section 8. All.

Section 9. The southwest quarter of the northeast quarter; the west half of the southeast quarter; the west

half.

Section 16. All.

Section 17. All.

Section 18. Lots 1, 2, 3, and 4; the east half of the northwest quarter; the east half of the northeast quarter; the east half of the southeast quarter; the northwest quarter of the southeast quarter.

Section 19. The east half of the southwest quarter and the east half.

Section 20. All.

Section 21. All.

Section 22. The west half of the northwest quarter, and that portion of the southwest quarter which lies northwesterly of Baker Creek; all that portion of the south half of the southeast quarter (if any at all) which lies northerly and westerly of Baker Creek.

Section 27. That portion of the northwest quarter which lies northwesterly of Baker Creek.

Section 28. The north half of the northeast quarter.

Section 29. The north half of the northwest quarter.

Section 30. The north half of the northeast quarter; the northeast quarter of the northwest quarter.

Also the following lands in Township 3 North of Range 4 East, Humboldt Base and Meridian, according to the United States Government surveys:

Section 19. The southeast quarter of the northwest quarter; the east half of the southwest quarter; the east half (subject to exception hereinafter set forth).

Section 20. All.

Section 28. The southwest quarter of the northeast quarter; the southwest quarter of the southeast quarter; the west half.

Section 29. All.

Section 30. Lot 4; the southeast quarter of the southwest quarter; the northeast quarter of the northwest quarter; the east half (subject to the exception hereinafter set forth).

Section 31. All.

Section 32. All.

Section 33. The northwest quarter of the northeast quarter; the east half of the northeast quarter; the northeast quarter of the southeast quarter; the west half.

Section 34. The west half of the northwest quarter; the southeast quarter of the northwest quarter; the southeast quarter of the northeast quarter; the south half.

EXCEPTING from the lands in Sections 19 and 30 in Township 3 North, Range 4 East, that portion thereof bounded and described as follows:

BEGINNING at the southwest corner of the northeast quarter of said section 30, as the same is estab-

lished by Survey No. 49 made by W. C. Elsemore, Licensed Surveyor, and recorded in Book 5, Page 30 of Surveys, Humboldt County Records; and running thence south 83 degrees 4 minutes east along the south line of said northeast quarter of the northwest quarter of Section 30, as so established, 279.5 feet; thence in a direct line nearly due north a mile, more or less, to a point on the north line of the southeast quarter of the northwest quarter of said Section 19, as the same is established in said survey, distant 279.5 feet south 79 degrees 30 minutes east from the northwest corner of said southeast quarter of the northwest quarter of Section 19; thence north 79 degrees 30 minutes west 279.5 feet to the northwest corner of said southeast quarter of the northwest quarter of Section 19 as so established; thence south along the west line of the southeast quarter of the northwest quarter; and east half of the southwest quarter of Section 19, and west line of northeast quarter of the northwest quarter of Section 30 a mile, more or less, to the place of beginning.

ALSO EXCEPTING that portion of the southeast quarter of the northwest quarter of the east half of the southwest quarter of Section 19, Township 3 North, Range 4 East, Humboldt Base and Meridian, as established by Survey No. 49 by W. C. Elsemore recorded in Book 5, Page 30 of Surveys in the office of the County Recorder of said County, conveyed to Clair Kelley and Rose Kelley, husband and wife, as joint tenants by Deed recorded September 13, 1957, in Book 459, Page 180 of Official Records, under Recorder's Serial No. 13751, in the office of the County Recorder of said County, described as follows:

BEGINNING on the Subdivision line at a point distant south 79 degrees 30 minutes east thereon 279.5 feet from the northwest corner of said southeast quarter of the northwest quarter; thence south 79 degrees 30 minutes east along said Subdivision line 838.5 feet to the northeast corner of said southeast quarter of the northwest quarter; thence southerly along the east line of said southeast quarter of the northwest quarter and the east line of said east half of the southwest quarter 3710 feet; thence north 79 degrees 30 minutes west parallel with the north line of said southeast quarter of the northwest quarter 838.5 feet, more or less, to the east line of land described in Deed to Nathaniel Ackley recorded April 28, 1949, under Recorder's Serial No. 3819 in the office of the County Recorder of said County; thence north along

said east line 3710 feet, more or less, to the point of beginning.

ALSO EXCEPTING those portions of the north half of the northeast quarter of the southwest quarter of the northeast quarter of Section 25, Township 2 North, Range 3 East, Humboldt Base and Meridian, and of the north half of the northeast quarter and of the northeast quarter of the northwest quarter of Section 30, Township 2 North, Range 4 East, Humboldt Base and Meridian, and of the north half of the northwest quarter of Section 29, Township 2 North, Range 4 East, Humboldt Base and Meridian, lying southerly of the centerline of the Van Duzen River.

ALSO EXCEPTING THEREFROM all land lying south of the centerline of the Van Duzen River and bounded on the west by the north and south center line of Section 25, Township 2 North, Range 3 East, Humboldt Base and Meridian, and bounded on the east by the west line of the east half of the northeast quarter of Section 29, Township 2 North, Range 4 East, Humboldt Base and Meridian.

PARCEL TWO

The northwest quarter of the southeast quarter and the south half of the southeast quarter of Section 4, Township 2 North, Range 3 East, Humboldt Base and Meridian.

PARCEL THREE

Those portions of the southeast quarter of the northeast quarter of Section 25, Township 2 North, Range 3 East, Humboldt Base and Meridian; Lot 2, the southeast quarter of the northwest quarter and the south half of the northeast quarter of Section 30, Township 2 North, Range 4 East, Humboldt Base and Meridian; and the south half of the northwest quarter and the west half of the northeast quarter of Section 29, Township 2 North, Range 4 East, Humboldt Base and Meridian, lying northerly of the centerline of the Van Duzen River.

EXCLUDED FROM AGRICULTURAL PRESERVE FOR HOME SITE the following lands described as follows:

BEGINNING at the northeast corner of Section 3, Township 2 North, Range 3 East, Humboldt Base and Meridian;

thence south 1320 feet;

thence west 150 feet to true point of beginning;

thence west 450 feet;

thence north 450 feet;

thence east 450;

thence south 450 feet to true point of beginning.

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 AGRICULTU
	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 AGRICU
	MISC	Document #: 2015-023592 Pages: 15 Date: 12/18/2015 24:10:25 From: FORT BAKER RANCH CO To: HUMBOLDT CNTY

ATTACHMENT E

Planning Commission staff report and Resolution of November 2, 2015



**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: November 5, 2015

To: Humboldt County Planning Commission

From: Kevin Hamblin, Director, Planning and Building Department

Subject: **Fort Baker Ranch Agricultural Preserve**
Application Number 9964
Case Numbers AGP-15-006, ZR-15-010, NOM-15-016
Assessor Parcel Numbers (APNs) 317-021-001, 317-026-003
323 Kelly Road, Showers Pass Area

Table of Contents

	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	5
Maps	
Location Map	7
Zoning Map	8
Assessor Parcel Map	10
Aerial Map	11
Topographical Map	12
Project Proposal Map/Proposed Addition to Fort Baker Ranch Agricultural Preserve #73-2	13
Attachments	
Attachment 1: Recommended Conditions of Approval	14
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	15
Attachment 3: Applicant's Evidence in Support of the Required Findings	19
Attachment 4: Referral Agency Comments and Recommendations	20

Please contact Cliff Johnson, Senior Planner, at (707) 445-7541, or by email at 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
November 5, 2015	Addition to Agricultural Preserve, Zone Reclassification and Voluntary Merger	Cliff Johnson

Project: An application to add approximately 240 acres to an existing Class B Agricultural Preserve of approximately 22,540 acres (Ag Preserve #73-2, Resolution 73-2) pursuant to the California Land Conservation Act, otherwise known as the Williamson Act, and the Humboldt County Agricultural Preserve Guidelines. In order to facilitate the addition, a Zone Reclassification of approximately 240 acres from Agriculture Exclusive to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)) is required. A Notice of Merger of two parcels to result in one parcel of 240 acres is also required in order to meet the requirements of the County's Williamson Act Guidelines.

Project Location: The project is located in the Showers Pass area, approximately 550 feet east from the intersection of Kelly Road and Showers Pass Road, on the property known as 323 Kelly Road, all located in Section 19 and 30 of Township 3 North Range 4 East.

Present Plan Designations: Agriculture/Grazing (AG) Framework Plan (FRWK). Density: 160 to 20 acres per dwelling unit. Slope Stability: High Instability (3).

Present Zoning: Agricultural Exclusive (AE).

Application Number 9964

Assessor Parcel Numbers: 317-021-001, 317-026-003

Applicant
John C. Rice
Fort Baker Ranch
600 Showers Pass Rd
Kneeland, CA 95549

Owner
Same

Environmental Review: Project is categorically exempt from environmental review per Class 5, 15305, Class 17, Section 15317 of the CEQA Guidelines and Section 15061(b)(3) of the CEQA Guidelines.

Major Issues: None.

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

FORT BAKER RANCH AGRICULTURAL PRESERVE
Case Numbers AGP-15-006, ZR-15-010, NOM-15-016
Assessor Parcel Numbers 317-021-001, 317-026-003

RECOMMENDED COMMISSION ACTION

1. Open the public hearing.
2. Request that staff present the project.
3. Receive public testimony.
4. Make the following motion to recommend approval to the Board of Supervisors:

Make all the required findings, based on evidence in the staff report and public testimony, and recommend the Fort Baker Ranch Agricultural Preserve project to the Board of Supervisors for approval, subject to the recommended conditions of approval.

5. Close the public hearing.

Executive Summary: An application has been made to add approximately 240 acres to an existing 22,540 acre Class "B" Agricultural Preserve in the Showers Pass area. The proposed addition to the existing preserve currently consists of two parcels of land, one of which is 160 acres in size and one of which is 80 acres in size. Both parcels are currently zoned Agriculture Exclusive, and in order to meet the requirements of the County's Williamson Act Guidelines the applicant is requesting to rezone the parcels to Agriculture Exclusive specifying a minimum parcel size of 160 acres and to merge the two parcels into a single 240 acre parcel. The property is owned by the Fort Baker Ranch Company and is utilized for cattle grazing.

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

In order 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 shall be less than 160 contiguous acres. The land must be in an agricultural designation and zoned for agricultural use with a minimum parcel size of 160 acres (AE-B-5(160)). The land shall be non-prime agricultural land of statewide or local significance. While under contract, the zoning and contract prohibits any division, which includes the sale of separate legal parcels, into ownership units of less than 600 contiguous acres.

The Board approved the Fort Baker Ranch Class "B" Grazing Preserve (Ag Preserve # 73-2, Resolution 73-2) in January 1973 for approximately 22,540 acres. The preserve is used for a cattle grazing operation. The property owners are now requesting to add approximately 240 acres to this preserve.

A Determination of Status was recently completed for the property that determined that the subject property consists of two legal parcels of land, one of which is 160 acres in size and one of which is 80 acres. The applicant is requesting to merge the two parcels which will result in one parcel of 240 acres. There are no outstanding zoning violations on the subject property. The parcel is planned for Agriculture/Grazing (AG) under the County's Framework Plan, is zoned

Agriculture Exclusive, and is currently under agricultural production. As part of the request to add these lands to the preserve, the applicant is applying for a zoning reclassification to change the zoning of the Agriculture Exclusive land to Agricultural Exclusive with a combining zone specifying a minimum parcel size of 160 acres (AE-B5(160)). The reclassification and merger must happen prior to the amended preserve and contract. Should the zoning reclassification and merger be approved, the land meets all the requirements for addition into the existing Class "B" Grazing Preserve.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the proposed amendment to the agricultural preserve, the zoning reclassification, and the notice of merger meets the required findings for approval. The Williamson Act Committee reviewed the project on October 1, 2015 and recommended approval.

Alternatives: The Planning Commission could recommend not to approve the project. This alternative should be implemented if your 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-15-006, ZR-15-010, NOM-15-016
Assessor Parcel Numbers 317-021-001, 317-026-003**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Fort Baker Ranch Class B Agricultural preserve application, Notice of Merger and Zone Reclassification.

WHEREAS, Fort Baker Ranch has applied for the addition of approximately 240 acres to an existing Class "B" Agricultural Preserve in the Showers Pass area pursuant to the California Land Conservation (Williamson) Act; and

WHEREAS, the proposed addition to the 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 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 Department has determined that the zone reclassification from Agriculture Exclusive to the more restrictive Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE-B-5-160)) is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15061 (b)(3)); and

WHEREAS, the Department has determined that the merger of a 160 acre parcel and an 80 acre parcel into a resultant 240 acre parcel of land is categorically exempted from the provisions of the California Environmental Quality Act (CEQA) per Class 5, 15305; 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, notice of merger, and zone reclassification (Case No. AGP-15-006, ZR-15-010, NOM-15-016); 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 November 5, 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 addition to the 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 will be approximately 22,780 acres, and that the County Planning Division and Assessor's office have determined it to be a viable working preserve; and
4. The proposed rezoning of lands currently zoned Agriculture Exclusive to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)), and the merger of the two parcels into a 240 acre parcel will ensure the lands within the agricultural preserve are all zoned for agricultural purposes to be consistent with the terms of the Agricultural Preserve Contract and provides for minimum parcel sizes; and
5. The proposed project is categorically exempt from environmental review pursuant to Class 5, 15305, Class 17, Section 15317 and statutorily exempt per Section 15061(b)(3) of CEQA; and

BE IT FURTHER RESOLVED that the Planning Commission recommend 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. _____ amending the Fort Baker Ranch Agricultural Preserve (73-2); and
5. Adopt Ordinance No. _____ amending Section 311-7 of the Humboldt County Code by reclassifying property in the Showers Pass area, i.e. those lands within the proposed preserve currently zoned Agriculture Exclusive to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)); and
6. Authorize the Chair of the Board to execute an amended Fort Baker Ranch Land Conservation Contract for the Class B Preserve; and
7. Direct the Planning Division to record the Notice of Merger; and
7. Direct the Clerk of the Board to publish a summary of the zoning changes within 15 days of the date of the hearing; and
8. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
9. 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.

Adopted after review and consideration of all the evidence on November 5, 2015.

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

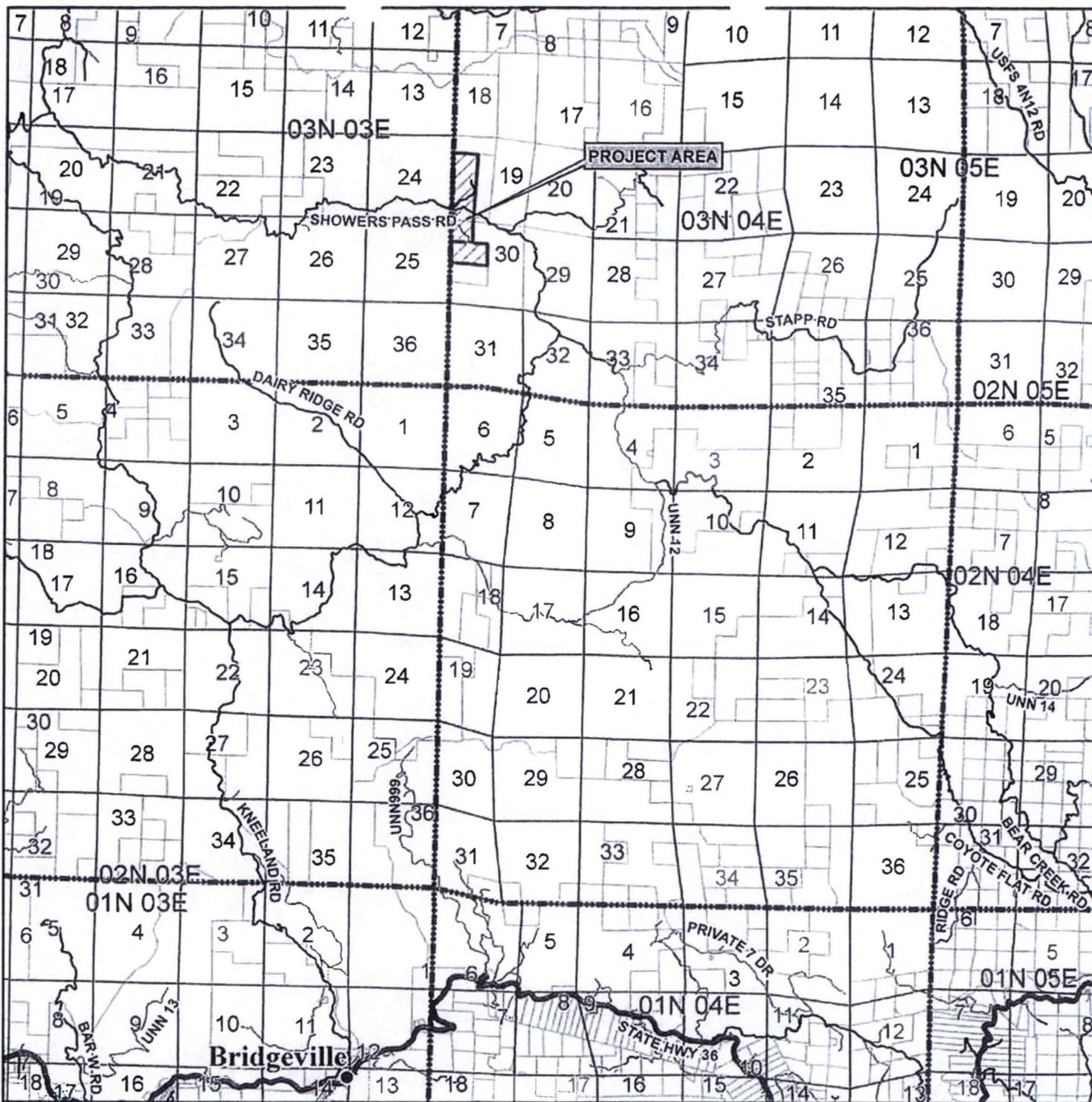
ABSENT: Commissioners:

DECISION:

Robert Morris, Chair

I, Catherine Munsee, 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.

Catherine Munsee, Clerk



LOCATION MAP

PROPOSED FORT BAKER RANCH CO AGRICULTURAL PRESERVE & ZONE RECLASSIFICATION SHOWERS PASS AREA

AGP-15-006/ZR-15-010

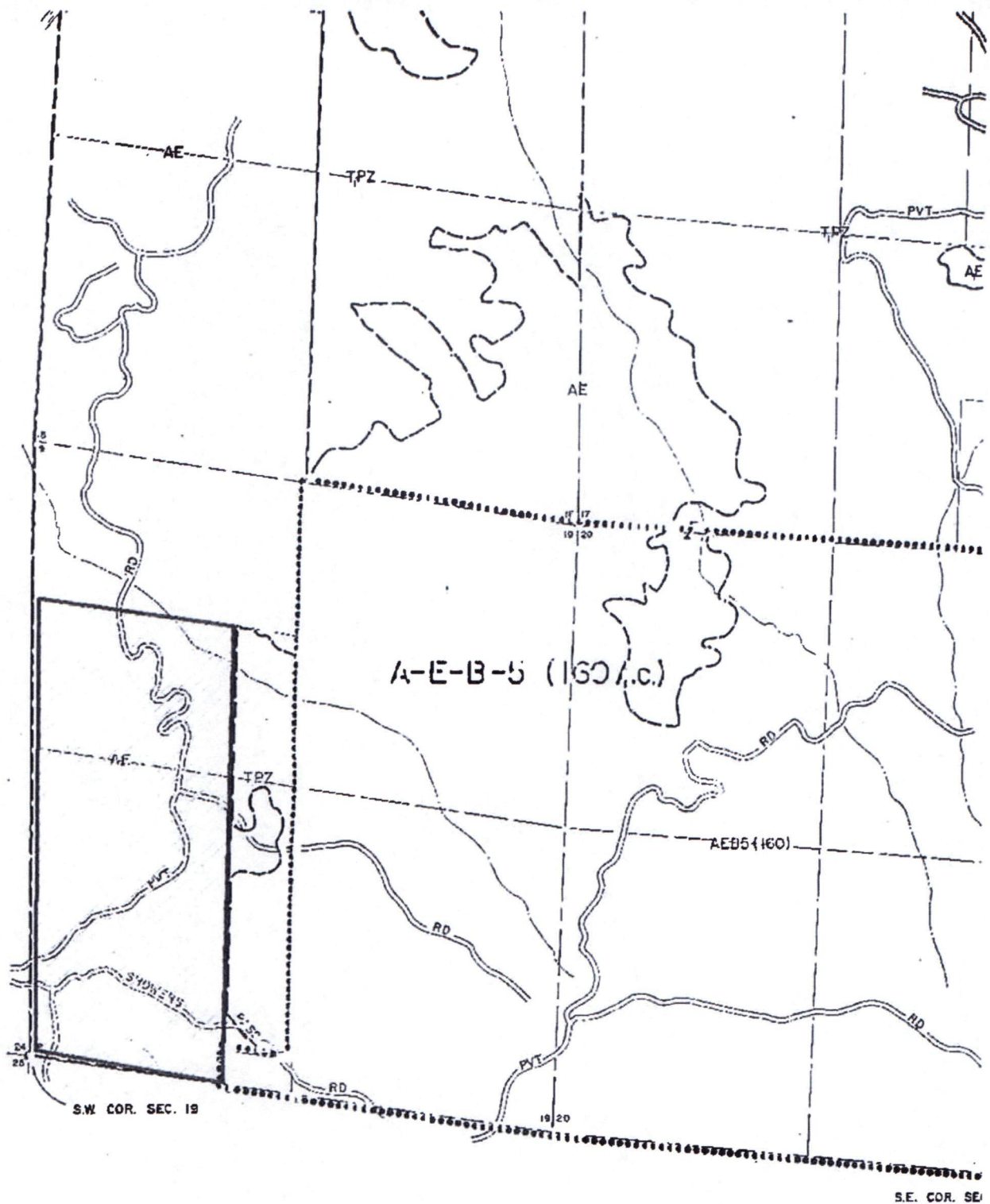
APN: 317-021-001 et seq

T03N R04E S19,30 HB&M (Yager Junction)

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 0.5 1 1.5 2 2.5
Miles



PROJECT AREA =

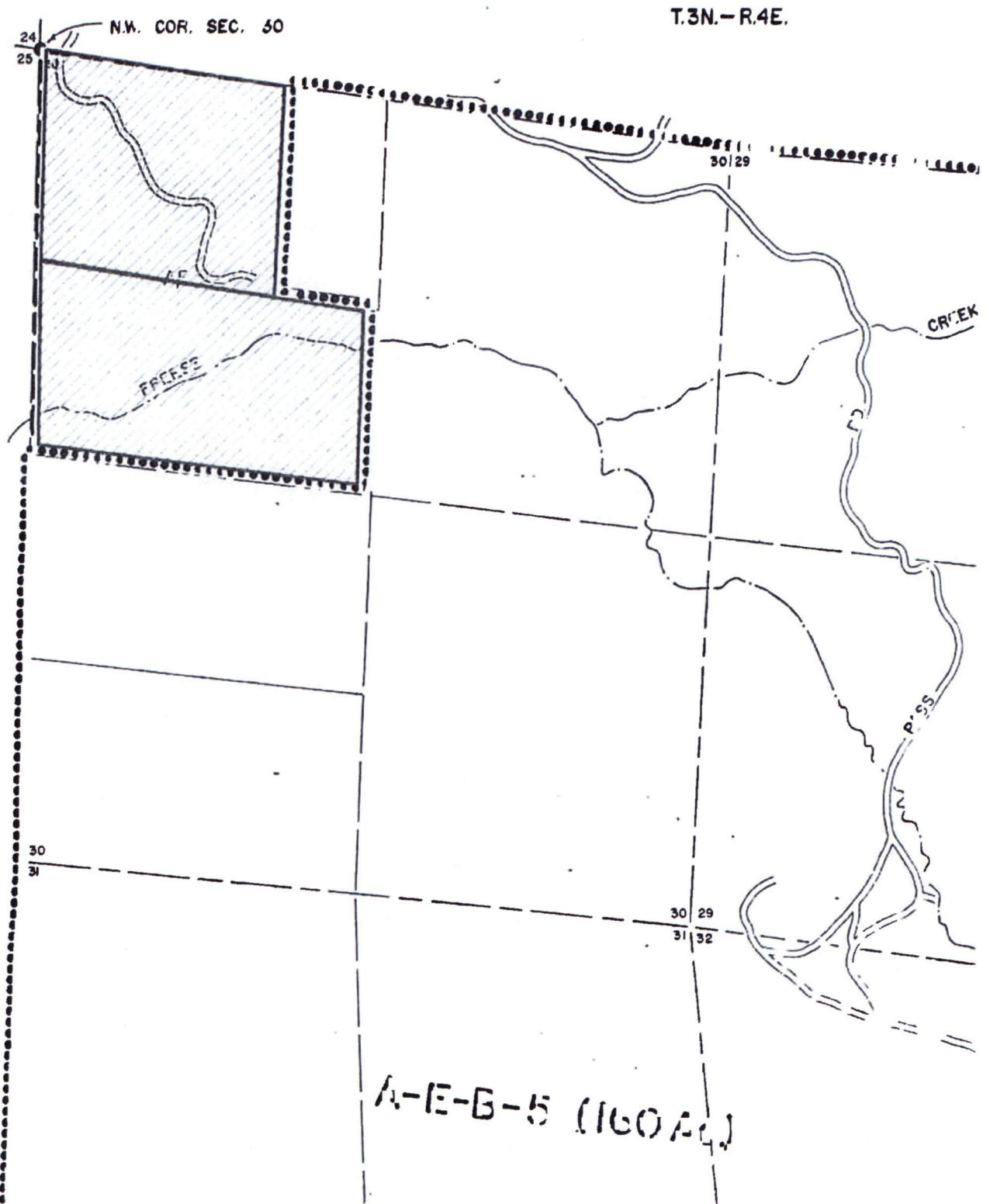
ZONING MAP 1 OF 2

**PROPOSED FORT BAKER RANCH CO
AGRICULTURAL PRESERVE &
ZONE RECLASSIFICATION
SHOWERS PASS AREA
AGP-15-006/ZR-15-010
APN: 317-021-001 et seq**

T03N R04E S19,30 HB&M (Yager Junction)



MAP NOT TO SCALE



**ZONING MAP
2 OF 2**

**PROPOSED FORT BAKER RANCH CO
AGRICULTURAL PRESERVE &
ZONE RECLASSIFICATION
SHOWERS PASS AREA
AGP-15-006/ZR-15-010
APN: 317-021-001 et seq
T03N R04E S19,30 HB&M (Yager Junction)**

PROJECT AREA = 

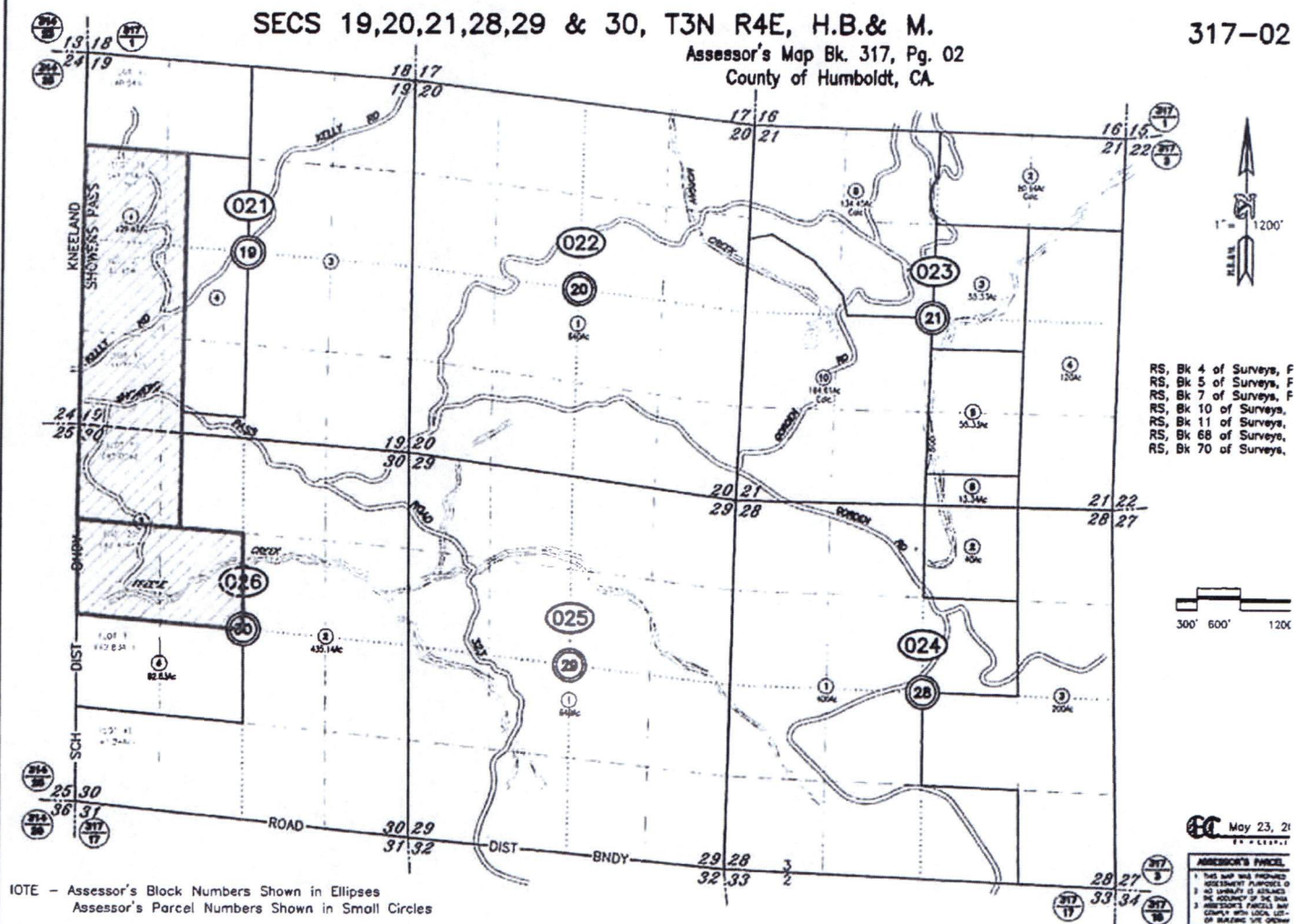
MAP NOT TO SCALE



SECS 19,20,21,28,29 & 30, T3N R4E, H.B.& M.

Assessor's Map Bk. 317, Pg. 02
County of Humboldt, CA.

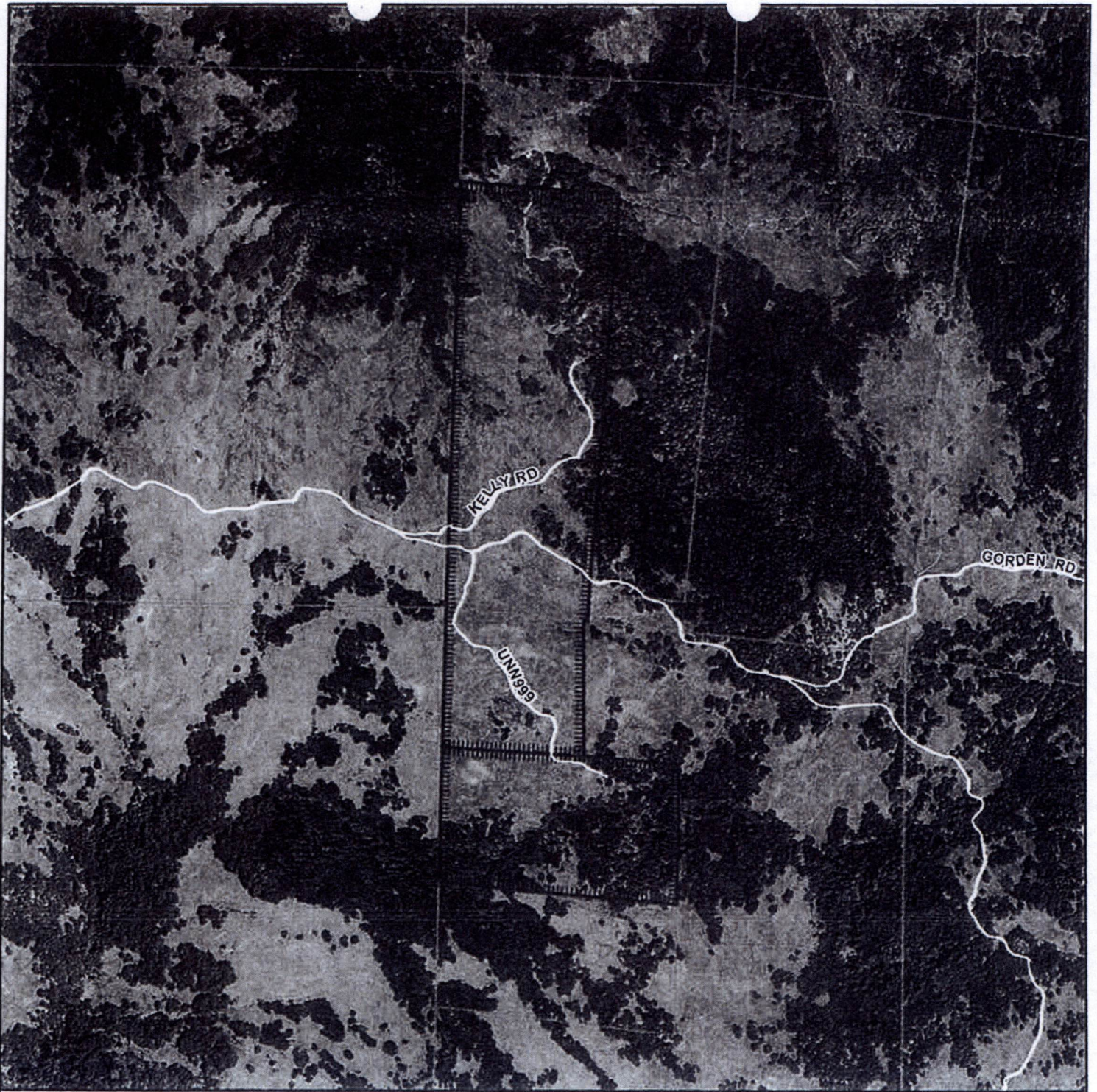
317-02



ASSESSOR PARCEL MAP

PROPOSED FORT BAKER RANCH CO
AGRICULTURAL PRESERVE &
ZONE RECLASSIFICATION
SHOWERS PASS AREA
AGP-15-006/ZR-15-010
APN: 317-021-001 et seq
T03N R04E S19,30 HB&M (Yager Junction)


MAP NOT TO SCALE



AERIAL MAP

PROPOSED FORT BAKER RANCH CO
AGRICULTURAL PRESERVE &
ZONE RECLASSIFICATION
SHOWERS PASS AREA
AGP-15-006/ZR-15-010

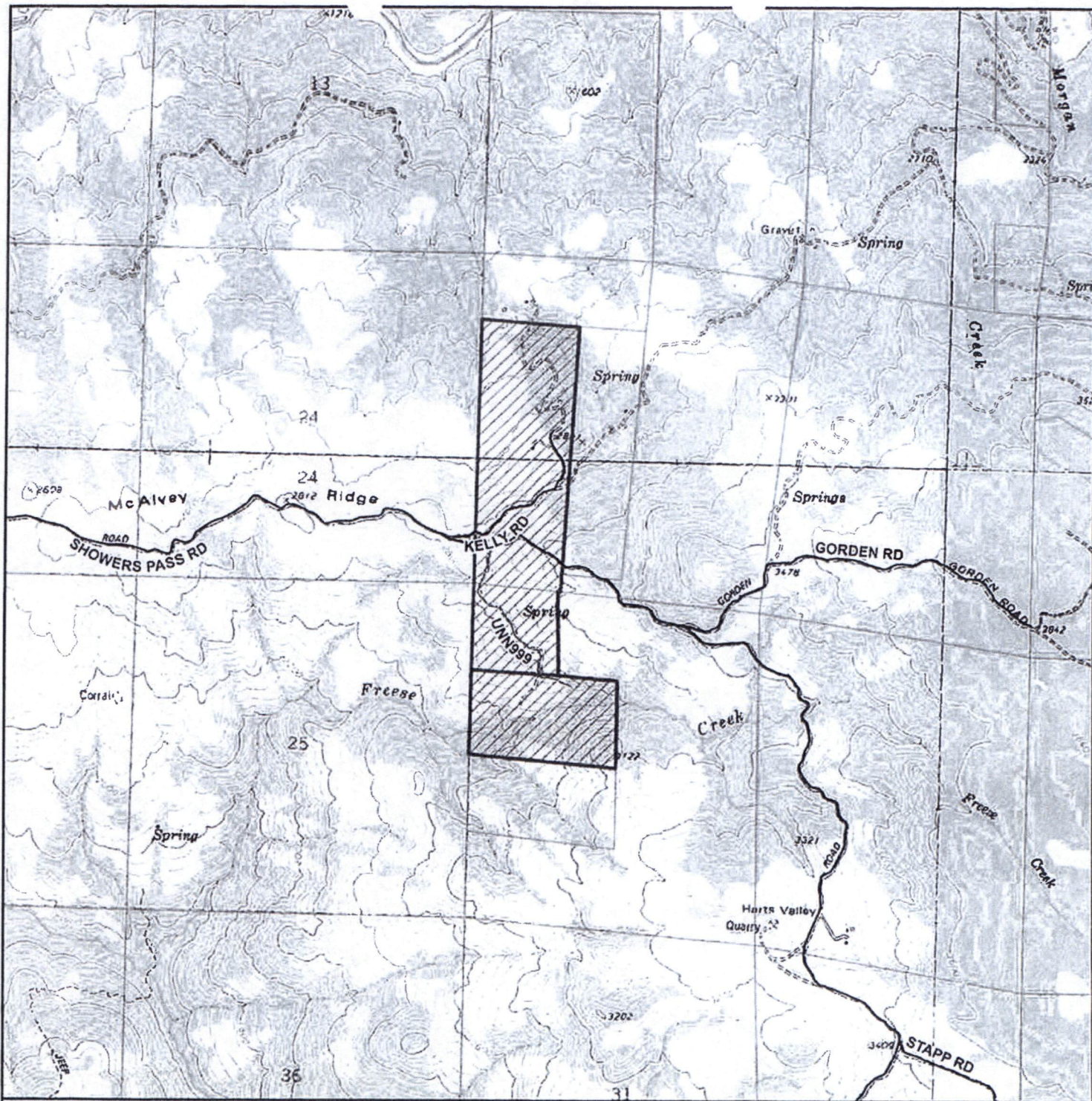
APN: 317-021-001 et seq
T03N R04E S19,30 HB&M (Yager Junction)

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 FORT BAKER RANCH CO AGRICULTURAL PRESERVE & ZONE RECLASSIFICATION

SHOWERS PASS AREA

AGP-15-006/ZR-15-010

APN: 317-021-001 et seq

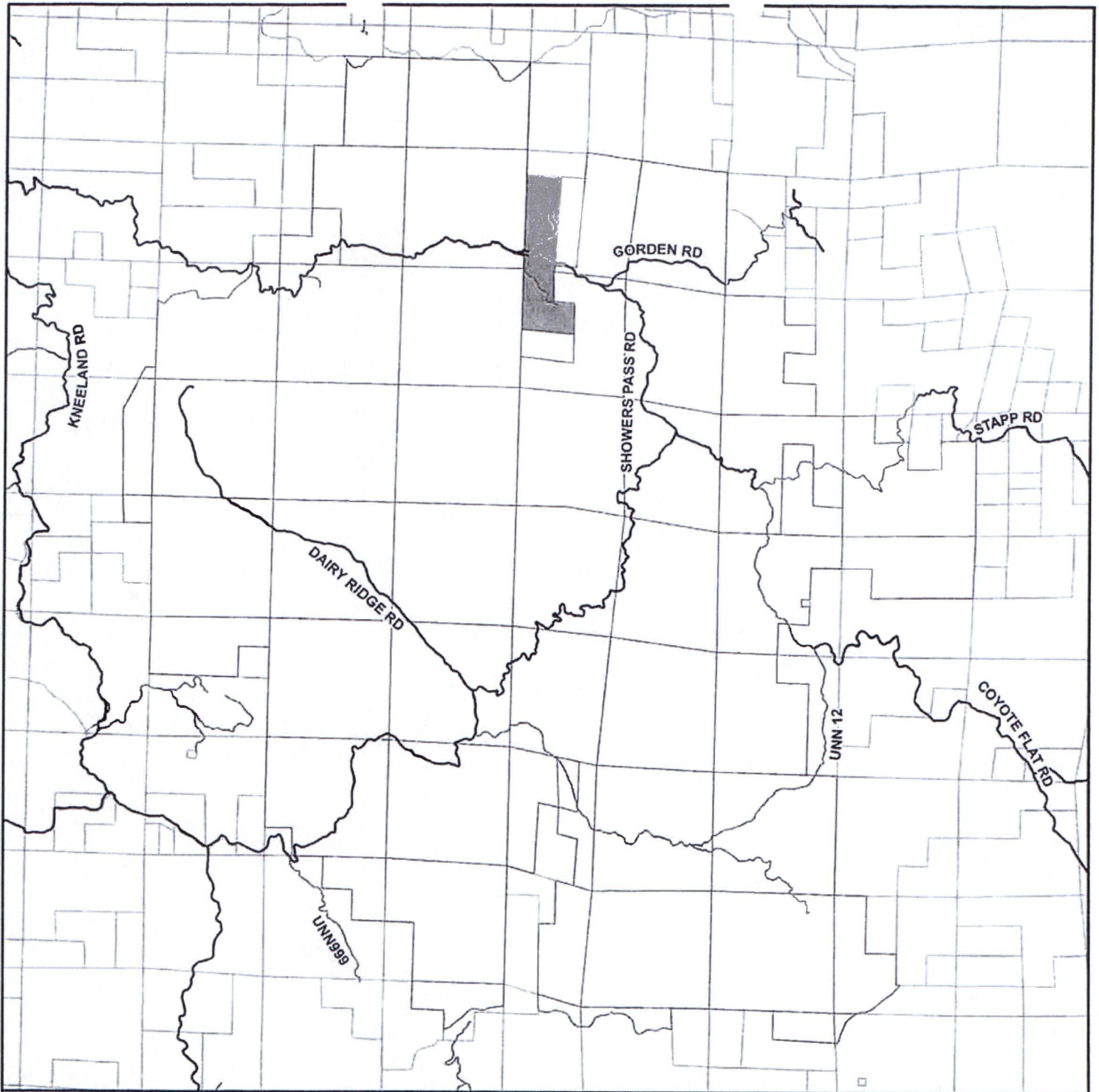
T03N R04E S19,30 HB&M (Yager Junction)

Project Area = 

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



0 0.5 Miles



AGRICULTURAL PRESERVE MAP

PROPOSED FORT BAKER RANCH CO

AGRICULTURAL PRESERVE &



ZONE RECLASSIFICATION

SHOWERS PASS AREA

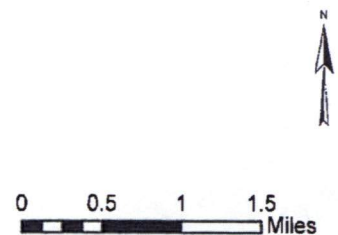
AGP-15-006/ZR-15-010

APN: 317-021-001 et seq

T03N R04E S19,30 HB&M (Yager Junction)

-  Existing AG Preserve
-  Proposed Ag Preserve

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



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. **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.
2. The applicant shall submit a completed Notice of Merger and Certificate of Subdivision Compliance document along with legal document review fees, notary fees and recording fees, as applicable.
3. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Merger have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Merger to satisfy this condition.**

Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property has delinquent taxes, the property cannot be combined for tax purposes. This means that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by merger but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$70.50) as required by the County Assessor shall be paid to the County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
5. 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. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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 "B" Preserve is listed below.

Class B

- a. The preserve area shall contain not less than 600 acres of land and no individual parcel of land shall be less than 160 contiguous acres.
- b. An ordinance placing all land not zoned TPZ (Timberland Production Zone) within the agricultural preserve in the A-E (Agriculture Exclusive) zoning district with a combining zone establishing a 160 acre minimum parcel size (AE-B-5(160)) must be adopted by the Board of Supervisors either prior to formation of the preserve or prior to the execution of the contract.
- c. Land within the preserve shall be non-prime agricultural land of statewide or local significance (designated for agricultural use in the General Plan and utilized for agricultural production).

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

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

Notice of Merger: Title III, Division 2, Section 327.5-18 of the Humboldt County Code (HCC) specifies the findings that must be made to approve the merger of contiguous parcels upon proper application by the legal owner(s) of such parcels. Basically, the advisory agency (i.e., the Planning Director) may approve the merger, if on the basis of the application, investigation, and submitted evidence, the following findings are made:

1. The parcel resulting from the merger meets applicable health, building and zoning requirements, **and**
2. Approving the merger would not create health or safety problems.

Required Findings Can Be Made Based on the Following 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." 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 is designated Agriculture Grazing in the Framework Plan, which contains policies intended to preserve agricultural and open space lands. The Department believes that the proposal is consistent with, and furthers, the goals of the agriculture policies within the Framework Plan. In addition, the proposal to amend the agricultural preserve furthers the goals of assuring the protection of the County's agricultural economy and minimizing 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 Board approved the Fort Baker Ranch Class "B" Grazing Preserve (Ag Preserve # 73-2, Resolution 73-2) on January 2, 1973 for approximately 22,300 acres. This preserve has been in continuous agricultural use. The property owners are now requesting to add approximately 240 acres to this preserve. The County Assessor staff and the Williamson Act Committee have reviewed the proposed preserve and recommend approval. Based on information submitted, staff believes the addition to the preserve will not conflict with any adjoining or surrounding land uses.

Humboldt County Agricultural Preserve Guidelines Class B Criteria

- a. The preserve area shall contain not less than 600 acres of land and no individual parcel of land shall be less than 160 contiguous acres.

A Determination of Status was recently completed which found that the land proposed to be added into the preserve consists of two separate, legally created parcels. One of these parcels is 160 acres in size and the other is 80 acres in size. The applicant is proposing to merge these

two parcels into one 240 acre parcel in order to comply with the requirement that no parcels be less than 160 acres in size. The addition of this property to an existing 22,540 acre preserve will far exceed what is required for a Class B Preserve.

- b. An ordinance placing all land not zoned TPZ (Timberland Production Zone) within the agricultural preserve in the A-E (Agriculture Exclusive) zoning district with a combining zone establishing a 160 acre minimum parcel size (AE-B-5(160)) must be adopted by the Board of Supervisors either prior to formation of the preserve or prior to the execution of the contract.

The land currently has an Agriculture Exclusive zoning designation. This application includes a request to reclassify the property as Agriculture Exclusive with a combining zone establishing a 160 acre minimum parcel size. This zoning reclassification will be adopted prior to execution of the Land Conservation Contract.

- c. Land within the preserve shall be non-prime agricultural land of statewide or local significance.

The County's Williamson Act Guidelines defines non-prime agricultural land of statewide or local significance as lands that are designated for agricultural use in the General Plan, and which are in agricultural use and have present or future potential for significant agricultural production, or provide for compatible open space uses consistent with the purposes of the Williamson Act. All of the lands proposed for addition into the preserve are designated Agriculture Grazing in the General Plan (Framework Plan) and are currently utilized for agriculture. The use of these lands is consistent with the purposes of the Williamson Act. As such, these lands are considered to be non-prime agricultural lands of statewide or local significance,

Zone Reclassification

1. The proposed change is in the public interest.

The zone reclassification is associated with the addition of land to an existing Agricultural Preserve. The lands proposed to be added to the preserve include approximately 240 acres currently zoned Agriculture Exclusive. The County's Williamson Act guidelines require that lands in a Class B Preserve not zoned TPZ must be placed in an agricultural exclusive zone specifying a minimum parcel size of 160 acres. The addition of these lands into an existing agricultural preserve and the more restrictive zoning district serves to preserve agricultural and open space lands in the County and is in therefore in the public interest.

2. General Plan Consistency

The lands proposed for reclassification are designated Agriculture Grazing under the General Plan. The Zoning Consistency Matrix, Figure 2-10 of Volume 1 of the Framework Plan, specifies that the AE zone is consistent with the AG land use designation.

Section 2520 of the Framework Plan (Agricultural lands) recognizes the significance of agriculture in Humboldt County. The goal of Section 2522 of the general Plan states that "*The optimum amount of agricultural land shall be conserved for and maintained in agricultural use to promote and increase Humboldt County's agricultural production.*" 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. Furthermore, Section 5-2520.3 of the General Plan directs the County to "*support, promote and broaden the application of Williamson Act contracts and agricultural preserves*" to carry out these policies. Staff believes

that the proposed zone reclassification is consistent with the goals and policies of the General Plan.

3. Residential Density

The zone reclassification facilitates the addition of lands to an existing Agricultural Preserve in order to accommodate the voluntary participation of the landowner in the County's Williamson Act program. 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.

Notice of Merger

1. The parcel resulting from the merger meets applicable health, building and zoning requirements,

The properties proposed for merger are currently developed with two agricultural barns and an uninhabitable cabin. No health, building or zoning violations apply to the properties. The resultant 240 acre parcel will exceed the minimum under the zoning district.

2. Approving the merger would not create health or safety problems.

The proposed merger will enable the lands to be added into an existing agricultural preserve and utilized for agricultural purposes consistent with surrounding lands and the intended uses under the General Plan. There is no evidence that the merger will create any health or safety problems.

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. The merger of existing legal parcels is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 5, Section 15305. The zone reclassification into the more restrictive Agriculture Exclusive with a Special Building Site combining zone specifying a minimum parcel size of 160 acres (AE B5(160)) is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15061(b)(3). This section, known as the CEQA "General Rule", provides that a project is not subject to environmental review where it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment.

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 Fort Baker Ranch preserve amendment, notice of merger and reclassification.

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

- Application Form
- Plot Plan/Tentative Map Checklist
- Present Owners' Deeds
- Preliminary Title Report

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Those agencies that provided written comments originally are checked off.

Referral Agency	Response	Recommendation	Attached	On File
Agricultural Commissioner	verbal	Approval		
Wiyot Tribe		Approval		
Bear River Band		No response		
Farm Bureau		No response		
Assessor's Office	verbal	Approval		
Williamson Act Committee	✓	Approval		✓
State Department of Conservation		No response		

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

**Case Number AGP-15-006, ZR-15-010, NOM-15-016
Assessor Parcel Numbers 317-021-001, 317-026-003**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Fort Baker Ranch Class B Agricultural preserve application, Notice of Merger and Zone Reclassification.

WHEREAS, Fort Baker Ranch has applied for the addition of approximately 240 acres to an existing Class "B" Agricultural Preserve in the Showers Pass area pursuant to the California Land Conservation (Williamson) Act; and

WHEREAS, the proposed addition to the 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 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 Department has determined that the zone reclassification from Agriculture Exclusive to the more restrictive Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE-B-5-160)) is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15061 (b)(3)); and

WHEREAS, the Department has determined that the merger of a 160 acre parcel and an 80 acre parcel into a resultant 240 acre parcel of land is categorically exempted from the provisions of the California Environmental Quality Act (CEQA) per Class 5, 15305; 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, notice of merger, and zone reclassification (Case No. AGP-15-006, ZR-15-010, NOM-15-016); 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 November 5, 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 addition to the 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 will be approximately 22,780 acres, and that the County Planning Division and Assessor's office have determined it to be a viable working preserve; and
4. The proposed rezoning of lands currently zoned Agriculture Exclusive to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)), and the merger of the two parcels into a 240 acre parcel will ensure the lands within the agricultural preserve are all zoned for agricultural purposes to be consistent with the terms of the Agricultural Preserve Contract and provides for minimum parcel sizes; and
5. The proposed project is categorically exempt from environmental review pursuant to Class 5, 15305, Class 17, Section 15317 and statutorily exempt per Section 15061(b)(3) of CEQA; and

BE IT FURTHER RESOLVED that the Planning Commission recommend 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. _____ amending the Fort Baker Ranch Agricultural Preserve (73-2); and
5. Adopt Ordinance No. _____ amending Section 311-7 of the Humboldt County Code by reclassifying property in the Showers Pass area, i.e. those lands within the proposed preserve currently zoned Agriculture Exclusive to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)); and
6. Authorize the Chair of the Board to execute an amended Fort Baker Ranch Land Conservation Contract for the Class B Preserve; and
7. Direct the Planning Division to record the Notice of Merger; and
7. Direct the Clerk of the Board to publish a summary of the zoning changes within 15 days of the date of the hearing; and
8. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
9. 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.

Adopted after review and consideration of all the evidence on November 5, 2015.

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

Robert Morris, Chair

I, Catherine Munsee, 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.

Catherine Munsee, Clerk