



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Date: August 18, 2022

To: Humboldt County Planning Commission

From: John H. Ford, Director, Planning and Building Department

Subject: **Hunter Ranch** Agricultural Preserve

Case Numbers PLN-2022-17674,

Assessor Parcel Numbers (APNs) 315-194-001-000, 315-195-001-000, 315-196-001-000, 315-201-001-000, 315-202-003-000, 315-203-005-000, 315-204-004-000, 315-204-005-000, 315-205-001-000, 315-206-006-000, 315-212-005-000, 315-213-003-000, 315-241-004-000, 315-242-001-000, 315-243-001-000, 315-244-003-000, 315-245-005-000, 315-251-002-000, 315-251-003-000, 315-252-004-000, 315-252-005-000, 315-253-001-000, 317-071-007-000, 317-075-004-000, 317-076-001-000, 317-081-001-000, 317-082-004-000, 317-085-003-000, 317-086-001-000, 317-121-002-000, 317-131-002-000, 317-132-015-000, 317-133-011-000

Korbel area

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Please contact Debbie Peticara, Planner, at (707) 445-7541, or by email at dpeticara@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

Copy: Assessor's Office

AGENDA ITEM TRANSMITTAL

Meeting Date August 18, 2022	Subject Agricultural Preserve	Contact Debbie Peticara
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Project: An application to place approximately 14,792 acres of Hunter Ranch into a Class B Grazing Land Agricultural Preserve ("Hunter Ranch Agricultural Preserve") 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"). In order to create this preserve a Zone Reclassification is required, to rezone approximately 10 acres from Unclassified to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)).

Project Location: The project is located in Humboldt County, in the Korbelt area, in section 12 of Township 3 North, Range 4 East, Humboldt Base and Meridian, on the parcel located on USFS 1 RT.

Present Plan Designations: Agricultural Grazing (AG) and Timber (T) in the General Plan (Inland).

Present Zoning: (Inland) Agriculture Exclusive (AE), Timber Production Zone (TPZ), and approximately 10 acres of Unclassified (U) on one parcel.

Assessor Parcel Numbers: 315-194-001-000, 315-195-001-000, 315-196-001-000, 315-201-001-000, 315-202-003-000, 315-203-005-000, 315-204-004-000, 315-204-005-000, 315-205-001-000, 315-206-006-000, 315-212-005-000, 315-213-003-000, 315-241-004-000, 315-242-001-000, 315-243-001-000, 315-244-003-000, 315-245-005-000, 315-251-002-000, 315-251-003-000, 315-252-004-000, 315-252-005-000, 315-253-001-000, 317-071-007-000, 317-075-004-000, 317-076-001-000, 317-081-001-000, 317-082-004-000, 317-085-003-000, 317-086-001-000, 317-121-002-000, 317-131-002-000, 317-132-015-000, 317-133-011-000

Applicant

Hunter Ranch, LLC
c/o Manchester Capital
Management
Attn: Jeremy Heidrick
1157 Coast Village Rd A
Montecito, CA 93108

Owner

Same

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

Major Issues: None.

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

HUNTER RANCH AGRICULTURAL PRESERVE

Case Number PLN-2022-17674; Assessor Parcel Numbers (APNs) 315-194-001-000, et al.

Recommended Planning Commission Action

1. Describe the application as part of the consent agenda.
2. Survey the audience for any person who wishes to discuss the project.
3. If no one requests discussion, make the following motion to approve the project as part of the consent agenda.

Adopt the Resolution to recommend that the Board of Supervisors find the project exempt from environmental review pursuant to Section 15061 (b,3) and 15317 of the State CEQA Guidelines, make all of the required findings for approval of the Zone Reclassification, Agricultural Preserve and Land Conservation Contract, and approve the Zone Reclassification and Agricultural Preserve and enter into a Land Conservation Contract with Hunter Ranch LLC.

Application has been made to establish a Class "B" agricultural preserve of approximately 14,792 acres in the Korbel area. The property is owned by Edward W. Cronin Jr. and is used by Hunter Ranch LLC/Manchester Capital Management for cattle grazing.

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 "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 land 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 33 assessor parcels of approximately 14,792 acres. Each parcel is more than 160 contiguous acres. The land is classified as "non-prime agricultural land of statewide or local significance" and is designated Agriculture Grazing and/or Timber Production in the Humboldt County General Plan (Inland). The land is zoned Agriculture Exclusive ("AE") and Timber Production ("TPZ") with the exception of approximately 10 acres on APN 315-204-004-000 which are zoned Unclassified ("U"). The U-zoned portion is proposed as part of this application to be reclassified to Agriculture Exclusive ("AE") with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE-B-5(160)). The current and proposed Agriculture Exclusive zoning and proposed contract prohibit further parcel divisions. Once zone reclassification occurs the subject land meets all the requirements for a Class "B" Grazing Land Preserve. The slope stability is considered highly unstable and the land is and has been used by Hunter Ranch for grazing. The ranch's income exceeds the minimum gross income for a preserve for the last three out of five years.

There are no outstanding zoning violations on the subject property. While the Northwest Information Center recommended professional surveys be completed to assess potential and known archaeological sites and buildings with possible historical value there is no proposed development or changes to the land or to any of the buildings as a result of this 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.

Alternatives: 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.

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

Resolution Number 22-091

Record Number PLN-2022-17674

Assessor's Parcel Numbers: 315-194-001-000, 315-195-001-000, 315-196-001-000, 315-201-001-000, 315-202-003-000, 315-203-005-000, 315-204-004-000, 315-204-005-000, 315-205-001-000, 315-206-006-000, 315-212-005-000, 315-213-003-000, 315-241-004-000, 315-242-001-000, 315-243-001-000, 315-244-003-000, 315-245-005-000, 315-251-002-000, 315-251-003-000, 315-252-004-000, 315-252-005-000, 315-253-001-000, 317-071-007-000, 317-075-004-000, 317-076-001-000, 317-081-001-000, 317-082-004-000, 317-085-003-000, 317-086-001-000, 317-121-002-000, 317-131-002-000, 317-132-015-000, 317-133-011-000

Resolution by The Planning Commission of the County of Humboldt to establish Hunter Ranch Agricultural Preserve.

WHEREAS, Hunter Ranch LLC have applied to place approximately 14,792 acres into a Class "B" Agricultural Preserve in the Korbelt 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 Department has determined that the zone reclassification from Unclassified into the more restrictive Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE-B-5(160)) 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-2022-17674); and

WHEREAS, 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:

- FINDING:** **Project Description:** Establishment of a Class B Agricultural Preserve of approximately 14,792 acres 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"). Additionally, a Zone Reclassification to rezone approximately 10 acres from Unclassified to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)).

EVIDENCE: Project file: PLN-2022-17674

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

EVIDENCE: Section 15317 of the CEQA Guidelines categorically exempts the establishment of agricultural preserves and open space contracts. 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 10 acres from unclassified to Agricultural Exclusive to facilitate an agricultural preserve has no possibility of significant environmental impacts.

FINDINGS FOR THE ESTABLISHMENT OF THE AGRICULTURAL PRESERVE

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

EVIDENCE: Chapter 4.5 of the Humboldt County General Plan "Agricultural Resources" recognizes 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. 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). The proposed preserve land is

designated Agriculture Grazing and Timber Production by the Humboldt County General Plan. The proposed preserve would protect and preserve nearly 15,000 acres of agricultural land in the County

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 as grazing land by Hunter Ranch LLC. In addition to grazing, the forested portions of the land support timber production and are zoned as such. 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 have reviewed the proposed preserve and recommend approval.

CLASS B CRITERIA – HUMBOLDT COUNTY WILLIAMSON ACT GUIDELINES

5. **FINDING:** The preserve area should not be less than 600 acres with no individual lot or parcel of less than 160 contiguous acres

EVIDENCE: The subject property totals approximately 14,792 acres. No individual lot or parcel is less than 160 acres.

6. **FINDING:** Land not zoned Timber Production ("TPZ") within the preserve must be placed within the Agricultural Exclusive ("AE") zoning district with a combining zone specifying a minimum lot size of 160 acres prior to the execution of the contract. All rights of division are subservient to the enforceable restrictions secured by the Land Conservation Contract and Section 8 of the Humboldt County Williamson Act Guidelines.

EVIDENCE: A vast majority of the proposed land is zoned TPZ or AE. Approximately 10 acres on APN 315-204-004-000 is zoned Unclassified ("U"). This portion is proposed as part of this application to be reclassified to AE, with a Special Building Site combining zone establishing a 160 acre minimum parcel size (AE-B-5(160)). The minimum parcel size also restricts division of this land. With the adoption of the zone reclassification, all of the proposed preserve land will be zoned for agriculture (AE or TPZ).

7. **FINDING:** The land shall consist of non-prime agricultural land of statewide or local significance.

EVIDENCE: Per Section 1.F(5) non-prime agricultural land means "lands, including grazing lands, which are not prime agricultural land as defined in Section 51201(c) of the Government Code, that are designated for agricultural use in the General Plan, and which are in agricultural use, have present or future potential for significant agricultural production, or provide for compatible open space uses consistent with the purposes of the Williamson Act."

All land within the proposed preserve is non-prime agricultural land. It has an Agricultural designation in the County General Plan (AG and/or T). The land has been used for commercial agricultural production, for grazing by a ranch. The Slope Stability of the land is rated "3" as being the least stable.

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 B agricultural preserve stipulate that the land must be zoned AE if it is not TPZ. The parcel on Hunter Ranch containing a small portion zoned Unclassified (APN 315-204-004) is about 175 acres total. Changing the approximately 10 acres zoned "U" to "AE" with a Special Building Site combining zone establishing a 160 acres minimum allows this parcel and thus 175 more acres to be included in the preserve. The new, more restrictive, zoning district; specified minimum parcel size; and proposed Land Contract would all prohibit future parcel division and discourage conversion away from agricultural uses of the land. 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 Humboldt County General Plan has numerous goals and policies related to protecting and preserving its agricultural assets and economy. Chapter 4.5 of the Humboldt County General Plan "Agricultural Resources" recognizes 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.*"

The land proposed for this preserve is designated in the General Plan as Agriculture Grazing and Timber Production, or just Timber Production. The portion of the parcel proposed for a zone reclassification (~10 acres) is currently zoned Unclassified ("U"). The rest of the parcel, and proposed

preserve land is zoned AG; TPZ, or TPZ. Reclassifying from Unclassified to the more restrictive Agriculture Exclusive helps ensure the land is used for agricultural purposes and not prematurely subdivided for competing urban land uses. Entering into Land Conservation Contracts such as when creating an agricultural preserve also helps ensure the land is protected for agricultural uses. Therefore staff believes the zoning reclassification enabling an agricultural preserve land contract to be entered is consistent with the goals and policies of the 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 **Hunter Ranch LLC Zone Reclassification, Agricultural Preserve and enter into a Land Conservation Contract with Hunter Ranch LLC.**

Adopted after review and consideration of all the evidence on **August 18, 2022.**

The motion was made by Commissioner Brian Mitchell and seconded by Commissioner Noah Levy and the following ROLL CALL vote:

AYES: Commissioners: Alan Bongio, Noah Levy, Brian Mitchell, Thomas Mulder, Peggy O'Neill, Melanie McCavour, Mike Newman
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion Carries 7/0

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

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. The applicant shall submit a legal description of the Agricultural Preserve for review and approval by the County Land Surveyor. The applicable review fee (currently \$420.00) must accompany the legal description. The legal description must be approved by the County Land Surveyor prior to the Land Conservation Contract application being scheduled for a decision by the Board of Supervisors.
2. **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.

Informational Note: Section 1B(1) of the Humboldt County Williamson Act Guidelines establishes the minimum parcel size requirement for entry into a Class B Preserve . The records check conducted by the Department for this application did not identify any separate parcels within the described ownership of a size below this minimum required for entry into a Class B Preserve. A complete chain of title review was not conducted and a Determination of Status leading to the recordation of Certificates of Compliance pursuant to Government Code Section 66499.35 was not performed. **If, through a title search outside of this review process, the property owner discovers the existence of separate legal parcels below the minimum size established by the Humboldt County Williamson Act Guidelines for Class B Preserves, those parcels will be subject to new merger pursuant to Humboldt County Code Section 327.5-1 et seq.**