

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

Resolution Number 24-042

Record Number PLN-2024-18973

Assessor's Parcel Numbers: 403-071-052, 403-071-059, 403-071-060, and 403-071-061

Resolution by The Planning Commission of the County of Humboldt to establish The 2015 Sean O'Day and Kathryn O'Day Family Trust Agricultural Preserve.

WHEREAS, The 2015 Sean O'Day and Kathryn O'Day Family Trust have applied to place approximately 157 acres into a Class "A" Agricultural Preserve and enter into a Land Conservation Contract in the Freshwater 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; (4) the land must be zoned for agricultural purposes; (5) the land must be more than 50 percent prime agricultural land; 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 Section 15317 of CEQA Guidelines; and

WHEREAS, the Department has determined that the Coastal Development Permit to allow the merging of parcels to meet the 20-acre minimum parcel size to qualify for a Class "A" Agricultural Preserve is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15305 (a) of CEQA Guidelines; 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 The 2015 Sean O'Day and Kathryn O'Day Family Trust Agricultural Reserve, Coastal

Development Permit, Notice of Merger, and Land Conservation Contract (Record No. PLN-2024-18973); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on August 1, 2024, and reviewed, considered, and discussed the application for the Agricultural Reserve, Coastal Development Permit, Notice of Merger, and Land Conservation Contract, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings and recommends that the Board of Supervisors makes all the following findings relevant to the establishment of the Agricultural Preserve:

- 1. FINDING:** **Project Description:** An application to establish a Class "A" Agricultural Preserve of approximately 157 acres pursuant to the California Land Conservation Act and the Humboldt County Williamson Act Guidelines and enter into a Land Conservation Contract, and to merge APNs 403-071-052 and 403-071-060 into one parcel of approximately 44 acres in size pursuant to Section 1.A(1) of Humboldt County Board of Supervisors Resolution No. 16-144 (Humboldt County Williamson Act Guidelines). A Coastal Development Permit is required for the merger within the coastal zone.

EVIDENCE: Project file: PLN-2024-18973

- 2. FINDING:** **CEQA.** The proposed project is 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 15305(a) applies to parcel mergers not resulting in the creation of any new parcel.

FINDINGS FOR THE ESTABLISHMENT OF THE AGRICULTURAL PRESERVE

- 3. FINDING:** The proposed project is in consistent with the Humboldt County General Plan and the Humboldt Bay Area 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).

Section 3.24 of the Humboldt Bay Area Plan “Agriculture” establishes that the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas’ agricultural economy. Policy 3.24.B.1(a) states “*Lands outside Urban Limit Lines that are prime agricultural lands based on the adopted definition of prime lands of the State of California shall be planned for continued agricultural use, and no division or development of such lands shall be approved which would lower the economic viability of continued agricultural operations on them.*”

The proposed preserve land is designated Agricultural Exclusive, by the Humboldt County General Plan and Agriculture Exclusive/Prime and Non-Prime Lands by the Humboldt Bay Area Plan. The proposed preserve would protect and preserve approximately 157 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. 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 A CRITERIA – HUMBOLDT COUNTY WILLIAMSON ACT GUIDELINES

5. **FINDING:** The preserve area should not be less than 100 acres with no individual lot or parcel of less than 20 contiguous acres.

EVIDENCE: The subject property totals approximately 157 acres. APNs 403-071-052 and 403-071-060 will be merged into one parcel of approximately 44 acres in size to meet the 20-acre minimum parcel size requirement.

6. **FINDING:** Land not zoned Timberland Production Zone (TPZ) within the preserve must be placed within the Agricultural Exclusive (AE) zoning district 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: The land within the preserve is zoned AE, and AE with a 60-acre minimum parcel size, with Flood Hazard Areas and Transitional Agricultural Lands combining zones (AE-60/F,T).

7. **FINDING:** The land must be more than 50 percent prime agricultural land.

EVIDENCE: Approximately 52 percent of the subject property is considered prime farmland if irrigated and drained.

8. **FINDING:** The land must be devoted to agricultural use and have provided a gross annual income of \$12,000 per ownership unit from agricultural production for three of the last five years.

EVIDENCE: The ranch's income from the sale of cattle averaged approximately \$81,610 a year for three of the last five years, according to the provided income verification.

FINDINGS FOR NOTICE OF MERGER

9. FINDING: Section 327.5-18 Legal, Contiguous Parcels

EVIDENCE: The parcels to be merged include APN 403-071-052 and APN 403-071-060. Per LLA-09-09, APN 403-071-052 is one legal parcel described as Lot 1 as shown on Recorded Survey in Book 68 of Surveys page 49. APN 403-071-060 is one legal parcel described as Parcel Three of Certificate of Compliance, Doc # 2009-14909-5.

10. FINDING: Section 327.5-18 Parcels meet health, building, and zoning requirements.

EVIDENCE: The resultant parcel will be zoned both Agriculture Exclusive (AE) and Agriculture Exclusive with a 60-acre minimum parcel size, with Flood Hazard Areas and Transitional Agricultural Lands combining zones (AE-60/F,T) and the parcels are compliant with the building and zoning requirements.

11. FINDING: Section 327.5-18 Merged parcel will not create health or safety problems.

EVIDENCE: The proposed merger complies with all standards of the zone district which are intended to protect public health, safety and welfare. Based on staff analysis and the findings made in this report, there is no evidence that the proposed merger will be materially injurious to properties or improvements in the vicinity.

FINDINGS FOR COASTAL DEVELOPMENT PERMIT

12. FINDING: The project is consistent with the purposes of both the Agriculture Exclusive/Prime and Non-Prime Lands (AE) land use designation and resource policies of the Humboldt Bay Area Plan.

EVIDENCE: The project is for a merger between two parcels of approximately 4.36 acres and 40.06 acres, resulting in one parcel of approximately 44 acres. The properties are used for cattle grazing. The merger is necessary to establish the agricultural preserve as no individual parcel

of land within a Class "A" Prime Land Preserve may be less than 20 acres in size. As no development is proposed, the proposed merger will not increase risk of hazard or impact biological resources, cultural resources, or coastal resources. The proposed merger will not preclude the long-term agricultural use of the property and is consistent with the AE designation.

13. FINDING: The project is consistent with the purposes of the Agriculture Exclusive with a 60-acre minimum parcel size, with Flood Hazard Areas and Transitional Agricultural Lands combining zones (AE-60/F,T) zone.

EVIDENCE: The project is for a merger between two parcels of approximately 4.36 acres and 40.06 acres, resulting in one parcel of approximately 44 acres. The properties are used for cattle grazing. The merger is necessary to establish the agricultural preserve as no individual parcel of land within a Class "A" Prime Land Preserve may be less than 20 acres in size. The merger meets minimum parcel size, lot width, yard setbacks, and maximum lot depth requirements. As no development is proposed, the merger would not increase the possibility of public and private losses due to flood and tsunami conditions or interfere with the purpose of the Transitional Agricultural Lands combining zone, which is to maintain long-term wetland habitat values and minimize short-term habitat degradation within environmentally sensitive habitat areas. The merger will not preclude future principally permissible uses of the parcel.

14. FINDING: The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.

EVIDENCE: The proposed merger complies with all development standards of the zone district which are intended to protect public health safety and welfare. There is no evidence that the merger will be materially injurious to properties or improvements in the vicinity.

15. FINDING:

The proposed project 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 unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

EVIDENCE:

The proposed merger will have no net effect on housing densities. The parcels are planned and zoned for agriculture. Neither of the parcels were included in the 2019 County Housing Inventory. The merger is necessary to establish the agricultural preserve as no individual parcel of land within a Class "A" Prime Land Preserve may be less than 20 acres in size. No new development is proposed. The project is consistent with the County's Housing Element.

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
- Approve the Coastal Development Permit and Notice of Merger; and
- Recommend that the Humboldt County Board of Supervisors approve The 2015 Sean O'Day and Kathryn O'Day Family Trust Agricultural Preserve and Land Conservation Contract.

Adopted after review and consideration of all the evidence on **August 1, 2024**.

The motion was made by Commissioner Noah Levy and seconded by Commissioner Sarah West and the following vote:

AYES: Commissioners: Noah Levy, Iver Skavdal, Jerome Qiriazzi, Peggy O'Neill, Sarah West

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners: Thomas Mulder, Lorna McFarlane

DECISION: Motion carried 5/0

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

CONDITIONS OF APPROVAL

Approval of the Agricultural Preserve, Coastal Development Permit, and Notice of Merger is conditioned on the following terms and requirements which must be satisfied before the Agricultural Preserve and Land Conservation Contract can be scheduled for action by the Board of Supervisors.

Agricultural Preserve

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 \$460.00) 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. The applicant shall submit an executed and notarized Land Conservation Contract.

Notice of Merger

3. The applicant shall submit a completed Notice of Merger and Certificate of Subdivision Compliance document along with legal document review fees (currently \$145.00), notary fees (currently \$15.00) and recording fees, as applicable.
4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$108.00) as required by the County Assessor shall be paid to the County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.

18973 O'Day Notice of Merger Map



