



PLANNING DIVISION
COMMUNITY DEVELOPMENT SERVICES

COUNTY OF HUMBOLDT

3015 H STREET

EUREKA, CALIF. 95501-4484 PHONE (707) 445-7541

PROCEDURES FOR ESTABLISHING AN AGRICULTURE PRESERVE AND FOR PREPARING LAND CONSERVATION (WILLIAMSON ACT) CONTRACTS

Authority

The California Land Conservation Act of 1965, also known as the Williamson Act (Chapter 7 of Part 1 of Division 1 of Title 5 of California Government Code, Commencing with Section 51200), and Board of Supervisors Resolution 05-58 adopted August 23, 2005, establishing Guidelines for the Williamson Act Program in Humboldt County, provides the legislative authority and specifies the findings that must be made to establish Agricultural Preserves.

Land Conservation Contract

A Land Conservation Contract between the County and the owner of agricultural land reinforces the agricultural policies of the Humboldt County General Plan by establishing enforceable restrictions that limit the use of the land to agricultural and incidental compatible use (A sample Land Conservation Contract is available upon request).

Applicant's Responsibility

Applicants who voluntarily seek to enter into a Land Conservation contract with the County are responsible for submitting a complete application in a timely fashion as outlined in Items 1 and 2 below. The information submitted by the applicant will assist in establishing an Agricultural Preserve and the preparation of a Land Conservation Contract. (See attached Annual Timeline for major steps in the preparation of a Land Conservation Contract.)

Qualifications for Land Conservation Contract

To qualify for Land Conservation Act contracts in Humboldt County, land must comply with certain requirements. These requirements include the existence and size of the agricultural preserve area, the zoning classification of the land, and the agricultural capability of the land. The specifics of these agricultural requirements are spelled out in the County's Williamson Act Guidelines adopted August 23, 2005, and are summarized below.

Generally the following findings must be made to establish Agricultural Preserves.

- A. That the proposed preserves are consistent with the County's General Plan (Section 51234 Government Code).
- B. That 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.

Additionally, to be eligible for the establishment of an Agricultural Preserve, the agricultural property must meet the criteria for one of the four "classes" (A, B, C or D) of Agricultural Preserve Contracts.

A summary of the criteria for each of the three classes is listed below.

Class A (Prime Land Preserve)

- a. The preserve area must be at least 100 contiguous acres in size with no individual ownership parcel less than 20 contiguous acres.
- b. The land must be zoned AE (Agricultural Exclusive).
- c. The land must be prime agricultural land as defined in Government Code Section 51201(c).

Class B (Grazing Land Preserve)

- a. The preserve area must be at least 600 acres in size with no individual ownership parcel less than 160 contiguous acres.
- b. The land must be zoned AEB-5 (160) (Agriculture Exclusive, 160 acre minimum).
- c. The land shall be non-prime agricultural land of statewide significance as defined by the Secretary of Resources.

Class C (Cropland Preserve)

- a. The preserve area should not be less than 100 acres of cropland (i.e., tillable soil) with no individual ownership parcel of less than 20 acres.
- b. The land must be zoned for agricultural purposes and provided for minimum parcel sizes.
- c. The land shall consist of prime and/or non-prime agricultural land, as defined.
- d. The proposed zoning and contract would prohibit any parcel divisions.

Class D (Unique Farmland and Dairy Agricultural Preserve)

- a. The preserve does not separately qualify under either Class A, B or C above.
- b. The preserve shall contain not less than 10 acres of prime agricultural land or not less than 40 acres of tillable non-prime land with no individual parcel of land containing less than 10 acres of prime land or 40 acres of non-prime land. Parcel(s) must have been in existence for a minimum of ten (10) years prior to application.
- c. The land shall be prime agricultural land or non-prime agricultural land of statewide significance that consists of tillable soils.
- d. Demonstrate the following:
 - 1) The land must be zoned for agricultural purposes.
 - 2) The parcels are used for, and devoted to, agricultural pursuits and have provided a gross annual income of \$2,500 from agricultural production for three of the prior five years.
 - 3) The income requirement above shall be met for each "ownership unit".
 - 4) The zoning and contract would prohibit any parcel divisions.
 - 5) Residential development rights beyond one single family residence for each ownership unit are conveyed for the life of the contract.

- 6) Not more than 25 percent of the land area within the preserve is zoned Timberland Production Zone (TPZ).

Section 312-50.3 of the Humboldt County Code establishes the findings which must be made in order to grant the Zone Reclassification as may be necessary to implement the General Plan and the specific zone associated with Agricultural Preserve Applications. The required findings are:

- A. The proposed change is in the public interest; and
- B. The proposed change is consistent with the General Plan.

1. Time Limits for Filing Agricultural Preserve Applications

All Agricultural Preserve applications must be filed with the County Planning Division during the period beginning the first regular working day in February and ending the last regular working day in April of each year (There are no exceptions to the application period.).

2. Acceptable Agricultural Preserve Applications Shall Have The Following:

- A. A single map showing all parcels to be included in the proposed Agricultural Preserve.
- B. Assessor's Parcel Numbers
- C. Approximate size of parcel(s) (in acres)
- D. Existing Use of Property (Assessor's Office can supply information)
- E. Preliminary Title Report (prepared by a Title Company) and no older than six (6) months
- F. Filing Fee for the Agricultural Preserve and fees for Zone Reclassification of the property, if needed, for Agricultural Preserve Compliance.
- G. A metes and bounds description of the lands to be included within an Agricultural Preserve and under contract.

3. After Final Filing Date, the Following Procedures Are Used by the Planning Division In Processing Applications

- A. Coordinate with Assessor's Office (Rural/Timber Division) to confirm whether the proposed preserves and contracts fall under the Class "A", "B" "C" or "D" categories.
- B. Forward a copy of 1) the metes and bounds description of the lands to be included within an Agricultural Preserve and under contract; 2) the corresponding map; and 3) the Preliminary Title Report to the Land Use Division of Public Works to review for accuracy and completeness. (Submit to Land Use Division two weeks after receipt from applicant; but in no case any later than mid-May.)
- C. Forward copies of the entire application packet to the following departments for review and comment.
 1. County Counsel
 2. Assessor's Office
 3. LAFCo
 4. Cities if Agricultural Preserve is within a Sphere of Influence or Planning Area.
 5. Any local tribes

4. Environmental Impact

The designation of lands as Agricultural Preserves is specifically exempted from the provisions of the California Environmental Quality Act (CEQA) per Section 15317 of the Administrative Code (Class 17 exemption). The proposed Zone Reclassifications necessary for the designation of the lands as agricultural preserves are exempt from CEQA per Section 15308 which exempts for the protection of natural resources (Class 8 exemption).

5. Minimum Preserve and Parcel Size

If any of the proposed Agricultural Preserves whether Class "A", "B", "C" or "D" does not have the required minimum acres, then it must be proven to the satisfaction of the Planning Commission and Board of Supervisors that the modification is warranted and is consistent with the Williamson Act and the County's Guidelines. Also, a Determination of Status review will be conducted for individual parcels within a proposed preserve except where Certificates of Compliance already exist. Note: parcel mergers may be necessary to satisfy minimum parcel size requirements.

6. Williamson Act Advisory Committee Review

Any proposal to establish, enlarge, reduce or otherwise modify an Agricultural Preserve will be submitted to the Williamson Act Advisory Committee for review and comment.

7. Staff Report

When the Planning Department is of the opinion that all applications have been processed (all departmental and agency comments have been submitted), the Department shall prepare a staff report and set the proposed projects for a public hearing before the Planning Commission. (All applications are processed concurrently.)

8. Planning Commission Review

The Planning Commission shall open the public hearing(s) and review each proposed Agricultural Preserve and/or Zone Reclassification application and adopt a resolution making a recommendation to the Board of Supervisors on each application with sixty (60) days of the close of the public hearings.

9. Board of Supervisors Review

After receiving the Planning Commission's recommendation on the proposed projects, the Board of Supervisors shall hold a public hearing and review the proposed Agricultural Preserves and/or Zone Reclassification applications. After the public hearing, the Board will make a decision on the proposed preserves and zone reclassification.

The Report to the Board shall include a draft Ordinance for the zone reclassification and a Resolution Establishing the Agricultural Preserve and Setting Forth Uniform Rules Including Compatible Uses for Board adoption.

After approval of the proposed Agricultural Preserve, the Board will enter into the land conservation contract between the County of Humboldt and the owner or owners as provided in the Preliminary Title Report. Said contracts shall be approved and signed by all interested parties and recorded prior to December 30, of that calendar year.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
PHASE I <u>Application Period</u>		-----		-----								
PHASE II <u>Staff Analysis</u>												
•Verify Project Description				-----	-----							
•30 Day Review by Departments and Agencies					-----	-----						
•Prepare Staff Report							-----	-----				
•Review and Report by Assessor					-----	-----						
• Review and report by Williamson Act Advisory Committee							-----					
•Draft Rezone Ordinance								-----				
PHASE III <u>Hearings</u>												
• Planning Commission Approval of Ag. Preserve and Rezoning									-----	-----		
• Board Approval of Ag. Preserve and Rezoning										-----	-----	
•Board Adopts Rezoning Ordinance										-----	-----	
<u>Contracts</u>												
Board Adopts/Executes Land Conservation Contracts										-----	-----	

Note: State and Local Regulations establish fixed deadlines for the application period and for the full executions of a Land Conservation Contract by the January 1 tax lien date. The balance of the scheduling above is to be used as firm target periods.