

June 5, 2013, 20

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

13 JUN 26 AM 10:43
RECEIVED
PLANNING DEPARTMENT

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 98 acres;

Identified as County Assessor's Parcel Number(s) _____
087-021-37 (78 ac) and 087-021-38 (20 ac partial)

(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 on Memory Lane in Latrobe
_____, 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,

C. Robert Clarke

Deborah C. McGrath

WAC 13-0002/BLA 13-0025

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sacramento }

On 6/18/13 before me, Barbara Saks
Date Here Insert Name and Title of the Officer

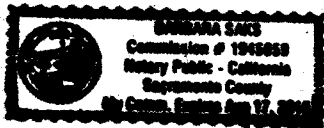
personally appeared Deborah C. McConath +
Name(s) of Signer(s)
C. Robert Clarke

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.

Signature Barbara Saks
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Establishing an Agricultural Preserve

Document Date: 6/18/13 Number of Pages: 1

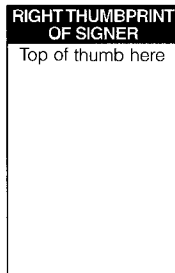
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

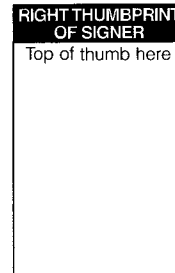
Signer Is Representing: _____



Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



PART I

(To be completed by applicant)

LAND CONSERVATION CONTRACT APPLICATION

NAME C Robert Clarke PHONE (530) 676-0108
Deborah C McGrath PHONE (916) 439-0026 cell
PHONE (_____) _____

MAILING ADDRESS 4861 Memory Lane, Shingle Springs, CA 95682

ASSESSOR'S PARCEL NUMBER(S): (Attach legal description if portion of parcel)
087-021-37 and 087-021-38 (partial)

TYPE OF AGRICULTURAL PRESERVE (Check one):

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

NUMBER OF ACRES TO BE CONSIDERED UNDER THIS CONTRACT 98

WATER SOURCE wells PRESENT ZONING AE

YEAR PROPERTY PURCHASED approx 1980 per court order

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>12 ac grape vineyard</u>	<u>\$ 180,000</u>
<u>Manufactured home (permanent)</u>	<u>100,000</u>
<u>2 - metal warehouses</u>	<u>25,000</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 _____	acres	Date planted _____
_____ trees _____	acres	Date planted _____
Irrigated pasture _____	acres	Date planted _____
Crop land _____	acres	Comments _____
Dry grazing _____ 78	acres	Comments _____
Brush _____	acres	Comments _____
Timber _____	acres	Comments _____
Christmas trees _____	acres	Comments _____
Grapes _____ 12	acres	Comments _____
_____ other _____ 8	acres	Comments _____

TOTAL ACRES _____ 98 _____ (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.

none at this time

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

June 5, 2013
Date

C Robert Clarke
Signature of Applicant
Deborah C Mcgrath

PART II

(To be completed by Assessor)

Comments: It appears the resulting 98 acres (after BIA) meets
the minimum requirements for entering into
a CLCA contract. The 20 acres, ^{from 87-021-38} which includes
a high intensity farming component, was
part of a long standing contract prior to
the BIA.

Assessor's recommendation(s): recommend approval
for inclusion in the California Land
Conservation Act.

Date

7/18/13


El Dorado County Assessor



AGRICULTURAL COMMISSION

311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX
eldcag@edcgov.us

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

MEMORANDUM

DATE: August 14, 2013
TO: Tom Dougherty, Development Services/Planning
FROM: Greg Boeger, Chair
SUBJECT: Request for Agricultural Commission Review of WAC 13-0002 & BLA 13-0025 (Surfside Hawaii, Inc; Clarke) APNs 087-021-37 and 087-021-38

RECEIVED
PLANNING DEPARTMENT
AUG 19 PM 2:32

I. During the Agricultural Commission’s regularly scheduled meeting held on August 14, 2013, the following discussion and motion occurred regarding review of **WAC 13-0002 & BLA 13-0025 (Surfside Hawaii, Inc; Clarke) APNs 087-021-37 and 087-021-38** Request for a Boundary Line Adjustment for the two subject parcels and establishment of a Williamson Act Contract for the 98-acre resultant parcel (APN 087-021-37). The two parcels are located on the north and south sides of Memory Lane approximately 1,300 feet east of the intersection with South Shingle Road in the Latrobe area. (District 2)

Parcel Description:

- Application is for a boundary line adjustment between 2 existing parcels; APN 087-021-37 consists of 78 acres and APN 087-021-38 consists of 44.4 acres. The resulting parcels, APN 087-021-37 would consist of 98 acres and APN 087-021-38 would consist of 20 acres. The parcel number 087-021-38, consisting of 44.4 acres, is currently in Williamson Act Contract # 242 and is in the process of roll-out. The applicant, along with the boundary line adjustment process, has applied for a new Williamson Act Contract for parcel number 087-021-37, which would result in an increased amount of acreage in the agricultural preserve.

• Parcel Descriptions:

Both subject parcels have Exclusive Agricultural (AE) zoning and Agricultural Land (AL) land use designations. The parcels have Auburn Very Rocky Silt Loam soils, are located at an approximate elevation of 1000 feet and are not in an Agricultural District.

• Explanation of proposal:

Existing:

- APN 087-021-37 = 78 acres. Zoning = AE; LUD = AL
- APN 087-021-38 = 44.4 acres. Zoning = AE; LUD = AL. WAC # 242

Proposed:

- APN 087-021-37 = 98 acres. WAC 13-0002
 - APN 087-021-38 = 20 acres.
- BLA 13-0025 must conform to Government Code Section 51257, as APN 087-021-38 is in an active Williamson Act Contract (roll-out was just initiated in 2013). The code section states, “(a) 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 parcels for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
 - 2) There is no net decrease in the amount of acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 - 3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - 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.
 - 5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
 - 6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - 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.”
 - Government Code Section 51222 states, “The Legislature further declares that it is in the public interest for local officials and landowners to retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.

- Williamson Act Contract Criteria for a High Intensive Farming Operation per the County of El Dorado:
 1. Minimum Acreage – twenty (20) contiguous acres. – Proposed *subject parcel (APN 087-021-37) would consist of 98 acres and is fenced for cattle grazing and would have a 12 acre established vineyard.*
 2. Capital Outlay - \$45,000 – *Capital outlay improvements to the property are reported at \$180,000 (vineyard expenses) plus fencing costs.*
 3. Minimum Annual Gross Income - \$13,500 – *Annual gross income reported is \$50,000 for wine grape production and \$1,200 for a grazing lease.*

Staff Recommendation: Staff recommends APPROVAL of BLA 13-0025 and WAC 13-0002 as the minimum Williamson Act Contract criteria for a high intensive agricultural operation can be met and the findings for Government Code Section 51257 can be met. The applicant proposes to increase the amount of acreage in the Agricultural Preserve by 54 acres.

The applicant was present for questions and explained his project plans and his intent on keeping the land in Williamson Act.

Roger Trout, from Development Services, was present and agreed with staff's recommendations.

It was moved by Mr. Walker and seconded by Mr. Smith to recommend APPROVAL of Surfside Hawaii, Inc. request for boundary line adjustment with establishment of a Williamson Act Contract as the minimum criteria for the high intensive Williamson Act Contracts has been met.

Motion passed

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

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

Cc: Surfside Hawaii, Inc. Robert Clarke
Ray Nutting, Board of Supervisor (District 2)

PART IV

(To be completed by Planning Commission)

Date of public hearing: Not Applicable

Action: _____

Comments: _____

Executive Secretary, Planning Commission

PART V

(To be completed by Board of Supervisors)

Date of public hearing: _____

Action: _____

Comments: _____

James S. Mitrisin
Suzanne Alterrde Sanchez, Clerk to the Board

By: _____
Deputy Clerk to the Board