

March 02, 2008

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

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 51 acres;

Identified as County Assessor's Parcel Number(s) 093-032-72-100

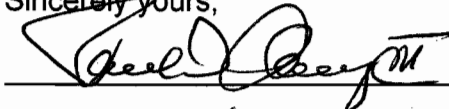
(indicate if this is a portion of the parcel, with more detailed information to be shown on the accompanying map)

Located generally in the vicinity of Fairplay
_____, 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,



See Attached GA
Notary 3/23/08

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of **EL DORADO**

On 3/25/2008 before me, **BECKY CAMPINI NOTARY PUBLIC**

personally appeared Paul D. Clary III

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) 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.

Becky Campini
Signature of Notary Public



ADDITIONAL OPTIONAL INFORMATION

<p>DESCRIPTION OF THE ATTACHED DOCUMENT</p> <p>_____</p> <p style="text-align: center;">(Title or description of attached document)</p> <p>_____</p> <p style="text-align: center;">(Title or description of attached document continued)</p> <p>Number of Pages _____ Document Date _____</p> <p>_____</p> <p style="text-align: center;">(Additional information)</p>
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<p>CAPACITY CLAIMED BY THE SIGNER</p> <p><input type="checkbox"/> Individual (s)</p> <p><input type="checkbox"/> Corporate Officer</p> <p>_____</p> <p style="text-align: center;">(Title)</p> <p><input type="checkbox"/> Partner(s)</p> <p><input type="checkbox"/> Attorney-in-Fact</p> <p><input type="checkbox"/> Trustee(s)</p> <p><input type="checkbox"/> Other _____</p>
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INSTRUCTIONS FOR COMPLETING THIS FORM

- Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.*
- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
 - Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
 - The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
 - Print the name(s) of document signer(s) who personally appear at the time of notarization.
 - Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they- is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
 - The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
 - Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
 - Securely attach this document to the signed document

March 02, 2008

PART I

(To be completed by applicant)

LAND CONSERVATION CONTRACT APPLICATION

NAME Paul and Alice Clary PHONE (415) 479 8185
PHONE () _____
PHONE () _____

MAILING ADDRESS 121 Trellis Drive, San Rafael, Ca, 94903

ASSESSOR'S PARCEL NO.(s): (attach legal description if portion of parcel)
093-032-72-100

TYPE OF AGRICULTURAL PRESERVE (Check one):

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

NUMBER OF ACRES TO BE CONSIDERED UNDER THIS CONTRACT 5.1

WATER SOURCE well PRESENT ZONING AE

YEAR PROPERTY PURCHASED gift deed in 1978

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>well</u>	<u>\$ 2000</u>
<u>40x60 Barn</u>	<u>16000</u>
<u>ORCHARD TREES</u>	<u>2000</u>
<u>Storage Shed 16x32</u>	<u>13000</u>
<u>3 water TANKS</u>	<u>4000</u>
<u>Paving of road encroachment</u>	<u>2300</u>
	<u>\$ 69,300</u>

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 <u>6</u>	acres	Date planted <u>1978</u>
_____ trees _____	acres	Date planted _____
Irrigated pasture _____	acres	Date planted _____
Crop land _____	acres	Comments _____
Dry grazing <u>30</u>	acres	Comments _____
Brush <u>10</u>	acres	Comments _____
Timber <u>5</u>	acres	Comments _____
Christmas trees _____	acres	Comments _____
Grapes _____	acres	Comments _____
_____	acres	Comments _____

TOTAL ACRES 51 (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.

We anticipate that with fencing we will be able to run cattle. We are currently working NRCS on a conservation plan and with EQIP to help us make our land more productive

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

March 02, 2008
Date

[Signature]
Signature of Applicant

TIM HOLCOMB
EL DORADO COUNTY ASSESSOR

MEMORANDUM

May 19, 2008

TO: Tim Holcomb, Assessor, County of El Dorado
FROM: Lon Varvel, Senior Appraiser, County of El Dorado
SUBJECT: WAC 08-00010-0 - Paul, and Alice Clary

Tim,

I have reviewed the above captioned proposal and see no reason to reject the application. This parcel is currently in a preserve that is rolling out, but the request meets the minimum requirements for a new contract. The correct parcel number is: 093-032-86-100 and it is 50.38 acres. It has a barn, 6 acres of walnuts and the remainder would be used for dry grazing. I would not consider the request for brush or timber acreage, unless it were considered part of the base year land value and excluded from the AE calculation.

FYI: Their base year value is so low that the difference between the preserve value and the adjusted base year valuation is almost negligible. This parcel is currently zoned agriculture, so the reason for going into an AE is not clear from either land preservation or a tax standpoint.

Tim Holcomb

PART III

(To be completed by Agricultural Commission)

Comments: See attached

Commission's recommendation(s): Recommended approval

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
Tom Heflin – Fruit and Nut Farming Industry
David Pratt – Fruit and Nut Farming Industry
Gary Ward, Livestock Industry

MEMORANDUM

RECEIVED

DATE: June 17, 2008
TO: Aaron Mount, Development Services/Planning
FROM: Greg Boeger, Chair GB
SUBJECT: WAC 08-0001 – ESTABLISHMENT OF A NEW WILLIAMSON ACT CONTRACT – PAUL & ALICE CLARY

JUN 20 2008

EL DORADO COUNTY
BUILDING DEPARTMENT

During the Agricultural Commission’s regularly scheduled meeting held on June 11, 2008, the following discussion and motion occurred regarding WAC 08-0001 – Paul & Alice Clary: Establishment of a new Williamson Act Contract consisting of one parcel of a multi-parcel contract which is currently in a 10-year rollout (Agricultural Preserve No. 11). The property, identified by Assessor’s Parcel Number 093-032-72, consists of 39.82 acres (proposed to be 50.4 acres), and is located on the north side of Perry Creek Road approximately ½ mile east of the intersection with Fairplay Road, in the Fairplay area. (District 2)

Mr. Walker recused himself from hearing this item as he is related to the applicants.

Staff reported on the site visit conducted on May 20, 2008 with Agricultural Commission member Gary Ward. The parcel is currently zoned AE, has a Land Use Designation of AL (Ag Lands), is currently part of AG Preserve #11, which is in a ten year roll out, and is in the Fairplay/Somerset Ag District. The owners have applied for a separate WAC for their 50.4 acre parcel. The applicant’s have met 2 of the 3 requirements for establishing a Williamson Act Contract for a low intensive agricultural operation. Capital outlay has exceeded \$10,000 at \$69,300 (per application), and fencing (5-strand barbed wire) was being installed during the site visit. Minimum parcel size of 50 acres has been exceeded with the BLA, creating the new parcel of 50.4 acres. The Clary’s stated in their recently received Supplemental letter that they plan to keep “4 or 5 year-old heifers/steers” on their property with a gross income of at least \$2000.00 a year for the cattle. Staff spoke to Alice Clary regarding the application. She clarified that they were planning on “4 to 5 Angus cattle” on the property. Mr. Ward and staff have reservations about the ability of the land to support livestock. The cattle will have supplemental feed, and one of the better grazing areas on the property is the walnut orchard, which the Clary’s state will be harvested for green walnuts used to produce wine and liquor. Alice Clary also stated that there is a natural spring on the property, on the northern finger of land, with a concrete basin, in addition to a well and three water tanks, for the livestock’s water supply.

After reading the staff recommendation for their project online, the Clary’s submitted a Cattle Marketing Plan which was provided to each of the Commission members and also read into the record by staff for audience information.

Bill Stephans stated that as the Clary's plan to purchase cattle in July, staff will revisit the site in August or September to ensure:

- The cattle have been purchased and are on the site, and
- That the fencing has been completed.

In addition, staff will verify the agricultural production/ harvesting of a walnut orchard for additional agricultural income.

It was moved by Mr. Ward and seconded by Mr. Heflin, to recommend APPROVAL of WAC 08-0001. In general, the parcel identified as APN 093-032-86 is being fenced to contain livestock. The parcel exceeds the minimum requirement of 50 contiguous acres; water is available from a well, three holding tanks and a natural spring; the capital outlay is in excess of \$10,000 and the income level has been clarified through a marketing/work plan. In addition, the Commission advise that the walnut orchard and any other agricultural pursuits be included as part of the overall agricultural marketing plan. Motion passed.

AYES: Heflin, Draper, Pratt, Ward, Boeger
NOES: None
RECUSED: Walker
ABSENT: Bacchi

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

GB:na

cc: Paul & Alice Clary

PART IV

(To be completed by Planning Commission)

Date of public hearing: November 13, 2008

Action: Recommended approval

Comments: _____


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