

(amended) Sept. 24, 2009

Planning Commission  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667

09 OCT -7 PM 1:16  
RECEIVED  
PLANNING DEPARTMENT

Subject: Establishment of an Agricultural Preserve

Gentlemen:

I (we) hereby request the Planning Commission consider and recommend to the Board of Supervisors that my (our) property be established as an agricultural preserve pursuant to Section 51200(d) of the California Government Code, being part of the California Land Conservation Act of 1965. It is my (our) intent to provide the necessary subsequent restrictions on land use within this preserve by means of an agreement pursuant to Chapter 7, Division 1, of Title 5 of the California Government Code.

In summary of the attached application:

Property offered consists of 296.860 acres;

Identified as County Assessor's Parcel Number(s) 088-020-72, 79, and 81

(indicate if this is a portion of the parcel, with more detailed information to be shown on the accompanying map)

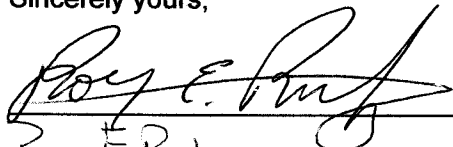
Located generally in the vicinity of Garden Valley


, as shown on the attached map.

The nature of the property is such that it is (can be) devoted to agricultural and compatible uses.

I (we) understand generally the provisions of the California Land Conservation Act of 1965 and the obligations imposed upon application of said Act.

Sincerely yours,

  
\_\_\_\_\_  
Roy E. Rutz 9/24/09

  
\_\_\_\_\_  
Marilyn B. Rutz 9/24/09

WAC 09-0001

## All-Purpose Acknowledgment

State of California

County of El Dorado

On Sept 24, 2009 before me, Marcia Berry, Notary Public personally  
(date) (name, title of officer)  
appeared Roy E. Rutz and Marilyn B. Rutz, who proved to me on the basis of  
(name(s) of signer(s))

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) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

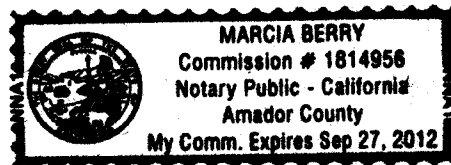
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Marcia Berry, Notary Public

(Seal)



(amended) Sept. 24, 20 09

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PLANNING DEPARTMENT  
**PART I**  
(To be completed by applicant)

**LAND CONSERVATION CONTRACT APPLICATION**

NAME Roy & Marilyn Rutz PHONE ( 530 ) 333-4738  
\_\_\_\_\_  
PHONE ( \_\_\_\_\_ ) \_\_\_\_\_  
\_\_\_\_\_  
PHONE ( \_\_\_\_\_ ) \_\_\_\_\_

MAILING ADDRESS 5695 Hackomiller Rd., Garden Valley, CA 95633

ASSESSOR'S PARCEL NUMBER(S): (Attach legal description if portion of parcel)  
088-020-72, 79, and 81

TYPE OF AGRICULTURAL PRESERVE (Check one):

Williamson Act Contract (10-year roll-out)   x    
Farmland Security Zone (20-year roll-out) \_\_\_\_\_

NUMBER OF ACRES TO BE CONSIDERED UNDER THIS CONTRACT 296..860

WATER SOURCE GDPUD PRESENT ZONING AE

YEAR PROPERTY PURCHASED 1974

WHAT IS YOUR AGRICULTURAL CAPITAL OUTLAY (excluding land value)?

List specific items or improvements with value for each.

<u>Improvement</u>	<u>Value</u>
<u>Containment/separation fences</u>	<u>\$ 23,300</u>
<u>Barn/shop/office</u>	<u>60,000</u>
<u>Stockwater pond</u>	<u>9,600</u>
<u>Agricultural roads</u>	<u>26,000</u>

**WAC 09-0001**

**PART I**  
(Continued, page 2)  
(To be completed by applicant)

If improvements total under \$45,000, explain what agricultural capital improvements will be made in the next three years.

NA

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**WHAT IS YOUR CURRENT GROSS INCOME FOR AGRICULTURAL PRODUCTS?**

<u>Product</u>	<u>Income</u>
Cattle & calves (grazing)	\$ 5,000
Timber (100 ac X 50 bf/yr X \$0.186/bf)	930
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
	Total \$ 5,930

NOTE: Total gross income must exceed \$13,500 per year for high intensity farming (orchards, vineyards, row crops), or \$2,000 for low intensity farming (grazing). If the total does not exceed these amounts, when do you anticipate your agricultural operations will gross this amount?

NA

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**PART I**  
 (Continued, page 3)  
 (To be completed by applicant)

**CURRENT LAND UTILIZATION**

Pear trees _____	acres	Date planted _____
Apple trees _____	acres	Date planted _____
Walnut trees _____	acres	Date planted _____
_____ trees _____	acres	Date planted _____
Irrigated pasture _____	acres	Date planted _____
Crop land _____	acres	Comments _____
Dry grazing <u>100</u> _____	acres	Comments _____
Brush <u>94.86</u> _____	acres	Comments <u>Brush &amp; timber mixed</u>
Timber <u>100</u> _____	acres	Comments <u>Timber and brush mixed</u>
Christmas trees _____	acres	Comments _____
Grapes _____	acres	Comments _____
Farmstead <u>2</u> _____	acres	Comments _____

TOTAL ACRES 296.860 \_\_\_\_\_ (This figure should equal acreage under Contract)

**PLANNED FUTURE DEVELOPMENTS**

Briefly describe what future plans you have for the development of this agricultural unit. Please list acreage, crops and time schedule for your planned projects.

Roll out of parcel 82 (10.65 ac) from current contract #313 as approved by the  
Agricultural commission on November 12, 2008. Improvement of grazing  
potential by clearing additional brush. Construction of additional agricultural  
related structural improvements.

I hereby certify that the information contained within this application is true and correct to the best of my knowledge.

(amended) 9/24/09 \_\_\_\_\_  
 Date Signature of Applicant Marilyn B. Rutz

**PART II**  
(To be completed by Assessor)

Comments: Parcels 088-020-79 and 088-020-81 are vacant parcels consisting primarily of gently sloping, grassy portions and portions that are thickly wooded w/ oaks & some conifers. Parcel 088-020-72 is similar but is developed with the owners' personal residence & ancillary structures. Very little, if any, agricultural activity has been witnessed on any of the above 3 parcels. Parcel 088-020-82-100 is a steep, thickly wooded parcel not suited to any particular agricultural use. It is separated from the other 3 parcels by Grand Valley Rd.

Assessor's recommendation(s) The assessor can find no cause to prevent nor reason to object to the property owner's application to 'roll-out' parcel 088-020-82-100. It is also the assessor's opinion that Williamson Act property ought to reflect some substantial agricultural use. Grazing a half-dozen cattle on 300 acres does not seem substantial.

11/3/09  
Date

*Carol F. Maceau*  
El Dorado County Assessor  
for L. A. Salcedo

**PART III**

(To be completed by Agricultural Commission)

Comments: See attached.

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Commission's recommendation(s): See attached.

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\_\_\_\_\_ Date

\_\_\_\_\_ Chairman, Agricultural Commission



# AGRICULTURAL COMMISSION

311 Fair Lane  
Placerville, CA 95667  
(530) 621-5520  
(530) 626-4756 FAX  
eldcag@co.el-dorado.ca.us

Greg Boeger, Chair – Agricultural Processing Industry  
Lloyd Walker, Vice-chair – Other Agricultural Interests  
Chuck Bacchi – Livestock Industry  
Bill Draper, Forestry /Related Industries  
Ron Mansfield – Fruit and Nut Farming Industry  
John Smith – Fruit and Nut Farming Industry  
Gary Ward, Livestock Industry

## MEMORANDUM

**DATE:** December 16, 2009

**TO:** Aaron Mount, Development Services/Planning

**FROM:** Lloyd Walker, Chair Pro-Tem *slw*

**SUBJECT:** **WAC 09-0001 – RUTZ WAC/PARTIAL R/O (ROY E. RUTZ TR): A NEW WILLIAMSON ACT CONTRACT REQUIRED BY BOS POLICY C-12.4 DUE TO PARTIAL ROLL OUT REQUEST**

During the Agricultural Commission's regularly scheduled meeting held on December 9, 2009 the following discussion and motion occurred regarding WAC 09-0001 – Rutz WAC/Partial R/O (Roy E. Rutz Tr): A new Williamson Act Contract required by BOS Policy C-12.4 due to partial roll out request. Existing AP #313 is requesting a new Williamson Act Contract for Assessor's Parcel Numbers 088-020-72, -79 and -81 totaling 296.86 acres and a roll out request for Assessor's Parcel Number 088-020-82 consisting of 10.65 acres. The property is located on the east side of Hackomiller Road approximately ¼ miles north of the intersection with Garden Valley Road, in the Garden Valley area. (District 4)

Staff reported on the site visit and included the following notation: "As the Agricultural Commission recommended *APPROVAL* of the non-renewal/roll-out of APN 088-020-82, consisting of 10.65 acres, on November 12, 2008, that portion of Planning Services request does not require reconsideration by the Agricultural Commission at this time."

### Parcel Descriptions:

The parcels are in the Garden Valley Ag District, have a land use designation of Agricultural Lands (AL), are zoned Exclusive Agriculture (AE), are at an elevation of approximately 2,200 feet and have the following soil types:

AoB: Argonaut loam, seeped variant (Class IV), BpC: Boomer-sites loams, 9 to 15% slopes (Class III), BpD: Boomer-sites loams, 15 to 30% slopes (Class IV), BrE: Boomer-sites very rocky loams, 9 to 50% slopes (Class VI), JtC: Josephine silt loam, 5 to 15% slopes (Class III), JtD: Josephine silt loam, 15 to 30% slopes (Class IV), MaD: Mariposa gravelly silt loam, 3 to 30% slopes (Class IV), MbE: Mariposa very rocky silt loam, 3 to 50% slopes (Class VI), MmF: Metamorphic rock land (Class VIII), SkC: Sites loam, 9 to 15% slopes (Class III) and SkD: Sites loam, 15 to 30% slopes (Class IV).

### Criteria for Low Intensive Ag Operation:

- Capital Outlay of \$10,000 has been met with fencing and outbuildings.
- Minimum parcel size of 50 acres has been met with the 296.86 acres.
- Gross annual income exceeds the minimum criteria of \$2,000 at over \$5,000.



**Suitability of Land Score:**

- 95 points (A cumulative score of 60 points or more in all five categories signifies that a parcel or segment has a good agricultural capability.)

Bill Stephans commented that these properties have been before the Commission several times in the past due to the selling off of certain parcels, and those parcels going back into their own Williamson Act Contracts. When staff did the analysis for the 10 acres to be non-renewed on this particular contract, it was determined that Agriculture was still being conducted on the remaining parcels and the parcels met or exceeded the minimum criteria for low intensive agricultural operations adopted by the Board of Supervisors.

Mr. Walker mentioned that the property is still being used to graze cattle.

***It was moved by Mr. Bacchi and seconded by Mr. Mansfield to recommend APPROVAL of WAC 09-0001, a new Williamson Act Contract for APN'S 088-020-72, -79, and -81, as the minimum criteria for a low intensive agricultural operation has been met or exceeded:***

- 1) Capital outlay exceeds the minimum requirement of \$10,000***
- 2) Acreage of parcel meets the minimum requirement of 50 acres at 296.86 acres, and***
- 3) Gross income exceeds the minimum requirement of \$2,000/year at over \$5,000/year***

***Motion passed.***

**AYES:** Bacchi, Draper, Mansfield, Walker

**NOES:** None

**ABSENT:** Boeger, Smith, Ward

If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

LW:na

cc: Roy & Marilyn Rutz

**PART IV**

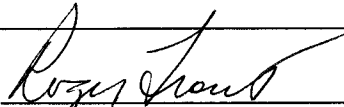
(To be completed by Planning Commission)

Date of public hearing: April 8, 2010

Action: Recommended approval

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

 4-14-10  
Executive Secretary, Planning Commission

**PART V**

(To be completed by Board of Supervisors)

Date of public hearing: \_\_\_\_\_

Action: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Suzanne Allen de Sanchez, Clerk to the Board

By: \_\_\_\_\_  
Deputy Clerk to the Board