



**PLANNING COMMISSION
STAFF REPORT- AG_PRESERVE**

**NOVEMBER 3, 2016
A_2016-0002**

SUMMARY

OWNER/APPLICANT: PEÑA, FRANCISCO E. & ESTER H. TTE
21440 LOCUST ST
WILLITS, CA 95490

AGENT: WESTON, RANDY
557 S. MAIN ST.
WILLITS, CA 95490

REQUEST: Agricultural preserve application requesting the placement of 200± acres into Agricultural Preserve "Williamson Act" Contract.

LOCATION: West of Willits, approximately 5.5 miles on Highway 20 (SH20), and 0.5 miles north. Located at 4400 W HWY 20, Willits; APN 038-110-73

TOTAL ACREAGE: 200± Acres

GENERAL PLAN: RL – Rangeland, 160

ZONING: RL – Rangeland, 160

SUPERVISORIAL DISTRICT: 3

APPLICATION DEEMED COMPLETE: May 28, 2016

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 17

RECOMMENDATION: The Planning Commission recommends that the Board of Supervisors, by resolution, adopt a Categorical Exemption, Class 17, and grant an Agricultural Preserve for the Project, as proposed by the applicant, based on the facts and findings.

STAFF PLANNER: ADELE PHILLIPS

BACKGROUND

PROJECT DESCRIPTION: The applicant requests that the property be placed in to a single Agricultural Preserve of 200 acres. According to the applicant, the property has a 10-15 year history of use as grazing land. The new property owner intends to continue this use. Also existing on site are a single family residence, and associated out buildings. The applicant states that the property has perimeter and cross fencing.

APPLICANT'S STATEMENT: The following information was included with the application materials submitted for the project:

"I have been running a ranching operation since the purchase of my first property on September 23, 1999, located at 22151 Eastside Road, Willits, CA 95490. Shortly after I acquired the land, I had 10-25 head of cattle. Throughout the years the property headcount grew anywhere between 25-50 head of cattle. I primarily raise grass fed, hormone-free cattle

to be sold to the Petaluma Slaughterhouse, now operating as Marin Sun Farms Petaluma Slaughterhouse.

In July of 2015, I purchased the property located at 4400 HWY 20, Willits, CA 95490, in efforts to grow my agricultural operation. The property has the necessary fencing, pastures for cattle grazing, and water sources for operation expansion. To the extent of my knowledge, the previous owner, Kenneth Dooley, leased the property to ranchers to keep and maintain, both the herds of various ranchers and the land, for the past several years."

RELATED APPLICATIONS:

On-Site

- Building Violation #BI_2002-0112, unresolved, regarding the construction of an unpermitted structure. Boundary Line Adjustment #B_1990-0001 created the subject parcel as it exists today. Certificate of Compliance #CC_1989-0039 recognized the legality of the parcels party to B_1990-0001.

Neighboring Property

- B_1979-0051, R_1975-0032, A_1975-0018

SITE CHARACTERISTICS: The property consists of various soils identified on the Soil Survey Map issued by the United States Department of Agriculture, Soil Conservation Service. These types include Hopland-Witherell-Squawrock complex (30 to 50 percent slopes), Hopland-Wohly loams (30 to 50 percent slopes), and a very small portion of Casabonne-Wohly loams (30 to 50 percent slopes). According to the Soil Survey, Hopland-Witherell-Squawrock complex is commonly used to support livestock grazing, recreation areas, and wildlife habitat. The production of forage is limited by the steepness of slope, restricted available water capacity, and by the shallow rooting depth. Hopland-Wohly loams commonly support recreation and wildlife habitat. A few areas may be used for timber production and for livestock grazing. Cassabonne-Wohly loams are prone to erosion and may be used for timber production and as wildlife habitat.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rangeland 160	Rangeland	15± to 40± acres	RANGELAND / RESIDENTIAL
EAST	Rangeland 160	Rangeland	40± to 160± acres	RANGELAND
SOUTH	Rangeland 160	Rangeland	170± acres	RANGELAND / RESIDENTIAL
WEST	Rangeland 160	Rangeland	460± acres	RANGELAND

PUBLIC SERVICES:

Access: HWY 20
Fire District: LITTLE LAKE
Water District: NONE
Sewer District: NONE
School District: WILLITS

AGENCY COMMENTS: On May 28, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Department of Transportation		No Comment	6/17/2016
Environmental Health-Ukiah		No Comment	5/3/2016
Building Services-Ukiah PBS		No Comment	5/11/16
Assessor		No Response	
Farm Advisor		No Response	
Agriculture Commissioner		No Response	
Air Quality Management District		No Comment	5/9/2016
Resource Lands Protection Committee		Comments	7/6/2016
Insufficient information available from applicant to determine whether to support the request. Applicant requested to provide more information.			7/6/2016
In favor of approving Ag. Preserve request in response to additional information supplied by applicant.			9/9/2016
CalFire		No Comment	5/11/2016
Department of Fish and Wildlife		No Response	
Department of Conservation		No Response	
Sherwood Valley Band of Pomo Indians		No Response	
Redwood Valley Rancheria		No Comment	6/7/2016
Little Lake Fire District		No Comment	5/4/2016
Cloverdale Rancheria		No Response	

KEY ISSUES

1. General Plan and Zoning Consistency:

The proposed project, creating an agricultural preserve containing approximately 200 acres to be used primarily for grazing, is consistent with the pertinent agricultural goals and policies of the General Plan as follows:

Resource Management Goal RM-10 (Agriculture): Protection of agriculture as a basic industry important to the economy and quality of life and food security of the county by maintaining extensive agricultural land areas and limiting incompatible uses.

Agriculture Resource Policies:

Policy RM-100: Maintain extensive agricultural land areas and limit incompatible uses.

Policy PM-101: The County supports policies and programs to maintain and enhance the viability of agricultural operations and retention of agricultural land.

Policy PM-110: Consistent with State funding, encourage the creation and renewal of Williamson Act contracts on eligible agricultural lands, including implementation of the Farmland Security Act.

2. Agricultural Preserve Regulations:

According to the application material, the subject parcel has been used as leased grazing lands for the past "several years". The owner/applicant recently purchased the property in July 2015, with the intent of expanding his current grazing operation located at 22151 Eastside Road, Willits, CA 95490 (a 160± acre property), with the additional land.

Mendocino County's new and revised Policies and Procedures for Agricultural Preserves and Williamson Act Contracts ("Ag Preserve Policies") came into effect January 1, 2016, via Ordinance No. 4345, adopted October 6, 2015. The Policies and Procedures establishes eligibility requirements in section 5.2:

- (A) *The land proposed to be restricted by the contract must be located within an existing agricultural preserve; provided, however, the Board of Supervisors may approve an application for the establishment or alteration of an agricultural preserve concurrently with its approval of an application for a contract or contracts within the preserve.*

The land proposes is not within an existing agricultural preserve, however the Board of Supervisors may approve an application for the establishment of an agricultural preserve. The project satisfies eligibility criteria A.

- (B) *The land proposed to be restricted by the contract must be agricultural or open space land devoted to agricultural or open space uses. Mere intent to devote agricultural or open space land to agricultural or open space uses shall be insufficient to qualify the land for a contract.*

For the purposes of these Policies and Procedures, agricultural or open space land shall be deemed to be devoted to agricultural or open space uses when a minimum of 50 percent of the land is continuously used or maintained for agricultural uses, unless the Board of Supervisors finds that all of the following conditions apply:

1. *More than 50 percent of the land is not suitable for agricultural or open space uses due to soil, slope, geologic, or other significant constraints.*
2. *The remainder of the land is continuously used or maintained for agricultural uses.*
3. *Placing the land under contract is consistent with the purpose and intent of the Williamson Act and these Policies and Procedures.*

The perimeter of the subject property is fenced, with cross fencing within. There exists a single family residence with associated outbuildings on the subject property, and no other development. Greater than 50 percent of the land will be continuously used or maintained for agricultural use, and has adequate soils to facilitate such use. **The project satisfies eligibility criteria B.**

- (C) *The land proposed to be restricted by the contract must be comprised of parcel(s) that meets the minimum parcel size requirements in Table 5-1 below:*

Land Type	Minimum Parcel Size
Prime Agricultural Land	10 Acres
Non-Prime Agricultural Land, Open Space Land, Timber/Forestry Land	40 Acres

Information provided in the USDA Soils Survey Map includes grazing among the common activities on the soils of the subject property; however, the soils and slope of the subject property do not qualify the site as Prime Agricultural Land. Nevertheless, because the subject property comprises 200± acres, the subject property does meet the minimum parcel size for Non-Prime Agricultural Land. **The project satisfies eligibility criteria C.**

- (D) *The land proposed to be restricted by the contract must meet the annual income requirements in Table 5-2. Except as otherwise specified in Table 5-2, annual income shall be computed on the basis of annual gross revenue per planted acre. For the purposes of these Policies and Procedures, annual income may be calculated using actual income data, or if actual data is not available, using projected income figures for existing permanent planted crops, and may be calculated as an average of three of the previous five years' annual income. Excerpt, Table 5-2:*

Land Type/Crop Type	Annual Income
Non-Prime Agricultural Land - Grazing, Hay Production, Non-Permanent Row Crops, Livestock Production, Horse Breeding, or Other Unprocessed Agricultural Plant or Animal Products	Not less than \$2,000.00 Gross Total Income per Contract/Farm Operation (or an equivalent exchange of goods and services) plus \$2.50 Gross Income per acre

Because the subject property is 200A± in area, and annual income (or an equivalent exchange of goods and services) totaling \$2,500 must be demonstrated in order to meet eligibility criteria D.

The applicant submitted two affidavits by previous lessees of the subject property when it was under other ownership. According to a letter dated August 13, 2016, a previous lessee reports having leased the property in the amount of \$160.00 per month from 2006 to 2008. This represents an annual income equivalent of \$1,920.00. According to a letter dated August 22, 2016, a previous lessee reports having leased the property for approximately 12 months from October 2014, to September 2015, at a rate of \$15.00 per head for an average of 15 head of cattle. This represents an annual income equivalent of \$4,500.

The Ag Preserve Policies allow for, *“evidence of substantial investment/development (whether incurred by a property owner or tenant), including capitalized improvements, maintenance and other costs related to qualified agricultural uses,”* to be considered in lieu of annual income. The applicant submitted a copy of a payment invoice for well improvement services rendered on August 18, 2016, totaling \$5,475.00.

The sum of the recent annual income figures (\$4,500 and \$5,475 only; the figure from the August 13, 2016, affidavit being excluded as it is beyond the five year threshold) averaged over three years comes to an annual income equivalent of \$3,325. After reviewing the annual income information, the County of Mendocino's Agricultural Commissioner was in favor of approving the subject agricultural preserve application. **The project satisfies eligibility criteria D.**

(E) Any use of the land proposed to be restricted by the contract, other than permitted agricultural or open space uses, as delineated in Sections 8.2 and 8.3 herein, must be a compatible use allowed under Section 9.0 of these Policies and Procedures.

“Family residential- single-family (County Code Section 20.016.101(A))” is identified in Section 9.0 of the Policies and Procedures as a Compatible Use. No other uses exist on site. **The project satisfies eligibility criteria E.**

Based upon the expected production of the soil types, combined with the history of the agricultural use of the subject property, staff finds that the property meets the criteria for Agricultural Preserve status under Section 22.08 of the Mendocino County Code.

3. Environmental Protection:

The project has been found to be exempt from the California Environmental Quality Act (CEQA) per Section 15317 of the CEQA Guidelines (Class 17), which exempts “the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act...” Therefore, no further environmental consideration is necessary.

RECOMMENDATION

The Planning Commission recommends that the Board of Supervisors, by resolution, adopt a Categorical Exemption, Class 17, and grant an Agricultural Preserve for the Project, as proposed by the applicant, based on the facts and findings.

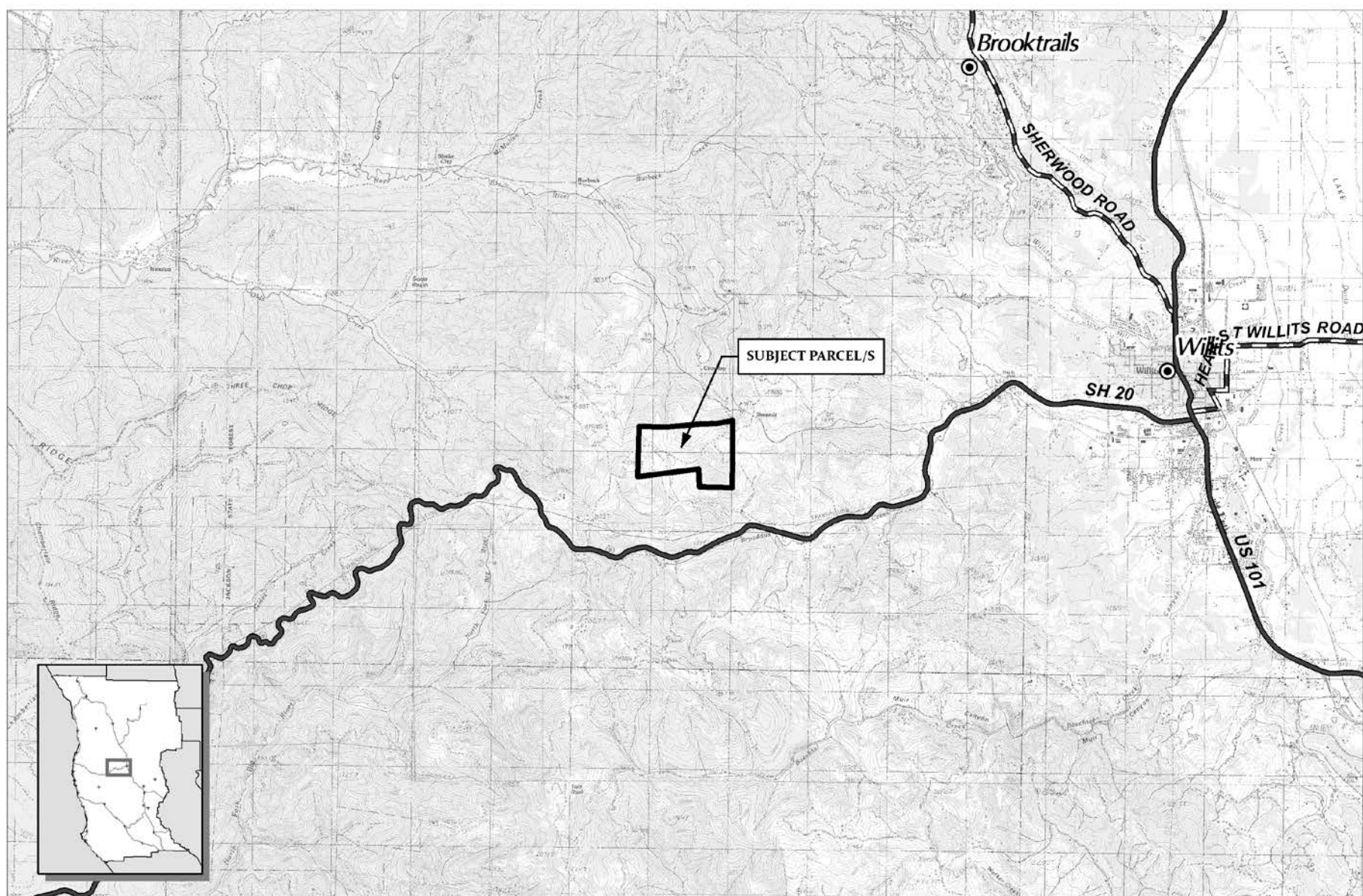
DATE

Signature on file

ADELE PHILLIPS

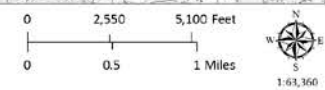
ATTACHMENTS:

- A. Location Map
- B. Topographical Map
- C. Aerial Map
- D. Adjacent Owner Map
- E. Zoning Map
- F. General Plan Map
- G. Fire Hazards Map
- H. Soils Map
- I. Williamson Act Map
- J. Important Farmland

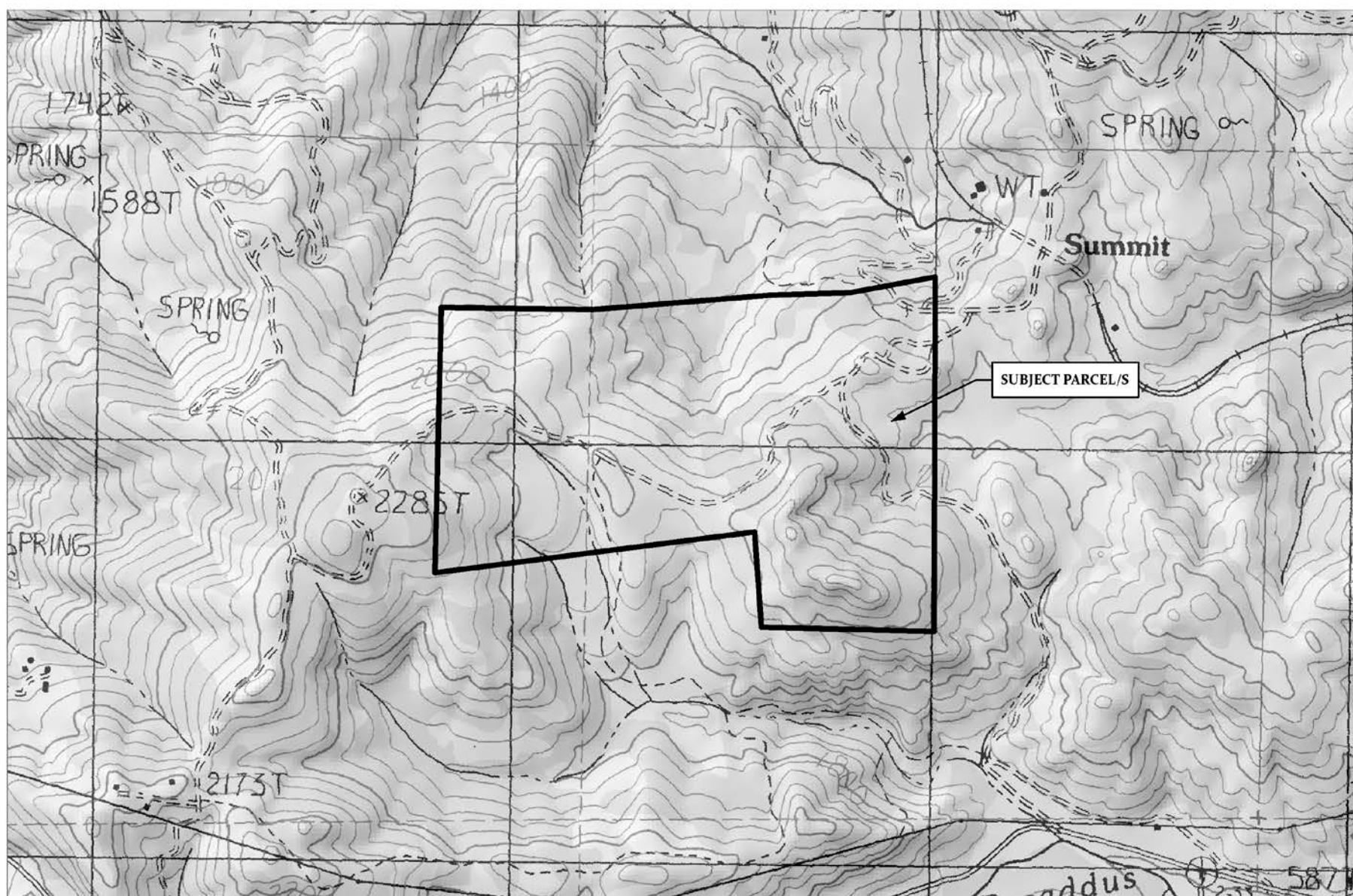


CASE: A 2016-0002
 OWNER: PENA, Francisco, & Ester
 APN: 038-110-73
 APLCT: Francisco Pena
 AGENT: Randy Weston
 ADDRESS: 4400 W. Hwy. 20, WI

- ⊙ Major Towns & Places
- Highways
- Major Roads



LOCATION MAP

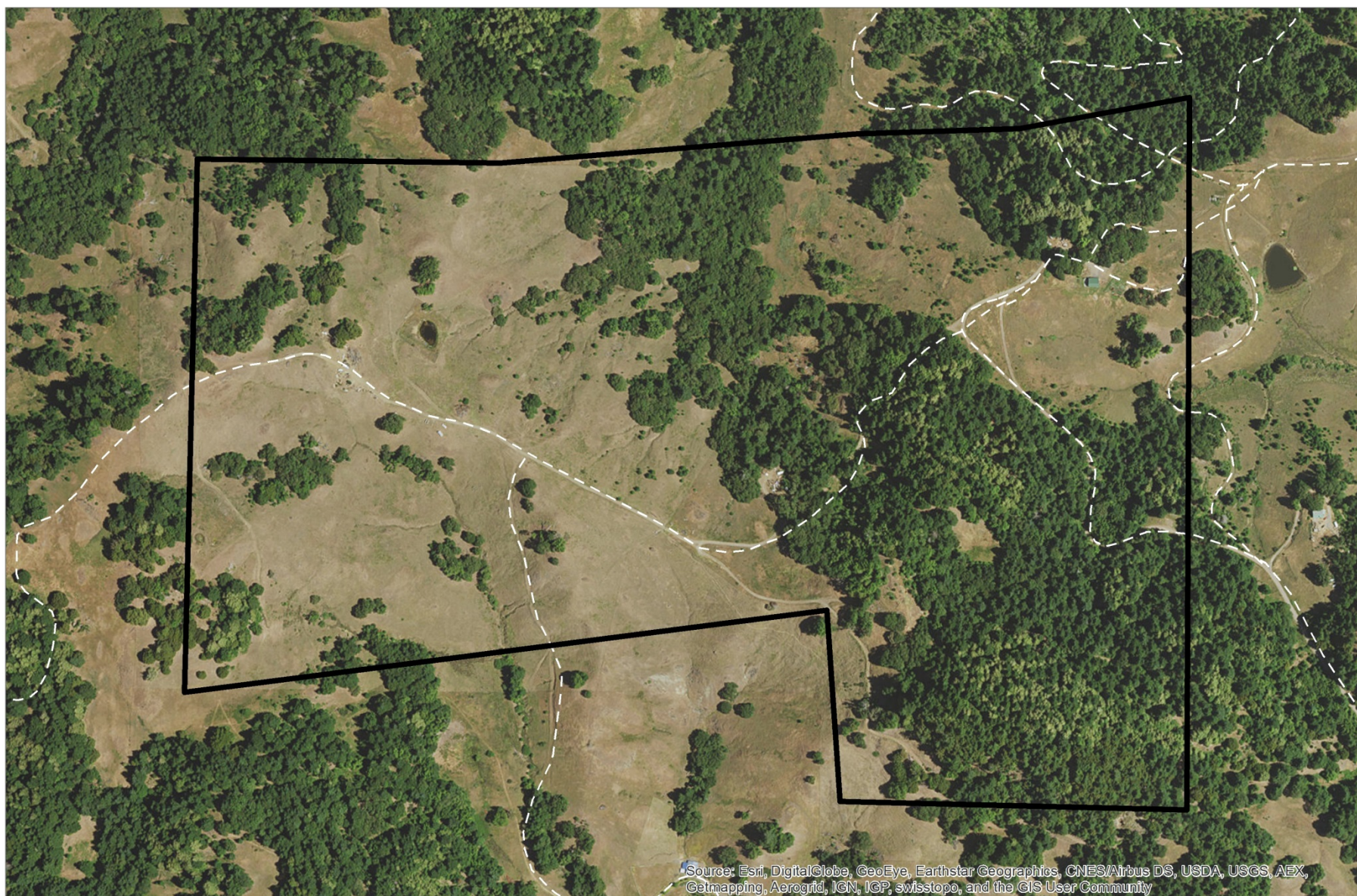


CASE: A 2016-0002
 OWNER: PENA, Francisco, & Ester
 APN: 038-110-73
 APLCT: Francisco Pena
 AGENT: Randy Weston
 ADDRESS: 4400 W. Hwy. 20, WI

Map produced by the Mendocino County Planning & Building Services, April, 2016.
 All spatial data is approximate. Map provided without warranty of any kind.

0 500 1,000 Feet
 0 0.075 0.15 Miles
 1:12,000

TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET



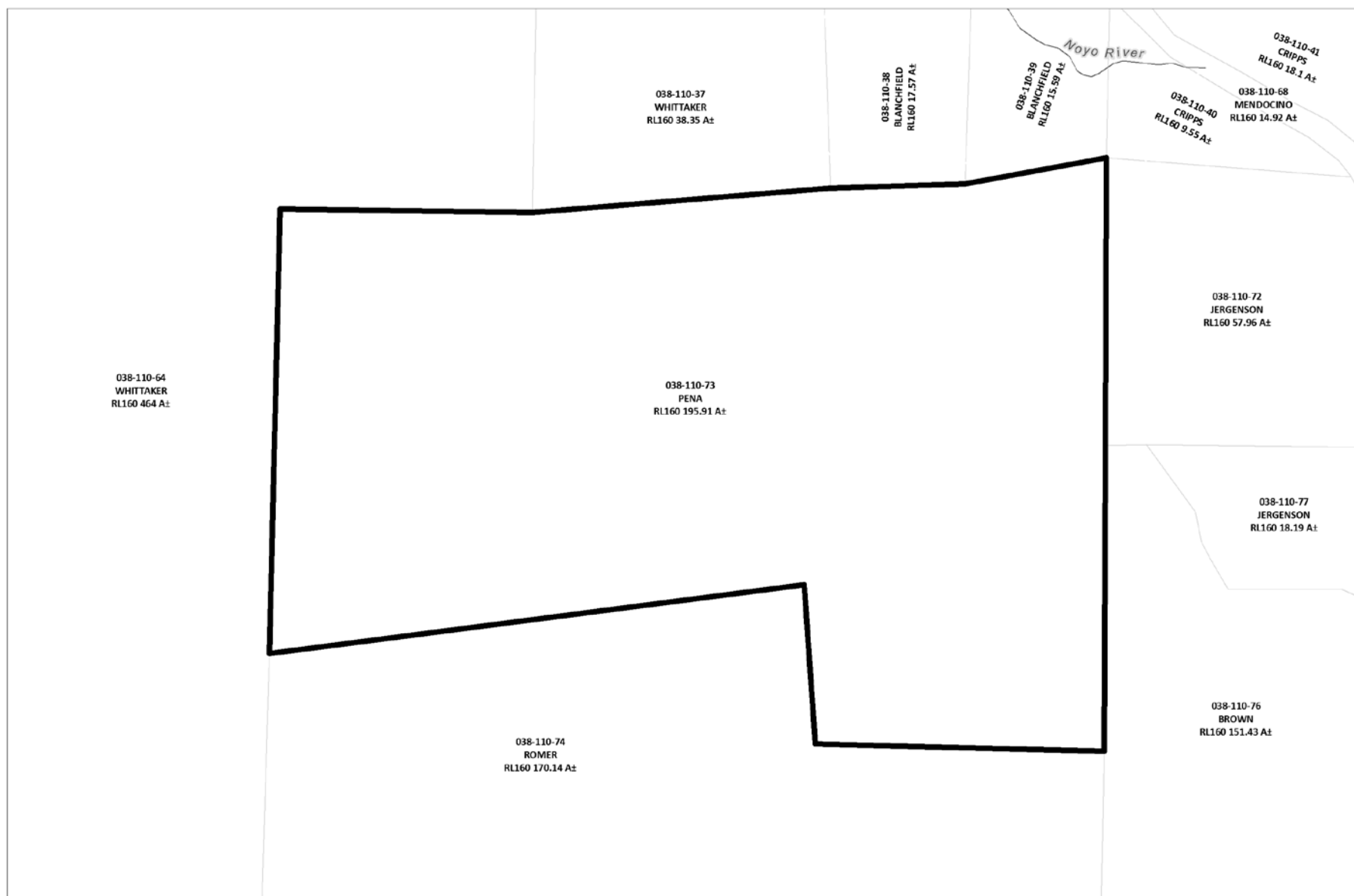
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

CASE: A 2016-0002
 OWNER: **PENA, Francisco, & Ester**
 APN: 038-110-73
 APLCT: **Francisco Pena**
 AGENT: **Randy Weston**
 ADDRESS: **4400 W. Hwy. 20, WI**

Driveways/Unnamed Roads



ESRI IMAGE MOSAIC

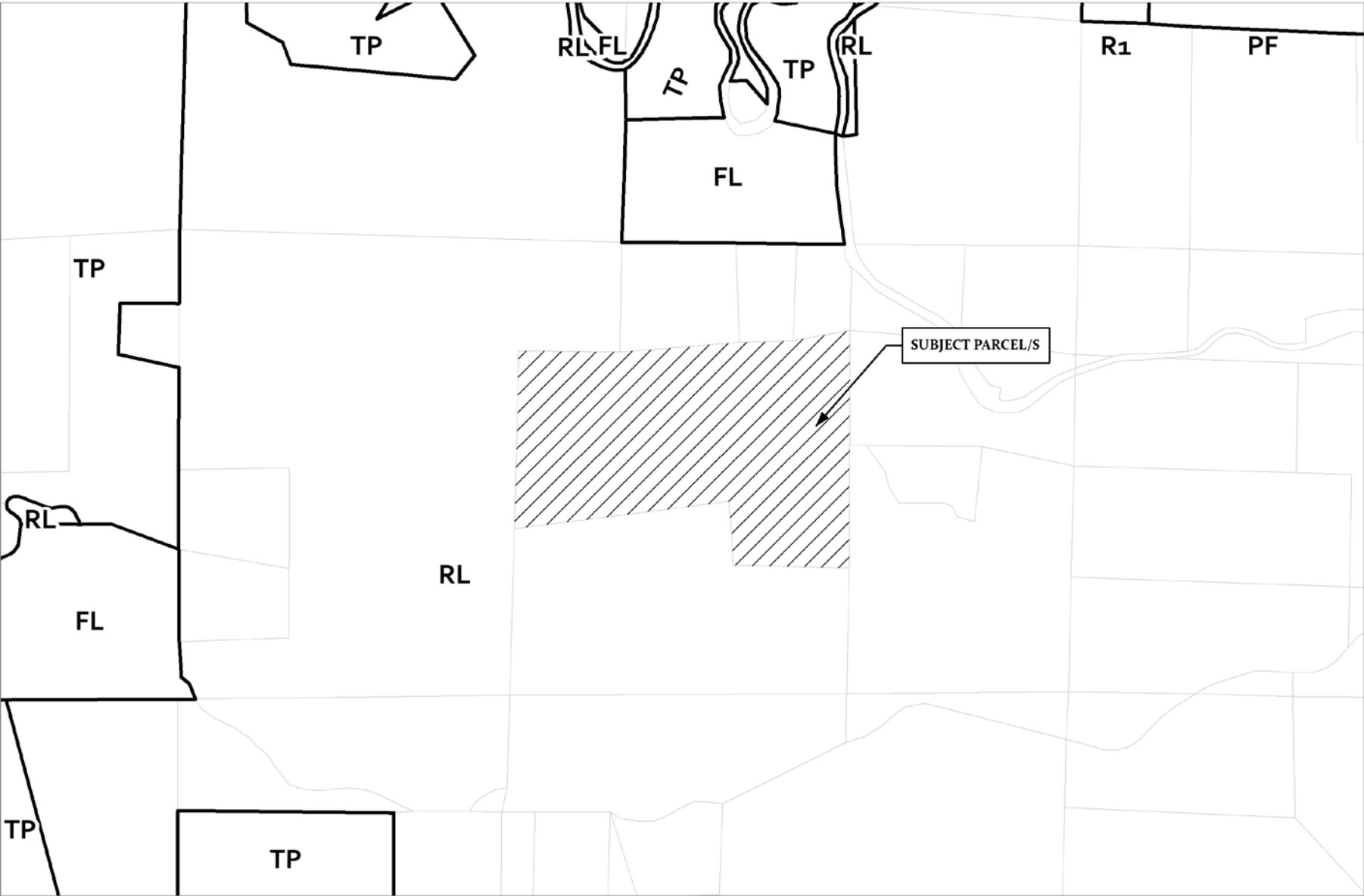


CASE: A 2016-0002
OWNER: PENA, Francisco, & Ester
APN: 038-110-73
APLCT: Francisco Pena
AGENT: Randy Weston
ADDRESS: 4400 W. Hwy. 20, WI

~~~~~ Named Rivers  
Driveways/Unnamed Roads

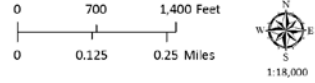
ADJACENT PARCELS





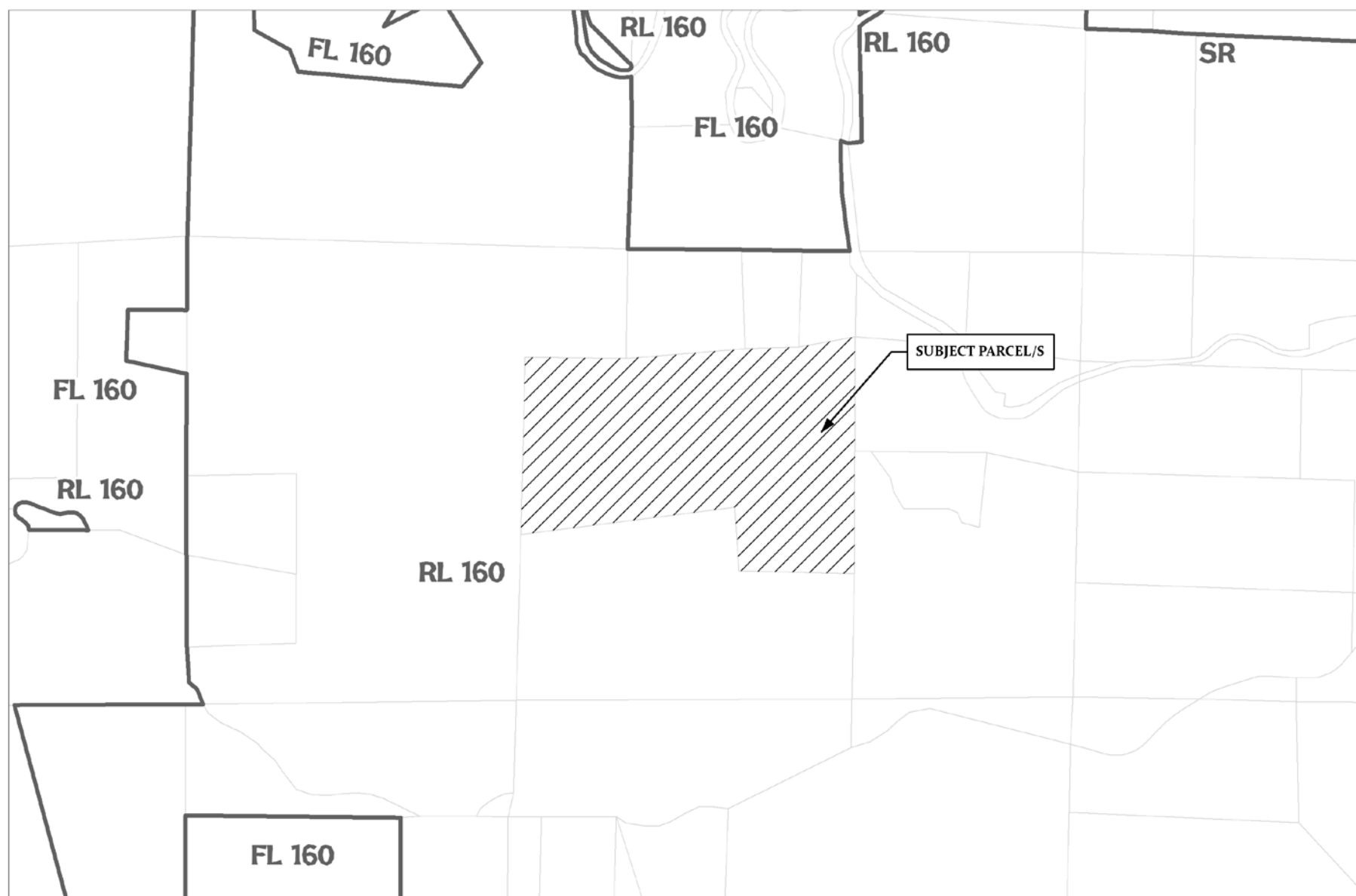
CASE: A 2016-0002  
OWNER: PENA, Francisco, & Ester  
APN: 038-110-73  
APLCT: Francisco Pena  
AGENT: Randy Weston  
ADDRESS: 4400 W. Hwy. 20, WI

 Zoning Districts

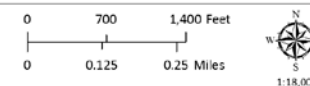


ZONING DISPLAY MAP

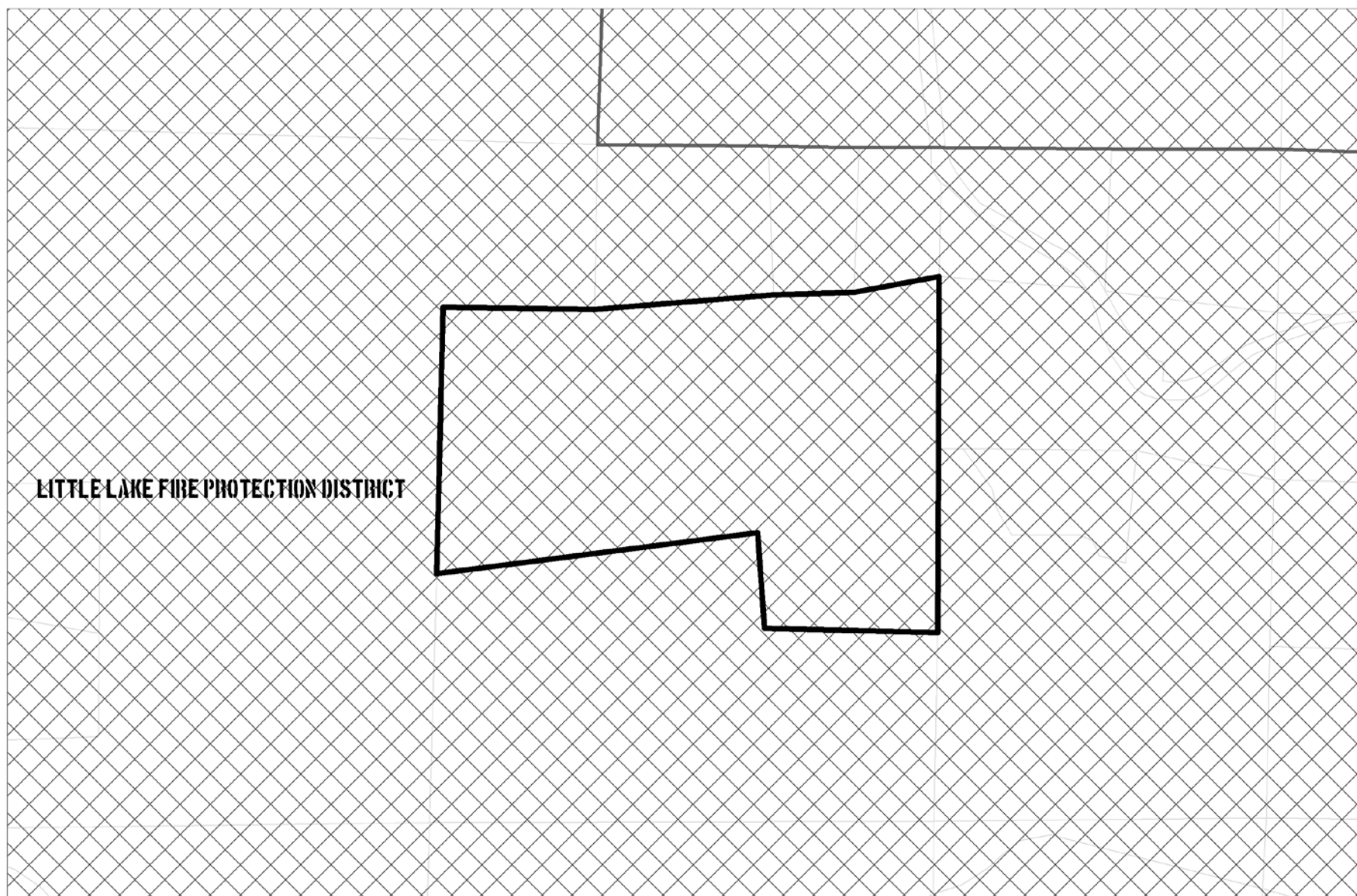
Map produced by the Mendocino County Planning & Building Services, April, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



CASE: A 2016-0002  
OWNER: PENA, Francisco, & Ester  
APN: 038-110-73  
APLCT: Francisco Pena  
AGENT: Randy Weston  
ADDRESS: 4400 W. Hwy. 20, WI

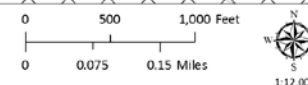


GENERAL PLAN CLASSIFICATIONS

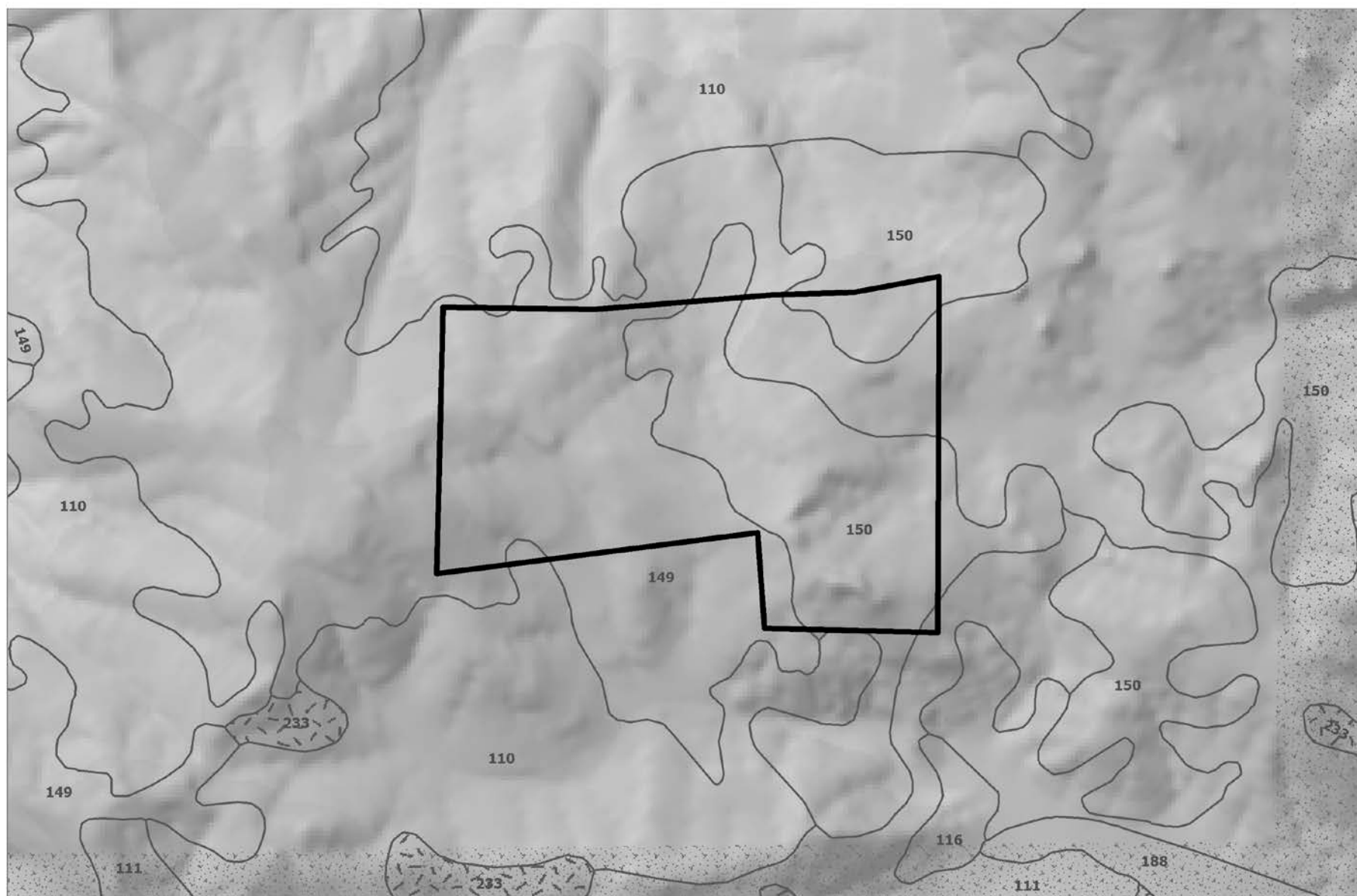


CASE: A 2016-0002  
 OWNER: PENA, Francisco, & Ester  
 APN: 038-110-73  
 APLCT: Francisco Pena  
 AGENT: Randy Weston  
 ADDRESS: 4400 W. Hwy. 20, WI




 County Fire Districts  
 High Fire Hazard

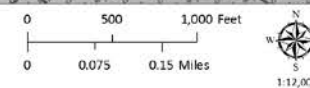


FIRE HAZARD ZONES & RESPONSIBILITY AREAS  
 STATE RESPONSIBILITY AREA

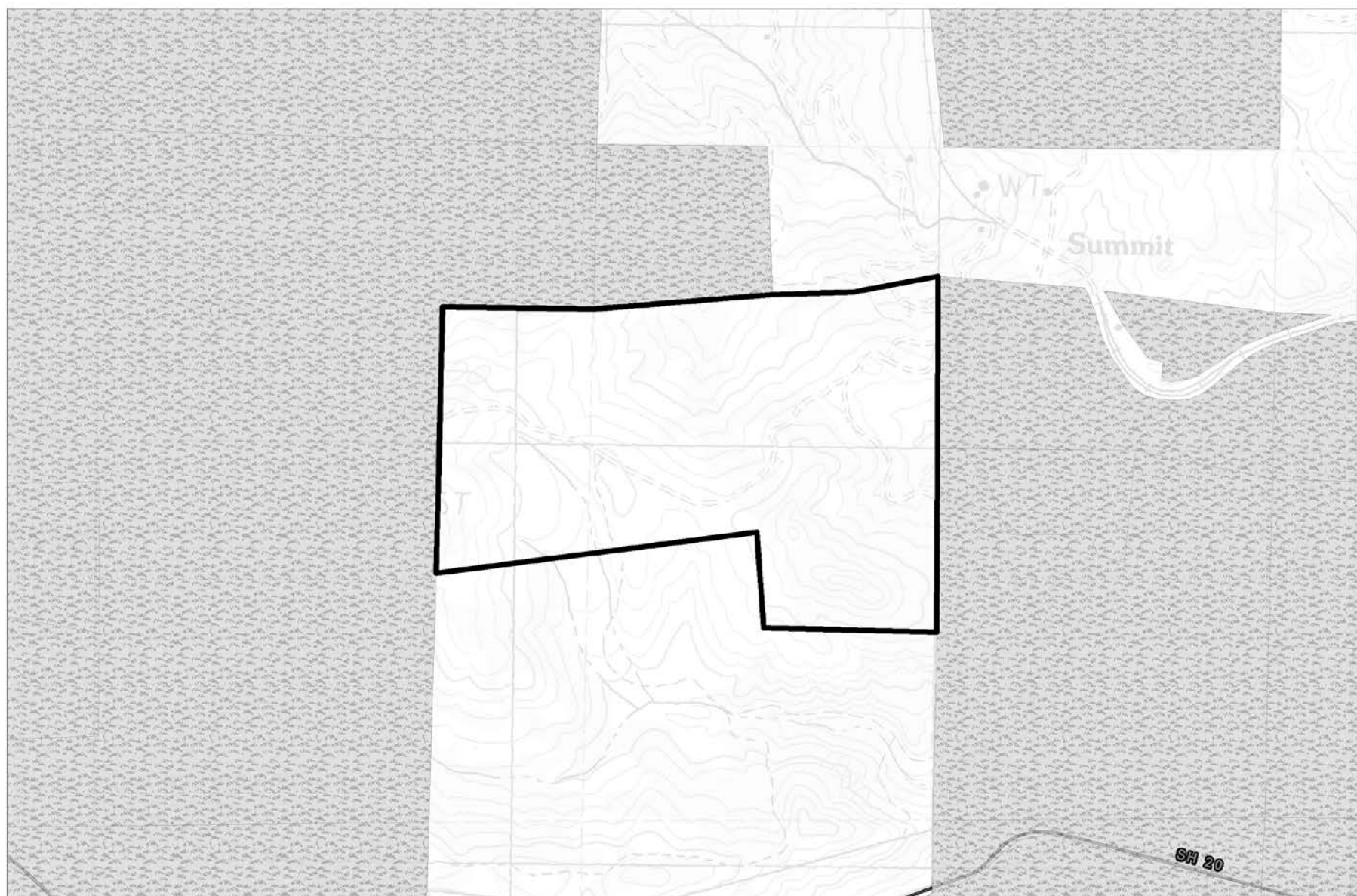


CASE: A 2016-0002  
 OWNER: PENA, Francisco, & Ester  
 APN: 038-110-73  
 APLCT: Francisco Pena  
 AGENT: Randy Weston  
 ADDRESS: 4400 W. Hwy. 20, WI

-  Eastern Soils
-  Eastern Serpentine Inclusions
-  Naturally Occuring Asbestos



LOCAL SOILS



CASE: A 2016-0002  
 OWNER: PENA, Francisco, & Ester  
 APN: 038-110-73  
 APLCT: Francisco Pena  
 AGENT: Randy Weston  
 ADDRESS: 4400 W. Hwy. 20, WI



Williamson Act 2015



Non-Prime Ag 2015



Public Roads

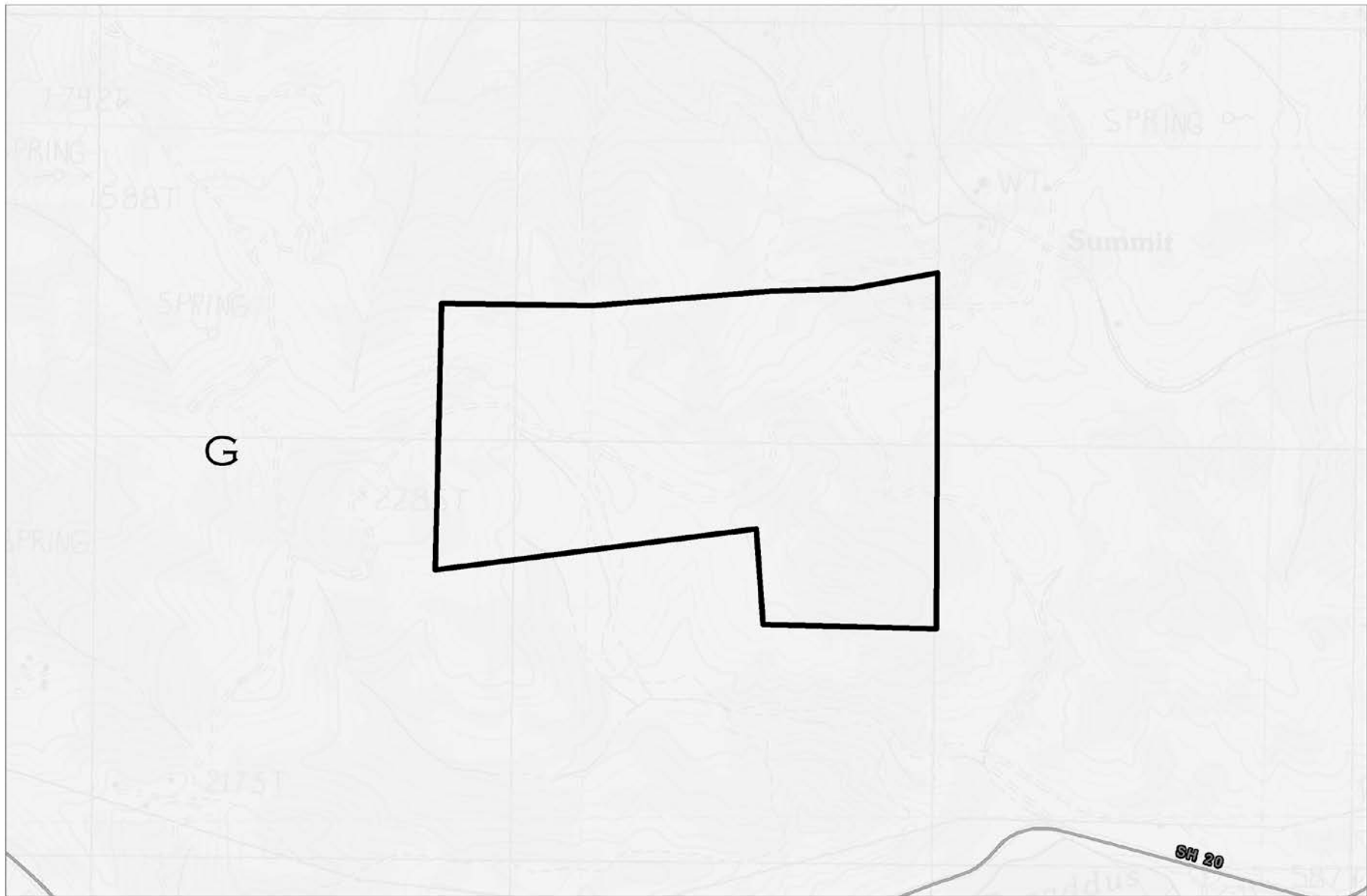
Driveways/Unnamed Roads

0 500 1,000 Feet  
 0 0.075 0.15 Miles






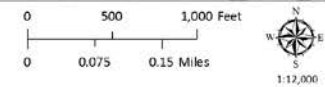
1:12,000

LANDS IN WILLIAMSON ACT CONTRACTS



CASE: A 2016-0002  
 OWNER: PENA, Francisco, & Ester  
 APN: 038-110-73  
 APLCT: Francisco Pena  
 AGENT: Randy Weston  
 ADDRESS: 4400 W. Hwy. 20, WI

 Grazing Land (G)  
 Public Roads  
 Driveways/Unnamed Roads



IMPORTANT FARMLAND