

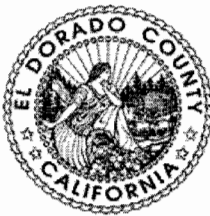


cc: Bill Stephans, Agricultural Commissioner

Robert Laurie  
263 Main Street, Level 2  
Placerville, CA 95667

Attachments

- (1) Agricultural Commissioner Inter Office Memorandum, March 6, 2008
- (2) Staff Report, December 13, 2007



EL DORADO COUNTY DEPARTMENT OF AGRICULTURE  
WEIGHTS AND MEASURES

**INTER OFFICE MEMORANDUM**

March 6, 2008

To: Jason Hade, Senior Planner

From: William J. Stephans, Agricultural Commissioner/Sealer

Subject: WAC 06-10 & 06-11 – Terry Stigall

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On February 25, 2008, Pierre Rivas, Planning Services; Jim Silveira, Code Enforcement and I visited APN 089-010-29 (WAC application 06-10) and APNs 089-010-02, 27 (WAC application 06-11). The purpose for the site visit was to further investigate several concerns with the applications, stated income levels per contract and the structures on the parcels.

**BACKGROUND**

The three APNs listed on the two applications were originally under WAC #133 (APN 089-010-02, 27 & 29). They comprise a total of 160 acres.

July 18, 2005 – the 5,952 square foot second residence on WAC 3133 was “finaled”.

July 2006 – a complaint from a member of the public was received regarding the construction of an additional residence on WAC #133. Through investigation, it was determined that the “additional residence” was a workshop which was constructed without a building permit.

August 4, 2006 - Terry and Ellen Stigall filed a Notice of Restriction imposing development limitations on APN 089-010-29. The development limitation is as follows:

The Shop authorized by the above referenced permit is not permitted as a Second Residential Unit pursuant to Section 17.15 of the County Code. It shall not be converted to, or used as living space or a business office and may not be rented because it will be approved as a detached accessory structure. The structure must at all times be in compliance with the rules and regulations set forth within the Agricultural Preserve #133. The use of the structure shall be compatible with the agricultural requirements allowed by the Williamson Act Contract approved for the above said parcel. Any future conversion to the building is subject to El Dorado County zoning and building requirements. (Emphasis added)

**ATTACHMENT 1**

August 8, 2006 – the construction of the 3,536 square foot workshop was “finaled”.

September 13, 2006 - the El Dorado County Agricultural Commission conducted a public meeting at which evidence and testimony was heard regarding WAC #133. Members of the Commission were unable to reach consensus on a recommendation regarding Williamson Act Contract #133. After three (3) failed motions, the six (6) present Agricultural Commission members remained at an impasse with no action, guidance or recommendation being provided.

September 19, 2006 – an interoffice memorandum was sent to Peter Mauer, Principal Planner, by me in my official capacity as the Agricultural Commissioner for El Dorado County, requesting that Planning Services proceed to the Board of Supervisors with a Notice of Non-renewal for WAC #133 based upon the construction of the additional residence and the non-permitted building of a non-agricultural workshop.

October 17, 2006 - Development Services Department, Planning Services recommended the County initiate a Notice of Non-Renewal on Williamson Act Contract No.133/Terry Stigall for 160 acres on property identified as APNs 089-010-02,-27 and -29. It was M/S/P to initiate a non-renewal of the contract.

November 8, 2006 – Agricultural Commission heard WAC application 06-10 (APN 089-010-29) and WAC application 06-11 (APNs 089-010-02, 27). At that time, staff recommended and the Agricultural Commission agreed to continue the applications off calendar because the parcels were not adequately fenced to contain livestock and verifiable agricultural income documentation was not provided for both contract applications.

January 2007 - WAC # 133 was non-renewed and rollout was initiated.

August 14, 2007 –a letter from Mr. Stigall with updated capital outlay and income information for WAC 06-10 and 06-11 was received by the Department of Agriculture. The Capital Outlay was stated as \$113,000 for WAC 06-10 and \$139,000 for WAC 06-11. A copy of a check from Marcus Bacchi was included (#2265 Dated 4/20/07 in the amount of \$4,000 – the “memo” on the check stated “160 acres X \$25). Support income documentation included a copy of a Pasture Lease Agreement signed by Terry Stigall and Marcus Bacchi with an expiration date of October 31, 2016. The letter also stated that the fencing would be completed September 1, 2007.

August 22, 2007 – a letter from Marcus Bacchi was received by the Agriculture Department correcting his statement on check #2265 from \$25 per acre to \$2000 per contract. This letter was received after my telephone conversation with Mr. Stigall in which I explained that based on the written statement on the check, WAC 06-10 did not meet the minimum income requirements of \$2000 per contract ( 60 acres X \$25 = \$1500).

September 7, 2007 – a letter from Mr. Stigall was received by the Agriculture Department which stated that the fences were completed.

September 10, 2007 – Chris Flores and I performed a site visit for WAC 06-10 and WAC 06-11. The fencing, gates and cattle guards were installed.

September 12, 2007 – Agricultural Commission heard WAC applications 06-10 and 06-11. It was pointed out by the Commission that WAC 06-10 was comprised of a total of 60 acres which could not all be grazed because of the fencing surrounding the Veercamp residence, orchard and heavily wooded underbrush areas of the parcel. Even if all of the acreage could be used for grazing, the Commission noted that this was the highest amount paid for grazing land per acre (\$33.33) to ever come before the Commission. By a three – two vote, with Commission Member Bacchi abstaining, it was M/S/P to recommend approval of WAC 06-10 and WAC 06-11.

December 13, 2007 – Planning Commission heard WAC applications 06-10 and 06-11. Staff requested that the applications be continued until further information from the Department of Conservation is received. It was M/S/P on a four to one vote to continue WAC06-0010 and WAC06-0011 to the meeting of March 13, 2008, to review the concerns of the Department of Conservation with the Agricultural Commission, Planning Commission, Planning Services, and Agricultural Department.

February 19, 2008 – Department of Conservation gave a presentation regarding the California Land Conservation Act (Williamson Act Contract) to a combined meeting of the Agricultural Commission and the Planning Commission. Mr. Stigall was present.

February 25, 2008 – Jim Silveira (Code Enforcement), Pierre Rivas (Planning Services) and I performed a site inspection for the WAC06-10 and WAC 06-11. A few horses were observed but no other livestock were present on the parcels. Observations through the workshop windows clearly showed the left side of the workshop has been converted to an office while the right side appeared to be used for the storage of construction equipment and parts. No farm equipment, animal stalls or animal feed were observed in the entire workshop from our vantage point. (See attached photographs).

### **CONTRACT APPLICATION SPECIFIC INFORMATION**

WILLIAMSON ACT CONTRACT APPLICATION 06-0010 (APN 089-010-29)

This application is comprised of 60 acres which appeared to be perimeter fenced. The northern border of the property could not be accessed due to the thick understory of

manzanita, buckbrush, etc. The workshop and old Veercamp house are located on this parcel. The house and orchard are fenced to keep livestock out. Also the northern 1/3 of the parcel is heavily wooded with extremely thick underbrush which is not favorable for livestock grazing. An analysis of this parcel using GIS tools and aerial photography indicates that approximately 40 acres of the 60 acre parcel are available for grazing activities. The parcel is not irrigated for pasture production.

The Capital Outlay for this contract was stated on the application as being \$113,000 with a minimum income of \$2,000 per year. Based on the GIS analysis, the lease agreement as clarified in the August 22, 2007 letter from Mr. Marcus Bacchi is approximately \$50 per grazed acre.

#### WILLIAMSON ACT CONTRACT APPLICATION 06-0011 (APNs 089-010-02, 27)

This application is comprised of 100 acres which is perimeter fenced. The northern border of the property was not verified for fencing due to the thick understory of manzanita, buckbrush, etc. and the fencing surrounding the residence and pool which are located on APN 089-010-02. A small barn type structure is also on this APN which appears to be used for storage and hay for the horses. An analysis of these parcels using GIS tools and aerial photography indicates that approximately 55 of the 100 acres are available for grazing activities. The parcels are not irrigated for pasture production.

The Capital Outlay for this contract was stated on the application as being \$139,000 with a minimum income of \$2,000 per year. Based on the GIS analysis, the lease agreement as clarified in the August 22, 2007 letter from Mr. Marcus Bacchi is approximately \$36 per grazed acre.

Based upon the background of these two contract applications, questions should be answered regarding the construction of a 5,952 square foot secondary residence in 2005 and the non-permitted construction of the 3,536 square foot non-agricultural workshop in 2006; the illegal conversion of the workshop to a business office; the changing from a per acre amount to a per contract amount when the applicant was told he did not meet the minimum income requirements; and, finally, although the minimum income requirements are currently being met, is the County comfortable entering into two new contracts that have minimal agricultural operations when compared to the large residential and non-agricultural structures already present on the parcels and if so, should further limitations for additional construction of non-agricultural structures be required? Depending on the answers to these questions, the Planning Commission may recommend approval or denial to either one or both of the contract requests by Mr. Stigall.

**EL DORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** December 13, 2007  
**Item No.:** 4.d.  
**Staff:** Jason R. Hade

**WILLIAMSON ACT CONTRACTS**

**FILE NUMBER:** WAC06-0010 and WAC06-0011

**APPLICANT:** Terry & Ellen Stigall

**REQUEST:** Application to divide existing Agricultural Preserve #133 into two separate agricultural preserves totaling 160 acres

**LOCATION:** On the north side of Thompson Hill Road, at the intersection with Big Sky Ranch Road, in the Lotus area, Supervisorial District IV. (Exhibit A)

**APN:** WAC06-0010: 089-010-29  
WAC06-0011: 089-010-02 & 089-010-27 (Exhibit B)

**ACREAGE:** WAC06-0010: 60 acres  
WAC06-0011: 100 acres

**GENERAL PLAN:** Agricultural Lands - Agriculture District (AL-A) (Exhibit C)

**ZONING:** Exclusive Agriculture (AE) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt from CEQA pursuant to Section 15317 of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Recommend approval

**STAFF ANALYSIS**

**Project Description**

The proposed project would create two separate Williamson Act Contracts from existing agricultural preserve number 133 totaling 160 acres. The new contracts would be 60 and 100 acres respectively.

**Site Description**

Project site access is provided by Big Sky Ranch Road which is not a County-maintained road. Access and on-site circulation consists of gravel and some paved driveways. The topography of the parcel is characterized by gently rolling hills. Site improvements include perimeter fencing, two single-family homes and a barn with a small living or office area.

**Adjacent Land Uses**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	AE	AL-A	Agricultural/Single Family Residences
<b>North</b>	RE-10 & RA-20	AL-A	Rural Residential/ Single Family Residences
<b>South</b>	AE & RE-5	AL & LDR	Rural Residential/ Single Family Residences
<b>East</b>	AE	AL-A	Rural Residential/ Single Family Residences
<b>West</b>	AE & RE-10	AL-A	Rural Residential/ Undeveloped

**General Plan**

The General Plan designates the subject site as Agricultural Lands - Agricultural District (AL-A). General Plan Policy 2.2.1.2 states that the AL land use designation is applied to lands described in Policy 8.1.1.8. Policy 8.1.1.6 states that pursuant to the California Land Conservation Act, parcels under a Williamson Act contract shall be zoned Exclusive Agriculture (AE). No winery or ranch marketing activities are proposed as part of this application. All three parcels for the two proposed Williamson Act Contracts are within the Gold Hill Agricultural District. Both contracts meet the criteria applicable to these designations.

**Zoning**

Both of the proposed Williamson Act contracts consist of property currently zoned Exclusive Agriculture (AE). The parcel sizes are consistent with the applicable development standards contained within Section 17.36.090 of the Zoning Ordinance for both proposed contracts. Pursuant to Section 17.36.070, one single family dwelling is allowed by right in each AE preserve. In this case, there are two existing dwelling units under the existing Williamson Act Contract (133). The second home built on the existing contract was permitted in error several years ago by Development Services staff. If approved, the two proposed contracts would each contain one residence consistent with the Zoning Ordinance provisions. Because of the existing agricultural preserve, adjacent parcels are already subject to the 200 foot agricultural setback requirements pursuant to 8.1.3.2. No additional setbacks would be required as a result of this proposal. Additionally, impacted residential parcels to the south of the subject site are already built-out with primary residences as shown on the aerial photo (Exhibit G).



### **Williamson Act Criteria**

The County's criteria and procedures for qualifying for a Williamson Act Contract are contained in the Board of Supervisors' Resolution No. 188-2002. There are three criteria identified in this resolution that are required for the establishment of an agricultural preserve; minimum acreage (50 acres for grazing); capital outlay (\$10,000 for low intensive farming); and income (minimum annual gross income of \$2,000 for low intensive farming).

The Agricultural Commission reviewed this application on September 29, 2007 and stated that the properties for the proposed Williamson Act Contracts meet all the necessary criteria:

1. The 50-acre minimum has been met for each contract as follows:
  - a. WAC06-0010 has a total of 60 acres; and
  - b. WAC06-0011 has a total of 100 acres.
2. Capital outlay has been achieved over time for each contract as follows:
  - a. WAC06-0010 has a total capital outlay in excess of \$10,000 as well as sufficient perimeter fencing; and
  - b. WAC06-0011 has a total capital outlay in excess of \$10,000 as well as sufficient perimeter fencing.
3. The land has been determined to be capable of making a profit for each Williamson Act Contract through agricultural pursuits with projected income from dry grazing for each contract as follows:
  - a. WAC06-0010 has a projected income of at least \$2,000 generated by dry grazing; and
  - b. WAC06-0011 has a projected income of at least \$2,000 generated by dry grazing.

### **ENVIRONMENTAL REVIEW**

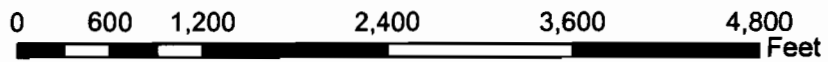
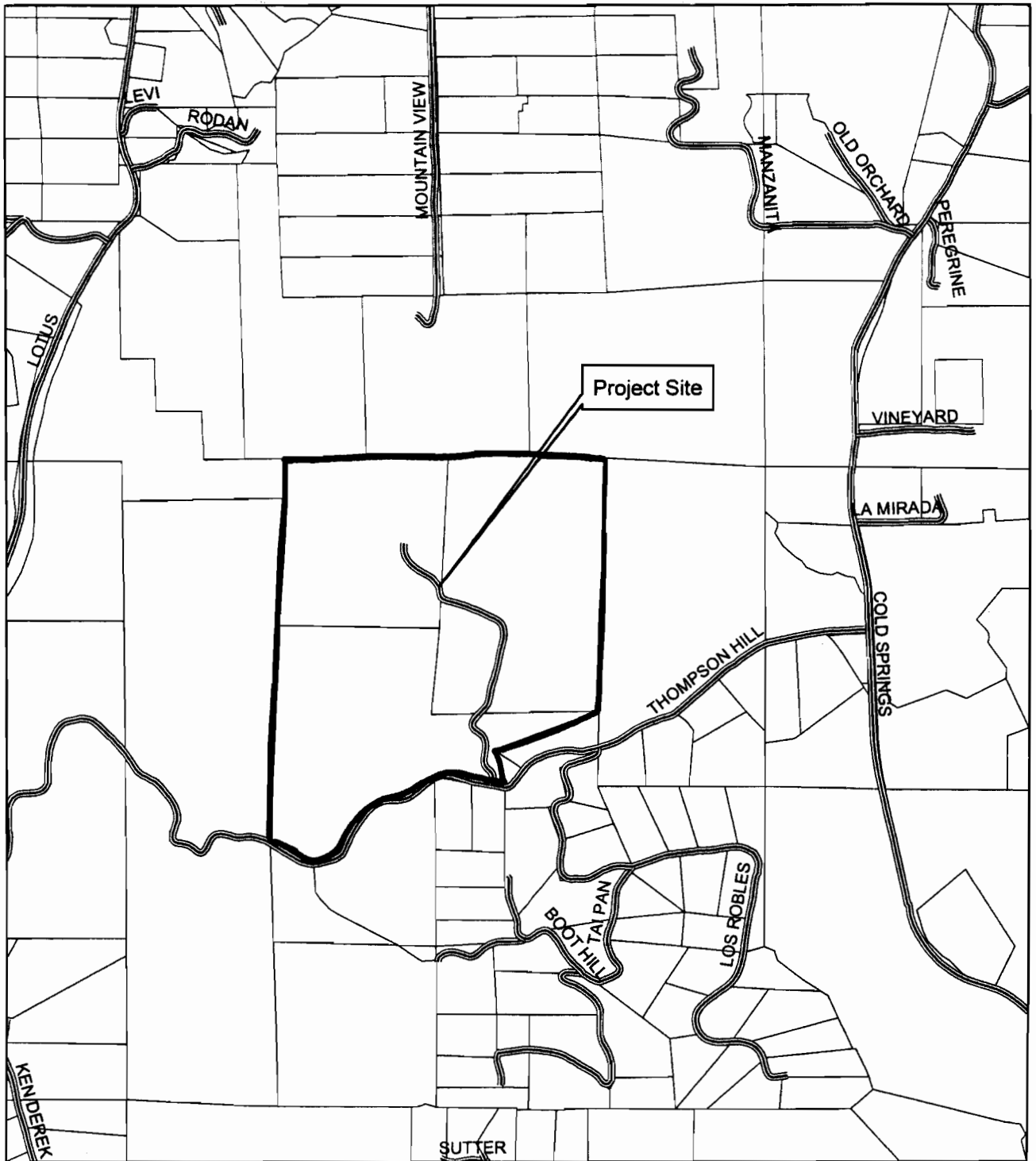
This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines which states, "Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area." Pursuant to Resolution No. 240-93, a \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

**RECOMMENDATION:** Approval

**SUPPORT INFORMATION**

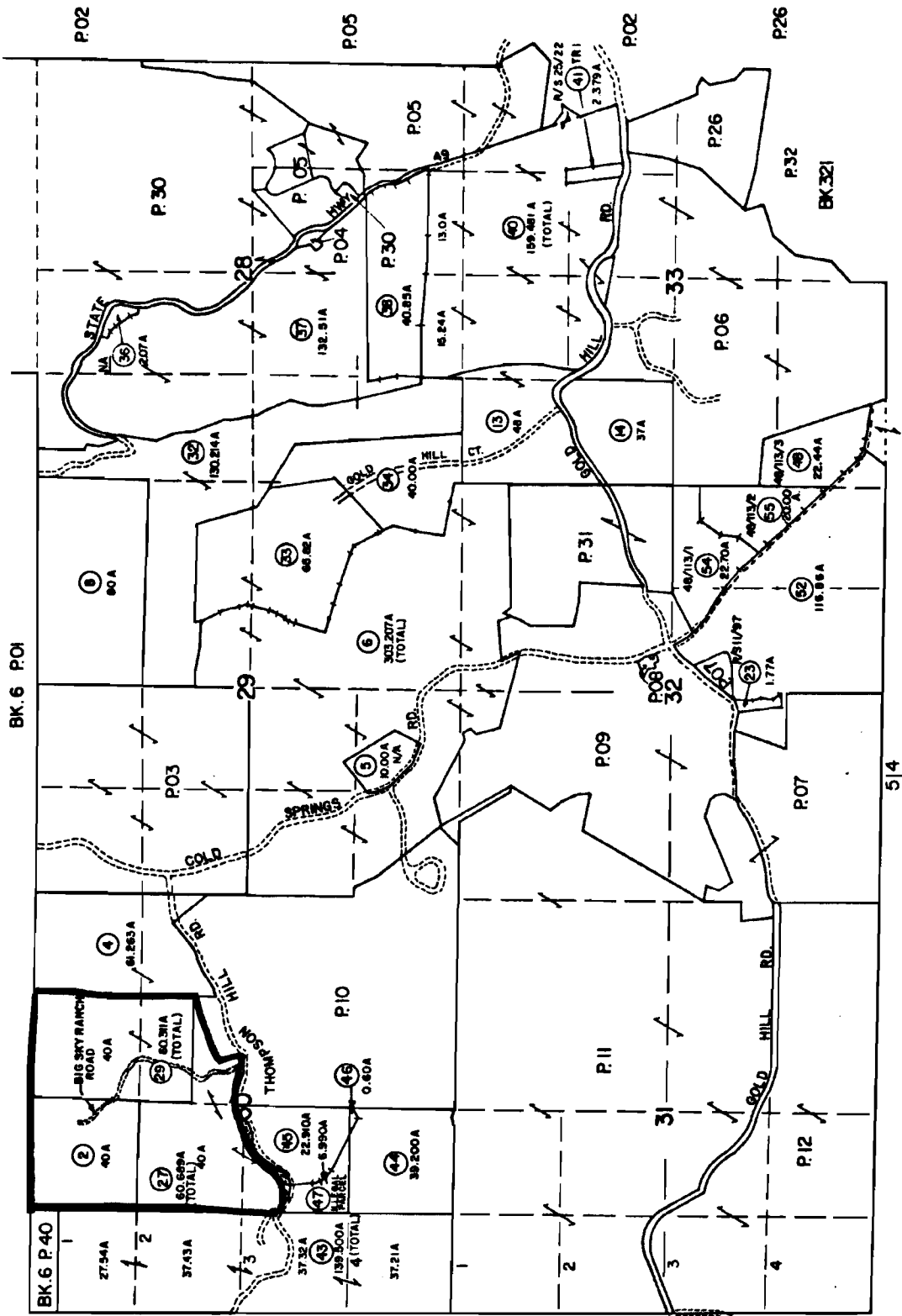
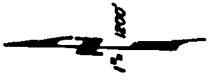
**Attachments to Staff Report:**

- Exhibit A.....Vicinity Map
- Exhibit B.....Assessor's Map
- Exhibit C.....General Plan Land Use Map
- Exhibit D.....Zoning Map
- Exhibit E.....Agricultural District
- Exhibit F.....Surrounding Parcels Affected by 200-Foot Setback
- Exhibit G.....Aerial Photo
- Exhibit H.....WAC06-0010 and WAC06-0011 Applications



**Case No. WAC06-0010 & WAC06-0011**  
**Vicinity Map**

**EXHIBIT A**



BK. 317

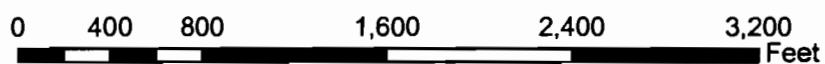
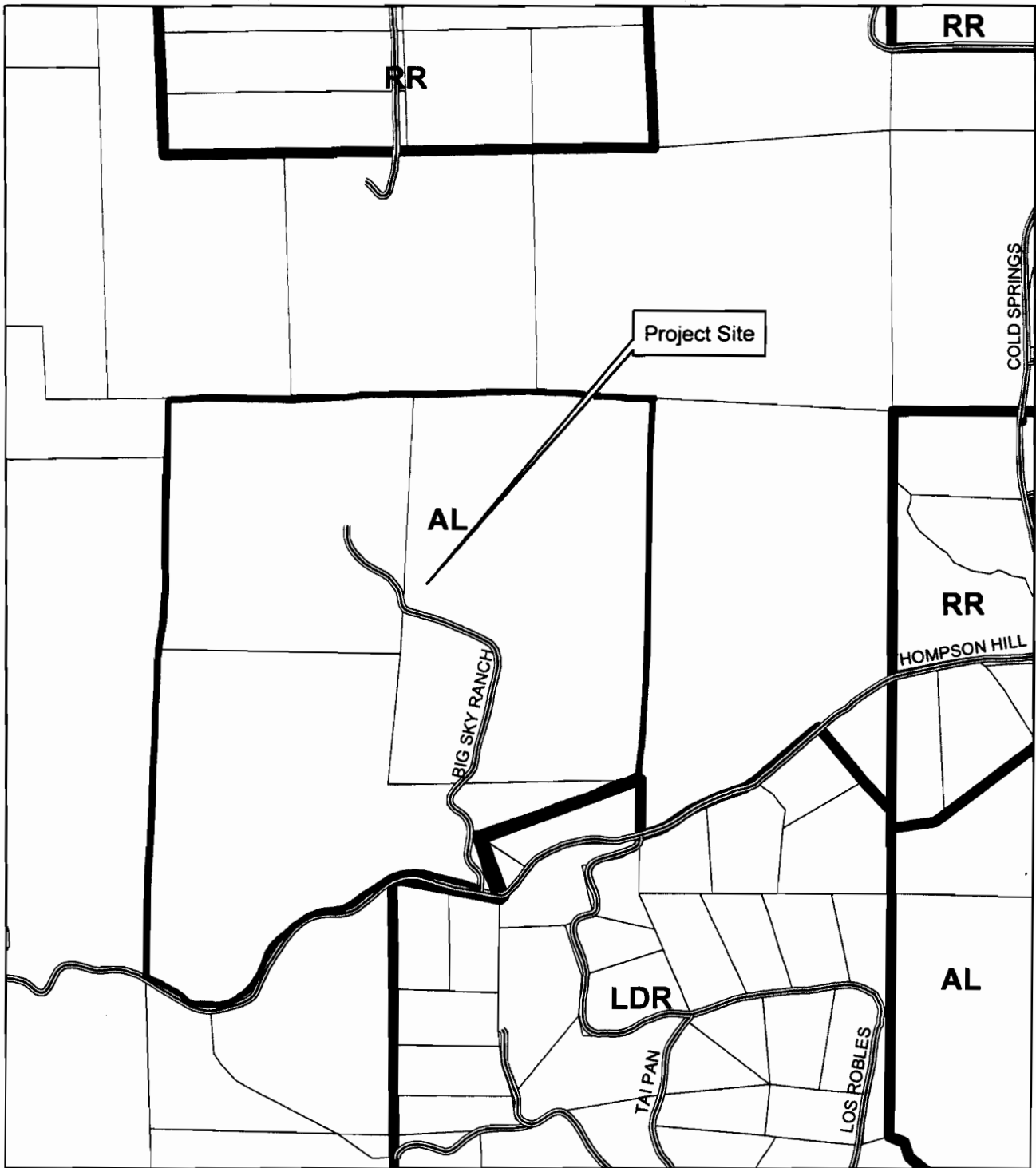
5/4

BK. 105  
P. 26

NOTE - Assessor's Block Numbers Shown in Ellipse  
Assessor's Parcel Numbers Shown in Circle

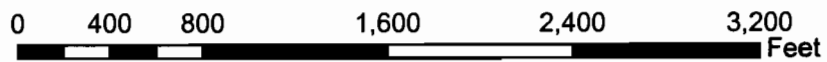
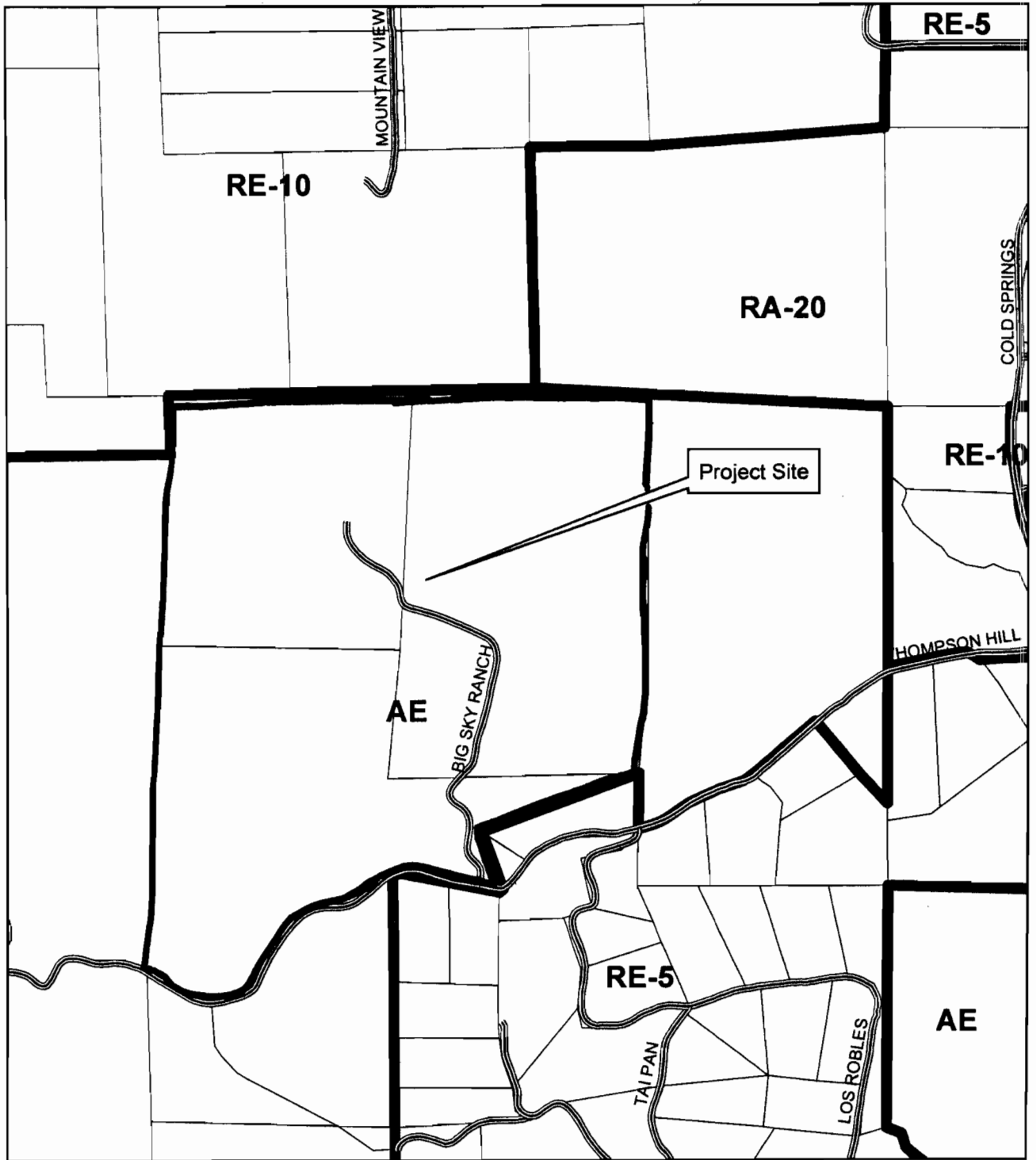
Assessor's Map Bk. 89 -- Pg. 01  
County of El Dorado, California  
NOV 15 2004

EXHIBIT B



Case No. WAC06-0010 & WAC06-0011  
General Plan Land Use Map

# EXHIBIT C

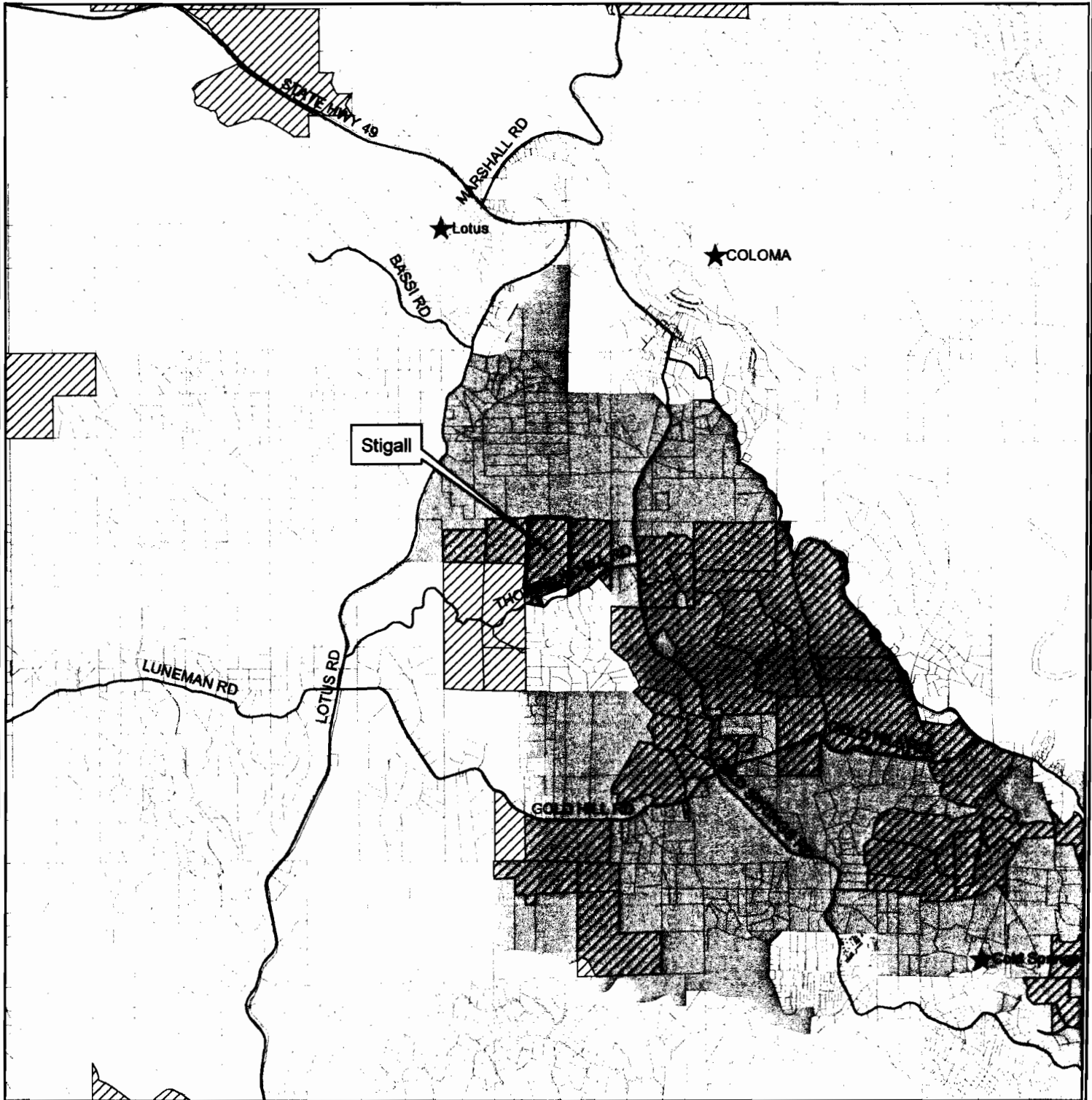


Case No. WAC06-0010 & WAC06-0011  
Zoning Map

EXHIBIT D

# Terry & Ellen Stigall

## Proximity to Agricultural District

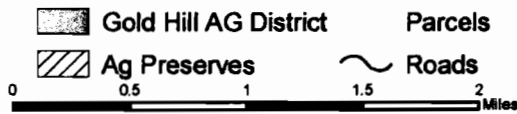


**DISCLAIMER**  
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MAP PREPARED BY: MARK LA LOOGIA DATE: OCTOBER 5, 2004

PROJECT ID: 3746

EL DORADO COUNTY SURVEYING & GIS DIVISION  
 PHONE (530) 621-6311 FAX (530) 626-4731



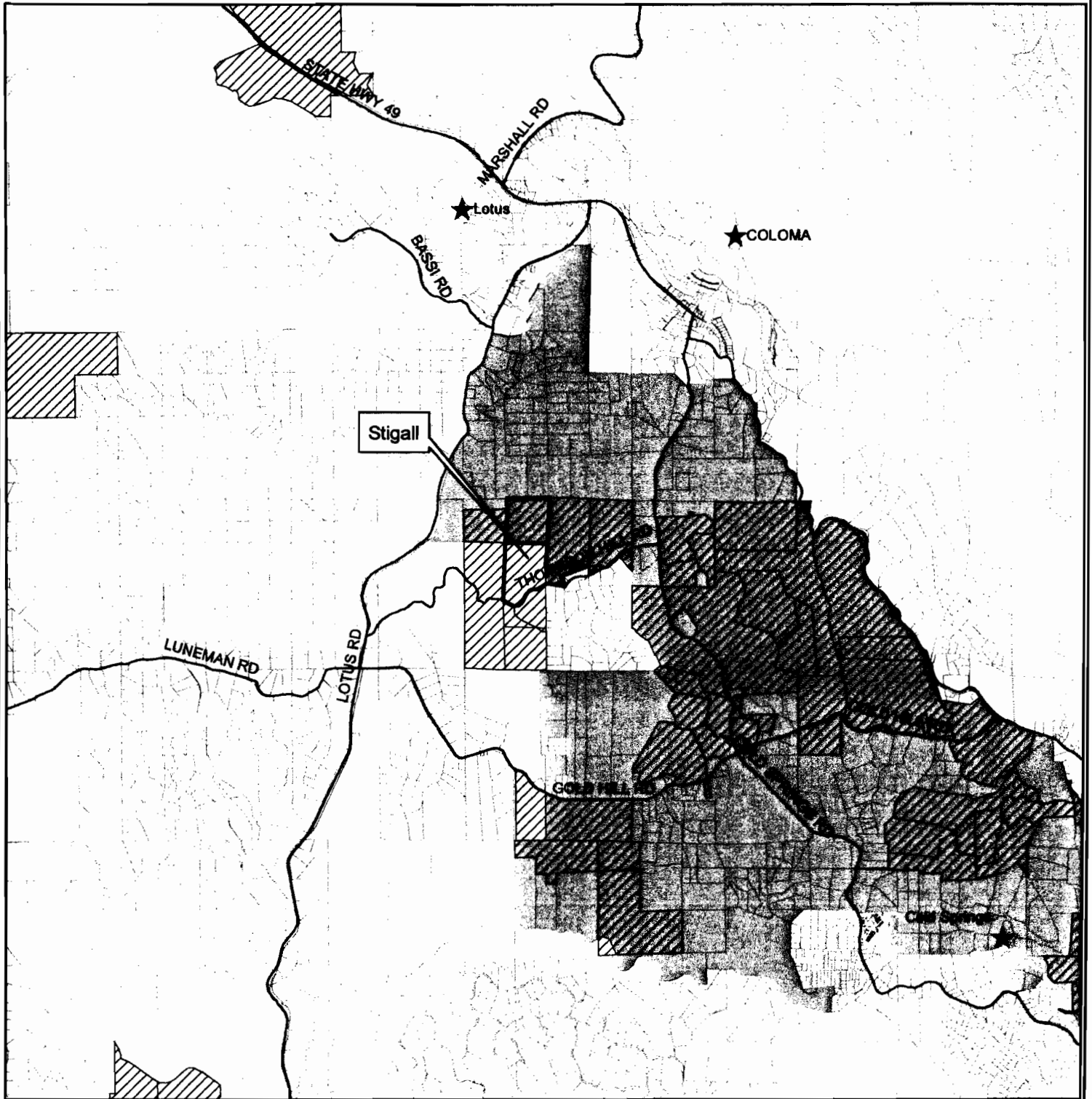
Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)

# El Dorado County Agricultural Commission

## EXHIBITE

# Terry & Ellen Stigall

## Proximity to Agricultural District



**DISCLAIMER**

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MAP PREPARED BY: MARK LA LOGGIA DATE: OCTOBER 3, 2006

PROJECT ID: 3747

EL DORADO COUNTY SURVEYOR/G.E.A. DIVISION  
PHONE (530) 621-4511 FAX (530) 626-8731

 Gold Hill AG District      Parcels

 Ag Preserves       Roads



Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



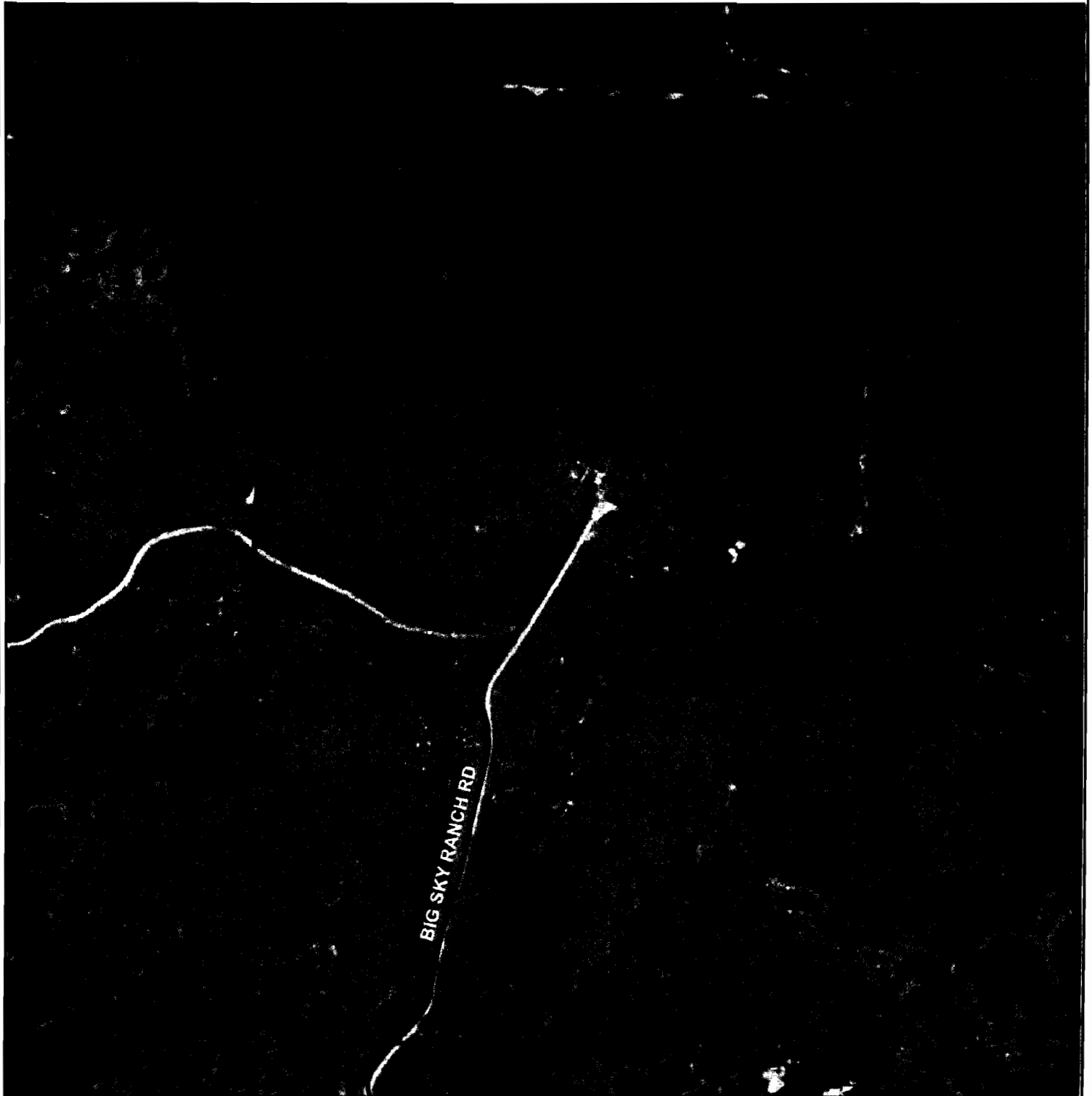
# El Dorado County Agricultural Commission





# Terry & Ellen Stigall

## AirPhoto USA: April 2004



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MAP PREPARED BY: MARK LA LOGGA DATE: OCTOBER 1, 2006

PROJECT ID: 3746

EL DORADO COUNTY SURVEYOR/C.L.S. DIVISION  
PHONE (530) 621-4511 FAX (530) 626-4731

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 Parcels  Roads

0 175 350 525 700 Feet

Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



# El Dorado County Agricultural Commission

## EXHIBIT G

# Terry & Ellen Stigall

## AirPhoto USA: April 2004



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MAP PREPARED BY: MARK LA LOOGIA DATE: OCTOBER 5, 2006

PROJECT ID: 3747

EL DORADO COUNTY SURVEYOR/CLERK DIVISION  
PHONE (530) 621-4311 FAX (530) 626-4721

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 Parcels  Roads

0 250 500 750 1,000 Feet

Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



# El Dorado County Agricultural Commission

EL DORADO COUNTY  
WEIGHTED VOTING DISTRICTS

2001 AUG 15 A 7 14

08-07, 20 07

RECEIVED

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

**LAND CONSERVATION CONTRACT APPLICATION**

NAME Terry Stigall PHONE ( )  
PHONE ( )  
PHONE ( )

MAILING ADDRESS 5555 Big Sky Ranch Road Placerville, Ca 95667

ASSESSOR'S PARCEL NUMBER(S): (Attach legal description if portion of parcel)

89-010-29 WAC 06-10

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  60

WATER SOURCE  well  PRESENT ZONING  AE

YEAR PROPERTY PURCHASED  2003

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>Land Clearing 40 Acres X 2000</u>	<u>\$ 80,000</u>
<u>Existing Fencing 4200 X 5</u>	<u>21,000</u>
<u>New Fencing 1600 X 5</u>	<u>8,000</u>
<u>Cattle Guard</u>	<u>4,000</u>

Total 113,000

**EXHIBIT H**

**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.

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

<u>Product</u>	<u>Income</u>
Lease income for grazing	\$ 2,000
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Total \$	2,000

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?

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**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.

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

<u>Product</u>	<u>Income</u>
Lease income for grazing	\$ 2,000
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Total \$	2,000

**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?

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