

RECORDING REQUESTED BY:

Board of Supervisors

EL DORADO CO. RECORDER-CLERK

WHEN RECORDED MAIL TO:

**Board of Supervisors
330 Fair Lane
Placerville, CA 95667**

05/26/2010, 20100023264

SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE

TITLE (S)

**NOTICE OF NON-RENEWAL-AGRICULTURAL PRESERVE 313
ROY E. RUTZ AND MARILYN B. RUTZ**

RECORDING REQUESTED BY:

Board of Supervisors

WHEN RECORDED MAIL TO:

**Board of Supervisors
330 Fair Lane
Placerville, CA 95667**

}
}
}
}
}
}
}
}
}
}
}
}
}

SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE

TITLE (S)

**NOTICE OF NON-RENEWAL-AGRICULTURAL PRESERVE 313
ROY AND MARILYN RUTZ**



County of El Dorado

330 Fair Lane, Bldg A.
Placerville, California
530 621-5390
FAX 622-3645
co.el-dorado.ca.us/bos

Master Report

File Number: 10-0392

*File ID: 10-0392	Agenda Type: Agenda Item	Status: Approved
Version: 1	Reference:	Gov Body: Board of Supervisors
Department: Development Services - Planning		Created: 04/13/2010
Agenda Title: DS 05-18-10 WAC09-0001/Rutz		Final Action: 05/18/2010

Title: HEARING - Consider the recommendation of the Planning Commission on Williamson Act Contract WAC09-0001 on property identified by APNs 088-020-72, 088-020-79, 088-020-81, and 088-020-82, consisting of 307.51 acres, in the Garden Valley area, submitted by Roy and Marilyn Rutz; and recommending the Board take the following actions:

- 1) Certify that the project is Categorically Exempt from CEQA pursuant to Section 15317;
- 2) Approve and certify the Notice of Non-renewal of Williamson Act Contract for APN 088-020-82 (10.65 acres);
- 3) Approve Williamson Act Contract WAC09-0001 to include APNs 088-020-72, 088-020-79, and 088-020-81 (consisting of 296.86 acres) based on the Findings listed in Attachment 1; and
- 4) Adopt Resolution for said Williamson Act Contract. (Supervisorial District IV)

Notes:

Agenda Date: 05/18/2010

Indexes:

Agenda Number:

Sponsors:

Enactment Date:

Attachments: A - PC Minutes 04-08-10.pdf, B - Attachment 1-Findings.pdf, C(1) - Resolution.doc, C(2) - Resolution-Exhibit A.pdf, D - Staff Report.pdf, E - WAC Application.pdf

Time Required:

Same:

Hearing Date: 05/18/2010

Contact: Roger P. Trout (5369)/Pierre Rivas (5841)

Next Meeting Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Board of Supervisors	05/18/2010	Approved				Pass

Action Text: A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, as follows:
1) Certify the project is Categorically Exempt from CEQA;
2) Approve and certify the Notice of Non-renewal of Williamson Act Contract;
3) Approve Williamson Act Contract WAC09-0001; and
4) Adopt Resolution 059-2010 for said Williamson Act Contract.

Mover: James R. Sweeney

Yes 4

Supervisor Knight, Supervisor Nutting, Supervisor Sweeney and
Supervisor Santiago
Absent 1
Supervisor Briggs

4-1

Text of Legislative File 10-0392

HEARING - Consider the recommendation of the Planning Commission on Williamson Act Contract WAC09-0001 on property identified by APNs 088-020-72, 088-020-79, 088-020-81, and 088-020-82, consisting of 307.51 acres, in the Garden Valley area, submitted by Roy and Marilyn Rutz; and recommending the Board take the following actions:

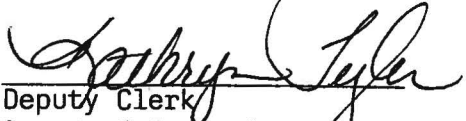
- 1) Certify that the project is Categorically Exempt from CEQA pursuant to Section 15317;
- 2) Approve and certify the Notice of Non-renewal of Williamson Act Contract for APN 088-020-82 (10.65 acres);
- 3) Approve Williamson Act Contract WAC09-0001 to include APNs 088-020-72, 088-020-79, and 088-020-81 (consisting of 296.86 acres) based on the Findings listed in Attachment 1; and
- 4) Adopt Resolution for said Williamson Act Contract. (Supervisory District IV)

Background: Request to consider Williamson Act Contract WAC09-0001 submitted by ROY and MARILYN RUTZ to amend existing Agricultural Preserve Number 313 through a partial roll-out and establishment of a new Agricultural Preserve. The property, identified by Assessors Parcel Numbers 088-020-72, 088-020-79, 088-020-81, and 088-020-82, consisting of 307.51 acres, is located along the east side of Hackomiller Road, at the intersection with Garden Valley Road, in the Garden Valley area, Supervisorial District IV. [Project Planner: Aaron Mount] (Categorical Exemption pursuant to Section 15317 of the CEQA Guidelines)

This application was considered by the Planning Commission on April 8, 2010, and was unanimously (5-0) recommended for approval. The minutes from this meeting are attached.

Contact: Roger P. Trout (5369)/Pierre Rivas (5841)

Follow-up to COB: Send 2 copies of Minute Order to Dept.


Deputy Clerk
Board of Supervisors
County of El Dorado

* See attached acknowledgment

ACKNOWLEDGMENT

State of California
County of El Dorado

On May 26, 2010 before me, Loretta Featherston, Notary Public

Personally appeared Kathryn Tyler
who proved to me on the basis of satisfactory evidence to be the
person(s) whose names(s) ~~is~~ are subscribed to the within instrument and
acknowledged to me that he ~~she~~ they executed the same in his ~~her~~ their
authorized capacity(ies), and that by his ~~her~~ their signature(s) on the
instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature Loretta Featherston

Board Action certifying
Notice of Non-renewal.



* master report Agenda date 5-18-2010

(Seal)

**REQUEST TO ALLOW NOTICE OF
PARTIAL NONRENEWAL OF WILLIAMSON ACT CONTRACT**

RESOLUTION NUMBER 222-2007

DATED August 28, 2007

ENCUMBERING PARCEL NUMBER 088-020-82

Board of Supervisors
County of El Dorado
330 Fair Lane
Placerville, CA 95667

Under authority vested in us as current owner of certain real property in El Dorado County, identified by assessor's parcel number 088-020-82, consisting of 11.65 acres in Section 2, Township 11North, Range 10 East, MDBM and described as parcel 4 on parcel map filed on July 12, 2006 at Book 49, Page 70, of El Dorado County records, and as party to the encumbering Williamson Act contract number 313, which also includes parcels 088-020-72, 79 and 81 totaling 307.5 acres, we are requesting to notice a partial nonrenewal of the subject parcel.

There are several reasons for our submission of this request for nonrenewal of this small corner of our ranch. When originally placed under contract in 1971 (Resolution 417-71), the ranch was one 420 (corrected) acre parcel which, due to circumstances of life, was subsequently unmerged back into its original 6 parcels through issuance of certificates of compliance. The property was resurveyed and property lines adjusted to conform to practical boundaries. The 113 acre portion (two parcels) West of Hackomiller Rd. was sold and the new owners created two new Williamson Act contracts (314 and 315) from that portion (subsequently one came back to us and is currently being resold). Parcel 82 is 10.65 acres of our remaining 307.5 acre contract. There are a number of reasons supporting withdrawal of this parcel from the contract.

The land is not suitable for any practical agricultural use. There are a number of factors contributing to this situation.

- *The parcel is small, consisting of less than 11 acres.
- *This parcel is separated from the rest of the ranch by Garden Valley Road and there is only one practical access point from Garden Valley Road.
- *The terrain, for the most part, is steep

- *The general slope is north facing and has mostly shade all day. While cool during the summer, it is down right cold in the winter. The intersection of Hackomiller and Garden Valley Roads is one of the coldest spots in the area.
- *This parcel is unfenced. The grazing value won't support the improvement.
- * This parcel is mostly brush covered. The grazing value won't support the improvement and the nature of the site precludes more intensive agriculture.

This parcel of land has not contributed a single penny to ranch income since 1971 when first placed in a Williamson Act contract by my grandparents and its roll out will have no impact whatsoever on the ability of the contract to continue to meet the criteria. The size and nature of the parcel made it uneconomical to improve it for grazing, the primary use of the rest of the ranch. It is certainly not suitable for any kind of more intensive agriculture.

This parcel is part of the Kelsey-South Improvement District and was assessed bonds for treated, domestic, piped water by GDPUD despite our protests that this was agricultural land and we had no use for their treated, domestic water. This action was the straw that broke the camel's back, so to speak. This assessment has cost and continues to cost us considerable money that is not offset by any income from agricultural production. It is a drain on the ranch enterprise. It will become even more of a burden in a couple of years when I retire and have a reduced income. This is the primary reason for our decision to put this parcel on the market.

SIGNED: *Roy E. Rutz* DATED: 9/17/08
 Roy E. Rutz

SIGNED: *Marilyn B. Rutz* DATED: 09/17/08
 Marilyn B. Rutz

STATE OF CALIFORNIA
 COUNTY OF Sacramento
 On September 17, 2008, before me,
Vitru Vannarath-Kean, Notary Public,
 personally appeared: Roy E. Rutz
Marilyn B. Rutz
 who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their execution of the instrument the person or persons named executed the instrument for the purposes and on behalf of the person or persons named in the foregoing paragraph to be true and correct.
 WITNESS my hand and official seal.

SIGNATURE *[Signature]* (SEAL)



CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

State of California)
)ss.
County of)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) in the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. Witness my hand and official seal.

Signature _____ (Seal)

I certify under the penalty of perjury that the portions of the document that will not reproduce a readable copy to which this statement is attached, reads as follows.

*Kathryn Tyler
Deputy Clerk*

5-26-10

COUNTY OF EL DORADO

330 Fair Lane
Placerville, CA 95667
(530) 621-5390
(530) 622-3645 Fax

SUZANNE ALLEN DE SANCHEZ
Clerk of the Board



BOARD OF SUPERVISORS

JOHN R. KNIGHT
District I
RAY NUTTING
District II
JAMES R. SWEENEY
District III
RON BRIGGS
District IV
NORMA SANTIAGO
District V

Certified Mail

May 27, 2010

Roy and Marilyn Rutz
5695 Hackomiller Road
Garden Valley, CA 95633

Dear Mr. and Mrs. Rutz:

At a regular meeting of the El Dorado County Board of Supervisors held on Tuesday, May 18, 2010, the Board approved and certified the Notice of Non-Renewal for Agricultural Preserve No. 313 for assessor's parcel number 088-020-82.

Enclosed is a copy of the Recorded Notice for your information.

Very truly yours,

Norma Santiago, Chair
Board of Supervisors

Suzanne Allen de Sanchez, Clerk of the
Board of Supervisors

By 
Deputy Clerk

/kt

Enclosure

Cc: Agriculture Department
Assessor
Planning