



STAFF REPORT

SEPTEMBER 17, 2015
A_2015-0001

OWNER: BEATRIX ROBINSON OSWALD
1125 N AMPHLETT BLVD
SAN MATEO, CA 94401

APPLICANT: WILLIAM OSWALD
1125 N AMPHLETT BLVD
SAN MATEO, CA 94401

PROJECT COORDINATOR: JOHN SPEKA

REQUEST: Re-establishment of an 220± acre Agricultural Preserve and Williamson Act Contract which was previously non-renewed in 2012.

DATE DEEMED COMPLETE: July 24, 2015

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.

LOCATION: Within the Coastal Zone, 3± miles south of Elk, lying on either side of Highway 1, located at 10001 South Highway 1; APN's 131-030-01, -03, -05, -06, -08, -23, -25.

TOTAL ACREAGE: 220 acres

GENERAL PLAN: AG:60

ZONING: AG:60

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 17

BACKGROUND:

The property was initially approved for an Agricultural Preserve in 1977, but was later non-renewed (beginning in 2012), based on a lack of use of the property for agriculture and is currently within a "roll out" period. The current application is intended to re-establish the non-renewed contract.

PROJECT DESCRIPTION:

The applicant requests that the property (known as the "Sugarloaf Ranch"), be placed into an Agricultural Preserve, re-establishing the 220± acre Agricultural Preserve and Williamson Act contract that was non-renewed in 2012, due to a lack of agricultural activity on the site. The property has a history of grazing leases dating as far back as 1962. According to the application material, a previous "qualifying" lease utilizing the land for oat hay and grazing had expired on September 30, 1995. Currently, a 5-year lease "exclusively for the purpose of grazing livestock," has been entered into with a cattle grazing operator, which is set to expire on December 31, 2019. Fences have since been replaced as part of the agreement and 35 head of cattle were grazed from February 21 through May 23 of this year. Additional grazing of the

cattle is set to take place in August for another period of approximately four months during the current calendar year.

APPLICANT'S STATEMENT:

The following information was included with the application materials submitted for the project:

Property was purchased in May 1961 from Glenn Sones encumbered with a six year lease to the Galetti Brothers which was signed March 1, 1960.

In February 1962 Roy Caughey assumed the lease and in 1969 a new lease was signed with Vernon Kendall for a period of three years. Vern grazed sheep while the Galetti Brothers and Roy Caughey raised oat hay.

In 1974 a new lease agreement was signed with Kenneth Oswald who resumed the oat hay operations.

In 1993 the Galetti Brothers again leased, raising oat hay and grazing.

In addition, a letter received from the operator leasing the property states:

35 head of cattle were grazed across the ranch until May 23rd, when they were moved to another ranch to allow the pastures at Sugarloaf to fully recover. In the first week or second week of August, 35 to 40 head of cattle will be moved back onto Sugarloaf. Based on the current pasture conditions it should take approximately 4 months to graze across all of the pastures. This number of cattle is equivalent to grazing 20 head all 12 months on the property. Note: more cattle could have been grazed but for the drought conditions.

RELATED APPLICATIONS:

- On October 3, 1974, the Planning Commission approved a one year use permit (#U 94-74) to allow for agricultural employee housing on the subject property. The permit was renewed by the Planning Commission on December 9, 1976 (#U 140-75), allowing for one year extension and, again on April 22, 1982 (#UR 140-82), for another five years.
- On November 14, 1977, Agricultural Preserve #A 21-77 was approved by the Board of Supervisors for a livestock grazing operation after a recommendation was received from the Planning Commission on October 6, 1977.
- On March 2, 1993, Boundary Line Adjustment #B 46-90 was issued a completion certificate involving a small portion of the property west of Highway 1.
- On May 1, 2008, the Planning Commission denied Coastal Development Minor Subdivision #CDMS 29-2004, which would have created three new parcels within the subject property. The denial was based largely on non-compliance with requirements of the former Williamson Act contract.
- On December 12, 2008, two certificates of compliance were recorded (#CC 13-2008) recognizing two legal parcels subject to the current project.

PROJECT SETTING:

The subject property is located approximately three miles south of Elk, lying on either side of Highway 1. Both Prime and Non-prime agricultural land within an Agricultural Preserve is located to the north, south and east with Timber Production zoned land to the north and east. Surrounding properties are used primarily for agriculture and timber production, as well as scattered, low-density residential development.

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 Bruhel Loam, Dystropepts, Flumeville Clay Loam, Mallopass Loam and Tropaquepts. According to the Soil Survey, these types of soils are either suitable or best used for a variety of uses including livestock grazing and hay and pasture.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	AG60, RL160 and FL160	AG 60, FL 160 and TP 160	25 - 120± acres	Agricultural
EAST	FL160	TP 160	1 - 120± acres	Agricultural
SOUTH	AG60	AG 60	31.5 and 54± acres	Agricultural
WEST	N/A (Bluff top parcel)	N/A (Bluff top)	N/A (Bluff top)	N/A (Bluff top)

SERVICES:

Access: HIGHWAY 1
 Fire District: ELK
 Water District: NONE
 Sewer District: NONE
 School District: MENDOCINO

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
Planning		X	
Assessor	X		
Farm Advisor	X		
Agriculture Commissioner	X		
Resource Lands Committee			X
Caltrans	X		
CalFire		X	
Dept. of Fish & Wildlife	X		
Coastal Commission	X		
Department of Conservation	X		
Elk Community Services District			X

KEY ISSUES:

Key Issue #1 General Plan and Zoning Consistency: The proposed project, creating an agricultural preserve containing more than 220 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 1960, and largely maintained over the decades through the present. The property was non-renewed due to a lack of agricultural use beginning in 2012. Since that time, fencing has been replaced and a new lease has been secured for grazing purposes.

According to the application materials, the property is currently used to run an average of 20 cattle year round over the 220± acres. Overall, the intent is to continue the historic ranching activities of the property consistent with requirements for an 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.” In addition a minimum of 10 AU is required for eligibility. As a result, the request can be found to meet the requirement.

Comments were received on June 25, 2015, from the County Resource Lands Protection Committee (RLPC) recommending approval of the project subject to documentation from the operator that the grazing requirements had been met which was subsequently received on July 24, 2015. 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, 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 #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 approval of #A 2015-0001 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).

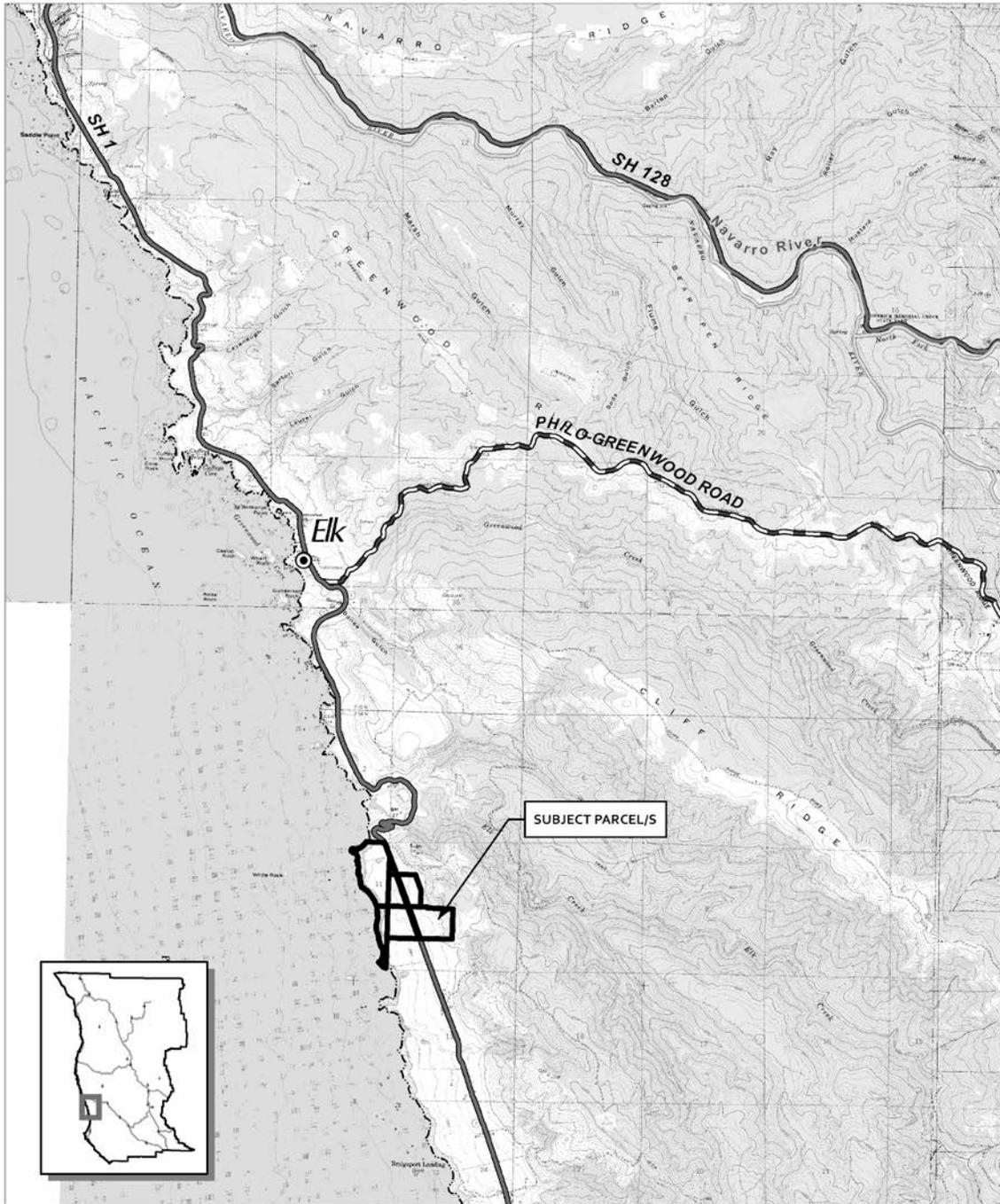
Agricultural Preserve Findings: This proposed agricultural preserve meets the requirements of Section 22.08.050, providing more than the minimum production potential of ten animal units (AU) of feed at a rate of 40 acres or less per AU, and providing adequate feeding capabilities for more than ten (10) 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).

Williamson Act Findings: The proposed agricultural preserve is consistent with County and State requirements of the Williamson Act with respect to qualifying grazing activity.

Appeal Period: 10 Days
Appeal Fee: \$910.00

ATTACHMENTS:

- A. Current Lease
- B. Lease History
- C. Operator Statement
- D. Location
- E. Topographic
- F. Aerial Map Wide
- G. Aerial Map
- H. Zoning
- I. Adjacent Parcels
- J. Slope
- K. Soil
- L. Williamson Act



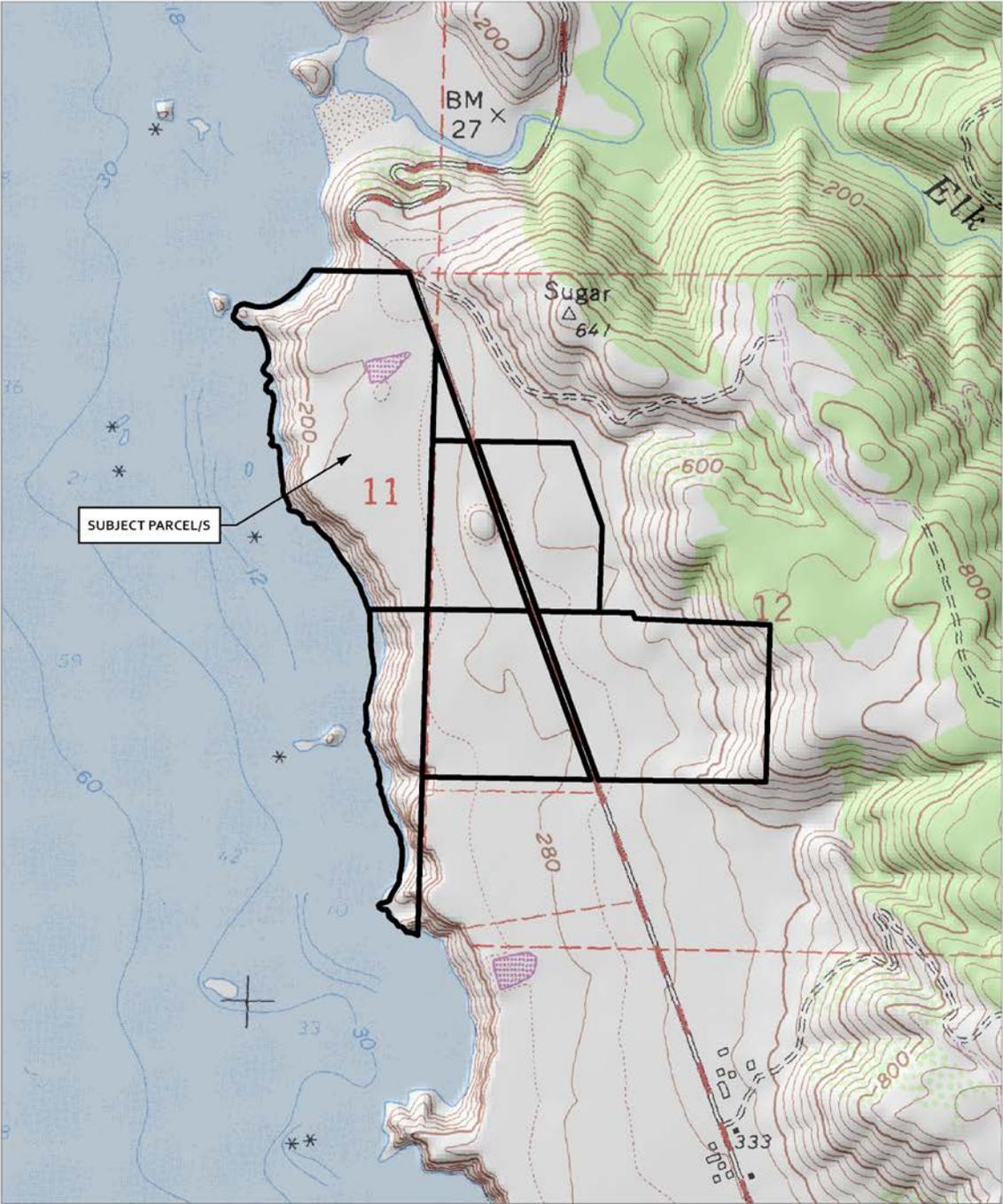
CASE: A 2015-0001
OWNER: OSWALD, Margaret, et. al.
APN: 131-030-23, et. al.
APLCT: Will Oswald
ADDRESS: 10001 S. Hwy. 1, EL

- Major Rivers
- Highways
- Major Roads

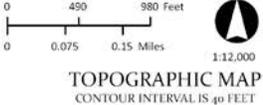


LOCATION MAP

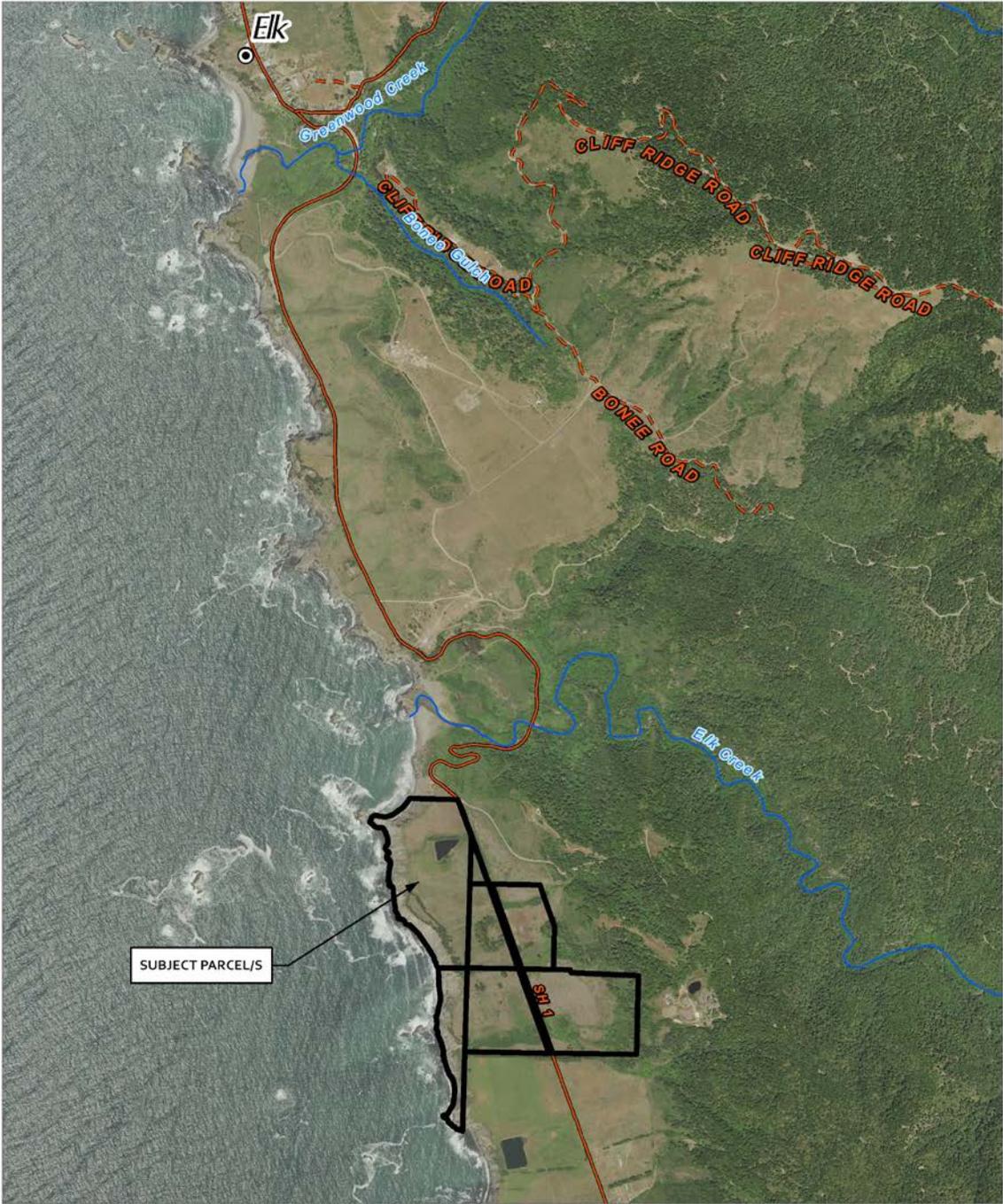
Map produced by the Mendocino County Planning & Building Services, May, 2015.
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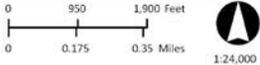


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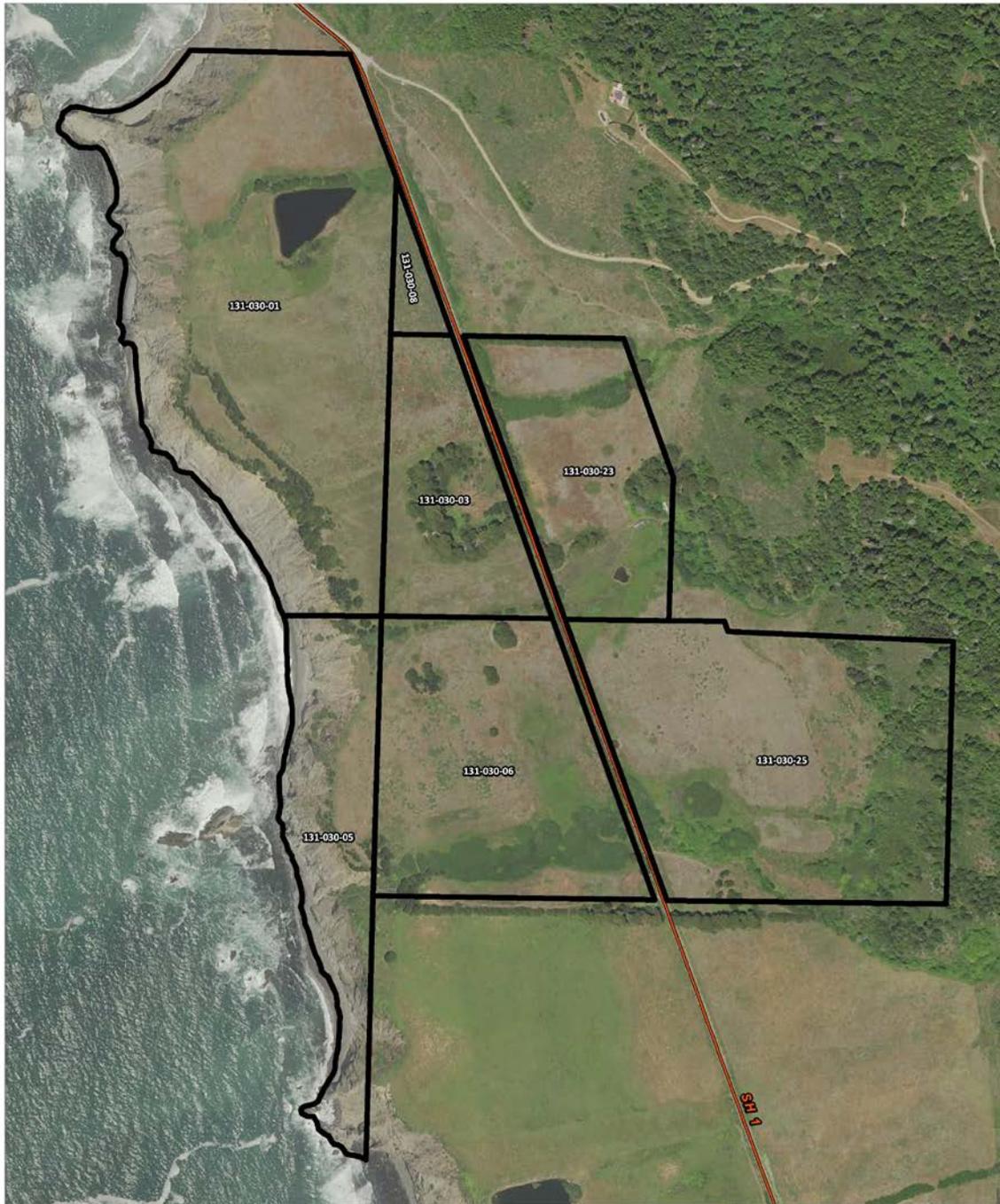
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- Named Rivers
- Public Roads
- - Private Roads



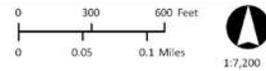
2014 NAIP AERIAL ORTHOPHOTO

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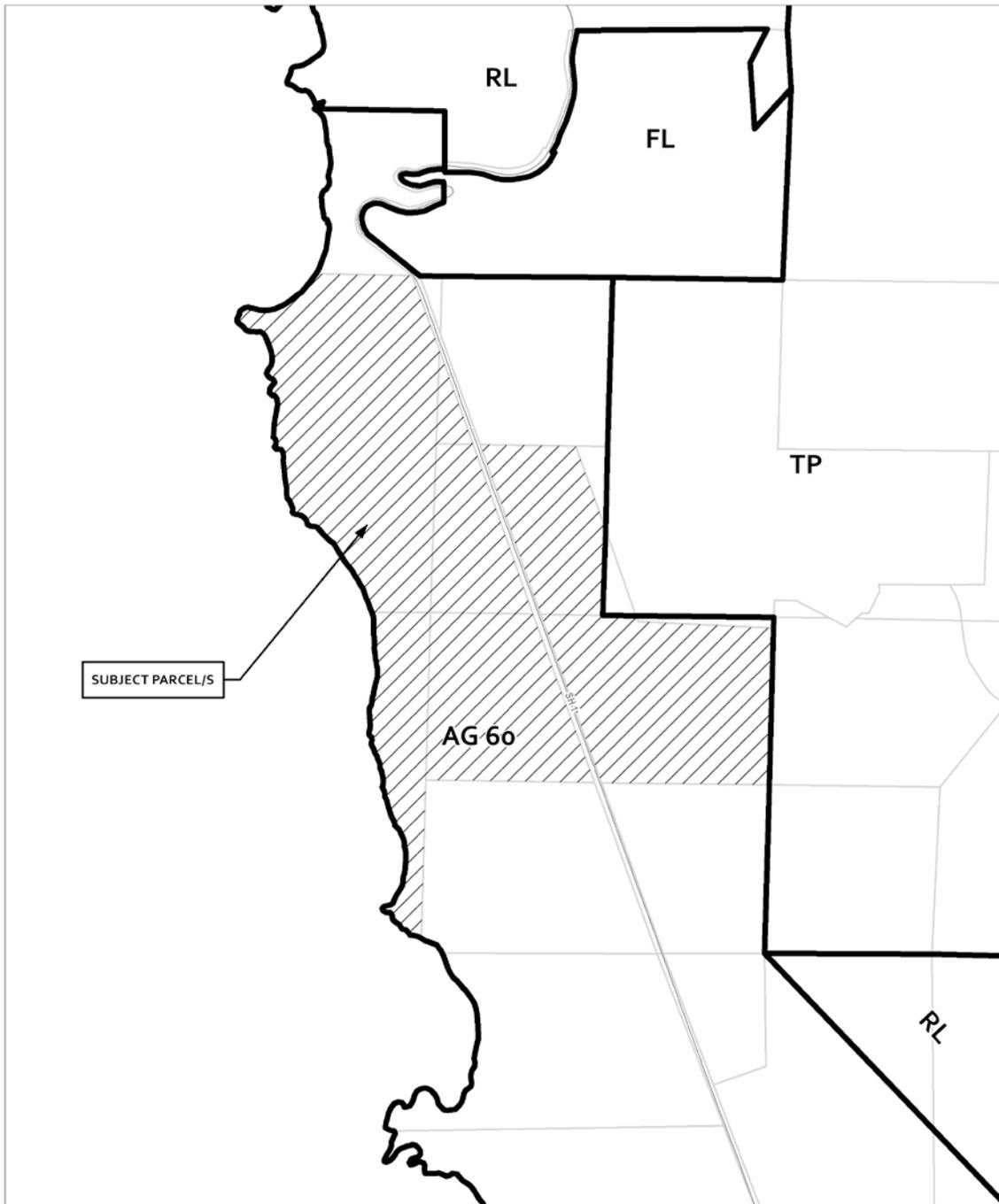
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Public Roads



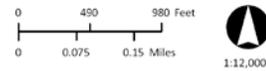
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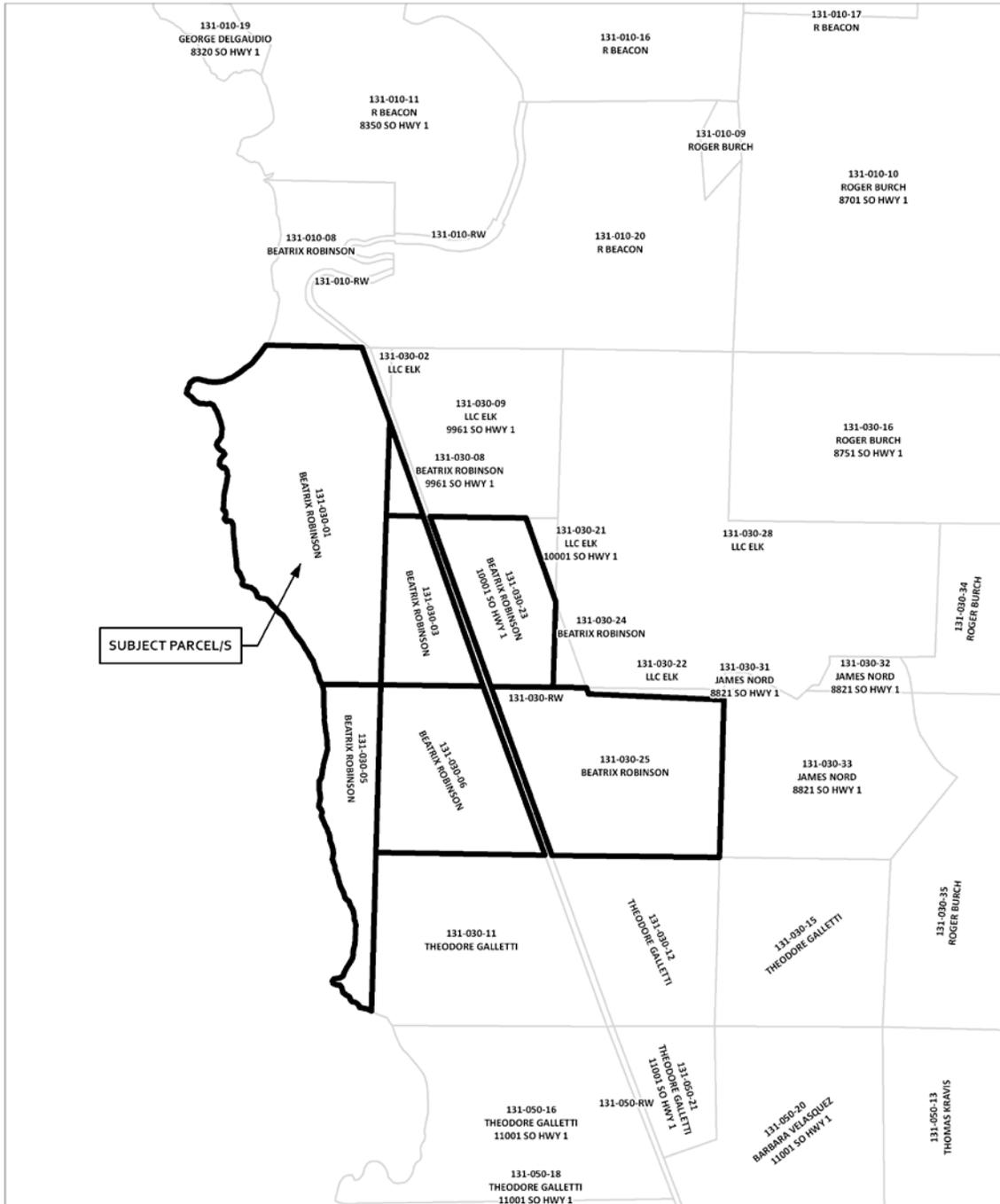
 Zoning Master



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ZONING DISPLAY MAP

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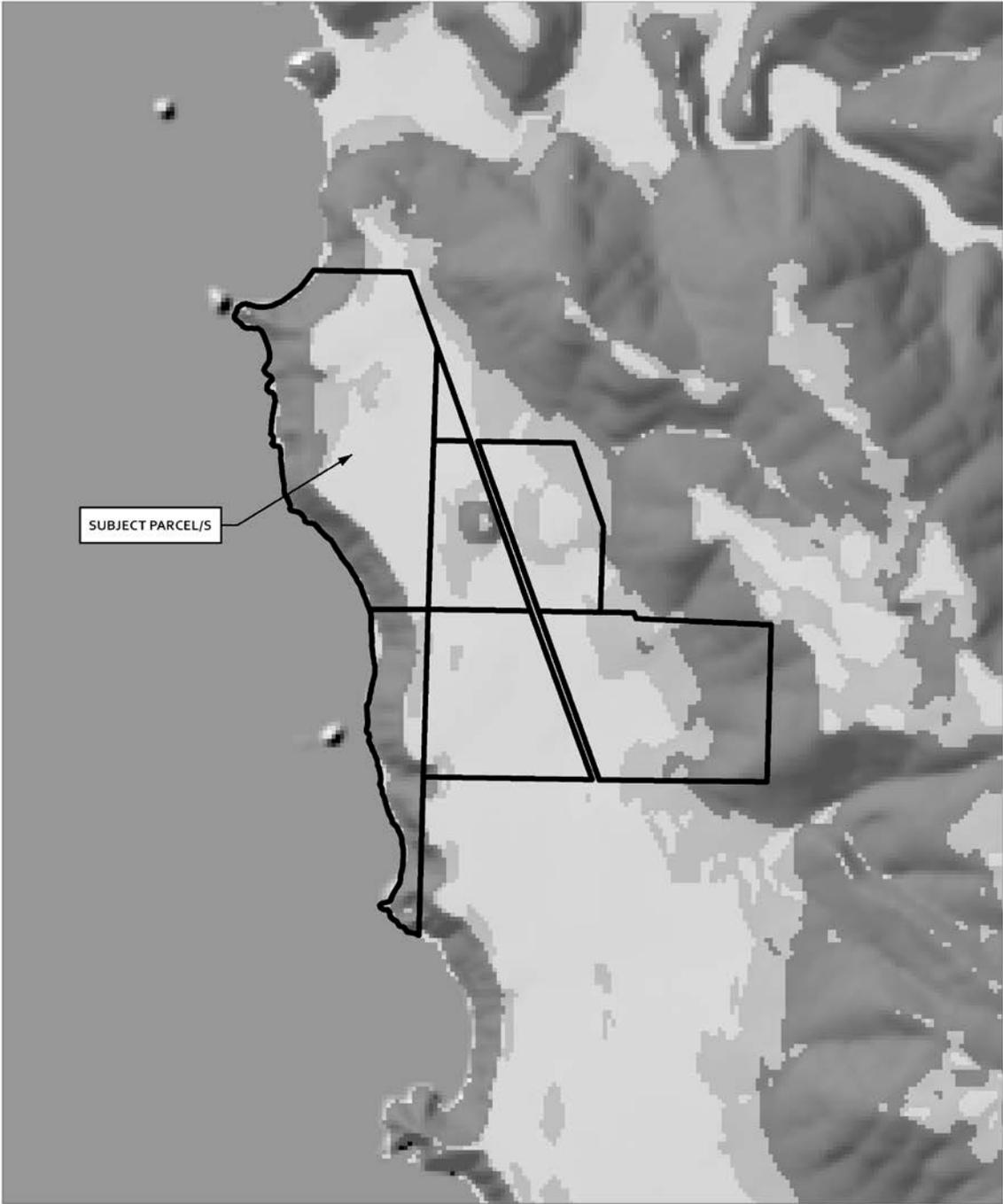
SUBJECT PARCEL/S

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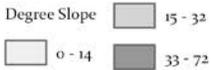
ADJACENT PARCELS

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ESTIMATE SLOPE

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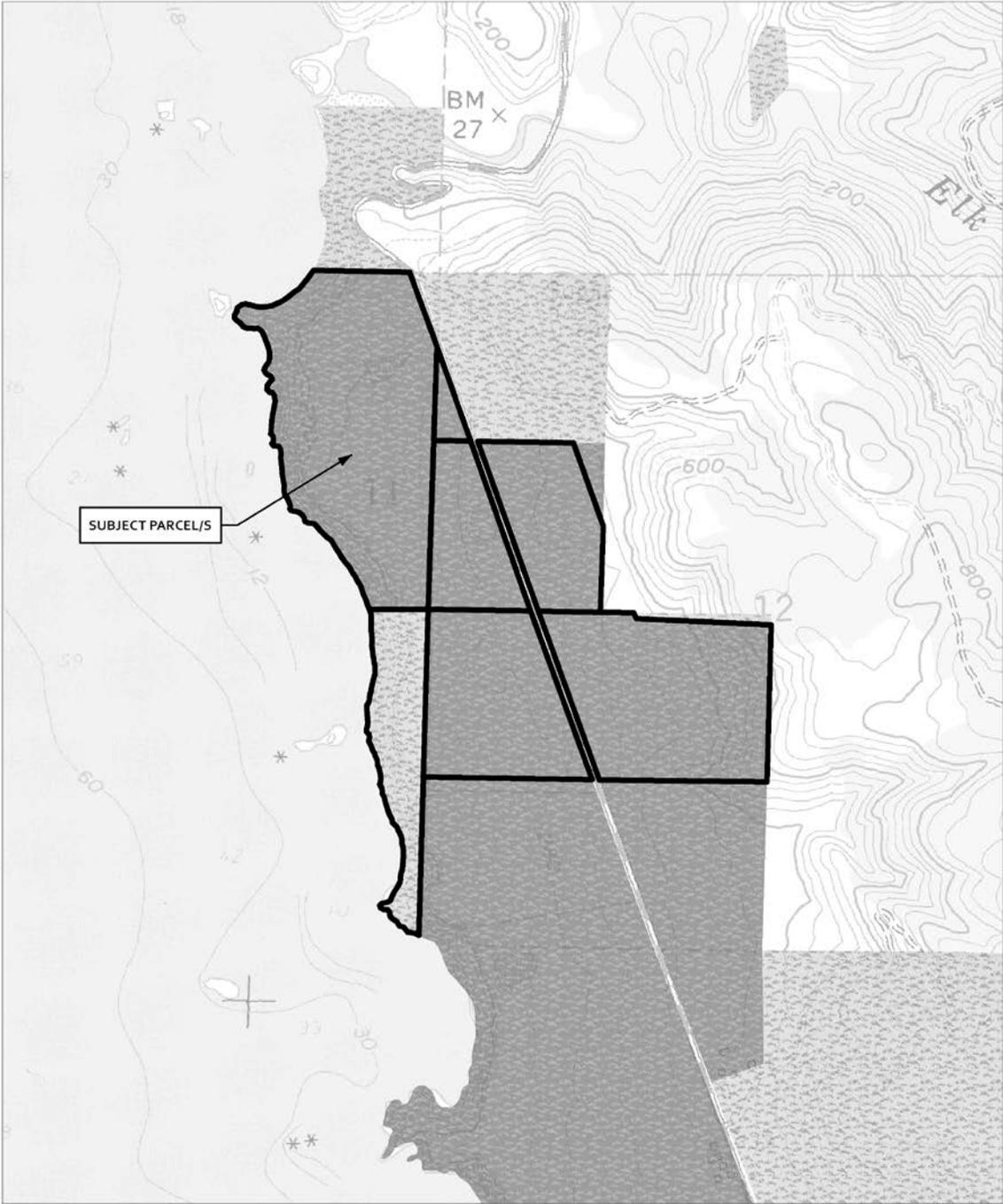


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LOCAL SOILS

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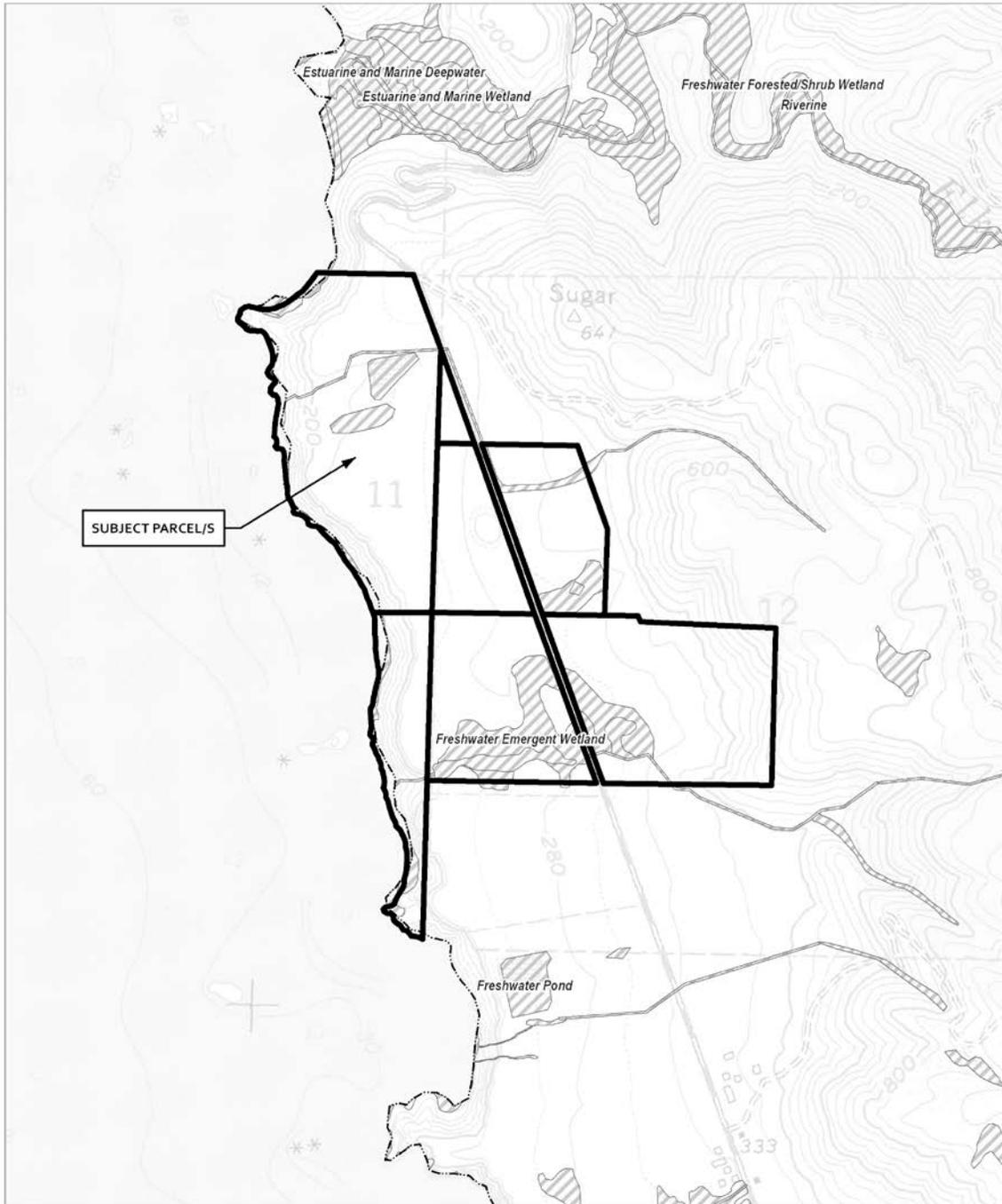
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-  Williamson Act 2014
-  Prime Ag 2014
-  Non-Prime Ag 2014



LANDS IN WILLIAMSON ACT CONTRACTS

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 Wetlands



1:12,000

CLASSIFIED WETLANDS

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