



AGRICULTURAL COMMISSION

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Howard Neilsen, Chair - Livestock Industry
Greg Boeger, Vice-Chair - Agricultural Processing Industry
Edio Delfino - Fruit and Nut Farming Industry
David Pratt - Fruit and Nut Farming Industry
Lynal Walker - Other Agricultural Interests
Gary Ward - Livestock Industry
John Winner - Forestry/Related Industries

MEMORANDUM

DATE: September 19, 2006

TO: Peter Maurer
Principal Planner

FROM: Bill Stephans *WJS*
Agricultural Commissioner
Sealer of Weights and Measures

SUBJECT: REQUEST FOR NOTICE OF NON-RENEWAL FOR WILLIAMSON ACT CONTRACT #133/TERRY STIGALL

During the Agricultural Commission's meeting held on September 13, 2006, members of the Commission were unable to reach consensus on a recommendation regarding Williamson Act Contract #133/Terry Stigall. After three (3) failed motions, the six (6) present Agricultural Commission members remained at an impasse with no action, guidance or recommendation being provided.

As the Agricultural Commissioner for El Dorado County, it is my duty to protect agriculture and to ensure the integrity of programs such as the Williamson Act Contract. Therefore, it is my professional opinion that Planning Services should proceed to the Board of Supervisors with the request for Notice of Non-renewal for Williamson Act Contract #133/Terry Stigall.

As I now currently understand the situation, I believe that Mr. Stigall is in violation of the Williamson Act Contract by having too many residential units in this one contract. Although Mr. Stigall is attempting to resolve this issue by requesting to enter into two (2) Williamson Act Contracts, it is not known at this time if the 160 acres will qualify as two (2) standalone contracts. Also, based upon my recent site visit of the contracted land with Jim Wasner and Steve Burton, minimal commercial agricultural operations exist on the parcels. I do agree with the Agricultural Commission in that the timing of this non-renewal is unfortunate for Mr. Stigall but, in my opinion, it does not justify allowing him to remain in non-compliance and still receive the tax benefit of being in the Williamson Act Contract.

Please call me at X5520 if you have any questions regarding the contents of this memorandum.

cc: Agricultural Commission

WJS:cmt



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MEMORANDUM

DATE: September 21, 2006

TO: Peter Maurer
Planning Services

FROM: Greg Boeger
Chair Pro Tem

SUBJECT: **REQUEST FOR NOTICE OF NON-RENEWAL FOR WILLIAMSON ACT
CONTRACT #133/TERRY STIGALL**

PLANNING DEPARTMENT
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During the Agricultural Commission's regularly scheduled meeting held on September 13, 2006, the following discussion and motion occurred regarding the County's decision to file a notice of non-renewal for Williamson Act Contract #133/Terry Stigall.

Gina Hunter informed the Commission that Planning Services is recommending Williamson Act Contract (WAC) #133 be rolled out due to the contract violation of having too many dwellings in the contract. When questioned by the Agricultural Commission, Peter Maurer stated that the error of Planning Services allowing an additional permitted residence on land that is in one (1) WAC contract was possibly due to new planners who were unaware of the provision in the code. It was explained that there are currently four (4) buildings on the WAC land which include two (2) permitted residences, an exempt corral/storage/barn, and another building which was built without permits. This last building appears to be split into two (2) sections, with one area as a barn and the other as a residential living area. Mr. Maurer notified the Commission that Terry Stigall has recently applied to Planning Services to split the current WAC into two (2) separate WACs.

Bill Stephans notified the Commission that a site visit was conducted several weeks ago by him, Steve Burton, and Jim Wassner of Code Enforcement. The limitations of a Williamson Act Contract were explained to Mr. Stigall at that time. The land is currently being leased as grazing land, although no cattle were on the property during the time the site visit was conducted. There are two (2) separate and distinct addresses on the WAC land and both residences are occupied. Mr. Stephans explained that they informed Mr. Stigall that additional residences were not allowed in the WAC and answered Mr. Stigall's inquiries as to how he could remain in contract.

Mr. Stigall agreed that there are four (4) buildings on the WAC land: two (2) houses, a "finaled" barn/office structure, and a "currently being processed" ag barn for hay and horses. Mr. Stigall explained that he was disappointed in how Planning Services contacted him regarding their concern over the non-compliance with the WAC regulations. He stated that he received a "terse" letter from Gina Hunter when instead a phone call could have saved

some time by helping them find a solution. Mr. Stigall said it was Planning Services that “missed it” when he applied for the permit for the second house. If they would have caught it then, this would not have been such a rushed issue. He also explained that he has not been able to find anything in the state law that limits you to have one (1) house on WAC land and feels that instead it is a general law that the County has adopted. Mr. Stigall requested that the Commission just make a finding that his property could qualify for two (2) WACs, thus allowing two residences on it.

Staff explained that the WAC currently consists of two (2) 60-acre parcels and one (1) 40-acre parcel. The acreage qualification for grazing land in a WAC is a minimum of 50 acres. It would be difficult to determine if the land could qualify for two (2) separate WACs without properly reviewing the applications and analyzing the lands. Mr. Stephans reminded the Commission that when an existing WAC is split into two (2) separate WACs, the applicant is required to apply for two (2) new WACs in order to verify that each WAC can stand alone to meet the criteria. Therefore, the County-proposed roll-out of the current WAC is a separate issue from Mr. Stigall’s recent submittal to apply for two (2) separate WACs. Mr. Stephans addressed the issue of the “quickness” of the request for Notice of Non-renewal by stating that according to State law, the individual has to be notified by the County within 60 days of the roll-out date, which is January 1st.

Chuck Bacchi informed the Commission that he currently leases Mr. Stigall’s property for grazing. He did not state the price per acre he is currently paying to Mr. Stigall. He stated that he is approaching this issue with the desire to see this land stay in grazing and in his opinion, the additional houses have no impact to him or his grazing. Mr. Bacchi feels the Commission should consider the value of the land for agricultural purposes, whether it is going to remain in agricultural production, and if the integrity of the agricultural production is not damaged by another structure then you’ve achieved the purpose of the Williamson Act Contract, which is to retain the land for agricultural purposes. The Commission questioned Mr. Bacchi that if the current 160-acre WAC was separated into two (2) 80-acre WACs, would each piece of land stand alone by themselves for grazing. Mr. Bacchi stated that for his own purposes, if one of the 80-acre contracts was retained grazing and other was not, then he would have to re-assess the situation. He clarified it by stating that as long as the entire 160 acres was in grazing, whether in one (1) WAC or two (2) WACs, he would consider it one ‘unit’ and it would be viable for his grazing operation.

Commission Member Walker stated that although there are a series of solutions to the issue, these solutions are not what is before them tonight, which is the finding by Planning Services that Mr. Stigall is in violation of his contract. He feels that it is up to the applicant to determine which solution he wants to approach. Commission Member Walker also stated that he feels that there are two people that are at fault with the non-compliance of the WAC; Mr. Stigall, since the WAC specifically states that there will be one (1) residence, and the County for approving the Building Permit and finalizing the second residence. He also stated that it is the timing of the County’s request to file a Notice of Non-renewal that makes this situation unfortunate because if it would have been handled in the beginning of the year, Mr. Stigall would have had more time to resolve the issue before the end of the year.

Commission Member Winner expressed frustration over the fact that the Agricultural Commission has been put in this position far too many times of having to find some type of a solution or take some sort of action on something that should have never happened in the first place. However, having said that, he said there was a purpose of only allowing one (1) residence on a WAC contract in order to get special benefits under the Williamson Act. It was not designed to be used for a residential sub-division and there are provisions to have second dwellings or multiple dwellings for farm labor to maintain the integrity of agriculture. He would like to see this property stay in agriculture in any fashion that it could,

but he also wants to maintain the integrity of the purpose of having the minimal amount of dwellings that the regulations state and feels the Commission does not have an option on this matter before them tonight other than to agree with staff's recommendation to have the County file a Notice of Non-renewal.

Commission Member Winner clarified the "timing" process regarding the Notice of Non-renewal being filed this year on the current WAC and if Mr. Stigall qualified for two (2) new WACs. He stated that the only thing that would occur would be one (1) year of a different valuation process under the Notice of Non-renewal until the two (2) new WACs would take effect.

Mr. Stigall stated that he currently leases out the old Veerkamp house at a discounted rent to an individual that takes care of the peaches and also takes care of the property. He stated that as an option, he could change the building so it would no longer be a house until the other WAC goes into effect and then change it back into a house. Mr. Stigall indicated that his ultimate solution is to have two (2) WACs, but the problem is the timing. He stated that it was the County that made the mistake and overlooked the error for two (2) years and now doesn't understand the urgency of this issue. He questioned if it was really a problem to allow the current WAC to roll-over at the end of the year and if it's still in non-compliance then it can be cancelled next year.

Mr. Stigall indicated that it appears that the only question regarding the qualification is the income. The income from a cattle operation would only require a few cows, which he could go out and purchase four or five cows for each contract. In regards to the two (2) separate WACs that he is applying for, Mr. Stigall stated that one will be 100 acres and the other will be 60 acres. Even though he is a builder, he does not want to develop the property, but keep it in agriculture, which is what he thought the Commission also wants. Mr. Stigall feels that there is a lot of paperwork and hassle right now, even though both parties want the same thing. He asked if an easier solution could be found instead of going through this whole process.

Motion #1

It was moved by Mr. Delfino and seconded by Mr. Winner that the Agricultural Commission recommend that the County file a Notice of Non-renewal for Williamson Act Contract #133/Terry Stigall. Motion failed.

AYES: Ward, Winner, Delfino
NOES: Pratt, Walker, Boeger
ABSENT: Neilsen

Motion #2

It was moved by Mr. Pratt and seconded by Mr. Walker that the Agricultural Commission recommend to delay any action on the Notice of Non-renewal for Williamson Act Contract #133/Terry Stigall until after January 1, 2007 as Mr. Stigall is currently seeking alternatives. Motion failed.

AYES: Walker, Pratt, Boeger
NOES: Delfino, Ward, Winner
ABSENT: Neilsen

Commission Member Walker stated that if the County had not approved the second residence, his feelings on this item would be different. He feels that there is culpability on both sides.

Ms. Hunter briefed the Commission on the history of this item. She stated that the first dwelling was already there, the second dwelling was approved by staff, but it is the third structure that is causing the problem. The dwelling appears to be a residence, has electricity and water, and was built completely without permits. This issue was brought to Planning Services via a complaint. Planning Services has placed a Notice of Restriction on this dwelling and have required the removal of inside walls and to re-label the rooms inside the structure so that it will actually function as a barn. The Notice of Restriction also states that the structure cannot be converted or used as living space or a business office, but can be rented or used as a detached accessory structure, and that it has to be solely used in compliance with the rules and regulations under the WAC. Ms. Hunter explained that it is the third structure that is causing them the most concern because there are already two (2) residences on the property and this third structure could easily become a residential unit in the future.

Mr. Stephans stated that during the site visit, they did view the quarters from outside of the structure in question. In his opinion, from his viewpoint at the window, Mr. Stephans stated that it appears to have the layout of a residence or an apartment rather than that of an office.

Mr. Maurer explained to the Commission that the lack of an affirmative action means no action has been taken. He also stated that if the proposed solution of two (2) separate WACs does not qualify, then the Commission can always put this item back on the agenda.

Commission Member Delfino asked if the request to file a Notice of Non-renewal could still proceed to the Board of Supervisors without the Agricultural Commission's recommendation. Mr. Maurer said that it could still go forward.

Motion #3

It was moved by Mr. Pratt and seconded by Mr. Winner that this item be continued to the October 11, 2006, Agricultural Commission meeting. Motion failed.

AYES: Winner, Pratt, Boeger
NOES: Delfino, Walker, Ward
ABSENT: Neilsen

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

GB:cmt

cc: Terry Stigall