



## Legislation Text

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**File #:** 06-1608, **Version:** 1

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Development Services Department, Planning Services recommending the County initiate a Notice of Non-Renewal on Williamson Act Contract No. 133/Terry Stigall for 160 acres on property identified as APNs 089-010-02, -27 and -29 in the Lotus area.

**Background:** Pursuant to Government Code Section 51245, Planning Services requests approval of the non-renewal of Williamson Act Contract No. 133 which shall initiate a 10-year roll-out period to begin January 2007. The Contract property includes 160 acres and is identified by Assessor Parcel Numbers 089-010-02, -27 and -29. The properties are located on the north side of Thompson Hill Road at the intersection with Big Sky Ranch Road, in the Lotus area.

**Reason for Recommendation:** All lands subject to a Williamson Act are zoned Exclusive Agriculture (AE). The purpose of the AE Zone is to implement the Land Conservation Act of 1965 and to encourage the sustainable use of farmland in the County for agricultural production. El Dorado County Code Section 17.36.070(D) restricts the residential use of land in an agriculture preserve to one dwelling unit per contract. This applies even when the preserve consists of multiple parcels and multiple property owners.

The subject preserve has one owner but multiple parcels. The agricultural preserve was established on February 23, 1971, and was originally 370 acres. In 2002, the preserve was reduced in size to 160 acres. A single family residential unit was built on Assessor's Parcel Number 089-010-29 in 1985. In July 2005, a second single family residential unit was built within the preserve on Assessor's Parcel Number 089-010-02. On June 20, 2006, a code enforcement case was opened on Assessor's Parcel Number 089-010-29. The property owner had built a 3,536 square foot structure on the property without the benefit of a building permit. A building permit application was subsequently submitted on July 6, 2006, for a shop structure. Because the building did not appear to be a barn or shop, Planning Services determined that a Notice of Restriction was warranted. The Notice of Restriction was recorded on the property restricting the use of the building to compatible agricultural preserve uses.

On August 7, 2006, Planning Services notified the property owner that, pursuant to Government Code Section 51245, the County would be filing a notice of non-renewal on the Williamson Act Contract. The non-renewal would result in a 10-year roll-out period. During the roll-out period, all provisions of the Williamson Act Contract would be required to be adhered to. The use of the property would be limited during the term of the contract to agricultural and compatible uses. This would include the use of one (1) dwelling unit per contract. Upon completion of the rollout period, the zoning of the property would remain Exclusive Agriculture (AE) unless a zone change application is filed with the County and approved by the Board of Supervisors.

The Agricultural Commission reviewed the notice of non-renewal on September 13, 2006. After three failed motions, the Agricultural Commission remained at an impasse with no action, guidance, or recommendation being provided. Agricultural Commissioner, Bill Stephans, has reviewed the site conditions and history of the property and has recommend non-renewal of the

subject contract.

Since the notice of non-renewal has been served, the property owner has applied to split the contract to retain the two single family residential units. Mr. Stephans has indicated that he is uncertain whether two standalone contracts can be established. Currently, the parcels have minimal commercial agricultural operations and may not meet the established criteria for separate contracts.

**Action to be taken following Board approval:** The Board Clerk's Office will notify the Office of Land Conservation of the Notice of Non-Renewal which will become effective January 2007, and the Board Clerk's Office will record the Notice of Non-Renewal.

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