



Legislation Details (With Text)

File #: 11-0715 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 6/15/2011 **In control:** Board of Supervisors

On agenda: 7/19/2011 **Final action:** 7/19/2011

Title: Development Services Department, Planning Services Division, recommending the Board certify that the County-initiated Notice of Non-Renewal for Agricultural Preserve No. 42/Frank Bozzo and Zach Spencer has been submitted and is consistent with the Board of Supervisors Policy C-12. (Supervisory District 4)

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-Agricultural Commission Memo and Staff Report.pdf, 2. B-Assessor's Map.pdf, 3. C - Recorded Notice of Non-Renewal Ag Pres. 42

Date	Ver.	Action By	Action	Result
7/19/2011	1	Board of Supervisors	Approved	Pass

Development Services Department, Planning Services Division, recommending the Board certify that the County-initiated Notice of Non-Renewal for Agricultural Preserve No. 42/Frank Bozzo and Zach Spencer has been submitted and is consistent with the Board of Supervisors Policy C-12. (Supervisory District 4)

Background: Pursuant to Section 51245 of the Government Code, a landowner or County may non-renew a contract provided written notice is served by the other party in advance of the renewal date (a County initiated non-renewal notices requires at least 60 days prior to the renewal date). If the County files a notice of non-renewal, the landowner, upon receipt of the notice, may file a written protest of the notice of non-renewal. The County may withdraw the notice prior to the renewal date. The annual renewal date for all contracts is January 1 of each year. The roll-out from the preserve would begin January 1, 2012, therefore, the properties would no longer be subject to the Williamson Act Contract on January 1, 2022.

The County is initiating a non-renewal of the Williamson Act contract due to the Agricultural Commission's determination that the parcel is in breach of contract. The preserve is identified as Assessors Parcel Number 089-320-03, consisting of 28.14 acres. The parcel is accessed from Wallace Road, located in the Placerville area. (Supervisory District 4)

On August 11, 2010 the Agricultural Commission determined that the parcel is in breach of contract as it does not meet the criteria for an agricultural preserve. Pursuant to County Resolution Number 188-2002, the property shall produce a minimum annual gross income of \$13,500 for high intensive farming operations, including but not limited to orchards, vineyards, and row crops. The parcel historically was used as a pear orchard. When the Agricultural Commission reviewed the property in 2008, it was found to have a 3,981 square foot residential vacation rental, a 1,550 square foot residence, and only three acres of olive trees. In an effort to comply with Ranch Marketing requirements, the orchard was increased to 4.79 acres, but it was determined that in order to meet

the minimum income requirements of the Williamson Act the olive orchard would have to be 14 acres. At this time, the property owners have not complied with the criteria requirements for a Williamson Act contract.

Planning Services has reviewed the Notice of Non-Renewal and determined that it is not a partial rollout. There is no other relevant information regarding this Notice of Non-Renewal.

Pursuant to Policy C-12, because this is not a partial rollout, no further action is required by the Agricultural Commission other than to receive and file this report.

ATTACHMENTS

Exhibit A: Agricultural Commission Memo and Staff Report

Exhibit B: Assessors Map

Contact: Roger Trout (5369)/Pierre Rivas (5841)

COB Follow-up: Send Dept copy of correspondence and Minute Order