

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 1, 2016

To: Humboldt County Planning Commission

From: Rob Wall, Interim Director, Planning and Building Department

Subject: Morrison Ranch Agricultural Preserve

Application Number 10469 Case Number AGP 16-005

Assessor Parcel Numbers 102-011-004, 102-173-003, 102-181-001,

102-181-004, 102-191-005

Bear River area

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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
September 1, 2016	Agricultural Preserve	Cliff Johnson

Project: An application to establish a Class "B" Agricultural Preserve pursuant to the California Land Conservation Act and the Humboldt County Agricultural Preserve Guidelines.

Project Location: The project is located in Humboldt County, in the Bear River Valley area, on the east side of Mattole Road, approximately 2.64 miles south from the intersection of Bear River Ridge Road and Mattole Road, on the property known to be in the southeast quarter of section 5, the southwest quarter of section 4, the east half of section 8, section 9 and the north half of the northwest quarter of section 16, township 01 north, range 02 west.

Present Plan Designations: Agriculture/Grazing (AG), Timber Production (T), Density: 160 to 20 acres per dwelling unit, Slope Stability: High Instability (3)

Present Zoning: (AE-B-5(160)) Agriculture Exclusive (AE), Minimum building site area 160 acres (B-5(160)), Timberland Production (TPZ)

Case Number AGP-16-005

Application Number 10469

Assessor Parcel Numbers: 102-011-004, 102-173-003, 102-181-001, 102-181-004, 102-191-005

Applicant

Owner Same Agent

Kelly Quinn

Morrison Ranch LLC

PO Box 1112

Ferndale CA 95536

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

Major Issues: None

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

MORRISON RANCH AGRICULTURAL PRESERVE

Case Number AGP-16-005
Assessor Parcel Numbers 102-011-004, 102-173-003, 102-181-001, 102-181-004, 102-191-005

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 Morrison Ranch 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 "B" agricultural preserve of approximately 845 acres. The property is owned by Kelly Quinn and is leased for cattle grazing.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging the 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, maintaining a constant ten year contract. In exchange for restricting the uses, the land is valued as open space land pursuant to open space valuation laws (Revenue and Taxation Code Sections 421, et seq.). For a Farmland Security Zone, the term for the Land conservation Contract is 20 years.

In order to qualify for a Class "B" Grazing Preserve and contract, the preserve area must contain at least 600 acres and no individual parcel of land shall be less than 160 contiguous acres. The land must be non-prime agricultural land of local or statewide significance. All land not zoned Timber production Zone must be classified Agriculture Exclusive specifying a minimum parcel size of 160 acres. While under contract, the zoning and contract would prohibit any parcel divisions (which includes the sale of separate legal parcels).

The subject property consists of five assessor parcel numbers that consist of 845 total acres, all of which is zoned either Timberland Production Zone or Agriculture Exclusive specifying a minimum parcel size of 160 acres. Over fifty percent of the total property is under the Agricultural Grazing land use designation. The applicant has recently completed a determination of parcel status and filed a request to merge all parcels within the ranch into one 845 acre parcel.

The land is currently leased to a neighboring property owner for cattle grazing. The property is developed with a workshop and storage building. There are no outstanding building or zoning violations on the subject property.

Based on the information submitted, a review of Planning Division reference sources and comments from referral agencies, planning staff believes that the proposed agricultural preserve meets all of the required findings for approval. The Williamson Act Committee reviewed the project on May 18, 2016 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 16-

Case Number AGP-16-005
Assessor Parcel Numbers 102-011-004, 102-173-003, 102-181-001, 102-181-004, 102-191-005

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Morrison Ranch Class B Agricultural preserve application.

WHEREAS, Kelly Quinn has applied to establish a new Class "B" Agricultural Preserve in the Bear River 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-16-005); 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 1, 2016.

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

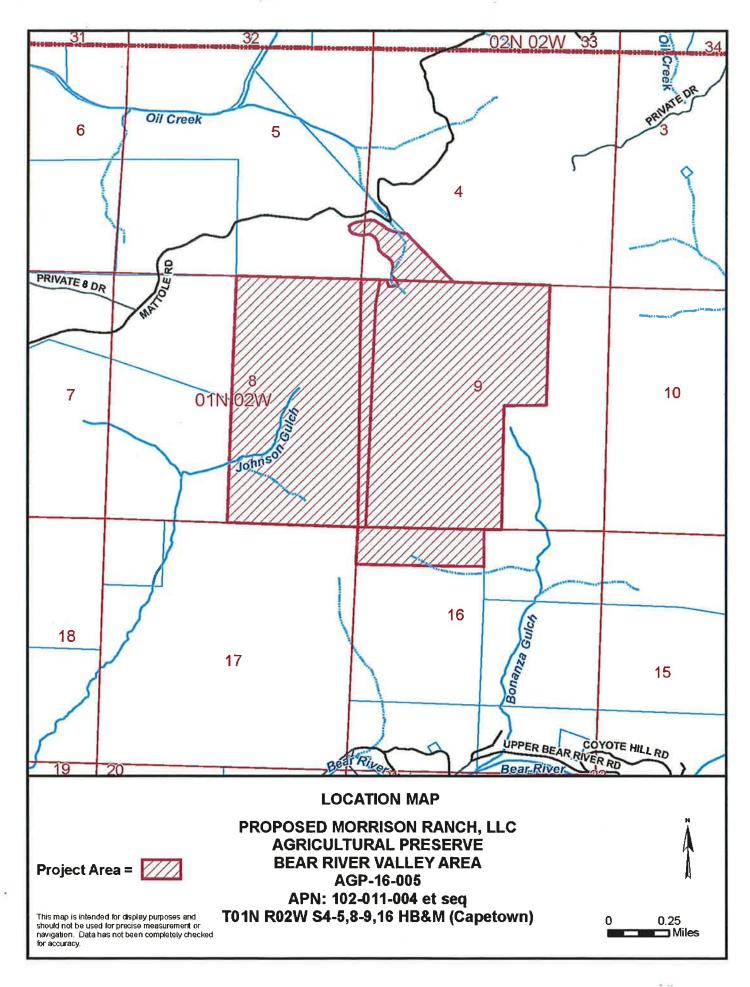
- 1. The proposed agricultural preserve is consistent with the General Plan; and
- 2. The land is and will continue to be used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; and
- 3. The proposed agricultural preserve is approximately 845 acres, and that the County Williamson Act Committee has determined it to be a viable working preserve; and
- 4. The proposed preserve is zoned for agricultural use (AE-B-5(160) and TPZ); and

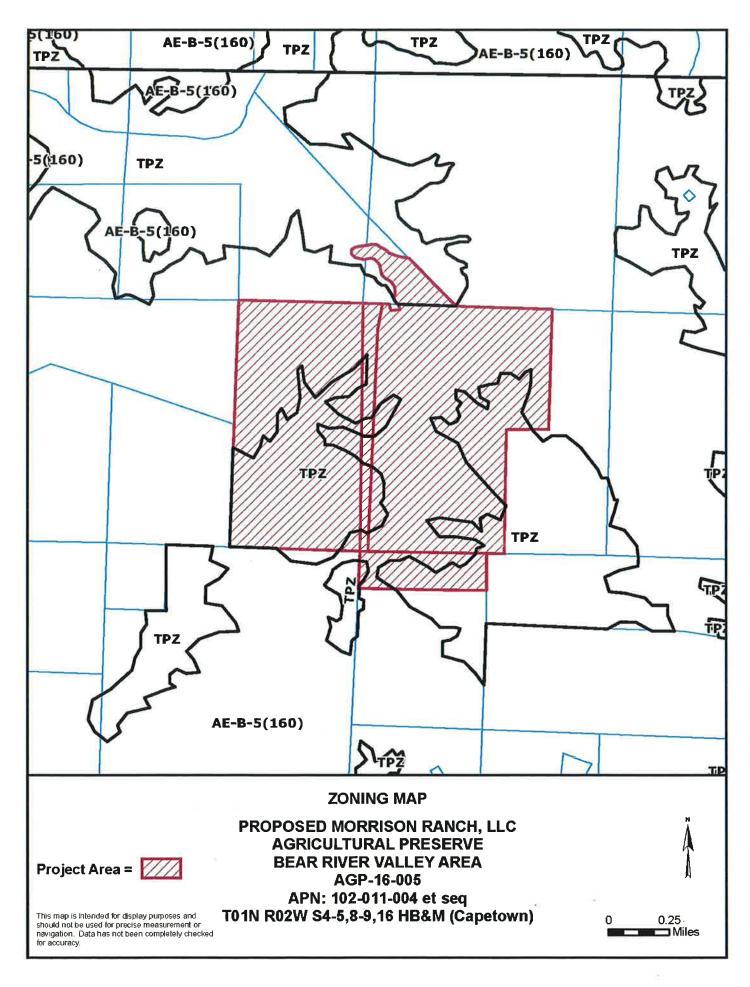
5. The proposed project is categorically exempt from environmental review pursuant to Class 17, Section 15317 of CEQA; and

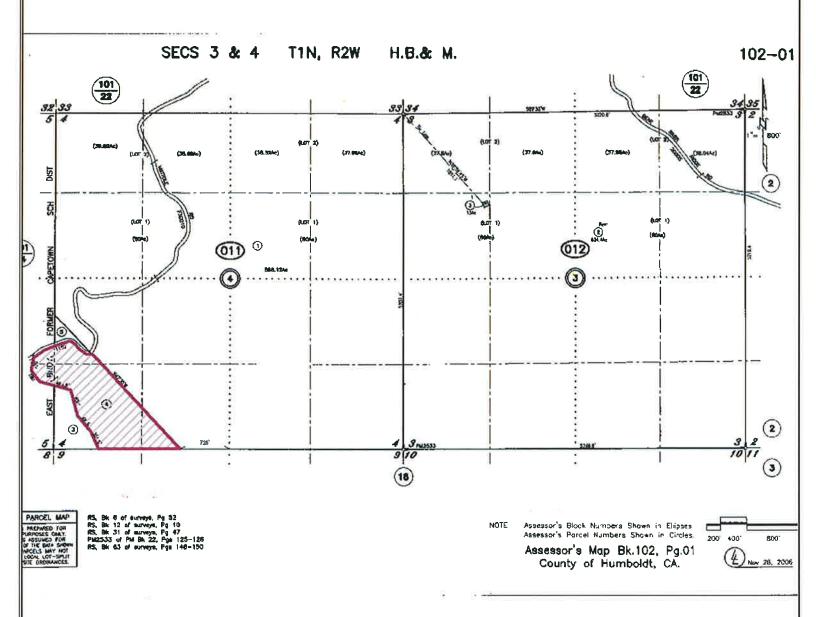
BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

- 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 Morrison Ranch Class "B" 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 "B" 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 1, 2016.
The motion was made by Commissioner and seconded by Commissioner
AYES: Commissioners: NOES: Commissioners: ABSTAIN: Commissioners: ABSENT: Commissioners: DECISION:
Robert Morris, Chair
I, Suzanne Hegler, 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.
Suzanne Hegler, Clerk







PROJECT SITE =



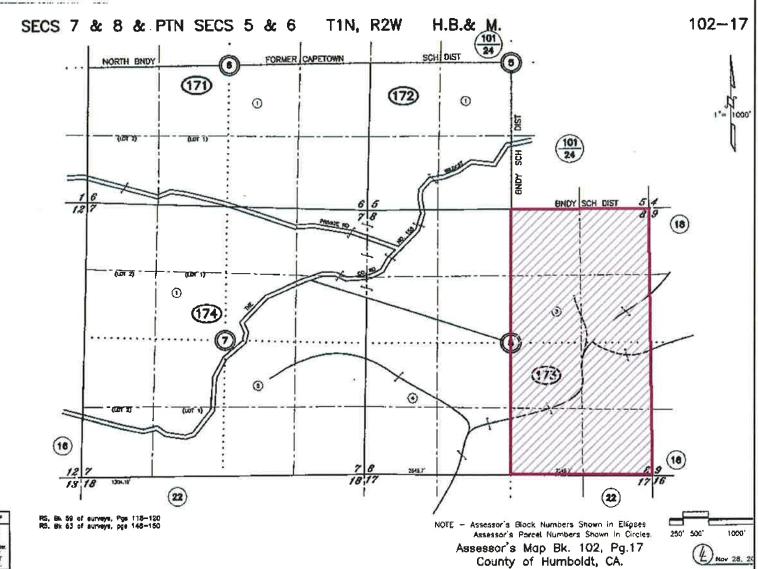
ASSESSOR PARCEL MAP

PROPOSED MORRISON RANCH, LLC **AGRICULTURAL PRESERVÉ BEAR RIVER VALLEY AREA** AGP-16-005 APN: 102-011-004 et seq

T01N R02W S4-5,8-9,16 HB&M (Capetown)
10469 September 1, 2016

AGP 16-005 Morrison Ranch 10469

MAPNOT TO SCALE



PROJECT SITE =

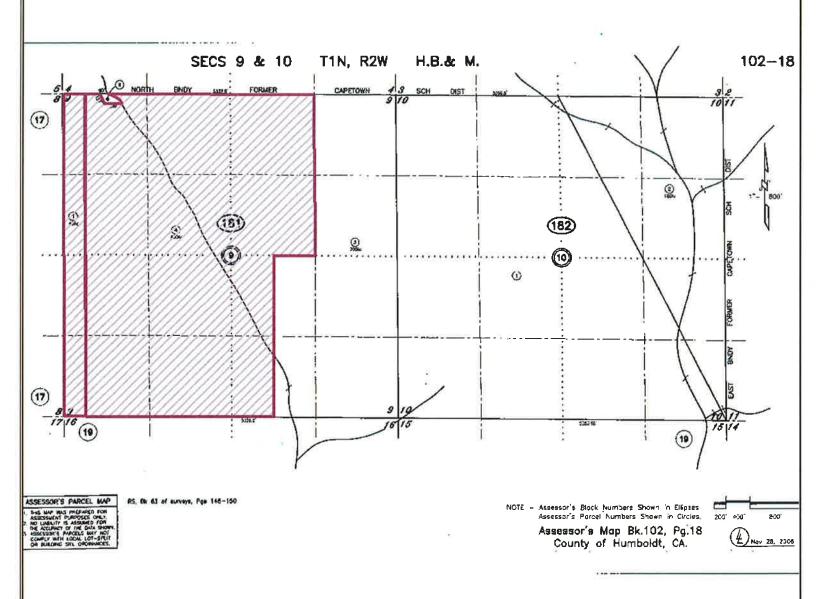
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MAPPOOT TO SCALE



PROJECT SITE =



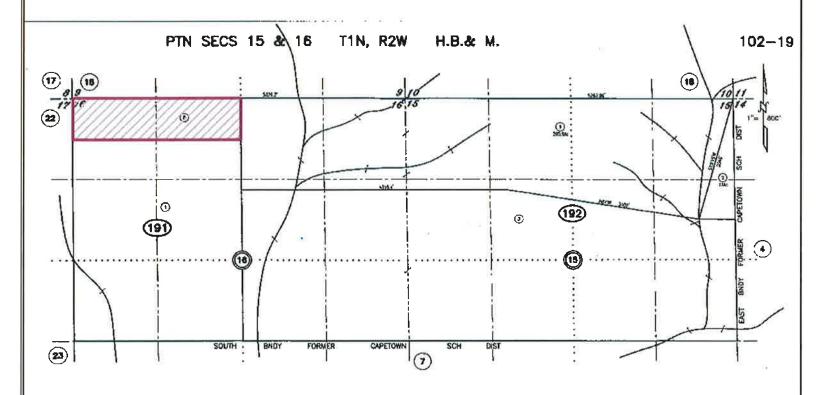
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T01N R02W S4-5,8-9,16 HB&M (Capetown)
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AGP 16-005 Morrison Ranch 10469

MAPPROT TO SCALE



NOTE - Assessor's Block Numbers Shown in Ellipses Assessor's Porcel Numbers Shown in Circles. Assessor's Map Bk.102, Pg.19

County of Humboldt, CA.

A Nov 28, 2006

PROJECT SITE =



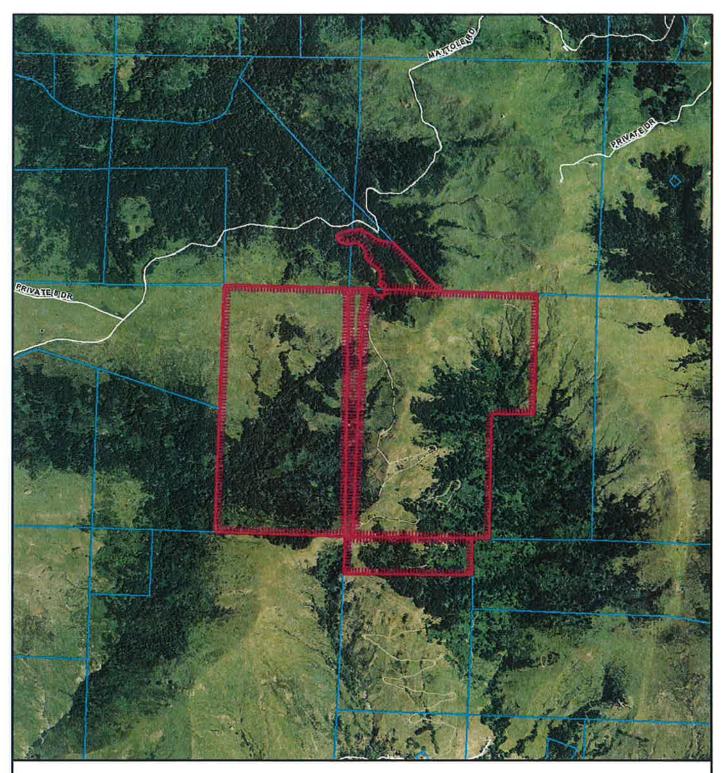
ASSESSOR PARCEL MAP

PROPOSED MORRISON RANCH, LLC **AGRICULTURAL PRESERVÉ BEAR RIVER VALLEY AREA AGP-16-005**

APN: 102-011-004 et seq T01N R02W S4-5,8-9,16 HB&M (Capetown)
10469 September 1, 2016

AGP 16-005 Morrison Ranch 10469

MAPPNOT TO SCALE



AERIAL MAP

PROPOSED MORRISON RANCH, LLC AGRICULTURAL PRESERVE BEAR RIVER VALLEY AREA AGP-16-005

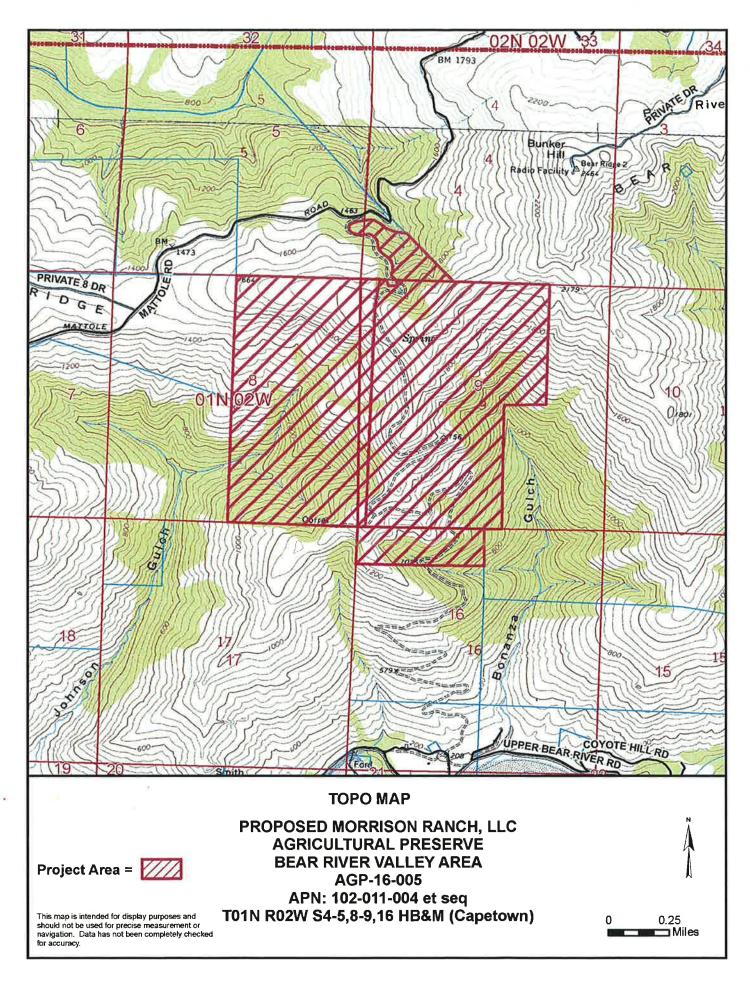
APN: 102-011-004 et seq T01N R02W S4-5,8-9,16 HB&M (Capetown)

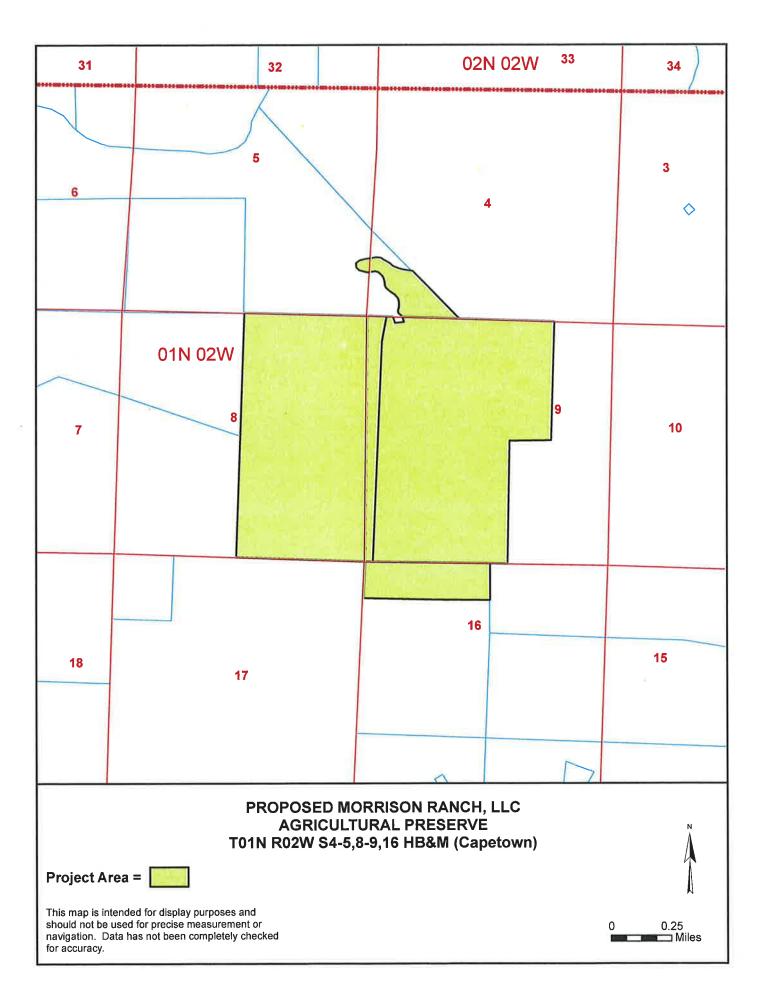
This map is inlended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

Project Area =



0.25 Miles





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 an executed and notarized Land Conservation Contract.
- 3. The applicant shall complete the recordation of the Notice of Merger for the properties (NOM-16-005).
- 4. The applicant shall pay to the Humboldt County Planning Division all costs associated with the processing of this application.

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.

- 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 "Grazing" 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).

The required findings can be made based on the following analysis.

Staff Analysis

Agricultural Preserve-Williamson Act Criteria

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

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

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

 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 cattle grazing. County Assessor staff, the County Agricultural Commissioner, and the Williamson Act Committee have reviewed the proposed Class B 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 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 ten separate, legally created parcels. Some of these parcels are less than 160 acres in size. The applicant has submitted a request to merge all of the underlying parcels within the ranch into a single parcel of land. With the completion of the Notice of Merger, the property will be consistent with the requirements 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 mix of Agriculture Exclusive zoning designation with a combining zone

establishing a 160 acre minimum parcel size and Timberland Production Zone. The majority of land within the ranch is zoned Agricultural Exclusive with the 160 acre minimum parcel size combining zone.

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

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.

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 Morrison Ranch Agricultural Preserve.

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

- Application Form
- Present Owners' Deeds
- Preliminary Title Report

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.

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		
Cattlemen's Association		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 Planning and Building Department 3015 H Street, Eureka

May 18, 2016 Draft Meeting Minutes

I. Call to Order

The meeting was called to order at 3:01 p.m. by Chair John LaBoyteaux.

II. Roll Call

WAC Members Present: John Vevoda, John LaBoyteaux, Dean Hunt, John Rice, Peggy Satterlee Staff Members Present: Rob Wall, Steve Werner, Michael Richardson, Cliff Johnson, Mari Wilson, Audrey Hanks,

III. Approval of Minutes

Motion to approve the December 16, 2016 minutes made by John Vevoda and seconded by Dean Hunt, Motion carries 4/0 (Satterlee abstaining).

IV. Scheduled Matters:

Item 1. Ozanian Agricultural Preserve

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

Item 2. Morrison Ranch Agricultural Preserve

Planning Division is seeking a Committee Recommendation regarding the proposed formation of a Class B preserve pursuant to the California Land Conservation Act (otherwise known as the Williamson Act) and the Humboldt County Agricultural Preserve Guidelines. Motion to recommend approval, with the condition that all parcels are merged into units of 160 acres or larger (Vevoda/Hunt, Approved unanimously)

Item 3. Alex Moore Conditional Use Permits

The Planning Division is seeking a committee recommendation regarding a series of seven Conditional Use Permits (CUP's) on an existing Class B agricultural preserve to license an existing 25,720 square foot outdoor cannabis cultivation area and approximately six and a half acres of new outdoor cannabis cultivation area for the property owner and for lease. Motion to recommend that the proposed conditional use permits are consistent with the existing agricultural operation of the preserve. (Vevoda/Hunt, Approved 4-1, Rice opposed)

V. Correspondence None
VI. Public Comments None

VII. New Business The Committee had questions regarding the County initiated non-renewal of the Tooby Ranch Agricultural Preserve. Discussion was primarily about the process for non-renewal as an enforcement mechanism for non-compliant preserves, and whether the decision to non-renew was required to be made at a public hearing by the Board of Supervisors. The committee requested that this topic be put on the next meeting agenda. The Committee also

requested that the next meeting include a discussion item about requesting guidance from the Board of Equalization about taxation of cannabis in Williamson Act lands.

VIII. Adjournment Motion to adjourn (satterlee/Hunt). Motion passed unanimously. Meeting was adjourned by Chair LaBoyteaux at 4:47 p.m.