

FROM THE MINUTES OF JUNE 26, 2008

10. WILLIAMSON ACT CONTRACT

WAC06-0010 and WAC06-0011 submitted by TERRY and ELLEN STIGALL to divide existing Agricultural Preserve #133 into two separate preserves. The properties, identified by Assessor's Parcel Numbers 089-010-29/60 acres, and 089-010-02 and -27/100 acres, are located on the north side of Thompson Hill Road, at the intersection with Big Sky Ranch Road, in the **Lotus area**, Supervisorial District III. (Categorically exempt pursuant to section 15317 of the CEQA Guidelines)

This item was continued from the meetings of December 13, 2007, and March 13, 2008.

Commissioner Mathews abstained due to a possible conflict of interest.

Pierre Rivas said this item was continued from March 13. Staff does not have a recommendation at this time. Bill Stephans, Agricultural Commissioner, stated the applicant meets the minimum requirements.

Chair Tolhurst said after the presentation by the Department of Conservation, it seems there is a risk of an audit of the preserves by the state. Mr. Stephans said the audit could find there is a problem with the management of Williamson Act Contracts in El Dorado County, or there may be no problem. The residence being built may be a problem with the state.

Robert Laurie said there is a application to create a separate contract. The applicant built a second residence with the consent of the County. It was determined that since it was a Williamson Act Contract you could not build a second home. There is confusion about the square footage of the home. The easiest solution is to divide the contract. The Agricultural Commission has found that the contracts meet the minimum criteria.

Paula Frantz, County Counsel, said the Commission needs to decide whether it feels the properties are appropriate to include under a Williamson Act Contract.

Commissioner Machado asked if the barn is being used for agricultural purposes. Mr. Laurie replied it is an agricultural barn. Commissioner Machado said there is a sign that states office. Is that for the agricultural operation or the real estate operation? Terry Stigall said the sign is for the agricultural operation. The grazing has gone on for 20 years. There are usually 30 cows and 30 calves.

Art Marinaccio said there are issues here. This is basically a General Plan issue. He read Policy 8.1.2.1. Perhaps the criteria should be reviewed. The Agricultural Commission has reviewed this request and determined this is land used for grazing. The Commission should forward a recommendation for approval to the Board.

There was no further input.

Commissioner Mac Cready said if they run cattle they would only be there part of the time. He does not see any problem with an additional use of the property with this type of operation.

After the motion and before voting, Commissioner Machado said there have been several other contracts that were a real stretch for meeting the requirements. This has been a controversial item. Just because the applicant meets the minimum criteria the Commission does not have to forward a recommendation of approval to the Board. What happens if it is not approved? Mr. Stigall does not get a tax break. If it is approved he does. Commissioner Machado said he hopes Commissioner Mac Cready would amend his motion and ask the Agricultural Commission to go back and look at their guidelines. Mr. Stephans said at their June meeting the Agricultural Commission did discuss minimum criteria. The Agricultural Commission makes a recommendation on the criteria, and the Board adopts the criteria. The Agricultural Department staff will be looking at the criteria and take the item back to the Agricultural Commission within the next few months. They look at the minimum requirements and not whether it is appropriate. Mr. Stephans spoke about placing a restriction in the motion that no further development can take place on the property. Paula Frantz, County Counsel, said if the property is placed under a Williamson Act Contract you cannot have other uses on the property that are not agricultural uses. You would be bound by the terms of the contract.

Ms. Frantz informed the Commission regarding the state determination on a breach of contract and the fines that could be imposed.

Mr. Rivas asked that Commissioner Mac Cready include staff's proposed findings in his motion.

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS KNIGHT, MAC CREADY, AND TOLHURST; NOES - COMMISSIONER MACHADO; ABSTAIN – COMMISSIONER MATHEWS, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS CERTIFY THAT THE DIVISION OF EXISTING AGRICULTURAL PRESERVE NO. 133 INTO TWO SEPARATE PRESERVES IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15317 OF THE CEQA GUIDELINES AND APPROVE WAC06-0010 TO INCLUDE ASSESSOR'S PARCEL NUMBER 089-010-29 AND WAC06-0011 TO INCLUDE ASSESSOR'S PARCEL NUMBERS 089-010-02 AND -27, BASED ON THE FINDINGS PROPOSED BY STAFF.