



## COUNTY OF HUMBOLDT

AGENDA ITEM NO.

**L-2**

Hearing Date: December 15, 2015  
To: Board of Supervisors  
From: Kevin R. Hamblin, Director of Planning and Building *KH*  
Subject: **Forbes** Agricultural Preserve  
Case Number AGP-15-004  
Assessor Parcel Number (APN) 506-041-001-000  
4150 Old Samoa Road, Arcata Area

### RECOMMENDATIONS:

That the Board of Supervisors:

1. Open a public hearing in the manner prescribed by law;
2. Receive a staff report, consider the applications, and receive public testimony;
3. Adopt the necessary findings prepared by Current Planning Division staff;
4. Adopt Resolution No. 15-133 (Attachment A) establishing the Forbes Agricultural Preserve;
5. Authorize the Chair of the Board to execute the Land Conservation Contract (Attachment B);
6. Direct Current Planning Division staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research;
7. Direct the Clerk of the Board to record copies of the Resolution and Land Conservation Contract with the County Recorder;
8. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's Office, County Counsel, Current Planning Division, the California Office of Land Conservation, and any other interested party; and

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

CAO Approval Amey Wren

Auditor \_\_\_\_\_ County Counsel JWE 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 Lovelace

Seconded by Supervisor Sundberg

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. 15, 2015 An Hartwell

9. Close the public hearing.

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

**DISCUSSION:**

An application has been made to establish a Class "C" agricultural preserve of approximately 158 acres. The property is owned by Dyllan Forbes and is utilized for livestock (cattle) grazing.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging conversion to urban uses. When entering an agricultural preserve, the property owner executes a Land Conservation Contract with the County to restrict uses of the land to agriculture, open space and/or compatible uses. The minimum term for a Land Conservation Contract is ten years and it is automatically renewed every year. In exchange for restricting the uses, the land is valued as open space land pursuant to open space valuation laws (Revenue and Taxation Code Sections 421, et seq.).

In order to qualify for a Class "C" Cropland Preserve and contract, the preserve area must contain at least 100 acres of cropland (i.e., tillable soil) and no individual lot or parcel of land should be less than 20 contiguous acres. The land must be in an agricultural designation and zoned for agricultural use. The parcels must be devoted to agriculture and have provided a gross annual income of \$2,500 from agricultural production for three of the last five years. While under contract, the zoning and contract prohibit any parcel divisions (which includes the sale of separate legal parcels).

The subject property consists of one assessor parcel of approximately 158 acres that has existed prior to the County's subdivision regulations. There are no outstanding building or zoning violations on the subject property.

According to the Soils of Western Humboldt County California, (UC Davis, 1965) the soil type is Bayside silty clay loam (Ba2), which is classified as a Class III soil by the Soil Conservation Service and is not considered prime soils. The Natural Resources Conservation Service (NRCS) soil maps (2014) show the property as being roughly half Arlynda soils and half Occidental soils. The Arlynda soils are classified by the NRCS as prime farmland if irrigated. The entire property is less than 9 percent slope and may meet the definition of "tillable soils" if they have been demonstrated as suitable for cultivation. The County Assessor's office, based on the 1965 soil mapping, has commented that the soils are poorly suited for crops, but that the soil type is consistent with historical cattle and sheep grazing.

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

The land is used for cattle grazing and brings in an income of more than \$2,500 per year by way of cattle sales. The applicant has provided auction yard receipts for each of the past three years that far exceed \$2,500.

Based upon the on-site inspections, a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes the proposed agricultural preserve meets the required findings. The Williamson Act Committee reviewed the proposed project on July 15, 2015 and recommended approval. The County Planning Commission reviewed the proposed Class "C" preserves on September 3, 2015 and adopted a resolution (Attachment D) recommending that the Board approve the proposed preserve and Farmland Security Zone because it is consistent with the County's adopted Guidelines for Class C 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 "C" Preserve is listed below.

**Class C**

- a. The preserve area should not be less than 100 acres of cropland (i.e. tillable soils) with no individual parcel of less than 20 acres.
- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan.
- c. The lands not zoned TPZ within the preserve must be zoned agricultural prior to the execution of the contract, and all rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract.
- d. The land shall consist of prime agricultural land or non-prime agricultural land as defined by Section 51201 Government Code.

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

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

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

**FINANCIAL IMPACT:** 2015 Prop 13 Factored Base Year Values for the Forbes property is \$838,778 which would result in an approximate \$8,387.78 tax liability. Per the California Department of Conservation, the restricted values (i.e. lands under a Williamson Act contract) are estimated to save agricultural landowners from 20 - 75% in property tax liability each year. The restricted values are affected by income production calculations, base year values, and the State Board of Equalization's annual yield component. The County would therefore be responsible for the loss of revenue from the differences in the taxes collected in light of the loss of state subventions.

Expenses associated with the monitoring of compliance with this program will be covered through the General Fund (Williamson Act Enforcement program), allocated in the Current Planning Division's Fiscal Year 2015-2016 budget.

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

**ALTERNATIVES TO STAFF RECOMMENDATIONS:** The Board could choose not to enter into a contract with the property owners seeking to enroll into the Williamson Act Program. However, the parties have met the criteria set forth in the County's Guidelines and their participation in the program would further the agricultural goals of the General Plan. Therefore, Current Planning Division staff does not recommend further consideration of this alternative.

**ATTACHMENTS:**

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

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



**ATTACHMENT A**  
**RESOLUTION NO. 15-133**

**Establishing the Forbes Class C 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)

**2015-023807-6**  
Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: HUMBOLDT CNTY

Clerk: MM Total: \$0.00  
Dec 22, 2015 at 11:23:35  
**CONFORMED COPY**

**HUMBOLDT COUNTY BOARD OF SUPERVISORS  
RESOLUTION NO. 15-133**

**RESOLUTION ESTABLISHING THE FORBES AGRICULTURAL PRESERVE WITH  
UNIFORM RULES INCLUDING COMPATIBLE USES (AGP#15-004)**

Pursuant to Board of Supervisors' Action of December 15, 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 15, 2015

RESOLUTION NO. 15-133

**RESOLUTION ESTABLISHING THE FORBES AGRICULTURAL PRESERVE WITH  
UNIFORM RULES INCLUDING COMPATIBLE USES (AGP# 15-004)**

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

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

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

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

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

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

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

1. The hereinafter-described real property located in the County of Humboldt is hereby designated and established as a Class C Agricultural Preserve within the meaning of and pursuant to the California Land Conservation Act of 1965, including amendments thereto, and shall be known as and may be referred to as: Agricultural Preserve No. 15-004. Said Property, is described in Exhibit A attached hereto.

2. The following findings are hereby made with respect to the establishment of this proposed agricultural preserve:

- A. the establishment of this proposed Agricultural Preserve is consistent with the Humboldt County General Plan;
- B. the requirements of the California Environmental Act have been met; and
- C. the requirements of the Williamson Act (Government Code Section 51200 *et seq*) have been met.

3. The following uses are hereby declared to be compatible permitted uses or uses permitted with a use permit on all lands included within the recommended agricultural preserve:

A. Permitted Uses:

- (1) Single family residences essential for agricultural operations and noncommercial guest houses. One (1) single detached farm residence may be allowed for each ownership unit in the preserve.
- (2) Field, row, tree, berry and bush crops, including timber growing and harvesting.
- (3) Raising and grazing of horses, cattle, sheep and goats.
- (4) Dairies.
- (5) Nurseries, greenhouses, aviaries, apiaries, and mushroom farms.



**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of December 15, 2015

RESOLUTION NO. 15-133

B. Uses Permitted with a Use Permit:

- (1) 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.
- (2) Fruit and vegetable storage or packing plants and wayside stands for sale of products produced on the premises.
- (3) Grain and produce storage warehouses.
- (4) Dog kennels.
- (5) Excavation of earth and soil for agricultural purposes only.
- (6) Animal feed yards and sale yards.
- (7) Extraction of minerals and petroleum products consistent with Sections 51238.1 and 51238.2 of the Government Code.
- (8) Labor camps.
- (9) Animal hospitals.
- (10) The erection, construction, alteration or maintenance of gas, electric, water, communication facilities.
- (11) Public stables and training facilities.
- (12) 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.
- (13) Home occupations and cottage industries.
- (14) Agricultural homestays.
- (15) Incidental public service purposes consistent with Section 51293 of the Government Code.
- (16) Any other use determined to be a compatible use as provided in Section 51238.1 of the Government Code by the Board of Supervisors after notice and public hearing. Such uses shall be deemed a compatible use in any agricultural preserve. The Director of the Planning and Building Department shall maintain a list of uses found to be compatible pursuant to this section.

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

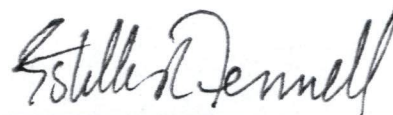


**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of December 15, 2015

RESOLUTION NO. 15-133

**BE IT FURTHER RESOLVED** that a certified copy of this resolution and the attached map of Agricultural Preserve No. 15-004 shall be filed in the office of the County Recorder by the Clerk of the Board of Supervisors.

Dated: December 15, 2015



ESTELLE FENNELL, Chair  
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Lovelace, seconded by Supervisor Sundberg, 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 an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

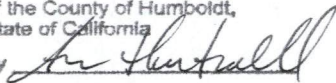
The within instrument is a full, true  
and correct copy of the original on  
file in this office.

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

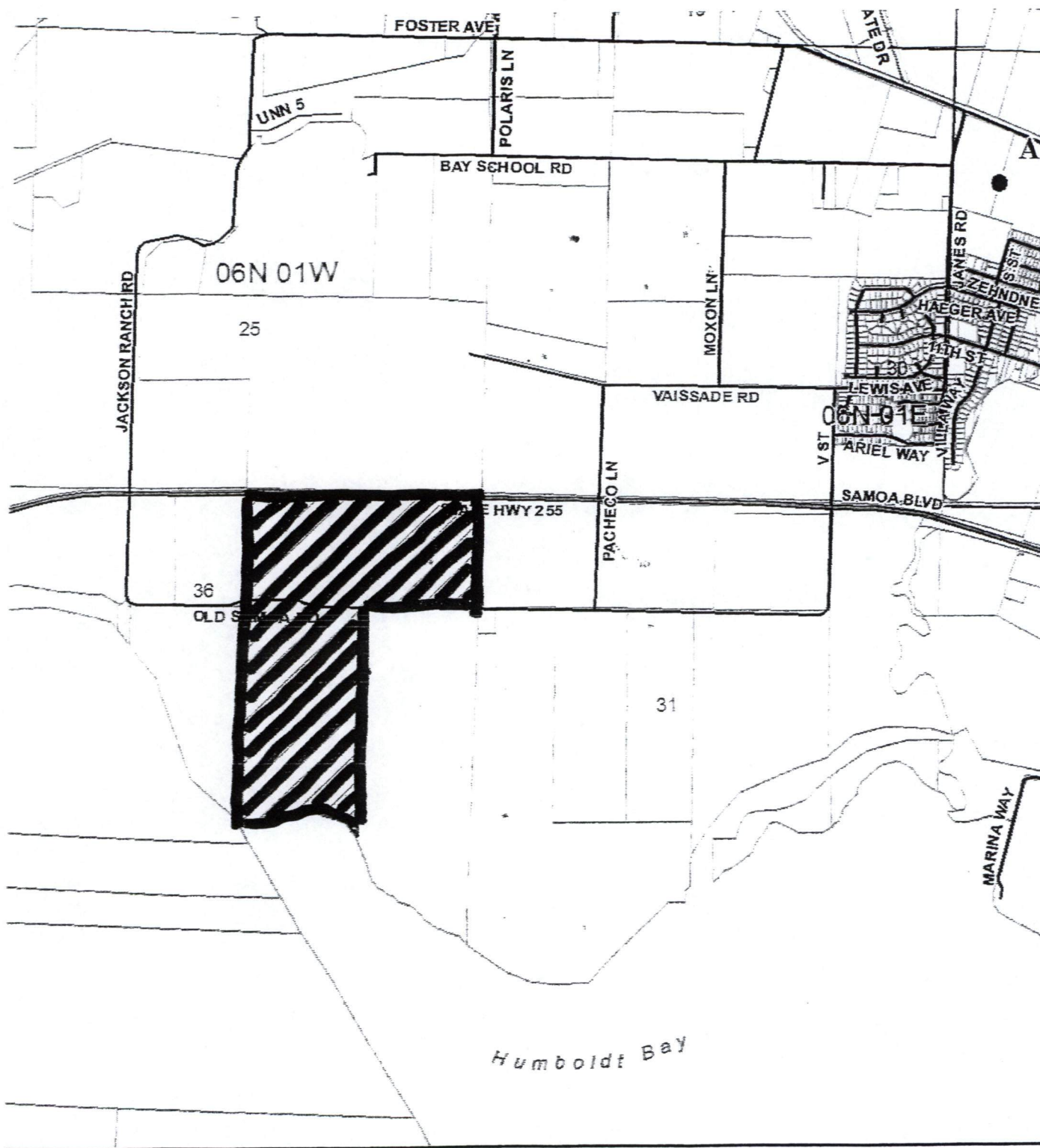
Deputy Clerk of the Board of Supervisors of the  
County of Humboldt, State of California

## EXHIBIT A

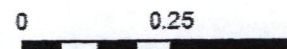
That real property situate in the County of Humboldt, State of California, described as follows:

The North Half of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter; and Lot 4; in Section 36, Township 6 North, Range 1 West, Humboldt Meridian, according to the Official Plat of said land.





**LOCATION MAP**  
**PROPOSED FORBES**  
**AGRICULTURAL PRESERVE**  
**ARCATA AREA**  
**AGP-15-004**  
**APN: 506-041-001**  
**T06N R01W S36 HB&M (Eureka/Arcata South)**



**ATTACHMENT B**  
**Land Conservation Contract**



2015-023808-13

Recorded - Official Records  
Humboldt County, California  
Kelly E. Sanders, Recorder  
Recorded by: HUMBOLDT CNTY

**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)

Clerk: MM Total: \$0.00  
Dec 22, 2015 at 11:23:35  
**CONFORMED COPY**

**LAND CONSERVATION CONTRACT**  
**(Forbes Preserve)**

THIS CONTRACT is dated this 21<sup>st</sup> day of December, 2015, by and between Dyllan Russell Forbes and Rena W. Forbes, referred to as OWNERS, American AgCredit, FLCA and Lloyd S. Wallace, referred to as BENEFICIARIES, 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 C Agricultural Preserve heretofore established by COUNTY by Resolution No. 15-133; 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 to **Dyllan Forbes and Rena Forbes, 1740 Freshwater Rd, Eureka, CA 95503** or at such other address OWNER may hereafter designate in writing; notice to BENEFICIARIES may be given by mailing it first class postage prepaid addressed to **American AgCredit, FLCA, 5560 S.**



Broadway St., Eureka, CA 95503 and to Lloyd Wallace, 1166 Holmes Flat Road, Redcrest, CA 95569 Delivery shall be deemed complete the day after the date of mailing.

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

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

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

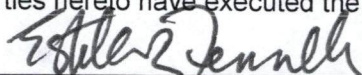
Section 13. This contract may be dated by COUNTY to correspond with the date its Chairman is authorized to execute this contract.

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

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

(SEAL)

ATTEST:

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

By   
Deputy Ana Hartwell


## Owners of Record

*TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS:*

- (1) CHAIRPERSON OF THE BOARD, PRESIDENT OR VICEPRESIDENT; AND  
(2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER, OR TREASURER.*

By 

Dyllan Russell Forbes

By 

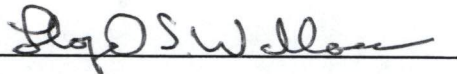
Rena W. Forbes

**(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:

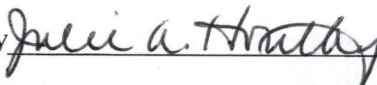
By 

Lloyd S. Wallace

*TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS:*

- (1) CHAIRPERSON OF THE BOARD, PRESIDENT OR VICEPRESIDENT; AND  
(2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER, OR TREASURER.*

American AgCredit, FLCA

By  Julie A. Houtby By \_\_\_\_\_

Title Vice President

Title \_\_\_\_\_

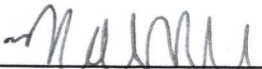
Corporation Name: American Ag Credit

Corporation Name: \_\_\_\_\_

**(Signature(s) to be Notarized)**



APPROVED AS TO FORM:

By   
County Counsel *Natalie Duke*

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 21, 2015 before me, Catherine Whitman Munsee,  
personally appeared ESTELLE R. 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



**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 )

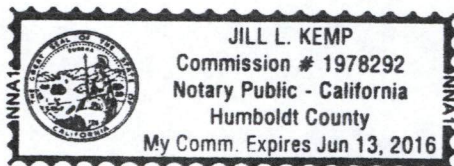
On October 19, 2015 before me, Jill L Kemp, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Dyllan Russell Forbes  
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 Jill L Kemp  
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** Land

Title or Type of Document: Conservation Contract Document Date: October 19, 2015

Number of Pages: 12 Signer(s) Other Than Named Above: \_\_\_\_\_

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

Signer's Name: Dyllan Russell Forbes

- ☐ 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: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

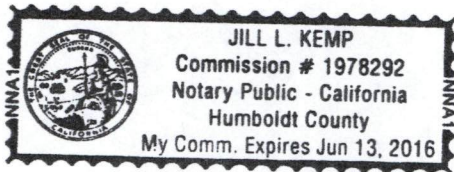
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 County of Humboldt )  
 On October 19, 2015 before me, Jill L. Kemp, Notary Public,  
 Date Here Insert Name and Title of the Officer  
 personally appeared Rena W. Forbes  
 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 Jill L. Kemp  
 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: Conservation Contract Document Date: October 19, 2015  
 Number of Pages: 13 Signer(s) Other Than Named Above: \_\_\_\_\_

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

Signer's Name: Rena W. Forbes  
☐ 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: \_\_\_\_\_



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

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State of California )  
 County of Humboldt )  
 On October 19, 2015 before me, Jill L. Kemp, Notary Public,  
Date Here Insert Name and Title of the Officer  
 personally appeared Lloyd S. Wallace  
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 Jill L. Kemp  
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** Land

Title or Type of Document: Conservation Contract Document Date: October 19, 2015  
 Number of Pages: 10 Signer(s) Other Than Named Above: \_\_\_\_\_

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

Signer's Name: Lloyd S. Wallace  
☐ 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: \_\_\_\_\_



**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 )

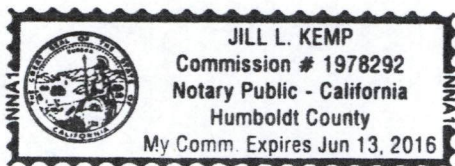
On October 19, 2015 before me, Jill L. Kemp, Notary Public,  
Date Here Insert Name and Title of the Officer

personally appeared Julie A. Houtby  
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 Jill L. Kemp  
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** Land

Title or Type of Document: Conservation Contract Document Date: \_\_\_\_\_

Number of Pages: 11 Signer(s) Other Than Named Above: \_\_\_\_\_

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

Signer's Name: Julie A. Houtby

☒ Corporate Officer — Title(s): Vice President

☐ 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

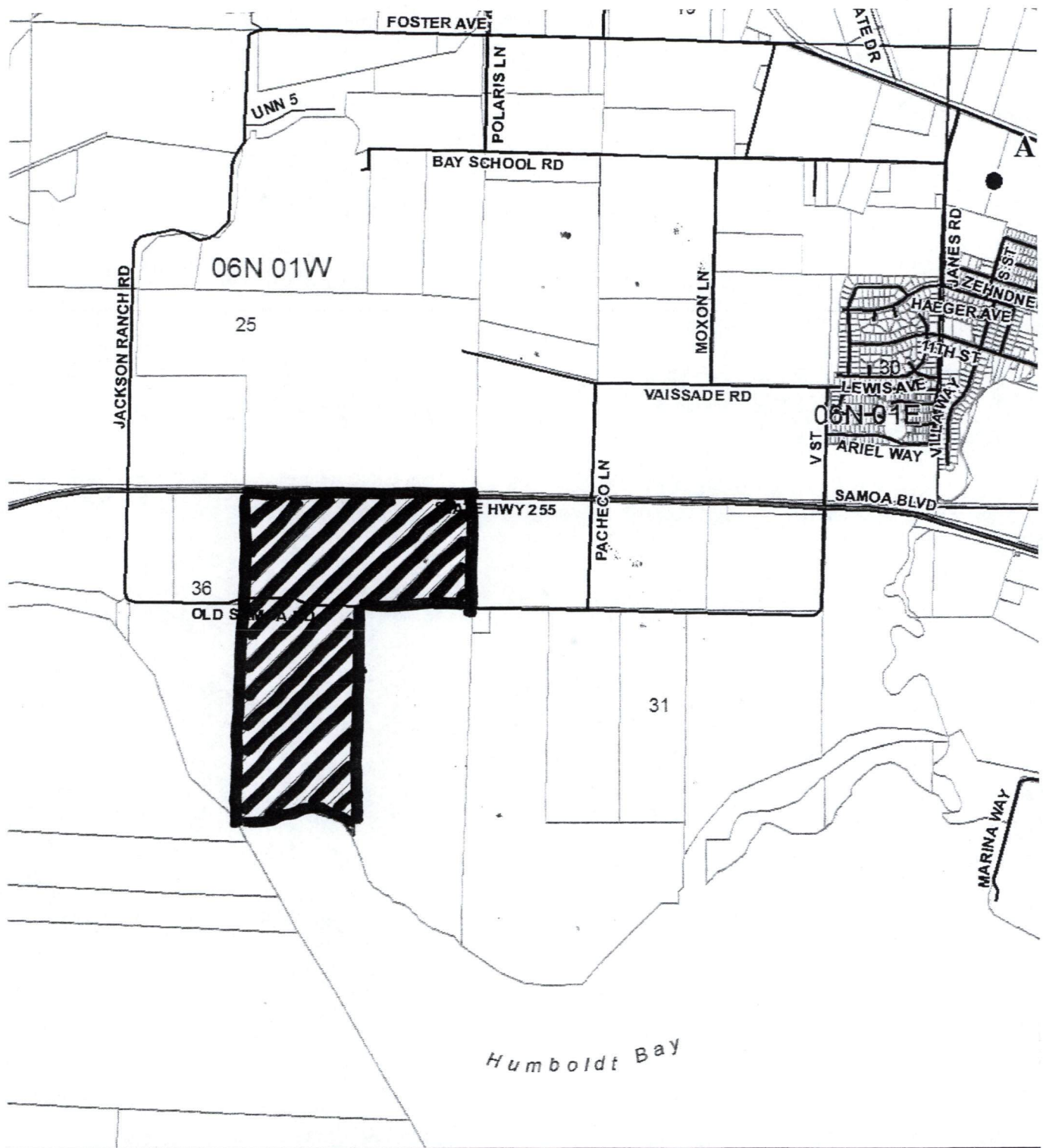
☐ Other: \_\_\_\_\_

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

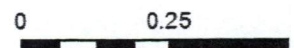
## EXHIBIT A

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

The North Half of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter; and Lot 4; in Section 36, Township 6 North, Range 1 West, Humboldt Meridian, according to the Official Plat of said land.



LOCATION MAP  
 PROPOSED FORBES  
 AGRICULTURAL PRESERVE  
 ARCATA AREA  
 AGP-15-004  
 APN: 506-041-001  
 T06N R01W S36 HB&M (Eureka/Arcata South)





## RECEIPT



Transaction #: 61343  
 Receipt #: 2015012926  
 Cashier Date: 12/22/15 11:23  
 Cashier By: MM  
 Print Date: 12/22/2015 11:24:17

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

11:24:17  
 12/22/2015

## CUSTOMER INFORMATION

HUMBOLDT CNTY

## TRANSACTION INFORMATION

Date Received: December 22, 2015 11:06  
 Source Code: 10 a.m. Reservation  
 Return Code: MAIL  
 Trans Type: Recording  
 Bin Number:  
 Agent Ref Number: X

## PAYMENT SUMMARY

Total Fees: \$0.00  
 Total Payments: \$0.00  
 Balance Due: \$0.00

## TRANSACTION PROBLEMS



## 1 Payment

EXEMPT

\$0.00

## 5 Official Records

RESOLUTION NO

Document #: 2015-023805 Pages: 9 Date: 12/22/2015 11:23:35

From: HUMBOLDT CNTY To: RESOLUTION ESTABLISHING THE L D OROURKE AGRICULT

MISC

Document #: 2015-023806 Pages: 13 Date: 12/22/2015 11:23:35

From: L D OROURKE FOUNDATION To: HUMBOLDT CNTY

RESOLUTION NO

Document #: 2015-023807 Pages: 6 Date: 12/22/2015 11:23:35

From: HUMBOLDT CNTY To: RESOLUTION ESTABLISHING THE FORBES AGRICULTURAL

MISC

Document #: 2015-023808 Pages: 13 Date: 12/22/2015 11:23:35

From: FORBES DYLLAN RUSSELL To: HUMBOLDT CNTY

MISC

Document #: 2015-023809 Pages: 10 Date: 12/22/2015 11:23:35

From: HUMBOLDT CNTY To: ORDINANCE AMENDING SECTION 311 7 OF THE HUMBOLDT

## **ATTACHMENT C**

**Planning Commission staff report of September 3, 2015 for the Forbes Preserve**



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

---

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

Hearing Date: September 3, 2015  
To: Humboldt County Planning Commission  
From: Kevin R. Hamblin, Director, Planning and Building Department  
Subject: **Forbes** Agricultural Preserve  
Case Number AGP-15-004  
Assessor Parcel Number (APN) 506-041-001-000  
4150 Old Samoa Road, Arcata Area

**Table of Contents**

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Attachment 3: Applicant's Evidence in Support of the Required Findings	15
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Please contact Cliff Johnson, Senior Planner, at (707) 445-7541, or by email at [cjohnson@co.humboldt.ca.us](mailto:cjohnson@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

Copy: Assessor's Office



## AGENDA ITEM TRANSMITTAL

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

**Project:** An application to establish a Class "C" agricultural preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. The approximately 158 acre property is owned by Dyllan Forbes and is utilized primarily for cattle grazing.

**Project Location:** The project is located in the Arcata area, on both sides of Old Samoa Road, approximately 0.6 miles southeast from the intersection of Jackson Ranch Road and Old Samoa Road, on the property known as 4150 Old Samoa Road.

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

**Present Zoning:** (AE-60/F,T) Agriculture Exclusive-Minimum lot size 60.0 acres (AE-60), Flood Hazard Areas (F), Transitional Agricultural Lands (T)

**Case Number** AGP-15-004

**Application Number** 9828

**Assessor Parcel Number:** 506-041-001-000

**Applicant**  
Dyllan Forbes  
1740 Freshwater Road  
Eureka CA 95503

**Owner**  
Same

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

**Major Issues:** None

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

**FORBES AGRICULTURAL PRESERVE**  
Case Number AGP-15-004  
Assessor Parcel Numbers 506-041-001-000

**Recommended Commission Action:**

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

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

**Executive Summary:** An application has been made to establish a Class "C" agricultural preserve of approximately 158 acres. The property is owned by Dyllan Forbes and is utilized for livestock (cattle) grazing.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging conversion to urban uses. When entering an agricultural preserve, the property owner executes a Land Conservation Contract with the County to restrict uses of the land to agriculture, open space and/or compatible uses. The minimum term for a Land Conservation Contract is ten years and it is automatically renewed every year. In exchange for restricting the uses, the land is valued as open space land pursuant to open space valuation laws (Revenue and Taxation Code Sections 421, et seq.).

In order to qualify for a Class "C" Cropland Preserve and contract, the preserve area must contain at least 100 acres of cropland (i.e., tillable soil) and no individual lot or parcel of land should be less than 20 contiguous acres. The land must be in an agricultural designation and zoned for agricultural use. The parcels must be devoted to agriculture and have provided a gross annual income of \$2500 from agricultural production for three of the last five years. While under contract, the zoning and contract prohibit any parcel divisions (which includes the sale of separate legal parcels).

The subject property consists of one assessor parcel of approximately 158 acres that has existed prior to the County's subdivision regulations. There are no outstanding building or zoning violations on the subject property.

According to the Soils of Western Humboldt County California, (UC Davis, 1965) the soil type is Bayside silty clay loam (Ba2), which is classified as a Class III soil by the Soil Conservation Service and is not considered prime soils. The Natural Resources Conservation Service (NRCS) soil maps (2014) show the property as being roughly half Arlynda soils and half Occidental soils. The Arlynda soils are classified by the NRCS as prime farmland if irrigated. The entire property is less than 9 percent slope and may meet the definition of "tillable soils" if they have been demonstrated as suitable for cultivation. The County Assessor's office, based on the 1965 soil mapping, has commented that the soils are poorly suited for crops, but that the soil type is consistent with historical cattle and sheep grazing.

The property is located in the Coastal Zone and has an Agriculture Exclusive designation and is

zoned for agricultural use (AE-60 -F,T). The property has combining zones for Flood Hazard and Transitional Agricultural Lands. The current Agriculture Exclusive zoning and the proposed contract prohibit further parcel divisions.

The land is used for cattle grazing and brings in an income of more than \$2,500 per year by way of cattle sales. The applicant has provided auction yard receipts for each of the past three years that far exceed \$2,500.

Based upon the on-site inspection, a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the proposed agricultural preserve meets the required findings. The Williamson Act Committee reviewed the project on July 15, 2015 and recommended approval.

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



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

**Case Number AGP-15-004  
Assessor Parcel Number 506-041-001-000**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Forbes Class C Agricultural preserve application.**

**WHEREAS**, Dyllan Forbes has applied to establish a new Class "C" Agricultural Preserve in the Ferndale area pursuant to the California Land Conservation (Williamson) Act; and

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

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

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

**WHEREAS**, the County Planning Division has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the proposed agricultural preserve (Case Number AGP-15-004); and

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

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

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

1. The proposed agricultural preserve is consistent with the General Plan; and
2. The land is and will continue to be used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; and
3. The proposed agricultural preserve is approximately 158 acres, and that the County Assessor's office has determined it to be a viable working preserve; and

4. The proposed preserve is zoned for agricultural use (AE-60/F,T); and
5. The land consists of prime lands and non-prime agricultural lands of statewide significance, as defined by Section 51201 Government Code; and
6. The proposed project is categorically exempt from environmental review pursuant to Class 17, Section 15317 of CEQA; and

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

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

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

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

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

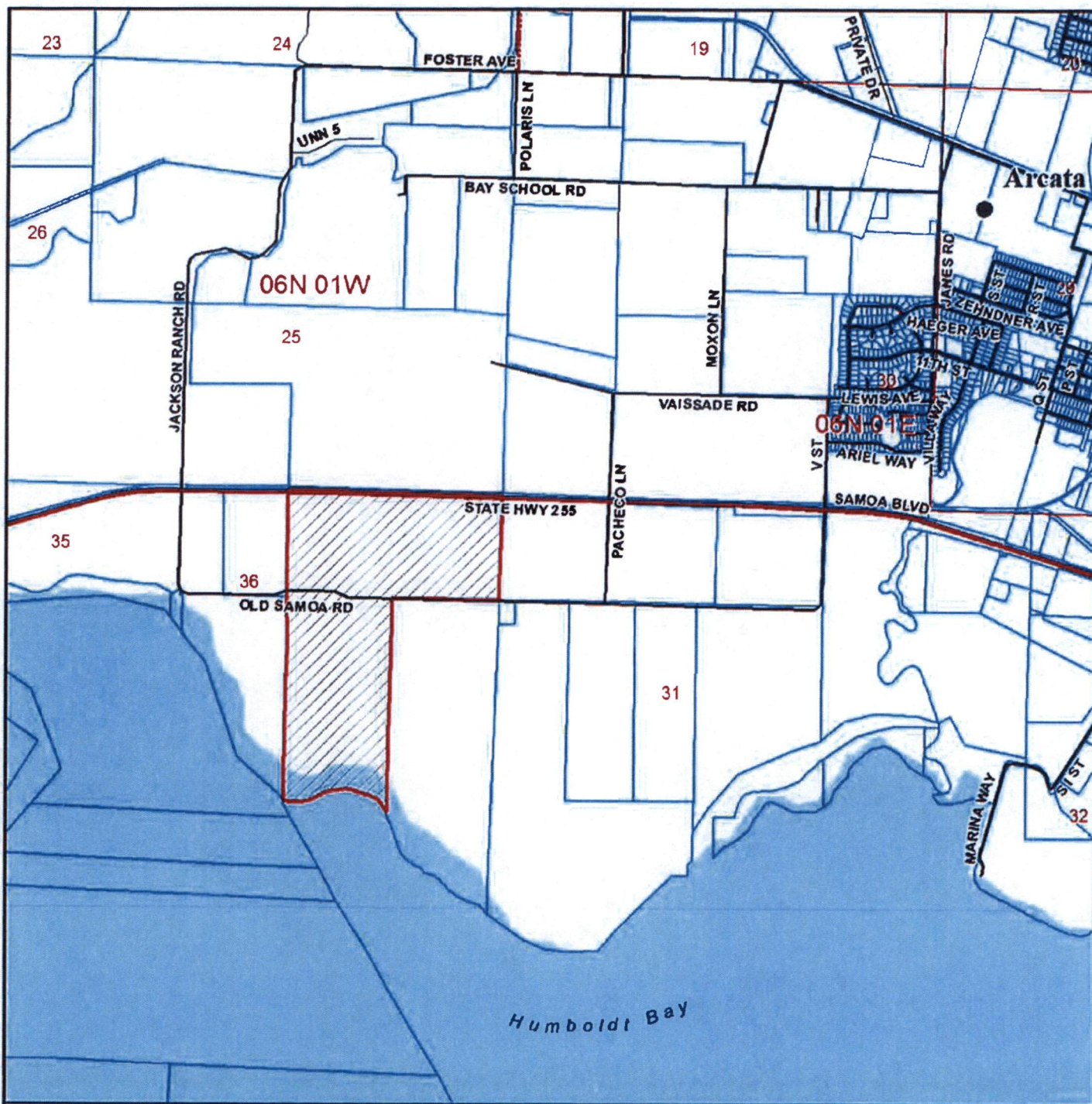
DECISION:

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

I, Patti Lawson, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

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



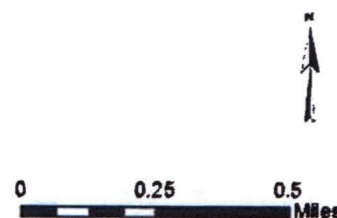


**LOCATION MAP  
PROPOSED FORBES  
AGRICULTURAL PRESERVE  
ARCATA AREA  
AGP-15-004**

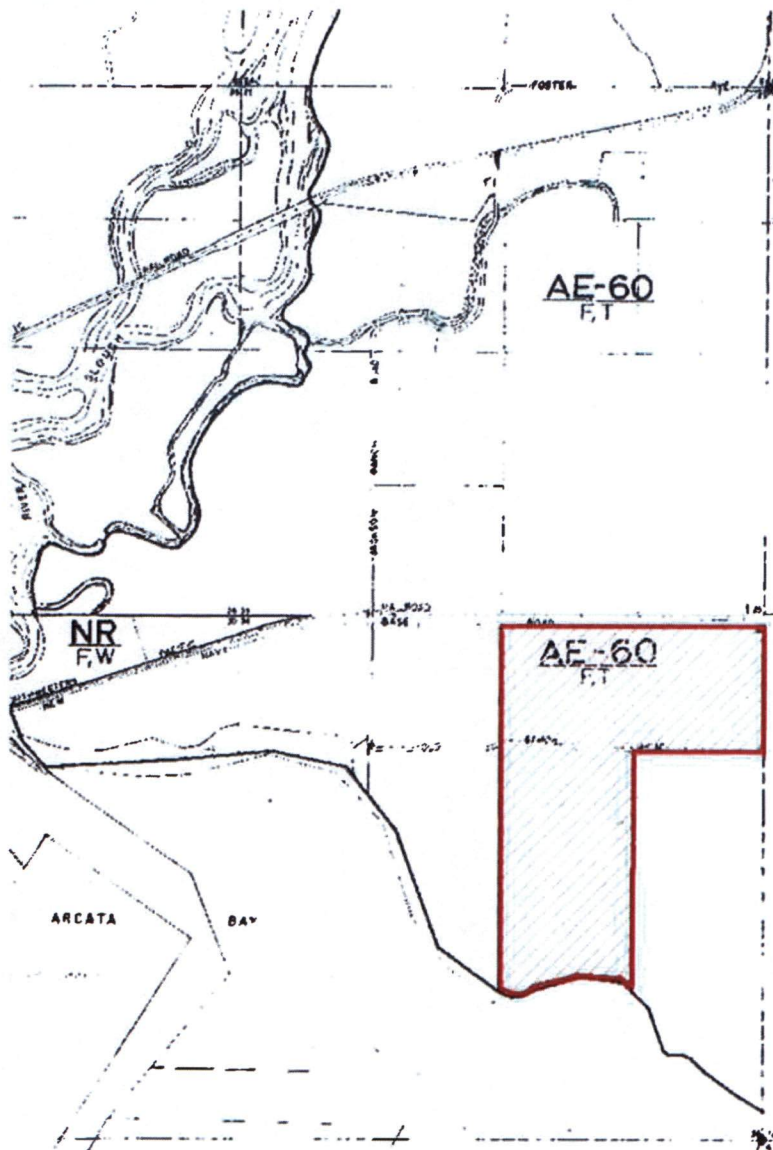
**Project Area =** 

**APN: 506-041-001  
T06N R01W S36 HB&M (Eureka/Arcata South)**

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.







# County of Humboldt **ZONING MAP**

Sec's 23-27, 34-36 T6N., R1W., N.B.&M.

## **REVISIONS**

Number	Description	Date

## **INDEX**

E-14

0 600 1200  
feet

Date of Adoption: 9/10/85  
Ordinance 1705



## **ZONING MAP**

**PROPOSED FORBES  
AGRICULTURAL PRESERVE  
ARCATA AREA**

**AGP-15-004**

**APN: 506-041-001**

**T06N R01W S36 HB&M (Eureka/Arcata South)**

PROJECT AREA =

**MAP NOT TO SCALE**

AGP 15-004 Forbes 9828

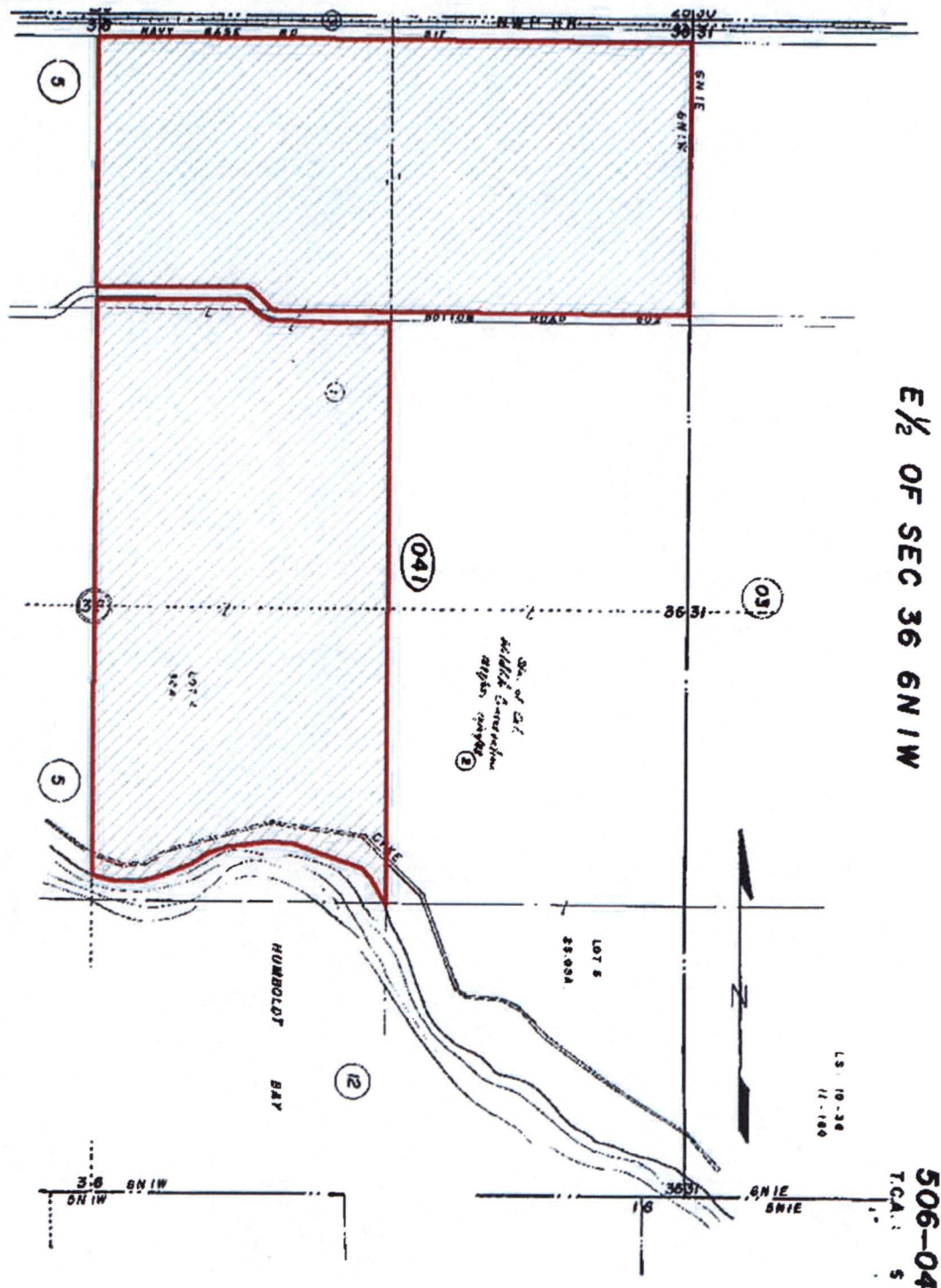
September 3, 2015

Page 8

AGP 15-004 Forbes 9828

December 15, 2015

Page 34



PROJECT SITE = 

### ASSESSOR PARCEL MAP

**PROPOSED FORBES  
AGRICULTURAL PRESERVE  
ARCATA AREA  
AGP-15-004**

**APN: 506-041-001  
T06N R01W S36 HB&M (Eureka/Arcata South)**

MAP NOT TO SCALE





**AERIAL MAP  
PROPOSED FORBES  
AGRICULTURAL PRESERVE  
ARCATA AREA  
AGP-15-004**

Project Area = 

**APN: 506-041-001**

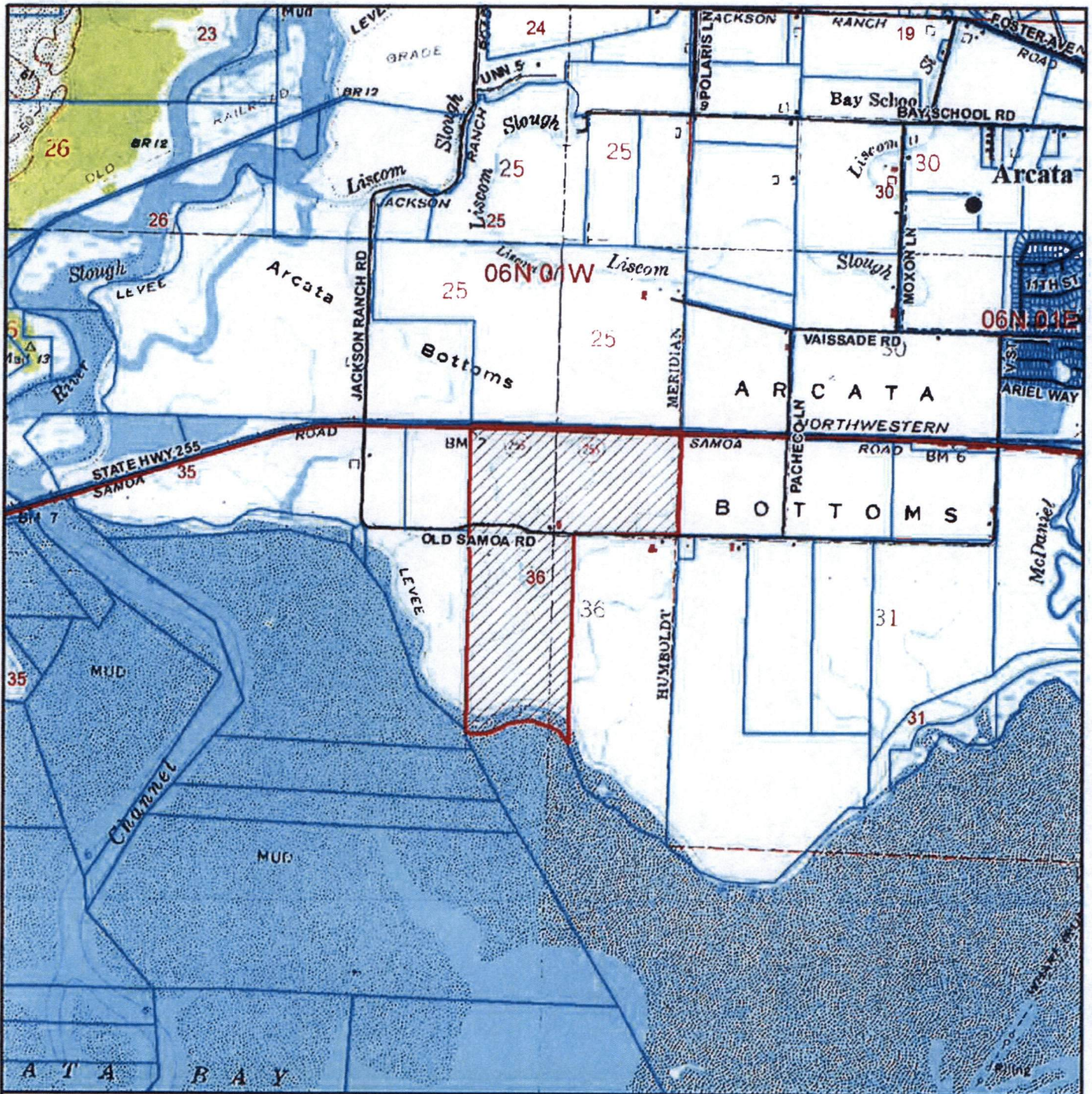
**T06N R01W S36 HB&M (Eureka/Arcata South)**

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

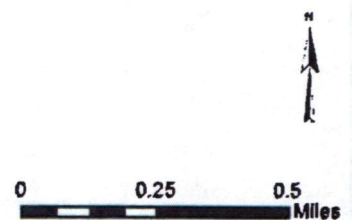
## PROPOSED FORBES AGRICULTURAL PRESERVE ARCATA AREA AGP-15-004

APN: 506-041-001

T06N R01W S36 HB&M (Eureka/Arcata South)

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 1

### CONDITIONS OF APPROVAL

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

#### Conditions of Approval

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

## ATTACHMENT 2

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

#### Required Findings

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

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

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

#### Class C

- a. The preserve area should not be less than 100 acres of cropland (i.e. tillable soils) with no individual parcel of less than 20 acres.
- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan.
- c. The lands not zoned TPZ within the preserve must be zoned agricultural prior to the execution of the contract, and all rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract.
- d. The land shall consist of prime agricultural land or non-prime agricultural land as defined by Section 51201 Government Code.

**The required findings can be made based on the following 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 Exclusive by the Humboldt Bay Area Plan. The Framework Plan contains policies which preserve agricultural and open space lands. The Department believes that the proposal is consistent with, and furthers, the goals of the agriculture policies. In addition, the proposal to establish agricultural preserves furthers the goals of assuring the protection of the County's agricultural economy and minimize the conflicts between agricultural and urban land uses by restricting the subdivision of these lands.

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

The proposed preserve is currently being used for a cattle operation. The County Assessor staff and the Williamson Act Committee reviewed the proposed Class "C" Preserve and recommend approval. Planning staff believes that the proposed agricultural preserve meets the required findings. Based on information submitted, staff believes the establishment of the preserve will not conflict with any adjoining or surrounding land uses.

#### **Humboldt County Agricultural Preserve Guidelines Class C Criteria**

- a. The preserve area should not be less than 100 acres of cropland (i.e. tillable soils) with no individual parcel of less than 20 acres.

The Department has determined that the proposed preserve consists of approximately 158 acres and a review of Department records did not identify any separate parcels. The land within the proposed preserve consists of a mixture of prime lands and non-prime tillable lands of statewide significance. Approximately 70 acres is classified as prime land according to the National Resource Conservation Service, with the remainder being classified as tillable land of local significance.

- b. That the land is shown in an "agricultural" designation on the Humboldt County General Plan.

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

- c. The lands not zoned TPZ within the preserve must be zoned agricultural prior to the execution of the contract, and all rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract.

All of the lands within the proposed Class "C" Preserve are zoned AE-60. This zoning specifies a minimum parcel size of 60 acres and the contracts will provide that the division of the property be subservient to the requirements of the Williamson Act Guidelines.

- d. The land shall consist of prime or non-prime agricultural land as defined by Section 51201 Government Code.

Approximately 70 acres of the proposed Class "C" preserve is designated as prime agricultural lands. The remainder of the proposed preserve is designated as tillable non-prime land of local significance.

**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.

### **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 Forbes Agricultural Preserve.

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

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

#### ATTACHMENT 4

##### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Those agencies that provided written comments originally are checked off.

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





**PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION**

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

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

**July 15, 2015 draft Meeting Minutes**

**I. Call to Order**

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

**II. Roll Call**

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

**III. Approval of Minutes**

No minutes for review and approval

**IV. Scheduled Matters**

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

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

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

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

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

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

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

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

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

## **ATTACHMENT D**

### **Planning Commission Resolution regarding the Forbes Preserve**



**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 15-30**

**Case Number AGP-15-004  
Assessor Parcel Number 506-041-001-000**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Forbes Class C Agricultural preserve application.**

**WHEREAS**, Dyllan Forbes has applied to establish a new Class "C" Agricultural Preserve in the Ferndale area pursuant to the California Land Conservation (Williamson) Act; and

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

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

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

**WHEREAS**, the County Planning Division has prepared, posted for public review, and filed with the Planning Commission reports with evidence, findings, and conclusions showing that evidence does exist in support of making the required findings for approving the proposed agricultural preserve (Case Number AGP-15-004); and

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

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

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

1. The proposed agricultural preserve is consistent with the General Plan; and
2. The land is and will continue to be used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; and
3. The proposed agricultural preserve is approximately 158 acres, and that the County Assessor's office has determined it to be a viable working preserve; and

4. The proposed preserve is zoned for agricultural use (AE-60/F,T); and
5. The land consists of prime lands and non-prime agricultural lands of statewide significance, as defined by Section 51201 Government Code; and
6. The proposed project is categorically exempt from environmental review pursuant to Class 17, Section 15317 of CEQA; and

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

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

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

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

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

  
Robert Morris, Chair

I, Patti Lawson, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

  
Patti Lawson, Clerk