

COUNTY OF MENDOCINO DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 North Bush Street · Ukiah · California · 95482 120 West Fir Street · Fort Bragg · California · 95437

July 19, 2023

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission, at their regular meeting to be held on Thursday, August 3, 2023, at 9:30a.m., will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard. This meeting will take place in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah California, and Virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing online the Mendocino County YouTube on page, at https://www.youtube.com/MendocinoCountyVideo. In lieu of personal attendance, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or via Telecomment. The telecomment form may be found at: https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas.

CASE#: A_2022-0005 DATE FILED: 10/6/2022 OWNER/APPLICANT: THE WILDLANDS CONSERVANCY REQUEST: Agricultural Preserve application to establish a 3,864± acre preserve over 16 parcels and place the land under a Williamson Act Contract. ENVIRONMENTAL DETERMINATION: Categorically Exempt LOCATION: In the eastern Round Valley area adjacent to the Trinity County line, 13± miles northwest of Covelo, east of the Eel River, north of the North Fork Eel River, and west of Wilson Creek; there is no address associated with these parcels; APNs: 011-530-10, 031-010-01, -09, -13, -17, 031-020-06, -07, -08, 031-030-01, -02, -05, -06, 031-150-28, -29, -34, and -35. SUPERVISORIAL DISTRICT: 3 & 4 (Haschak & Gjerde) STAFF PLANNER: LIAM CROWLEY

The staff report and notice will be available for public review 10 days prior to the hearing on the Department of Planning and Building Services website at: <u>https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission</u>.

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, 860 North Bush Street, Ukiah, California. The public may participate digitally in meetings in lieu personal attendance sending comments of by to pbscommissions@mendocinocounty.org by August 2, 2023, or orally via telecomment. All public comment will be made available to the Planning Commission, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at https://www.mendocinocounty.org/government/planningbuilding-services/meeting-agendas/planning-commission.

The Planning Commission's action regarding this item shall be a recommendation to the Board of Supervisors, and the Board's action shall be final. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to present testimony in this matter.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling 707-234-6650 at least five days prior to the meeting.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification

of the Planning Commission's decision you may do so by requesting notification in writing and providing a selfaddressed stamped envelope to the Department of Planning and Building Services.

JULIA KROG, Director of Planning and Building Services



PLANNING COMMISSION STAFF REPORT- AGRICULTURAL PRESERVE

<u>SUMMARY</u>

OWNER/APPLICANT:	THE WILDLANDS CONSERVANCY 39611 OAK GLEN RD UNIT 12 OAK GLEN, CA 92399
REQUEST:	Agricultural Preserve application to establish a 3,864± acre preserve over 16 parcels and place the land under a Williamson Act Contract.
LOCATION:	In the eastern Round Valley area adjacent to the Trinity County line, 13± miles northwest of Covelo, east of the Eel River, north of the North Fork Eel River, and west of Wilson Creek; there is no address associated with these parcels; APNs: 011-530-10, 031-010-01, -09, -13, -17, 031-020-06, -07, -08, 031-030-01, -02, -05, -06, 031-150-28, -29, -34, and -35.
TOTAL ACREAGE:	3,864± Acres
GENERAL PLAN:	Rangeland 160-Acre Minimum (RL:160)
ZONING:	Rangeland (R-L)
SUPERVISORIAL DISTRICT:	3 & 4 (Haschak & Gjerde)
ENVIRONMENTAL DETERMINATION:	Categorically Exempt
RECOMMENDATION:	RECOMMEND APPROVAL TO BOARD OF SUPERVISORS
STAFF PLANNER:	LIAM CROWLEY
	BACKGROUND

PROJECT DESCRIPTION: Agricultural Preserve application to establish a 3,864± acre preserve over 16 parcels and place the land under a Williamson Act Contract. The land is used for cattle grazing.

SITE CHARACTERISTICS: The property is a portion of what is known as the Lone Pine Ranch which extends north into Trinity County. According to the submitted application materials, there is an existing hay barn on the property. The property is used for cattle grazing. The property lies primarily east of the Eel River and north of the North Fork of the Eel River. To the north in Trinity County, a ridge divides the ranch into two sections in a generally north-south direction. While the eastern side of the ridge in Trinity County contains mostly timberland, the western side and the portion in Mendocino County contains mostly grassland and scattered woodlands. A portion of the ranch is deeded to Northwest Pacific Railroad. Private roads are located throughout the ranch. A pond is located at the northern extend of the property along the County line (APN: 031-030-01).

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	N/A (Trinity County)	N/A (Trinity County)	N/A (Trinity County)	Agricultural
EAST	Rangeland (RL:160) and Public Lands	Rangeland (R-L),	Various (10-240±	Vacant/Agricultural
	(PL)	Timberland Production (T-	Acres)	-
		P), Public Facilities (P-F)		
SOUTH	Rangeland (RL:160) and Public Lands	Rangeland (R-L) and Public	Various (40-233±	Vacant/Agricultural
	(PL)	Facilities (P-F)	Acres)	-
WEST	Rangeland (RL:160)	Rangeland (R-L)	Various (4-195± Acres)	Vacant/Agricultural

PUBLIC SERVICES:

Access:	Private roads
Fire District:	None
Water District:	None
Sewer District:	None
School District:	Round Valley Unified, Laytonville Unified

<u>AGENCY COMMENTS</u>: On February 1, 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. A summary of agency comments is listed below.

REFERRAL AGENCIES	COMMENT
Assessor's Office	No Response
Farm Advisor	No Comment
Forestry Advisor	No Comment
Archaeological Commission	No Comment
Resource Lands Protection Committee	Comments
Native Plant Society	No Response
California Department of Conservation	No Response
Sierra Club	No Response
CAL FIRE (Resource Management)	No Response
California Dept. of Fish & Wildlife	No Comment
U.S. Natural Resources Conservation Service	No Response
Round Valley Municipal Advisory Council	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response
Covelo Fire District	No Response

KEY ISSUES

General Plan Consistency: The land subject to the request is classified as Rangeland 160-Acre Minimum (RL:160) per the Mendocino County General Plan (see attached General Plan Classifications). The RL:160 classification is intended...

"...to be applied to lands which are suited for and are appropriately retained for the grazing of livestock. The classification should include land eligible for incorporation into Type II agricultural preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands. The policy of the County and the intent of this classification shall be to protect these lands from the pressures of development and preserve them for future use as designated.

General Uses: Residential uses, agricultural uses, forestry, cottage industries, residential clustering, uses determined to be related to and compatible with ranching, conservation, processing and development of natural resources, recreation, utility installations."

The property is used for grazing and an agricultural preserve would be established, thereby restricting use of the property to agricultural and other compatible activities in accord with the RL:160 classification. The proposal is consistent with other applicable goals and policies of the General Plan as follows:

<u>Goal RM-10 (Agriculture)</u>: 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.

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

<u>Policy RM-101:</u> The County supports policies and programs to maintain and enhance the viability of agricultural operations and retention of agricultural land.

<u>Policy RM-110:</u> Consistent with State funding, encourage the creation and renewal of Williamson Act contracts on eligible lands.

Staff therefore finds that the proposal is in conformance with the General Plan.

Zoning Consistency: The land subject to the request is within the Rangeland (R-L) zoning district as described in Mendocino County Code Chapter 20.060. The R-L district is intended...

"...to create and preserve areas for (A) the grazing of livestock, (B) the production and harvest of natural resources, and (C) the protection of such natural resources as watershed lands from fire, pollution, erosion, and other detrimental effects. Processing of products produced on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically the R-L District would be applied to lands for incorporation into Type H Agricultural Preserves, other lands generally in range use, and intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of rangelands."

The proposal would restrict use of the property to agricultural and limited compatible uses. This includes cattle grazing, which is a permitted use in the R-L district under the Animal Raising – General Agriculture use type. Staff therefore finds that use of the property for grazing purposes within an agricultural preserve is consistent with Chapter 20.060 of the Mendocino County Code.

Resource Lands Protection Committee (RLPC): The RLPC met on March 22, 2023 and determined that additional financial information must be provided regarding the project. The applicant subsequently submitted the requested financial information as described below. No other concerns were raised by the RLPC.

Policies and Procedures for Agricultural Preserves and Williamson Act Contracts: Mendocino County has adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts pursuant to Mendocino County Code section 22.08.010, which provide that no property shall be incorporated into an agricultural preserve unless the Board of Supervisors finds that the property meets the eligibility qualifications established by such Policies and Procedures. The Project's consistency with applicable policies includes the following:

<u>Per Section 4.3</u>, all properties within the proposed preserve boundaries are within the Rangeland (R-L) zoning district. The proposed preserve consists of contiguous parcels and is greater than 100 acres.

<u>Per Section 5.3</u>, the applicant submitted a written statement that at least fifty percent (50%) of the land is continuously used or maintained for agricultural uses. The applicant submitted a lease agreement, effective 12/09/21, which outlines the management of a cattle herd on the property (available on file at Planning & Building Services). The premises described in the lease agreement include that of the proposed Agricultural Preserve. The lease agreement requires the tenant to use and occupy the premises solely for the feeding, pasturing, maintenance, and production of agricultural livestock, including beef cattle. For calculating annual income and minimum parcel size requirements, the property is considered Non-Prime Agricultural Land. The land proposed to be restricted by contract meets the 40-acre minimum parcel size requirement for Non-Prime Agricultural Land.

The annual income requirement for Non-Prime Agricultural Land is \$2,000.00 plus \$2.50 gross income per acre, or a total of \$11,660.00 for the proposed preserve. The applicant submitted financial information, including receipts from the Humboldt Auction Yard for cattle sold by the tenant, Mora Livestock Co. (available on file at Planning & Building Services). However, the financial information does not specify whether the cattle sold were related to the portion of the ranch in Mendocino County. Therefore, to estimate the income relative to the proposed preserve, staff divided the total income submitted by the total acreage of the ranch premises shown on the lease

PLANNING COMMISSION STAFF REPORT FOR AGRICULTURAL PRESERVE

agreement to find the dollar per acre value of the land, then multiplied the value by the acreage of the proposed preserve to find an estimated income generated by the portion in Mendocino County only. According to this method and the receipts submitted, the income generated by the Mendocino County portion of the ranch between June 22, 2022 and September 7, 2022 exceeded the annual income requirement.

Staff finds that the proposed Agricultural Preserve and Williamson Act contract is consistent with the applicable Policies and Procedures.

ENVIRONMENTAL DETERMINATION

The California Natural Resources Secretary has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. Staff finds that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) per 14 CCR §15317 Class 17, *Open Space Contracts or Easements*. The proposal consists of the establishment of an agricultural preserve and Williamson Act contract, which aligns with the language of the Class 17 exemption.

RECOMMENDATION

By resolution, that the Planning Commission recommend approval of A_2022-0005 to the Board of Supervisors subject to the findings contained in the Resolution.

7/10/23

DATE

Appeal Period: 10 Days Appeal Fee: \$2,674.00

ATTACHMENTS:

- A. Location
- B. Aerial Imagery
- C. Topographic Map
- D. Zoning
- E. General Plan
- F. Adjacent Parcels
- G. Fire Hazard Zones & Responsibility Areas

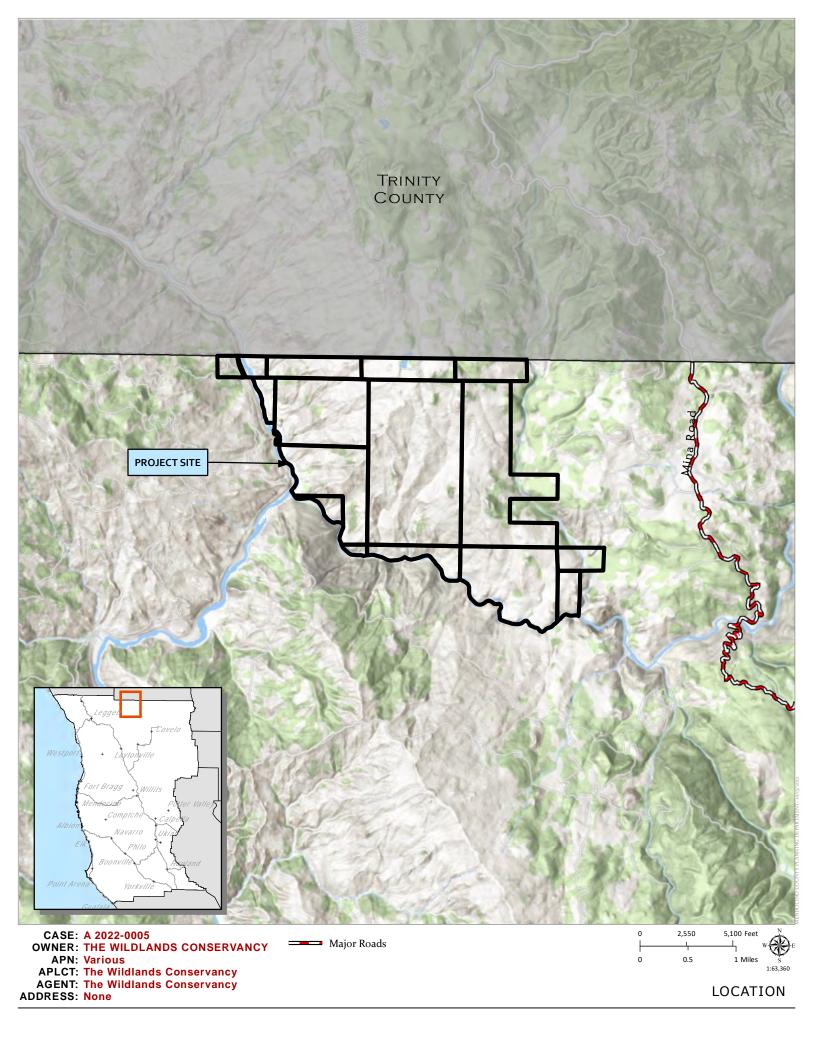
RESOLUTION AND LEGAL DESCRIPTION (Exhibit A)

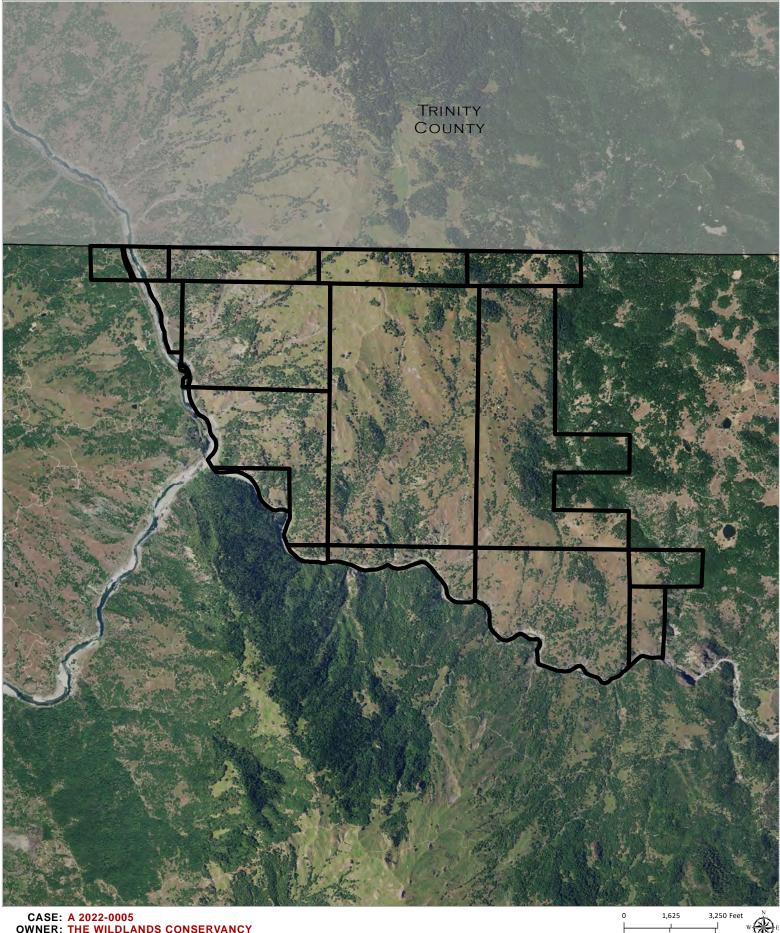
H. Wildland-Urban Interface

LIAM CROWLEY

PLANNER II

- I. Wetlands
- J. Estimated Slope
- K. Eastern Soil Classifications
- L. Williamson Act
- M. Farmlands
- N. Laytonville Municipal Advisory Council

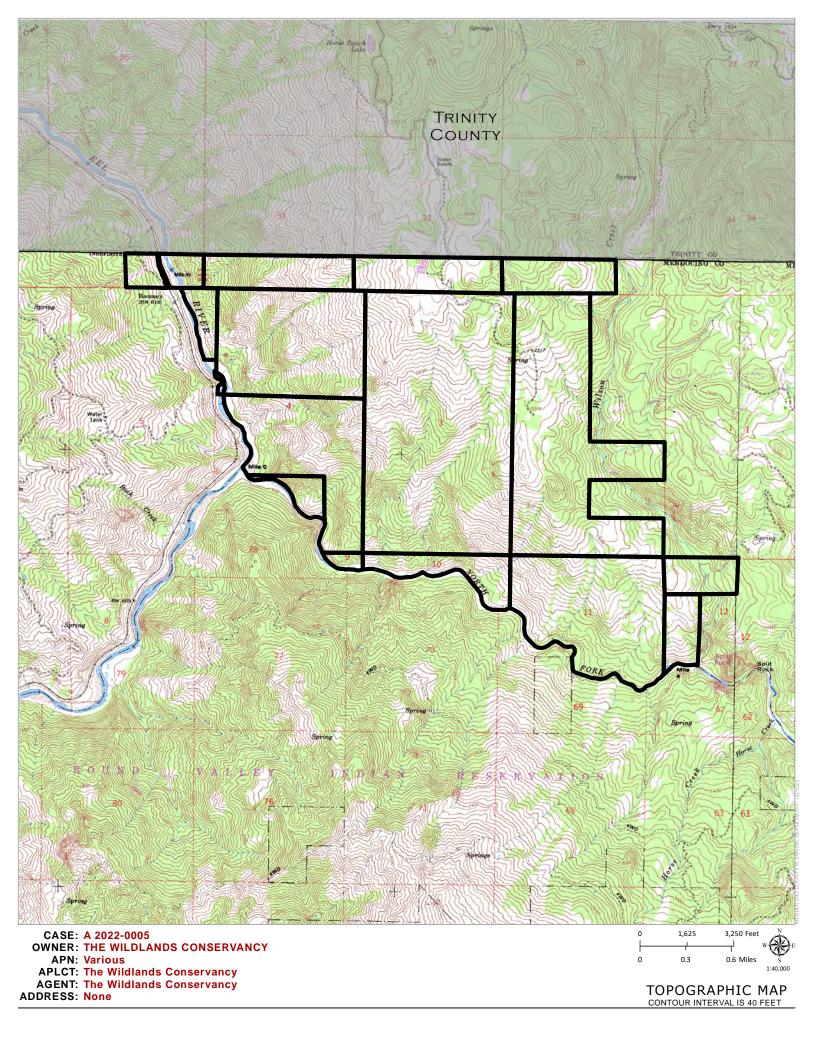


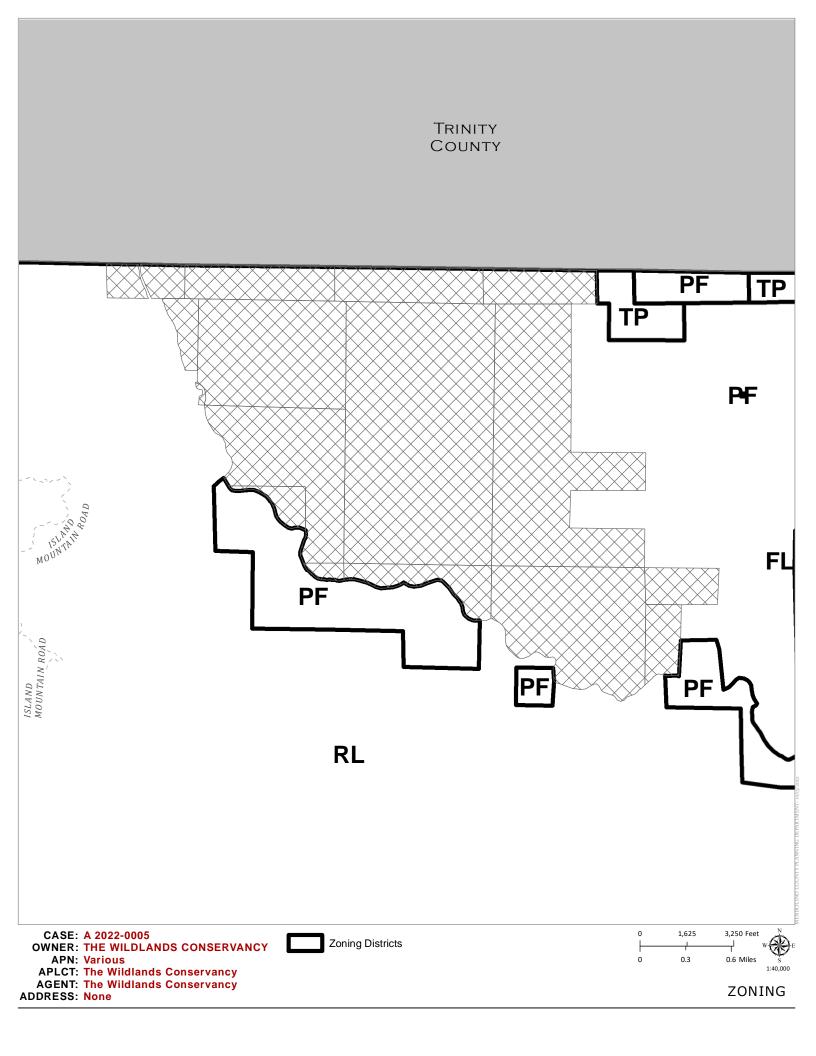


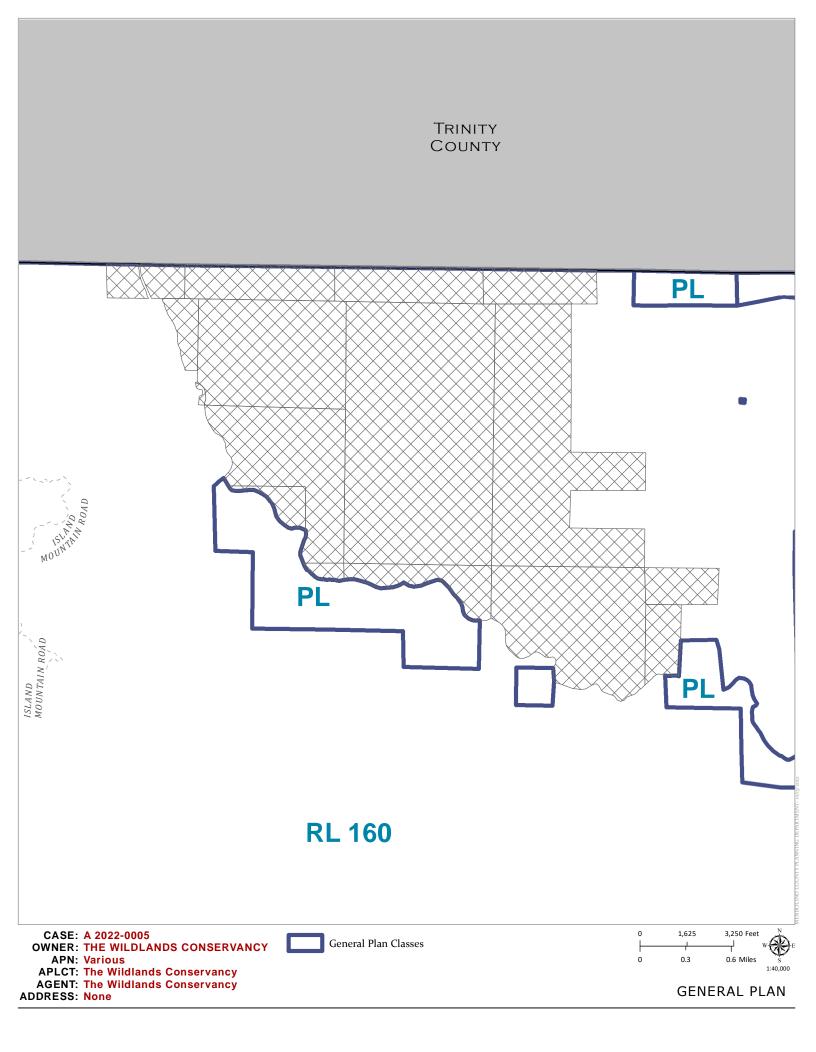
CASE: A 2022-0005 OWNER: THE WILDLANDS CONSERVANCY APN: Various APLCT: The Wildlands Conservancy AGENT: The Wildlands Conservancy ADDRESS: None

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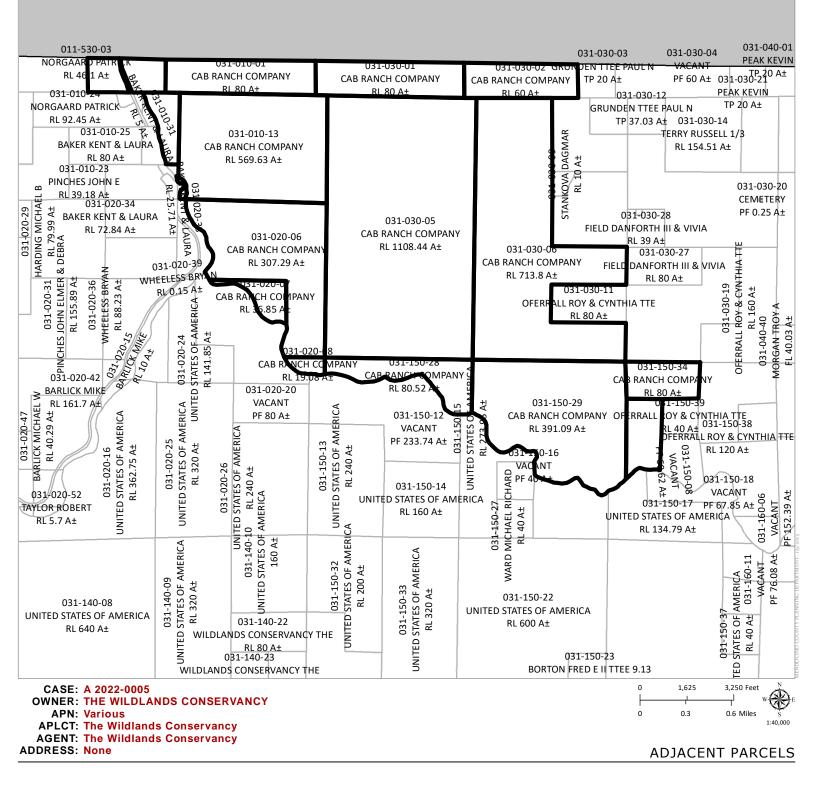
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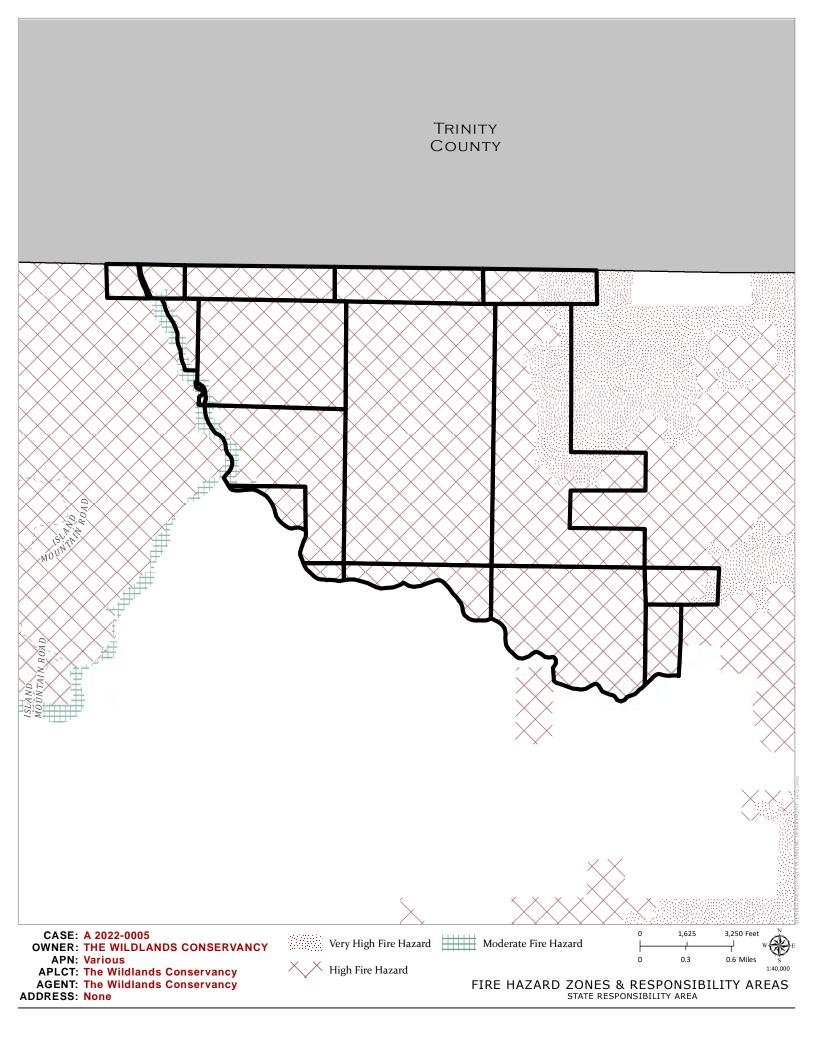


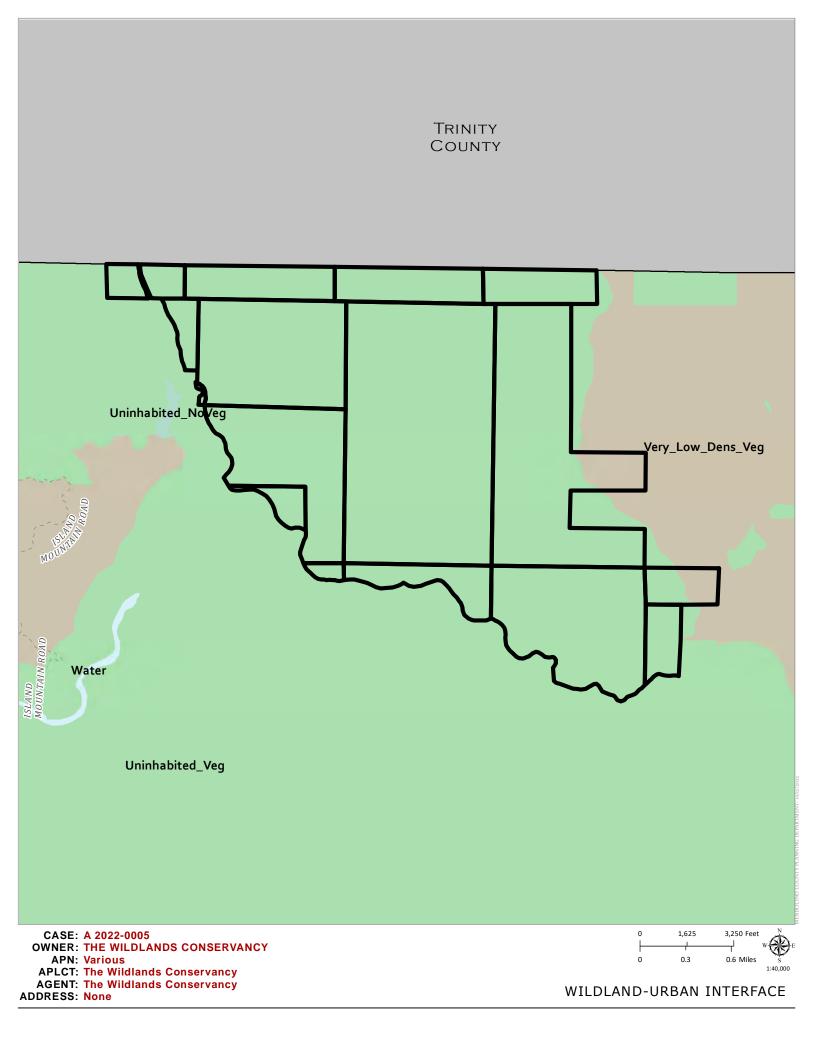


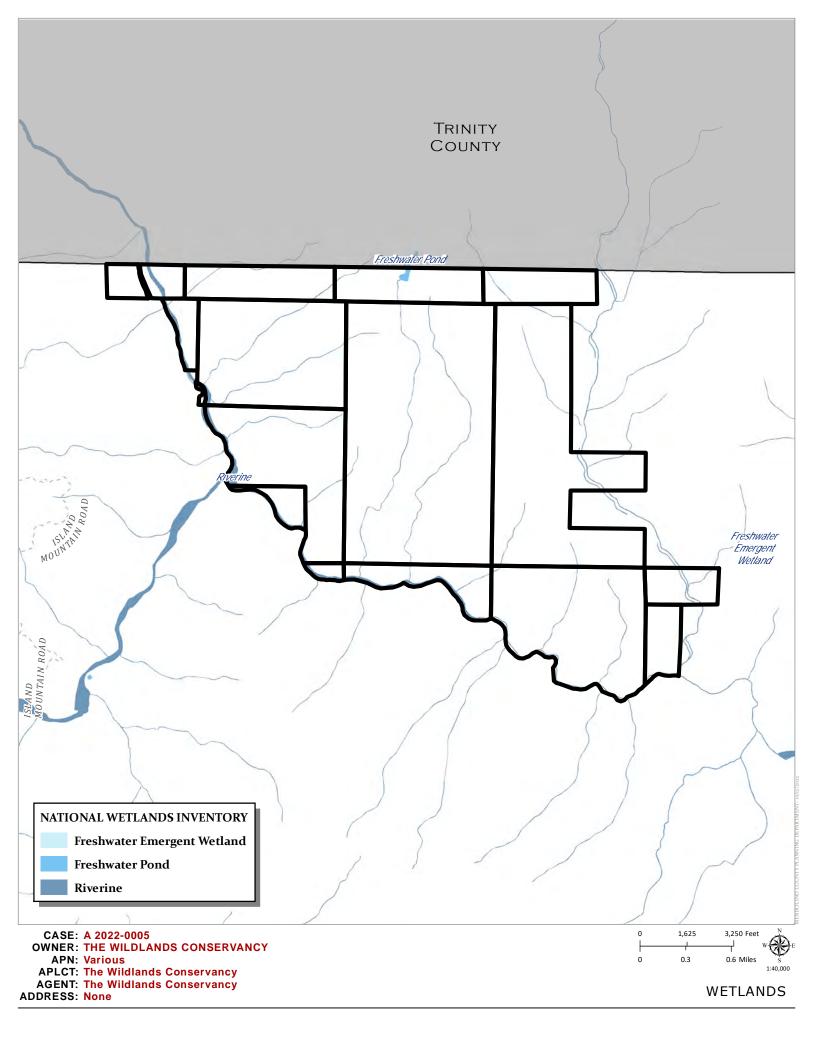


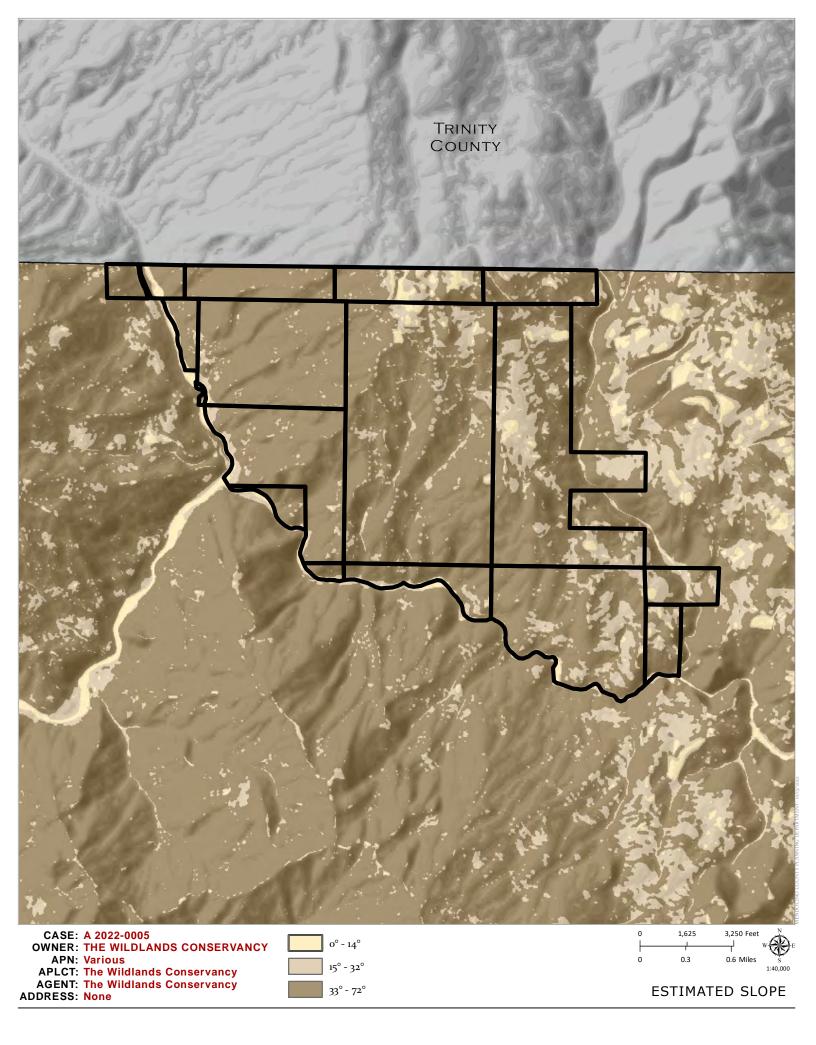
Trinity County

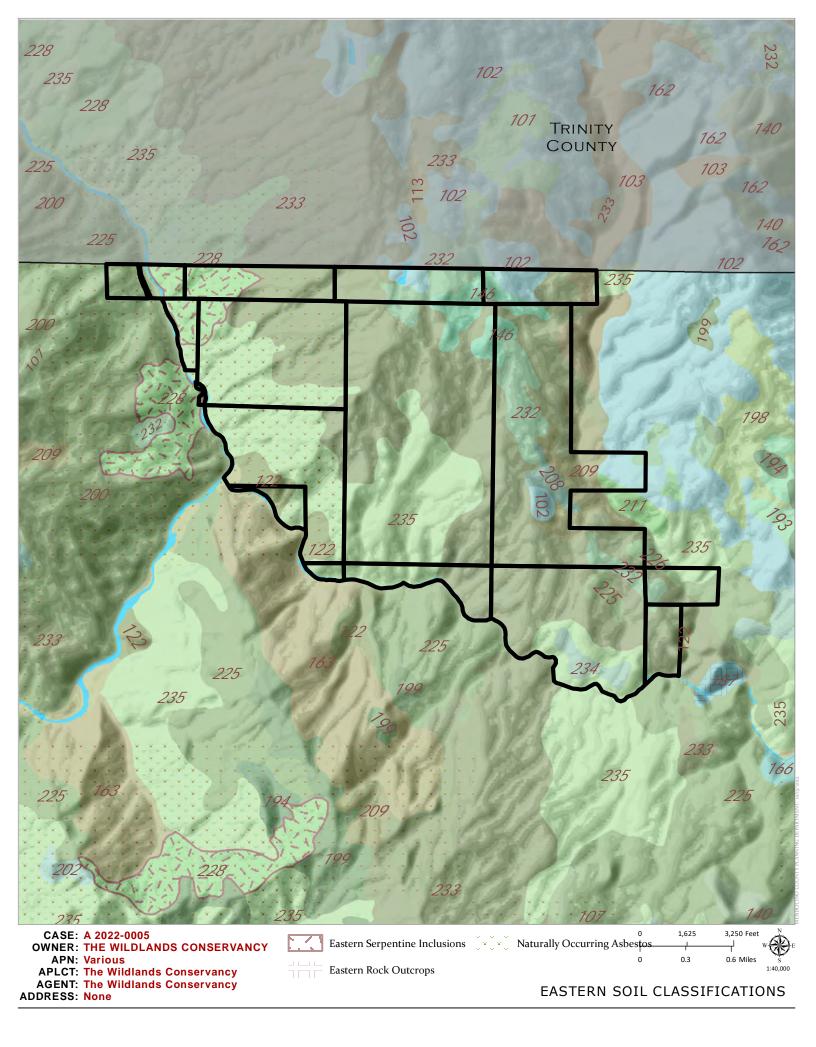


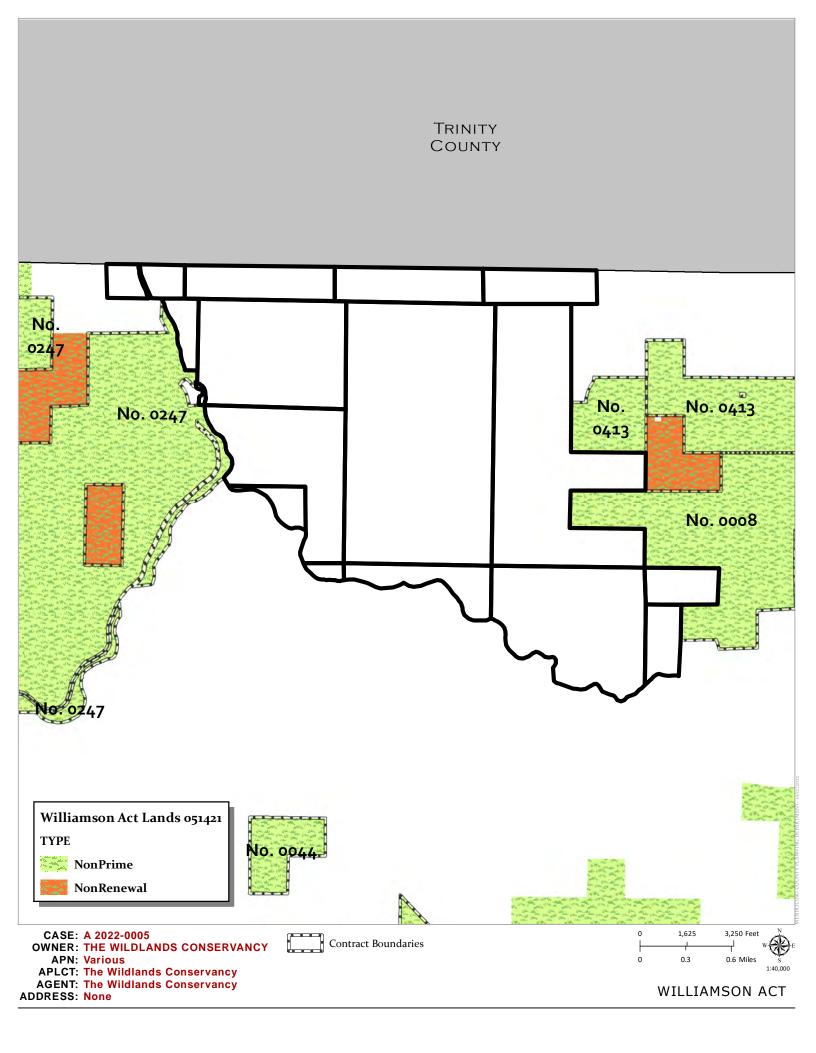


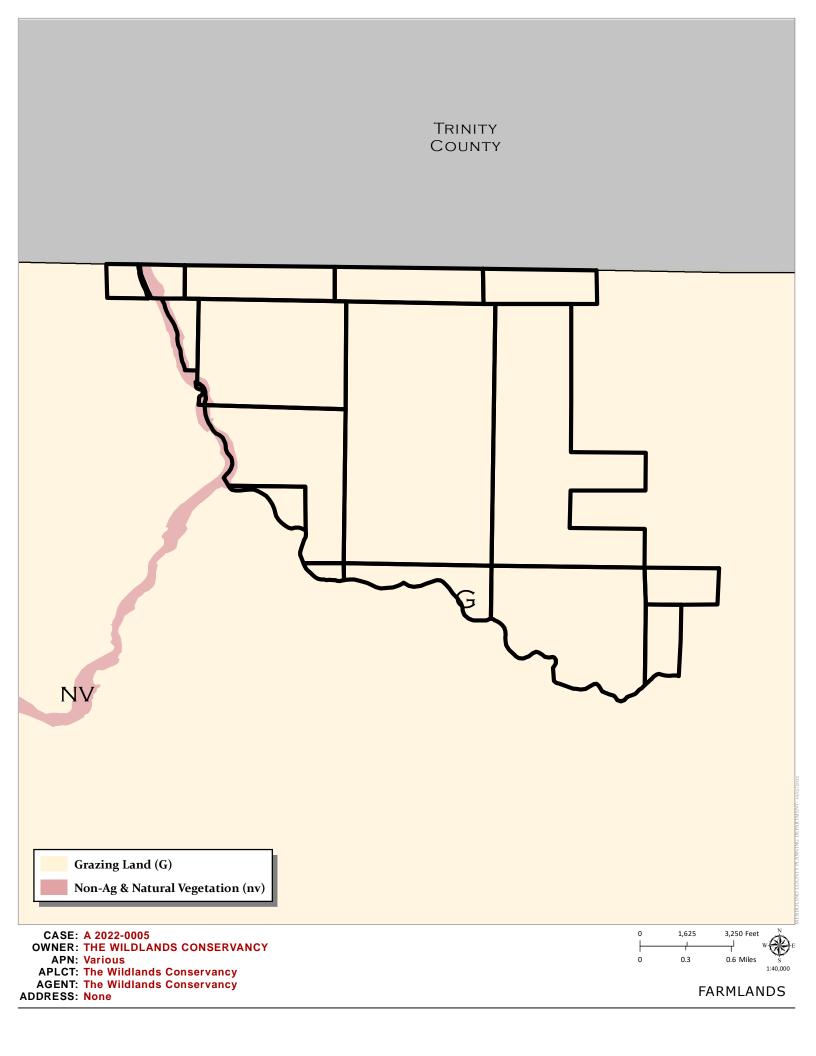


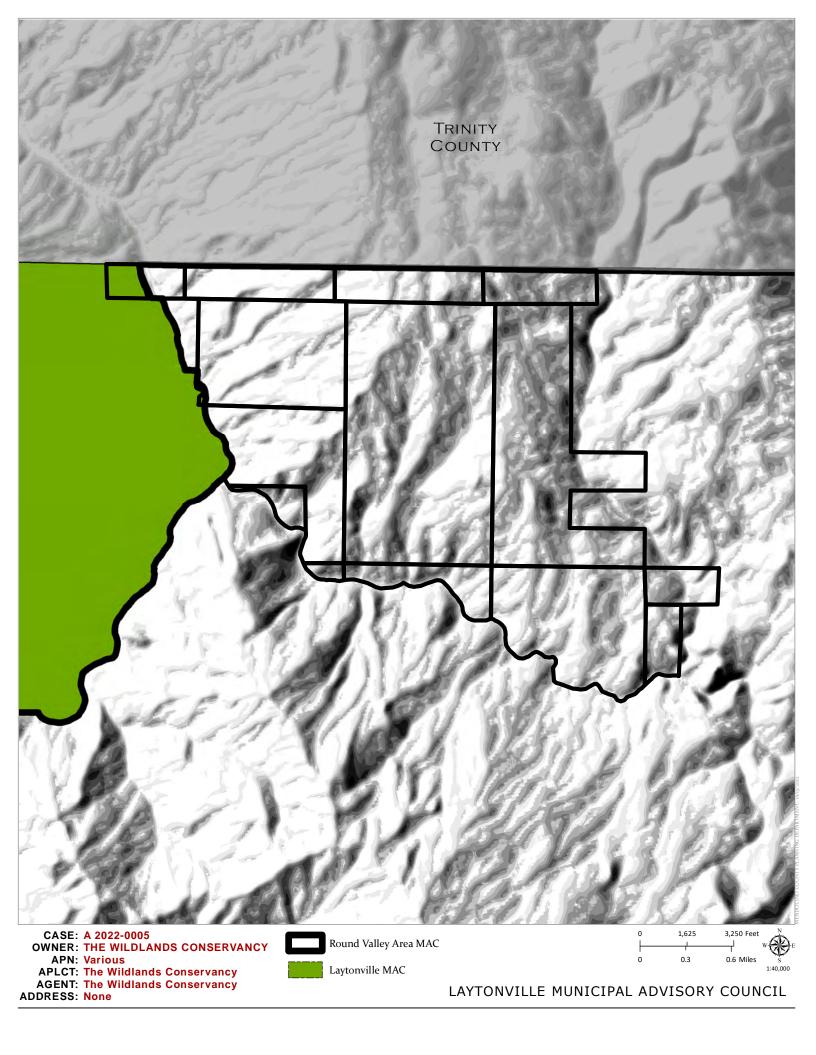












	The Wildlands Conservancy			
	Land Parcel Listing			
Escrow #	APN #	Acq. Date	Acreage	
EEL River Canyon (Lone Pine Ranch) Lo	oc 122			
Area 1 (Other parcels in Trinity County)	- 011-530-1000	Nov-21	70.79	
Area 1	031-010-0100	Nov-21	140.09	
Area 1	- 031-010-0900	Nov-21	45.70	
Area 1	• 031-010-1300	Nov-21	436.73	
Area 1	- 031-010-1700	Nov-21	2.51	
Area 1	- 031-020-0600	Nov-21	357.57	
Area 1	- 031-020-0700	Nov-21	41.61	
Area 1	· 031-020-0800	Nov-21	15.84	
Area 1	- 031-030-0100	Nov-21	138.55	
Area 1	031-030-0200	Nov-21	111.55	
Area 1	031-030-0500	Nov-21	1,074.19	
Area 1	- 031-030-0600	Nov-21	722.12	
Area 1	• 031-150-2800	Nov-21	112.45	
Area 1	031-150-2900	Nov-21	452.16	
Area 1	, 031-150-3400	Nov-21	72.51	
Area 1	• 031-150-3500	Nov-21	69.66	
Tatal for FEL Diver Conven (Long Ding)			3,864.03	

Total for EEL River Canyon (Lone Pine)

3,864.03

Resolution Number

County of Mendocino Ukiah, California

AUGUST 3, 2023

A_2022-0005 - THE WILDLANDS CONSERVANCY

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING ESTABLISHMENT OF AN AGRICULTURAL PRESERVE FOR THE LANDS OF THE WILDLANDS CONSERVANCY AND APPROVING A WILLIAMSON ACT CONTRACT OVER SAID LANDS (A_2022-0005).

WHEREAS, the applicant, THE WILDLANDS CONSERVANCY, filed an application with the Mendocino County Department of Planning and Building Services to establish an Agricultural Preserve over 3,864± acres and establish a Williamson Act contract over said land, in the eastern Round Valley area adjacent to the Trinity County line, 13± miles northwest of Covelo, east of the Eel River, north of the North Fork Eel River, and west of Wilson Creek (no site address listed); APNs: 011-530-10, 031-010-01, -09, - 13, -17, 031-020-06, -07, -08, 031-030-01, -02, -05, -06, 031-150-28, -29, -34, and -35) General Plan Rangeland (RL:160); Zoning Rangeland (R-L); Supervisorial District 3 & 4; (the "Project"); and

WHEREAS, Mendocino County has adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts pursuant to Mendocino County Code section 22.08.010, which provide that no property shall be incorporated into an agricultural preserve unless the Board of Supervisors finds that the property meets the eligibility qualifications established by such Policies and Procedures; and

WHEREAS, the Project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) per 14 CCR §15317 Class 17 and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, August 3, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project and all interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mendocino County Planning Commission, based on the evidence in the record before it, makes the following report and recommendations to the Mendocino County Board of Supervisors regarding Agricultural Preserve A_2022-0005:

- 1. The Planning Commission recommends that the Project is consistent with the property's General Plan land use classification of Rangeland (RL:160) and with applicable goals and policies of the General Plan; and
- The Planning Commission recommends that the Project is consistent with the property's zoning district of Rangeland (R-L) and is in conformance with Mendocino County Code Chapter 20.060; and

- The Planning Commission recommends that the Project satisfies the eligibility requirement criteria set forth in Section 5.2 of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts; and
- 4. The Planning Commission recommends to the Board of Supervisors that the lands described in Exhibit "A" attached hereto and incorporated herein by this reference, be entered into a new preserve and contract in a form approved by the Mendocino County Counsel, and that the owner shall cause to be recorded with the County Recorder's Office a map, written legal description and contract for the preserve in accordance with the established procedures of the County Recorder's Office; and
- 5. The Planning Commission recommends that the Board of Supervisors find the project Categorically Exempt from CEQA and establish a new Agricultural Preserve over the lands of The Wildlands Conservancy and approve a Williamson Act contract over said lands.

BE IT FURTHER RESOLVED that the Planning Commission designates the Commission Services Supervisor as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

- ATTEST: JAMES FEENAN Commission Services Supervisor
- Ву:_____
- BY: JULIA KROG Director, Planning & Building Services

DIANA WIEDEMANN, Chair Mendocino County Planning Commission

EXHIBIT A

(as described in Document No. 2021-17023, Mendocino County Records)

All that certain real property situated in the County of Mendocino, State of California, more particularly described as follows:

All that portion of the following described real property lying South of the Mendocino-Trinity County Line.

Lots 3, 4, 5, 8, 9, 11 and 12; the South half of the Southeast quarter and the Southwest and the Southwest quarter of Section 2; all of Section 3 comprising of Lots 1 to 12 inclusive and the South half of said Section 3; Lots 1, 2, 3, 4, 5, 6, 7, 10, 11 and 13; the East half of Lot 8; the East half of Lot 9; the East half of Lot 12, Lots 14 and 15; the Northeast quarter of the Southeast quarter of Section 4; all that portion of Lots 1 and 6 of Section 5, lying North and East of the center of the channel of the Eel River; Lot 1 of Section 9; Lot 1, 2, 3 and 4 of Section 10; Lots 1, 2, 3 and 4; the Northeast quarter and the North half of the Northwest quarter of Section 11; Lot 1, the North half of the Northwest quarter, the Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section 12; Township 24 North, Range 14 West, Mount Diablo Base and Meridian.

Also the South half of the South half of the Southeast quarter of Section 36, Township 5 South, Range 6 East, Humboldt Meridian.

Also the South half of the South half of the South Half of Section 31; the South half of the Southwest quarter of the Southeast quarter of Section 33, Township 5 South, Range 7 East, Humboldt Meridian.

Saving and excepting that portion thereof conveyed by George N. Merritt et ux to Northwestern Pacific Rail Road Company by deed recorded in Book 118 of Deeds, Page 119, Mendocino County Records.

Also the West half of Lot 8, Section 4, Township 24 North, Range 14 West, Mount Diablo Base and Meridian.

Excepting therefrom a piece or parcel of land situate, lying and being in Lot 8 of Section 4, Township 24 North, Range 14 West, Mount Diablo Base and Meridian, in an unincorporated area of Mendocino County, California, described as follows:

Beginning at a point in the Westerly line of said Section 4, said point of beginning also being the Southwest corner of said Lot 8; thence North along said Westerly line a distance of 825.00 feet; thence South 70° 00' 20" East, 280 feet; thence South 40° 00' East, 115 feet; thence South 7° 19' 20" East, 150.51 feet, thence South 35° 00' West, 360.00 feet; thence South 10° 00' West, 200.00 feet to a point on the Southerly line of said Lot 8, thence West along said Southerly line a distance of 115.00 feet to the point of beginning.

Excepting from the hereinabove described parcel of land, any portion thereof lying with the land described in the deed from Ramsey Land and Live Stock Company to Northwestern Pacific Railroad Company, recorded February 14, 1911 in Book 118 of deeds, Page 115, Mendocino County Records.

APN: 011-530-10 031-010-01, 09, 13, 17 031-020-06, 07, 08 031-030-01, 02, 05, 06 031-150-28, 29, 34, 35