



**BOARD OF SUPERVISORS
STAFF REPORT- AGRICULTURAL PRESERVE**

**OCTOBER 31, 2023
RE_2023-0003**

SUMMARY

OWNER/APPLICANT: WEGER INTERESTS LTD
2333 MILL CREEK LN
HEALDSBURG, CA 95448

REQUEST: Request for authorization to serve a notice of partial nonrenewal of eighty (80±) acres of the Agricultural Preserve Contract established by Resolution No. 71-500.

LOCATION: 10± miles northwest of Ukiah, 1± mile south of Orr Springs Road (CR 233), 11± miles west of its intersection with U.S. Route 101 (US 101), with no site address listed; (eastern 80 acres of APN: 150-110-05).

TOTAL ACREAGE: 100± Acres

GENERAL PLAN: Rangeland 160-acre minimum (RL:160)

ZONING: Rangeland (RL)

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Exempt per 14 CCR §15061(B)(3)

RECOMMENDATION: APPROVAL

STAFF PLANNER: LIAM CROWLEY

BACKGROUND

PROJECT DESCRIPTION: Request for authorization to serve a notice of partial nonrenewal of eighty (80±) acres of the Agricultural Preserve and Williamson Act Contract established by Resolution No. 71-500. The contracted land is within Agricultural Preserve No. 301. According to the application, the proposed project would facilitate the transfer of the 80± acres to the California Department of Parks and Recreation for inclusion into the Montgomery Woods State Natural Reserve.

RELATED APPLICATIONS:

- A 135-71: Agricultural Preserve request which established Agricultural Preserve No. 301 and approved a Williamson Act contract over said land, approved by the Board of Supervisors on October 5, 1971, under Resolution No. 71-500.
- CC 9-2009: Certificate of Compliance which established the current configuration of the lot in which this parcel is located, recorded as Document No. 2011-00252 Mendocino County Records.

SITE CHARACTERISTICS: The site is part of a single legal parcel comprised of APN 150-110-04, 150-110-05, and a portion of 150-090-08 (previously known as APN 150-090-05). The site is bordered by the Montgomery Woods State Natural Reserve to the north and east. The portion to be non-renewed has a high degree of slope. A mapped wetland traverses the northeastern corner of the parcel. A comment was received from Save the Redwoods League regarding this project on June 30, 2023. The comment includes the following description of the land:

"The parcel contains the headwaters of Montgomery Creek, which flows through the heart

of the park's old growth redwood grove, and is a tributary of the South Fork Big River, important anadromous fish habitat. Old growth redwood and Douglas-fir trees are also found on the property itself, along with a unique rocky outcrop that provides peregrine falcon habitat."

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Public Lands (PL)	Public Facilities (PF)	320± Acres	State Park
EAST	Public Lands (PL)	Public Facilities (PF)	160± Acres	State Park
SOUTH	Public Lands (PL)	Public Facilities (PF)	100± Acres	Open Space
WEST	Rangeland (RL)	Rangeland (RL)	40± Acres	Agricultural

PUBLIC SERVICES:

Access: Private via Orr Springs Road (CR 223)
Fire District: None
Water District: None
Sewer District: None
School District: Ukiah Unified

AGENCY COMMENTS: On June 19, 2023 project referrals were sent to the following agencies with jurisdiction over the Project. Any comment that would trigger a project modification, denial, conditions of approval, or required permits are discussed in full in the following section.

REFERRAL AGENCIES	COMMENT
Environmental Health Division	No Response
Building Inspection Division	No Comment
Assessor	No Response
Farm Advisor	No Response
Agricultural Commissioner	No Response
Forestry Advisor	No Response
Resource Lands Protection Committee	No Comments
Department of Fish & Wildlife	No Comment
Department of Parks & Recreation	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

Comments were received from Save the Redwoods League on June 30, 2023. The comments noted that the League has been facilitating transfer of the property from the current owners to the California Department of Parks and Recreation. These comments expressed support for the proposed partial non-renewal *"as it will facilitate permanent protection of the Rocky Ridge property's unique natural resources for the public to enjoy."*

The Resource Lands Protection Committee met on July 10, 2023 to discuss this project. No comments or concerns were received.

KEY ISSUES

Williamson Act Policies and Procedures: In accordance with Section 10.3(B) of the Mendocino County Policies and Procedures for Agricultural Preserves and Williamson Act Contracts ("Policies and Procedures"), the applicant filed an application with the Clerk of the Board to request partial nonrenewal of the above-described Williamson Act Contract. Section 10.3(B) states that...

“the County Department of Planning and Building Services shall review the application for compliance with the Williamson Act and these Policies and Procedures, schedule the application for consideration by the Board of Supervisors, and transmit a report and recommendation to the Board. In determining whether to approve the application, the Board may consider the effect of the proposed partial nonrenewal on the balance of contracted land not subject to the nonrenewal, including whether the balance of the contracted land would continue to qualify for the contract.”

Therefore, staff offers the following review of the proposal to determine if the remaining land under contract would continue to qualify for a contract in accordance with Policies and Procedures Section 5.3.

Pursuant to Section 5.3(A), the land to remain within the contract is within the existing Agricultural Preserve No. 301.

Pursuant to Section 5.3(B), the land to remain within the contract is devoted to agricultural use. The County Assessor most recently recorded a Notice of Implementation pursuant to Section 51244 of the California Government Code under Document No. 2022-13988, which shows that the term of the contract for the subject parcel has been renewed for an additional year. This indicates that the Assessor has not placed the subject property under nonrenewal. Therefore, it is reasonable to conclude that the property remains devoted to agricultural use.

Pursuant to Section 5.3(C), the land to remain within the contract is part of a legal parcel comprised of APN 150-110-04 (20± acres), 150-110-05 (100± acres), and 150-090-08 (40± acres) as evidenced by Certificate of Compliance CC 9-2009. APN 150-110-04 is not subject to a Williamson Act contract. Therefore, nonrenewal of the eastern 80± acres of APN 150-110-05 would leave 60± acres of this legal parcel within the subject Williamson Act contract. This meets the 40-acre minimum parcel size requirement for Non-Prime Agricultural Land.

Pursuant to Section 5.3(D), the land to remain within the contract would meet the annual income requirements for Non-Prime Agricultural Land. As evidenced by Document No. 2022-13988, the Assessor must have determined that the land continued to meet the income requirements for the existing contract, or else the property would have been placed under nonrenewal. Lack of comment from the Resource Lands Protection Committee supports this conclusion. The fact that the annual income requirements are determined by gross income per acre indicates that the potential loss of income resulting from the land proposed for nonrenewal would in turn reduce the annual income requirement proportionally to the amount of land remaining. 80± acres represent approximately 4.5% of the total area under contract.

ENVIRONMENTAL DETERMINATION

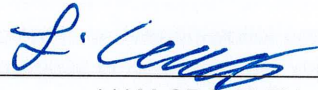
In accordance with California Code of Regulations (CCR) Title 14 Section 15061(B)(3), a project is exempt from CEQA if *“the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”* Though the proposed project does not strictly involve the transfer of ownership or interest in land, it strongly resembles such an action to preserve open space and habitat, which is an exempt activity under CCR Title 14 Section 15316 and 15325. The Project involves nonrenewal of a portion of an existing Williamson Act contract to facilitate the transfer of land to the California Department of Parks and Recreation for inclusion in Montgomery Woods State Natural Reserve. As discussed in the staff report and noted by Save the Redwoods League, the portion to be placed under nonrenewal includes unique habitat and open space. Because the land would be preserved in its natural state as part of the State Natural Reserve, there is no possibility that the proposed nonrenewal would have a significant effect on the environment. If the transfer were not to occur, the property would remain limited to those permitted uses outlined in Mendocino County Code Section 20.060.010. Regardless of the Williamson Act contract, Planning & Building Services exercises only ministerial authority over the establishment of these permitted uses, which is not subject to CEQA. Environmental impacts related to these land uses were previously addressed when the Rangeland zoning district was applied to the property. Therefore, the project is subject to the common sense exemption.

RECOMMENDATION

That the Board of Supervisors adopt the Resolution approving RE_2023-0003, authorizing the serving of a notice of partial nonrenewal of eighty (80±) acres of the Agricultural Preserve Contract established by Resolution No. 71-500 based on the findings and evidence in the record before it.

10/10/23

DATE



LIAM CROWLEY
PLANNER II

ATTACHMENTS:

- A. Location
- B. Aerial Imagery
- C. Zoning
- D. General Plan
- E. Adjacent Parcels
- F. Wetlands
- G. Williamson Act
- H. Important Farmland
- I. State Parks
- J. Application Materials
- K. Comment from Save the Redwoods League

RESOLUTION (Exhibit A):