



COUNTY OF HUMBOLDT

For the meeting of: 11/30/2023

File #: 23-1558

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Sanders Hurlbutt Lot Line Adjustment, Zone Boundary Adjustment, and Amended Land Conservation Contract

Assessor Parcel Numbers: 214-141-001 and 223-141-010

Record Number: PLN-2023-18159

Redway area

A Lot Line Adjustment (LLA) between two parcels of approximately 328 acres (Parcel 1) and 167 acres (Parcel 2). The LLA will exchange 13.1 acres resulting in no change to parcel sizes. A Zone Boundary Adjustment (ZBA) is also requested to adjust the zone boundaries between the Timberland Production Zone (TPZ) and Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5 (160)) zone to coincide with the adjusted parcel boundaries. The purpose of the LLA is to make the property lines work better with the topography of the parcels and to achieve an equal exchange of acreage between the two parcels as part of an agreement to bring PG&E power to the Sanders parcel along an existing PG&E easement currently on the Hurlbutt property. As part of the LLA, the existing Hurlbutt Williamson Act contract will be amended to accommodate the exchange of lands. APN 214-141-001 is currently utilized for grazing cattle and APN 223-141-010 has an approved cannabis cultivation permit (PLN-11874-CUP). No development is proposed.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:
 - a. Find the project exempt from further environmental review pursuant to Sections 15305 (a), 15317, and 15061(b)(3) of the State CEQA Guidelines; and
 - b. Make all of the required findings for approval based on evidence in the staff report and public testimony and recommend the project to the Board of Supervisors for approval as described in the Agenda Item Transmittal, subject to the recommended conditions of approval.

DISCUSSION:

Project Location: The project site is located in the Redway area, on the north side of Dean Creek

Road, approximately one mile northeast from the intersection of State Highway 101 and Dean Creek Road, on the property known as 30 Dean Creek Road. The Williamson Act property is approximately 5,000 acres north of Dean Creek, east of U.S. Route 101, and south of Rocky Glen Creek.

Present Plan Land Use Designations: 214-141-001: Agricultural Grazing (AG), Humboldt County General Plan. Density: T: 40-160 acres per unit. Slope Stability: High Instability (3).

223-141-010: Timberland (T), Humboldt County General Plan. Density: 40 - 160 acres per unit. Slope Stability: High Instability (3).

Present Zoning: 214-141-001: Agriculture Exclusive with a 10-acre minimum parcel size (AE-B-5 (160)).

223-141-010: Timberland Production Zone (TPZ) and Agriculture Exclusive (AE).

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 Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major Issues: None

Executive Summary: The Hurlbutt Agricultural Preserve was established as a Class B preserve of approximately 6,000 acres in 1978 and later amended in 2005 to approximately 5,000 acres and has remained in the County's Williamson Act program since its' establishment. The property owner immediately south of the Hurlbutt preserve has an approved Conditional Use Permit for 20,000 square feet of pre-existing commercial cannabis cultivation occurring in greenhouses and in full sun. The LLA will exchange 13.1 acres resulting in no change to parcel sizes. The ZBA would adjust the zone boundaries between the Timber Production Zone (TPZ) and Agriculture Exclusive with a 160-acre minimum parcel size (AE-B-5(160)) zone to coincide with the adjusted parcel boundaries. The purpose of the LLA is to make the property lines work better with the topography of the parcels and to achieve an equal exchange of acreage between these two parcels as part of an agreement to bring PG&E power to the Sanders parcel along an existing PG&E easement on the Hurlbutt property. As part of the LLA, the existing Hurlbutt Williamson Act contract will be amended to accommodate the exchange of lands.

All land area within a Class B preserve must be zoned AE-B5(160) with the exception of any area zoned TPZ, and the majority of the Sanders property is zoned TPZ, with an area of AE zoned land in the southeast corner. Accordingly, a ZBA would be processed along with the LLA and Land Conservation Contract Amendment, to align the zone boundary with the revised property line.

Government Code Section 51257 allows for parties under a Land Conservation Contract to mutually agree to rescind the contract and simultaneously enter into a new contract provided that the Board of Supervisors makes the appropriate findings under this section. Below is an analysis of the Section 51257 findings:

1. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

The Hurlbutt contract automatically renews every year for a rolling ten-year period. The new contract will have the same rolling ten-year renewal period.

2. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, the finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

The lot line adjustment is for an equal exchange of land area where 13.1 acres is being adjusted out of the land under contract, and 13.1 acres is being added. There is no net change in acreage that will be restricted.

3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

The lot line adjustment results in the removal of 13.1 acres of the approximately 5,000-acre ranch, resulting in over 99.7% of the land area under the former contract remaining in the contract.

4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain the agricultural use, as defined in Section 51222.

The lot line adjustment results in an equal exchange of land area. The Hurlbutt preserve will remain at approximately 5,000 acres which is large enough to sustain the cattle ranching operation, and the Sanders property will remain large enough to support its agricultural operation.

5. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

There is no evidence that the equal exchange of agricultural land area will compromise the long-term agricultural productivity of the Hurlbutt preserve, and the existing cannabis operation on the Sanders parcel will benefit from the resulting provision of grid power from PG&E.

6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

The lot line adjustment helps to retain the non-restricted adjacent parcel in a viable agricultural operation. Therefore, the adjustment is not likely to result in the removal of any adjacent land

from agricultural use.

7. The lot line adjustment does not result in a greater number or developable parcels that existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

The parcel of land under the Hurlbutt preserve was legally created prior to 1964 and is approximately 334 acres in size. The adjusted 13.1 acres will result in no change in the size of the parcel and does not create an additional developable parcel. The Sanders parcel is a property legally created through Notice of Lot Line Adjustment and Certificate of Subdivision Compliance, Instrument No. 2002-38342. The lot line adjustment will not alter the size or result in any additional development potential. The proposed lot line adjustment is not inconsistent with the General Plan, as it will preserve the long-term agricultural productivity of both parcels.

A letter to determine whether the portion of APN 214-141-001 to be conveyed to APN 223-141-010 is timberland has been prepared by Hohman & Associates Forestry Consultants. Per the letter, that portion of APN 214-141-001 to be conveyed to APN 223-141-010 does meet the definition of timberland based on the findings that it is available for and capable of growing a crop of commercial species (Attachment 3).

The proposed LLA and ZBA were presented to the Forestry Review Committee for consideration on May 25, 2023, and were approved by a vote of 5-0 (Attachment 4).

The Williamson Act Committee reviewed the project on September 13, 2023, and recommended approval by a vote of 4-0 (Attachment 5).

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 7)

RECOMMENDATIONS:

Based on a review of Planning Division reference sources and comments from all responding referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Lot Line Adjustment, Zone Boundary Adjustment, and Amended Land Conservation Contract.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could elect 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 is confident that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Draft Resolution

- A. Conditions of Approval
 - B. Lot Line Adjustment Map
 - C. Draft Ordinance for Adoption by the Board of Supervisors
2. Location Map
 3. TPZ Inclusion Letter
 4. Forestry Review Committee Draft Minutes May 25, 2023
 5. Williamson Act Committee Draft Minutes September 13, 2023
 6. Applicant's Evidence in Support of the Required Findings
 7. Referral Agency Comments and Recommendations

Applicant

Trent Sanders
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Redway, CA 95560

Owners

APN 214-141-001
Willard Hurlbutt Trust
c/o: Willard Hurlbutt
PO Box 283
Garberville, CA 95542

APN 223-141-010

Same as applicant

Agent

Point West Surveying Co.
c/o: Michael Pulley
5201 Carlson Park Drive, Suite 3
Arcata, CA 95521

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.