

5/13, 2014

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RECEIVED  
PLANNING DEPARTMENT

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

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 125.58<sup>sq</sup> acres;

Identified as County Assessor's Parcel Number(s) \_\_\_\_\_  
093-090-15 (PUE) 093-090-11<sup>sq</sup>

(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 HAPPY VALLEY  
\_\_\_\_\_, 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,

John R. White

Richard O. M'Leck

**WAC 14-0001**

ACKNOWLEDGMENT

State of California  
County of EL DORADO )

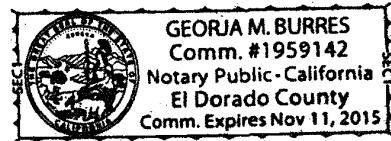
On MAY 6, 2014 before me, GEORJA M. BURRES, NOTARY PUBLIC  
(insert name and title of the officer)

personally appeared JOHN R. WHITE  
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 Georja M. Burres (Seal)



ACKNOWLEDGMENT

State of California  
County of EL DORADO )

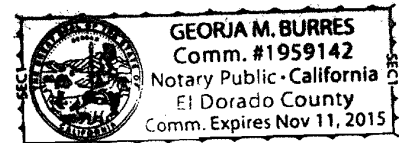
On MAY 13, 2014 before me, GEORJA M. BURRES, NOTARY PUBLIC  
(insert name and title of the officer)

personally appeared RICHARD A. McLEES  
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 Georja M. Burres (Seal)



5/13, 2014

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

**LAND CONSERVATION CONTRACT APPLICATION**

NAME JOHN R WHITE PHONE (530) 647-9993  
RICHARD MCLEES PHONE (530) 647-9993  
PHONE ( )

MAILING ADDRESS PO Box 514, SOMERSET, CA 95084

ASSESSOR'S PARCEL NUMBER(S): (Attach legal description if portion of parcel)  
093-090-15 (pov) 093-090-11<sup>8</sup>

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 125.58<sup>8</sup>

WATER SOURCE WELL PRESENT ZONING AE

YEAR PROPERTY PURCHASED 1993

WHAT IS YOUR AGRICULTURAL CAPITAL OUTLAY (excluding land value)?

List specific items or improvements with value for each.

Improvement	Value
<u>WELL</u>	<u>\$ 7900</u>
<u>ROAD ROCK</u>	<u>10,000</u>
<u>EIDPUMP &amp; PUMP HOUSE</u>	<u>2500</u>
<u>FENCING</u>	<u>3000.</u>

**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>
<u>CATTLE</u>	<u>\$ 13,000</u>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
Total \$ <hr/>	

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 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 <u>  All  </u>	acres	Comments _____
Brush _____	acres	Comments _____
Timber _____	acres	Comments _____
Christmas trees _____	acres	Comments _____
Grapes _____	acres	Comments _____
_____	acres	Comments _____

TOTAL ACRES \_\_\_\_\_ (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.

  CONTINUE CATTLE GRAZING    
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

  5 / 13 / 14    
Date

  John R. White    
Signature of Applicant

ACKNOWLEDGMENT

State of California  
County of EL DORADO

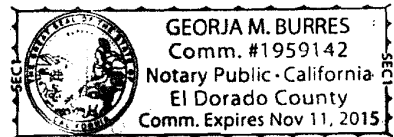
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(insert name and title of the officer)

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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 Georja M. Burres (Seal)



**PART II**  
(To be completed by Assessor)

Comments: Appears well suited for grazing  
of cattle.

Assessor's recommendation(s): Approve creation of  
separate contract for 092-090-11 and  
portion of 093-090-15.

Date 2/6/15

  
El Dorado County Assessor

**PART III**

(To be completed by Agricultural Commission)

Comments: See attached.

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Commission's recommendation(s): See attached.

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Agricultural Commission





## AGRICULTURAL COMMISSION

311 Fair Lane  
Placerville, CA 95667  
(530) 621-5520  
(530) 626-4756 FAX  
[eldcaq@edcgov.us](mailto:eldcaq@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:** March 17, 2015  
**TO:** Joe Prutch, Development Services/Planning  
**FROM:** Greg Boeger Chair  
**SUBJECT:** Williamson Act Contracts: WAC 14-0001, WAC14-0002, WAC 14-0003.  
Boundary Line Adjustment BLA 14-00016.  
APNs: 093-090-06, 093-090-11, 093-090-14, 093-090-15, 093-090-16,  
and 093-090-17

During the Agricultural Commission's regularly scheduled meeting held on March 11, 2015 a request for Boundary Line Adjustment between the two parcels identified by Assessor's Parcel Numbers 093-090-06 and 15, and then the revision of an existing Williamson Act Contract (Agricultural Preserve 202) into three separate WAC's with the same overall acreage of 247.62 acres. All WAC parcels are located on the north side of Happy Valley Road approximately ½ mile east of the intersection with Mt. Aukum Road (E16) in the Somerset area. WAC 14-0001 will include parcel 093-090-11 and a major portion of 093-090-15. WAC 14-0002 will include parcels 093-090-06, 093-090-16, and a portion of 093-090-15. WAC 14-0003 will include parcels 093-090-17 and 093-090-14 for the Agricultural Commissioner's/Agricultural Commission's review.

#### Planning Request and Project Description:

**1. BLA 14-0016:**

- Parcel numbers to be combined: 093-090-06 and 093-090-15

**2. WAC 14-0001**

- Parcel Numbers: Portion of 093-090-15 and 093-090-11
- Acreage: 125.58 acres
- Zoning: 093-090-15 = AE, 093-090-11 = RA-40.
- Land Use Designation: Natural Resources
- Property is being used for cattle grazing.
- Capital outlay reported for well, road rock, fencing, EID pump and pump house: \$23,400.
- Current gross annual income reported: \$13,000

**3. WAC 14-0002**

- Parcel Numbers: 093-090-06, 093-090-16, and 093-090-15 (portion)
- Acreage: 69.4 acres
- Zoning: AE

- Land Use Designation: Natural Resources
- Property is being used for a 6.2 acre vineyard.
- Capital outlay reported for vineyard, irrigation, and fencing: \$50,000
- Current gross annual income reported: \$19,000

**4. WAC 14-0003**

- Parcel Numbers: 093-090-17 and 93-090-14
- Acreage: 52.27 acres
- Zoning: AE
- Land Use Designation: Natural Resources
- Property is being used for grazing.
- Capital outlay reported for fencing, encroachment, and culvert: \$27,500
- Current gross annual income reported: \$7,000

**Williamson Act Contract Criteria:**

**Low Intensive Farming Operation**

1. Minimum Acreage = 50 contiguous acres that are fenced to contain livestock.
2. Capital Outlay = \$10,000
3. Minimum Gross Income = \$2,000/year

**High Intensive Farming Operation**

1. Minimum Acreage = 20 contiguous acres
2. Capital Outlay = \$45,000
3. Minimum Gross Income = \$13,500/year

**Relevant General Plan Policies:**

Policy 8.2.4.1B, In the Agriculture and Forestry Element, supports the continued use of Williamson Act Contracts to provide tax benefits to farms and ranches to help ensure the long-term conservation of agricultural lands.

**Relevant Government Code Sections:**

In regards to minimum criteria for agricultural preserves, 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."

Regarding non-renewals, Government Code Section 51246(a) states, "If the ...landowner serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be."

In regards to BLA14-00016, BLA 14-00016 must conform to Government Code Section

51257, as APN 093-090-06 and APN 093-090-15 are in an active Williamson Act Contract (#202). 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 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."

**Staff Recommendation:**

Staff recommends APPROVAL of WAC 14-0001 and WAC 14-0003 as the parcels meet the minimum criteria for low intensive agricultural operations in a Williamson Act Contract.

Staff recommends APPROVAL of WAC 14-0002, as the parcels meet the minimum criteria for high intensive agricultural operation in a Williamson Act Contract.

Staff recommends APPROVAL of BLA 14-0016 due to the fact that the findings for Government Code Section 51257 can be met.

Development Services was present and had no comments.

The applicants were not present.

Meeting Date: March 11, 2015  
Re: TWAC14-0001, 0002, and 0003 White  
Page 4

***It was moved by Mr. Neilsen and seconded by Mr. Bolster to recommend APPROVAL of Staff's recommendation for a request of WAC 14-0001 and WAC 14-0003 as the parcels meet the minimum criteria for low intensive agricultural operations in a Williamson Act Contract, APPROVAL of WAC 14-0002, as the parcels meet the minimum criteria for high intensive agricultural operation in a Williamson Act Contract, and APPROVAL of BLA 14-0016 due to the fact that the findings for Government Code Section 51257 can be met.***

***Motion passed***

**AYES: Walker, Bolster, Neilsen, Boeger**

**NOES: None**

**ABSENT: Mansfield, Bacchi, Draper**

**PART IV**

(To be completed by Planning Commission)

Date of public hearing: Not applicable.

Action: \_\_\_\_\_

Comments: \_\_\_\_\_

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\_\_\_\_\_  
Executive Secretary, Planning Commission

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**PART V**

(To be completed by Board of Supervisors)

Date of public hearing: \_\_\_\_\_

Action: \_\_\_\_\_

Comments: \_\_\_\_\_

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James S. Mitrisin, Clerk to the Board

By: \_\_\_\_\_  
Deputy Clerk to the Board