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**PLANNING COMMISSION  
STAFF REPORT- AGRICULTURAL PRESERVE**

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**DECEMBER 3, 2020  
A\_2019-0003**

**SUMMARY**

**OWNER/APPLICANT:** CAPISTRAN RANCH, LLC  
9519 MILL STATION ROAD  
SEBASTOPOL, CA 95472

**AGENT:** ROBERT LASHINSKI  
9519 MILL STATION ROAD  
SEBASTOPOL, CA 95472

**REQUEST:** Agricultural Preserve application to place 982± acres into preserve and under a Williamson Act contract.

**LOCATION:** Various locations around the Round Valley area. *Fairbanks Parcel Group:* 2± miles southeast of Covelo on the north side of Fairbanks Road (CR 327-A), 1± mile east of its intersection with State Route 162 (SR 162); APN's 034-121-81, 83, and 84. *Bentley Parcel Group:* 8.9± miles southeast of Covelo on the north side of Bentley Ridge Road (private), 0.8± miles west of its intersection with Etsel Ridge Road (private); APN's 034-100-41, and 45. *Hayshed Parcel Group:* 9.7± miles southeast of Covelo on the east side of Bentley Ridge Road (private), 2.6± miles west of its intersection with Etsel Ridge Road (private); APN's 034-150-07, 034-160-36, 035-110-17.

**TOTAL ACREAGE:** 982± Acres

**GENERAL PLAN:** RL (Rangeland) & AG (Agricultural)

**ZONING:** RL:160 (Rangeland) & AG:40 (Agricultural)

**SUPERVISORIAL DISTRICT:** 3 (Haschak)

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt, Class 17

**RECOMMENDATION:** The Planning Commission recommends that the Board of Supervisors, by resolution, establish an Agricultural Preserve and Williamson Act contract as proposed by the Applicant, based on the facts and findings.

**STAFF PLANNER:** RUSSELL FORD

**BACKGROUND**

**PROJECT DESCRIPTION:** Capistran Ranch, LLC currently owns approximately 18,046 acres in the Round Valley area, with approximately 14,155 acres currently under Williamson Act contract (Contract Nos. 0965 and 1002). Calf and beef production is the primary business of the Ranch, with the contracted lands being used for grazing and hay production. The applicants request is to place an additional 982± acres into preserve and contract, comprised of three non-contiguous groups of parcels within the Round Valley area. The "Bentley" parcel group comprises 120± acres off Bentley Ridge Road. The "Fairbanks" group is 182± acres along Fairbanks Road, and the "Hayshed" group is 680± acres of parcels along Bentley Ridge Road.

**APPLICANT'S STATEMENT:** *"All lands being applied for are for seasonal grazing of cattle. Lots 034-121-81, 83, 84 may be used for growing/harvesting hay as well as grazing. All lands have been used for grazing cattle intermittently for more than 20 years."*

**RELATED APPLICATIONS:**

- Certificate of Compliance 24-78 was issued to resolve Subdivision Violation 77-05 on the Bentley parcel group.
- Certificate of Compliance 6-2010 recognized several parcels, including part of what's now the Fairbanks parcel group. Numerous subsequent Boundary Line Adjustments followed to create the current configuration. Most recently B\_2017-0003.
- The Hayshed parcel group also had a Certificate of Compliance issued (CC 12-2010) and subsequent Boundary Line Adjustment (B 32-2010).

**SITE CHARACTERISTICS:** Topography and site characteristic vary significantly among the three parcel groups, with the Bentley and Hayshed groups being the most similar.

The Bentley group is heavily sloped (30%-50%) and comprised almost entirely of Shortyork-Yorkville-Witherell complex soils, with sparse vegetation of mostly Oak species along drainages.

The Fairbanks group is flat, located near the center of the valley. Comprised of mostly Cole clay loam, Feliz loam and Gielow sandy loam, it is very well suited to hay and pasture use.

The Hayshed group is the largest, covering 680± acres across several ridges and some extremely sloped sections. Soils classes here include Maymen-Woodin-Etsel complex (30%-50% slopes), Hopland-Sanhedrin-Kekawaka complex and Yorktree-Yorkville loam. Forage is limited by some of these soil classes, but they generally respond well to rangeland seeding and proper grazing use.

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RL (Rangeland) AG (Agriculture)	RL (Rangeland) AG (Agriculture)	40± Acres and larger	Agricultural
EAST	PL (Public Lands)	PF (Public Facilities)	80± Acres and larger	Rangeland
SOUTH	RL (Rangeland) RR-5 (Rural Residential, 5 acre minimum) FL (Forestland)	RL (Rangeland) RR-5 (Rural Residential, 5 acre minimum) TP (Timberland Production)	Varies	Agricultural Residential Rangeland
WEST	RL (Rangeland) AG (Agriculture) PL (Public Lands)	RL (Rangeland) AG (Agriculture) PF (Public Facility)	40± Acres 100± Acres 640± Acres	Rangeland Agricultural

**AGENCY COMMENTS:** On December 11, 2019 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed in the table below.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Resource Lands Protection Committee	None	See Key Issues	12/11/2019
Farm Advisor	None	No Comment	12/12/2019
Redwood Valley Rancheria	None	No Comment	12/17/2019

**PUBLIC SERVICES:**

Access: Fairbanks Road (CR 327-A) and Bentley Ridge Road (Private)  
Fire District: Covelo Fire Protection District (Fairbanks group only)  
Water District: Round Valley County Water District (Fairbanks group only)  
Sewer District: None  
School District: Round Valley Unified

**KEY ISSUES**

**1. Resource Lands Protection Committee** The project was initially discussed by the Resource Lands Protection Committee (RLPC) on December 11, 2019. As Capistran Ranch owns a significant amount of acreage, more information was requested relating to these three specific parcel groups. The RLPC desired to ensure that they would individually qualify for contract without having to rely on the income from the other, non-contiguous contracted lands. The owner indicated that it would be difficult to parse out the value of cattle grazing in one area versus another, so after multiple discussions Staff recommended the applicants substitute capital improvements to meet the financial requirements, as allowed for in Table 5-2 of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts (Amended March 27, 2018, Resolution No. 18-050). On September 18, 2020, Staff received a breakdown of improvement costs for the three parcel groups, which was subsequently accepted by the RLPC at that time.

**2. General Plan Consistency:** The proposed project, establishing an Agricultural Preserve and Williamson Act contract over 982± acres for cattle grazing and hay production, is consistent with the following agricultural policies of the General Plan:

- *Policy 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 maintain extensive agricultural land areas and limiting incompatible uses.*
- *Policy RM-100: Maintain extensive agricultural land areas and limit incompatible uses.*
- *Policy RM-101: The County supports policies and programs to maintain and enhance the viability of agricultural operations and retention of agricultural land.*
- *Policy RM-110: Consistent with State funding, encourage the creation and renewal of Williamson Act contracts on eligible lands.*

**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..."

**RECOMMENDATION**

The Planning Commission recommends approval of A\_2019-0003 to the Board of Supervisors, making the following findings, consistent with the General Plan and Mendocino County Code Section 22.08:

**Environmental Findings:** This project is categorically exempt from CEQA review per Section 15317 of the CEQA Guidelines (Class 17).

**Agricultural Preserve Findings:** The lands referenced in this Staff Report are currently zoned RL (Rangeland) and AG (Agriculture) and greater than 100 acres in size. Per Section 4.3 of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts, only lands zoned AG (Agriculture), RL (Rangeland) or FL (Forestland) that are greater than 100 acres in size (with limited exceptions) are eligible to qualify as Agricultural Preserves. Staff finds that the proposed addition to the existing contract qualifies based on this criteria.

**Williamson Act Findings:** The proposed Williamson Act contract is consistent with requirements as specified in the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts with regard to lot size, agricultural use type, accessory development and income threshold.

11/23/20

DATE

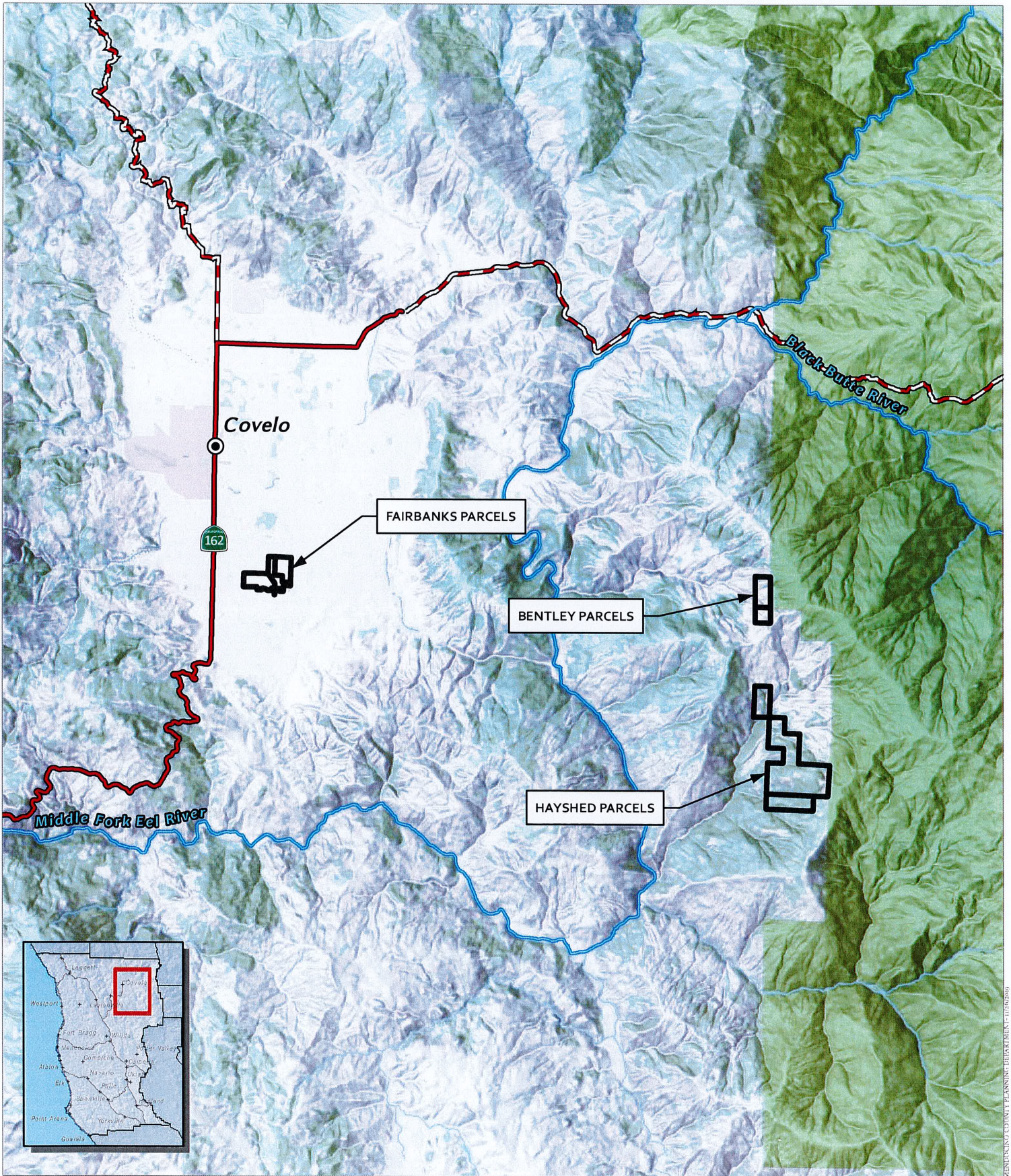
Russell Ford

RUSSELL FORD  
PLANNER III

**ATTACHMENTS:**

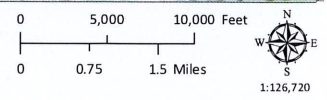
- A. Location Map
- B. Bentley Topographic Map
- C. Bentley Aerial
- D. Bentley Zoning
- E. Bentley General Plan
- F. Bentley Williamson Act
- G. Bentley Farmland
- H. Bentley Soils
- I. Bentley Adjacent
- J. Fairbanks Topographic Map
- K. Fairbanks Aerial
- L. Fairbanks Zoning
- M. Fairbanks General Plan
- N. Fairbanks Williamson Act
- O. Fairbanks Farmland
- P. Fairbanks Soils
- Q. Fairbanks Adjacent
- R. Hayshed Topographic Map
- S. Hayshed Aerial
- T. Hayshed Zoning
- U. Hayshed General Plan
- V. Hayshed Williamson Act
- W. Hayshed Farmland
- X. Hayshed Soils
- Y. Hayshed Adjacent





CASE: A 2019-0003  
 OWNER: Capistran Ranch, LLC  
 APN: 034-100-41, ET AL  
 APLCT: Capistran Ranch, LLC  
 AGENT: Robert Lashinski  
 ADDRESS: Various, Covelo

- Major Towns & Places
 Major Roads
- Major Rivers
- Highways



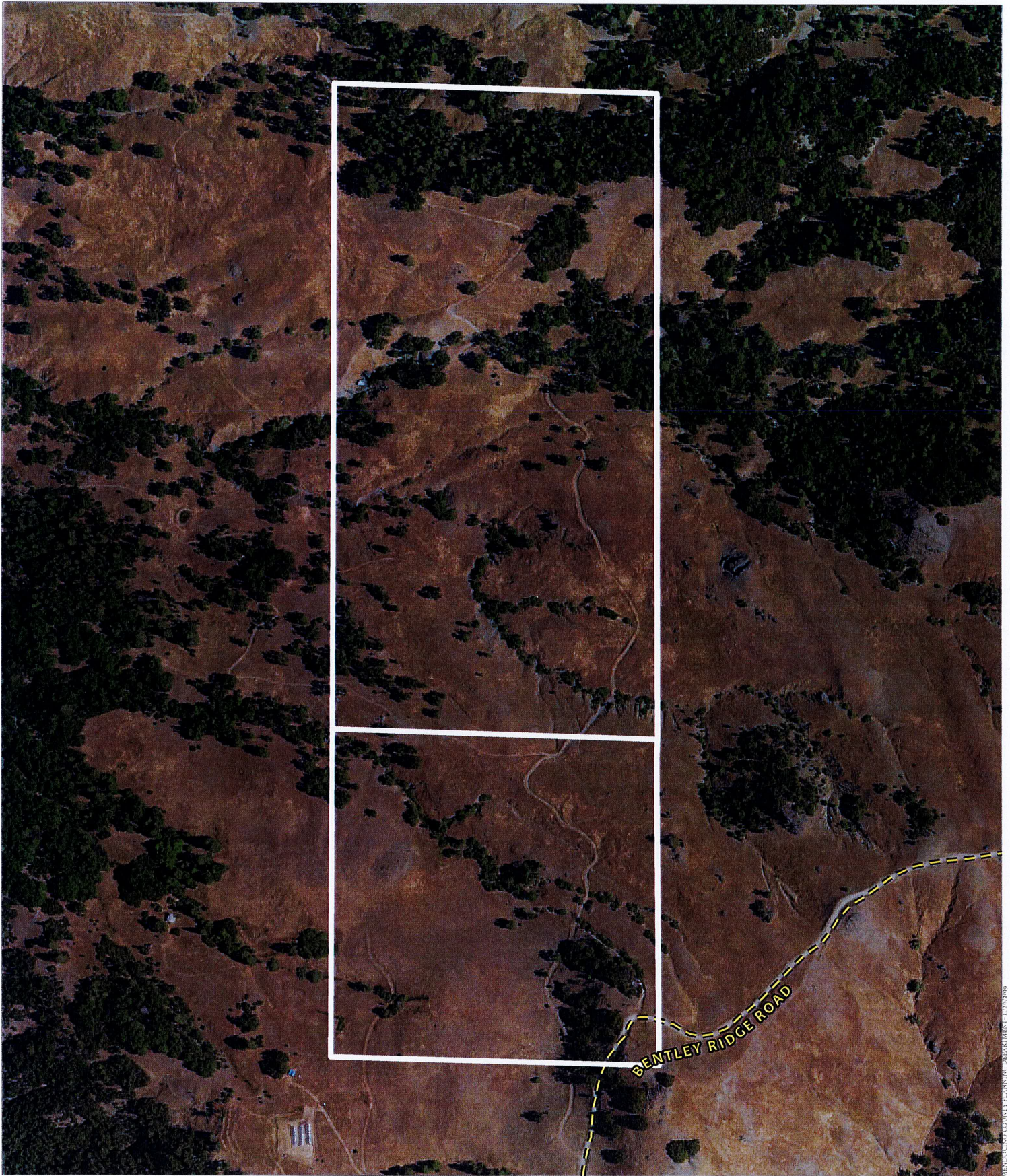
LOCATION MAP  
 ATTACHMENT A





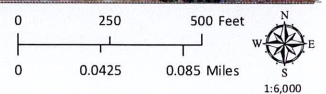
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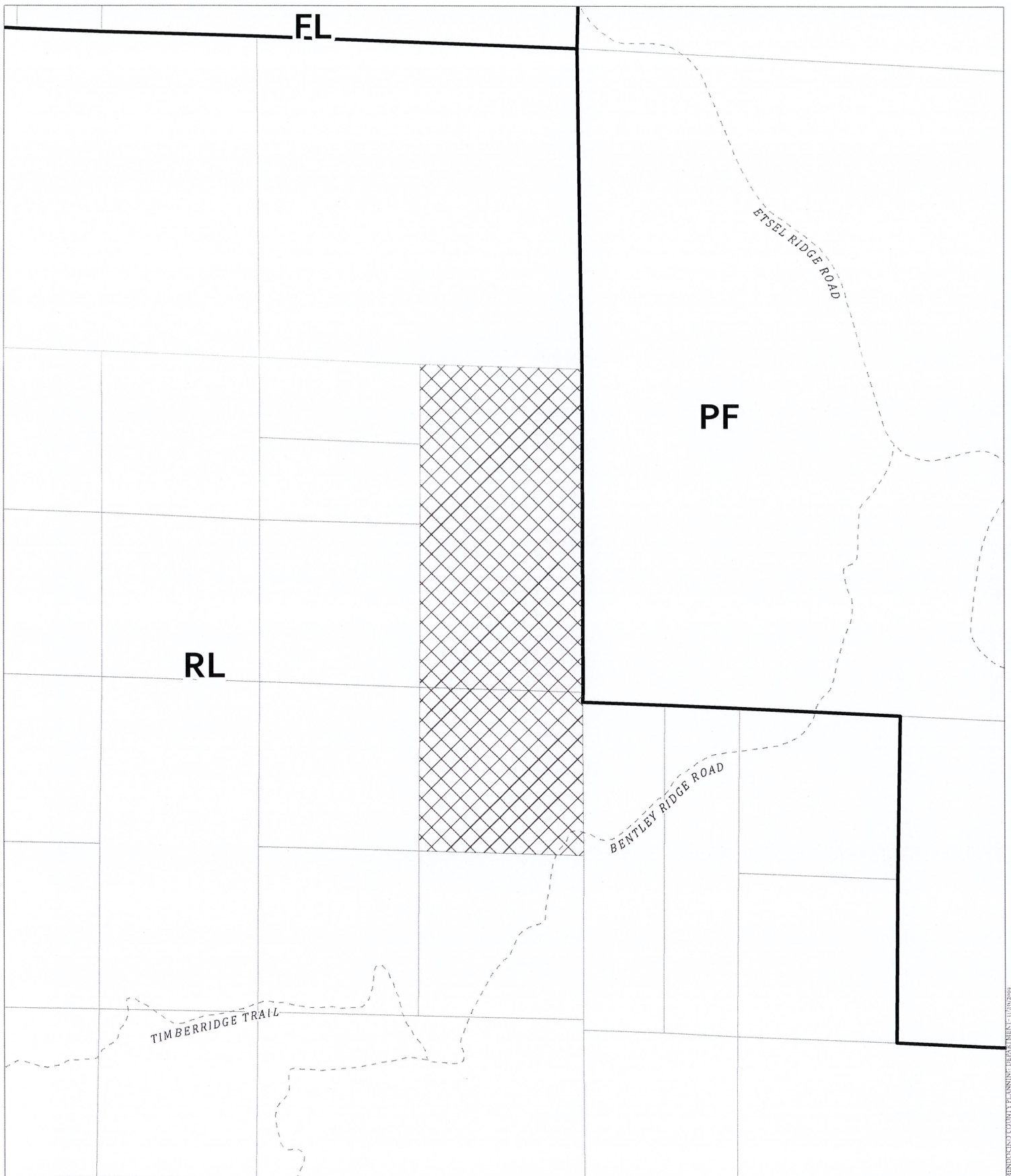
CASE: A 2019-0003  
OWNER: Capistran Ranch, LLC  
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APLCT: Capistran Ranch, LLC  
AGENT: Robert Lashinski  
ADDRESS: Various, Covelo

== Private Roads

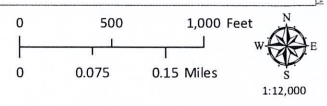


AERIAL IMAGERY  
ATTACHMENT C

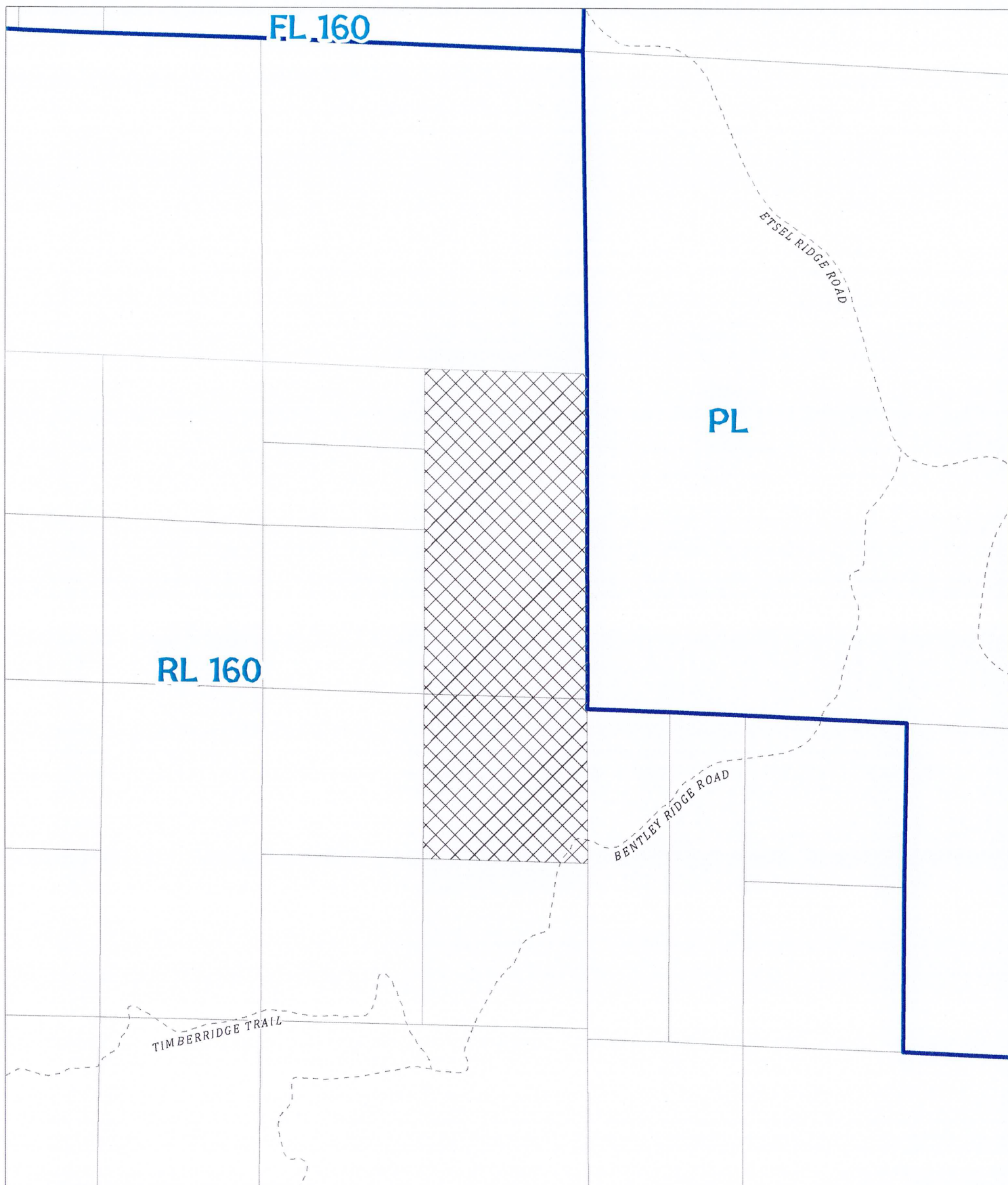





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 ADDRESS: Various, Covelo

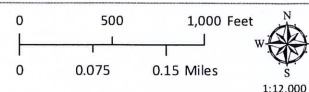






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 APN: 034-100-41, ET AL  
 APLCT: Capistran Ranch, LLC  
 AGENT: Robert Lashinski  
 ADDRESS: Various, Covelo

 General Plan Classes



GENERAL PLAN CLASSIFICATIONS  
 ATTACHMENT E



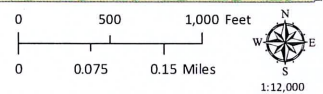
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 OWNER: Capistran Ranch, LLC  
 APN: 034-100-41, ET AL  
 APLCT: Capistran Ranch, LLC  
 AGENT: Robert Lashinski  
 ADDRESS: Various, Covelo



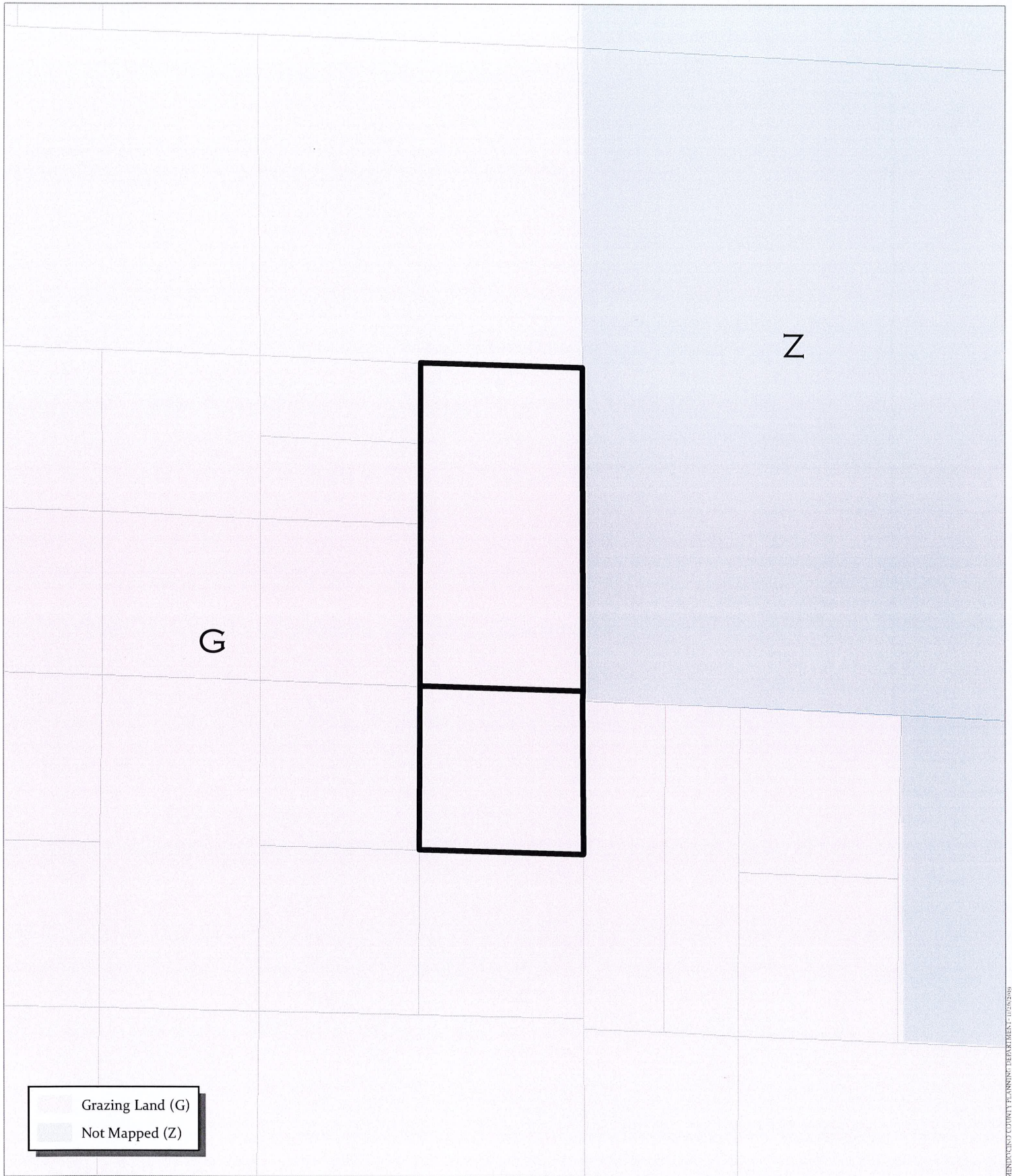
Williamson Act 2018



Non-Prime Ag 2018

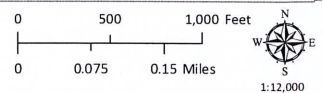




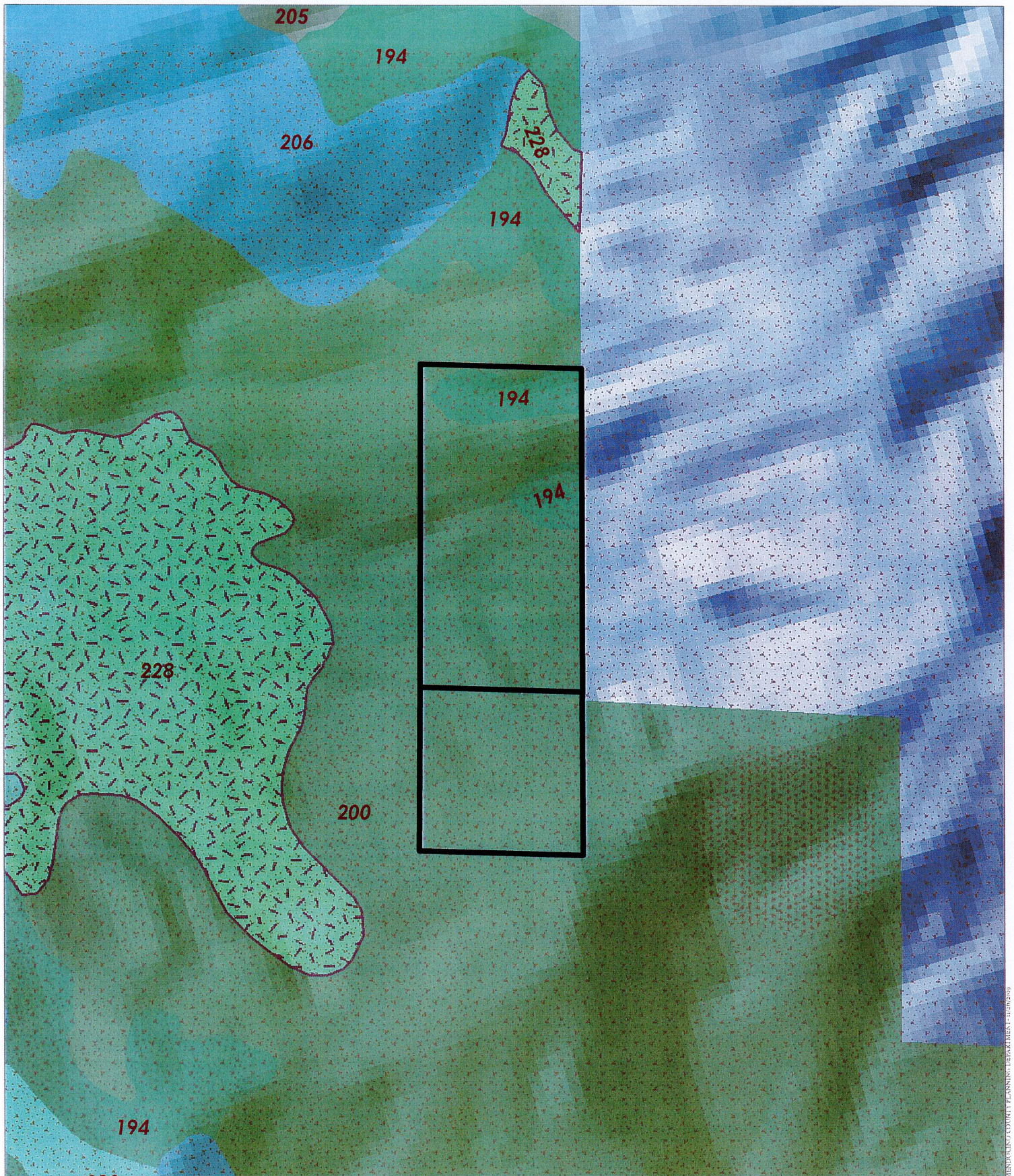


Grazing Land (G)  
Not Mapped (Z)




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APN: 034-100-41, ET AL  
APLCT: Capistran Ranch, LLC  
AGENT: Robert Lashinski  
ADDRESS: Various, Covelo

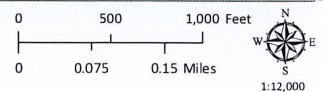






CASE: A 2019-0003  
 OWNER: Capistran Ranch, LLC  
 APN: 034-100-41, ET AL  
 APLCT: Capistran Ranch, LLC  
 AGENT: Robert Lashinski  
 ADDRESS: Various, Covelo

-  Naturally Occurring Asbestos
-  Ultramafic Rock
-  Eastern Serpentine Inclusions

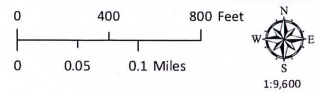


EASTERN SOIL CLASSIFICATIONS  
 ATTACHMENT H



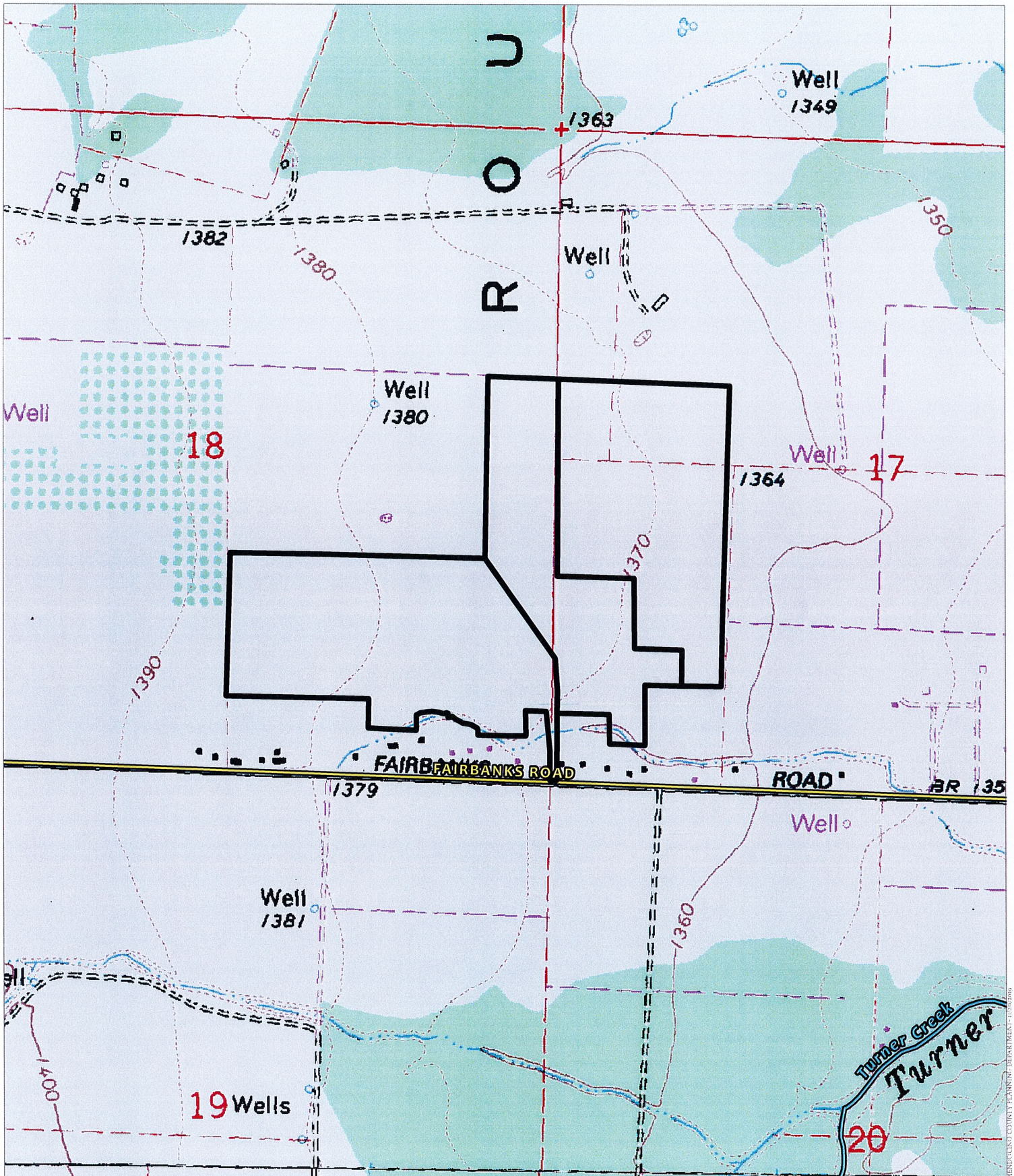


CASE: A 2019-0003  
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APN: 034-100-41, ET AL  
APLCT: Capistrano Ranch, LLC  
AGENT: Robert Lashinski  
ADDRESS: Various, Covelo






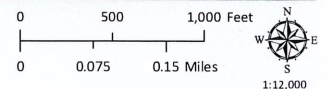
ADJACENT PARCELS  
ATTACHMENT I





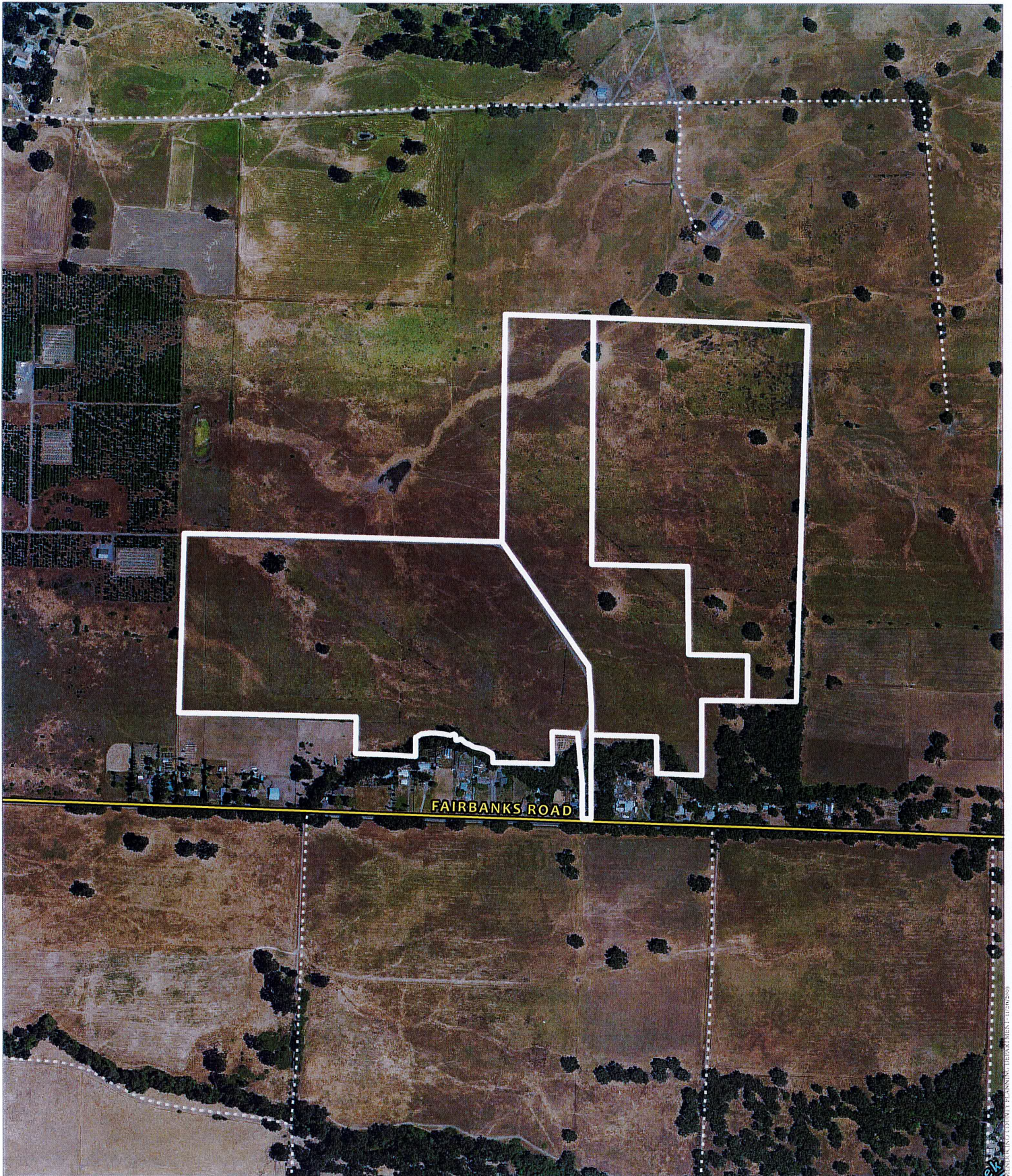
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 AGENT: Robert Lashinski  
 ADDRESS: Various, Covelo

 Named Rivers  
 Public Roads  
 Driveways/Unnamed Roads






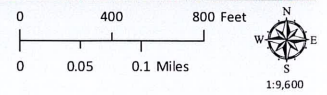
TOPOGRAPHIC MAP  
 CONTOUR INTERVAL IS 40 FEET  
 ATTACHMENT J



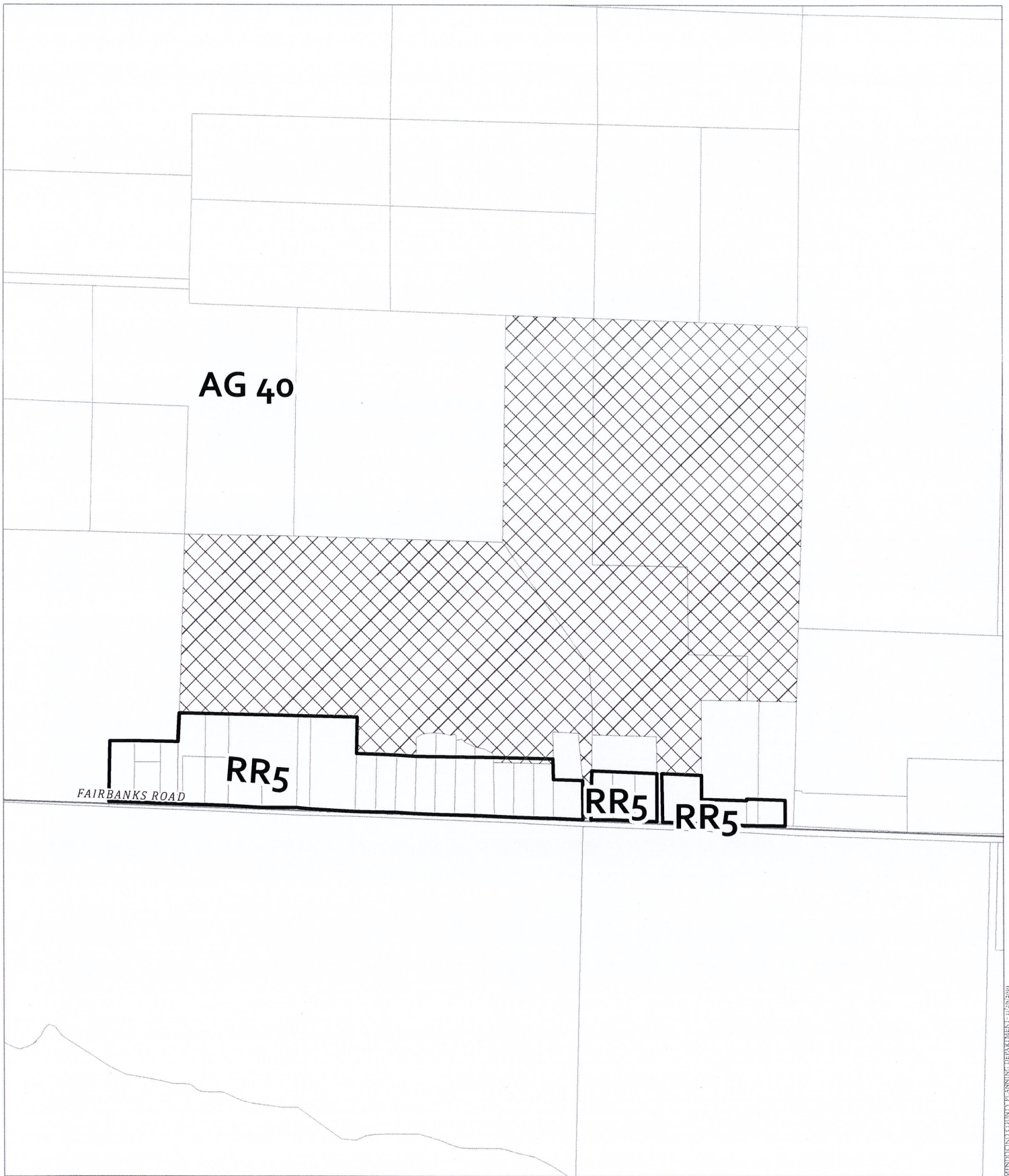


CASE: A 2019-0003  
OWNER: Capistran Ranch, LLC  
APN: 034-100-41, ET AL  
APLCT: Capistran Ranch, LLC  
AGENT: Robert Lashinski  
ADDRESS: Various, Covelo



-  Named Rivers
-  Public Roads
-  Driveways/Unnamed Roads

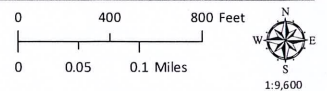






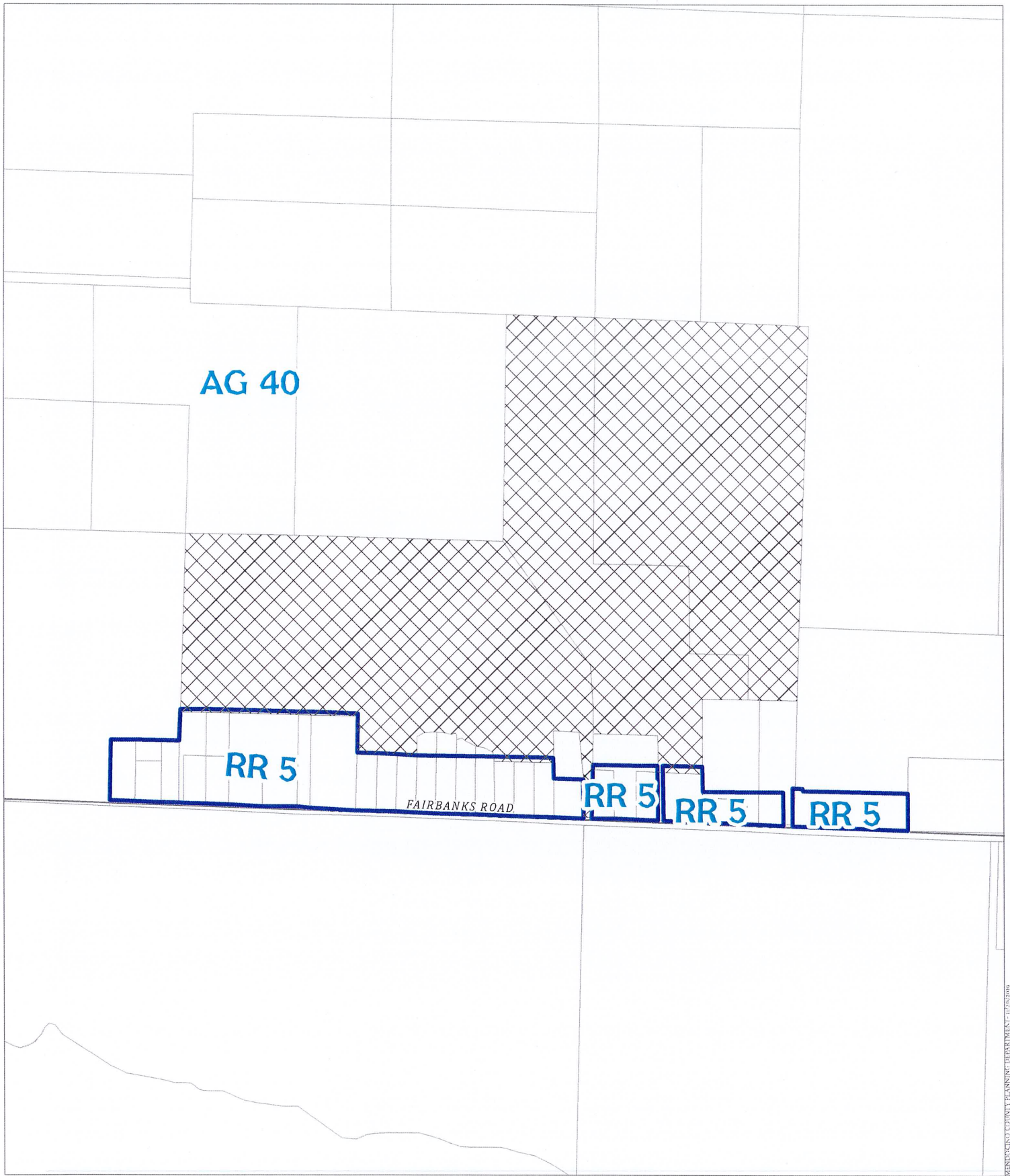
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 Zoning Districts  
 Public Roads





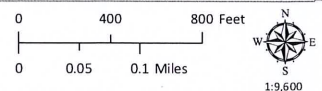
ZONING DISPLAY MAP  
 ATTACHMENT L





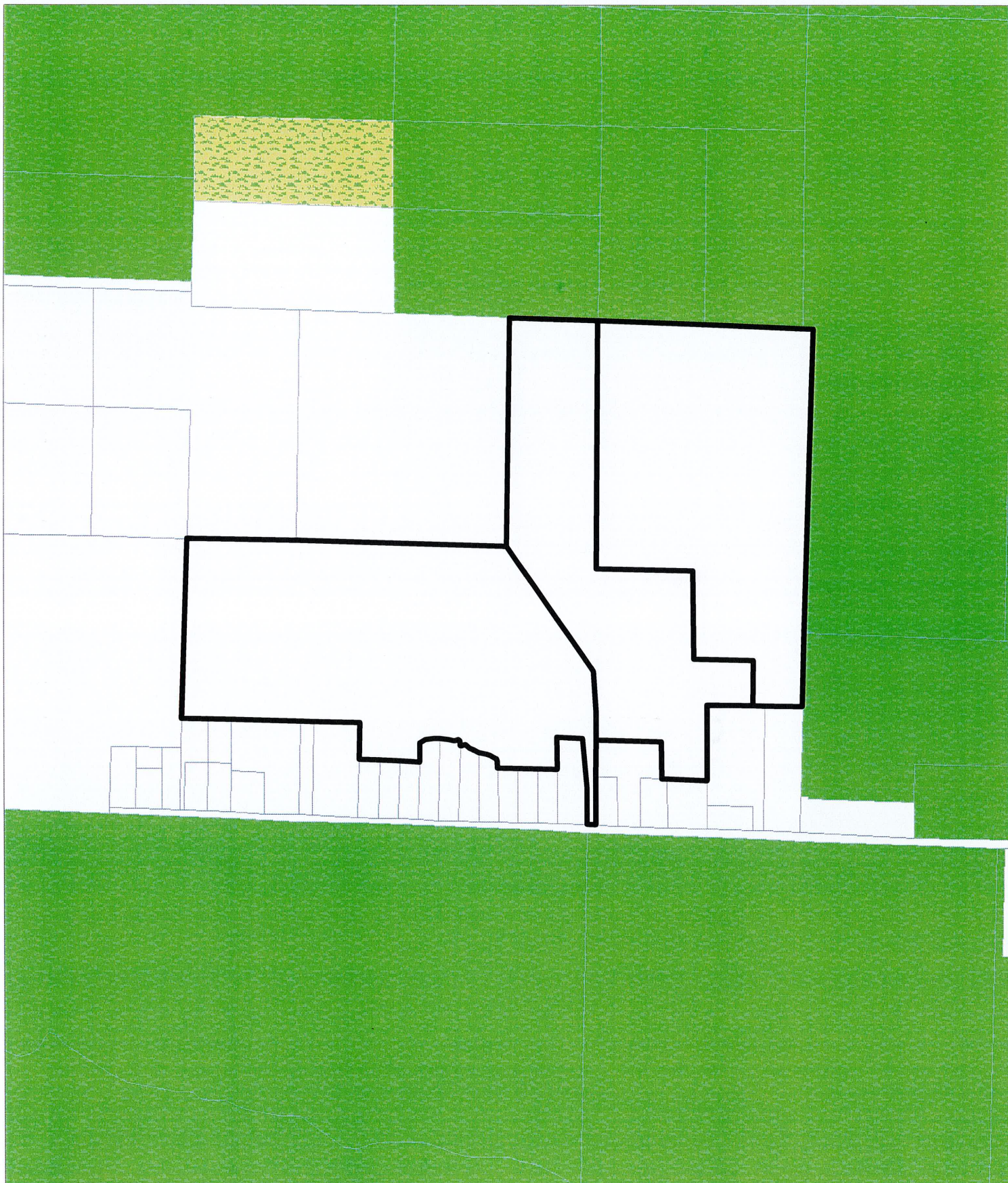
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 General Plan Classes  
 Public Roads






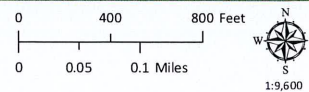
GENERAL PLAN CLASSIFICATIONS  
 ATTACHMENT M



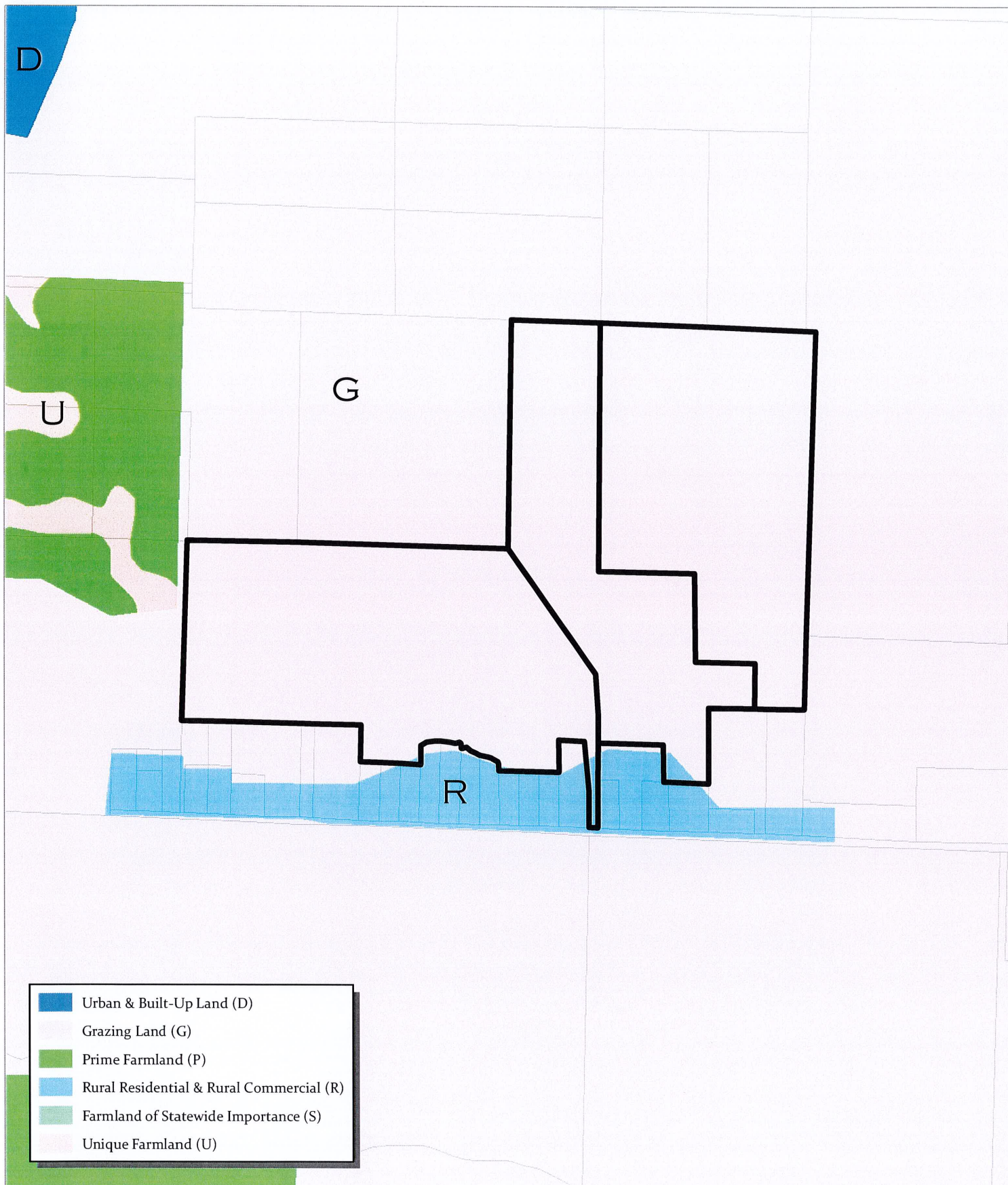


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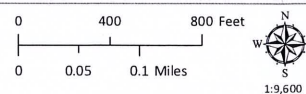
 Williamson Act 2018  
 Prime Ag 2018  
 Non-Prime Ag 2018



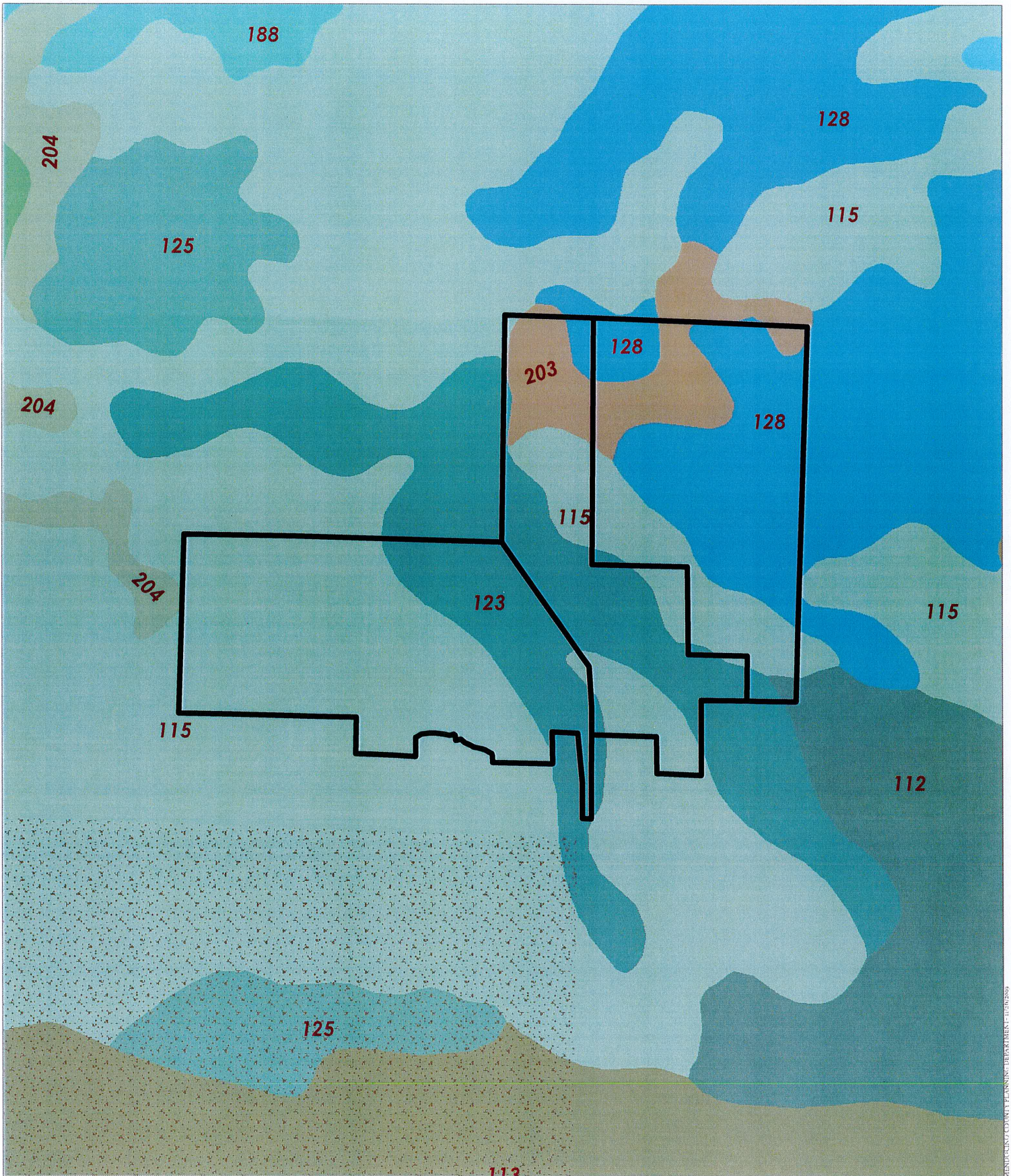





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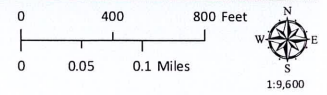






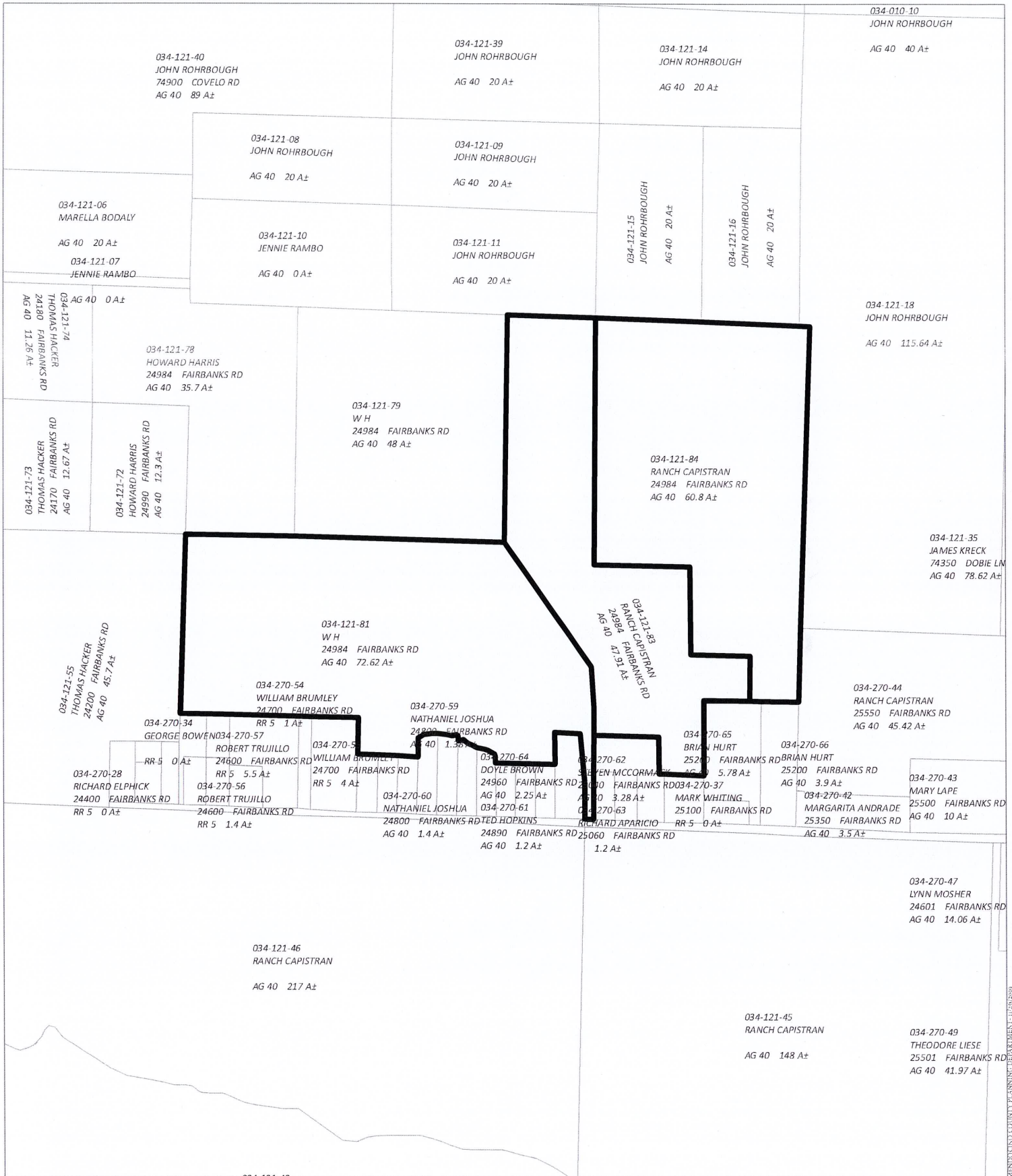
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 AGENT: Robert Lashinski  
 ADDRESS: Various, Covelo

 Naturally Occurring Asbestos

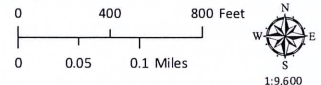


EASTERN SOIL CLASSIFICATIONS  
 ATTACHMENT P



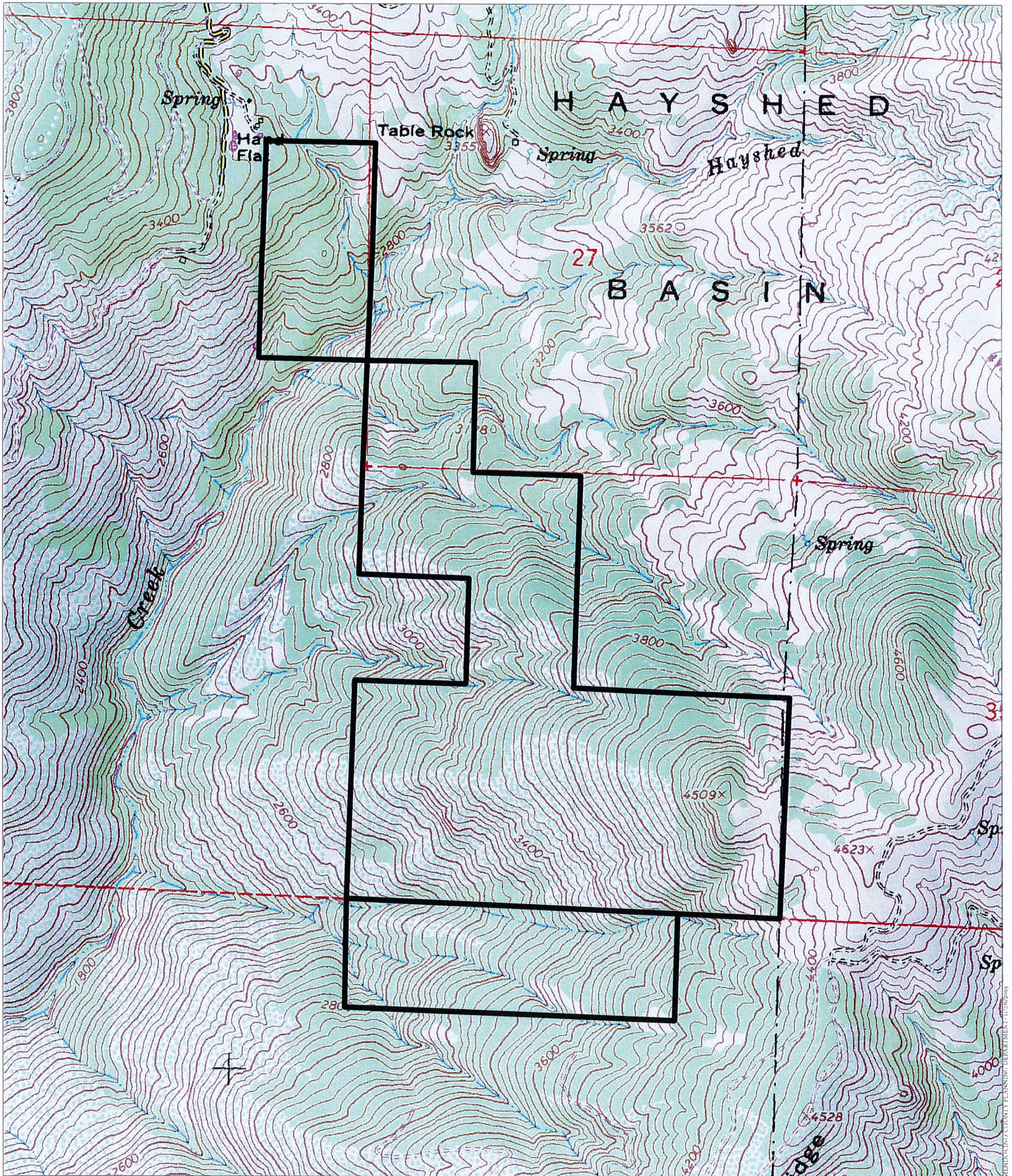


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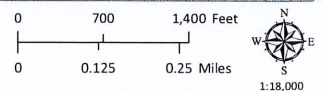
ADJACENT PARCELS  
ATTACHMENT Q





CASE: A 2019-0003  
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 APLCT: Capistran Ranch, LLC  
 AGENT: Robert Lashinski  
 ADDRESS: Various, Covelo

== Private Roads  
 - - - - - Driveways/Unnamed Roads



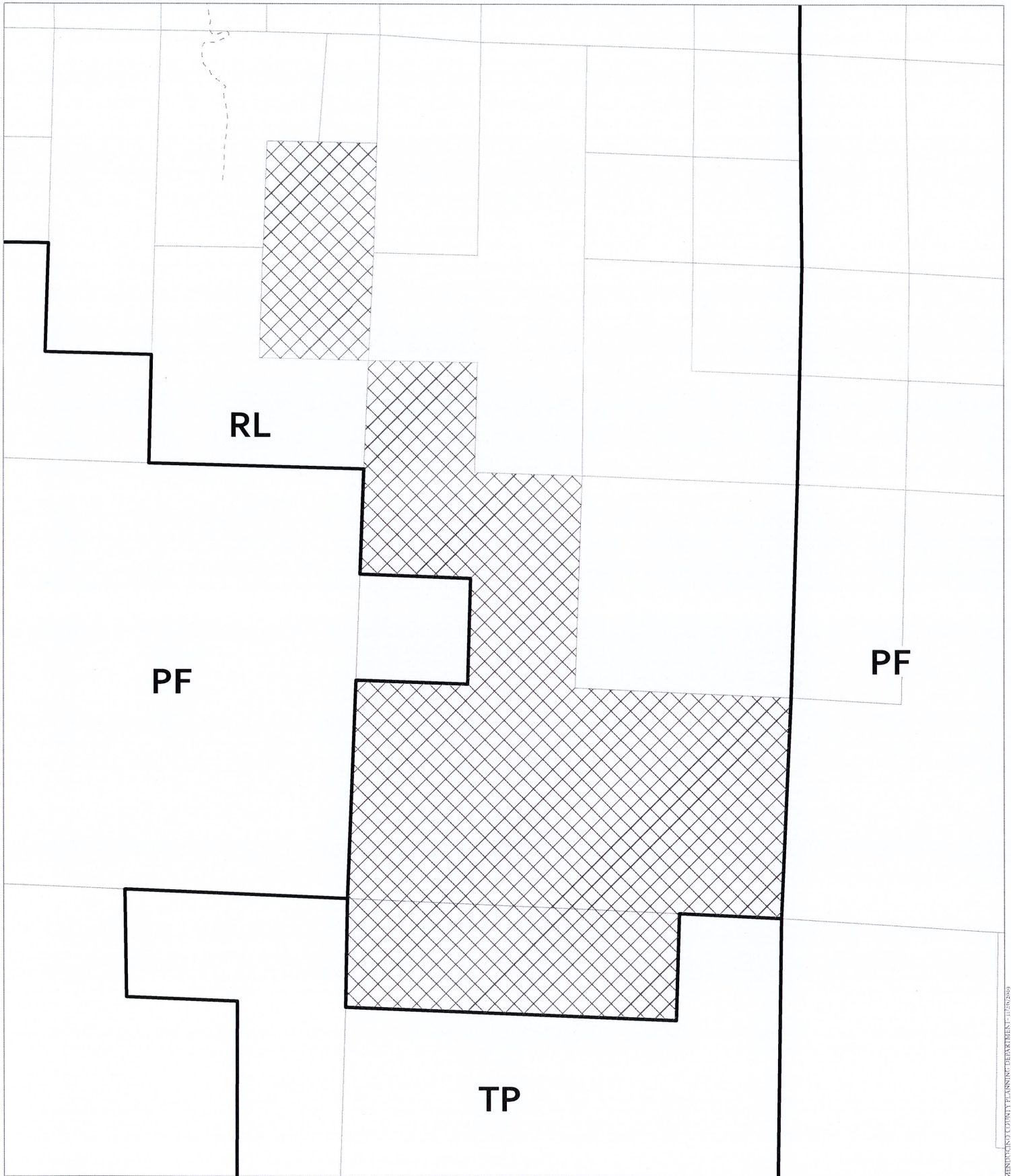
TOPOGRAPHIC MAP  
 CONTOUR INTERVAL IS 40 FEET

ATTACHMENT R




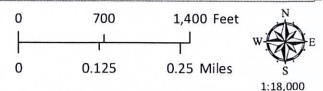






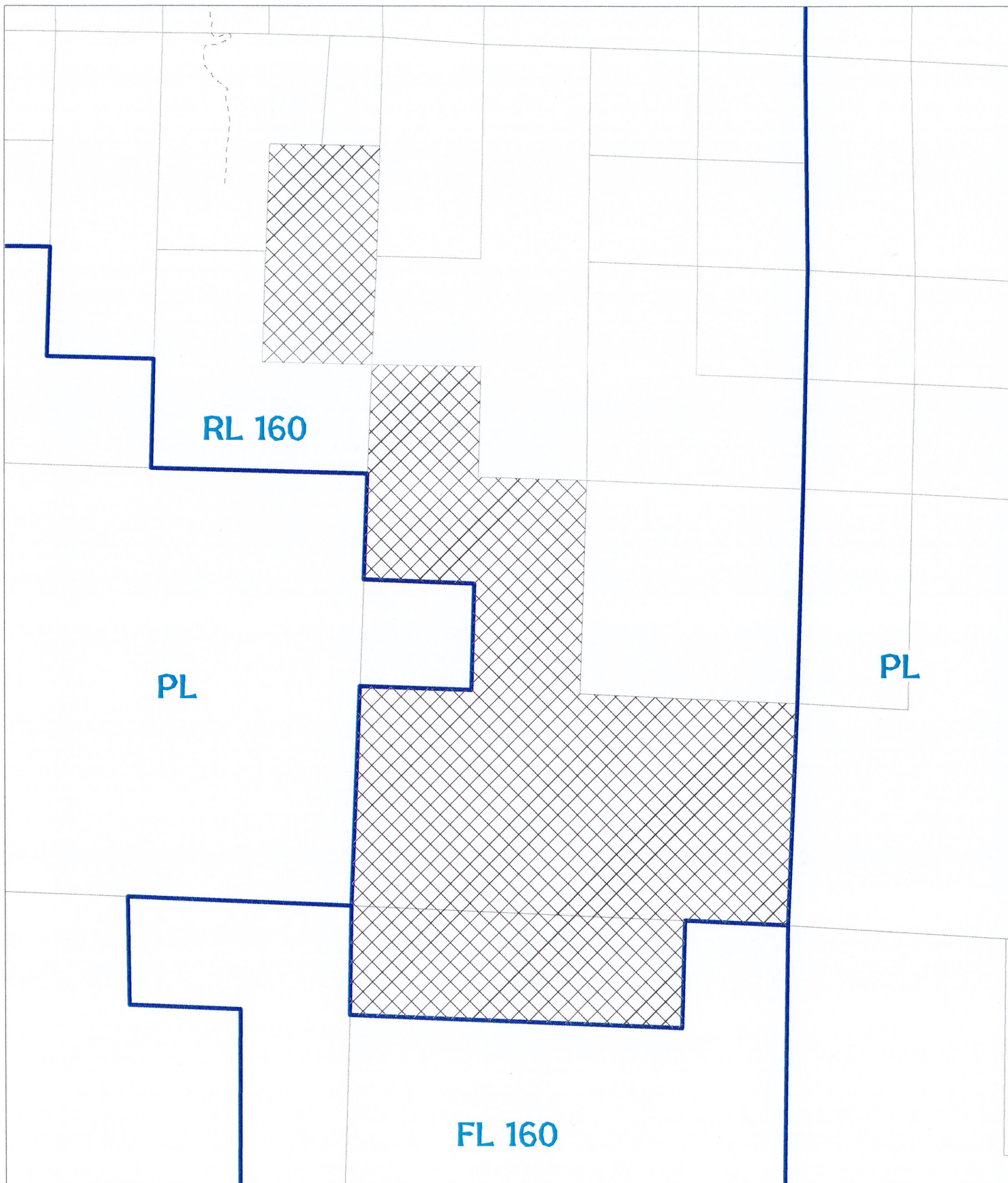
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ADDRESS: Various, Covelo

 Zoning Districts




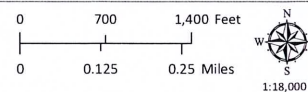
ZONING DISPLAY MAP  
ATTACHMENT T





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 General Plan Classes





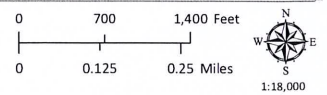
GENERAL PLAN CLASSIFICATIONS  
 ATTACHMENT U



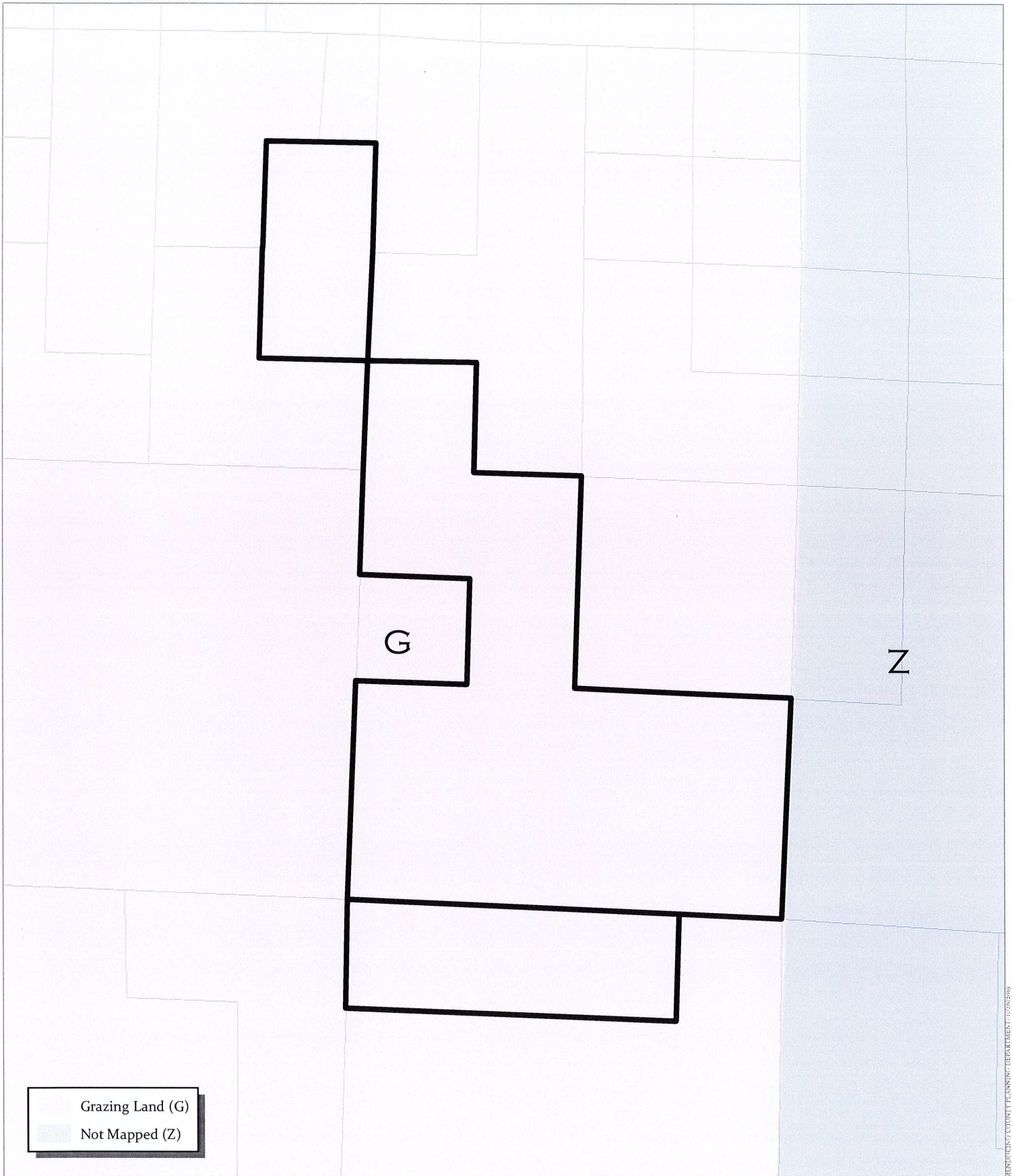


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AGENT: Robert Lashinski  
ADDRESS: Various, Covelo

 Williamson Act 2018  
 Non-Prime Ag 2018

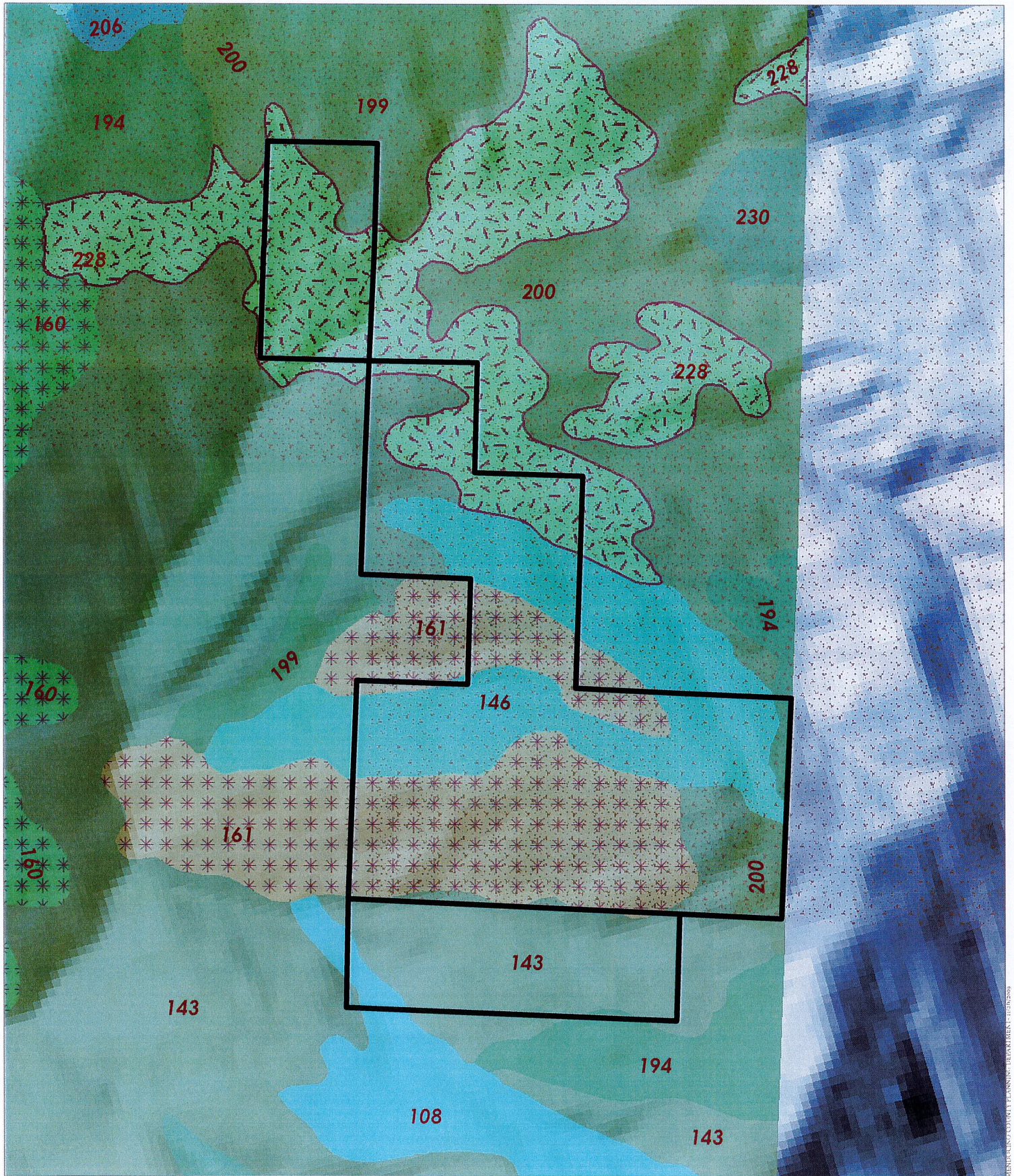









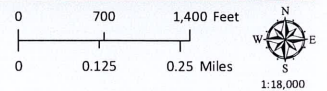
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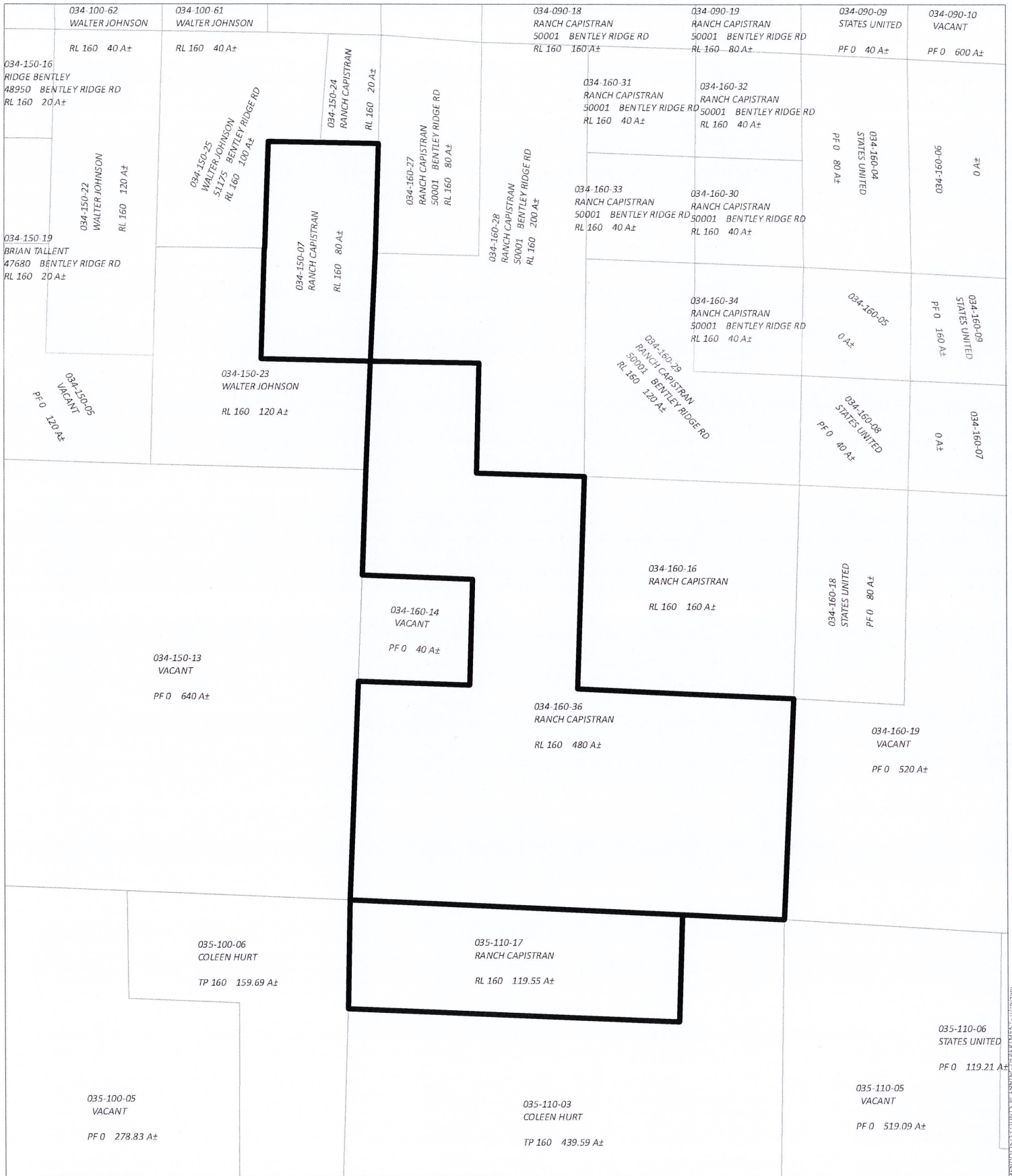
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-  Naturally Occurring Asbestos
-  Eastern Serpentine Inclusions
-  Eastern Rock Inclusions

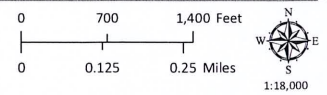


EASTERN SOIL CLASSIFICATIONS  
 ATTACHMENT X





CASE: A 2019-0003  
 OWNER: Capistran Ranch, LLC  
 APN: 034-100-41, ET AL  
 APLCT: Capistran Ranch, LLC  
 AGENT: Robert Lashinski  
 ADDRESS: Various, Covelo



ADJACENT PARCELS  
 ATTACHMENT Y



**Resolution Number \_\_\_\_\_**

County of Mendocino  
Ukiah, California

DECEMBER 3, 2020

A\_2019-0003 - CAPISTRAN RANCH, LLC

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, MAKING ITS REPORT AND RECOMMENDATION TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS REGARDING ESTABLISHING AN AGRICULTURAL PRESERVE FOR THE LANDS OF CAPISTRAN RANCH, LLC, AND APPROVING A NEW WILLIAMSON ACT CONTRACT (A\_2019-0003)

WHEREAS, the applicant, Capistran Ranch, LLC filed an application with the Mendocino County Department of Planning and Building Services to incorporate 982± acres into an Agricultural Preserve and Williamson Act contract in multiple locations around the Round Valley area, and which areas are described in Exhibit "A" (the "Project"); APNs 034-100-41, 45, 0034-120-81, 83, 84, 034-150-07, 034-160-36, 035-110-17; General Plan RL (Rangeland) and AG (Agriculture); Zoning RL (Rangeland) and AG (Agriculture); Supervisorial District 3; 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 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 the such Policies and Procedures; and

WHEREAS, the Project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, December 3, 2020 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, at the Planning Commission hearing on December 3, 2020, all interested persons were given an opportunity to be heard regarding the Project, and the Planning Commission did hear and make its recommendation to the Board of Supervisors on 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 recommendation to the Mendocino County Board of Supervisors regarding project A\_2019-0003:

1. The Planning Commission recommends that the Project is consistent with the property's General Plan land use designations of RL (Rangeland) and AG (Agriculture) and with applicable goals and policies of the General Plan.
2. The Planning Commission recommends that the Project is consistent with the property's zoning districts of RL (Rangeland) and AG (Agriculture) and is in conformance with Mendocino County Code Chapters 20.052 and 20.056.
3. The Planning Commission recommends that the Project satisfies the eligibility requirement criteria set forth in Sections 4.3 and 5.3 of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts; and



4. The Planning Commission recommends that the Board of Supervisors find the project Categorically Exempt from the California Environmental Quality Act under Class 17; and
5. 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 contract in a form approved by the Mendocino County Counsel, and that the owners shall cause to be recorded with the County Recorder's Office one (1) map per contract, written legal descriptions for each and contracts for the preserve in accordance with the established procedures of the County Recorder's Office.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary 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 Provision of Government Code Section 25103 delivery of this document has been made.*

ATTEST:                      JAMES FEENAN  
Commission Services Supervisor

By: \_\_\_\_\_

BY:    BRENT SCHULTZ  
        Planning Director

MARILYN OGLE, Chair  
Mendocino County Planning Commission

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## **EXHIBIT A**

### **LANDS OF CAPISTRAN RANCH, LLC**

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

#### **TRACT ONE (BENTLEY GROUP):**

The E½ of the SE¼ of Section 16 and the NE¼ of the NE¼ of Section 21, Township 22 North, Range 11 West, Mount Diablo Base and Meridian

APNs: 034-100-41, 45

#### **TRACT TWO (FAIRBANKS GROUP):**

Parcel 4, as numbered and designated on the Parcel Map for Parcel Division P 2014-0001 recorded December 9, 2016 in Maps Drawer 85, Pages 99 and 100, Mendocino County Records.

APN: 034-121-81

Parcel 3 as shown on the Parcel Map for Parcel Division P 2014-0001 recorded December 9, 2016 in Maps Drawer 85, Pages 99 and 100, Mendocino County Records.

EXCEPTING THEREFROM THE FOLLOWING: Beginning at the northeast corner of Lot 19 as shown on the Survey and Map of Tuttle Subdivision No. 1 recorded January 17, 1956 in Map Case 1, Drawer 10, Page 35, Mendocino County Records; thence North 00°00'00" East, 460.00 feet; thence North 90°00'00" East, 619.13 feet to a point on the east line of Parcel 3 noted above; thence along the east line of said Parcel 3 South 00°42'39" West, 765.99 feet to the southeast corner of said Parcel 3 and being on the north line of Fairbanks Road; thence along the southerly boundary of said Parcel 3 North 89°26'00" West, 61.66 feet; thence North 00°00'00" East, 162.00 feet; thence North 89°26'00" West, 248.00 feet; thence South 00°00'00" East, 12.00 feet; thence North 89°26'00" West 290.00 feet; thence North 00°00'00" East, 150.00 feet to the Point of Beginning.

APN: 034-121-83, 84

#### **TRACT THREE (HAYSHED GROUP):**

The SE¼ of the NE¼ and the NE¼ of the SE¼ of Section 28;

The N½ of the NW¼, the SE¼ of the NW¼ and the S½ of Section 34;

Township 22 North, Range 11 West, Mount Diablo Base & Meridian

Lots 2, 3 and 4 of Section 3, Township 12 North, Range 11 West, Mount Diablo Base & Meridian

APNs: 034-150-07, 034-160-36, 035-110-17