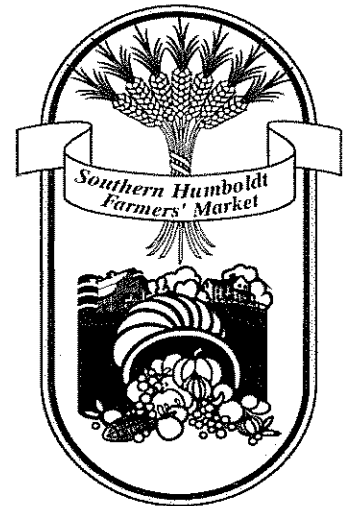


rec'd 5/30/09
GPU LaBoyteaux



STATEMENT FOR PLANNING COMMISSION HEARING ON AGRICULTURAL LANDS APRIL 30, 2009

Good evening, I am John LaBoyteaux from Redcrest, representing this evening the North Coast Growers' Association and the Fortuna and Southern Humboldt Farmer's Market Associations. Our combined membership of over one hundred seventy five farmers, together with other organizations, represents another generation of agriculture here in Humboldt County. According to the last County Crop Report published in 2005 the value of row crops, field crops and pasture on tillable soils, excluding dairy and the largest nursery was \$5,751,000. We believe that number is about \$7.5 million in 2008 applying the average growth seen the previous five years. Our comments pertain primarily to tillable soils and bottom-lands within the AE and AG land use designations however we also support strong protections for range and timberlands.

Our combined associations support strengthening the Agriculture Exclusive (AE) and Agriculture Grazing (AG) land use designations and related zoning to prevent conversion of agricultural soils and to maintain the maximum amount of agricultural land in parcel sizes that will sustain commercial agricultural production. Specifically we support a modified option "A" designation for (AE) which provides for immediate family transfer. We support a modified option "B" designation for (AG) which would zone tillable soils as (AE) and retain other lands in practical and useful units for cattle grazing and other commercial agriculture. We have attached redrafted (AE) and (AG) Standards with these written comments. Within the (AE) designation, we believe the 60 acre minimums have served to promote and protect dairy and other agriculture on coastal bottom-lands while the 20 acre (AE) minimum parcels in inland areas often become rural residential estates and horse pastures, which are lost to commercial agricultural production. We concur with the Farm Bureau that the best way to increase, promote and protect agricultural production in our County, including the availability of leases for small beginning farmers, is to maintain agricultural properties in large parcel sizes. We also observe that there are thousands of Agriculture General and Rural Residential parcels, which if composed of good soils and not constrained by high residential value, can serve as entry level farms for younger aspiring farmers.

Humboldt County uses the Williamson Act definition (PRC-51201(c) 1-5) of prime

agricultural soils incorporated slightly modified at section 2722 of the Framework Plan. This definition has five criteria, any one of which qualifies land for Agriculture Exclusive zoning and may trigger a finding of significance during environmental review of projects under CEQA. The first two criteria are based on the soil survey and the remaining three criteria are economic. The County's GIS mapping utilizes the soil survey criteria, but not the economic criteria, to identify prime agricultural soils. This results in some important and productive agricultural soils being omitted from the GIS mapping of prime agricultural soils. This is a particular concern regarding tillable soils within all the rural land use designations which is why we have suggested these tillable soils within the (AG) designation should be zoned (AE). (No criticism of the County's GIS mapping is implied by this omission because identifying these prime agricultural soils through the economic criteria requires a farmer's eye, knowledge of the production history of the property, and topographic information.)

Section 2523.9 and 2723.4 of the Framework carried forward to options "C/D" of AG-P13, and point A in options "A/B" of AG-S3 may erroneously imply that smaller parcels are required for intensive agriculture, a concept that has haunted the current plan. Intensive agriculture is a function of management, not of parcel size. Making smaller parcels reduces the range of agricultural endeavors which could be successful on the property and agricultural production within the county as a whole. There are some farmers here this evening who are working one or more very small parcels but this is not by intent or desire, it is because this is all they could find or lease.

Commercial agricultural production is the primary and principal purpose of AE zoned lands. Adding residential value beyond a primary residence often reduces and does not increase productivity. Adding residential value to agricultural lands, beyond a farm residence, creates an impediment to perpetuating those lands in agricultural production because of the increased cost and payments on the property, in relation to agricultural income, at the time of property transfer.

Lands designated and zoned (AE) meet specific productive soils criteria for commercial agriculture. Different agricultural uses, dairy, beef cattle, field crops and row crops compete with each other for tillable and bottom-land soils in Humboldt County. In some cases there may be marginal or even non-existent management but there is nothing wrong with the soil and there are NO "marginal agricultural lands" within tillable and bottom-land areas of the County.

Thank you for your support of agriculture in Humboldt County.

Combined Market Associations

Redraft, AG-S1(X) Subdivisions of Ranchlands (AGR) and Agricultural Exclusive (AE) Lands

No further subdivision of lands planned AGR and AE except as provided below.

1. Within areas designated AE, no agricultural land division will be approved whereby any parcel thusly created will be less than 60 acres. However, division of these lands to a minimum size of 20 acres may be approved, only for immediate family transfer, if the Planning Commission finds that the division is necessary for a specific agricultural purpose and the division will not adversely affect continued agricultural use of the balance of the parcel, the area's agricultural economy or environmental resources. The rezoning and parcel map may be approved only upon satisfaction of all of the following conditions:

A. Conveyance of a permanent agricultural easement to the County of Humboldt or other public entity or private non-profit corporation having as its chief goal the preservation of agricultural open space lands.

B. Conveyance of development rights beyond those necessary for agricultural purposes.

C. Recorded acknowledgement that, although the new parcel is of a size below that considered a viable economic agricultural unit, its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use, except to other open space or habitat restoration use, will be allowed in the future even if agricultural use of such separate parcel does not provide adequate economic return.

2. Within areas designated AGR, no agricultural land division will be approved whereby any parcel thusly created will be less than 160 acres. However, it is recognized that within some areas designated AGR parcels recognized through a Certificate of Compliance exist and can be transferred subject to all State and Local laws.

3. Within lands subject to a Williamson Act Contract, during the term of the contract, all rights of division are subservient to the enforceable restriction secured by the Land Conservation Contract and the County Williams Act Guidelines including the immediate family transfer provisions of the Williamson Act.

4. A. The subdivision is necessary for the protection of historic or cultural resources provided that any parcel thusly created will be the minimum size necessary for protection of these resources.

B. The subdivision is necessary to mitigate the impacts of public acquisition.

Combined Market Associations

Redraft AG-S2(X) Agricultural Grazing (AG) Land. Parcels designated (AG) will be zoned to maintain practical and useful units for cattle grazing and other commercial agricultural uses. The protection of agricultural operations will be ensured, maintained and based upon the ability to make all of the following findings:

B through F per "B", "C" and "D" options for AG-S2

Redraft AG-S3(X) Subdivision of Planned Agricultural Grazing Lands. Within areas designated (AG) no agricultural land division will be approved whereby any parcel thusly created will be less than 80 acres. However, divisions of these agricultural lands to a minimum size of 60 acres may be approved if the majority of the resultant parcel is composed of tillable soils as defined in section F.(6) of the County Williamson Act Guidelines and which soils rate as prime according to any of the five criteria of PRC-51201. Subdivision to the minimum parcel size allowed in the zone may be permitted based on the findings that:

A. The subdivision shall not inhibit the use of the property for agricultural operations. In making this determination that County shall use the Williamson Act entry requirements as a guide in conjunction with advice from the agricultural community.

B. The subdivision shall not inhibit economically viable agricultural and timber production on adjoining lands.

C. Adequate access, water, and geologic stability can be demonstrated for the proposed use and the land division meets all other regulatory requirements.

D. On each parcel, the residential site is located, to the fullest practical extent in areas of the lowest productivity.

E. Access to the remainder is consistent with the uses of the remaining property.

F. All applicable subdivision policies of the Rural Lands can be met.