

**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
BOARD OF SUPERVISORS  
STAFF REPORT**



**Agenda of:** June 28, 2011

**Staff:** Aaron Mount

**LOT LINE ADJUSTMENT**

**FILE NUMBER:** BLA10-0036

**AGENT:** Andregg Geomatics – Jack Remington

**APPLICANTS:** Edward and Mary Ann Dante, First Horizon Home Loans

**SURVEYOR:** Andregg Geomatics

**REQUEST:** Request for a Lot Line Adjustment between two parcels, one currently in a Williamson Act Contract.

**LOCATION:** On the south side of Crestline Drive, approximately 3.5 miles west of the intersection with Pleasant Valley Road, in the Pleasant Valley area, Supervisorial District 2. (Exhibit A)

**APNs:** 078-240-16 and 078-240-37

**ACREAGE:** 8.9 acres (078-240-16) and 70.80 acres (078-240-37)

**GENERAL PLAN:** Rural Residential-Important Biological Corridor (RR-IBC) and Agricultural Lands-Important Biological Corridor (AL-IBC)

**ZONING:** Estate Residential Five-Acre (RE-5) and Exclusive Agriculture (AE) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Exempt pursuant to Section 21080 of the CEQA Guidelines

**BACKGROUND**

In 2006 it was discovered that an unpermitted house was possibly located on the Dante's parcel (APN 078-240-37) which was intended to be constructed on the adjacent parcel (APN 078-240-16) based on an existing fence line. In 2007 the property owner of APN 078-240-16 had the property surveyed and it was confirmed that a house, garage, and well head were located on the Dante's property. Due to the building's location on the Dante's property, First Horizon Home Loans is unable to obtain a clear title on the property (APN 078-240-16). A court ordered settlement has required the Dantes to agree to the existing fence line as the official property line.

Agricultural Preserve Number 58 consists of three parcels which total 280.49 acres and is currently used for grazing cattle.

**PROJECT DESCRIPTION**

The request before the Board is for approval of the Lot Line Adjustment only. California Government Code Section 51257 requires certain findings be made by the Board of Supervisors when a lot line adjustment involves a parcel within a Williamson Act contract. The Lot Line Adjustment is going before the Board ahead of the Williamson Act Contract to ensure the lot line adjustment is finalized prior to reviewing of the Williamson Act Contract by the Planning Commission and the Board to ensure an accurate property description. The following project description is for the project that will go before the Planning Commission.

The project is a request to modify Agricultural Preserve Number 58 through a Boundary Line Adjustment which would result in a partial roll out of 2.31 acres. Section 51257 of the California Government Code requires Boundary Line Adjustments involving parcels within a Williamson Act Agricultural Preserve to rescind the contract and simultaneously enter into a new contract when exterior boundaries are changed.

APN	BLA EXISTING ACREAGE	BLA PROPOSED ACREAGE	AG PRESERVES EXISTING	AG PRESERVES PROPOSED
078-240-16	8.93 AC	11.24 AC	Not within an AG Preserve	Would contain the 2.31 acre WAC 10-year roll out portion
078-240-37	70.80 AC	68.49 AC	AG Preserve #58	Amended AG Preserve #58 minus roll out portion

## LOT LINE ADJUSTMENT

Lot Line Adjustment BLA10-0036 has been found to be consistent with applicable Zoning Ordinance sections and General Plan Policies. Specifically, the resulting parcel sizes are consistent with the AE and RE-5 zone districts and the RR-IBC and AL-IBC land use designations which require a 10-acre and 40-acre minimum parcel size.

Section 51257 of the California Government Code requires that findings must be approved by the Board of Supervisors when a Lot Line Adjustment involves parcels within a Williamson Act Contract. Findings for approval can be found in Attachment 1.

The Agricultural Commission at its regularly scheduled hearing on April 13, 2011 found that the findings pursuant to Section 51257 could not be made as the project was proposed. The finding that there is no net decrease in the amount of acreage restricted could not be recommended by the Agricultural Commission as the project proposed to remove 2.31 acres through the lot line adjustment from Agricultural Preserve #58. Planning has proposed that the 2.31 acre portion instead be rolled out ensuring that it would enforceably restrict the adjusted boundaries for at least ten years. Planning Services believes that the findings can be made by the Board of Supervisors as the net acreage restricted would not be reduced.

## RECOMMENDATION

Staff recommends that the Board of Supervisors take the following actions:

1. Certify that the project is Exempt from CEQA pursuant to Section 21080 of the CEQA Guidelines; and
2. Approve Lot Line Adjustment BLA10-0036 based on the Findings in Attachment 1.

## SUPPORT INFORMATION

### Attachments:

Attachment 1 .....	Findings
Exhibit A .....	Location Map
Exhibit B .....	Site Plan/Proposed Lot Line Adjustment
Exhibit C .....	Assessor's Parcel Map Bk. 078 Pg. 24
Exhibit D .....	Ag Commission Memo dated April 27, 2011

# ATTACHMENT 1

## FINDINGS FOR APPROVAL

Lot Line Adjustment BLA10-0036/Dante  
Board of Supervisors/June 28, 2011

### 1.0 CEQA FINDING

- 1.1 Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority, which includes Lot Line Adjustments.

### 2.0 ADMINISTRATIVE FINDINGS

#### 2.1 Lot Line Adjustment

- 2.1.1 **The Lot Line Adjustment conforms to the General Plan and Zoning Ordinance.**

The Boundary Line Adjustment conforms to the General Plan and Zoning Ordinance by meeting the minimum parcel sizes and development standards.

#### 2.2 California Government Code Section 51257

- 2.2.1 **The new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term for as least as long as the unexpired term of the rescinded contract, but for not less than 10 years.**

The revised contract will enforceably restrict the whole acreage for ten years.

- 2.2.2 **There is no net decrease in the amount of the acreage restricted.**

The revised contract will enforceably restrict 100 percent of the contracted lands for ten years.

- 2.2.3 **At least 90 percent of the land under the former contract remains under the new contract.**

At least 90 percent of the land under the former contract will remain under the new contracts; as only one percent will be included in the 10 year non-renewal.

- 2.2.4 **After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.**

Consistent with Section 51222, all parcels under contract, will be larger than 40 acres, after the Lot line Adjustment. Parcels are presumed to be large enough to sustain their agricultural use if they are greater than 10 acres, in the case of prime farmland, and 40 acres in the case of non-prime farmland.

**2.2.5 The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.**

The parcels within the Agricultural Preserve, in their current configuration, are being used for agricultural production. The 10-year roll out of the 2.31 acres from APN 078-240-37, would not affect the long-term productivity of the parcels under contract.

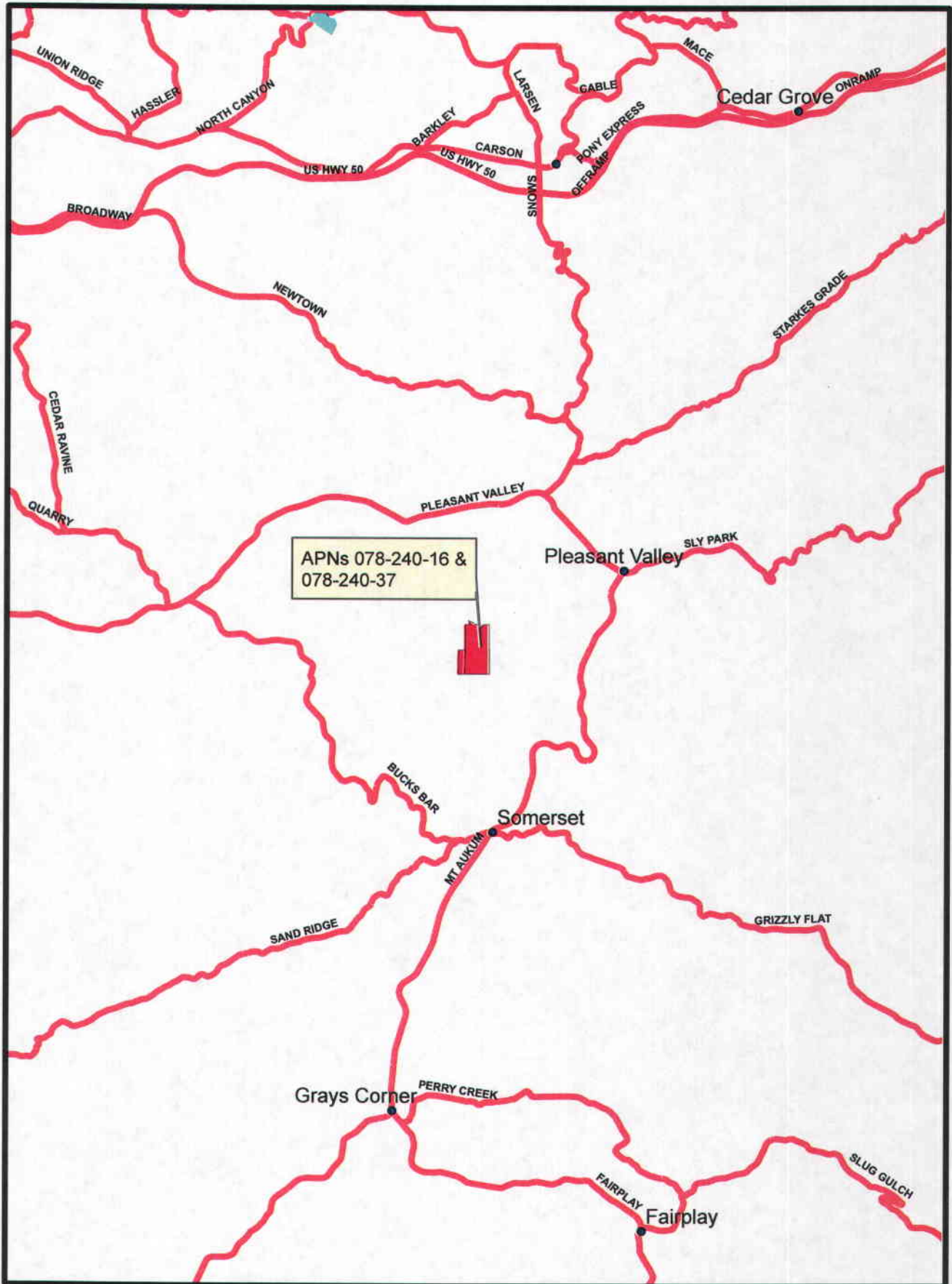
**2.2.6 The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.**

The parcels will continue to remain restricted by the Williamson Act contract and used for agricultural productivity. As such, the Lot Line Adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.

**2.2.7 The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.**

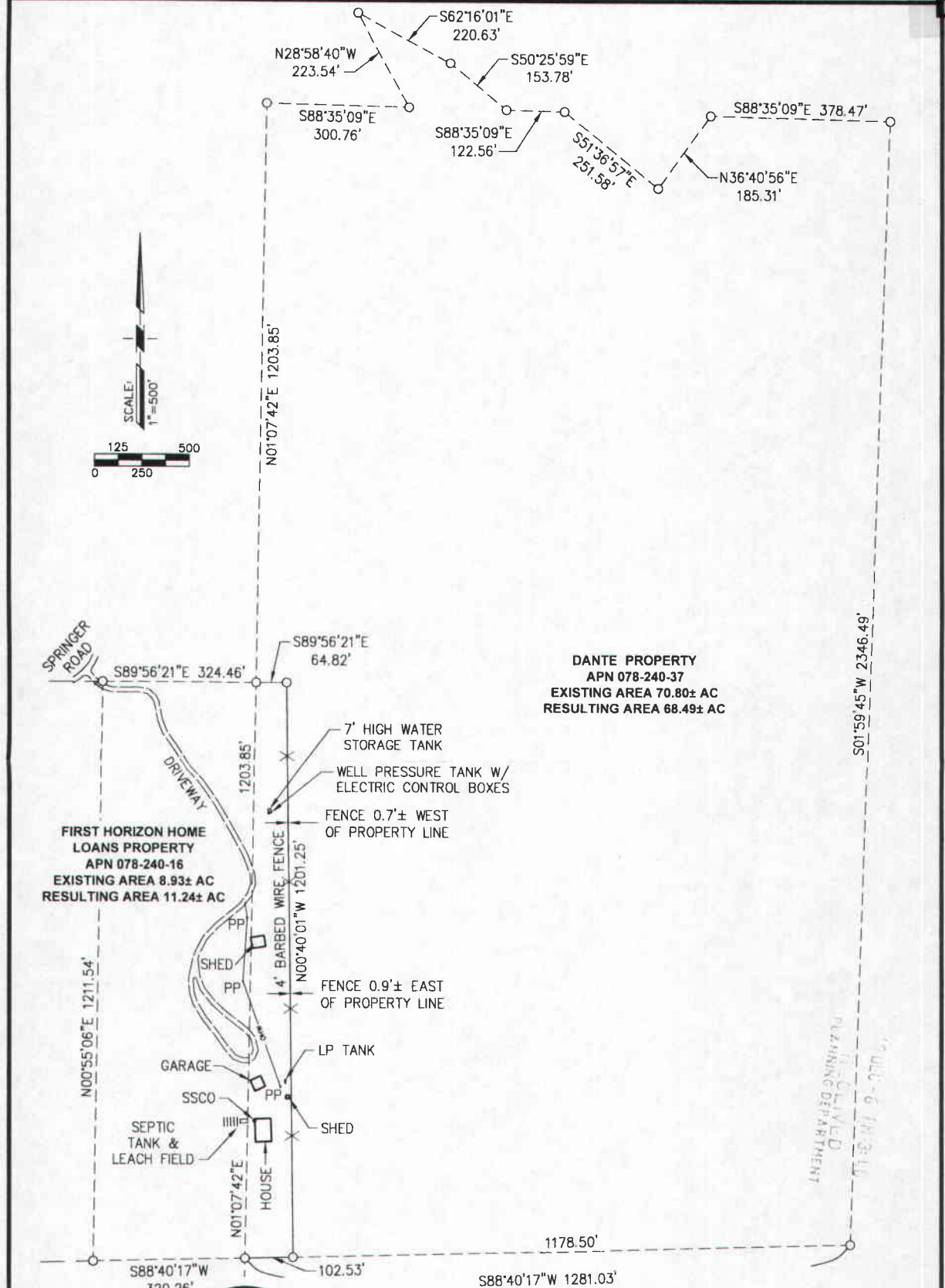
After the Lot Line Adjustment, the parcel will be over 40-acres and consistent with its land use. The parcel configuration will generally stay the same.

# EXHIBIT A: LOCATION MAP



APNs 078-240-16 &  
078-240-37





## LOT LINE ADJUSTMENT

FIRST HORIZON HOME LOANS  
AND EDWARD DANTE JR.  
PORTION OF SECTION 31, T10N, R12E, MDM  
EL DORADO COUNTY, CALIFORNIA

NOVEMBER 2010

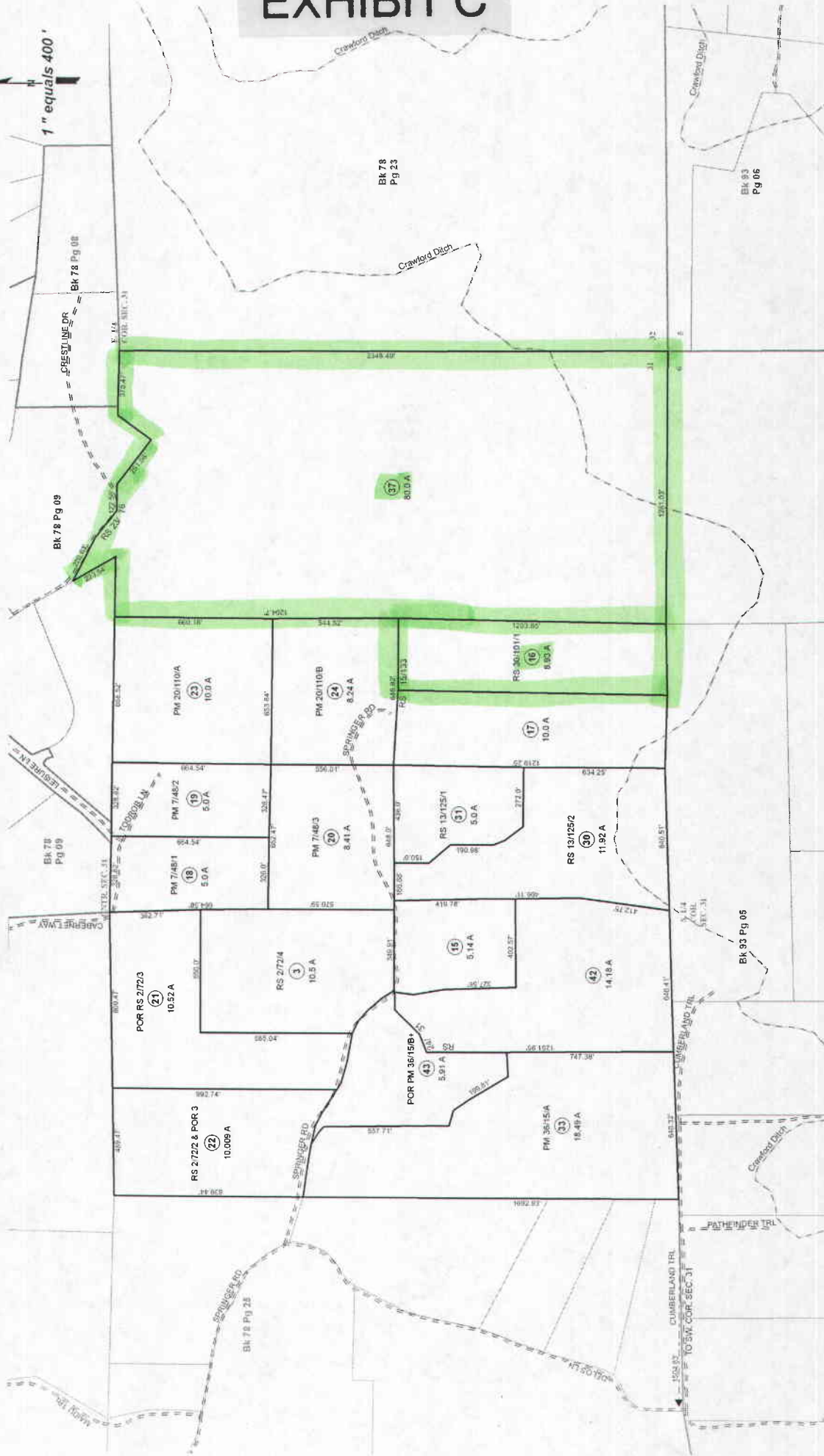
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APPROVED BY DEVELOPMENT SERVICES DIRECTOR: \_\_\_\_\_  
DATE: \_\_\_\_\_

SHEET 1 OF 1

# EXHIBIT C



Assessor's Map Bk. 078, Pg. 24  
County of El Dorado, CA

Rev. Jan. 30, 2009

Adjacent Map Pages Shown in Gray Text  
Assessor's Book Numbers Shown in Ellipse  
Assessor's Parcel Numbers Shown in Circles

Acreages Are Estimates

THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co Assessor's office for assessment purposes only. Area calculations are based on data provided and are not guaranteed. Users should verify terms such as boundaries and acreage.





# AGRICULTURAL COMMISSION

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 (530) 626-4756 FAX  
[eldcaq@edcgov.us](mailto:eldcaq@edcgov.us)

11 MAY -2 PM 1:14  
 RECEIVED  
 PLANNING DEPARTMENT

*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*  
*Tim Neilsen – Livestock Industry*  
*John Smith – Fruit and Nut Farming Industry*

## MEMORANDUM

**DATE:** April 27, 2011  
**TO:** Aaron Mount, Development Services/Planning  
**FROM:** Greg Boeger, Chair *CB*  
**SUBJECT:** WAC 10-0004/BLA 10-0036 – DANTE WAC/BLA (EDWARD DANTE, JR/ANDREGG GEOMATICS – JACK REMINGTON)

During the Agricultural Commission's regularly scheduled meeting held on April 13, 2011 the following discussion and motion occurred regarding WAC 10-0004/BLA 10-0036 – Dante WAC/BLA (Edward Dante Jr./Andregg Geomatics, Jack Remington): A request for a modification to existing Williamson Act Contract (Agricultural Preserve #58) corresponding to Boundary Line Adjustment filed under BLA 10-0036. The property, identified by Assessor's Parcel Numbers 078-230-32, 078-24-37, and 093-050-06, consists of 277.69 acres, and is located on the south side of Crestline Drive approximately 3.5 miles west of the intersection with Pleasant Valley Road, in the Pleasant Valley area. (District 2)

Chris Flores' staff report contained the following information: the applicant's property, located off of Silver Ridge Road, consists of 277.69 acres, has Exclusive Agriculture (AE) zoning, is in Williamson Act Contract # 58, and has a General Plan Land Use Designation of Agricultural Land (AL). The application for the BLA was submitted by Jack Remington, representing First Horizon Home Loans (the property owner of APN 078-240-16; property located to the west of the Dante's). In 2006 it was discovered that an un-permitted house was built on the Dante's property. It was supposed to have been on APN 078-240-16. The property line was unclear due to an existing barbed wire fence. In 2007, the property owner of 078-240-16 had the property surveyed. The surveyor found the original corner marker 102.39 feet west of the existing fence line. The house, a garage and the well head were found to be on the Dante's property. Due to the building's location on the Dante's property, First Horizon Home Loans is unable to obtain a clear title on the property (APN 078-240-16; located at 3800 Springer Road). A court ordered settlement has required the Dante's to agree to the existing fence line as the official property line. By doing so, the Dante's will lose 2.31 acres of their contracted land.

California Government Code Section 51257.(a) states to facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term for as least as long as the unexpired term of the rescinded contract, but for not less than 10 years.

*Williamson Act contract #58 is not subject to a Notice of Non-Renewal. At the conclusion of the boundary line adjustment, the contract would continue to be in force and effect for a period of at least 10 years.*

- (2) There is no net decrease in the amount of the acreage restricted.

*The removal 2.31 acres from Ag Preserve number 58 would result in a net decrease in the amount of acreage restricted by the Williamson Act contract.*

- (3) At least 90 percent of the land under the former contract remains under the new contract.

*The total current acreage in Ag Preserve number 58 is 277.69 acres. The loss of 2.31 acres would result in the total acreage under contract at 275.38 acres; only a 1% loss of total acreage.*

- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

*Consistent with Section 51222, all three parcels, under contract, will be larger than 40 acres, after the boundary line adjustment. Parcels are presumed to be large enough to sustain their agricultural use if they are greater than 10 acres, in the case of prime farmland, and 40 acres in the case of non-prime farmland.*

- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.

*The parcels, in their current configuration, are being used for agricultural production. The removal of 2.31 acres from APN 078-240-37, would not effect the long-term productivity of the parcels under contract.*

- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

*The parcels will continue to remain restricted by the Williamson Act Contract and used for agricultural productivity. As such, the boundary line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.*

- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.

*After the boundary line adjustment, the parcel will be over 40 acres and consistent with its land use. The parcel configurations will generally stay the same.*

All of the findings, above, can be made, except finding number (2). Ag Preserve number 58 will lose 2.31 acres of contracted land and therefore there will be a net decrease in the amount of acreage restricted.

Williamson Act Contract Criteria: California Government Code Section 51257. (a) requires that the current contract is rescinded and a new contract simultaneously entered into if a lot line adjustment (Boundary Line Adjustment) is approved. El Dorado County requires certain criteria to enter into a new contract. For a low intensive agricultural operation (i.e. grazing), the following criteria must be met:

1. Minimum Acreage – fifty (50) contiguous acres that are fenced to contain livestock.
  2. Capital Outlay - \$10,000
  3. Minimum Annual Gross Income - \$2,000
- 
1. The Dante's property consists of APN's 078-230-32, 078-240-37, and 093-050-06; totaling over 277 contiguous acres.
  2. Agricultural improvements to property include: perimeter fencing for the entire acreage and interior cattle fencing (verified during site visit), a well, solar panels and electric power (verified during site visit), gravel and dirt roads throughout property (verified during site visit), and a bar for equipment storage (verified during site visit) which exceeds the \$10,000 capital outlay requirement.
  3. Yearly projected income is estimated at \$2,000 to \$2,500, which meets the minimum \$2,000.00 for low intensive farming (grazing).

Peter Maurer explained that without changing the Williamson Act Contract, the Commission would not be able to make the findings for the Boundary Line Adjustment because there would be a net reduction in the amount of acreage. The process, on this application, is to

roll-out the 2.31 acres by canceling the old contract and entering into a new contract on the portion remaining, making the new contract qualify.

Jack Remington, Andregg Geomatics, representing the Dante's, explained that there had been an agreement reached between the two property owner's to cover the loss of property.

Edward Dante gave further explanation of the project. He explained that he would have preferred to have the buildings demolished, however, the court decided that it was not feasible. He said that the bank has offered compensation for the loss of the 2.31 acres. He said his main concern was to remain in a Williamson Act Contract.

***It was moved by Mr. Draper and seconded by Mr. Smith to recommend that since Government Code Section 51257 (a) requires that the current contract is rescinded and a new contract simultaneously entered into if a lot line adjustment (BLA) is approved, if El Dorado County approves BLA 10-0036, the Commission recommends APPROVAL***

Aaron Mount  
Meeting Date: April 13, 2011  
RE: Dante, Edward  
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***of WAC 10-0004, as the minimum criteria for a low intensive agricultural operation has been met by APN's 078-230-32, 078-240-37, and 093-050-06.***

***Motion passed***

**AYES:** Bacchi, Draper, Walker, Neilsen, Boeger, Smith  
**NOES:** None  
**ABSENT:** Mansfield

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

GB:na

cc: Edward & Mary Dante  
Andregg Geomatics – Jack Remington