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**PLANNING COMMISSION  
STAFF REPORT- AGRICULTURAL PRESERVE**

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**JULY 16, 2015  
#A 2014-0009**

**OWNER:** CAPISTRAN RANCH LLC  
9519 MILL STATION RD  
SEBASTOPOL, CA 95472

**APPLICANT:** ROBER LASHINSKI  
9519 MILL STATION RD  
SEBASTOPOL, CA 95472

**AGENT:** JAMES R BARRETT  
PO BOX 1448  
UKIAH, CA 95482

**PROJECT COORDINATOR:** **GRAHAM HANNAFORD**

**REQUEST:** Placement of 4,107± acres into Agricultural Preserve and Williamson Act contract.

**LOCATION:** 3.5± miles east of Covelo, accessed by Short Creek Road (CR 339) 1.5± miles south of its intersection with Mendocino Pass Road (CR 338). APNs: 032-170-23; 032-270-03, -08, -10, -11, -12, -16, -17, -19, -24, -25, -32, -33, -40, -41; 034-010-73; 034-020-10, -75, and -76.

**TOTAL ACREAGE:** 4,107± acres

**GENERAL PLAN:** RL160:

**ZONING:** RL 160

**SUPERVISORIAL DISTRICT:** 3

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

**RECOMMENDATION:** Recommend approval to the Board of Supervisors, finding the request to be consistent with the General Plan and Mendocino County Code Section 22.08.

**PROJECT DESCRIPTION:** The applicant proposes to place approximately 4,107 acres into a Type II Agricultural Preserve. The property consists of 18 contiguous parcels with individual Assessor's Parcel Numbers (APN), all under the ownership of Great Oaks Ranch, LLC. The parcels were intermittently in previous Agricultural Preserve contracts, one of which expired in the year 2001 and another which is currently in the second year of its 10-year roll out period. The subject property has two (2) single family dwellings, a horse barn, a bull barn, a main barn, an equipment shed, a smoke house, "several" wells, and 4-6 ponds. The surrounding properties on all sides are currently in Agricultural Preserve contracts.

**APPLICANT'S STATEMENT:** The following information was included with the application materials for the project (Attachment A):

*The subject property, Great Oaks Ranch, has a long history of agricultural use. Taking in approximately 4,000 acres, it includes 250± flat valley ground. The balance of the ranch acreage consists of several gently rolling valleys with expansive meadows separated by timbered ridges*

*offering exceptional winter and spring grazing ground. Richard Wilson grazed cattle on the property back in the 1970's. Immediately prior to the current owners, the Mariani's also grazed cattle on the property that were estimated to be in the range of 200-250 mother cows. Currently there are several hundred rodeo bucking bulls on the property year round, hay is cut and baled and some of the ground is used as irrigated pasture.*

*The Capistran intends to replace the bulls with approximately 200 Angus mother cows, various steers, heifers, and calves. This additional adjacent property will allow us not only the ability to significantly expand our herd size but rotate animals throughout the year to best optimize our feed for the benefits of the livestock and the land. In addition, we plan to cut and put-up an additional 250 tons of hay on the flat valley part of the ranch. An added benefit is that we will now have the ability to drive cattle between our existing summer and winter grounds on our own deeded land.*

**RELATED APPLICATIONS:**

**On-Site**

- #CC\_71-81: On November 21, 1988, a Certificate of Compliance was finalized confirming 20 separate legal parcels.
- #B\_58-2002: On April 30, 2003, a Boundary Line Adjustment (BLA) was finalized which reconfigured two (2) parcels.
- #B\_75-99: On September 27, 1999 BLA #B\_75-99, proposing to reconfigure five (5) separate legal parcels into four (4) parcels, was approved. This BLA was never finalized.
- #U\_14-97: On April 27, 1998, Use Permit #U\_14-97 was approved, allowing the establishment of a resort facility with an emphasis on developing a "family soccer camp" for up to 250 guests and staff. Applicant never met conditions of approval.

**SITE CHARACTERISTICS:** The subject properties are located approximately three and a half miles east of Covelo, and are accessed via Short Creek Road. Non-prime agricultural land within an Agricultural Preserve borders the property to the east and south. Surrounding properties consist mainly of grazing, timber harvesting and scattered, very low-density residential development.

**SOILS ANALYSIS:** 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 Feliz clay loam, Hopland-Sanhedrin-Kekawaka complex, Sanhedrin-Kekawaka-Speaker, Shortyork-Yorkville-Witherell, Yorktree-Hopland-Woodin, Yorktree-Yorkland loam, and Yorkville-Yorktree-Squaw Rock. According to the Soil Survey, most areas of these types of soils are used for a variety of uses including watershed, wildlife habitat, recreation areas, firewood production, timber production, and livestock grazing.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	RL 160 & PF	RL,FL,TP,& PF	20-256± Acres	Agricultural, Timber
<b>EAST</b>	RL 160 & FL 160	RL, TP, & PF	20-256± Acres	Agricultural, Timber
<b>SOUTH</b>	RL 160 & PF	RL & PF	20-256± Acres	Agricultural, Rangeland, Timber
<b>WEST</b>	RL 160	RL 160	20-256± Acres	Rangeland, Agricultural

**SERVICES:**

Access: Short Creek Road (CR 339), 1.5± miles south of its intersection with Mendocino Pass Road (CR 338).  
 Fire District: CalFire/ Covelo Fire Protection District  
 Water District: NONE  
 Sewer District: NONE  
 School District: ROUND VALLEY

**REFERRAL AGENCY COMMENTS:**

Agency comments relevant to this application are listed within the Issues Section of this report and are noted within the Conditions of Approval. Otherwise, most of the reviewing agencies had no comment regarding the proposed project.

REFERRAL AGENCIES	NOT RETURNED	"NO COMMENT"	COMMENTS
Department of Transportation			X
Environmental Health-FB/Ukiah		X	
Building Services-Ukiah PBS		X	
Agriculture Commissioner			X
Air Quality Management District		X	
Assessor			X
Farm Advisor	X		
Resource Lands Protection		X	
CalFire		X	
Regional Water Quality Control			
Dept. of Fish & Wildlife	X		
RLPC			X
Covelo Fire Protection District		X	
Department of Conservation	X		

**KEY ISSUES:**

**Key Issue #1 General Plan and Zoning Consistency:** The proposed project, creating a Type II agricultural preserve in the Williamson act containing more than 4,000 acres to be used primarily for cattle 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 Resources Policies

*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.*

**Key Issue #2- Agricultural Preserve Regulations:** According to the applicant, the subject properties have been used for grazing purposes since at least 1972, and over the decades through the present. Different portions of the property have been in Williamson Act contracts, with a portion of the subject property currently in the second year of a 10-year roll out of one such contract. The ranch was purchased in 2002, at which point a clean-up and fencing project was undertaken to prepare the property to properly contain an animal grazing operation.

The request is therefore to have the property as a whole placed into an agricultural preserve and into Williamson Act contract(s). According to the applicant the property is currently used to run several hundred rodeo bulls over the 4,107± acres, with plans to replace the bulls with approximately 200 head of cattle. In addition to the space provided for the cattle, the applicant proposes to use an additional 250 tons of hay harvested from the flat, irrigated western portion of the property to feed the cattle. The 18 parcels are separate legal parcels as recognized through Certificates of Compliance finalized in 1988. Overall, the intent is to continue the historic ranching activities of the property under one agricultural preserve.

Section 22.08.050 of the County Code states that an Agricultural Preserve must include a minimum production potential of ten animal units (AU) of feed at a rate of 40 acres or less per AU. Per the Code, “[a]n animal unit...is defined as the quantity of forage required for good growth and production of one mature head of cattle or its equivalent in feed requirement; 4.8 tons of hay shall be deemed such feed requirement.” An analysis of the soil types throughout the property show that approximately 164 AU’s can be supported by the forage produced on the land. As a result, the request can be found to meet the requirement.

Comments were received on November 13, 2014 from both the County Agricultural Commissioner and the County Resource Lands Protection Committee (RLPC) recommending approval of the project.

Comments were not received from either the California Department of Conservation Division of Land Resources Protection (DLRP).

Information provided in the USDA Soils Survey Map includes livestock grazing as among the suitable activities on the soils of the subject properties. Based upon the expected production of the soil types, explained in greater detail in the “Soils Analysis” section of this report, 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.

**Key Issue #4- 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 approval of #A 2014-0009 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:** This proposed agricultural preserve meets the requirements of Section 22.08.050, providing more than the minimum production potential of ten animal units (AU) of feed at a rate of 40 acres or less per AU, based on soil type, and providing adequate feeding capabilities for more than ten (10) mature beef or dairy animals. This proposed agricultural preserve contains more than the minimum of 100 acres required by Section 22.08.020(A)(1) as it contains more than 4,000 acres.

**Williamson Act Findings:** This proposed agricultural preserve meets and exceeds the minimum of 100 acres required by the Williamson Act.

**ATTACHMENTS:**

- A. Applicant Letter
- B. Location
- C. Aerial Map
- D. Topographic
- E. Timber Production Zone