



## Legislation Text

---

**File #:** 12-1464, **Version:** 1

---

Hearing to consider the recommendation of the Planning Commission on Williamson Act Contract WAC12-0002/Dan Varozza Preserve and Williamson Act Contract WAC12-0003/Modification to Agricultural Preserve No. 36 on property identified by APNs 087-021-20, 087-021-27, 087-021-28, 087-021-30, 087-021-42, 087-040-35, 087-040-89, 087-040-91, 087-123-01, 091-020-07, 091-020-21, 091-030-21, 091-040-14, 091-140-01, 091-140-03, 091-200-13, and 091-200-14, consisting of 226 acres (WAC12-0002) and 1,852 acres (WAC12-0003), in the Latrobe area, submitted by Dan Varozza; and recommending the Board take the following actions:

- 1) Certify that the projects are Categorically Exempt from CEQA pursuant to Section 15317;
- 2) Approve Williamson Act Contract WAC12-0002, Agricultural Preserve No. 324, for APN 087-021-30, consisting of 226 acres, based on the Findings listed in Attachment 1;
- 3) Approve Williamson Act Contract WAC12-0003, modifying Agricultural Preserve No. 36, for APNs 087-021-20, 087-021-27, 087-021-28, 087-021-42, 087-040-35, 087-040-89, 087-040-91, 087-123-01, 091-020-07, 091-020-21, 091-030-21, 091-040-14, 091-140-01, 091-140-03, 091-200-13, and 091-200-14, consisting of 1,852 acres, based on the Findings listed in Attachment 1;
- 4) Adopt Resolution **172-2012** for Williamson Act Contract 12-0002 and Resolution **173-2012** for Williamson Act Contract 12-0003; and
- 5) Direct applicant to submit 3 signed, notarized Williamson Act Contracts that are to include the signatures of all deeded owners of APNs 087-021-27, 087-021-28, and 091-020-21. (Supervisory District 2) (Est. Time 30 Min.)

### Background

Request to consider Williamson Act Contract WAC12-0002/Dan Varozza Preserve and Williamson Act Contract WAC12-0003/Modification to Agricultural Preserve No. 36 submitted by DAN VAROZZA to establish new Agricultural Preserves as follows: 1. Establish a new Agricultural Preserve for 226 acres; and 2. Modify existing Agricultural Preserve for 1,852 acres. The property is located on the south side of Memory Lane, approximately three-fourth mile east of the intersection with South Shingle Road, in the Latrobe area, Supervisorial District 2. [Project Planner: Gina Paolini] (Categorical Exemption pursuant to Section 15317 of the CEQA Guidelines)

These applications were considered by the Planning Commission on November 8, 2012, and were recommended for approval (5-0). The minutes from this meeting are attached.

Agricultural Preserve No. 36 presently contains six separate contracts. Originally established in 1968, the property that is proposed to be established as a separate preserve was added in 1972, along with three other parcels. This addition totaled 711.97 acres. The contract provides that it may be amended "to the extent permitted by law applicable at the time of amendment." Staff is recommending that prior to the establishment of Williamson Act Contract No. 324, which requires the removal of APN 087-021-30 from the current Agricultural Preserve No. 36, that an amended contract for those parcels that were added to the preserve be submitted and are to include the notarized signatures of all property owners of those specific parcels (APNs 087-021-27, 087-021-28, and 091-020-21). Action #5 is recommended because in order to create a new agricultural preserve from an

existing agricultural preserve contract, a new (amended) contract for the remaining contracted land needs to be established. Board Policy C-12 states that any application to create a new agricultural preserve requires authorization from all holders of record of interest.

Because the contract which is proposed to be amended involves three additional owners, these owners must concur with the changes to the contract. Signed and notarized Williamson Act Contracts were not submitted for the new (modified) Agricultural Preserve No. 36. The applicant has provided signed and notarized contract documents for the new contract (Agricultural Preserve No. 324 consisting of 226 acres) only. He has stated that it was difficult to obtain signed, notarized amended contract documents from the remaining property owners. Development Services processed the request with the understanding that the Board of Supervisors Policy C-12 is subject to the Board's interpretation. Development Services staff does note that all contract property owners were notified of the Planning Commission and Board meetings and no one has objected to the proposed contract amendment and new agricultural preserve creation.

In 1983, a 139.17 acre portion of the preserve was removed and added to an adjacent preserve (Agricultural Preserve 186.) This action did not require concurrence by any of the other land owners within Preserve 36 because the two parcels involved in this action were under a separate contract with a single owner.

#### **Contact**

Roger Trout (5369)/Peter Maurer (5331)

#### **Follow-up to COB**

Send Dept copies of correspondence and documents