

**COUNTY OF HUMBOLDT**

Hearing Date: August 23, 2016

To: Board of Supervisors

From: Rob Wall, Interim Director of Planning and Building *SW*Subject: **FRUITLAND RIDGE Final Agricultural Preserve partial dis-establishment and partial cancellation**

Application Number 9886

Case Number AGPN-15-003

Assessor Parcel Numbers 216-011-001, 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, 223-031-003
Benbow area**RECOMMENDATIONS:**

That the Board of Supervisors:

1. Review the request for Final Cancellation submitted by Fruitland Ridge LLC in accordance with Section 51283.4(b) of the California Government Code (Attachment A);
2. Determine that the conditions for the cancellation of the applicable portions of Agricultural Preserve Contract 75-5 have been met and adopt Resolution *16-98* (Attachment B) approving final cancellation;
3. Direct the Clerk of the Board to record the Certificate of Cancellation (Attachment C);
4. Direct the Clerk of the Board to give notice of the Board's action to the applicant, the Assessor's Office, County Counsel, the Planning Division, the Director of the California Office of Land Conservation and any other interested party;

Prepared by _____
Cliff Johnson, Senior PlannerCAO Approval *Cheryl D. Higgins***REVIEW:**Auditor _____ County Counsel *NAD* Human Resources _____ Other _____**TYPE OF ITEM:**☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other**PREVIOUS ACTION/REFERRAL:**Board Order No. L-1Meeting of: May 24, 2016**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**Upon motion of Supervisor *Fennell*Seconded by Supervisor *Bass*Ayes *Sundberg, Fennell, Lovelace, Bohn, Bass*
Nays _____
Abstain _____
Absent _____

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

Dated: Aug. 23, 2016By: *Kathy Hayes*
Kathy Hayes, Clerk of the Board

SOURCE OF FUNDING: Planning and Building Department's Planning and Engineering Services Revenue Account Number 1100-277-608000. Applicant is responsible for all costs related to processing of this application.

DISCUSSION:

On May 24, 2016 the Board tentatively approved a cancellation of a portion of the Williamson Act Contract for the Fruitland Ridge portion of lands known as the Schmook Ranch. Included within this approval was a determination that the following findings could be made as specified by California Government Code Section 51282(a):

- (1) That the cancellation is in the public interest;
- (2) Other public concerns substantially outweigh the objectives of the Williamson Act in this case; and
- (3) that there is no proximate, non-contracted land which is both available and suitable for the proposed use, or that development of the contracted land would provide more contiguous patterns of urban development.

In accordance with the requirements of Section 51284 of the California Government Code, the Notice of Decision of Tentative Cancellation was published in a paper of general circulation (Times-Standard) on June 22, 2016, and a copy of the published notice was sent to the Department of Conservation.

This tentative approval specified that upon the effective date of the ordinance rezoning the property into Timberland Production, the conditions of the tentative approval would be met. By Ordinance 2550, adopted on May 24, 2016, the Board approved the rezoning of the property. Thirty days from that passage, on June 24, 2016, the ordinance became effective. Accordingly, the conditions of the tentative approval have been met.

BACKGROUND:

On May 24, 2016, the Board of Supervisors held a public hearing to consider reclassifying approximately 705 acres of property zoned Agriculture Exclusive into TPZ, and to tentatively approve the dis-establishment and cancellation of a portion of the Schmook Ranch Agricultural Preserve and Williamson Act Contract. The reclassification to TPZ allows for the subsequent cancellation of the Williamson Act Contract per Section 51282.5 of the California Government Code in lieu of the 9 year non-renewal of the Land Conservation Contract for the TPZ zoned Fruitland Ridge portion of the preserve. As of the June 24, 2016 effective date of the reclassification of 705 acres to TPZ, a total of 3,077 acres of Fruitland Ridge's ownership is zoned TPZ and suitable for immediate cancellation.

FINANCIAL IMPACT: Funds for processing the application come from the applicant, and will not affect the general fund directly. Immediate cancellation of land conservation contracts for land zoned Timber Production is statutorily exempt from the 25% cancellation fee that the Williamson Act and County Guidelines requires for other types of immediate contract cancellation.

OTHER AGENCY INVOLVEMENT: The project was circulated to various State and local agencies for comments and recommendations. County Counsel and the Assessor have both been directly involved in the processing of the application. Both the Forestry Review Committee and the Planning Commission have recommend approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS: Your Board could choose to not execute and record the certificate of final cancellation if the conditions and contingencies identified in the certificate of tentative cancellation have not been satisfied. However, the record shows that

all provisions set forth in the certificate of tentative cancellation have been met. Therefore, Planning Division staff does not recommend further consideration of this alternative.

ATTACHMENTS:

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

- | | |
|--------------|---|
| Attachment A | Letter from the applicant requesting that the Board record a Certificate of Final Cancellation |
| Attachment B | Resolution approving Dis-establishment and Cancellation of the applicable portions of Williamson Act Land Conservation Contract No. 75-5. |
| Attachment C | Certificate of Cancellation for the applicable portions of Land Conservation Contract No. 75-5. |

ATTACHMENT A

**Letter from Fruitland Ridge LLC
requesting the Board record a Certificate of Final Cancellation**



Civil Engineering
Construction Management
Water Resources Management
Water & Wastewater Engineering
Transportation Management
Environmental Sciences
Landscape Architecture
Land Planning

July 25, 2016

Mr. Cliff Johnson, Senior Planner
Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

**Subject: Fruitland Ridge Zone Reclassification (ZR-15-007/AGPN-15-003)
Williamson Act Contract Cancellation Request**

Dear Mr. Johnson,

By completion of the rezoning into TPZ, all conditions of the tentative cancellation certificate have been met. Pursuant to Section 51283.4 of the California Government Code, Fruitland Ridge is requesting final cancellation of the Williamson Act Contract to those lands zoned TPZ.

Please contact me at (707) 444-3800 ext. 7451 or mryan@manhard.com if you have any questions or need any additional information.

Respectfully,

A handwritten signature in blue ink that reads 'Meghan Ryan'.

Meghan Ryan
Project Manager

ATTACHMENT B

Resolution approving the Partial Dis-establishment and Cancellation of
Williamson Act Land Conservation Contract
No. 75-5

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of August 23, 2016

RESOLUTION NO. 16-98

RESOLUTION MAKING THE REQUIRED FINDINGS OF DIS-ESTABLISHMENT AND CANCELLATION AND APPROVING RECORDATION OF A CERTIFICATE OF CANCELLATION FOR WILLIAMSON ACT CONTRACT 75-5: CASE NUMBERS AGP-15-003; ASSESSOR PARCEL NUMBERS 216-011-001, 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, 223-031-003

WHEREAS, Land Conservation Contract No 75-5 was entered into between the County of Humboldt and Paul and Betty Schmook, recorded on February 28, 1975, in Volume 1277, Page 134 of Official Records of the County of Humboldt; and

WHEREAS, the current land owners of a portion of the lands under contract, Fruitland Ridge LLC, have submitted a petition to the Board of Supervisors for dis-establishment and cancellation of the applicable portions of Land Conservation Contract No 75-5; and

WHEREAS, the Humboldt County Board of Supervisors held a public hearing on May 24, 2016 to consider the request for tentative cancellation of the applicable portions of Land Conservation Contract No 75-5 and at the conclusion of the public hearing approved the petition based on its ability to make the Public Interest Findings listed under Section 51282 of the Government Code as follows:

The tentative cancellation is in the public interest because a) other public concerns substantially outweigh the objectives of the Williamson Act; and b) there is no proximate, non-contracted land which is both available and suitable for the proposed use; and

WHEREAS, in accordance with Section 51284.1(d) of the Government Code, the Board has considered the comments of the Department of Conservation (DOC) pertinent to this petition; and

WHEREAS, in accordance with Section 51282.5 of the Government Code, the owner of lands zoned as timberland production pursuant to Sections 51112 or 51113 may petition the board for cancellation of that portion of the contract, and that upon petition the board shall approve the cancellation of the contract; and

WHEREAS, Ordinance No. 2550 reclassifying the subject lands as Timberland Production Zone was effective on June 24, 2016; and

WHEREAS, the applicant, Fruitland Ridge LLC, has demonstrated that they have met the conditions of approval for tentative cancellation of the applicable portions of Land Conservation Contract No. 75-5.

NOW, THEREFORE, be it resolved that the County of Humboldt has determined that the conditions for cancellation have been met and hereby cancels the applicable portions of Land Conservation Contract No. 75-5.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of August 23, 2016

RESOLUTION NO. 16-98

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

1. Authorizes the Chair to sign the Certificate of Cancellation as set forth in Attachment B; and
2. Directs the Clerk of the Board to record the Certificate of Cancellation in the Office of the County Recorder and to give notice of the Board's action to the applicant, the Assessor's Office, County Counsel, the Planning Division, the Director of the California Office of Land Conservation and any other interested party within 30 days of this action.

Dated: August 23, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Fennell, seconded by Supervisor Bass, and the following vote:

| | | |
|----------|-------------|---|
| AYES: | Supervisors | Sundberg, Fennell, Lovelace, 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.

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

ATTACHMENT C

Certificate of Cancellation for portions of
Williamson Act Land Conservation Contract No. 75-5

2016-016421

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

Pages: 4

Recording Fee: \$ 0.00
Tax Fee: \$0
Clerk: gw Total: \$0.00
Aug 30, 2016 at 10:46:21

*** CONFORMED COPY ***

No fee per GC 27383

Recording requested by:
County of Humboldt
Planning and Building Department

When recorded return to:
Humboldt County Planning Division
3015 H Street
Eureka, CA 95501

SPACE ABOVE FOR RECORDER USE ONLY

**CERTIFICATE OF CANCELLATION OF PORTIONS OF THE WILLIAMSON ACT LAND CONSERVATION CONTRACT
NO. 75-5**

In accordance with Article 5, Chapter 7, Division 1 of Title 5 (beginning with Section 51280) of the Government Code of the State of California, the County of Humboldt has granted approval of a petition by Fruitland Ridge LLC, hereinafter referred to as LANDOWNER, for final cancellation of the following described Williamson Act Land Conservation Contract:

Land Conservation Contract No. 75-5

For Assessor Parcel Nos. 216-011-001, 216-012-005, 216-012-006, 216-013-012, 216-013-014, 216-014-007, 216-015-004, 216-016-004, 216-023-004, 216-024-005, 216-024-006, 223-023-005, 223-024-002, 223-031-002, 223-031-003; totaling approximately 3,077 acres.

Recorded in the office of the Humboldt County Recorder on February 28, 1975 in Volume 1277 of Official Records at Page 134.

Legal Description: See Exhibit A attached to this certificate and incorporated herein as though specifically set forth at length.

The petition for cancellation was accompanied by a proposal for a specific alternative use of the land, which has been approved by the Board of Supervisors on May 24, 2016.

The Board of Supervisors has, in accordance with Government Code Section 51283.4, made its determination that the conditions and contingencies of the Certificate of Tentative Cancellation are in fact satisfied and, hereby executes, by its Chair, a Certificate of Cancellation of the portion of the Agricultural Preserve Contract covering the land described above and shall cause the same to be recorded.

The conditions and contingencies which have been satisfied prior to execution of this Certificate of Cancellation by the Chair of the Board of Supervisors are as follows:

1. The effective date of the ordinance rezoning the subject property into Timberland Production.

I certify the foregoing approval and the issuance of this Certificate of Cancellation were authorized by action duly taken by the Humboldt County Board of Supervisors in regular session held on Aug. 23 2016.

DATED: August 26, 2016.



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

Mark Lovelace

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 August 26, 2016 before me, Catherine Whitman Munsee,
personally appeared MARK LOVELACE, 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

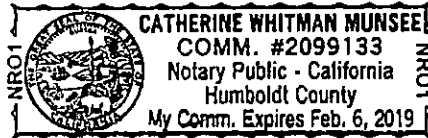
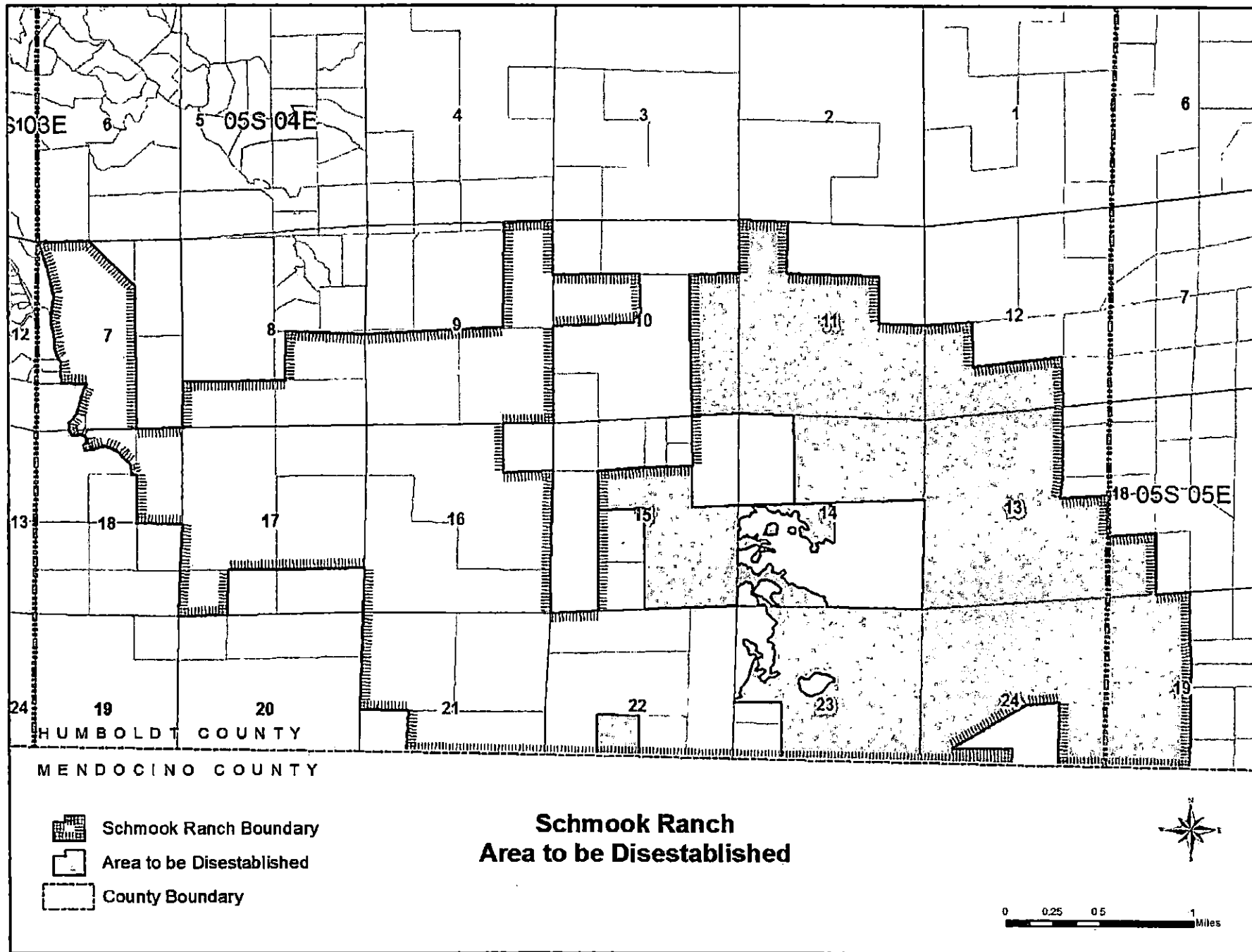


EXHIBIT A

PROPERTY DESCRIPTION

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

All those portions of Sections 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 21, 22, 23, 24, 27 of Township 5 South, Range 4 East, Humboldt Meridian, and all those portions of Section 19 of Township 5 South, Range 5 East, shown on the attached map.





Kelly E. Sanders
Humboldt County
County Clerk-Recorder
825 Fifth Street, 5th Floor
Eureka, CA 95501
Recorder: (707) 445-7593
Vitals: (707) 445-7382
www.humboldt.gov.org

Receipt: 16-12633

| Product | Name | Extended |
|---------------|-------------------------------|---------------|
| MI | MISC | \$0.00 |
| | External Document# | 2016-016421 |
| | Document Info: | HUMBOLDT CNTY |
| | # Pages | 4 |
| | # Conformed Labels and Copies | true |
| | PCOR Penalty | false |
| | Non-Conforming Document | false |
| Total | | \$0.00 |
| Change (Cash) | | \$0.00 |

Please review all documents. All sales are final.