

Board

**Joe Keating**  
8680 Mosquito Road  
Placerville, CA 95667  
APN's 084-190-06, 15.16 Acres  
APN's 084-190-07, 26.98 Acres

**Brian Keating**  
8600 Mosquito Road  
Placerville, CA 95667  
APN 084-220-14, 6.23 Acres

**July 16, 2007**

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

RECEIVED  
BOARD OF SUPERVISORS  
PLACERVILLE, CA

2007 JUL 16 PM 4:41

**Subject:**

**Robert, Margot, and Steven Scharpf's application to create one, twenty-five acre parcel, rezone parcel to AP (Agricultural Preserve), and enter into a Williamson Act Contract by combining three parcels (APN's 084-200-17, 084-200-13, 084-200-13 and 084-220-13).**

**Hearing scheduled for July 17, 2007**

**References:**

**I have sent letters dated October 11, 2006, November 16, 2006 and January 9, 2007 and have spoken on the record on this subject before the Board of Supervisors when this item was before the Board.**

**The tape record of the January 9, 2007, Board meeting will show that based on the information supplied by the Board Counsel at the hearing I withdrew my support for favorable action on the agenda item. This was because of the adverse limitations that were to be imposed on my property. As a consequences of the Scharpfs being granted their requests for AP zoning and inclusion in the Williamson Act, I would experience my property adversely impacted 200 feet setback requirement. This condition is not acceptable to me – or, in my view, equitable.**

## **Discussion of the issues:**

**From my perspective the Board hearing resulted in a postponement of a decision, in order to allow the staff to investigate and refine the needs for the setback requirements. I thought this review would be a combination of policy and site specific requirements. This subject has been under investigation by the Board and staff for the last eight months and most specifically since the January hearing.**

**A letter from the Agricultural Commission dated July 2, 2007, resulted in a meeting with Chris Flores, Agricultural Biologist, on July 13, 2007, at my office. She has reviewed the area and discussed the impact with various effected property owners. She was well informed and I appreciated her time in explaining the status of her efforts and also providing a drawing with site specific information, which I assume is part of your information package on this item.**

**I was encouraged to hear from Ms. Flores that “staff” is considering some relief for parcels of 5 acres or less by reducing their setback requirements from the 200 feet specified in the ordinance to 50 feet. In the specific case of parcel # 084-220-14 of 6.23 acres this proposed relief doesn’t exist because the size is over 5.0 acres. You will note that because of the triangular shape of this parcel this 200 feet setback will amount to 3.9 of the 6.23 acres or nearly 2/3 of the total land. This “staff” independent judgment “adjustment” if accepted by the Board will reduce the number of people who will find objection to this proposed Board action, but more importantly to me it indicates the arbitrary nature of the process as it is being applied.**

**I asked at the January hearing what the basis was for the determination of the need for a 200 feet setback in this type of situation, where the proposed action is occurring after the fact and not as the result of prior conditions that were attached to the effected lands involved. Regarding the question of need for this 200 feet at the last Board hearing, I did not receive an answer beyond- the possibility that a tree could be 200 tall and might fall across the property lines. While this might have been suggested in jest it points out the basic problem of the question of**

**determining a defined distance. It seems that this distance is somebody's judgment beyond a tree fall and is because of the need for both spraying and disking on agriculture lands and that "some" distance will provide a "buffer" from drift due to wind speed. Since this distance, if as suggested, is for this reason, it is more a function of wind speed than an undocumented fixed distance now being applied.**

**I would assume with all the State Regulations that apply to agricultural endeavors that a State agency is responsible for this subject and has probably addressed this question of wind drift with numerous studies and criteria charts for various applications that would provide guidelines for this paramount question of distance.**

**Another interesting fact is that this proposed Board action if accepted as originally proposed with 200 foot setbacks would impact over 33 acres of lands bordering the proposed 25 acres.**

**Apparently there is a possibility that the State of California may not continue to reimburse Counties for property taxes lost to them with Williamson Contract properties. This would be unfortunate for our County as described in Attachment "A" to this letter.**

**An AG District blanket was imposed on my parcels under the current General Plan. During the review period, I questioned this designation based on the high percentage of Placer Diggings on my property and shown on the County Soils Map. I assumed this map was used as the basis of this determination. The true mystery to me, over and above the soil type question, which is difficult to consider as agricultural lands, is the inconsistent fact that the lands immediately north of the land being considered for the Williamson action, a large 40 + acre vineyard ( APN 084-200-12 & APN 084-200-11) were not included within this AG District. The Sharpf's lands being considered at this time also are not in this identified AG District in the General Plan. It is difficult for me to understand how this AG DIST designation was determined and by whom. At the time of the General Plan review, I requested a field inspection of my property by the Agriculture Department. They advised that the Planning Department told them not to make the inspection at that time. While this is a separate issue it seems appropriate to bring this to the Board's attention.**

**During this policy review period I was surprised that direction was not given to staff to consider points, which seem important, when reviewing impacts and mitigation possibilities, especially when considering inserting a Williamson Contract in a residentially developed area such as this. Following are some, but probably not all of the possible considerations that could be considered:**

**-restrict disking and various types of spraying based on wind speed information. I assume this information is readily available as previously identified. Any restrictions would only need to be imposed if legitimate problems developed from an operation.**

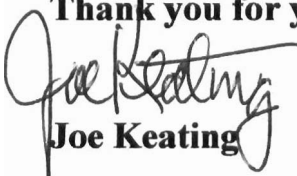
**-review in detail the lands being considered for the Williamson Contract that would allow the proposed setback to include portion of the benefited lands.**

**-existing setbacks already in place based on other County Codes. One of these would be those associated with setbacks from different types of streams systems.**

#### **CONCLUSION:**

**We as effected property owners request that if the Board in their action on this agenda item chose to approve the requested Williamson Contract that the Board concurrently stipulate that no new enhanced burdens regarding setbacks or other new restrictions or requirements are to result from their action on those effected properties on the boundary of this proposed Williamson Contract parcel. Such an approval and stipulation would appear a win-win situation for all of the effected properties.**

**Thank you for your consideration of our position.**

  
**Joe Keating**

  
**Brian Keating**

**cc: Bob Scharpf, Robert Laurie, Esq.**

INT DEW 6/18/07 ATTACHMENT "A"

# Williamson Act payments to counties in budget limbo

By Roger Phelps

Democrat staff writer

An El Dorado County revenue stream pegged to agricultural preserve contracts could dry up.

Under the state Land Conservation Act of 1965, known as the Williamson Act, counties are paid state relief for property tax waived to landowners who conserve open space. Up to



ARNOLD SCHWARZENEGGER



TIM HOLCOMB

75 percent of the tax can be waived under contracts for either 10 or 20 years.

Because no development is allowed but agriculture is, ranchers and farmers are the bulk of Williamson Act enrollees around the state.

Saying there are better ways than subsidies to agriculture to ensure open space in California, Gov. Arnold Schwarzenegger in his current proposed state budget would phase out the relief

▶ see WILLIAMSON, page A-6

## WILLIAMSON

continued from A-1

payments, called subventions. Schwarzenegger's proposal to phase out Williamson Act subventions follows a previous recommendation to do so by the non-partisan state Legislative Analyst's Office.

Under a phase-out, El Dorado County would lose a total of around \$43,000 annually. Although ill-timed in a tight county budget, damage from a cutoff of the state relief payments would not be proportionate to that faced by counties such as Kings and Kern, with massive percentages of total acres under Williamson Act contract, said local Assessor Tim Holcomb. El Dorado's fraction of privately owned land under Williamson contract is only

around 6 percent.

"It would not hurt us like other counties — Kings, for example, receives millions of dollars in subventions," Holcomb said.

However, without the state incentive, counties would feel pressure to avoid renewing open-space contracts that expired, Holcomb said.

In 2004 the Legislative Analyst's Office wrote, "By ending the subsidy — which has already been responsible for preserving half of the state's agricultural land — the state saves \$40 million, which will go toward establishing a healthy and needed budget reserve."

Around open space, Schwarzenegger has touted his signing of legislation creating the Sierra Nevada

Conservancy, his aiding of a joint conservation purchase by the state of 82,000 acres of California coastline surrounding the Hearst Ranch and his petition to the federal government to keep 4.4 million acres of national forest land roadless in the state.

Mike Applegarth with the County Administrator's Office, said El Dorado and numerous other counties are lobbying the state Legislature to remove from the budget a subvention phase-out. He said lobbyists are optimistic regarding their chances.

"But the governor could blue-pencil it back in — a line item veto," Applegarth said.

E-mail Roger Phelps at [rphelps@mtdemocrat.net](mailto:rphelps@mtdemocrat.net) or call 344-5062.

## CAMINO

continued from A-1