



COUNTY OF HUMBOLDT

For the meeting of: 5/12/2026

File #: 26-371

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: Majority

SUBJECT:

Westfall General Plan Amendment, Zone Reclassification and Williamson Act Contract Partial Cancellation

Assessor Parcel Numbers: 311-041-034 and 311-041-036

Record Number: PLN-2025-19187

Application Date: 03/05/2025

Elk River Area

A General Plan Amendment (GPA) to change the Land Use Designation from Residential Agriculture (RA10) to Residential Agriculture (RA4), Zone Reclassification (ZR) from Agricultural Exclusive to Agriculture General (AG-B-5(4) and Williamson Act Contract Partial Cancellation on a 4.36-acre portion of the approximately 77-acre Westfall Agricultural Preserve property in Elk River.)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the resolution (Attachment 1) which does the following:
 - a. Make the required findings for approval; and
 - b. Approve the General Plan Amendment; and
 - c. Approve the partial cancellation of the Westfall Agricultural Preserve Williamson Act Contract on a 4.36-acre portion of APN 311-041-034.
2. Adopt the ordinance (Attachment 2) to approve the Zone Reclassification; and
3. Direct the Clerk of the Board to record a certificate of tentative cancellation and send a copy to the Department of Conservation (Attachment 4); and

4. Direct the Clerk of the Board to give notice of the decision to Save the Redwoods League, the Planning & Building Department, and any other interested party.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Sustainable Natural Resources & Infrastructure Stewardship

Strategic Plan Category: 5005 - Implement landscape stewardship through the General Plan

DISCUSSION:

Executive Summary:

The Board is being asked to approve a General Plan Amendment (GPA), Zone Reclassification (ZR) and Williamson Act Contract Partial Cancellation on a 4.36-acre portion of the approximately 77-acre Westfall Agricultural Preserve property in Elk River to preserve an existing house as part of the county's housing stock. The entire 77-acre property is owned by Save the Redwoods and will be dedicated to the Bureau of Land Management (BLM) for habitat conservation and public access. On the 77-acre parcel is an existing 1,200 square foot residence and barn. As an agency-wide policy, the BLM does not acquire land that is developed, and therefore the residence and barn would need to be destroyed prior to the transfer.

Save the Redwoods League has exerted extraordinary effort to find a way to retain the house as part of the county housing stock. The proposal is to simply dedicate 72.64 acres of the property to BLM under an exemption to the Subdivision Map Act allowing dedication of property to a governmental agency. The remaining 4.36 acres would then be retained in private ownership. The complication is that 4.36 acres needs to comply with land use and zoning resulting in the need to change Land Use of the General Plan and zoning. For the parcel to be determined legal, it must conform to the land use and zoning, and the 4.36-acre parcel is too small.

The current General Plan Land Use Designation is Residential Agriculture (RA10) which calls for an average density in the area of 10 acres. The concern is that many of the parcels on the north side of Elk River Road are already less than 10 acres and so an average density could not be achieved. For transparency the land use is proposed to be Residential Agriculture (RA4). The existing Agriculture Exclusive (AE) zone has a minimum parcel size of 60 acres, so the new parcel could not be deemed consistent. To address this the zoning is proposed to be Agriculture General (AG-B-5(4)). The zoning would be consistent with the parcels on the north side of Elk River Road and would not allow the parcel to be further subdivided which will retain the existing house in the existing setting with no ability for further subdivision or other action without a change to the land use and zoning.

If the GPA and ZR are approved, the immediate partial cancellation of the Williamson Act Contract on the 4.36-acre parcel would occur. The entire approximately 77-acre property has already been placed

into non-renewal status under PLN-2025-19186 and will be entirely removed from the Williamson Act Contract in December 2034. If cancellation is approved, a cancellation penalty fee up to 25% of the appraised value of the property can be assessed. The Williamson Act Advisory Committee recommended approval of the partial cancellation on July 31, 2025. A petition to change the General Plan designation and Zone Reclassification was accepted by the Board of Supervisors on March 24, 2026. The Planning Commission reviewed and recommended the Board of Supervisors approve the project at the hearing of April 16, 2026.

Location: The project site is located in the Elk River area, on the south side of Elk River Road, approximately 2,100 feet south of the intersection of Wrigley Road and Elk River Road, on the property known as 8224 Elk River Road.

General Plan Amendment Required Findings and Criteria: Section G-P8 of the Humboldt County General Plan, states amendments may be approved only if the following findings are made:

1. Proposed revision is in the public interest.
2. Proposed revision is consistent with the Guiding Principles in Section 1.4.
3. Proposed revision is applicable with the goals of the Plan.

Preserving the 4.36-acre proposed parcel with the existing residence as housing stock is in the public interest. Should the 4.36-acre developed parcel not be separated from the 77-acre Agricultural Preserve, the residence would need to be destroyed. This would result in the loss of a residential unit which would be detrimental to a housing supply shortage and property tax revenue, which is not in the public interest.

The proposed General Plan Amendment and Zone Reclassification is consistent with the County General Plan and Guiding Principles. The change in land use designation would allow a smaller parcel size to maintain the existing character of the area. The Guiding Principles of the General Plan focus on preserving the county's unique character and quality of life, specifically focusing on preserving and enhancing the diverse character of Humboldt County.

The Housing Element identifies existing and projected housing needs and establishes goals, policies and standards to implement the preservation, improvement and development of housing. Goal number 2 of the General Plan Housing Element focuses on providing an adequate supply of all types of housing, affordable for all income levels in all areas of the county. Destroying the residence would not support this goal. Within the Conservation and Open Space Element Biological Resources section of the General Plan, policy number BR-G3, fish and wildlife habitats should also be protected on a sustainable basis to generate long-term public, economic, and environmental benefits. As identified within the Public Lands Section of the General Plan, the Headwaters Forest is one of the four most significant publicly owned areas within Humboldt County. Maximizing the long-term public and

economic benefits from biological resources within the county by maintaining and restoring fish and wildlife habitats is a core focus of the General Plan. The BLM owns multiple properties along the Elk River, adjacent and contiguous to the subject property, and by acquiring the property, conservation and public access will expand along this water way. Approving the amendment to change the Land Use Designation and zoning on the 4.36-acre developed portion of the property, and if approved the partial cancellation of the Williamson Act Contract, will maintain the established uses and be consistent with the comprehensive view of the General Plan.

Zone Reclassification Required Findings for all Amendments: Section 312-50 of the Humboldt County Code Zoning Regulations, states amendments may be approved only if the following findings are made:

1. The amendment is in the public interest;
2. The amendment is consistent with the County General Plan; and
3. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Protecting contiguous open space for public access and habitat conservation and retaining existing housing is in the public interest. Preserving the house as part of the county housing stock is consistent with the General Plan, and the change in zoning achieves this purpose.

Agricultural Preserve Tentative Approval of Cancellation 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 tentatively approve cancellation of Agricultural Preserves in Sections 51280 et seq. and 51296(k) of the Government Code. The following findings must be made to tentatively cancel the Agricultural Preserve Contract:

That the cancellation is in the public interest as evidenced by the following:

1. That other public concerns substantially outweigh the objectives of the California Land Conservation Act of 1965; and
2. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

The partial cancellation of the Williamson Act Contract on the Westfall Agriculture Preserve is in the public interest and substantially outweighs the objectives of the Williamson Act as it saves a unit of housing, in which there is a shortage in the county. The existing single-family residence and barn were built prior to 2008 when the property became an agricultural preserve. Since the house and barn are existing, there is no available proximate noncontracted land that is more suitable for the

development. The entire 77-acre property has already been approved and recorded to be placed into non-renewal status under PLN-2025-19186 and will be completely removed from the Williamson Act Contract on Dec. 31, 2034. The Williamson Act Contract cancellation proposed on the 4.36-acre parcel allows for the immediate removal of the Williamson Act contract (versus in 9 years with the non-renewal application) and allows the property to be sold separately and the house and barn to remain intact.

If the cancellation request for the 4.36-acre portion is approved by the Board of Supervisors, cancellation fees are required. Unless waived or deferred, the applicant must pay a cancellation penalty fee amounting to 25% of the appraised value of the property as if it were not subject to contract within one year after approval of cancellation (12.5% shall be distributed to the state and 12.5% to the county). Although requests can be made to waive or defer the state penalty fee, the state has not granted any requests to date. However, the Board may choose to waive or defer the county's 12.5% cancellation fee. In October 2025, the Assessor's office gave a fee appraisal for the 4.36-acre parcel with a value of \$550,000, which would equal a \$68,750 penalty fee to both the state and the county (\$137,500 in total). At the Williamson Act Advisory meeting, the committee did not approve waiving the penalty fee, stating that it was not appropriate if the area that was cancelling the contract was going to be sold to a private buyer.

Based on review of Planning Division reference sources and comments from all responding referral agencies, Planning staff believe that the applicant has submitted evidence in support of making all of the required findings for approving the General Plan Amendment, Zone Reclassification and immediate partial cancellation of the Williamson Act Contract on the 4.36-acre portion of the Westfall Agricultural Preserve.

This proposed division has been reviewed and determined to comply with the Subdivision Map Act, and no additional action by the Board is required at this time.

SOURCE OF FUNDING:

Applicant fees.

FINANCIAL IMPACT:

The administrative cost of the General Plan Amendment and Zone Reclassification does not impact the General Fund. If the cancellation request for the 4.36-acre portion is approved by the Board of Supervisors, cancellation fees are required. Unless waived or deferred, the applicant must pay a cancellation penalty fee amounting to 25% of the appraised value of the property as if it were not subject to contract within one year after approval of cancellation (12.5% shall be distributed to the state and 12.5% to the county). Although requests can be made to waive or defer the State penalty fee, the state has not granted any requests to date. However, the Board may choose to waive or defer the county's 12.5% cancellation fee. In October 2025, the Assessor's office gave a fee appraisal for the

4.36-acre parcel with a value of \$550,000, which would equal a \$68,750 penalty fee to both the state and the county.

STAFFING IMPACT:

The General Plan Amendment, Zone Reclassification and Agricultural Preserve partial cancellation will not have any impact on staffing.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either recommended approval or conditioned approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors could elect not to approve the project. This alternative should be implemented if your Board is unable to make all of the required findings. Planning Division staff is confident that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Draft Resolution
2. General Plan Amendment and Zone Reclassification Site Map
3. Draft Ordinance for Adoption by the Board of Supervisors
4. Exhibit 2A: Legal Parcel Descriptions
5. Exhibit 2B: Map
6. Post Adoption Summary of Ordinance
7. Tentative Cancellation Contract
8. Conditions of Approval
9. Location Map
10. PC Approval Packet April 16, 2026, Staff Report and Attachments
11. Public Comment

PREVIOUS ACTION/REFERRAL:

Meeting of: March 26, 2026 File No.: 26-172

Meeting of: April 16, 2026 (Planning Commission) File No.: 26-344