



COUNTY OF HUMBOLDT

For the meeting of: 9/21/2023

File #: 23-1270

To: Planning Commission
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

The Marshall Ranch, LLC Agricultural Reserve, Zone Reclassification, Notice of Merger, and Land Conservation Contract
Assessor Parcel Numbers: 215-062-003, 215-062-005, 215-062-007, 215-063-005, 215-063-006, 215-063-007, 215-064-001, 215-064-004, 215-064-005, 220-061-011, 222-081-001, 222-081-003, 222-081-005, 222-081-010, 222-081-012, 222-082-002, 222-083-002, 222-154-005, 222-154-006, 222-154-007
Record Number: PLN-2023-18106
Briceland area

An application to establish a Class “B” Agricultural Preserve of approximately 2,867 acres pursuant to the California Land Conservation Act and the Humboldt County Agricultural Preserve Guidelines and enter into a Land Conservation Contract, and to rezone lands within the preserve not zoned Timberland Production Zone (TPZ) to Agriculture Exclusive with a combining zone establishing a 160-acre minimum parcel size (AE-B-5(160)), and to merge all 33 separate parcels (consisting of 20 APNs) within the preserve (24 of which less than 160 acres in size) into one parcel of approximately 2,867 acres in size pursuant to Section 1.B(2) of Humboldt County Board of Supervisors Resolution No. 16-144 (Humboldt County Williamson Act Guidelines).

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the Resolution (Resolution 23-) (Attachment 1) which does the following:
 - a. Finds that the proposed project is exempt from environmental review per Sections 15305, 15317 and 15061(b)(3) of the CEQA Guidelines; and
 - b. Finds that the proposed project complies with the General Plan and Zoning Code: and
 - c. Recommends The Marshall Ranch, LLC Agricultural Reserve, Zone Reclassification,

Notice of Merger, and Land Conservation Contract project to the Board of Supervisors for approval, subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:

The project is located in the Briceland area, on the southeast of Briceland Thorne Road, approximately 0.4 miles southeast from the intersection of Briceland Thorne Road and Old Briceland Road, on the parcels known to be in Sections 17, 18, 19, 20, 21, 28, 29, and 30 of Township 4S, Range 3E, Humboldt Meridian.

Present General Plan Land Use Designation:

Residential Agriculture with a 40-acre minimum parcel size (RA40), Residential Agriculture with a 20-acre minimum parcel size (RA20), Timberland (T), and Agricultural Grazing (AG), 2017 General Plan. Density: 40 acres per unit, 20 acres per unit, 40-160 acres per unit, and 20-160 acres per unit respectively. Slope Stability: Moderate Instability (2).

Present Zoning:

Agriculture Exclusive (AE), Timberland Production Zone (TPZ), Unclassified (U), and Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)).

Environmental Review:

The project is exempt from environmental review per Sections 15317 (Open Space Contracts or Easements), 15305(a) (Minor Alterations in Land Use Limitations) and 15061(b)(3) (General Rule Exemption) of the CEQA Guidelines.

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Major concerns:

None.

Executive Summary:

An application has been made to establish a Class “B” agricultural preserve of approximately 2,867 acres in the Briceland area. The property is owned by The Marshall Ranch, LLC and is used for cattle grazing, timber production and the enhancement of oak woodland and coniferous forest health.

The Williamson Act is intended to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban uses. When entering an agricultural preserve, the property owner executes a Land Conservation Contract with the County to restrict the uses of the land

to agriculture, open space and/or compatible uses. The minimum term for a Land Conservation Contract is ten years and is automatically renewed every year, maintaining a constant ten-year contract. In exchange for restricting the uses, the land is valued as open space land pursuant to open space valuation laws (Revenue and Taxation Code Sections 421, et seq.).

In order to qualify for a Class “B” Grazing Land Preserve and contract, the preserve area must contain at least 600 acres of land and no individual lot or parcel should be less than 160 contiguous acres. Any lands in the preserve not zoned TPZ must be placed in the Agriculture Exclusive zoning district with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)). The land within the preserve must be non-prime agricultural land of statewide or local significance. The parcels must be devoted to agricultural and have provided a gross annual income of \$12,000 from agricultural production for three of the last five years. While under contract the rights of division, including any existing legal patents, are subservient to the enforceable restriction secured by the Land Conservation Contract and Section 8 of the Humboldt County Williamson Act Guidelines.

The proposed preserve land consists of 20 assessor parcels comprised of 33 separate parcels totaling approximately 2,867 acres. The land is designated Residential Agriculture with a 40-acre minimum parcel size (RA40), Residential Agriculture with a 20-acre minimum parcel size (RA20), Timberland (T), and Agricultural Grazing (AG) per the Humboldt County General Plan. The land is zoned Agriculture Exclusive (AE), Timberland Production Zone (TPZ), Unclassified (U), or Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)). The AE (~ 374 acres) and U (~ 126 acres) zoned portions are proposed to be reclassified to AE-B-5(160). Of the 33 separate parcels, nine of the parcels are more than 160 contiguous acres and 24 of the are less than 160 contiguous acres. All of the parcels will be merged into one parcel. Once zone reclassification and merging of parcels occurs the subject land meets all the requirements for a Class “B” Grazing Land Preserve. The slope stability is considered moderately unstable, and the land is and has been used by historically for cattle grazing, timber production and the enhancement of oak woodland and coniferous forest health. Approximately forty-seven percent of the total property is zoned TPZ and approximately thirty-six percent is currently zoned AE-B-5(160). After rezoning 53% of the total property will be zoned AE-B-5(160). The ranch’s income exceeded the minimum gross income for a preserve for t least the last three out of five years.

There are no outstanding zoning violations on the subject parcels.

Based on 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 10, 2023, and recommended approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

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

ATTACHMENTS:

1. Draft Resolution

- A. Conditions of Approval
- B. Site Plans
- 2. Location Map Set
- 3. Applicant's Evidence in Support of the Findings
- 4. WAC Draft Minutes 5.10.2023
- 5. Referral Agency Comments and Recommendations

APPLICANT AND PLANNER INFORMATION:

Applicant

The Marshall Ranch, LLC
c/o Elizabeth Marshall Maybee
5270 Old Briceland Road
Garberville, CA 95542

Owner

Same as applicant

Agent

Same as applicant

Please contact Rodney Yandell, Senior Planner, at 707-445-7541 or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled item.