



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

L-1

Hearing Date: November 15, 2016

To: Board of Supervisors

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

Subject: **Ozanian Agricultural Preserve**
Application Number 10273
Case Number AGP 16-002
Assessor Parcel Numbers (APNs) 100-141-006 and 100-311-018
1355 Centerville Road, Ferndale Area

RECOMMENDATIONS:

That the Board of Supervisors:

1. Open a public hearing in the manner prescribed by law;
2. Receive a staff report, consider the applications, and receive public testimony;
3. Adopt the necessary findings prepared by Current Planning Division staff;
4. Adopt Resolution No. Ke-128 (Attachment A) establishing the Ozanian Agricultural Preserve;
5. Authorize the Chair of the Board to execute the Land Conservation Contract (Attachment B);
6. Direct Current Planning Division staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research;
7. Direct the Clerk of the Board to record copies of the Resolution and Land Conservation Contract with the County Recorder;

Prepared by _____
Cliff Johnson, Senior Planner

CAO Approval *Chris D. Hughes*

Auditor _____ County Counsel *JMB* Human Resources _____ Other _____

TYPE OF ITEM:

____ Consent
____ Departmental
XXXX **Public Hearing**
____ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Bohn*
Seconded by Supervisor *Bass*

Ayes *Bohn, Bass, Loveace, Sundberg, Fennell*
Nays _____
Abstain _____
Absent _____

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

Dated: *November 15, 2016*
Bohn Bass

8. Direct the Clerk of the Board to give notice of the decision to the applicant, the Assessor's Office, County Counsel, Current Planning Division, the California Office of Land Conservation, and any other interested party; and
9. Close the public hearing.

SOURCE OF FUNDING:

Planning and Building - Current Planning Revenue Account, No. 1100-277-608000.

DISCUSSION:

An application has been made to establish a Class "D" agricultural preserve of approximately 55 acres. The property is owned by Charles and Elaine Ozanian and is utilized for livestock 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 the uses of the land to agriculture, open space and/or compatible uses. The minimum term for a Land Conservation Contract is ten years and is automatically renewed every year. In exchange for restricting the uses, the land is valued as open space land pursuant to open space valuation laws (Revenue and Taxation Code Sections 421, et seq.).

In order to qualify for a Class "D" Unique Farmland Preserve and contract, the preserve area must contain at least 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide significance, and no individual lot or parcel of land shall be less than 10 acres of prime agricultural land or less than 40 acres of tillable non-prime land of statewide significance. The land must be in an agricultural designation and zoned for agricultural use. The parcels must be devoted to agriculture and have provided a gross annual income of \$2500 from agricultural production for three of the last five years. While under contract, the zoning and contract prohibit any parcel divisions (which includes the sale of separate legal parcels).

The subject property consists of a parcel of approximately 55 acres that was created in its current configuration by way of a lot line adjustment that was recorded in 2007, although previous to the lot line adjustment the parcel has been in existence as a separate parcel since 1906. The property is developed with a single family residence and agricultural barns, and there are no outstanding building or zoning violations on the subject property.

According to the National Resource Conservation Service, (2014) the soil type is a mix of Weott and Loleta soils, both of which are classified as a prime farmland if irrigated.

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

The land is used for cattle and sheep grazing, with income that approximates around \$15,000 dollars a year for each of the last three years, according to the provided income verification.

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 May 18, 2016 and recommended approval. The County Planning Commission reviewed the proposed Class "D" preserve on August 4, 2016 and adopted a resolution (Attachment D) recommending that the Board approve the proposed preserve because it is consistent with the County's adopted Guidelines for Class D Agricultural Preserves and the County's General Plan.

REQUIRED FINDINGS:

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

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

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

Class D

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

The required findings can be made. The proposal is consistent with, and furthers the goals of, the agricultural policies of the Eel River Area Plan (ERAP). The establishment of the preserve furthers the goals of assuring the protection of the County's agricultural economy and minimizes the conflicts between agricultural and urban land uses by restricting the subdivision of these lands. The primary purpose of the Williamson Act is to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban areas. The land supports the production of food and fiber as defined by Section 51201 Government Code and consists of prime and tillable non-prime lands. The property currently is utilized primarily for livestock grazing 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 D Agricultural Preserves and the County's General Plan. Establishment of the preserve is in the public interest in that it preserves lands for agricultural use.

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

FINANCIAL IMPACT:

2016 Prop 13 Factored Base Year Values for the Ozanian property is \$852,392 which would result in an approximate \$8,523.92 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.

BOARD'S STRATEGIC FRAMEWORK:

The establishment of a new Class D Agricultural Preserve supports the Board's Strategic Framework through its core role of enforcing laws and regulations and its priorities to manage our resources and ensure sustainability of services. The action to enter into a Land Conservation Contract with Charles and Elaine Ozanian is consistent with the Board's priorities to facilitate public/private partnerships and to work towards the protection of the County's agricultural resources.

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 Ozanian Class "D" Agricultural Preserve with location map
Attachment B:	Land Conservation Contract for the Ozanian proposed preserve
Attachment C:	Planning Commission staff report of August 4, 2016
Attachment D:	Planning Commission Resolution

ATTACHMENT A
RESOLUTION NO. 16-128

**Establishing the Ozanian Class D Agricultural Preserve with Uniform Rules Including
Compatible Uses**

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of November 15, 2016

RESOLUTION NO. 16-128

**RESOLUTION ESTABLISHING THE OZANIAN AGRICULTURAL PRESERVE WITH
UNIFORM RULES INCLUDING COMPATIBLE USES (AGP # 16-002)**

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The hereinafter-described real property located in the County of Humboldt is hereby designated and established as a Class D Agricultural Preserve within the meaning of and pursuant to the California Land Conservation Act of 1965, including amendments thereto, and shall be known as and may be referred to as: Agricultural Preserve No. 16-002 Said Property, is described in Exhibit A attached hereto.
2. The following findings are hereby made with respect to the establishment of this proposed agricultural preserve:
 - a. The establishment of this proposed Agricultural Preserve is consistent with the Humboldt County General Plan; and
 - 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 November 15, 2016

RESOLUTION NO. 16-128

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").

BE IT FURTHER RESOLVED that a certified copy of this resolution and the attached map of Agricultural Preserve No. 16-002 shall be filed in the office of the County Recorder by the Clerk of the Board of Supervisors.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of November 15, 2016

RESOLUTION NO. 16-128

Dated: November 15, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

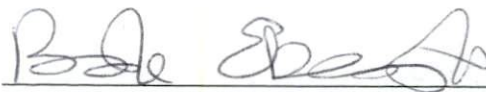
Adopted on motion by Supervisor Bohn, seconded by Supervisor Bass, and the following vote:

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

EXHIBIT A

PROPERTY DESCRIPTION

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

PARCEL ONE

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

The North half of the Southwest Quarter of Section 3 in Township 2 North, Range 2 West, Humboldt Meridian.

EXCEPTING therefrom, that portion of the North half of the Southwest Quarter of Section 3 in Township 2 North, Range 2 West, Humboldt Meridian lying Southerly of the centerline of the County Road leading from Ferndale to Centerville.

ALSO EXCEPTING therefrom, that parcel bounded and described as follows:

BEGINNING at the Northwest corner of the Centerville and Port Kenyon Roads; and running thence Northerly along the West Boundary of the Port Kenyon Road 109 feet;

Thence, at right angles Westerly 110 feet to an alley;

Thence, at right angles Southerly along said alley 77 feet to the North boundary of the Centerville Road;

Thence, along said boundary line, Easterly to the point of beginning and being the same as conveyed by Jacob Gyer and wife to W.H. Owens by Deed Recorded July 17, 1889 in Book 31 of Deeds, Page 533, Humboldt County Records.

AND ALSO EXCEPTING therefrom, that portion thereof described as follows:

BEGINNING at a ½ inch diameter galvanized iron pipe monument on the West side of the county road, said monument being 3310.3 feet South and 32.8 feet East from the Quarter Section corner on the North line of Section 3 in Township 2 North, Range 2 West, Humboldt Meridian; and running

Thence South 88 Degrees 51 Minutes West 110 feet to a ½ inch iron pipe monument;

Thence North 1 Degree 09 Minutes West to a point distant 30 feet South from the Quarter section line running East and West through the center of said Section 3;

Thence East to the Quarter section line running North and South through the center of said Section 3;

Thence South along said last mentioned line to a point located North 88 Degrees 51 minutes East from the point of beginning; and thence South 88 Degrees 51 minutes West to the point of beginning.

AND ALSO EXCEPTING therefrom, all that real property described in the deed from Antonio G. Rocha, et al, to David N. Lema and Diane C. Lema recorded January 10, 1967, in Book 909 of Official Records, Page 42, described as follows:

That portion of the Northeast quarter of the Southwest Quarter of Section 3, Township 2 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at a ½ inch diameter galvanized iron pipe monument on the West side of the county road, said monument being located 3310.3 feet South and 32.8 feet East from the Quarter Section corner on the North line of Section 3; and running

Thence, South 88 Degrees 51 Minutes West 110 feet to a ½ inch iron pipe monument;

Thence, North 1 degree 09 minutes West 480 feet to the true point of beginning of the land to be herein described;

Thence, from said true point of beginning, continue North 1 Degree 09 minutes West, 93.5 feet, more or less, to the Quarter section line running East and West through the center of said Section 3;

Thence East along the Quarter Section Line, to the Quarter Section Line running North and South through the center of said Section 3;

Thence, South along the last mentioned line, 93.5 feet, more or less, to a point which bears North 88 Degrees 51 Minutes East from the true point of beginning; and

Thence, South 88 Degrees 51 Minutes West to the True Point of Beginning.

PARCEL TWO

That portion of the Northeast Quarter of the Southeast Quarter of Section 4 in Township 2 North, Range 2 West, Humboldt Meridian, containing 6.75 acres, more or less, and being bounded on the North by the North line of said Northeast Quarter of the Southeast Quarter; bounded on the East by the East line of said Northeast Quarter of the Southeast Quarter; bounded on the South by the county road leading from Ferndale to Centerville; and bounded on the West by the land which was conveyed by James Smith and wife to Blackstone Brown, by deed dated December 30, 1874, recorded in Book O of Deeds, Page 87, Humboldt County Records.

EXCEPTING therefrom, all that real property described in the deed from Antonio G. Rocha and Mary A. Rocha to Herluf E. Eskildsen recorded June 4, 1969 in Book 1005 of Official Records, Page 126, described as follows:

That portion of the Northeast Quarter of the Southeast Quarter of Section 4, in Township 2 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at a point on the North line of the county road leading from Ferndale to Centerville, as said road existed in 1874, measured Westerly 195.0 feet perpendicular to the East line of said Section 4; thence North 2 Degrees 05 Minutes West 1027.1 feet to a ½ inch iron pipe marking fence corner;

Thence North 89 Degrees 35 Minutes West 1133.4 feet to a similar iron pipe marking a fence corner;
Thence South 2 Degrees 05 Minutes East 882.2 feet to said county road;
Thence along said county road Easterly to a point that bears South 2 Degrees 05 Minutes East from said point of beginning;
Thence North 2 Degrees 05 Minutes West 20 feet, more or less, to said point of beginning, according to survey for H. E. Eskildsen, by Beed Engineering Co., in August 1968.

PARCEL THREE

That portion of the Northeast Quarter of the Southeast Quarter of Section 4, in Township 2 North, Range 2 West, Humboldt Meridian, being bounded on the North by the North line of said Northeast Quarter of the Southeast Quarter; bounded on the East by the East line of said Northeast Quarter of the Southeast Quarter; bounded on the South by the county road leading from Ferndale to Centerville, as said road existed in 1874; bounded on the West by a line described as follows:

BEGINNING at a point on the center line of the county road leading from Ferndale to Centerville, as said road existed in 1874, measured Westerly 195.0 feet perpendicular to the East line of said Section 4;

Thence North 2 Degrees 05 Minutes West 1047.1 feet to a ½ inch iron pipe marking a fence corner.




Project Area = 

**PROPOSED OZANIAN
AGRICULTURAL PRESERVE
T02N R02W S03,04 HB&M (Ferndale)**



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.

0 250 500 750 Feet



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)

2016-023575

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

Pages: 8

Recording Fee: \$ 0.00
Tax Fee: \$0
Clerk: sc Total: \$0.00
Dec 05, 2016 at 02:53:55

*** CONFORMED COPY ***

**HUMBOLDT COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 16-128**

**RESOLUTION ESTABLISHING THE OZANIAN AGRICULTURAL PRESERVE WITH
UNIFORM RULES INCLUDING COMPATIBLE USES (AGP #16-002)**

Pursuant to Board of Supervisors' Action of November 15, 2016

(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 November 15, 2016

RESOLUTION NO. 16-128

**RESOLUTION ESTABLISHING THE OZANIAN AGRICULTURAL PRESERVE WITH
UNIFORM RULES INCLUDING COMPATIBLE USES (AGP # 16-002)**

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The hereinafter-described real property located in the County of Humboldt is hereby designated and established as a Class D Agricultural Preserve within the meaning of and pursuant to the California Land Conservation Act of 1965, including amendments thereto, and shall be known as and may be referred to as: Agricultural Preserve No. 16-002 Said Property, is described in Exhibit A attached hereto.
2. The following findings are hereby made with respect to the establishment of this proposed agricultural preserve:
 - a. The establishment of this proposed Agricultural Preserve is consistent with the Humboldt County General Plan; and
 - 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 November 15, 2016

RESOLUTION NO. 16-128

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").

BE IT FURTHER RESOLVED that a certified copy of this resolution and the attached map of Agricultural Preserve No. 16-002 shall be filed in the office of the County Recorder by the Clerk of the Board of Supervisors.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of November 15, 2016

RESOLUTION NO. 16-128

Dated: November 15, 2016



MARK LOVELACE, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Bohn, 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.

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



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



By BROOKE EBERHARDT
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

EXHIBIT A

PROPERTY DESCRIPTION

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

PARCEL ONE

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

The North half of the Southwest Quarter of Section 3 in Township 2 North, Range 2 West, Humboldt Meridian.

EXCEPTING therefrom, that portion of the North half of the Southwest Quarter of Section 3 in Township 2 North, Range 2 West, Humboldt Meridian lying Southerly of the centerline of the County Road leading from Ferndale to Centerville.

ALSO EXCEPTING therefrom, that parcel bounded and described as follows:

BEGINNING at the Northwest corner of the Centerville and Port Kenyon Roads; and running thence Northerly along the West Boundary of the Port Kenyon Road 109 feet;

Thence, at right angles Westerly 110 feet to an alley;

Thence, at right angles Southerly along said alley 77 feet to the North boundary of the Centerville Road;

Thence, along said boundary line, Easterly to the point of beginning and being the same as conveyed by Jacob Gyer and wife to W.H. Owens by Deed Recorded July 17, 1889 in Book 31 of Deeds, Page 533, Humboldt County Records.

AND ALSO EXCEPTING therefrom, that portion thereof described as follows:

BEGINNING at a ½ inch diameter galvanized iron pipe monument on the West side of the county road, said monument being 3310.3 feet South and 32.8 feet East from the Quarter Section corner on the North line of Section 3 in Township 2 North, Range 2 West, Humboldt Meridian; and running

Thence South 88 Degrees 51 Minutes West 110 feet to a ½ inch iron pipe monument;

Thence North 1 Degree 09 Minutes West to a point distant 30 feet South from the Quarter section line running East and West through the center of said Section 3;

Thence East to the Quarter section line running North and South through the center of said Section 3;

Thence South along said last mentioned line to a point located North 88 Degrees 51 minutes East from the point of beginning; and thence South 88 Degrees 51 minutes West to the point of beginning.

AND ALSO EXCEPTING therefrom, all that real property described in the deed from Antonio G. Rocha, et al, to David N. Lema and Diane C. Lema recorded January 10, 1967, in Book 909 of Official Records, Page 42, described as follows:

That portion of the Northeast quarter of the Southwest Quarter of Section 3, Township 2 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at a ½ inch diameter galvanized iron pipe monument on the West side of the county road, said monument being located 3310.3 feet South and 32.8 feet East from the Quarter Section corner on the North line of Section 3; and running

Thence, South 88 Degrees 51 Minutes West 110 feet to a ½ inch iron pipe monument;

Thence, North 1 degree 09 minutes West 480 feet to the true point of beginning of the land to be herein described;

Thence, from said true point of beginning, continue North 1 Degree 09 minutes West, 93.5 feet, more or less, to the Quarter section line running East and West through the center of said Section 3;

Thence East along the Quarter Section Line, to the Quarter Section Line running North and South through the center of said Section 3;

Thence, South along the last mentioned line, 93.5 feet, more or less, to a point which bears North 88 Degrees 51 Minutes East from the true point of beginning; and

Thence, South 88 Degrees 51 Minutes West to the True Point of Beginning.

PARCEL TWO

That portion of the Northeast Quarter of the Southeast Quarter of Section 4 in Township 2 North, Range 2 West, Humboldt Meridian, containing 6.75 acres, more or less, and being bounded on the North by the North line of said Northeast Quarter of the Southeast Quarter; bounded on the East by the East line of said Northeast Quarter of the Southeast Quarter; bounded on the South by the county road leading from Ferndale to Centerville; and bounded on the West by the land which was conveyed by James Smith and wife to Blackstone Brown, by deed dated December 30, 1874, recorded in Book O of Deeds, Page 87, Humboldt County Records.

EXCEPTING therefrom, all that real property described in the deed from Antonio G. Rocha and Mary A. Rocha to Herluf E. Eskildsen recorded June 4, 1969 in Book 1005 of Official Records, Page 126, described as follows:

That portion of the Northeast Quarter of the Southeast Quarter of Section 4, in Township 2 North, Range 2 West, Humboldt Meridian, described as follows:

BEGINNING at a point on the North line of the county road leading from Ferndale to Centerville, as said road existed in 1874, measured Westerly 195.0 feet perpendicular to the East line of said Section 4; thence North 2 Degrees 05 Minutes West 1027.1 feet to a ½ inch iron pipe marking fence corner;

Thence North 89 Degrees 35 Minutes West 1133.4 feet to a similar iron pipe marking a fence corner;

Thence South 2 Degrees 05 Minutes East 882.2 feet to said county road;

Thence along said county road Easterly to a point that bears South 2 Degrees 05 Minutes East from said point of beginning;

Thence North 2 Degrees 05 Minutes West 20 feet, more or less, to said point of beginning, according to survey for H. E. Eskildsen, by Beed Engineering Co., in August 1968.

PARCEL THREE

That portion of the Northeast Quarter of the Southeast Quarter of Section 4, in Township 2 North, Range 2 West, Humboldt Meridian, being bounded on the North by the North line of said Northeast Quarter of the Southeast Quarter; bounded on the East by the East line of said Northeast Quarter of the Southeast Quarter; bounded on the South by the county road leading from Ferndale to Centerville, as said road existed in 1874; bounded on the West by a line described as follows:

BEGINNING at a point on the center line of the county road leading from Ferndale to Centerville, as said road existed in 1874, measured Westerly 195.0 feet perpendicular to the East line of said Section 4;

Thence North 2 Degrees 05 Minutes West 1047.1 feet to a ½ inch iron pipe marking a fence corner.



Project Area = 

**PROPOSED OZANIAN
AGRICULTURAL PRESERVE
T02N R02W S03,04 HB&M (Ferndale)**



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.

0 250 500 750
Feet

ATTACHMENT B
Land Conservation Contract

2016-023576

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

Pages: 12

Recording Fee: \$ 0.00
Tax Fee: \$0
Clerk: sc Total: \$0.00
Dec 05, 2016 at 02:53:55

*** CONFORMED COPY ***

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)

**LAND CONSERVATION CONTRACT
(Ozanian Preserve)**

THIS CONTRACT is dated this 23 day of November, 2016, by and between CHARLES E. OZANIAN AND ELAINE R. OZANIAN, TRUSTEES OF THE OZANIAN FAMILY TRUST DATED JUNE 23, 1994, referred to as OWNER, AND U.S. BANK, referred to as BENEFICIARY, and the COUNTY OF HUMBOLDT, a political subdivision of the State of California, hereinafter referred to as COUNTY.

WITNESSETH:

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

WHEREAS, said land is located in a Class **D** Agricultural Preserve heretofore established by COUNTY by Resolution No. 16-128; 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 **Charles E. Ozanian and Elaine R Ozanian, Trustees of the Ozanian Family Trust dated June 23, 1994, 1355 Centerville Road, Ferndale, CA 95536** or at such other address OWNER may hereafter designate in writing; notice to BENEFICIARY may be given by mailing it first class postage prepaid addressed to **U.S. Bank, Loan Services – Oshkosh, 1850 Osborn Avenue, PO Box**

2746, Oshkosh, WI, 54902 or at such other address BENEFICIARY may hereafter designate in writing. Delivery shall be deemed complete the day after the date of mailing.

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

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

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

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

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




Chair of the Board of Supervisors Mark Lovelace
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
Brooke Eberhardt

CERTIFICATE OF ACKNOWLEDGEMENT

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 this 22 day of November 2016, before me, Catherine Whitman Munsee, personally appeared MARK LOVELACE, who proved to me on the basis of satisfactory evidence to be the person(s) 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 is true and correct.

Witness my hand and official seal.

Catherine Whitman Munsee



EXHIBIT A

PROPERTY DESCRIPTION

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

PARCEL ONE

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

The North half of the Southwest Quarter of Section 3 in Township 2 North, Range 2 West, Humboldt Meridian.

EXCEPTING therefrom, that portion of the North half of the Southwest Quarter of Section 3 in Township 2 North, Range 2 West, Humboldt Meridian lying Southerly of the centerline of the County Road leading from Ferndale to Centerville.

ALSO EXCEPTING therefrom, that parcel bounded and described as follows:

BEGINNING at the Northwest corner of the Centerville and Port Kenyon Roads; and running thence Northerly along the West Boundary of the Port Kenyon Road 109 feet;

Thence, at right angles Westerly 110 feet to an alley;

Thence, at right angles Southerly along said alley 77 feet to the North boundary of the Centerville Road;

Thence, along said boundary line, Easterly to the point of beginning and being the same as conveyed by Jacob Gyer and wife to W.H. Owens by Deed Recorded July 17, 1889 in Book 31 of Deeds, Page 533, Humboldt County Records.

AND ALSO EXCEPTING therefrom, that portion thereof described as follows:

BEGINNING at a ½ inch diameter galvanized iron pipe monument on the West side of the county road, said monument being 3310.3 feet South and 32.8 feet East from the Quarter Section corner on the North line of Section 3 in Township 2 North, Range 2 West, Humboldt Meridian; and running

Thence South 88 Degrees 51 Minutes West 110 feet to a ½ inch iron pipe monument;

Thence North 1 Degree 09 Minutes West to a point distant 30 feet South from the Quarter section line running East and West through the center of said Section 3;

Thence East to the Quarter section line running North and South through the center of said Section 3;

Thence South along said last mentioned line to a point located North 88 Degrees 51 minutes East from the point of beginning; and thence South 88 Degrees 51 minutes West to the point of beginning.

AND ALSO EXCEPTING therefrom, all that real property described in the deed from Antonio G. Rocha, et al, to David N. Lema and Diane C. Lema recorded January 10, 1967, in Book 909 of Official Records, Page 42, described as follows:

That portion of the Northeast quarter of the Southwest Quarter of Section 3, Township 2 North, Range 2 West, Humboldt Meridian, described as follows:

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Thence, South 88 Degrees 51 Minutes West 110 feet to a ½ inch iron pipe monument;

Thence, North 1 degree 09 minutes West 480 feet to the true point of beginning of the land to be herein described;

Thence, from said true point of beginning, continue North 1 Degree 09 minutes West, 93.5 feet, more or less, to the Quarter section line running East and West through the center of said Section 3;

Thence East along the Quarter Section Line, to the Quarter Section Line running North and South through the center of said Section 3;

Thence, South along the last mentioned line, 93.5 feet, more or less, to a point which bears North 88 Degrees 51 Minutes East from the true point of beginning; and

Thence, South 88 Degrees 51 Minutes West to the True Point of Beginning.

PARCEL TWO

That portion of the Northeast Quarter of the Southeast Quarter of Section 4 in Township 2 North, Range 2 West, Humboldt Meridian, containing 6.75 acres, more or less, and being bounded on the North by the North line of said Northeast Quarter of the Southeast Quarter; bounded on the East by the East line of said Northeast Quarter of the Southeast Quarter; bounded on the South by the county road leading from Ferndale to Centerville; and bounded on the West by the land which was conveyed by James Smith and wife to Blackstone Brown, by deed dated December 30, 1874, recorded in Book O of Deeds, Page 87, Humboldt County Records.

EXCEPTING therefrom, all that real property described in the deed from Antonio G. Rocha and Mary A. Rocha to Herluf E. Eskildsen recorded June 4, 1969 in Book 1005 of Official Records, Page 126, described as follows:

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BEGINNING at a point on the North line of the county road leading from Ferndale to Centerville, as said road existed in 1874, measured Westerly 195.0 feet perpendicular to the East line of said Section 4; thence North 2 Degrees 05 Minutes West 1027.1 feet to a ½ inch iron pipe marking fence corner;

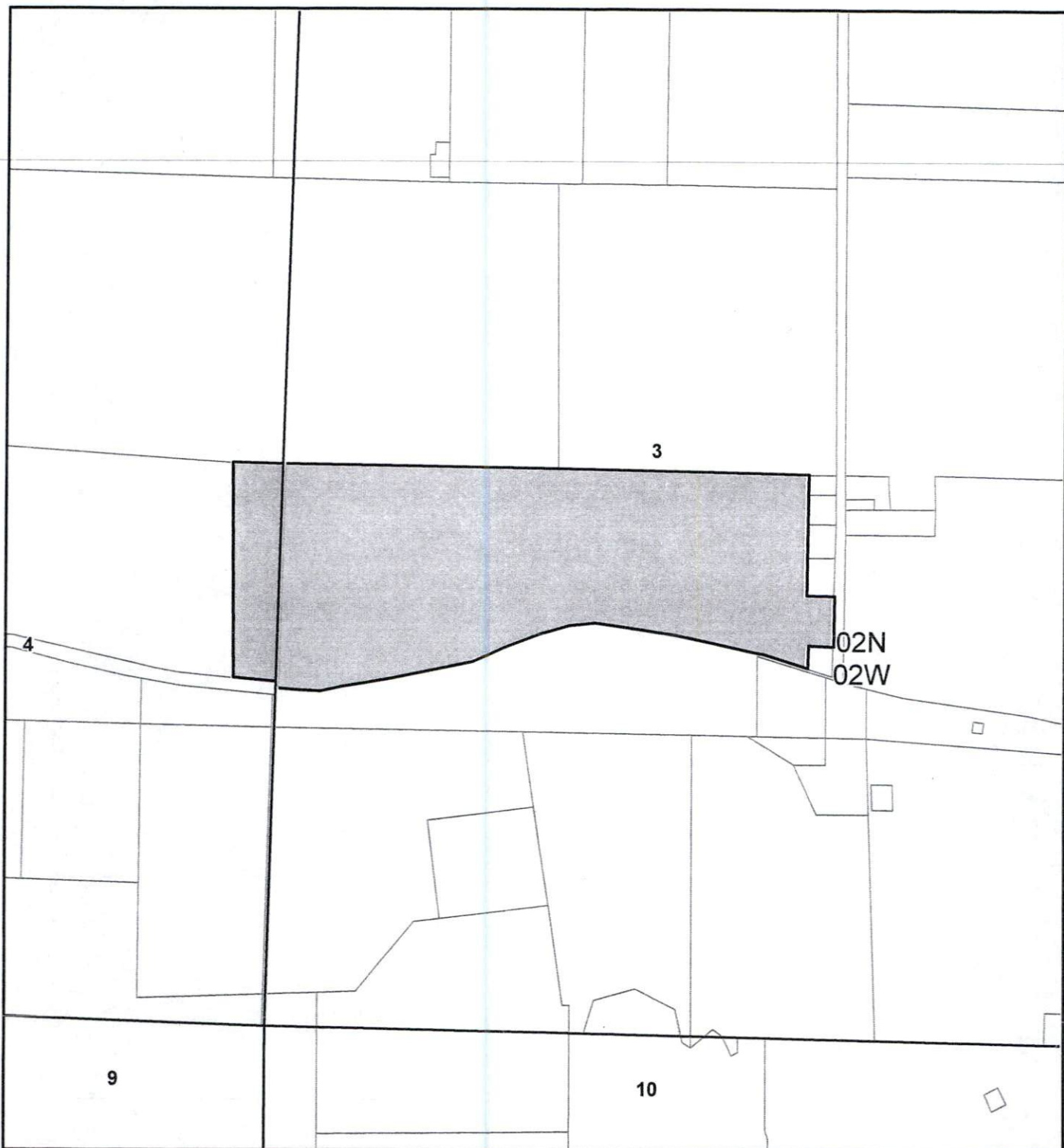
Thence North 89 Degrees 35 Minutes West 1133.4 feet to a similar iron pipe marking a fence corner;
Thence South 2 Degrees 05 Minutes East 882.2 feet to said county road;
Thence along said county road Easterly to a point that bears South 2 Degrees 05 Minutes East from said point of beginning;
Thence North 2 Degrees 05 Minutes West 20 feet, more or less, to said point of beginning, according to survey for H. E. Eskildsen, by Beed Engineering Co., in August 1968.


PARCEL THREE

That portion of the Northeast Quarter of the Southeast Quarter of Section 4, in Township 2 North, Range 2 West, Humboldt Meridian, being bounded on the North by the North line of said Northeast Quarter of the Southeast Quarter; bounded on the East by the East line of said Northeast Quarter of the Southeast Quarter; bounded on the South by the county road leading from Ferndale to Centerville, as said road existed in 1874; bounded on the West by a line described as follows:

BEGINNING at a point on the center line of the county road leading from Ferndale to Centerville, as said road existed in 1874, measured Westerly 195.0 feet perpendicular to the East line of said Section 4;

Thence North 2 Degrees 05 Minutes West 1047.1 feet to a ½ inch iron pipe marking a fence corner.



Project Area = 

**PROPOSED OZANIAN
AGRICULTURAL PRESERVE
T02N R02W S03,04 HB&M (Ferndale)**

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.

0 250 500 750 Feet

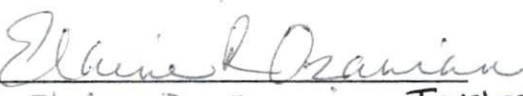


Owners of Record

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 
Charles E. Ozanian, Trustees

By 
Elaine R. Ozanian, Trustees

By _____

By _____

(Signature(s) to be Notarized)


Interest in Property

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

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

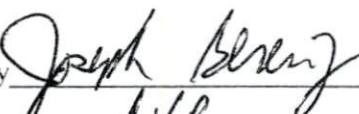
TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS:

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

By  Steven Barnes

Title Vice President

Corporation Name: US Bank
Natural Association

By  Joseph Berenz

Title AVP

Corporation Name: US Bank
Natural Association

(Signature(s) to be Notarized)

APPROVED AS TO FORM:

By _____
County Counsel

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 this 30th day of September 20 16, before me, Jennifer Dreikosen Public

Notary, personally appeared Steven Barnes and Joseph Buenz 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 is true and correct.

Witness my hand and official seal.

Signature

Jennifer Dreikosen (seal)
Jennifer Dreikosen

JENNIFER DREIKOSEN
Notary Public
State of Wisconsin

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 }

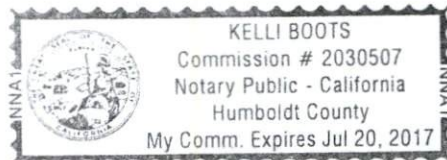
On this 17th day of October 20 16, before me, Kelli Boots Public

Notary, personally appeared Charles E. Ozanian and Elaine R. Ozanian 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 is true and correct.

Witness my hand and official seal.

Kelli Boots (seal)
Signature



ATTACHMENT C

Planning Commission staff report of August 4, 2016 for the Ozanian 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: August 4, 2016

To: Humboldt County Planning Commission

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

Subject: **Ozanian Agricultural Preserve**
Application Number 10273
Case Number AGP 16-002
Assessor Parcel Numbers (APNs) 100-141-006 and 100-311-018
1355 Centerville Road, Ferndale Area

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Assessor Parcel Map	9
Aerial Map	10
Topographical Map	11

Attachments

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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
August 4, 2016	Agricultural Preserve	Cliff Johnson

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

Project Location: The project is located in the Ferndale area, on the north side of Centerville Road approximately 1.05 miles west from the intersection of Shaw Avenue and Centerville Road, on the property known as 1355 Centerville Road.

Present Plan Designations: Agriculture Exclusive/Prime and Non-prime Lands (AE), Density: 160 to 20 acres per dwelling unit; Residential/Exurban (RX), Density: Creation of new parcels shall not be permitted; Eel River Area Plan (ERAP), Slope Stability: Relatively Stable (0), Moderate Instability (2)

Present Zoning: (RS-X-M/F,R) Residential Single Family (RS-5), No Further Subdivision Allowed (X), Manufactured Home (M), Flood Hazard Areas (F), Streams and Riparian Corridor Protection (R); (AE-60/F) Agriculture Exclusive-Minimum lot size 60.0 acres (AE-60), Flood Hazard Areas (F); (AE-60/W,F,R,T) Agriculture Exclusive-Minimum lot size 60.0 acres (AE-60), Coastal Wetlands (W), Flood Hazard Areas (F), Streams and Riparian Corridor Protection (R), Transitional Agricultural Lands (T)

Case Number AGP-16-006

Application Number 10273

Assessor Parcel Numbers: 100-141-006 and 100-311-018

Applicant

Charles & Elaine Ozanian
1355 Centerville Road
Ferndale CA 95536

Owner

Same

Agent

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.

OZANIAN AGRICULTURAL PRESERVE
Case Number AGP-16-002
Assessor Parcel Number 100-141-006, 100-311-018

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 Ozanian Agricultural Preserve project to the Board of Supervisors for approval, subject to the recommended conditions of approval.

Executive Summary: An application has been made to establish a Class "D" agricultural preserve of approximately 55 acres. The property is owned by Charles and Elaine Ozanian and is utilized for livestock 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 the uses of the land to agriculture, open space and/or compatible uses. The minimum term for a Land Conservation Contract is ten years and is automatically renewed every year. In exchange for restricting the uses, the land is valued as open space land pursuant to open space valuation laws (Revenue and Taxation Code Sections 421, et seq.).

In order to qualify for a Class "D" Unique Farmland Preserve and contract, the preserve area must contain at least 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land of statewide significance, and no individual lot or parcel of land shall be less than 10 acres of prime agricultural land or less than 40 acres of tillable non-prime land of statewide significance. The land must be in an agricultural designation and zoned for agricultural use. The parcels must be devoted to agriculture and have provided a gross annual income of \$2500 from agricultural production for three of the last five years. While under contract, the zoning and contract prohibit any parcel divisions (which includes the sale of separate legal parcels).

The subject property consists of a parcel of approximately 55 acres that was created in its current configuration by way of a lot line adjustment that was recorded in 2007, although previous to the lot line adjustment the parcel has been in existence as a separate parcel since 1906. There are no outstanding building or zoning violations on the subject property.

According to the National Resource Conservation Service, (2014) the soil type is a mix of Weott and Loleta soils, both of which are classified as a prime farmland if irrigated.

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

The land is used for cattle and sheep grazing, with income that approximates around \$15,000 dollars a year for each of the last three years, according to the provided income verification.

The property is developed with a single family residence and agricultural barns.

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 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-16-002
Assessor Parcel Number 100-141-006, 100-311-018**

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

WHEREAS, Charles and Elaine Ozanian have applied to establish a new Class "D" 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-16-002); and

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

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony on August 4, 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 55 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-60/W,F,R,T); and

5. The land consists of prime agricultural lands, 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 Ozanian Class "D" 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 "D" Preserve and; and
6. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
7. Direct the Clerk of the Board to give notice of the decision to the applicant, the California Office of Land Conservation and any other interested party; and
8. Direct the Clerk of the Board to file for record the executed Land Conservation Contract with the Humboldt County Recorder.

Adopted after review and consideration of all the evidence on August 4, 2016.

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

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

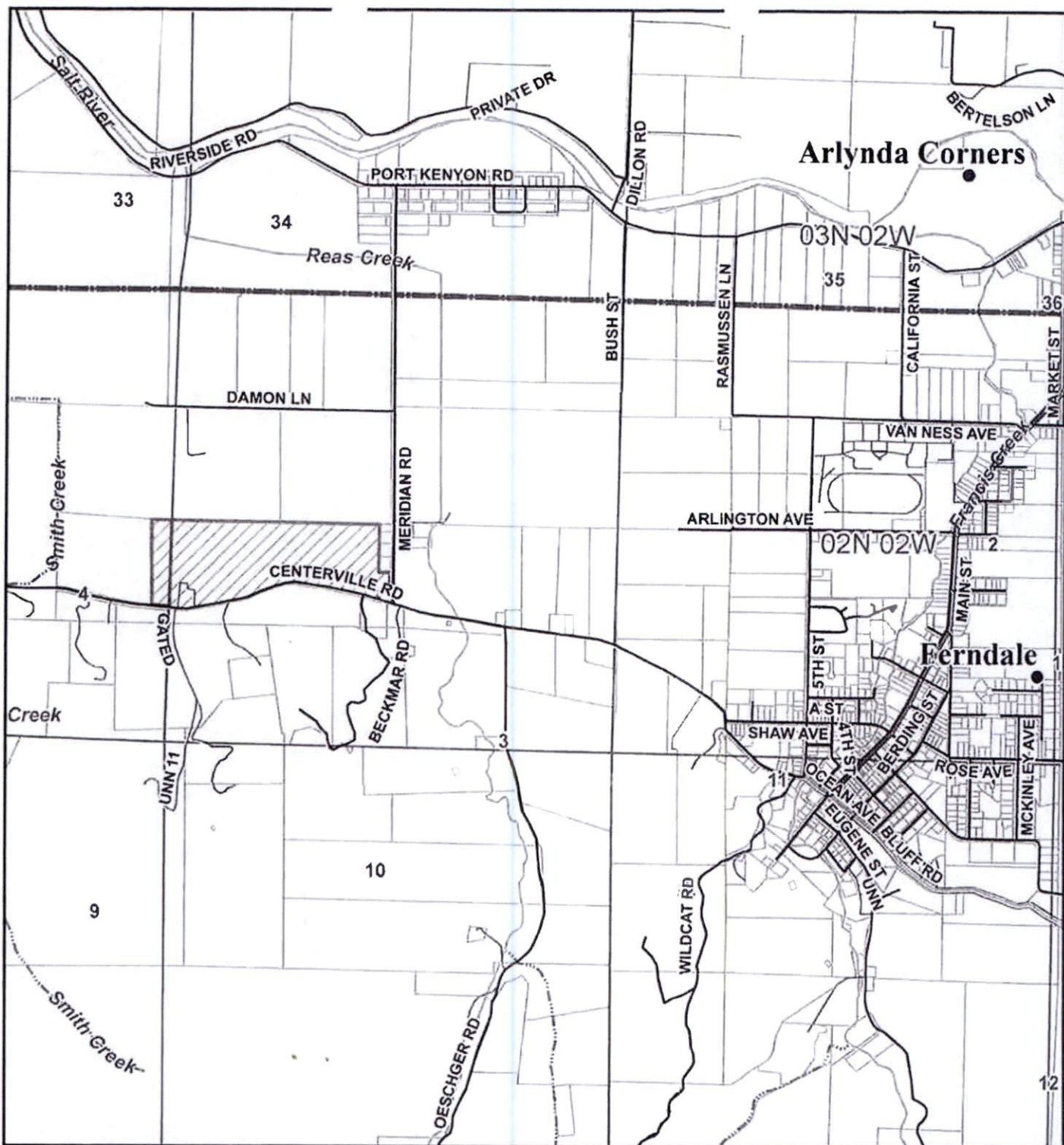
ABSENT: Commissioners:

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



LOCATION MAP

PROPOSED OZANIAN AGRICULTURAL PRESERVE FERNDALE AREA

AGP-16-002

APN: 100-311-018, 100-141-006

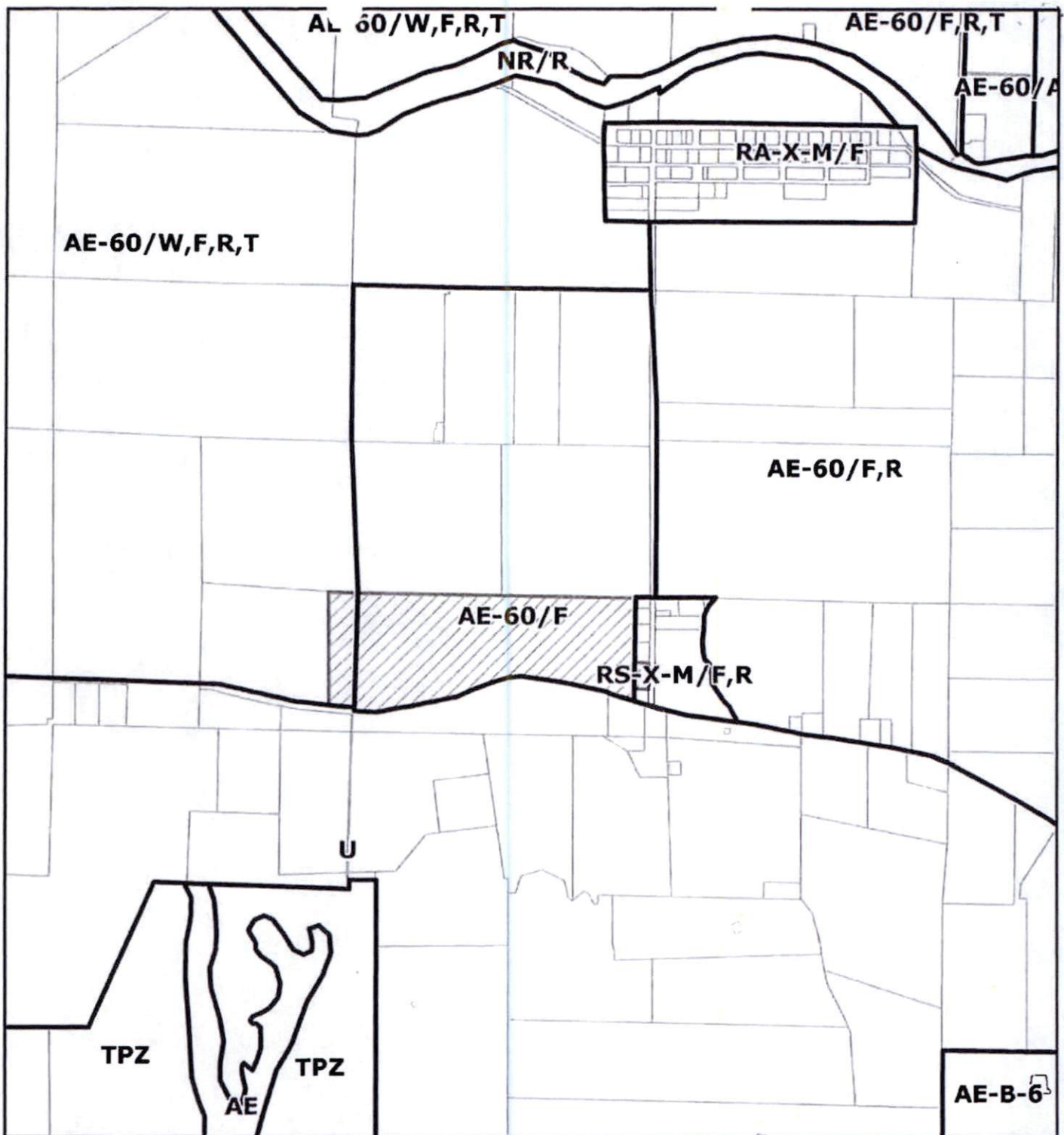
T02N R02W S03,04 HB&M (Ferndale)

Project Area = 

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



0 0.25
Miles




ZONING MAP

PROPOSED OZANIAN AGRICULTURAL PRESERVE FERNDALE AREA

AGP-16-002

APN: 100-311-018, 100-141-006

T02N R02W S03,04 HB&M (Ferndale)

Project Area = 

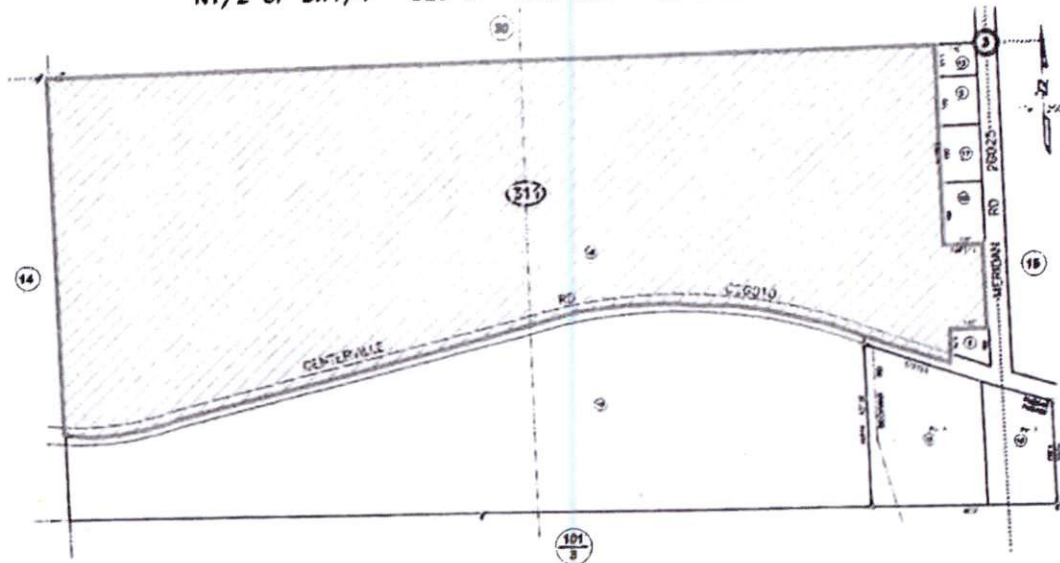
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 0.25
Miles

N1/2 OF SW1/4 SEC 3 T2N R2W H.B. & M.

100-31



ASSESSOR'S PARCEL MAP
This map was prepared for
assessor's purposes only.
It is not to be used for
any other purpose.
Copyright © 2015, 2016
County of Humboldt, CA

RS, Sh. 10 of Survey, Pg. 118
PAC245 of PM Sh. 19, Pg. 144-145
PAC406 of PM Sh. 21, Pg. 81
RS, Sh. 11 of Survey, Pg. 140

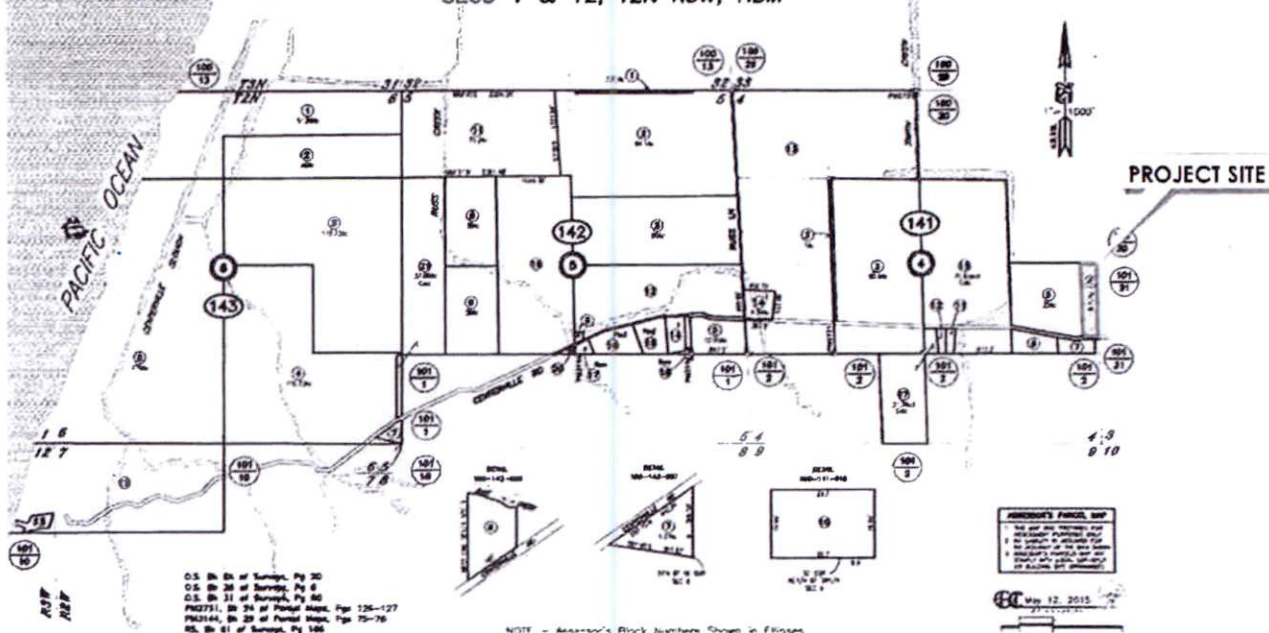
NOTE - Assessor's Block Numbers Shown in Boxes
Assessor's Parcel Numbers Shown in Circles
Assessor's Map Bk. 100, Pg. 31
County of Humboldt, CA.



Assessor's Map Bk. 100, Pg. 14
County of Humboldt, CA.

PTN SECS 4,5,6 & 7, T2N R2W &
SECS 1 & 12, T2N R3W, HBM

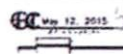
100-14



O.S. Sh. 24 of Survey, Pg. 20
O.S. Sh. 25 of Survey, Pg. 6
O.S. Sh. 26 of Survey, Pg. 26
PAC2731, Sh. 24 of Parcel Map, Pg. 126-127
PAC2734, Sh. 25 of Parcel Map, Pg. 75-76
RS, Sh. 21 of Survey, Pg. 140

NOTE - Assessor's Block Numbers Shown in Boxes

ASSESSOR'S PARCEL MAP
This map was prepared for
assessor's purposes only.
It is not to be used for
any other purpose.
Copyright © 2015, 2016
County of Humboldt, CA



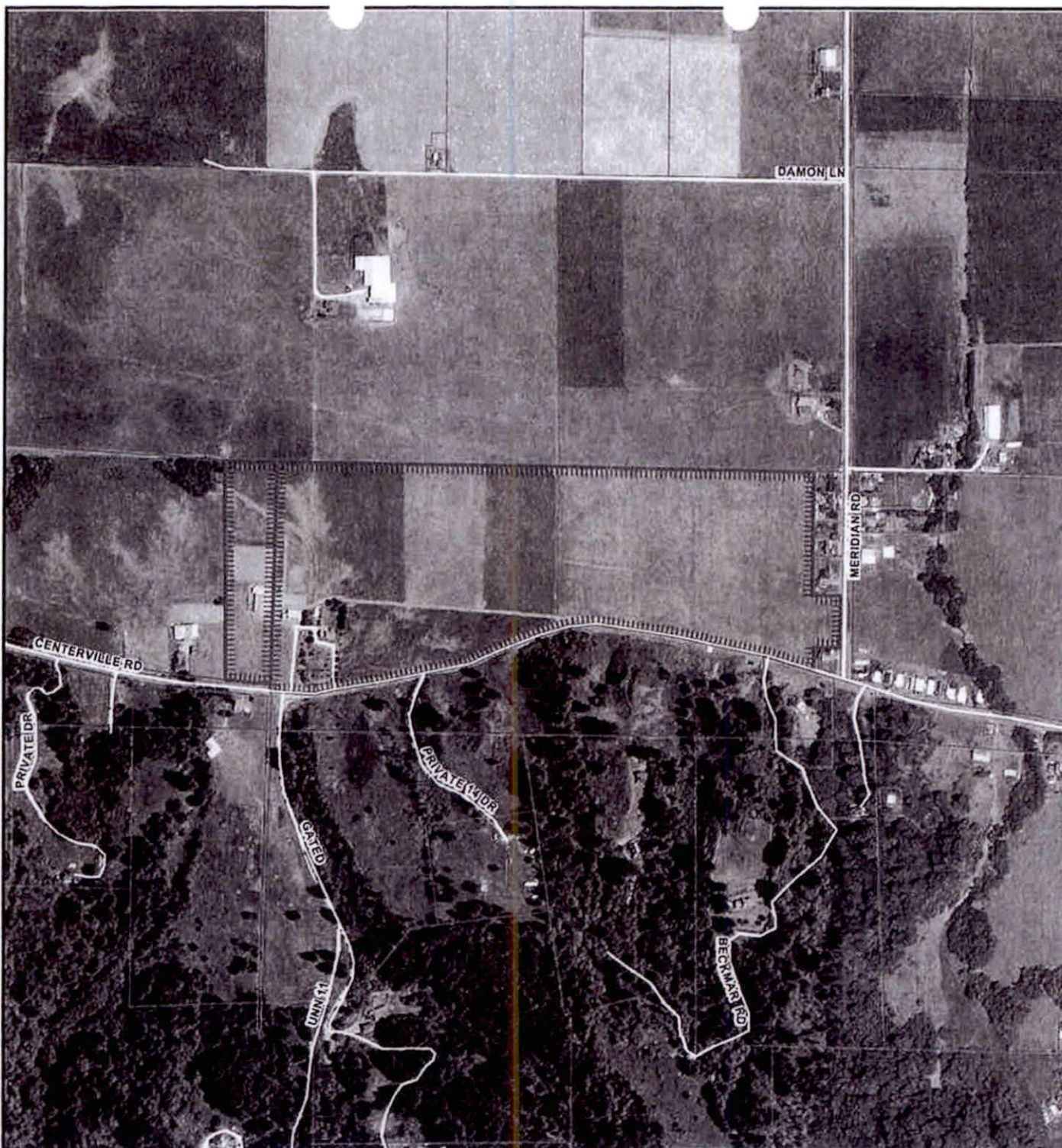
ASSESSOR PARCEL MAP

PROPOSED OZANIAN
AGRICULTURAL PRESERVE
FERNDALE AREA
AGP-16-002

APN: 100-311-018, 100-141-006
T02N R02W S03,04 HB&M (Ferndale)

PROJECT SITES =

MAP NOT TO SCALE



AERIAL MAP

PROPOSED OZANIAN AGRICULTURAL PRESERVE FERNDALE AREA

AGP-16-002

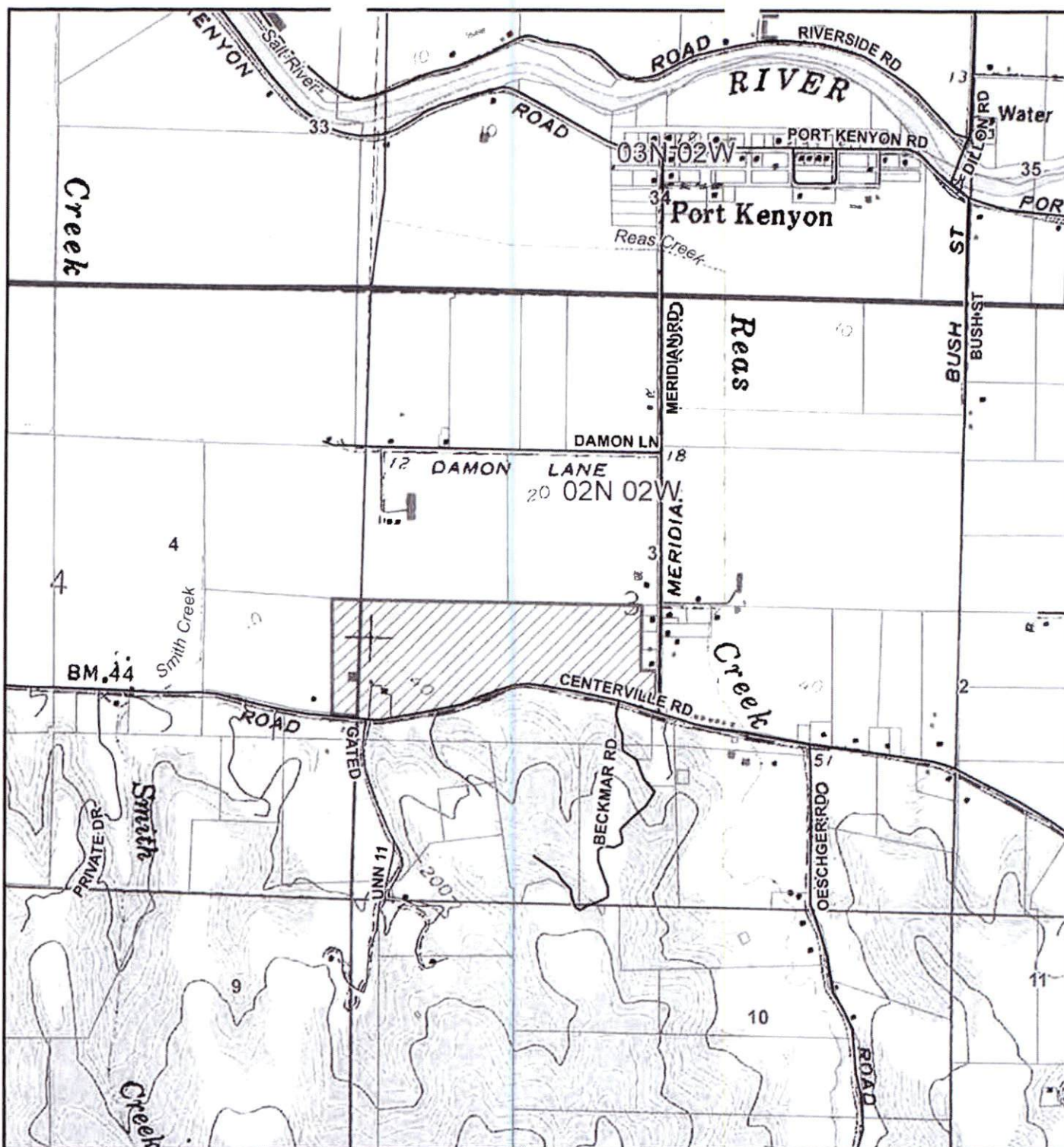
APN: 100-311-018, 100-141-006

T02N R02W S03,04 HB&M (Ferndale)

Project Area =

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

0 250 500 750
Feet



TOPO MAP

PROPOSED OZANIAN AGRICULTURAL PRESERVE FERNDALE AREA

AGP-16-002

APN: 100-311-018, 100-141-006

T02N R02W S03,04 HB&M (Ferndale)

Project Area = 

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



0 0.25 Miles

ATTACHMENT 1

CONDITIONS OF APPROVAL

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

Conditions of Approval

1. **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 pay to the Humboldt County Planning Division any unpaid balance associated with the processing of this application.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings

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

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

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

Class D

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

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

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

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

Humboldt County Agricultural Preserve Guidelines Class D Criteria

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

The Department has determined that the proposed preserve consists of a single parcel of approximately 55 acres that was created in its current configuration by a lot line adjustment in 2007, although the parcel was originally created as a separate parcel in 1906. At least 54 of the 55 acres are classified as prime agricultural land according to the National Resource Conservation Service.

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

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

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

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

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

The zoning of the proposed preserve is Agriculture Exclusive specifying a minimum parcel size of 60 acres. The 55 acre preserve will be prohibited from being further divided under the Humboldt County Zoning Ordinance in addition to the prohibition within the land conservation contract.

- e. Residential development rights beyond one single family residence for each ownership unit in the preserve would be conveyed to the County for the life of the Contract.**

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

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

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

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

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 Ozanian 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 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		
City of Ferndale	✓	Approval		✓
Cattlemen's Association		No response		
California Coastal Commission		No response		



**PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION**

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

**WILLIAMSON ACT COMMITTEE
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.

ATTACHMENT D

Planning Commission Resolution regarding the Ozanian Preserve

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 16-34**

**Case Number AGP-16-002
Assessor Parcel Number 100-141-006, 100-311-018**

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

WHEREAS, Charles and Elaine Ozanian have applied to establish a new Class "D" 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-16-002); and

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

WHEREAS, the Planning Commission held a public hearing on this matter to receive other evidence and testimony on August 4, 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 55 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-60/W,F,R,T); and
5. The land consists of prime agricultural lands, 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.16-34 establishing the Ozanian Class "D" 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 "D" Preserve and; and
6. Direct Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
7. Direct the Clerk of the Board to give notice of the decision to the applicant, the California Office of Land Conservation and any other interested party; and
8. Direct the Clerk of the Board to file for record the executed Land Conservation Contract with the Humboldt County Recorder.

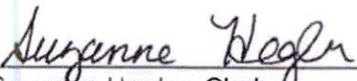
Adopted after review and consideration of all the evidence on August 4, 2016.

The motion was made by Commissioner Ulansey and seconded by Commissioner Levy.

AYES:	Ulansey, Levy, McKenny, Morris, Edmonds, Shepherd, Bongio
NOES:	None
ABSTAIN:	None
ABSENT:	None
DECISION:	Motion carries by roll call vote of 7/0.


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