



COUNTY OF HUMBOLDT

For the meeting of: 10/6/2022

File #: 22-1326

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

SUBJECT:

Hansen Family Agricultural Preserve

Case Number PLN-2022-17731

Assessor Parcel Numbers (APNs) 106-101-006-000, 106-101-007-000, 106-101-008-000, 106-111-002-000
Ferndale Area

An application to establish a Class C Agricultural Preserve, Hansen Family Agricultural Preserve, of approximately 115 acres in the Ferndale area pursuant to the California Land Conservation Act, otherwise known as the Williamson Act, and the Guidelines for Establishment of Agricultural Preserves in the County of Humboldt, Res. No. 16-144 Humboldt County Williamson Act Guidelines. The property is owned by Darren and Karen Hansen and is utilized as an organic dairy farm, to grow hay and to raise beef cattle. The subject property consists of four Assessor's Parcel Numbers (APNs). A Zone Reclassification is proposed to place approximately 23 acres of land zoned Unclassified in APN 106-111-002 into the Agricultural Exclusive zone district in order to facilitate the establishment of the Agricultural Preserve. The project is categorically and statutorily exempt from environmental review pursuant to Sections 15317 and 15061b(3) of the CEQA Guidelines.

RECOMMENDATION(S):

That the Planning Commission:

1. Describe the application as part of the Consent Agenda
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as part of the Consent Agenda; and
4. Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 - a. Recommend that the Board of Supervisors find the project exempt from environmental review pursuant to Sections 15061(b,3) and 15317 of the State CEQA Guidelines; and
 - b. make all of the required findings for approval of the Zone Reclassification, and Agricultural Preserve and Land Conservation Contract; and
 - c. approves the Zone Reclassification and Agricultural Preserve subject to the recommended conditions of approval (Exhibit A); and
 - d. enter into a Land Conservation Contract with Darren and Karen Hansen.

DISCUSSION:

Executive Summary: Application has been made to establish an approximately 115 acre Class "C"

Agricultural Preserve in the Ferndale area (Hansen Family Agricultural Preserve). The property is owned by Darren and Karen Hansen, who use the land for an organic dairy farm, as well as to raise beef cattle, and to grow hay.

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 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 “C” Cropland Preserve and contract, the preserve area must contain at least 100 acres of cropland (i.e. tillable soil) and no individual lot or parcel should be less than 20 contiguous acres. The land must be in an agricultural designation and zoned for agricultural use. 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. The land within a cropland preserve must consist of either prime land or tillable non-prime land of statewide or local significance, or both. While under contract, the zoning and contract would prohibit any parcel divisions (which includes the sale of separate legal parcels).

The Department has determined that the property consists of four assessor parcels totaling approximately 115 acres which comprise two legally separate parcels. One parcel measures just over the 20 acre minimum size for a lot or parcel The rest of the parcels comprise one legal parcel which contains approximately 95 acres. Approximately 92 acres of the proposed preserve are designated and zoned Agriculture Exclusive while the remaining approximately 23 acres are designated Agriculture Grazing and are currently zoned Unclassified. This application proposes to reclassify the 23 acres to an Agriculture Agricultural Exclusive. The property contains a mixture of prime land (~ 70%) and non-prime land. The land is and has been used for a dairy operation that generates an annual income exceeding the minimum gross income requirement of \$12,000 annually for the last three of five years. There are no outstanding violations on the subject property. The County Public Works Land Use division has recommended approval of the project.

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 June 27, 2022 and recommended approval.

Project Description: An application to establish a Class C Agricultural Preserve (“Hansen Family Agricultural Preserve”) of approximately 115 acres in the Ferndale area pursuant to the California Land Conservation Act, otherwise known as the Williamson Act, and the Guidelines for Establishment of Agricultural Preserves in the County of Humboldt, Res. No. 16-144 (“Humboldt County Williamson Act Guidelines”). The property is owned by Darren and Karen Hansen and is utilized as an organic dairy farm, to grow hay and to raise beef cattle.

The subject property consists of four Assessor Parcel Numbers (APNs). While one APN describes a parcel too small to be in the preserve (106-101-008, approximately 2 acres), research on the parcel’s origins revealed three APNs describe one legal parcel (106-101-007, 106-101-008, and 106-111-002). The fourth parcel (106-101-006) contains 20.44 acres per GIS but only 19.63 acres per the Assessor Lot size; therefore, the applicant seeks a minor modification to the requirement that each parcel be at least 20 acres so this parcel can be included. Minor modifications to minimum preserve areas or individual lots or parcels may be approved by the Board of Supervisors per Section 1.E of the Humboldt County Williamson Act Guidelines. Also a Zone Reclassification

is proposed to reclassify approximately 23 acres of land currently zoned Unclassified in APN 106-111-002 to Agricultural Exclusive.

Project Location: The project is located in Humboldt County, in the Ferndale area, on the West side of Lawson Lane, approximately 0.35 miles South from the intersection of Grizzly Bluff Road and Lawson Lane, on the properties known as 302 Lawson Lane and 530 Harbers Lane, both in Ferndale.

Present General Plan Land Use Designation: Agriculture Exclusive (AE) in the Eel River Area Plan (ERAP); Agriculture/Grazing (AG) in the General Plan (Inland).

Present Zoning: (Coastal) Agriculture Exclusive-Minimum lot size 60 acres, Wetland Protection, Flood Hazard, Streams and Riparian Corridor Protection, Transitional Agricultural Lands (AE-60 - W,F,R,T); (Inland) Unclassified (U).

Environmental Review: Project is categorically exempt from environmental review per Class 17, Section 15317 of the CEQA Guidelines and statutorily exempt per Section 15061(b)(3) of the CEQA Guidelines.

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

Major concerns: None.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either recommended approval or conditional approval. (Attachment 4)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could recommend not to recommend that the Board 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 Plan
2. Location Map
3. Applicant's Evidence in Support of the Required Findings
 - A. WAC Draft Minutes 6.27.22
4. Referral Agency Comments and Recommendations

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-

Record Number PLN-2022-17731

Assessor Parcel Numbers 106-101-006-000, 106-101-007-000, 106-101-008-000, 106-111-002-000

Resolution by The Planning Commission of the County of Humboldt to recommend that the Board of Supervisors reclassify 23 acres of land from Unclassified to Agricultural Exclusive, establish the Hansen Family Agricultural Preserve and enter into a Land Conservation Contract.

WHEREAS, Darren and Karen Hansen have applied to establish a Class C Agricultural Preserve in the Ferndale area of approximately 115 acres, 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; (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 Department has determined that the zone reclassification from Unclassified into the more restrictive Agriculture Exclusive zone is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15061 (b)(3)); 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 and zone reclassification (Case No. PLN-2022-17731); and

WHEREAS, on **October 6, 2022**, the Planning Commission has reviewed and considered said reports and other written evidence and testimony presented to the Commission; and

Now, THEREFORE BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors makes all the following findings:

- 1. FINDING:** **Project Description:** Application for a zone reclassification to reclassify approximately 23 acres of land zoned Unclassified as Agriculture Exclusive, establishment of a Class C Agricultural Preserve ("Hansen

Family Agricultural Preserve”) of approximately 115 acres and execution of a Land Conservation Contract pursuant to the California Land Conservation Act, otherwise known as the Williamson Act.

EVIDENCE: Project file: PLN-2022-17731

2. FINDING: **CEQA.** The proposed project is statutorily and categorically exempt from the provisions of the California Environmental Quality Act (CEQA).

EVIDENCE: a) Section 15317 of the CEQA Guidelines categorically exempts the establishment of agricultural preserves and open space contracts.

b) Section 15061(b,3) exempts projects where it can be seen with certainty that there is no possibility of significant environmental impacts associated with the project. In this case the rezone of approximately 23 acres from unclassified to a more restrictive Agriculture Exclusive zone to facilitate an agricultural preserve has no possibility of significant environmental impacts.

FINDINGS FOR THE ESTABLISHMENT OF THE AGRICULTURAL PRESERVE

3. FINDING: The proposed development is in consistent with the County's General Plan.

EVIDENCE: The Eel River Area Plan (ERAP) recognizes the importance of agriculture and local agricultural resources in several goals and policies. Section 3.34 of the ERAP, “Agriculture,” states “The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy and conflicts shall be minimized between agricultural and urban land uses.” Numerous policies aim to sustain the productivity of agricultural lands such as limiting land divisions and developments that impair agricultural production and discouraging conversion to non-ag uses on ag lands (Section 30253.1.d, Section 30242, and Section 3.24 “Agriculture within the Urban Limit”) Resource protection policies in the ERAP recognize the importance of transitional agricultural lands. Chapter 4.5 of the Humboldt County General Plan “Agricultural Resources” also acknowledges the significance of agriculture in Humboldt County. The two goals listed under 4.5.3 include “Agricultural Production – economically viable agricultural operations contributing to the growth and stability of the economy and a strong market demand for agricultural lands dedicated to agricultural production” and also “Preservation of Agricultural Lands – agricultural land preserved to the maximum extent possible for continued agricultural use in parcel sizes that support economically feasible agricultural operations.” A specific policy, AG-P3, is to “Support the Williamson Act Property Tax Incentive Program” by continuing, enhancing, and growing the County Williamson Act program. 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 Williamson Act Contracts restrict subdivision of preserve lands, rendering rights of division as subservient to the contract for Class C. Several additional policies in Chapter 4.5 of the

Humboldt County General Plan prioritize the conservation of agricultural lands and soils (AG-P5, AG-P6, AG-P16). Establishing agricultural preserve clearly aligns with the Humboldt County General Plan.

- 4. FINDING:** 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.

EVIDENCE: The proposed preserve land has historically been used is utilized as an organic dairy farm, as well as to raise beef cattle, and to grow hay. The proposed preserve would support and encourage continuation of commercial agricultural uses through contractual obligation. Based on information submitted, the establishment of the preserve will not conflict with any adjoining or surrounding land uses. The Humboldt County Williamson Act Advisory Committee has reviewed the proposed preserve and recommend approval.

CLASS C CRITERIA – HUMBOLDT COUNTY WILLIAMSON ACT GUIDELINES

- 5. FINDING:** The preserve area must not be less than 100 acres of cropland (i.e. tillable soils) with no individual parcel of less than 20 acres. The land must be in an “agricultural” designation on the Humboldt County General Plan and be zoned for agricultural use.

EVIDENCE: The total proposed preserve area is approximately 115 acres. Three of the four APN proposed to be included comprise one legal parcel and contain approximately 95 acres. The other parcel is 20 acres in size. The proposed preserve land is all designated “Agriculture Exclusive” or “Agriculture Grazing” in the General Plan. The land is all zoned “Agriculture Exclusive” except for approximately 23 acres zoned Unclassified (“U”), which is proposed to be rezoned as part of this application to Agriculture Exclusive.

- 6. FINDING:** Lands not zoned Timber Production (“TPZ”) within the preserve must be placed in an agricultural zone with minimum parcel sizes as determined by the Planning Commission and Board of Supervisors prior to the execution of the contract. All rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract.

EVIDENCE: A majority of the proposed preserve land is zoned Agriculture Exclusive with a minimum parcel size of 60 acres, with combining zones for Wetland Protection, Flood Hazard, Streams and Riparian Corridor Protection, Transitional Agricultural Lands (AE-60 – W,F,R,T). There are 23 acres outside the coastal zone (“Inland”) that are zoned Unclassified (U). The land zoned Unclassified will be rezoned to an Agriculture Exclusive

- 7. FINDING:** Land must consist of prime land or tillable non-prime land of statewide or local significance, or a combination of prime or tillable non-prime lands.

EVIDENCE: Much of the subject property consists of prime agricultural land as defined in Government Code 51201. The land has supported an organic

family dairy farm since the early 1930s. There are currently about 75 milking cows and 30 beef cattle, plus offspring. The land's ability to support livestock for production of food and fiber, and demonstrated carrying capacity of over one animal unit per acre as defined by the USDA, qualify it as prime agricultural land. In addition much of the soil is rated 80-100 in the Storie Index Rating.

FINDINGS FOR ZONE RECLASSIFICATION

- 8. FINDING:** The amendment is in the public interest.
- EVIDENCE:** The zone reclassification is necessary, due to program requirements, to establish the proposed lands as an agricultural preserve. Establishing such preserves is in the public best interest to protect spaces for agricultural and open space uses. 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 guidelines for a Class C agricultural preserve stipulate that the land must be zoned AE or AG if it is not TPZ. Approximately 23 acres of proposed preserve land is zoned Unclassified ("U") and therefore is proposed to be rezoned to Agriculture Exclusive. This new more restrictive zoning, along with specified minimum parcel size, and proposed Land Contract, would all prohibit future parcel division and discourage conversion away from agricultural uses of the land. Long term conservation of agricultural lands and open spaces is in the public interest.
- 9. FINDING:** The amendment is consistent with the County General Plan.
- EVIDENCE:** The amendment increases land zoned for agriculture in the County. Chapter 4.5 of the Humboldt County General Plan "Agricultural Resources" includes numerous goals related to preserving agricultural resources including the "Preservation of Agricultural Lands – agricultural land preserved to the maximum extent possible for continued agricultural use in parcel sizes that support economically feasible agricultural operations." Several additional policies in Chapter 4.5 of the Humboldt County General Plan prioritize the conservation of agricultural lands and soils (AG-P5, AG-P6, AG-P16). Therefore placing more land in agricultural zones aligns with the County General Plan.
- 10. FINDING:** The zone reclassification 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.
- EVIDENCE:** The parcels are zoned and planned for resource production and were not utilized for determining compliance with housing element law.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Recommends that the Humboldt County Board of Supervisors approve the **Hansen Family Preserve Zone Reclassification, Agricultural Preserve and enter into a Land Conservation Contract with Darren and Karen Hansen.**

Adopted after review and consideration of all the evidence on **October 6, 2022.**

The motion was made by Commissioner _____ and seconded by Commissioner _____ and the following ROLL CALL vote:

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. Ford, Secretary 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.

John H. Ford, Director,
Planning and Building Department