

# AGENDA TRANSMITTAL FORM

To: Board of Supervisors  
 Date: 10/06/2015

From: Terry Sanders - Veteran Services Phone Ext. 267-5764  
 (Department Head - please type)

<input checked="" type="radio"/>	Regular Agenda
<input type="radio"/>	Consent Agenda
<input type="radio"/>	Blue Slip
<input type="radio"/>	Closed Session
Meeting Date Requested:	
<u>NOV. 10, 2015</u>	

Department Head Signature *Terry Sanders*

Agenda Title: Presentation of Assembly Resolution 36.

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

ACR 36: That the Legislature commends the California Association of County Veterans Service Officers for 70 years of service to California's veterans and their families through the advancement of professionalism within its ranks and the pursuit of advocacy across all levels of government so that veterans may receive the benefits to which they are entitled by virtue of their military service to our country.  
 The Amador County Veteran Service Office was established in 1945. This is a presentation by Dana Jorgenson and I would request that all board members be included in a picture.

Recommendation/Requested Action:  
ACR 36 as a framed resolution Presentation to Terry Sanders the Amador CVSO.

Fiscal Impacts (attach budget transfer form if appropriate) \_\_\_\_\_ Staffing Impacts \_\_\_\_\_

Is a 4/5ths vote required? Yes  No

Committee Review? Name \_\_\_\_\_ N/A

Committee Recommendation: \_\_\_\_\_

Contract Attached:  Yes  No  N/A  
 Resolution Attached:  Yes  No  N/A  
 Ordinance Attached:  Yes  No  N/A

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

Request Reviewed by:

Chairman *B* Counsel *CG*  
 Auditor *JCR* GSA Director *Hop*  
 CAO *CH* Risk Management \_\_\_\_\_

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

ACVSO

### FOR CLERK USE ONLY

Meeting Date November 10, 2015 Time 9 a.m. Item # 6

Board Action: Approved Yes \_\_\_ No \_\_\_ Unanimous Vote: Yes \_\_\_ No \_\_\_

Ayes: \_\_\_\_\_ Resolution \_\_\_\_\_ Ordinance \_\_\_\_\_ Other: \_\_\_\_\_

Noes: \_\_\_\_\_ Resolution \_\_\_\_\_ Ordinance \_\_\_\_\_

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

Distributed on _____	A new ATF is required from _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
	Department _____	
Completed by _____	For meeting of _____	ATTEST: _____ Clerk or Deputy Board Clerk

# AGENDA TRANSMITTAL FORM

<input checked="" type="radio"/> Regular Agenda <input type="radio"/> Consent Agenda <input type="radio"/> Blue Slip <input type="radio"/> Closed Session Meeting Date Requested: 11/10/2015
---

To: **Board of Supervisors**

Date: 11/02/2015

From: Brian Oneto, Chairman  
 (Department Head - please type)

Phone Ext. 470

Department Head Signature \_\_\_\_\_

Agenda Title: Development of Water Measurement and Reporting Regulation - SB 88

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action relative to a new water measurement law which will affect water right holders and diverters who divert more than 10 acre-feet of water per year. The law includes a new reporting requirement that all diverters submit their monthly diversion records each year.

The new requirements go into effect on January 1, 2016.

Recommendation/Requested Action: \_\_\_\_\_

Fiscal Impacts (attach budget transfer form if appropriate) \_\_\_\_\_ Staffing Impacts \_\_\_\_\_

Is a 4/5ths vote required? Yes <input type="radio"/> No <input checked="" type="radio"/>	Contract Attached: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A Resolution Attached: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A Ordinance Attached: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A Comments: _____
Committee Review? Name _____ N/A <input type="checkbox"/> Committee Recommendation: _____	

Request Reviewed by:

Chairman B Counsel CG

Auditor JOR GSA Director HP

CAO OR Risk Management \_\_\_\_\_

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

\_\_\_\_\_

### FOR CLERK USE ONLY

Meeting Date <u>November 10, 2015</u>	Time <u>9 a.m.</u>	Item # <u>7</u>
Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___		
Ayes: _____	Resolution _____	Ordinance _____
Noes: _____	Resolution _____	Ordinance _____
Absent: _____ Comments: _____		

Distributed on _____	A new ATF is required from _____ Department _____ For meeting _____ of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.  ATTEST: _____ Clerk or Deputy Board Clerk
Completed by _____		



FRANK G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

October 26, 2015

### NOTICE

#### DEVELOPMENT OF WATER MEASUREMENT AND REPORTING REGULATION

**Responsible Party:**

CIRO L TOMA  
41 SUMMIT ST  
JACKSON, CA 95642

**Diverter: Marvin C & Helena Anderson Revocable Trust**

The purpose of this letter is to provide information about a new water measurement law which will affect water right holders and diverters who divert more than 10 acre-feet of water per year. The law includes a new reporting requirement that all diverters submit their monthly diversion records each year. During drier than normal periods, all diverters may also be required to submit their diversion records on a monthly basis.

The new requirements go into effect on January 1, 2016, and are found in Senate Bill 88, Chapter 27, which was signed by the Governor in June. Use this link to view the law:

[http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb\\_0051-0100/sb\\_88\\_bill\\_20150624\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0051-0100/sb_88_bill_20150624_chaptered.pdf)

The State Water Board is authorized to adopt an emergency regulation to implement these new requirements. You can participate in the development of the regulation by emailing your comments to [dwr-measurement@waterboards.ca.gov](mailto:dwr-measurement@waterboards.ca.gov), or attending one of the public outreach and information meetings (see list below).

**The Current Problem:**

The extended drought has highlighted the need for current, accurate information on how much water is required to serve right holders in the various watersheds throughout the State. Even during years with more normal precipitation, rainfall and snow accumulation patterns vary widely across the State. Water supply may be adequate in one region while a critical water shortage can occur in another region.

Accurate data on water diversion and use is needed on a timely basis in order to evaluate water supply conditions in each watershed, how far water supplies can be expected to stretch, and whether there is water available for diversions. Unfortunately, the historic reporting standard does not meet current needs. The new law and proposed implementing regulation are expected to address this problem.

**Benefits of Measurement and Reporting:**

The State Water Board is the agency with primary responsibility for the administration and regulation of water rights in California. The State Water Board allocates surface water through a system of permits, licenses, and registrations. These allow the right holder to divert water for

F. J. CA MAHRETS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)



reasonable beneficial use. The State Water Board also maintains records of water use under riparian and pre-1914 claims of right.

Improved measurement and reporting of water rights as required by Senate Bill 88 will allow the State Water Board and all water users to more effectively:

- Increase understanding of water use through more accurate measurement;
- Improve water rights administration and transparency of records;
- Provide more accurate data on available water supplies;
- Improve forecasting of water demand;
- Assure compliance with the quantity and season limitations of existing water rights;
- Protect senior rights in accordance with priorities; and
- Provide efficient management and use of water during times of shortage.

**Information Meetings for the Emergency Regulation\*:**

The following meetings are scheduled to take public comments on the new measurement and reporting requirements. The comments will be used to help formulate the regulation.

DATE	TIME	LOCATION
November 2, 2015 (Monday)	6:00 – 9:00 pm	Junipero Serra State Office Building, Carmel Room 320 West 4th Street, Los Angeles, CA 90013
November 4, 2015 (Wednesday)	6:00 – 9:00 pm	The City of Redding 777 Cypress Avenue, Redding, CA 96001
November 5, 2015 (Thursday)	6:00 – 9:00 pm	State Office Building, Auditorium 31 East Channel Street, Stockton 95202
November 9, 2015 (Monday)	1:00 – 4:00 pm	CalEPA Headquarters Building, Coastal Hearing Room 1001 I Street, Sacramento, CA 95812
A webcast of the meeting on November 9 in Sacramento will be available at <a href="http://www.calepa.ca.gov/broadcast/">http://www.calepa.ca.gov/broadcast/</a>		
November 12, 2015 (Thursday)	6:00 – 9:00 pm	Steele Lane Community Center 415 Steele Lane, Santa Rosa, CA 95403

\*A quorum of the State Water Board may be present at the meetings. However, no State Water Board action will be taken. If you require an interpreter, please contact the State Water Board five days in advance of the meeting.

**Additional Information on the Emergency Regulation and Information Meetings:**

Information and updates on the emergency regulation and the public meetings will be posted at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/measurement\\_regulation](http://www.waterboards.ca.gov/waterrights/water_issues/programs/measurement_regulation)

You can receive update notices about the emergency regulation by subscribing to the "Water Measurement" email list located at:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml#dwr](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#dwr)

**Contact Information:**

If you need assistance, please contact the Division of Water Rights at (916) 341-5300 or send an email to: [dwr-measurement@waterboards.ca.gov](mailto:dwr-measurement@waterboards.ca.gov).

Sincerely,



Barbara Evoy, Deputy Director  
Division of Water Rights

# AGENDA TRANSMITTAL FORM

<input checked="" type="radio"/>	Regular Agenda
<input type="radio"/>	Consent Agenda
<input type="radio"/>	Blue Slip
<input type="radio"/>	Closed Session
Meeting Date Requested:	
11/10/2015	

To: Board of Supervisors

Date: 11/03/2015

From: Brian Oneto, Chairman  
(Department Head - please type)

Phone Ext. 470

Department Head Signature \_\_\_\_\_

Agenda Title: Tree Mortality State of Emergency

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action relative to the Governor's Emergency Proclamation for the unprecedented die-off of millions of trees caused by drought conditions and the resulting beetle infestations. The proclamation acknowledges the increased fire risk presented by the large number of dead, dying or diseased trees in addition to the overall public safety risk from falling trees.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)	Staffing Impacts
---	------------------

Is a 4/5ths vote required? Yes <input type="radio"/> No <input checked="" type="radio"/>	Contract Attached: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A Resolution Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Ordinance Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Comments: _____
Committee Review? Name _____ N/A <input type="checkbox"/> Committee Recommendation: _____	

Request Reviewed by:

Chairman <u>[Signature]</u>	Counsel <u>[Signature]</u>
Auditor <u>[Signature]</u>	GSA Director <u>[Signature]</u>
CAO <u>[Signature]</u>	Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

### FOR CLERK USE ONLY

Meeting Date <u>November 10, 2015</u>	Time <u>9 a.m.</u>	Item # <u>8</u>
Board Action: Approved Yes ___ No ___	Unanimous Vote: Yes ___ No ___	
Ayes: _____	Resolution _____	Ordinance _____
Noes _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	Other: _____

Distributed on _____	A new ATF is required from _____ Department For meeting of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.  ATTEST: _____ Clerk or Deputy Board Clerk
Completed by _____		

**Executive Department**

State of California

**PROCLAMATION OF A STATE OF EMERGENCY**

**WHEREAS** the State of California is experiencing record drought conditions, which have persisted for the last four years; and

**WHEREAS** on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

**WHEREAS** a lack of precipitation over the last four years has made trees in many regions of California susceptible to epidemic infestations of native bark beetles, which are constrained under normal circumstances by the defense mechanisms of healthy trees; and

**WHEREAS** these drought conditions and resulting bark beetle infestations across broad areas have caused vast tree mortality in several regions of the state, with the United States Forest Service estimating that over 22 million trees are dead and that tens of millions more are likely to die by the end of this year; and

**WHEREAS** recent scientific measurements suggest that the scale of this tree die-off is unprecedented in modern history; and

**WHEREAS** this die-off is of such scale that it worsens wildfire risk across large regions of the State, presents life safety risks from falling trees to Californians living in impacted rural, forested communities, and worsens the threat of erosion across watersheds; and

**WHEREAS** such wildfires will release thousands of tons of greenhouse gas emissions and other harmful air pollutants; and

**WHEREAS** the circumstances of the tree die-off, by reason of its magnitude, is or is likely to be beyond the control of the services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat; and

**WHEREAS** under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist within the State of California due to these events; and

**WHEREAS** under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.,** Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625 of the California Government Code, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist within the State of California.

**IT IS HEREBY ORDERED THAT:**

1. The Department of Forestry and Fire Protection, the California Natural Resources Agency, the California Department of Transportation, and the California Energy Commission shall immediately identify areas of the State that represent high hazard zones for wildfire and falling trees using best available science and geospatial data.
2. State agencies, utilities, and local governments to the extent required by their existing responsibilities to protect the public health and safety, shall undertake efforts to remove dead or dying trees in these high hazard zones that threaten power lines, roads and other evacuation corridors, critical community infrastructure, and other existing structures. Incidental vegetation such as shrubs that restrict access for safe and efficient removal of the dead and dying trees also may be removed. The Department of Forestry and Fire Protection shall issue emergency guidelines setting forth the relevant criteria, and the California Conservation Corps shall assist government entities in implementing this directive to the extent feasible.
3. The Department of Forestry and Fire Protection shall identify potential storage locations for removed trees across impacted areas in partnership with federal agencies and local jurisdictions.
4. The California Department of Transportation shall formally request immediate assistance through the Federal Highway Administration's Emergency Relief Program, Title 23, United States Code section 125, in order to obtain federal assistance for removal of dead and dying trees that are adjacent to highways.
5. The Department of General Services will identify state facilities, and the California Department of Transportation shall identify highway and road corridors, where woodchips produced from dead trees can be used as mulch.
6. The Governor's Office of Emergency Services and the Department of Forestry and Fire Protection shall work with impacted counties to distribute portable equipment across high hazard zones so that isolated communities can remove and process wood waste locally where appropriate.
7. The California Air Resources Board and the California Department of Forestry and Fire Protection shall work together and with federal land managers and the United States Environmental Protection Agency to expand the practice of prescribed burns, which reduce fire risk and avoid significant pollution from major wildfires, and increase the number of allowable days on a temporary basis to burn tree waste that has been removed in high hazard areas.

8. The California Public Utilities Commission shall utilize its authority to extend contracts on existing forest bioenergy facilities receiving feedstock from high hazard zones.
9. The California Public Utilities Commission shall take expedited action to ensure that contracts for new forest bioenergy facilities that receive feedstock from high hazard zones can be executed within six months, including initiation of a targeted renewable auction mechanism and consideration of adjustments to the BioMat Program defined pursuant to Public Utilities Code section 399.20. No later than six months after the BioMat program begins, the California Public Utilities Commission shall evaluate the need for revisions to the program to facilitate contracts for forest bioenergy facilities.
10. The California Public Utilities Commission shall prioritize facilitation of interconnection agreements for forest bioenergy facilities in high hazard zones, and shall order the use of expedited mediation or other alternative dispute resolution processes when conflicts delay development of projects.
11. The California Energy Commission shall prioritize grant funding from the Electric Program Investment Charge for woody biomass-to-energy technology development and deployment, consistent with direction from the California Public Utilities Commission.
12. The California Department of Forestry and Fire Protection, the California Energy Commission, and other appropriate agencies shall work with land managers to estimate biomass feedstock availability, storage locations, and volumes that may be available for use as bioenergy feedstock at existing and new facilities.
13. The California Department of Forestry and Fire Protection and the California Energy Commission shall work with bioenergy facilities that accept forest biomass from high hazards zones to identify potential funds to help offset higher feedstock costs.
14. The California Department of Resources Recycling and Recovery and the California Department of Forestry and Fire Protection will work with affected counties and existing wood product markets to determine the feasibility for expanded wood product markets in California.
15. For purposes of carrying out directives 1, 2, and 5 through 8, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions.



16. In order to ensure that equipment and services necessary for emergency response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended as necessary to carry out this Proclamation. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

17. For purposes of this Proclamation, Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of the Government Code is suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.


18. The Office of Emergency Services shall provide local government assistance as appropriate under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq. and California Code of Regulations, title 19, section 2900 et seq.

19. State agencies shall actively monitor tree removal efforts directed by this Proclamation to assess their effectiveness in protecting forest health and strengthening forest resilience.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I **FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of October 2015.

  
EDMUND G. BROWN JR.  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

## Amador County Tree Mortality

Amador County has approximately 376,081 acres. The USDA Forest Service Eldorado National Forest comprises 78,116 acres or 22%. USDOJ Bureau of Land Management comprises 9,045 acres or 2.5%. The rest, approximately 75%, is privately owned.

The USDA conducted the latest aerial detection survey of the central and south Sierra foothills July 6-10, 2015. Data collected on the extent and severity of tree mortality and damage during this survey shows current tree mortality in Amador County affecting approximately 60,000 trees on 15,000 acres (roughly 4% of the total County land area). As evidenced from the data and maps, the majority of this area is located within US Forest Service lands.

## Aerial Detection Survey – South Sierra Foothills July 6<sup>th</sup>-10<sup>th</sup>, 2015

**Background:** Most of California is well into its fourth year of exceptional drought. As the drought has become increasingly severe and prolonged, tree mortality has generally increased in most areas, sometimes dramatically. This portion of the 2015 regular survey season was conducted for normal data collection within some of the most severe and prolonged drought conditions statewide and included areas of private lands not typically surveyed since mortality and other forest health concerns are not typically expressed in these areas. Particular attention was paid to lowland pine. Current drought conditions in this area are almost entirely exceptional especially to the south. See Figure 1

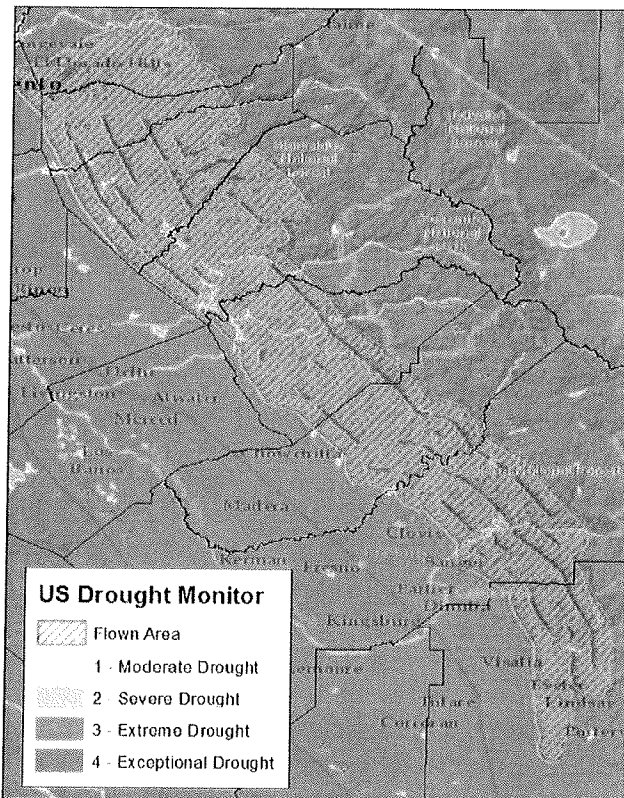
**Objective:** Detect and map extent and severity of tree mortality and drought stress along the central Sierras particularly within the Wildland Urban Interface where wild fires can most impact life and property. Much of this area was surveyed in April, but drought stress expression and status of deciduous trees particularly oaks were not discernable at that time. Additionally, more recent conifer mortality is now apparent.

**Surveyors:** J. Moore, A. Jirka, L. McAfee

**Methodology:** Recently dead or currently injured/stressed trees were mapped visually by surveyors using a digital aerial sketch-mapping system while flying in a light fixed-wing aircraft approximately 1,000 feet above ground level. Surveyors recorded the species of tree affected, number recently killed and/or any type of other damage (defoliation, dieback etc.) detected at each mapped location.

**Details:**

- Approximately 3.6 million acres were surveyed; covering the lower western foothills of the central and southern Sierras from the Sacramento area south to Visalia. Much of this area is privately owned oak woodlands and low elevation pine forests, but public areas of note include the western extents of the Stanislaus, Sierra and Sequoia National Forests, Sequoia/Kings Canyon national Park and the Giant Sequoia National Monument. See Figure 3.
- An estimated more than 6 million recently killed trees across over 500,000 acres were recorded. See Figure 3.
- Drought induced oak discoloration/defoliation often associated with suspected mortality was widespread throughout the southern portion of surveyed area. Oaks often looked dead and were recorded as such over large areas. However, oak trees are quite tenacious and early leaf drop and die back are common drought responses. See Figures 2, 4.
- Well over half of the recorded mortality was of recently killed Ponderosa pine often mixed with incense cedar in the north, other pine species further south or with white fir in higher elevation areas. See Figures 5-8.
- Incense cedar mortality was also elevated and since these trees are not killed by bark beetles, mortality was attributed directly to drought. See Figures 5, 8.
- Gray pine mortality was also somewhat elevated but not at levels seen last year. See Figures 2, 7.



**Summary:**  
 Area surveyed: 3.56 million acres  
 Areas with mortality: 526,000 acres  
 Estimated number of trees killed: 6,338,000

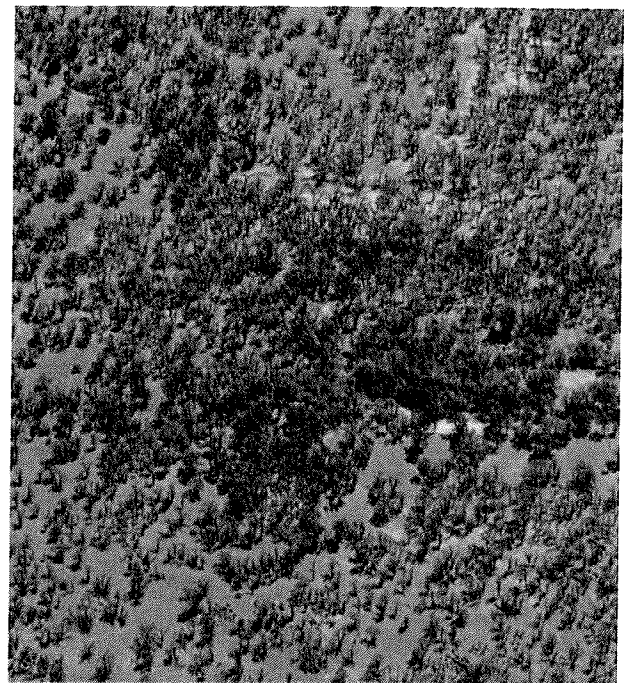


Figure 1. Flown area and drought conditions as of Aug 4, 2015 based on USGS Drought Monitor.

Figure 2. Gray pine, blue and live oak mortality and discoloration near Yuba River State Park.

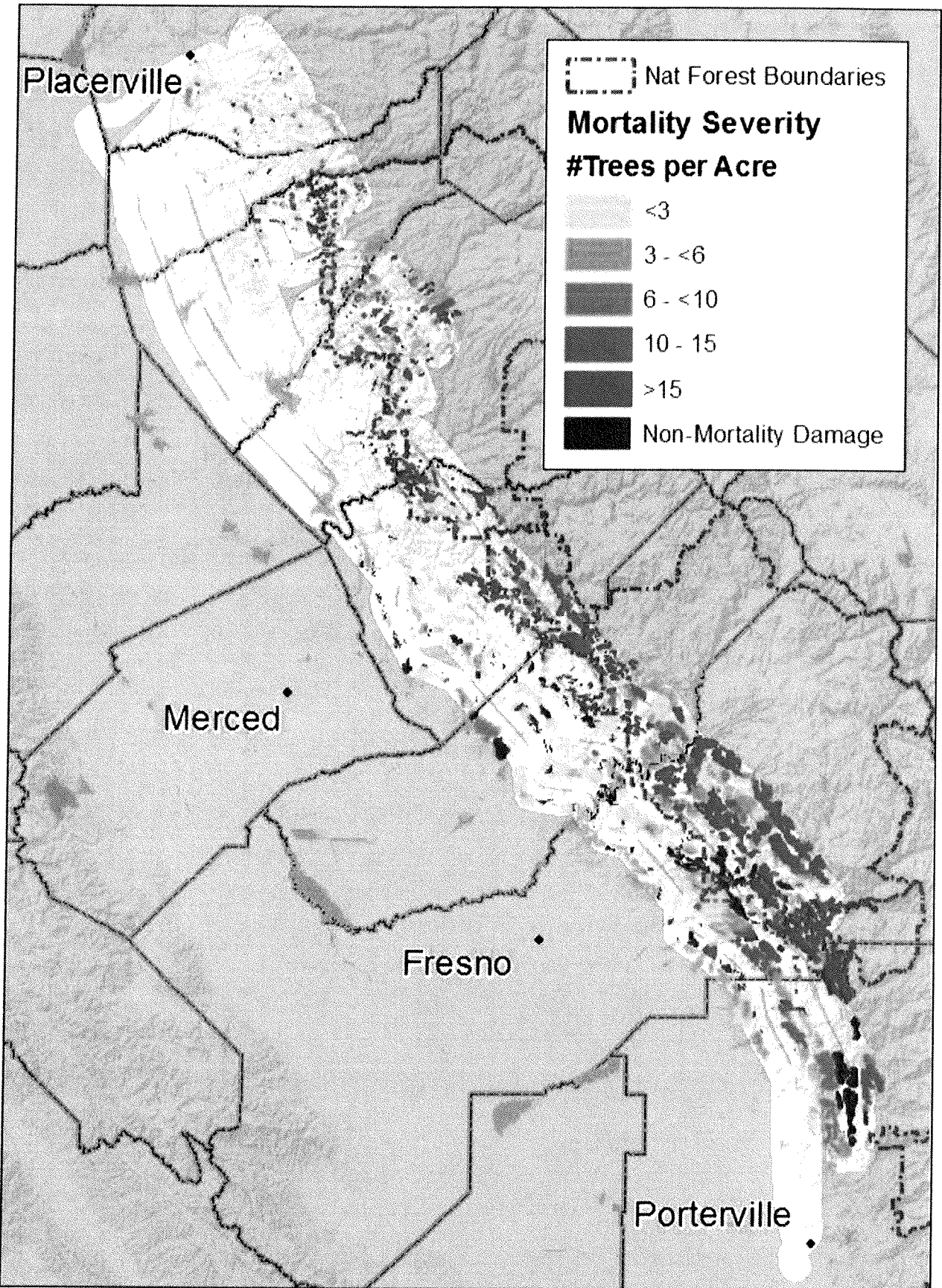
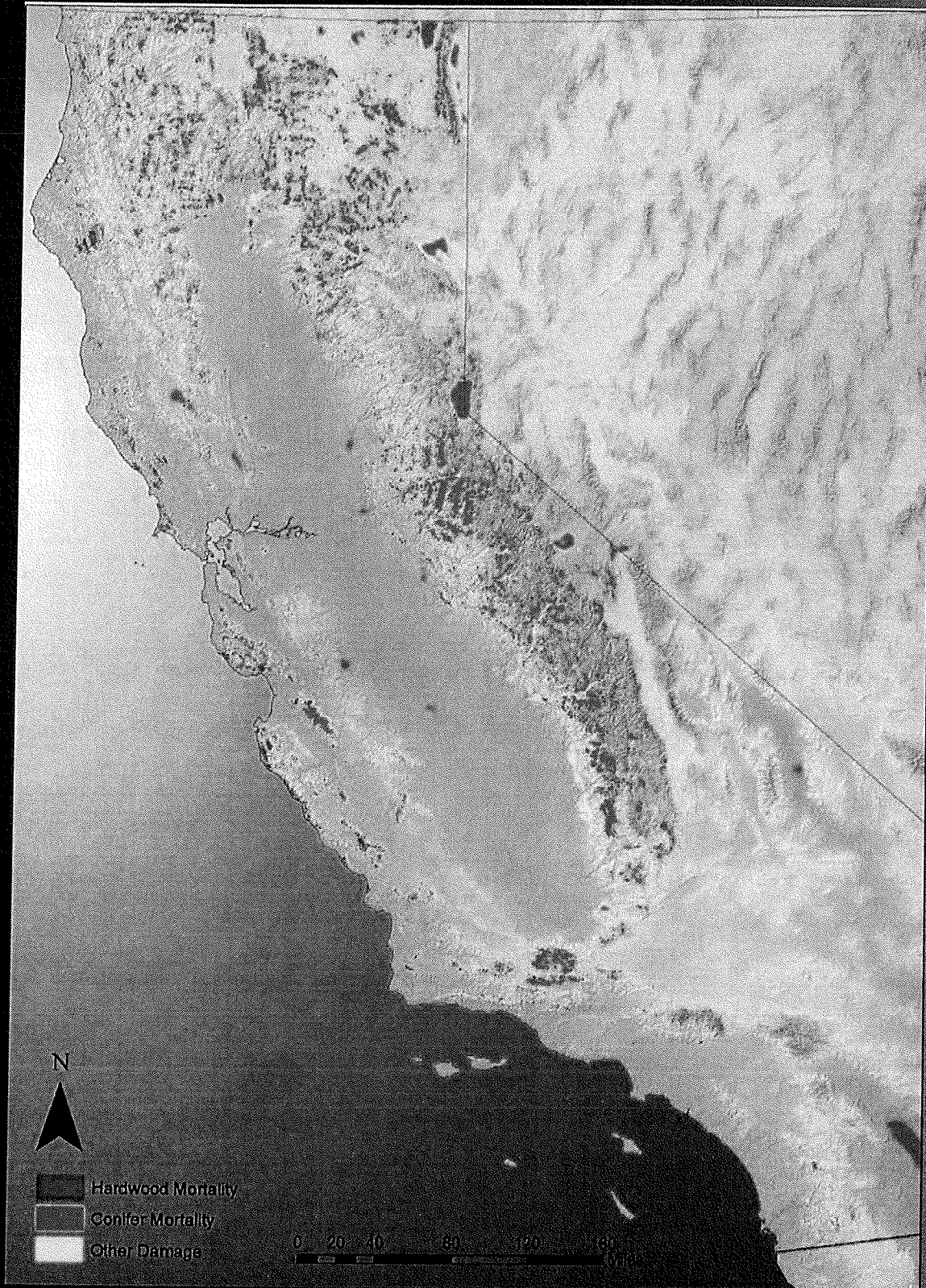


Figure 3. Map of area Surveyed depicting tree mortality and other damage.

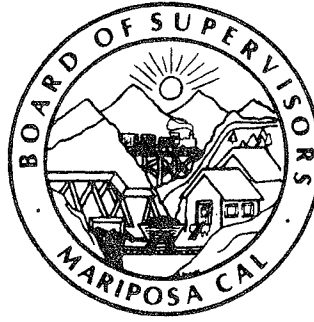
# Flown Area and Damage Mapped



USDA Forest Service  
Pacific Southwest Region  
Forest Health Protection

Forest Health Monitoring Program  
1731 Research Park Drive, Davis, CA 95618  
<http://www.fs.usda.gov/detail/r5/forest-grasslandhealth>

# Mariposa County Board of Supervisors



MARY HODSON  
County Administrative Officer

RENE LAROCHE  
Clerk of the Board

P. O. Box 784  
Mariposa, CA 95338  
(209) 966-3222  
(800) 736-1252  
Fax (209) 966-5147

[www.mariposacounty.org/board](http://www.mariposacounty.org/board)

District 1 ... ROSEMARIE SMALLCOMBE  
District 2 ..... MERLIN JONES  
District 3 ..... MARSHALL LONG  
District 4 ..... KEVIN CANN  
District 5 ..... JOHN CARRIER

September 15, 2015

The Honorable Jerry Brown  
Governor, State of California  
State Capital Building, Sacramento, CA 95814

Via: Mark Ghilarducci  
Director, California State Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655



Dear Governor Brown:

The Mariposa County Board of Supervisors respectfully requests that you declare a state of emergency for Mariposa County based on unprecedented tree mortality which has created extraordinary threats to public safety. The Mariposa County Board of Supervisors has declared this local emergency due to tree mortality rates currently at 54% and expected to increase to 72% in the first half of next year. These epidemic levels of tree mortality create extremely dangerous levels of combustible fuels and, even if Mariposa receives normal precipitation this winter, the standing dead trees will constitute significant threats to public safety when they begin to fall. Enclosed are two copies of Mariposa County's Declaration proclaiming the existence of a local emergency, requesting a Governor's declaration of a state of emergency for the County of Mariposa, and requesting a Presidential Declaration of a state of emergency for the County of Mariposa.

Very truly yours,

A handwritten signature in cursive script that reads "Merlin Jones".

Merlin Jones  
Chair, Board of Supervisors

Enclosures

Cc: Congressman Tom McClintock  
Senator Tom Berryhill  
Senator Dianne Feinstein  
Senator Barbara Boxer  
Assemblyman Frank Bigelow  
Supervisor Randy Hanvelt (Tuolumne County)  
Supervisor John Gray (Tuolumne County)  
Supervisor Tom Wheeler (Madera County)  
Supervisor Debbie Poochigian (Fresno County)  
Supervisor Stacy Corless (Mono County)  
Supervisor Lynn Morgan (Amador County)  
Supervisor Chris Wright (Calaveras County)  
Matt Cate, Executive Director California State Association of Counties  
Patricia Megason, Executive Vice President, Rural County Representatives of  
California  
Ken Pimlott, Director, CAL FIRE  
NACO

**DECLARATION PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND  
REQUESTING THAT THE GOVERNOR (1) PROCLAIM A STATE OF EMERGENCY  
AND (2) REQUEST A PRESIDENTIAL DECLARATION OF A STATE OF EMERGENCY**

WHEREAS, Section 8630 of the Government Code and Chapter 2.80 of the Mariposa County Code empowers the Board of Supervisors to proclaim the existence of a Local Emergency within the County when said County is affected or is likely to be affected by the existence or threatened existence of conditions of emergency or of extreme peril to the safety of persons and property within the territorial limits of Mariposa County; and

WHEREAS, the Board of Supervisors does hereby find that conditions of extreme peril to the safety of persons and property have arisen within Mariposa County, caused by the widespread and rapidly increasing incidence of tree mortality which commenced on or about June 1, 2013; and

WHEREAS, local resources have been deployed to all areas within Mariposa County, thereby depleting fuels management assets and response resources and these local emergency, fuel mitigation and fire prevention agencies and organizations are faced with a disaster that exceeds their functional capabilities because of the rapid increase in tree mortality throughout Mariposa County; and

WHEREAS, unprecedented tree mortality is causing damage to the watershed and emergency egress points, to County and other public and district facilities including, but not limited to, roads and structures, which damages cannot yet be calculated; and

WHEREAS, data collected by state and federal agencies demonstrate that tree mortality in Mariposa County has reached epidemic levels, today affecting 410,000 trees (54% of all trees and 21% of Mariposa's land area) and substantiating expected increases in this year to 550,000 trees (72% of all trees and 50% of our land area) as well as further increases in the future and these stands of dead/dying trees constitute extremely dangerous levels of combustible fuels which contribute to the severity and scale of wildland fires; and

WHEREAS, even if Mariposa were to experience normal or higher levels of precipitation this winter, this disaster will continue unabated, or escalate, during the next five to six years due to the standing dead trees that will fall, thereby constituting immediate threats to public safety, egress and private homes and other structures; and

WHEREAS, it is imperative that Mariposa implement full scale, immediate and aggressive measures to isolate and fell dead/dying trees resulting from factors including, but not limited to, pine beetles and other tree parasites and treat the stumps with insecticide in order to begin to reduce the risks to public safety, egress and structures as well as the destruction of the forested communities that are critical to our economy; and

WHEREAS, the Board of Supervisors does find that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of a Local Emergency and that local resources are unable to cope with the effects of this extreme peril;

NOW, THEREFORE, BE IT HEREBY DECLARED by the Board of Supervisors that a Local Emergency exists throughout Mariposa County and that said Local Emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors; and



IT IS FURTHER DECLARED AND ORDERED that during the existence of the Local Emergency the powers, functions, and duties of the Director of Emergency Services and the emergency services organization of the County shall be those prescribed by state law, by ordinances and by resolutions of Mariposa County approved by the Board of Supervisors; and

IT IS FURTHER DECLARED AND REQUESTED that the Governor of the State of California find and proclaim Mariposa County to be in a State of Emergency and that he/she request a Presidential Declaration of Emergency for Mariposa County; and

IT IS FURTHER DECLARED AND REQUESTED that the State of California facilitate and support interagency coordination across local, state and federal levels to promote access to resources such as expertise, equipment and manpower that are necessary to remove, store (where appropriate) and dispose of dead and dying trees using economically and environmentally sustainable methods in order to restore forest and watershed health; and

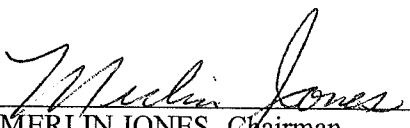
IT IS FURTHER DECLARED AND REQUESTED that the State of California coordinate with federal and local agencies to ensure that financial assistance is available to address immediate threats to public safety and to expand, develop and make available financial tools for private landowners and private enterprises to develop capacity to reduce and manage those threats; and

IT IS FURTHER ORDERED that a copy of this Declaration be forwarded to the State Director of the Office of Emergency Services; and

IT IS FURTHER ORDERED that the County Administrative Officer and Emergency Services Officer, or her designee, is hereby designated as the local Hazard Mitigation Coordinator and authorized representative of the County of Mariposa for the purpose of assessing damage, consulting with federal/state survey teams regarding hazard mitigation actions, processing and coordination of all inquiries necessary to obtain available state and federal assistance.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California, on this 15<sup>th</sup> day of 2015, by the following vote:


AYES: SMALLCOMBE, JONES, LONG, CANN, CARRIER  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

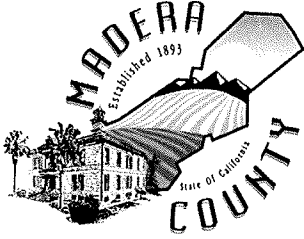
  
MERLIN JONES, Chairman  
Mariposa County Board of Supervisors  
Director of Emergency Services

ATTEST:

  
RENE LaROCHE  
Clerk of the Board

APPROVED AS TO FORM:

  
STEVEN W. DAHLEM  
County Counsel



## BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER  
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637  
(559) 675-7700 / FAX (559) 673-3302 / TDD (559) 675-8970

**TOM WHEELER**  
SUPERVISOR, DISTRICT 5

September 22, 2015

The Honorable Jerry Brown  
Governor, State of California  
State Capital Building, Sacramento, CA 95814

Via: Mark Ghilarducci  
Director, California State Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655

Dear Governor Brown:

As the District 5 Board of Supervisor I felt obligated to bring forth a resolution to the entire Madera County Board on September 15, 2015 declaring a local emergency due to the increasing numbers of dead and dying trees. This resolution passed with full suport. The resolution requests that you regonize a local emergency in Madera County and look into providing much needed resources. While we are aware that the beetle epedemic is impacting counties across the state we ask that you place emphaiss on Sierra Nevada counties due to the impact and importance of watershead health.

Tree mortatliy in Madera County continues to grow substantually, ultimately dramatically impacting public safety. The increased level of tree mortality has created extremely dangerous levels of combustibile fuels, and even if Madera County recives normal precipitation this winter, the standing dead trees will constitue significant threats to public safety when they begin to fall and/or burn. Please refer to the resolution enclosed.

We appreciate any support you may be able to provide and look forward to an opportunity to further discuss this issue with you and your staff.

Sincerely,

Tom Wheeler,  
Supervisor District 5

CC: Congressman Tom McClintock  
Senator Tom Berryhill  
Senator Dianne Feinstein

Senator Barbara Boxer  
Assemblyman Frank Bigelow  
Supervisor Randy Hanvelt (Tuolumne County)  
Supervisor John Gary (Tuolumne County)  
Supervisor Rosemarie Smallcombe (Mariposa County)  
Supervisor Debbie Poochigian (Fresno County)  
Supervisor Stacy Corless (Mono County)  
Supervisor Lynn Morgan (Amador County)  
Supervisor Chris Wright (Calaveras County)  
Matt Cate, Executive director California State Association of Counties  
Patricia Megason, Executive Vice President, Rural County Representatives of California  
Ken Pimlott, Director, CAL FIRE  
NACO  
Shaw, Yoder, Antwih, Inc.

RESOLUTION NO. 2015- 101

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
MADERA DECLARING THE EXISTENCE OF A LOCAL EMERGENCY AND  
REQUESTING THE GOVERNOR TO DECLARE A STATE OF EMERGENCY  
IN CALIFORNIA, WITH EMPHASIS BEING PLACED ON SIERRA NEVADA  
COUNTIES DUE TO THE IMPACT AND IMPORTANCE OF WATERSHEAD  
HEALTH AND PUBLIC SAFETY**

WHEREAS, California's forests are important natural resources and tourist attractions for thousands of Californians, visitors from around the United States and the world, and serve an important role in the California economy; and

WHEREAS, the preservation of California's natural resources, including trees and forests, conservation of upper watershed areas, promotion of air quality and carbon sequestration, the educational opportunities trees and forests offer, the promotion of tourism, and the creation of sustainable jobs are all in the best interest of the public; and

WHEREAS, many scientists and experts believe and studies have shown that due to rising temperatures associated with climate change, four years of inadequate precipitation and drought conditions, and increased insect infestation, trees on both public lands and private lands are dying at unprecedented rates, with tree mortality rates ranging between 20% and 85% in several areas of the state and encompassing several million acres of land statewide, including in national parks and managed forests; and

WHEREAS, this unprecedented tree mortality disaster will adversely affect the watersheds that supply nearly two-thirds of the water used in California, dramatically increase the risk of large wildfires, diminish air quality, disrupt the food web, and result in increased mortality rates for wildlife and cause more greenhouse gases to be released; and

WHEREAS, said tree mortality disaster has continued and escalated in cumulative impacts to the County of Madera; and

WHEREAS, many scientists and experts agree that the best solution to protect the forests and trees is to remove dead and dying trees; and

WHEREAS, given the widespread scale of the tree mortality disaster, and the volume of trees that need to be removed, public property owners and local agencies cannot fully afford to undertake such tree removal efforts; and

WHEREAS, present local, statewide, and federal resources are inadequate to cope with the effects of this tree mortality disaster; and

WHEREAS, the timely removal of dead and dying trees on public lands and other areas is necessary in order to help protect and maintain watersheds and wildlife habitat, promote carbon sequestration, protect and restore forest resiliency, protect tourism and educational opportunities, and create jobs in rural communities.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MADERA RESOLVES AS FOLLOWS:

1. The County of Madera calls upon Governor Brown to declare a tree mortality disaster and emergency in Madera County and other afflicted areas of the state.
2. The County of Madera requests that Governor Brown make funds available to Madera County and other public agencies to facilitate the safe and timely removal of dead and dying trees from public lands in order to protect and maintain watersheds and wildlife habitat, promote carbon sequestration, and protect and restore forest resiliency in national parks and managed forests.
3. The County of Madera requests that Governor Brown make available any and all State assistance programs and seek additional Federal assistance programs to provide relief to the public agencies and private individuals that have been harmed by this tree mortality disaster.
4. That a copy of this resolution be forwarded to the Governor of California and the Director of the State Office of Emergency Services.

The foregoing Resolution was adopted this 15<sup>TH</sup> day of SEPTEMBER, 2015, by the following vote:

Supervisor Frazier voted:

yes

Supervisor Rogers voted:

yes

Supervisor Farinelli voted:

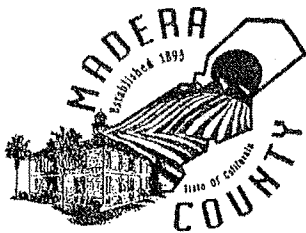
yes

Supervisor Rodriguez voted:

yes

Supervisor Wheeler voted:

yes



David B. Rogers  
Chairman, Board of Supervisors

ATTEST:

Vanessa Boyd  
CLERK, BOARD OF SUPERVISORS

# AGENDA TRANSMITTAL FORM

To: Board of Supervisors  
 Date: 11/04/2015

From: Michael Israel Phone Ext. 536  
 (Department Head - please type)

<input checked="" type="radio"/>	Regular Agenda
<input type="radio"/>	Consent Agenda
<input type="radio"/>	Blue Slip
<input type="radio"/>	Closed Session
Meeting Date Requested: <u>11/10/15</u>	

Department Head Signature Michael Israel

Agenda Title: Public Health and Safety Grant and Loan Program Policy

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)  
 Discussion and possible action regarding the subject policy and processing applications for financial assistance pursuant to the policy.

Recommendation/Requested Action:  
Adopt policy and direct staff on processing applications

Fiscal Impacts (attach budget transfer form if appropriate)  
None

Staffing Impacts  
None

Is a 4/5ths vote required? Yes  No

Contract Attached:  Yes  No  N/A  
 Resolution Attached:  Yes  No  N/A  
 Ordinance Attached:  Yes  No  N/A

Committee Review? Name \_\_\_\_\_ N/A

Committee Recommendation: \_\_\_\_\_

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

Request Reviewed by:  
 Chairman B Counsel GG  
 Auditor JOR GSA Director Hop  
 CAO \_\_\_\_\_ Risk Management \_\_\_\_\_

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)  
Environmental Health

### FOR CLERK USE ONLY

Meeting Date November 12, 2015 Time 9 a.m. Item # 9

Board Action: Approved Yes \_\_\_ No \_\_\_ Unanimous Vote: Yes \_\_\_ No \_\_\_  
 Ayes: \_\_\_\_\_ Resolution \_\_\_\_\_ Ordinance \_\_\_\_\_ Other: \_\_\_\_\_  
 Noes: \_\_\_\_\_ Resolution \_\_\_\_\_ Ordinance \_\_\_\_\_  
 Absent: \_\_\_\_\_ Comments: \_\_\_\_\_

Distributed on \_\_\_\_\_  
 Completed by \_\_\_\_\_  
 A new ATF is required from \_\_\_\_\_ Department \_\_\_\_\_ For meeting of \_\_\_\_\_

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.  
 ATTEST: \_\_\_\_\_  
 Clerk or Deputy Board Clerk

## **PURPOSE**

The goal of this document is to establish policies and procedures to consistently and fairly implement the Amador County Public Health and Safety Grant and Loan Program and to establish program oversight and review.

## **SCOPE**

This policy applies to the County Administrative Officer, or duly appointed designee, in relation to the Amador County Public Health and Safety Grant and Loan Program tasks of acceptance of applications, determination of qualifications, developing case-by-case recommendations for offers of grants or loans, and presentation of findings and recommendations to the Amador County Board of Supervisors for final decision and direction to extend offers of funding. Also included is oversight of funds disbursement, tracking to verify accountability for funds expended, and verification of repayment of loans or of grants in those situations in which the property is sold within one year of funding. The Environmental Health Department shall work closely with the CAO and Board of Supervisors to assist in identifying those cases which pose threats to public health and safety, to oversee the implementation of repairs or replacement work funded by the County, and to report on completion of the projects as they occur.

## **DEFINITIONS**

- 1. Low Income** – Reportable income for federal income tax purposes greater than 50% but no more than 80% of the current Amador County median income based on family size.
- 2. Very Low Income** – Reportable income for federal income tax purposes greater than 30% but no more than 50% of the current Amador County median income based on family size.
- 3. Extremely Low Income** – Reportable income for federal income tax purposes less than or equal to 30% of the current Amador County median income based on family size.
- 4. Business** – Any individual, partnership or corporation that provides goods or services to the public.
- 5. Health and Safety Risk** – Conditions that can impair the health of members of the public due to infectious agents, toxic properties, or physical hazards. Conditions may be the result of a disaster, whether declared or undeclared, criminal activity, pre-existing hazards, accidents or degradation of structures or equipment over time to the degree that they now present a clear danger to the public.

- 6. Non—Profit Charitable Organization** – A business that meets any of the following criteria:
- a. A corporation incorporated pursuant to the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code), that is exempt from taxation pursuant to paragraphs (1) to (10), inclusive, and paragraph (19) of Section 501 (c) of the Internal Revenue Code and Section 23701d of the Revenue and Taxation Code.
  - b. An organization that was organized and is in operation for charitable purposes and meets the requirements of Section 214 of the Revenue and Taxation Code.
  - c. Any organization deemed by majority vote of the Amador County Board of Supervisors to achieve the same practical effect as those organizations formed under either a or b, above.
- 7. Private Parties** – Resident property owners of Amador County which do not constitute a business.

## **POLICY**

It is the policy of the Amador County Administrative Officer (CAO) to provide fair and consistent implementation of the Amador County Public Health and Safety Grant and Loan Program to assist with maintenance of acceptable public health and safety conditions in the County while balancing the competing needs for available County funds.

## **PROCEDURES**

The funding source for the program shall be excess Community Development Block Grant moneys. This funding source may be in demand for other projects or programs and it shall be the responsibility of the Board of Supervisors as advised by the CAO to determine how funds are expended.

If funds are available for the program, the CAO or duly appointed designee will accept applications on a first come first serve basis. No application shall be considered eligible for consideration unless one or more County Departments have determined that conditions exist which pose a threat to public health and safety. Priority will be given those applications that are linked to code enforcement activities where financial difficulty is a primary factor preventing correction.

Upon receipt of a complete application, the CAO, in consultation with the Environmental Health Department, shall determine whether the applicant is eligible to participate in the program based on the applicant's ability to correct deficiencies through other means and the degree of risk associated with the identified conditions. Applicants must be Amador County residents and any



business be physically located in the County.

Additional eligibility factors include documentation of income, determination of legal and otherwise conforming status of the home or business, and lack of apparent intent to sell the property. A cost estimate for all necessary design and construction to complete the necessary repair or replacement prepared by a qualified consultant or an appropriately licensed contractor must also be provided.

Non-Profit Charitable Organizations may be eligible for loans or grants at the discretion of the Board of Supervisors. Other business shall be eligible for loans only.

Low income private parties shall be eligible for loans only. Very low and extremely low income property owners may be eligible for loans or grants at the discretion of the Board of Supervisors. The availability of funds and sources of revenue to replenish the account shall be considered when determining whether to offer loans or grants.

Loan terms shall be determined by the CAO in consultation with the County Auditor. In order to be eligible for a loan, a business must own the real property upon which the business is pursued. Whether a loan is offered to a private party or business, the property shall secure the loan via a note and deed of trust. This program is not intended to facilitate marketing of businesses or real estate; payment in full shall be due in the event of sale of the property within six months of funding.

Six months from the date funds are provided to the applicant, the CAO shall verify that business or property ownership has remained unchanged. If under different ownership, the CAO shall determine the nature of ownership change. Change of ownership due to name change, marriage, inheritance, or similar factors would not be cause to demand payment in full.

The Amador County Environmental Health Department shall track the correction of conditions causing or threatening to cause harm to public health and safety funded by with this program and shall regularly report to the CAO on significant events involving program participants. Any apparent delay in progress on a funded project shall also be reported to the CAO.

# AGENDA TRANSMITTAL FORM

<input checked="" type="radio"/> Regular Agenda
<input type="radio"/> Consent Agenda
<input type="radio"/> Blue Slip
<input type="radio"/> Closed Session
Meeting Date Requested: <u>11/10/2015</u>

To: **Board of Supervisors**

Date: 11/03/2015

From: Brian Oneto, Chairman  
(Department Head - please type)

Phone Ext. 470

Department Head Signature \_\_\_\_\_

Agenda Title: State of Jefferson

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action relative to the State of Jefferson to restore representation to the counties of northern California and to create a new state with those counties that want representation restored.

Recommendation/Requested Action: \_\_\_\_\_

Fiscal Impacts (attach budget transfer form if appropriate)	Staffing Impacts
---	------------------

Is a 4/5ths vote required? Yes <input type="radio"/> No <input checked="" type="radio"/>	Contract Attached: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A Resolution Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Ordinance Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
Committee Review? Name _____ N/A <input type="checkbox"/> Committee Recommendation: _____	Comments: _____ _____

Request Reviewed by:

Chairman <u>[Signature]</u>	Counsel <u>GG</u>
Auditor <u>[Signature]</u>	GSA Director <u>[Signature]</u>
CAO _____	Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

Auditor

### FOR CLERK USE ONLY

Meeting Date <u>November 10, 2015</u>	Time <u>9 a.m.</u>	Item # <u>10</u>
Board Action: Approved Yes ___ No ___	Unanimous Vote: Yes ___ No ___	
Ayes: _____	Resolution _____	Ordinance _____
Noes: _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	Other: _____

Distributed on _____	A new ATF is required from _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.  ATTEST: _____ Clerk or Deputy Board Clerk
Completed by _____	Department _____ For meeting _____ of _____	

# State of Jefferson White Paper

## **Executive Summary**

Since 1965, northern California has not had adequate representation in the state legislature. The most expeditious way to restore representation to the counties of northern California is to create a new state with those counties that want representation restored. The only viable plan to restore representation is the "Jefferson" state movement which is using the only legal method of engineering a state split through the formula required by Article IV, Section 3 of the US Constitution.<sup>i</sup> This formula necessitates a simple majority of both houses of the state legislature and Congress approve the split in order to create a state out of an existing state or states. This process has created four new states in our nation's history.

In order for "Jefferson" to be successful, two tenets must be completed and one verified. First, counties that want to be part of the new state must give the Jefferson Committee some indication of support. Typically this is done by the Board of Supervisors affirming a Declaration and Petition to Withdraw from the State of California. This is not the only avenue open to a County. Second, the state and national legislative actions outlined above must achieve a simple majority result. Third, although not required by Article IV, Section 3, the Committees will illustrate the financial viability of the new State to its citizens.

As of January 1, 2015, six counties have Declared and Petitioned to Separate from California and join the new state of "Jefferson". Both the California Legislative Analyst's Office (LAO) and an internally generated financial model have shown that "Jefferson" is a viable entity. By the end of January 2015, four counties will have had their Declarations filed with the Secretary of State of California which could initiate the legislative phase of state separation. The legislative action will be delayed long enough to determine if additional counties would like to join the new state. There are 14 additional counties that have active committees educating the public and reaching their supervisors with the message of republican based representation which is guaranteed in Article IV, Section 4 of the US Constitution.<sup>ii</sup>

## **Issue**

A basket of Supreme Court opinions, finalized by Reynolds v. Sims diluted the representation in rural counties in thirty states in 1964.<sup>iii</sup> Up until that decision, California, and many other states, had roughly one state senator for each county. This was consistent with the Connecticut Compromise as implemented in Article I, Sections 2 and 3 of the US Constitution where the House of Representatives is determined by population and the Senate is comprised of two individuals from each state ensuring small or less populous states have an equal footing in Congress.<sup>iv</sup> The Warren Court in 1964 invalidated this form of government for thirty states by manufacturing the doctrine of "one man, one vote" from the 14<sup>th</sup> Amendment which used population as the sole arbiter of representation in both houses of the state legislature.

The California state senate became a mirrored representation structure of the assembly. Based on population, roughly three senators and assemblymen total come from the twenty northern most counties of California while 35 of 120 legislators come from Los Angeles County alone as shown in Exhibit 2. As go the large population centers, so goes the entire state. For nearly fifty years, adequate representation has not existed for the counties of northern California. Rural counties are taxed but have no representation to determine how tax monies are spent.

## **Solution**

Creating the new state requires a number of defined steps to be achieved. Declarations and Petitions to withdraw from the State of California and join the new state of “Jefferson” must be made by the counties who want to be involved and these must then be filed with the Secretary of State of California. Once filed, legislation must be crafted that acknowledges the Declarations, the participants and the legal description defining the boundaries of the new state.

### **Declarations**

The Declaration component is a critical step in the formation of a new state. The key to the language contained within the Declaration defines grievances borne by each county, the desire to dissolve its relationship with California and join the new state and the legal description of the physical boundaries of the county. The combination of these elements creates *standing* for each county. Standing is the first component required for any judicial action. An example of a Declaration is attached as Exhibit 1.

### **Legislation**

#### Scenario #1

If the State of California, ignores our Petition, by either, refusing to increase representation, or draft legislation, or failing to pass legislation authorizing the separation of the counties that have Declarations, creates the condition referred to as *harm* and triggers the second element for judicial action. Using the basis that the counties have standing and now have been harmed, the courts can adjudicate the issue and provide a *remedy* for the lack of representation for the counties.

The remedy could be additional representation in proportions that would make the California legislative houses unwieldy (over 1200), or bring back one senator for each county. Using the formula proposed by George Washington in 1787 where one for 30,000 was democracy and one for 40,000 was tyranny, there would be 1,266 members of the California Assembly.<sup>v</sup> Knowing the potential judicial outcomes may stimulate a constructive response in the California legislative houses.

#### Scenario #2

The California legislature drafts a bill that acknowledges the Declarations filed by the counties and determines the boundaries of the new state. After drafting the legislation, both the California Senate and Assembly must pass the measure with a majority in each house. If the measure fails in one or both houses, then Scenario 1 above would be the next course of action.

Assuming the California state legislature does pass the measure in both houses, similar legislation must be drafted and passed in both houses of Congress. Once this occurs, the new state would legally exist and a state constitution would need to be drafted. Again, failure to pass legislation in Congress would trigger judicial action outline in Scenario 1 above.

## **Financial Viability**

The financial viability has been demonstrated by two separate studies. The first was the result of the failed Six State Initiative that produced the LAO report on financial viability of the new six states.<sup>vi</sup> Although not the wealthiest of the six states, Jefferson had a projected financial outlook similar to the State of New Mexico. The second study conducted resulted in a Variable Jefferson Viability Model that uses the population, tax rates, tax collections, county budget expenditures and K-12 education expenses for the proposed 20 counties and includes a payment plan to reimburse California for its portion of the debt owed by the population of “Jefferson”.<sup>vii</sup> The model allows the user to include/remove counties and adjust tax rates and tax splits between the new state and its counties. The base model uses the current California tax structure and demonstrates that the new state is viable on day one.

## **Conclusion**

The formula to create a new state as outlined in Article IV, Section 3 of the US Constitution is fairly simple but achieving the end result requires dedication and a thorough understanding of all parties involved.

“Jefferson” must be shown to be a win-win for both the new state and California. For “Jefferson”, representation would be restored and how it chooses to govern itself will be determined within its borders. What remains of California will be two-thirds of its original land mass but greater than 95% of its population. This should enable the California legislature and governor’s office to be more efficient and effective in creating and executing laws that directly relate to the population they govern. The concentrated urban centers would benefit from a government that is familiar with the issues and solutions required of an increased population density. Those within “Jefferson” face completely different challenges that would best be met by those who share similar circumstances.

The steps to achieving a legal separation are currently underway. As of January 1, 2015, six counties have Declarations and 14 additional counties are in various stages of completing that goal. Two separate studies have found “Jefferson” to be a financial viable entity. After compiling all the Declarations from all the counties that seek to become part of “Jefferson”, legislation will be authored and a majority in the California Senate and Assembly must pass the measure. If successful, Congress must perform the same steps as the state legislature.

In the absence of successful legislation at the state or national level, the issue would be adjudicated in the courts where the remedy defined in the cases related to Reynolds v Sims will require review and constitutionally valid solutions enacted. If a republican form of government as guaranteed in Article IV, Section 4 of the US Constitution and applied in Article I, Sections 2 and 3 of the US Constitution are sufficient for the federal government, then they should be successfully applied at the state level as well.

It is the preference of those seeking the new state of “Jefferson” to work with our local, state and federal representatives to achieve an amicable state split as defined by the US Constitution and required by Article 2, Section 1 of the California Constitution.<sup>viii</sup> It would be regrettable to all parties to have this issue decided in our court system where it would most likely affect the legislative operations in thirty or more states.

---

<sup>i</sup>US Constitution, Madison, Morris, Sherman, et al. 1787,  
[http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html)

<sup>ii</sup>US Constitution, Madison, Morris, Sherman, et al. 1787,  
[http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html)

<sup>iii</sup>Reynolds v Sims, 377 U.S. 533 (1964), <https://supreme.justia.com/cases/federal/us/377/533/case.html>

<sup>iv</sup>US Constitution, Madison, Morris, Sherman, et al. 1787,  
[http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html)

<sup>v</sup>A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875,  
[http://lcweb2.loc.gov/cgi-bin/ampage?collId=llfr&fileName=002/llfr002.db&recNum=649&itemLink=D?hlaw:1:/temp/~ammem\\_EbLL::%230020650&linkText=1](http://lcweb2.loc.gov/cgi-bin/ampage?collId=llfr&fileName=002/llfr002.db&recNum=649&itemLink=D?hlaw:1:/temp/~ammem_EbLL::%230020650&linkText=1)

<sup>vi</sup>California Legislative Analyst's Office, Report on Six State Viability, January 2014,  
<http://www.lao.ca.gov/ballot/2013/130771.aspx>

<sup>vii</sup>Jefferson Viability Model, [www.soj51.net/finances](http://www.soj51.net/finances)

<sup>viii</sup>California Constitution, [http://www.leginfo.ca.gov/.const/.article\\_2](http://www.leginfo.ca.gov/.const/.article_2)

---

Exhibit 1

BOARD OF SUPERVISORS, \_\_\_\_\_ COUNTY CALIFORNIA

DECLARATION AND PETITION  
TO THE CALIFORNIA STATE LEGISLATURE  
FOR THE WITHDRAWAL OF \_\_\_\_\_ COUNTY  
FROM THE STATE OF CALIFORNIA AND TO FORM  
THE STATE OF JEFFERSON

**WHEREAS**, there are times in our history when it is apparent that the political separation of one people from another has become necessary, both for the survival of the one, as well as the continued wellbeing of the other; and

**WHEREAS**, the \_\_\_\_\_ County Board of Supervisors recognizes the lack of representation for rural and frontier counties in the California Legislature, and the Board recognizes an increasing tendency by the State of California to exercise legislative and fiscal malfeasance in the form of an illegal fire tax, the State of California's disregard of payment in lieu of taxes owed to many rural counties, in the excesses of the California EPA and CARB regulation more suited for Urban standards, in property rights violations, and in assaults upon Second Amendment rights, as well as disregard for other inalienable right of the Citizens of \_\_\_\_\_; and

**WHEREAS**, State and Federal Agencies, through aggressive regulation and by reinterpretation of long-established laws, have denied the County of \_\_\_\_\_, its businesses, and its citizens, access to our most abundant natural resources and fishing grounds, causing untold harm to our economy, as well as to our health and public safety; and

**WHEREAS**, State and Federal Agencies have, through a process commonly known as "sue and settle", compromised longstanding principles and priorities of beneficial use and stewardship of our natural resources while sacrificing public process and open government; and

**WHEREAS**, Counties played an integral part of California history as we note that each original county had a representative in the original Constitutional Convention in 1849; that each county had a representative in 1878/1879 Convention; that each County originally had a representative in both Chambers of the legislature; and that Property Taxes for State Bonds as well as other taxes are assessed in each County; and

**WHEREAS**, this current State Legislature's system of leaving the number of representatives in both chambers static at 40 Senators and 80 Assembly members and most rural counties without representation, is arbitrary, and has the undesirable result that, as the population grows, it dilutes the share of each County in its governing role, whereby forcing Counties to share its Senators and Assembly members with more Counties as the decades go by, diluting and abridging the votes of the citizens of the Counties themselves in this process; and

**WHEREAS**, dilution of the individual voter's representation in California, to a ratio of almost 450,000 citizens to one representative in the Assembly and almost 950,000 to one in the Senate, has denied the voters of \_\_\_\_\_ County adequate representation; and

---

**WHEREAS**, the Board of Supervisors of the County of \_\_\_\_\_ has come to the realization that the State of California is ungovernable in its present form, and the People of \_\_\_\_\_ have asked the Board to support this resolution for the Health, Welfare, and Public Safety of the people; and

**WHEREAS**, the Board of Supervisors recognizes that soon after California statehood, credible efforts were made to split the state, with 45 proposals by 1998, including the strong Jefferson State movement of 1941 and the election results of June 2, 1992, when citizens of 27 Counties by county advisory votes, voted in favor of splitting the State of California.

**NOW, THEREFORE, IT IS HEREBY DECLARED** that the \_\_\_\_\_ County Board of Supervisors desire, with the involvement of our citizens, and hopefully with the involvement of other California Counties within rural and frontier California, to withdraw \_\_\_\_\_ County from the State of California and start over by forming a new state which represents the needs, provides opportunity, and protects the rights, liberties, public health, and safety of the people of a new State of Jefferson; and

**BE IT FURTHER DECLARED** that, pursuant to the requirements of Section 3 of Article IV of the United States Constitution, the \_\_\_\_\_ County Board of Supervisors requests that the California Legislature redress the above grievances and or approve the withdrawal from the State of California of the lands described below.

The boundaries of \_\_\_\_\_ County are as follows:

Legal description of \_\_\_\_\_ as found in <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=23001-24000&file=23100-23158>

**PASSED AND ADOPTED** by the \_\_\_\_\_ County Board of Supervisors at a regular meeting of said Board held on the n<sup>th</sup> day of Month, Year, by the following vote.

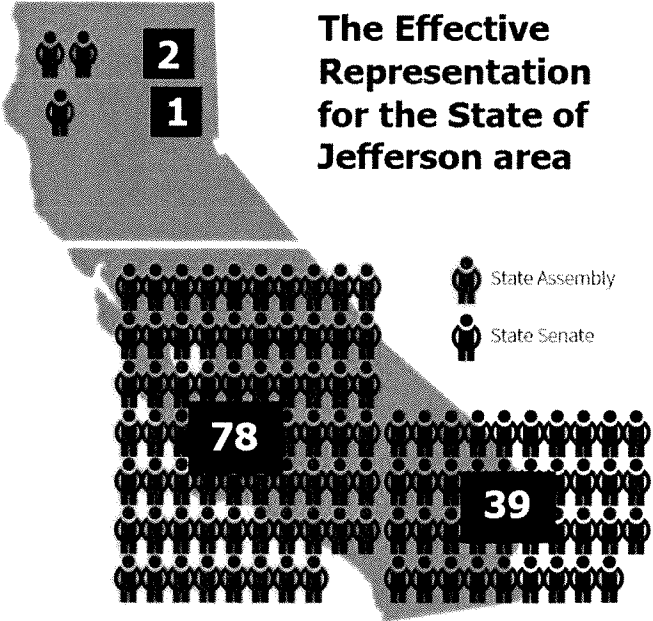
**AYES:**               Supervisors  
**NOES:**               Supervisors  
**ABSENT:**           Supervisors

\_\_\_\_\_  
Chairperson, Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Executive Clerk/Board of Supervisors





# AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
11/10/15	

To: Board of Supervisors  
 Date: November 3, 2015

From: Susan Grijalva Phone Ext. 380  
 (Department Head - please type)

Department Head Signature *Susan Grijalva*

Agenda Title: Public Hearing -11000, LLC (Andis Wines) zone change from "R1A," Residential Single Family and Agricultural District to "A," Agricultural District.

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)  
 Consideration of Planning Commission's recommendation to deny a request for a zone change from "R1A," Single-family Residential & Agricultural District to "A," Agricultural District for 12 acres located at 11000 Shenandoah Road.

Recommendation/Requested Action:  
Deny the requested zone change from "R1A" to "A."

Fiscal Impacts (attach budget transfer form if appropriate) \_\_\_\_\_  
 Staffing Impacts \_\_\_\_\_

Is a 4/5ths vote required? Yes  No

Committee Review? N/A

Name Planning Commission  
 Committee Recommendation:  
Denial

Contract Attached: Yes  No  N/A   
 Resolution Attached: Yes  No  N/A   
 Ordinance Attached: Yes  No  N/A   
 Comments: \_\_\_\_\_

Request Reviewed by:  
 Chairman *D* Counsel *GC*  
 Auditor *JOR* GSA Director *Hop*  
 CAO \_\_\_\_\_ Risk Management \_\_\_\_\_

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)  
Planning, Assessor

### FOR CLERK USE ONLY

Meeting Date November 10, 2015 Time Public Hearing 10:30 a.m. Item # //

Board Action: Approved Yes \_\_\_ No \_\_\_ Unanimous Vote: Yes \_\_\_ No \_\_\_  
 Ayes: \_\_\_\_\_ Resolution \_\_\_\_\_ Ordinance \_\_\_\_\_ Other: \_\_\_\_\_  
 Noes \_\_\_\_\_ Resolution \_\_\_\_\_ Ordinance \_\_\_\_\_  
 Absent \_\_\_\_\_ Comments: \_\_\_\_\_

Distributed on _____	A new ATF is required from _____ Department _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
Completed by _____	For meeting of _____	ATTEST: _____ Clerk or Deputy Board Clerk

**STAFF REPORT TO: AMADOR COUNTY BOARD OF SUPERVISORS  
FOR MEETING OF: NOVEMBER 10, 2015**

**PUBLIC HEARING – REQUEST FOR ZONE CHANGE FROM THE “R1A,” SINGLE  
FAMILY RESIDENTIAL AND AGRICULTURAL DISTRICT TO THE “A,”  
AGRICULTURAL DISTRICT TO ALLOW EXPANDED WINERY USES  
(APN: 007-120-009).**

**APPLICANT:** 11000, LLC (Andis Wines/Jenae Plasse, COO)  
**SUPERVISORIAL DISTRICT V**

**LOCATION:** 11000 Shenandoah Road, just northeast of the intersection with Dickson Road.

- A. DESCRIPTION:** This application is a request for a Zone Change to allow for expanded, allowed by-right uses associated with a winery. Because the current and proposed zoning districts are consistent with the property’s General Plan designation of A-I, Agricultural-Intensive the County’s General Plan Amendment and Zone Change moratorium (Resolution No. 11-024) does not apply. The property is bordered by “A,” Agricultural zoning to the north, west and east, and is bordered by “AG,” Exclusive Agriculture zoning to the south. The 12-acre site includes approximately 8 acres of vineyards and an existing 17,000 square-foot wine production facility.

In 2009, the applicant was granted a Use Permit to allow various winery uses on the property. At that time the Moratorium resolution prohibited any zone change applications so a Use Permit was the only option available to the landowner. In 2010, the Moratorium was amended to allow the acceptance of zone change applications when the proposed zoning was consistent with both the property’s existing and proposed general plan designation.

Recently, an application was submitted to amend the Use Permit to allow a food preparation facility for catering the events allowed at the winery. In light of the change in the County’s Moratorium, staff discussed the merits of requesting a zone change to the “A,” Agricultural District for this property.

The Use Permit (#UP-09;8-3, attached), that the facility currently operates under allows most of the uses allowed in the “A” district – i.e., wine tasting room; winery tours; retail sales of wine, winery-related promotional items, gifts, and other grape related products (not to exceed 650 sq. ft. – *Note: the A zone district limits sales area to 500 sq. ft.*); and an outdoor picnic area. The Use Permit limits events to “participation in all Vintner Assoc. events; two vintage release parties per year; plus, up to 13 additional events annually (such as weddings and 1 anniversary party) with a maximum of 150 persons in attendance.”

Rezoning the property to “A” will allow some additional uses permitted by-right which include additional winery-related operations (e.g., art galleries, ag-related museums, food preparation facility for catering on-premises events), and special events/social gatherings without the need for a Use Permit. The “A” district allows an unlimited number of events of up to 125 persons and up to 12 events per year for up to 450 persons, not exceeding more than 4 events per month.

In the event the zone change is approved by the Board of Supervisors, the current Use Permit will be vacated.

- B. STAFF REVIEW:** This project was reviewed by County departments which found no technical objections to the Planning Commission recommending approval of the Zone Change to the Board of Supervisors and adoption of a Notice of Exemption.
- C. PLANNING COMMISSION ACTION:** During their October 13, 2015 meeting, the Planning Commission unanimously recommended to the Board of Supervisors denial of the request, citing
- 1) Several recent Zone Changes and expanded Use Permits in the Shenandoah Valley that may have cumulative impacts on the area; and
  - 2) An amendment to the applicant's existing Use Permit will accomplish the applicant's goal of pre-packaged food sales without increasing the allowed number of events and attendees.
- D. BOARD OF SUPERVISORS ACTION:** If the Board approves the Zone Change, the following findings are recommended:
- E. FINDINGS:** If the Board of Supervisors chooses approval of this zone change, the following findings are recommended for adoption:
1. The Zone Change is consistent with the surrounding land uses and the Amador County General Plan, Land Use Element at this location; and,
  2. The Zone Change is Categorically Exempt from CEQA per Section 15183 (general rule) and Appendix B, item (c) 12 (down zoning or comparable zone changes) of the County's CEQA Guidelines and a Notice of Exemption will be adopted and filed with the County Recorder.

minutes as though set forth in full.

Chairman Ryan opened the public hearing. There was no public comment.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Lindstrom and unanimously carried to close the public hearing.

Absent: Commissioner Wardall

The Commission agreed with the Agricultural Advisory Committee's recommendation to approve a California Land Conservation Contract.

**MOTION:** It was moved by Commissioner Lindstrom, seconded by Commissioner Callsen and unanimously carried to recommend adoption of the findings contained in the staff report and approval of the zone change to the Board of Supervisors.

Absent: Commissioner Wardall

 DRAFT

**Item 2 - Request for Zone Change from the "R1A," Single Family Residential and Agricultural District to the "A," Agricultural District to allow expanded winery uses (APN: 007-120-009).**

**APPLICANT:** 11000, LLC (Andis Wines/Jenae Plasse, COO)

**SUPERVISORIAL DISTRICT V**

**LOCATION:** 11000 Shenandoah Road, just northeast of the intersection with Dickson Road.

Susan C. Grijalva, Planning Director, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Chairman Ryan opened the public hearing.

 DRAFT

Jenae Plasse, Andis Wines, COO, was available for questions.

Cecily Smith, on behalf of Susan Bragstad, asked for the concerns raised in the letter Ms. Bragstad submitted to be addressed; specifically why is this request exempt from CEQA because it will allow for an unlimited number of events [for up to 125 people] and an increase in events that would allow 450 people which could have significant impacts to traffic and noise.

Ms. Grijalva stated the County's CEQA Guidelines Appendix B does identify what is called comparable zoning or down-zoning; in the list of zoning hierarchy the "R1A," "A" and "X" zoning designations are considered to be comparable or possibly even down-zoning. That is the guideline staff has used for many years.

Commissioner Byrne asked how "A" would be a down-zoning of "R1A". Ms. Grijalva clarified it is considered comparable zoning or down-zoning; the by-right uses are not necessarily even for even, they are comparable to each other. There are some things in "R1A" that could generate the same potential impacts that are allowed in "A." The overall evaluation of the comparable or down-zoning was for the potential impacts, not necessarily the uses.

Commissioner Byrne stated he has asked the same questions before; this should be address especially since someone else has raised the same concerns. The Shenandoah Valley has impacts that may never be mitigated long-term for the whole area. Commissioner Byrne asked if staff knew of other areas that may want to request an agricultural zoning. Ms. Grijalva stated there are a lot of areas in the County that can apply for agricultural zoning or Williamson Act zoning; Williamson Act is categorically exempt and she does not recall anyone raising these questions when there are more uses allowed in Williamson Act than "A" or "R1A."

Chairman Ryan asked for clarification of how the zone change is supported by CEQA Guidelines.

Ms. Grijalva stated the CEQA has guidelines specific to the Williamson Act. The local CEQA guidelines have what we locally here have determined or accepted as being categorically exempt as well. The general rule of the state CEQA

Guidelines is where it can be seen there is no difference or change in impacts. In this case, there is a use permit for a wide variety of uses that are also allowed in the "A" zoning by right. There are differences in the numbers but in reality how many wineries are conducting 12 events per year with up to 450 people.

Commissioner Byrne stated the use permit would go through the CEQA process. Ms. Grijalva agreed and stated the existing use permit for this property did have a mitigated negative declaration and mitigation measures are in place. In this case, what more would the Commission ask for. Commissioner Byrne asked if the use permit is vacated upon the zone change the mitigations are no longer necessary. Ms. Grijalva stated the mitigations have already been done; the conditions and mitigation measures are included in the staff report.

Ms. Smith asked if there were limitations on the number of vehicles allowed or noise restrictions in an "A" zoning. Ms. Grijalva stated there are limits in the winery regulations in the "A" zoning regarding noise and amplified music. She added she is not aware of any restrictions on traffic trip generation; that would be a function of events. The winery regulations in the "A" zoning require parcels on private roads to either get approval of the road association or a use permit.

Frank Moreno, Valley Drive resident, distributed a letter to the Commissioners. He addressed the concerns in his letter that the County needs to improve the infrastructure and the winery ordinance needs to be updated. He voiced concerns regarding traffic impacts and adequacy of parking for events up to 450 people. He asked the Commission if this project is the right thing, at the right time and for the right reasons.

Commissioner Byrne asked for clarification on the parking requirements. Ms. Grijalva stated they would have to have adequate parking for a 450 person event. Commissioner Byrne asked how it is enforced. Ms. Grijalva stated if there is a building permit, parking would have to be shown and be adequate; if it is an event, adequate onsite parking would need to be available, there is no parking allowed on Shenandoah Road and enforcement would be complaint driven. She added not everyone will do all of the events that are allowed by right in any zone district; it will give them the ability but it doesn't mean that is what will happen.

Commissioner Byrne stated this one does flesh out and he did not have an issue changing the zoning for this property but asked what the process for a zone change is when there is an "R1A" parcel with just a house and a request is made to change the zoning to "A." It seems the CEQA process gets skipped. Ms. Grijalva stated that can happen; also there are many properties currently zoned "A" that do not have a winery today but could tomorrow without CEQA.

Commissioner Lindstrom asked if the current use permit can be amended instead of changing the zoning. Ms. Grijalva stated that is an option and that was the original request; if the zone change is not granted a request can be made to amend the use permit. In light of the situation and what people have been doing in the Shenandoah Valley, as recently as at last month's meeting, it seemed the honest thing to do would be to offer the zone change which was not available due to the zone change moratorium that was in place when the use permit was granted.

Ms. Plasse stated under the current use permit sale of pre-packaged food was not allowed. Ms. Grijalva stated the use permit amendment request could be changed to include pre-packaged foods. She added there are two items in the current use permit which would be reduced if the zone change is approved; one is the allowable "gift shop" area would need to be reduced in size and the other is the 13 events of up to 150 people. All other items in the use permit are allowed by right in the "A" district. Ms. Plasse stated they would like to be able to cater their own events and serve the pre-packaged "cheese boards."

Commissioner Byrne stated that although he does not have an issue with this request the Commission does need to keep in mind the big picture of the County.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Callsen and unanimously carried to close the public hearing.

Absent: Commissioner Wardall

Commissioner Lindstrom stated isn't there a point at which a "line in the sand must be drawn;" there are more wineries and traffic but the roads have not been improved.

Chairman Ryan stated Ms. Grijalva did do the right thing by offering all options available to the applicant. The Commission has had previous discussion to update the codes but until the General Plan is updated the zoning codes

have to wait. It is a cumulative effect and it is getting worse; for example, the other night the Valley was “glowing” between the events going on; the traffic and noise at 11 at night was “out of control.” The one unknown is the effect the round-about will have once it is installed. Personally, he has nothing against the winery but has issues with the timing. It has gotten to a point where there are events taking place and there is no staff available to verify attendance numbers are in compliance with County Code. At the end of the day, there are a number of properties that have been approved to be a small tasting room and wine making facility and some have changed into larger facilities with less parking and in some cases vineyards have been removed to accommodate parking. It is a big commercial enterprise and something must be done now; Napa is no longer allowing new wineries and tasting rooms. Anyone who has a dream to open a winery will come to Amador County because the land is still cheap and the ordinances and rules in place allow them to do quite a bit; it would be foolish if you have the funds to not do it. In this case, a use permit is in place that limits and restricts activities based on the facility. The requested uses can easily be added to the existing use permit and the County can still maintain some control. Again, it’s all timing; two to three months ago this was not such a “boiling issue.” He stated he received 2-3 calls today before coming to the meeting. A lot of the winery owners may own the property but do not live in the Valley and leave staff to run the events and some have gotten out of control. He stated he can’t move forward and recommend approval because it’s the cumulative effect and approving this allows another facility having more events which generate more traffic, noise, and light pollution.

Commissioner Byrne stated the interpretation of Appendix B makes sense on a County-wide basis but he is not sure how much sense it makes for the Shenandoah Valley. The Shenandoah Valley is known for its wine-making; the uses allowed on an “A” property are significantly more than what is allowed on a “R1A” property regarding winery uses. Admittedly, there are other uses that may have similar impacts but in the Shenandoah Valley the uses are primarily winery related.

Commissioner Callsen agreed with Chairman Ryan. It seems the Commission cannot keep allowing “more and more” without updating the codes. She agreed that after the General Plan is updated the Shenandoah Valley and winery regulations need to be updated. She encouraged the applicant to go back to revising the use permit.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Lindstrom and unanimously carried to recommend denial of the zone change to the Board of Supervisors based on the following findings:

- 1) Nature of the Shenandoah Valley area that the interpretation of CEQA Appendix B as explained by Ms. Grijalva is not appropriate; “R1A” is not comparable to “A”
- 2) The requested uses can be granted by modifying the existing use permit
- 3) The cumulative effects of the last several years of projects in the Shenandoah Valley.

Absent: Commissioner Wardall

**NOTES:** Ms. Grijalva advised the Commission recommended approval of the Arditto Trust Zone Change and recommended denial of the Andis Wines Zone Change. These items will be scheduled for a future Board of Supervisors meeting and notices will be mailed out.

**Adjournment:** At 7:51 p.m. Chairman Ryan adjourned this meeting of the Planning Commission, to meet again on November 10, 2015.

 DRAFT

\_\_\_\_\_  
Ray Ryan, Chairman  
Amador County Planning Commission

\_\_\_\_\_  
Heidi Jacobs, Recording Secretary  
Amador County Planning Department

\_\_\_\_\_  
Susan C. Grijalva, Planning Director  
Amador County Planning Department

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION  
FOR MEETING OF: OCTOBER 13, 2015**

**ITEM 2 - PUBLIC HEARING – REQUEST FOR ZONE CHANGE FROM THE “R1A,”  
SINGLE FAMILY RESIDENTIAL AND AGRICULTURAL DISTRICT TO  
THE “A,” AGRICULTURAL DISTRICT TO ALLOW EXPANDED WINERY  
USES (APN: 007-120-009).**

**APPLICANT:** 11000, LLC (Andis Wines/Jenae Plasse, COO)

**SUPERVISORIAL DISTRICT V**

**LOCATION:** 11000 Shenandoah Road, just northeast of the intersection  
with Dickson Road.

- A. DESCRIPTION:** This application is a request for a Zone Change to allow for expanded, allowed by-right uses associated with a winery. Because the current and proposed zoning districts are consistent with the property’s General Plan designation of A-I, Agricultural-Intensive the County’s General Plan Amendment and Zone Change moratorium (Resolution No. 11-024) does not apply. The property is bordered by “A,” Agricultural zoning to the north, west and east, and is bordered by “AG,” Exclusive Agriculture zoning to the south. The 12-acre site includes approximately 8 acres of vineyards and an existing 17,000 square-foot wine production facility.

In 2009, the applicant requested, and was granted, a Use Permit to allow various winery uses on the property. At that time the Moratorium resolution prohibited any zone change applications so a Use Permit was the only option available to the landowner. In 2010, the Moratorium was amended to allow the acceptance of zone change applications when the proposed zoning was consistent with both the property’s existing and proposed general plan designation.

Recently, an application was submitted to amend the Use Permit to allow a food preparation facility for catering the events allowed at the winery. In light of the change in the County’s Moratorium, staff discussed the merits of instead, requesting a zone change to the “A,” Agricultural District for this property.

The Use Permit (#UP-09;8-3, attached), that the facility currently operates under allows most of the uses allowed in the “A” district – i.e., wine tasting room; winery tours; retail sales of wine, winery-related promotional items, gifts, and other grape related products (not to exceed 650 sq. ft. – *Note: the A zone district limits sales area to 500 sq. ft.*); and an outdoor picnic area. The Use Permit limits events to “participation in all Vintner Assoc. events; two vintage release parties per year; plus, up to 13 additional events annually (such as weddings and 1 anniversary party) with a maximum of 150 persons in attendance.”

Rezoning the property to “A” will allow some additional uses permitted by-right which include additional winery-related operations (e.g., art galleries, ag-related museums, food preparation facility for catering on-premises events), and special events/social gatherings without the need for a Use Permit. The “A” district allows an unlimited number of events of



up to 125 persons and up to 12 events per year for up to 450 persons, not exceeding more than 4 events per month.

In the event the zone change is approved by the Board of Supervisors, the current Use Permit will be vacated.

- B. STAFF REVIEW:** This project was reviewed by County departments which found no technical objections to the Planning Commission recommending approval of the Zone Change to the Board of Supervisors and adoption of a Notice of Exemption.
- C. PLANNING COMMISSION ACTION:** The Commission must make a recommendation on the requested Zone Change to the Board of Supervisors.
- D. FINDINGS:** If the Planning Commission recommends approval of this zone change, the following findings are recommended for adoption:
  - 1. The Zone Change is consistent with the surrounding land uses and the Amador County General Plan, Land Use Element at this location; and,
  - 2. The Zone Change is Categorically Exempt from CEQA per Section 15183 (general rule) and Appendix B, item (c) 12 (down or comparable zone changes) of the County's CEQA Guidelines and a Notice of Exemption will be adopted and filed with the County Recorder.



Friday, September 04, 2015

Amador County Administration Center  
Planning Department  
810 Court Street  
Jackson, CA 95642

RE: Withdrawal of Use Permit Change Request  
APN: 007-120-009-000

To Whom it May Concern,

Andis Wines, LLC would like to withdraw our request for a Use Permit change, and instead request a zoning change of Parcel Number 007-120-009-000 to Agricultural.

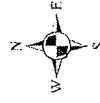
We understand our prior request will be removed from the agenda for the meeting of September 8<sup>th</sup>, 2015, and the new zone change request will require re-review and re-notification. After review, the new request will be scheduled for a future Planning Commission meeting and other necessary meetings thereafter.

Thank you,

Jenae Plasse  
Chief Operating Officer  
Andis Wines, LLC  
11000 Shenandoah Road  
Plymouth, CA 95669  
(209) 245-6177  
jenae@andiswines.com

# Andis Zone Change

- Cities and Communities
- Transportation
  - Roads
    - One Way Road
    - Primary Road
    - Secondary Road
    - County Route
    - State Highway
    - Unimproved Road
- Administrative Boundaries
  - City Limits
  - Amador County Boundary
- Parcels



1" = 1151 ft

Aerial photography, if displayed,  
© DigitalGlobe, Inc., All Rights Reserved

### Notes

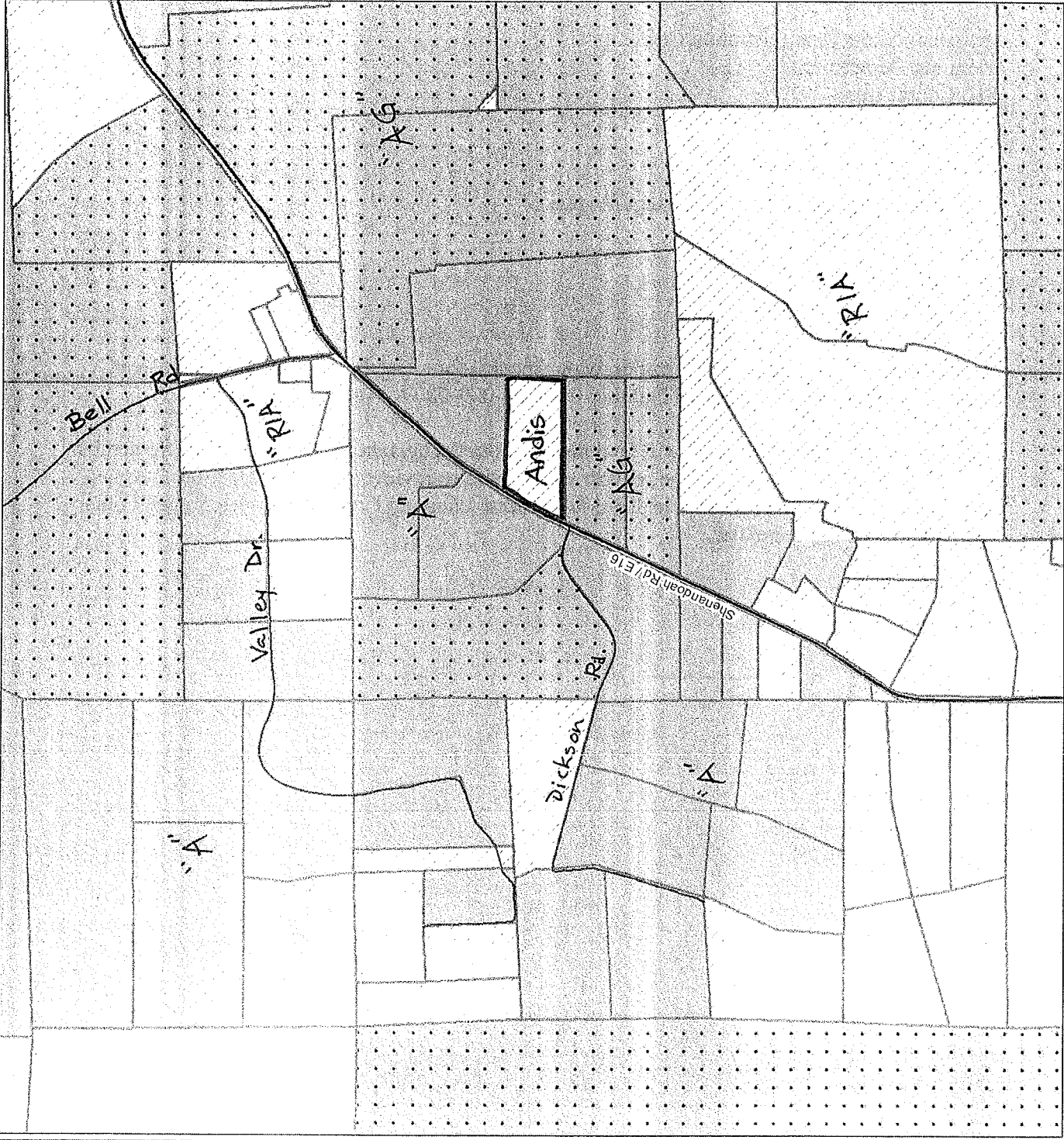


The County of Amador assumes no responsibility arising from use of this information. THE MAPS AND ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this data before validating your decision with the appropriate County Office.

Amador County GIS Viewer

Amador County Information Technology Dept.  
810 Court St., Jackson CA 95842

October 8, 2015



COUNTY OF AMADOR  
PLANNING DEPARTMENT

APPLICATION FOR:  USE PERMIT  Renewal  
 Amendment  
 VARIANCE  
 ZONE CHANGE  
 \_\_\_\_\_

8/24/09	UP-09;8-3
Date Received	File Number(s)
\$ 903.00	56224
Fee Paid	Receipt Number

Supervisorial District V Current General Plan A-1 Current Zoning "R1A"  
Assessor's Parcel Number(s) 007-120-009-000  
Applicable County Code Section(s) 19.56 Legal Description \_\_\_\_\_  
Location On the east side of Shenandoah Road immediately north of the Dickson Road/Shenandoah Road junction, being 11000 Shenandoah Road in the Plymouth area.

Property Area (acres or square feet) 12.0  
Request for to allow wine tasting room, in conjunction with a winery, in the "R1A," Single-Family Residential and Agricultural Zone District, with: winery tours; retail sales of wine, winery-related promotional items gifts, and other grape related products (not to exceed 650 sq. ft.); outdoor picnic area; participation in all Vintner Association events; two vintage release parties per year; plus, up to 13 additional events annually (such as weddings and 1 anniversary party) with a maximum of 150 persons in attendance.

Applicant Andrew Friedlander  
Janis Akuna  
Address 381 Silksworth Lane  
Sutter Creek, CA 95685  
Phone No. \_\_\_\_\_  
*[Signature]*  
Applicant's Signature

Representative Paul Almond & Pam Whitehead  
Sage Architecture  
Address 2400 22nd Street, Suite 220  
Sacramento, CA 95818  
Phone No. \_\_\_\_\_  
\_\_\_\_\_  
Representative's Signature

**ACTION**

Approved on December 8, 2009 by Planning Commission  
 Denied on \_\_\_\_\_ by \_\_\_\_\_  
Expiration Date (if applicable) \_\_\_\_\_  
Conditions/Findings See attached Conditions of Approval, Negative Declaration, Notice of Determination, Minutes and Staff Report.

*[Signature]*  
Title: Chairman, Planning Commission

**USE PERMIT CONDITIONS OF APPROVAL**  
**AND**  
**MITIGATION MONITORING PROGRAM**  
**FOR**  
**ANDREW FRIEDLANDER AND JANIS AKUNA (ANDIS WINES, LLC)**

**ADDRESS:** 1010 Wilder Ave  
Honolulu, HI 96822

**PHONE:** (808) 371-7997

**APN:** 007-120-009-000

**USE PERMIT NO.:** UP-09;8-3

**PLANNING COMMISSION DATE OF APPROVAL:** December 8, 2009

**BOARD OF SUPERVISORS DATE OF APPROVAL:** N/A

**PROJECT DESCRIPTION AND LOCATION:** Use Permit to allow the following in an "R1A" zone district in conjunction with a winery; wine tasting and tours; retail sales of wine, winery related promotional items, gifts, and other grape related products (not to exceed 650 sq. ft.); outdoor picnic area; participation in all Vintner Assoc. events; two vintage release parties per year; plus, up to 13 additional events annually (such as weddings and 1 anniversary party) with a maximum of 150 persons in attendance; located on the east side of Shenandoah Rd. immediately north of the Dickson Road/Shenandoah Road junction, being 11000 Shenandoah Road in the Plymouth area of Amador County.

---

**CONDITIONS OF APPROVAL:**

*Paid  
12/20/09*

- No permits, fees, or activity related to this project shall be issued, paid, or commence until such time as the permittee has provided the Planning Department with the Department of Fish and Game Filing Fee for a Notice of Determination or a Certificate of Fee Exemption from Fish and Game. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.*
2. *This Use Permit shall not become valid, nor shall any uses commence until such time as the Permittee is either found to be in compliance with or has agreed, in writing, to a program of compliance acceptable to the County. At that time the permit shall be signed by the Planning Department and the use shall commence. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.*
  3. *The issuance of this Use Permit is expressly conditioned upon the permittee's compliance with all the provisions contained herein and if any of the provisions contained herein are violated, this Use Permit may be subject to revocation proceedings as set forth in Amador County Code. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.*
  4. *The project shall be substantially the same as approved. Any substantial changes must be submitted for approval by the Amador County Planning Commission. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.*

USE PERMIT CONDITIONS OF APPROVAL AND MITIGATION MONITORING  
PROGRAM FOR ANDREW FRIEDLANDER AND JANIS AKUNA  
(ANDIS WINES, LLC) PAGE 2 OF 4

5. This Use Permit is not valid until such time as there is an agricultural processing facility producing wine on-site which is currently bonded as such by the Bureau of Alcohol, Tobacco, and Fire Arms and has a current California Alcohol Beverage Control Winegrowers License. The wine processing facility shall be maintained on-site for the life of the use permit. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
6. Permittee shall obtain all necessary building permits for any new structure(s) or remodel/conversion of any existing structure(s) for this project. THE BUILDING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
7. All on-site sign(s) shall conform to County sign regulations. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
8. The sale and public display of winery related gift items in combination with art gallery and sales, shall be indoors and limited to an interior foot print area not to exceed 650 (six-hundred fifty) square feet. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
9. Any outdoor lighting shall be shielded and directed downward and away from any neighboring properties and roadways to prevent light and glare from impacting adjacent properties and vehicular traffic. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
10. Participation in events, social gatherings and other on premise functions shall be limited to the following: those events which coincide with the Amador Vintners Association yearly events; two vintage release parties per year; and up to 13 additional events per year (such as weddings and anniversary parties) for a maximum of 150 people. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
11. The picnic area shall be located as shown on the approved plot plan (see attached) and limited to use for winery related activities as allowed by this Use Permit. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
12. Indoor and outdoor amplified music shall cease no later than 10 PM. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

**WASTE DISCHARGE:**

13. The proponent shall at all times comply with the requirements of the Central Valley Regional Water Quality Control Board with regard to management of winery process wastewater. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

**SEWAGE DISPOSAL:**

14. Prior to issuance of the Use Permit the applicant must have a domestic wastewater treatment and disposal system designed by a qualified consultant, approved by the Environmental Health Department, installed, and obtained final approval of the permit. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

**USE PERMIT CONDITIONS OF APPROVAL AND MITIGATION MONITORING  
PROGRAM FOR ANDREW FRIEDLANDER AND JANIS AKUNA  
(ANDIS WINES, LLC) PAGE 3 OF 4**

**WATER SUPPLY:**

15. The applicant must obtain a valid Public Water System permit from the Environmental Health Department prior to issuance of the use permit. The Water System permit must remain in effect for the life of the Use Permit. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

**FOOD SERVICE:**

16. Any food service to the public shall be by an entity permitted by the Amador County Environmental Health Department. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

**ENCROACHMENT:**

17. Prior to issuance of the Use Permit, obtain an encroachment permit from the Public Works Agency prior to the improvement of the existing driveway encroachment to Shenandoah Road, to a Standard Commercial Driveway Approach PW-6, including any required appurtenances. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS REQUIREMENT.
18. Prior to issuance of the Use Permit, the existing driveway encroachment to Shenandoah Road shall conform to Public Works Standard PW-6 for a Standard Commercial Driveway approach. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS REQUIREMENT.
19. The Department of Transportation and Public Works shall review site distance and the safety of the existing large oak tree (south from the proposed encroachment onto Shenandoah Road) for adequacy and safety. Applicant shall complete any work required by the Department of Transportation and Public Works prior to issuance of this Use Permit. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS REQUIREMENT.

**PRIVATE ROAD IMPROVEMENTS:**

20. Prior to issuance of the Use Permit, construct roadway for the access road from its encroachment with Shenandoah Road to the parking area with three inches Class II Aggregate Base, 20 feet wide. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS REQUIREMENT.
21. All parking shall be contained on-site. There shall be no parking along side Shenandoah Road. THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS REQUIREMENT.

**FIRE PROTECTION SERVICES:**

22. To mitigate the impact on fire protection services, in accordance with Amador County Ordinance No. 1640, prior to issuance of the Use Permit, the permittee shall participate in the annexation to the County's Community Facilities District No. 2006-1 (Fire Protection Services), including execution of a "waiver and consent" to the expedited election procedure, the successful completion of a landowner-vote election authorizing an annual special tax for fire protection services, to be levied on the subject property by means of the County's secured property tax roll, and payment of the County's cost in conducting the procedure. THE AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS

**USE PERMIT CONDITIONS OF APPROVAL AND MITIGATION MONITORING  
PROGRAM FOR ANDREW FRIEDLANDER AND JANIS AKUNA  
(ANDIS WINES, LLC)**

**PAGE 4 OF 4**

REQUIREMENT.

**CULTURAL RESOURCES:**

23. Should any archaeological find be encountered during construction activities, work shall immediately cease within a ten-yard perimeter of the find, a qualified archaeologist shall be consulted for a determination as to the significance of the find and the Amador County Technical Advisory Committee notified to determine any need to preserve the site or otherwise reduce impacts. If a find is encountered prior to the issuance of the Use Permit, the permittee shall provide proof (from a qualified Archaeologist) that the above-mentioned mitigation measure has been completed or an acceptable alternative proposed. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

**NOISE:**

24. The permittee shall, at all times, comply with the noise element of the General Plan. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

**SALE OF WINE:**

25. Fifty (50) percent of all wine sold from the tasting room must be made from grapes grown in Amador County and the wine label shall appropriately indicate the source of grapes as being from Amador County. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.



From: <[amadorolive@twinwolf.net](mailto:amadorolive@twinwolf.net)>  
Date: Mon, Oct 12, 2015 at 9:09 AM  
Subject: Planning Comm./Andis/item 2  
To: Susan Grijalva <[sgrijalva@amadorgov.org](mailto:sgrijalva@amadorgov.org)>

Susan Grijalva

I won't be able to attend the Planning Commission meeting Oct. 13th, so want to voice my concerns regarding the Zone change request by Andis Wines.

Andis is asking for a zone change from R1A to A. This makes big changes and impacts on traffic, noise, lighting, and possibly water use.

The yearly uses allowed presently are:

- 2 vintage release parties
- 13 additional events of 150 people max

New A zoning yearly uses will be:

- Unlimited events up to 125 people
- 12 events for 450 people
- 4 events per month
- Increased food prep

It looks like there will be no CEQA review for the new allowable uses. This is not acceptable, the new uses will cause huge impacts on the local roads, much more noise, more lighting and possible water use. If this is allowed with CEQA exemption every other property owner will be requesting similar action, creating a huge change to the Shenandoah Valley area, and definitely needs to be discussed by the community.

Thank you,

Susan Bragstad  
Amador City, CA

Frank Moreno

10581 Valley Drive • Plymouth, CA 95669  
Phone: (209) 245-6283 • E-Mail: fhmoreno@me.com

October 13, 2015

read at 10/13/15  
Planning Commission  
meeting ug

Dear Planning Commissioners:

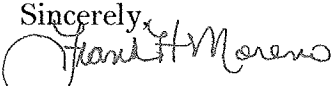
I am writing this letter in opposition to a zoning change for Andis Wines located at 11000 Shenandoah Rd, Plymouth. I have concerns regarding this request to change zoning solely to increase profits at the expense and potential negative impact to the community and more specifically the residents of Shenandoah Valley.

Shenandoah Valley has always been an agricultural community. In the mid-nineties, the Board of Supervisors recognized the need to keep this an agricultural area, but give the wineries the ability to succeed. County officials travelled to other counties to see the impact the winery business had upon them. They then met with the stakeholders in the Shenandoah Valley and developed a consensus-driven document that is known as "The Winery Ordinance". This document was designed to balance the agricultural essence of Shenandoah Valley for the farmers, ranchers and residents while allowing some commercial enterprise. It was also designed to keep the commercial aspect from becoming more important than agriculture.

This request for a zoning from R1A to A is designed to circumvent their current Use Permit restrictions and to increase their events, number of attendees, add a food preparation facility and increase their profits. This will come at a cost to the residents with increased traffic, road deterioration, noise and impact on emergency services. The Commission should be looking at the long-term and cumulative impacts of this zoning change to the current residents of Shenandoah Valley. Andis Wines is not changing anything on their property to make it more Agricultural, they are simply requesting a change to make it easier for them to make more profits. This specific change, if approved, should at a minimum entail the addition of a left-turn lane to their facility due to the increase in traffic. Otherwise, the County will be footing the bill in the future for infrastructure updates.

According to the map provided with this request, there are close to equal amounts of R1A and Agricultural properties in this area. Is it the Commissioners' intent, with granting this zone change, to open Pandora's box for the rest of the R1A properties in the area to do the same thing, thus creating a "New Napa Valley"? Your decision tonight will give precedence.

Please do what is right to protect the Shenandoah Valley residents.

Sincerely,  
  
Frank H. Moreno

# AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: November 3, 2015

From: Susan Grijalva

(Department Head - please type)

Phone Ext. 380

- Regular Agenda
- Consent Agenda
- Blue Slip
- Closed Session

Meeting Date Requested:

11/10/15

Department Head Signature Susan Grijalva

Agenda Title: Public Hearing - Arditto Family Trust request for a Zone Change from "R1A," Single-family Residential and Agricultural district to "AG," Exclusive Agriculture district in conjunction with a request to enter into a California Land Conservation Act contract.

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)  
 The applicants have made application for inclusion of 111 acres into a CLCA contract and commensurate request for a zone change from "R1A" to "AG" as required by County Code Section 19.24.036(B). Subject property is located at 1351 Highway 16, approximately 1 mile west of Long Gate Road.

See attached staff report.

Recommendation/Requested Action:

Find the application meets the requirements Co. Code 19.24.036D(3); adopt Zone Change Ordinance from "R1A" to "AG"; authorize

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts Chairman to sign Resolution & contract.

Is a 4/5ths vote required? Yes  No

Contract Attached: Yes  No  N/A   
 Resolution Attached: Yes  No  N/A   
 Ordinance Attached: Yes  No  N/A

Committee Review? N/A

Name Ag. Advisory Committee & Planning Comm.

Committee Recommendation:  
Recommend approval.

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

Request Reviewed by:

Chairman [Signature]

Counsel CR

Auditor JOR

GSA Director HP

CAO \_\_\_\_\_

Risk Management \_\_\_\_\_

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

Planning, Assessor

### FOR CLERK USE ONLY

Meeting Date November 10, 2015 Time Public Hearing 10:30 a.m. Item # 12

Board Action: Approved Yes \_\_\_ No \_\_\_ Unanimous Vote: Yes \_\_\_ No \_\_\_

Ayes: \_\_\_\_\_ Resolution \_\_\_\_\_ Ordinance \_\_\_\_\_ Other: \_\_\_\_\_

Noes: \_\_\_\_\_ Resolution \_\_\_\_\_ Ordinance \_\_\_\_\_

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

Distributed on \_\_\_\_\_  
 \_\_\_\_\_  
 Completed by \_\_\_\_\_  
 \_\_\_\_\_  
 of \_\_\_\_\_

A new ATF is required from \_\_\_\_\_  
 \_\_\_\_\_  
 Department \_\_\_\_\_  
 For meeting \_\_\_\_\_  
 of \_\_\_\_\_

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: \_\_\_\_\_  
 Clerk or Deputy Board Clerk

Save ....

**STAFF REPORT TO: AMADOR COUNTY BOARD OF SUPERVISORS**  
**FOR MEETING OF: NOVEMBER 10, 2015**

**PUBLIC HEARING - REQUEST FOR A ZONE CHANGE FROM “R1A,” SINGLE FAMILY RESIDENTIAL & AGRICULTURAL DISTRICT TO “AG,” EXCLUSIVE AGRICULTURE DISTRICT IN CONJUNCTION WITH A REQUEST FOR INCLUSION INTO A CALIFORNIA LAND CONSERVATION ACT CONTRACT (APN 001-110-014).**

**APPLICANTS:** Arditto Family Trust  
**SUPERVISORIAL DISTRICT V**

**LOCATION:** 1351 Highway 16, approximately 1 mile west of Long Gate Road.

- A. GENERAL PLAN DESIGNATION OF AREA:** A-G, Agricultural-General (one family per 40 acre population density).
- B. CURRENT ZONING:** “R1A,” Single Family Residential & Agricultural District
- C. ACREAGE INVOLVED:** 111.38
- D. DESCRIPTION:** The applicants have applied for inclusion of approximately 111 acres into a California Land Conservation Act (Williamson Act) contract, which requires a zone change to the “AG,” Exclusive Agricultural District. The intended use of the property is dry pasture cattle grazing.

*NOTE: This request is exempt from the moratorium on general plan amendments and zone changes Pursuant to **exception (b)** (zone changes that are consistent with the general plan designation on both the property’s current and the now identified proposed general plan land use map) of Resolution No. 11-024 (attached).*

- E. STAFF/COMMITTEE RECOMMENDATION:** The Agricultural Advisory Committee reviewed the request for inclusion into a Williamson Act contract and recommended approval of the request to the Board of Supervisors (see attached draft minutes excerpt).
- F. PLANNING COMMISSION RECOMMENDATION:** During their October 13, 2015 meeting, the Planning Commission unanimously recommended to the Board of Supervisors approval of the Zone Change application from “R1A,” Single-family Residential and Agricultural district to “AG,” Exclusive Agriculture district, and recommended that a Notice of Exemption per Section 15317, Class 17 of the State CEQA Guideline be adopted as the appropriate environmental document (minutes attached).
- F. FINDINGS:** If the Board of Supervisors approves this zone change, the following findings are recommended for adoption:
  - 1. The zone change is consistent with the Amador County General Plan Land Use designation for the property;
  - 2. The property will meet the agricultural income and improvement requirements of the “AG” zone district, as outlined in County Code § 19.24.036 D(3); and

3. The zone change is categorically exempt according to Section 15317, Class 17 of the State CEQA Guidelines and a Notice of Exemption will be adopted and filed with the County Recorder.

Recording requested by:  
BOARD OF SUPERVISORS

When recorded send to:  
PLANNING DEPARTMENT

---

BEFORE THE BOARD OF SUPERVISORS OF THE  
COUNTY OF AMADOR, STATE OF CALIFORNIA

IN THE MATTER OF:

RESOLUTION AUTHORIZING RECORDATION OF  
CALIFORNIA LAND CONSERVATION ACT CONTRACT      RESOLUTION NO. 15-~~XXX~~  
NO. 429 – JOHN PATRICK ARDITTO, TRUSTEE OF  
ARDITTO FAMILY TRUST.

WHEREAS, this California Land Conservation Contract No.429 is entered into by and between the County of Amador and John Patrick Arditto, Trustee of Arditto Family Trust; and

WHEREAS, the subject property is described in Exhibit "A", which is made a part of the contract; and

WHEREAS, said agricultural preserve is within the Amador County agricultural area, a map of said area being on file in Book 1 of Agricultural Preserve Maps, in the office of the Amador County Recorder; and

WHEREAS, the County and Owner desire to limit the use of such land to agricultural uses and compatible uses to preserve the limited supply of agricultural land and to discourage the premature and unnecessary conversion of agricultural land to urban uses; and

WHEREAS, the County and Owner recognize that agricultural land has definite public value as open space and that the preservation in agricultural production of land will assure an adequate food supply and constitute an important physical, social, aesthetic, and economic asset to the people of the County to maintain the agricultural economy of County and the State of California; and

WHEREAS, both the County and Owner intend this contract is and shall continue to be through its initial term and any extension thereof an enforceable restriction within the meaning and for the purpose of Article XXVIII of the State Constitution and thereby qualify as an enforceable restriction under the provisions of California Revenue and Taxation Code Section 422.

THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Amador that said Board does hereby approve California Land Conservation Contract No. 429, and hereby authorizes the Chairman of the Board of Supervisors to sign and execute said agreement on behalf of the County of Amador.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the \_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of  
the Board of Supervisors,  
Amador County, California

By: \_\_\_\_\_

Recording Requested by and Return to:  
Planning Department  
Amador County  
810 Court Street  
Jackson, California 95642

Space Above This Line For Recorder's Use

## CALIFORNIA LAND CONSERVATION ACT CONTRACT NO. 429

This CALIFORNIA LAND CONSERVATION ACT CONTRACT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the County of Amador, a political subdivision of the State of California, hereinafter referred to as "County" and

**John Patrick Arditto, Trustee of Arditto Family Trust**

or successors thereof, hereinafter referred to as "Owner":

WHEREAS, Owner is the legal owner of certain real property, herein referred to as the subject property, situated in the County of Amador, State of California; and

WHEREAS, the subject property is described in Exhibit "A" which is made a part of this Contract; and

WHEREAS, the subject property is located in an agricultural preserve established by Resolution No. \_\_\_\_; and

WHEREAS, said agricultural preserve is within the Amador County Agricultural Area; a map of said area being on file in Book 1 of Agricultural Preserves Maps, Map No. 349, in the office of the County Recorder of Amador County; and

WHEREAS, Owner and County desire to limit the use of subject property to agricultural uses and compatible uses to preserve the limited supply of agricultural land and to discourage the premature and unnecessary conversion of agricultural land to urban uses; and

WHEREAS, Owner and County recognize that agricultural land has definite public value as open space and that the preservation in agricultural production of land will assure an asset adequate food supply and constitute an important physical, social, esthetic and economic to the people of County to maintain the agricultural economy of County and the State of California; and

WHEREAS, both Owner and County intend that this Contract is and shall continue to be through its initial term and any extension thereof an enforceable restriction within the meaning and for the purposes of Article XXVIII of the State Constitution and thereby qualify as an enforceable restriction under the provisions of California Revenue and Taxation Code Section 422; and

WHEREAS, the County enters into this Contract with Owner on the express condition that funds be annually appropriated by the State of California, and that the annual payments continue to be made to the County by the State Controller, under the provisions of the Open Space Subvention Act (California Government Code Section 16140 et seq.), and that if said funds are not appropriated or disbursed and received by the County, then the County at its option may deem the Contract to be null and void.

NOW, THEREFORE, the parties, in consideration of the mutual benefits and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. AGREEMENT MADE PURSUANT TO CALIFORNIA LAND CONSERVATION ACT. The within contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code commencing with Section 51200), hereinafter referred to as "Act", and is subject to all the provisions thereof specifically applicable to Article 3, Contracts (commencing with Section 51240) and other provisions of said Act as are specifically made applicable to this Contract.



This Contract is made expressly conditional upon the State's continued compliance with the provisions of the Open Space Subvention Act. If in any year the State fails to make to the County or the County fails to receive from the State any of the subvention payments required under the provisions of the Open Space Subvention Act, then the County at its option may declare this Contract to be null and void. The State's failure to make such payments, or the County's failure to receive them, may be due to non-appropriation of funds by the Legislature, failure to disperse appropriated funds, amendment or repeal of the applicable provisions of the Open Space Subvention Act, or by any other cause whatsoever. If any of those events occur, the County may declare the Contract null and void by delivering notice to the Owner or his successors or assigns and to the County Assessor and by recording such notice in the Official Records of Amador County. In that event, this Contract shall thereupon be null and void and of no further force or effect with no continuing contractual rights of any kind; provided, however, that the Owner may apply for a new Land Conservation Contract as otherwise may be provided by law.

2. USE OF SUBJECT PROPERTY. During the term of this Contract or any extension thereof, the subject property shall not be used for any other purpose other than the "permitted agricultural uses" or "compatible uses" as set forth in attached Exhibit "B" and incorporated herein. Owner shall be limited to the uses specified in the aforementioned Exhibit even though ordinances, codes or regulations of County authorize different uses.

3. ADDITIONAL USES. The Board of Supervisors of County may from time to time during the term of this Contract, or any extension thereof, by resolution revise the lists of "permitted agricultural uses" or "compatible uses" for the agricultural preserve in which the subject property is located; provided however, said Board shall not eliminate, without the written consent of Owner any permitted agricultural or compatible use during the term of this Contract or any extension thereof.

4. TERM. This Contract shall be effective on the date first above written, hereinafter called "anniversary date", and shall remain in effect for a period of ten (10) years therefrom. On the anniversary date when the unexpired term of this Contract shall reach nine years, and on each succeeding anniversary date, one year shall automatically be added to the unexpired term, unless notice of non-renewal is given as provided in Paragraph 10. If either party gives notice not to renew, it is understood and agreed this Contract shall remain in effect for the unexpired term.

5. CONSIDERATION. It is agreed that the consideration for the execution of this Contract is the substantial public benefit to be derived by County from the preservation of land in agricultural or compatible uses and the advantage which will accrue to Owner as a result of the effect on the method of determining the assessed value of the subject property and any reduction thereto due to the imposition of limitations on its use set forth in this Contract. County and Owner shall not receive any payment in consideration of the obligations imposed herein.

6. CANCELLATION. This Contract may be cancelled, as herein provided, as to all or a part of the subject property only upon the petition of Owner to County, and after a public hearing has been held and notice thereof given as required by Section 51284 of the Government Code. The Board of Supervisors of County may approve cancellation only if they find that cancellation is not inconsistent with the purpose of Article 5 of the Act and that cancellation is in the public interest. It is understood by the parties that there is no right to cancellation and that the existence of an opportunity for another use of the subject property shall not be a sufficient reason for cancellation of this Contract. A potential alternative use of the subject property may be considered only if there is not proximate noncontractual land suitable for the use to which it is proposed the subject land be put. The economic character of the existing agricultural or compatible use will be considered only if the subject property cannot reasonably be put to a permitted agricultural or compatible use specified in the resolution establishing the agricultural preserve in which the subject property is located. Parties hereto agree that the (1) computation of the cancellation valuation, (2) determination, and payment of the cancellation fee, (3) waiver of all or a portion of the cancellation fee, (4) distribution of the cancellation fee as deferred taxes, (5) recordation of the Certificate of Cancellation, and (6) the creation, attachment and release of any lien created by the imposition of a cancellation fee shall be as provided in Article 5 of the Act particularly Sections 51283 and 51283.3 thereof as amended by Chapter 1372, 1969 Statutes. The Board of Supervisors of County shall not approve any cancellation of this Contract as to any of subject property per this provision unless four (4) or more members of said Board affirmatively vote for such cancellation.

7. CANCELLATION IF NO OPERATIVE LEGISLATION. This Contract may be cancelled by mutual agreement of County and Owner without payment of cancellation fee or public hearings whenever there is no operative legislation implementing Article XXVIII of the California Constitution at the time the cancellation is requested by Owner.

8. DIVISION OF SUBJECT PROPERTY. In the event the subject property is divided, Owner or successors thereof, as the case may be, agree as a condition of such division to execute a contract or contracts so that at all times the subject

property is restricted by a contract or contracts identical to the contract covering the subject property at the time of such division. County, any other political entity, or any Court having jurisdiction and making an order of division of the subject property shall as a condition of the division require the execution of the contracts provided for in this paragraph. The owner of any parcel created by division of the subject property may exercise, independent of any other owner of a portion of the divided property, any of the rights of owner executing this Contract to give notice of non-renewal as provided in Paragraph 10, or to petition for cancellation as provided in Paragraph 6 herein. The effect of any such action by an owner of a parcel created by a division shall not be imputed to the owners of the remaining parcels and shall have no effect on the contracts which apply to the remaining parcels of the divided land.

9. INFORMATION TO COUNTY. Owner, not later than the last day of December of each year this Contract is in force, shall provide information to County relating to Owner's obligation herein in order for County to determine the value for assessment purposes and for continued eligibility under the provisions of the Act.

10. NOTICE OF NON-RENEWAL. If, after the expiration of the tenth year of the term of this Contract, and in each succeeding year of this Contract, Owner desires not to renew the Contract, Owner shall serve written notice of non-renewal of this Contract upon the Clerk of the Board of Supervisors of County at least ninety (90) days prior to the anniversary date. If, after the expiration of the tenth year of this Contract, and in each succeeding year of this Contract, County desires not to renew the Contract, County shall serve written notice of non-renewal to Owner at least sixty (60) days prior to the anniversary date. Notices of non-renewal by County shall be sent to the address shown on the most current Assessor' roll. Owner shall have the right to protest the non-renewal by County provided such protest is made in writing and filed with the Clerk of the Board of Supervisors of County not later than sixty (60) days after receipt of the notice of non-renewal from County or the last day of February of the calendar year in which the notice was mailed, whichever date is first to occur. County may prior to the annual renewal date, without notice to Owner, withdraw a notice of renewal. Upon request of Owner, County may authorize the Owner to serve a notice of non-renewal on a portion of the subject property, said notice to be in accordance with foregoing provisions of this Paragraph 10.

11. REMOVAL OF LAND FROM AGRICULTURAL PRESERVE. Removal of any of subject property from the agricultural preserve in which the subject property is located shall be equivalent to notice of non-renewal by County as to the land actually removed from the agricultural preserve. County shall, at least sixty (60) days prior to the annual renewal date, serve a notice of non-renewal as provided in Paragraph 10. County shall, as required by Section 51206 of the Government Code, record the notice of non-renewal in the office of the Recorder of County, however, Owner agrees that a failure of County to record said notice of non-renewal shall not invalidate or in any manner affect said notice.

12. ACTION IN EMINENT DOMAIN TO TAKE ALL OF SUBJECT PROPERTY. Upon the filing of an action in eminent domain by an agency or person specified in Government Code Section 51295 for the condemnation of the fee title of all the subject property or upon the acquisition in lieu of condemnation of the fee, this Contract shall be null and void on the date of filing of suit or upon the date of acquisition as to the land condemned or acquired, and the condemning or acquiring agency or person shall proceed as if the Contract never existed.

13. ACTION IN EMINENT DOMAIN TO TAKE A PORTION OF SUBJECT PROPERTY. Upon the filing of an action in eminent domain by an agency or person specified in Government Code Section 51295 for the condemnation of the fee title of a portion of the subject property, or upon the acquisition in lieu of condemnation of the fee, this Contract shall be null and void on the date of filing of suit or upon the date acquisition as to the portion of the subject property condemned or acquired and shall be disregarded in the valuation process only as to the land actually taken, unless the remaining portion of the land subject to this Contract will be adversely affected by the take or acquisition in which case the value of that damage shall be computed without regard to this Contract. Under no circumstances shall any of the subject property be removed from the provisions of this Contract that is not actually taken or acquired, except as otherwise provided in the Contract.

14. ABANDONMENT OF ACTION IN EMINENT DOMAIN. In the event a Condemnation Suit is abandoned in whole or in part or if funds are not provided to acquire the property in lieu of condemnation, Owner agrees to execute a new agreement for all of the property to have been taken or acquired identical to the Contract in effect at the time suit was filed or on the date the land was to have been acquired, provided however, a notice of non-renewal had not been given by either party prior to the filing of suit or date the property was to have been acquired and the property at the time of abandonment of the condemnation or purchase is within the boundaries of the agricultural preserve in which the subject property was first located.

15. ENFORCEMENT OF CONTRACT. Any conveyance, contract or authorization (whether written or oral) by Owner or his successors in interest which would permit use of the subject property contrary to the terms of this Contract or the rules of the agricultural preserve in which the subject property is located, or failure to use the property consistent with the provisions herein will be deemed a breach of this Contract. Such breach may be enforced by County by an action filed in the Superior Court of the County for the purpose of compelling compliance or restraining breach thereof. It is understood and agreed that the enforcement proceedings provided in this Contract are not exclusive and both Owner and County may pursue their legal and equitable remedies.

16. RECORDING OF DOCUMENTS. In the event of termination of this Contract for any reason County shall record the appropriate documents with the County Recorder and file a copy with the Director of Agriculture.

17. SUCCESSORS IN INTEREST. The within Contract shall run with the land described herein and upon division, to all parcels created therefrom, and shall be binding upon the heirs, successors and assigns of Owner. This Contract shall also be transferred from County to a succeeding city or county acquiring jurisdiction over all or any portion of the subject property. On the completion of annexation proceedings by a city, that city shall succeed to all rights, duties and powers of County under this Contract, unless the subject property or portion thereof was within one mile of said city at the time this Contract was initially executed, and said city protested the execution of this Contract pursuant to Section 51243.5 of the Government Code and said city states its intent not to succeed to the rights, duties and powers in the resolution of intention to annex. If the city does not exercise its option to succeed to the rights, duties and powers this Contract becomes null and void as to the subject property actually annexed on the date of annexation.

EXECUTED the day and year first above written.

**"COUNTY"**

COUNTY OF AMADOR, a political  
Subdivision of the State of California

By: \_\_\_\_\_  
Chairman, Board of Supervisors

Attest:

By: \_\_\_\_\_  
Clerk of the Board of Supervisors

**"OWNERS"**

Arditto Family Trust

By: \_\_\_\_\_  
John Patrick Adritto, Trustee

By: \_\_\_\_\_

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

All that real property situated in the State of California, County of Amador, described as follows:

The East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 9, T.7N R.9E, M.D.M., lying North of the Northerly right of way of State Highway 16.

APN: 001-110-014-000

## **EXHIBIT “B”**

### **USES OF SUBJECT PROPERTY**

The following agricultural and compatible uses are permitted in AG districts without a use permit being required:

1. General farming, including but not limited to the raising, growing, and harvesting of vegetable, field, forage, vine, bush, berry, tree, or other plant crop including plant nursery stock;
2. Grazing, maintaining, breeding, training, and raising of poultry and livestock of all kinds including horses, cattle, sheep, goats, hogs, and agricultural species such as fish and fur-bearing species provided there is no feeding of refuse, garbage, sewage, or offal;
3. Nurseries, greenhouses, mushroom rooms, floriculture;
4. Boarding of horses or other farm animals;
5. Growing and harvesting of timber, Christmas trees, or other plants;
6. Dairies and production of dairy products from milk produced on the premises;
7. Poultry farms;
8. Raising, feeding, maintaining, breeding, and slaughtering of livestock, chickens, turkeys, rabbits, pigeons, ducks, geese, fish, frogs, and small animals or fowl in household numbers for family use;
9. Single-family dwellings and appurtenant structures allowed in R districts and such other structures normally associated with agricultural activities, including but not limited to barns, stables, sheds, and silos; provided, however, that only one single-family residence shall be allowed for each forty acres on any parcel or contiguous parcels subject to one California Land Conservation Act contract. One said single-family dwelling on any parcel or contiguous parcels under one such contract may be an occupied mobile home as defined in Title 19 of this code provided, a use permit is obtained as required by Section 19.48.080. All structures or dwellings on a parcel or contiguous parcels subject to one such contract shall be directly used for the furtherance of the agricultural use of said property; and shall be limited to immediate members of the owner’s family and his employees;
10. Home occupations, including any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof;

11. Wells, water storage, and reservoirs, including on-site excavation or removal of materials for construction thereof;
12. Storage of petroleum products for use by the occupants of the premises;
13. Veterinary clinics and services, animal hospitals, kennels;
15. Harvesting, curing, processing, packaging, packing, selling, and shipping of agricultural products on a parcel devoted to agricultural use and the treating of products grown or raised on and off the premises where such activity is carried on in conjunction with or as part of an agricultural use; excepting therefrom the commercial slaughtering of livestock, small animals, fish, poultry, or fowl;
16. Holding of nonproducing land for future agricultural use;
17. Maintenance of land in its natural state for the purpose of preserving open space for recreation or the creation of plant or animal preserves;
18. Apiaries and honey extraction plants;
19. Nonintensive recreation when carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation, including but not limited to fishing, hiking, hunting, rifle and pistol practice range, skeet field, archery range, or gun club when such activities do not involve the construction of any permanent structure;
20. Sale of food products produced on the premises;
21. Feed lots and feedyards, provided there is no feeding of refuse, garbage, sewage, or offal;
22. Airport or aircraft landing facilities for use of owner or tenant of the property or for agricultural service use;
23. The following uses when carried on as a clearly secondary occupation in conjunction with a bona fide agricultural operation, where no more than ten percent of the total land is used and where no more than three persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises:
  - a. Manufacturing, maintenance, repair, servicing, storage, sale or rental of agricultural machinery, implements and equipment of all kind,

- b. Storage or sale of farm supplies of all kinds, including but not limited to fertilizers, agricultural minerals, and pesticides,
  - c. Transportation of agricultural products, supplies, or equipment, together with the maintenance, storage, repair and servicing of the necessary trucks and equipment therefor;
24. Public utility and public services, structures, uses and buildings provided such uses are clearly secondary and in conjunction with a bona fide agricultural operation;
25. Commercial radio, television, or microwave antennas and transmitters;
26. Gas, electric, water, and communication utility facilities and public service facilities of like nature operated by a public agency or mutual water company;
27. Public highways;
28. Fire protection works and facilities; flood-control works, including channel rectification and alteration; public works required for fish and wildlife enhancement and preservation; improvements for the primary benefit of the lands within the preserve; state improvements for which the site or route has been specified by the state legislature in such a manner as to make it impossible to avoid the use of subject AG zoned property;
29. Livestock auctions and sales yards;
30. Any structure, building, equipment, or use incidental and necessary to any of the foregoing uses;
31. Fruit and nut dehydrating plants;
32. Wineries as defined in Section 19.08.687 and the following incidental uses subject to providing off-street parking and meeting all necessary clearances from the health and building departments. Additionally, wineries located on private roads shall have entered into a road maintenance agreement with a majority of the owners of the road, or obtained a use permit pursuant to Chapter 19.56 of this code before commencing any of the following uses:
- a. Wine tasting,
  - b. Winery tours,
  - c. Wholesale and retail sales of wine and grape products,

- d. Compensated or noncompensated events with up to one hundred twenty-five persons in attendance with no limitation on the number of events per year,
- e. Picnic area(s) for winery-related activities,
- f. Art galleries with sales and framing,
- g. A food preparation facility for catering on-premises indoor or outdoor functions,
- h. Agricultural-related museums,
- i. Gift display not to exceed a total of five hundred square feet in interior footprint area for the retail sale of winery-related promotional items, gift items, and/or prepackaged foods,
- j. Social gatherings or weddings for up to and including four hundred fifty persons up to and including twelve events per year with no more than four such events per month,
- k. Indoor or outdoor amplified music until ten p.m.

H. Uses described in this subsection may be granted by the planning department, without public hearing, following public notice of the application.

1. Wine tasting may be conducted under a duplicate 02 license only if the winery with the master 02 license is located in Amador County and the following standards are met:
  - a. A bona fide agricultural operation must be the primary use on the property;
  - b. The parcel shall be a minimum of forty acres in size;
  - c. The applicant shall provide the planning department with copies of their bond from the Alcohol and Tobacco Tax and Trade Bureau and their California Alcohol Beverage Control license. These licenses and bonds shall be maintained in full compliance at all times;
  - d. Tasting rooms located on private roadways shall have entered into a road maintenance agreement with a majority of the owners of the road; or in the event a road maintenance agreement already exists, the applicant shall provide the county with proof they have renegotiated the terms of the agreement to include the new tasting room. If the majority of the owners of the road do not enter into the new or renegotiated



agreement, the applicant must obtain a use permit pursuant to Chapter 19.56 of this code before commencing any of the uses allowed by this section;

e. The tasting room building shall be located a minimum of fifty feet from all property lines;

f. The primary use of the tasting room shall be the marketing and sale of wine produced in Amador County. Additional allowed uses are as follows:

i. Compensated or noncompensated events with up to one hundred twenty-five persons in attendance with no limitation on the number of events per year;

ii. Picnic area(s) for wine tasting-related activities;

iii. Art galleries with sales and framing;

iv. A food preparation facility for catering on-premises indoor or outdoor functions;

v. Agricultural-related museums;

vi. Gift display area not to exceed a total of five hundred square feet in interior footprint area for the retail sale of wine-related promotional items, gift items, and/or prepackaged foods;

vii. Social gatherings or weddings for up to and including four hundred fifty persons up to and including twelve events per year with no more than four such events per month;

viii. Indoor or outdoor amplified music until ten p.m.

g. The applicant must obtain all applicable permits from the environmental health department, building department, and department of transportation and public works.

h. Public notice of such application shall be given in the manner described in Chapter 19.56 of this code, Use Permits. Such notice shall indicate the intent of the planning department to grant the use permit without a hearing unless sufficient reasons are provided not to grant the use permit. A description of the appeals process (Chapter 19.64 of this code) shall be contained within the notice. The planning department shall decide upon the use permit application within ten days after the notice is mailed. If the planning department finds sufficient cause to approve the application and the application meets the standards outlined in this subsection, the planning department shall approve the use permit and the use permit shall become valid following the ten-day appeal period if no appeals are filed.

I. The following uses are permitted in AG districts upon obtaining a use permit as provided for in Chapter 19.56 of this code:

1. Turkey farms, provided there is a cover crop or other dust control;
2. Any garbage, sewage, refuse, or offal feeding;
3. Commercial small animal and fowl specialty farms, including but not limited to chinchillas, minks, foxes, rodents, aviaries, rabbits, frogs, pigeons, ducks, and geese;
4. Commercial slaughterhouses and stockyards for livestock, small animals, poultry, and fowl;
5. Rendering plants and fertilizer plants;
6. Commercial recreation, dude ranches, and boarding and guest facilities when carried on as a clearly secondary use in conjunction with a primary agricultural use;
7. Oil and gas wells, including the drilling and installation, and use of such equipment, structures, and facilities as are necessary or convenient for oil-drilling and oil-producing operations customarily required or incidental to usual oil field practice, including but not limited to the initial separation of oil, gas, and water and for the storage, handling, recycling, and transportation of such oil, gas, and water to and from the premises; provided such activities are carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation;
8. Development of natural resources including mines, open pits for extraction of minerals, borrow pits, and quarries, with necessary buildings, apparatus, or appurtenances thereto; provided such activities are carried on as a clearly secondary activity in conjunction with a bona fide agricultural operation;
9. Any use determined by the planning commission after recommendations by the agricultural advisory committee to be compatible with the purposes of the California Land Conservation Act and which do not significantly adversely affect agricultural operations;
10. Any structure, building, use, or equipment incidental and necessary to any of the above uses, located on the same site, and included in the use permit;
11. Farm-labor camps and farm-labor quarters as defined in this title;
12. Social gatherings or weddings at winery facilities which exceed either of the limits set forth in subsection G(32)(j) of this section.

**ORDINANCE NO. XXXX**

AN ORDINANCE AMENDING SECTIONAL ZONING DISTRICT MAP NO. F-76 PURSUANT TO SECTION 19.20.020 OF THE AMADOR COUNTY CODE BY REZONING CERTAIN REAL PROPERTY FROM THE "R1A," SINGLE FAMILY RESIDENTIAL & AGRICULTURAL DISTRICT TO THE "AG," EXCLUSIVE AGRICULTURAL DISTRICT.

The Board of Supervisors of the County of Amador, State of California, do ordain:

**SECTION I. Recitals of Fact.**

**WHEREAS**, Chapter 19.68 (Amendments) of the Amador County Code provides for a procedure to amend Title 19 (Zoning) or to rezone property in Amador County; and

**WHEREAS**, rezoning requires an ordinance amending Sectional Zoning District Maps established in accordance with Section 19.20.020 of Title 19 (Zoning); and

**WHEREAS**, all notices and public hearings mandated by the State Planning Law and Title 19 (Zoning) of the Amador County Code have been adhered to by the Amador County Planning Commission and Board of Supervisors; and

**WHEREAS**, the Board of Supervisors adopts this ordinance with the findings contained in the pertinent Board minutes and because the public necessity, convenience, and general welfare require such an amendment.

**SECTION II.** Section 19.20.020 of the Amador County Code is amended by amending Sectional Zoning District Map No. F-76 (Z.C. No. 14;12-1) to change the zoning from the "R1A," Single Family Residential & Agricultural District to the "AG," Exclusive Agricultural District, on that certain real property being approximately 111.38 acres located at 1351 Highway 16, approximately 1.0 mile west of Long Gate Road, and specifically described in Attachment A, which is attached hereto.

**SECTION III.** This ordinance or a summary thereof shall be published in the manner prescribed in Government Code Section 25124 and shall become effective upon recordation of the California Land Conservation Act contract on the subject parcel or thirty days after the date hereof, whichever period is greater.

The foregoing ordinance was duly passed and adopted at a regular session of the Board of Supervisors of the County of Amador, held on the 10th day of November, 2015, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
CHAIRMAN, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County,  
California

By \_\_\_\_\_

(ORDINANCE NO. XXXX)

(XX/XX/XX)

The Planning Commission of the County of Amador met at the County Administration Center, 810 Court Street, Jackson, California. The meeting was called to order at 7:00 p.m. by Chairman Ryan.

**THOSE PRESENT WERE:**

Planning Commissioners: Ray Lindstrom, District I, Vice Chairman  
Caryl Callsen, District III  
Andy Byrne, District IV  
Ray Ryan, District V, Chairman

 **DRAFT**

Staff: Grace Pak, Deputy County Counsel  
Susan C. Grijalva, Planning Director  
Heidi Jacobs, Recording Secretary

**THOSE ABSENT WERE:** Dave Wardall, District II

**NOTE:** The Staff Report packet prepared for the Planning Commission is hereby incorporated into these minutes by reference as though set forth in full. Any Staff Report, recommended findings, mitigation measures, conditions or recommendations which are referred to by Commissioners in their action motions on project decisions which are contained in the Staff Reports are part of these minutes. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes. The recording tapes of this meeting are hereby incorporated into these minutes by reference and are stored in the Amador County Planning Department.

**A. Pledge of Allegiance.****B. Approval of Agenda:**

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Callsen and unanimously carried to approve the order of the agenda as presented.

Absent: Commissioner Wardall

**C. Minutes:** August 25, 2015; September 8, 2015.

**MOTION:** It was moved by Commissioner Lindstrom, seconded by Commissioner Byrne and unanimously carried to approve the minutes of August 25, 2015 as presented.

Abstain: Commissioner Callsen

Absent: Commissioner Wardall

**MOTION:** It was moved by Commissioner Callsen, seconded by Commissioner Lindstrom and unanimously carried to approve the minutes of September 8, 2015 as presented.

Abstain: Commissioner Byrne

Absent: Commissioner Wardall

**D. Correspondence:** Item 2: email from Susan Bragstad.**E. Public Matters not on the Agenda:** None**F. Recent Board Actions:** Susan Grijalva, Planning Director, stated the Board of Supervisors upheld the Planning Commission denial of Allred appeal regarding the wireless communication tower use permit on American Flat Side Road in Fiddletown. The Board added one additional condition to require slats in the cyclone fence to screen the equipment. **DRAFT****Public Hearings****Item 1 - Request for a Zone Change from "R1A," Single Family Residential & Agricultural District to "AG," Exclusive Agriculture District in conjunction with a request for inclusion into a California Land Conservation Act Contract (APN 001-110-014).**

**APPLICANTS:** Arditto Family Trust

**SUPERVISORIAL DISTRICT V**

**LOCATION:** 1351 Highway 16, approximately 1 mile west of Long Gate Road.

Susan C. Grijalva, Planning Director, summarized the staff report which is hereby incorporated by reference into these

minutes as though set forth in full.

 **DRAFT**

Chairman Ryan opened the public hearing. There was no public comment.

**MOTION:** It was moved by Commissioner Byrne, seconded by Commissioner Lindstrom and unanimously carried to close the public hearing.

Absent: Commissioner Wardall

The Commission agreed with the Agricultural Advisory Committee's recommendation to approve a California Land Conservation Contract.

**MOTION:** It was moved by Commissioner Lindstrom, seconded by Commissioner Callsen and unanimously carried to recommend adoption of the findings contained in the staff report and approval of the zone change to the Board of Supervisors.

Absent: Commissioner Wardall

 **DRAFT**

**Item 2 - Request for Zone Change from the "R1A," Single Family Residential and Agricultural District to the "A," Agricultural District to allow expanded winery uses (APN: 007-120-009).**

**APPLICANT:** 11000, LLC (Andis Wines/Jenae Plasse, COO)

**SUPERVISORIAL DISTRICT V**

**LOCATION:** 11000 Shenandoah Road, just northeast of the intersection with Dickson Road.

Susan C. Grijalva, Planning Director, summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Chairman Ryan opened the public hearing.

Jenae Plasse, Andis Wines, COO, was available for questions.

Cecily Smith, on behalf of Susan Bragstad, asked for the concerns raised in the letter Ms. Bragstad submitted to be addressed; specifically why is this request exempt from CEQA because it will allow for an unlimited number of events [for up to 125 people] and an increase in events that would allow 450 people which could have significant impacts to traffic and noise.

Ms. Grijalva stated the County's CEQA Guidelines Appendix B does identify what is called comparable zoning or down-zoning; in the list of zoning hierarchy the "R1A," "A" and "X" zoning designations are considered to be comparable or possibly even down-zoning. That is the guideline staff has used for many years.

Commissioner Byrne asked how "A" would be a down-zoning of "R1A". Ms. Grijalva clarified it is considered comparable zoning or down-zoning; the by-right uses are not necessarily even for even, they are comparable to each other. There are some things in "R1A" that could generate the same potential impacts that are allowed in "A." The overall evaluation of the comparable or down-zoning was for the potential impacts, not necessarily the uses.

Commissioner Byrne stated he has asked the same questions before; this should be address especially since someone else has raised the same concerns. The Shenandoah Valley has impacts that may never be mitigated long-term for the whole area. Commissioner Byrne asked if staff knew of other areas that may want to request an agricultural zoning. Ms. Grijalva stated there are a lot of areas in the County that can apply for agricultural zoning or Williamson Act zoning; Williamson Act is categorically exempt and she does not recall anyone raising these questions when there are more uses allowed in Williamson Act than "A" or "R1A."

Chairman Ryan asked for clarification of how the zone change is supported by CEQA Guidelines.

Ms. Grijalva stated the CEQA has guidelines specific to the Williamson Act. The local CEQA guidelines have what we locally here have determined or accepted as being categorically exempt as well. The general rule of the state CEQA

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION**  
**FOR MEETING OF: OCTOBER 13, 2015**

**ITEM 1 - REQUEST FOR A ZONE CHANGE FROM “R1A,” SINGLE FAMILY RESIDENTIAL & AGRICULTURAL DISTRICT TO “AG,” EXCLUSIVE AGRICULTURE DISTRICT IN CONJUNCTION WITH A REQUEST FOR INCLUSION INTO A CALIFORNIA LAND CONSERVATION ACT CONTRACT (APN 001-110-014).**

**APPLICANTS:** Arditto Family Trust  
**SUPERVISORIAL DISTRICT V**

**LOCATION:** 1351 Highway 16, approximately 1 mile west of Long Gate Road.

- A. GENERAL PLAN DESIGNATION OF AREA:** A-G, Agricultural-General (one family per 40 acre population density).
- B. CURRENT ZONING:** “R1A,” Single Family Residential & Agricultural District
- C. ACREAGE INVOLVED:** 111.38
- D. DESCRIPTION:** The applicants have applied for inclusion of approximately 111 acres into a California Land Conservation Act (Williamson Act) contract, which requires a zone change to the “AG,” Exclusive Agricultural District. The intended use of the property is dry pasture cattle grazing.  
  
*NOTE: This request is exempt from the moratorium on general plan amendments and zone changes Pursuant to exception (b) (zone changes that are consistent with the general plan designation on both the property’s current and the now identified proposed general plan land use map) of Resolution No. 11-024 (attached).*
- E. STAFF/COMMITTEE RECOMMENDATION:** The Agricultural Advisory Committee reviewed the request for inclusion into a Williamson Act contract and recommended approval of the request to the Board of Supervisors (see attached draft minutes excerpt).
- F. FINDINGS:** If the Planning Commission recommends approval of this zone change, the following findings are recommended for adoption:
  - 1. The zone change is consistent with the Amador County General Plan Land Use designation for the property;
  - 2. The property will meet the agricultural improvement requirements of the “AG” zone district as outlined in County Code § 19.24.036 D(3); and
  - 3. The zone change is categorically exempt according to Section 15317, Class 17 of the State CEQA Guidelines (Open Space Contracts or Easements) and a Notice of Exemption will be adopted and filed with the County Recorder.

**MINUTES  
AMADOR COUNTY AGRICULTURAL ADVISORY COMMITTEE  
MEETING OF WEDNESDAY, APRIL 16, 2015**

The meeting of the Amador County Agricultural Advisory Committee was called to order at 5:00 PM in Conference Room C at the County Administration Center, 810 Court Street, Jackson, California, by Chair John Allen.

The following members were present:

John Allen, District 4 (Chair)  
Dan Port, District 2, (Vice Chair)  
David Bassett, District 1  
Caryl Callsen, Planning Commission  
Rich Pember, Assessor's Office  
Patti Lesky, Agricultural Commissioner

Also in attendance:

Chuck Beatty, Planning Department  
David Helwig, Helwig Vineyards  
Cheryl Speed, Helwig Vineyards

- A. CORRESPONDENCE:** None.  
**B. PUBLIC MATTERS AND PERSONS WISHING TO ADDRESS THE COMMITTEE REGARDING NON-AGENDA ITEMS:** None.

**AGENDA ITEMS:**

- ITEM 1.** Review of a request for inclusion into a California Land Conservation Act contracts for the following, submitted by John P. Arditto, Trustee for Arditto Family Trust:

111.38 acres located on the north side of SR16, approximately 1 mile west of Long Gate Road (APN 001-110-014).

Chairman Allen asked for a report from the Assessor's office as to the adequacy of the applications. Rich Pember noted that the 111.38-acre parcel (APN 001-110-014) met the improvements qualifications for the Williamson Act.

On a motion by David Bassett, seconded by Patti Lesky, the Committee unanimously recommended that the Board of Supervisor's approve a California Land Conservation Contract for APN 001-110-014.

ITEM 2. Review of a request for inclusion into a California Land Conservation Act contracts for the following, submitted by John P. Arditto, Trustee for Arditto Family Trust:

41.65 acres located on the south side of Long Gate Road, approximately ¼ mile south of SR16 (APN 001-140-016).

Chairman Allen asked for a report from the Assessor's office as to the adequacy of the applications. Rich Pember noted that the parcel did not meet the improvement threshold, falling short of the \$28,323 requirement by about \$8,000.

On a motion by David Bassett, seconded by Caryl Callsen, the Committee unanimously recommended that the application be denied.

ITEM 3. Review of a request for inclusion into a California Land Conservation Act contracts for the following, submitted by John P. Arditto, Trustee for Arditto Family Trust:

95.02 acres located on the north side of SR16, approximately 1.5 miles west of Long Gate Road (APNs 001-110-001 and 001-110-013).

Chairman Allen asked for a report from the Assessor's office as to the adequacy of the applications. Rich Pember noted that the parcels together contained approximately \$20,400 worth of agricultural improvements. Because the 65 +/- acres in parcel 001-110-013 are adjacent to the qualifying land in parcel 001-110-014, there is the possibility of combining those parcels into a single contract. However, the application did not qualify on its own.

On a motion by Caryl Callsen, seconded by David Bassett, the Committee unanimously recommended that the application be denied.



STAFF REPORT TO: AMADOR COUNTY AGRICULTURAL ADVISORY  
COMMITTEE  
FOR MEETING OF: APRIL 16, 2015

ITEM #1 REVIEW OF REQUEST TO ESTABLISH AN AGRICULTURAL  
PRESERVE IN ACCORDANCE WITH THE CALIFORNIA LAND  
CONSERVATION ACT FOR 111.38 ACRES (ARDITTO FAMILY TRUST).

*Located on the north side of SR16, approximately one mile west of Long Gate Road  
(APN 001-110-014).*

This application is a request to establish a 111.38-acre agricultural preserve per the requirements of the California Land Conservation Act. The parcel is used for dry pasture cattle grazing. The agricultural income and improvements for the parcel, as provided by the applicant, are included in the attached information.

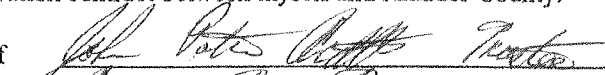
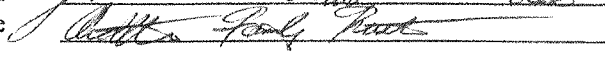
The Committee must review the application to determine if the parcel meets *both* the agricultural income potential (\$5,665), and agricultural improvement criteria (\$28,323), as required by County Code Section 19.24.036 D3, for parcels at least 100 acres but less than 160 acres in size.

If the Committee recommends approval of this request to the Board of Supervisors, staff recommends that the contract be subject to a successful request for a Zone Change from the "RIA" district to the "AG" district.

## REQUEST TO FORM AGRICULTURAL PRESERVE

I hereby request the Board of Supervisors of Amador County to establish my property, described below, in an agricultural preserve in accordance with the provisions of the California Land Conservation Act of 1965. In the event that the Board elects to establish such a preserve, I also request that the Board direct the Planning commission to initiate hearings to rezone said land to an "AG," Exclusive Agriculture zone. I also request that the Assessor consolidate the tax parcels on said land wherever possible. I understand the inclusion of said land in an agricultural preserve is conditioned on the execution of a land conservation contract between myself and Amador County.

Item A Signature(s) of all owner(s), owner(s) of interest, and lien holder(s) as shown on the attached title report.

  
  
 \_\_\_\_\_

Item B Attach current title report.

Item C Attach legal description of all property included in this request.

Item D Attach Assessor's parcel map(s) of property. Outline exactly that property included in this request. Show on map(s) how property is used and summarize on the table below. List uses and acreages within request only. Attach additional sheets if necessary.

Assessor's Parcel No.	Acres	Agricultural Uses		Compatible Uses	
		Description	Acres	Description	Acres
001-110-14	111.38	GRAZING LIVESTOCK	108	RESIDENCE	3
Total Acres in request.	111.38				

Are there uses on the property which are not listed on either the agricultural or compatible use lists? \_\_\_\_\_  
 If so, explain below.

Item E

**AGRICULTURAL PRODUCTION FROM THE LAND**

Use	Crop	Production	Comments
Dry Pasture	NATIVE Grass	15-20 Animal Units	
Irrigated Pasture		Animal Units	
Field Crops		Tons Per Acre	
		Tons Per Acre	
Row Crops		Tons Per Acre	
		Tons Per Acre	
Orchard		Tons Per Acre	
Other			

Item F

**OTHER INCOME FROM THE LAND**

Hunting	Fishing	Mineral	Other
Per Year	Per Year	Per Year	Per Year
\$	\$ <i>None</i>	\$	\$

Item G

**LEASES**

			Acres
1. Portion of subject property which is owner operated.			
2. Portion(s) leased or rented to others. Provide Name & Address of lessee(s).	Use	Cash Rent Per Acre	
<i>None</i>			
3. Portion(s) share cropped to others. Provide Name & Address of lessee(s)	Crop	% to Owner	
If operating expenses are shared by owner, explain:			

Item H

**IMPROVEMENT AND INCOME STATEMENT**

1. **PERMANENT AGRICULTURAL IMPROVEMENTS**

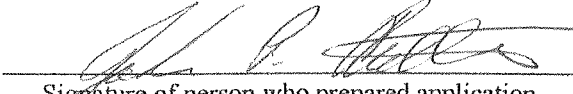
Type of Improvement	Estimated Value
Barn(s) <i>SMALL HAY BARN</i>	<i>\$ 6500.<sup>00</sup></i>
Corral(s) <i>POUNDER RIVER</i>	<i>\$ 12000.<sup>00</sup></i>
Fences <i>BARB WIRE FENCE</i>	<i>\$ 12000.<sup>00</sup></i>
Wells <i>2 WELLS @ 7 GALLONS @ 120 GALLONS</i>	<i>\$ 16000.<sup>00</sup></i>
Water Systems <i>PRESSURE TANKS WATER SCHEDULES</i>	
Other (specify) <i>LIVESTOCK RESERVOIR</i>	<i>\$ 6500.<sup>00</sup></i>
<b>TOTAL</b>	<i>\$ 53,600.<sup>00</sup></i>

2. **ESTIMATED INCOME**

Use	Estimated Annual Income
<i>CATTLE GRAZING</i>	
<i>LOW COW 300 LB COWS @ 250 / LB</i>	<i>\$ 750 x 20 \$ 14000.<sup>00</sup></i>
<i>20 COWS \$20 / LB. 2400.<sup>00</sup></i>	<i>\$ 2400.<sup>00</sup></i>
<b>TOTAL</b>	<i>\$ 16,400.<sup>00</sup></i>

I certify that the information presented in this application is true and correct to the best of my knowledge.

NAME: JOAN ARBITTO  
 ADDRESS: 10151 ELDER CREEK RD  
 CITY: SAN JOSE CA. 95829  
 PHONE: 916-296-7557

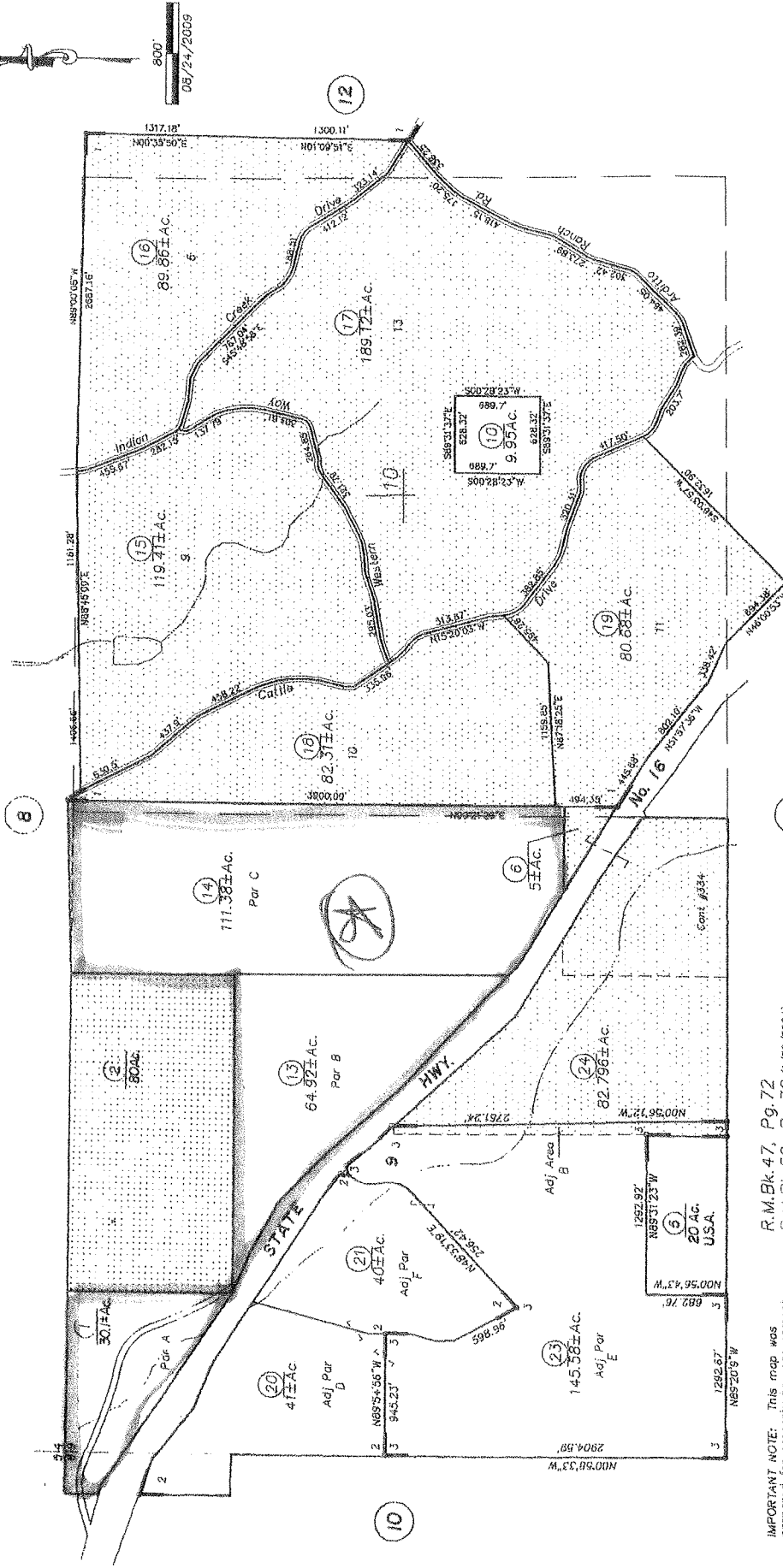
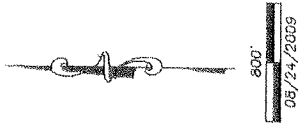
  
 Signature of person who prepared application.  
12/29/14  
 Date

Additional persons to be notified concerning action on this request:  
 NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_  
 PHONE: \_\_\_\_\_

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_  
 PHONE: \_\_\_\_\_

POR. SEC. 8, ALL SEC'S. 9 & 10, T. 7N., R. 9E., M.D.B. 8.M.

1-11



**IMPORTANT NOTE:** This map was prepared for property tax assessment purposes only. It is assumed that the property, as described in it's deed, is the property being assessed. No liability is assumed for the accuracy of the data delineated hereon.

- R.M.Bk. 47, Pg. 72
- 1-R.M.Bk. 56, Pg. 32 (1/20/2004)
- 2-R.M.Bk. 57, Pg. 41 (12/21/2004)
- 3-R.M.Bk. 58, Pg. 36 (11/3/2005)

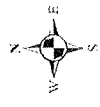
Map changes become effective with the 2006-2007 roll year. Parcel numbers are subject to change prior to adoption of roll on each July 1.

NOTE—Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 1, Pg. 11  
County of Amador, Calif.



- 3 Cities and Communities
- Transportation
  - Roads
    - One Way Road
    - Primary Road
    - Secondary Road
    - County Route
    - State Highway
    - Unimproved Road
- Administrative Boundaries
  - City Limits
  - Amador County Boundary
  - Parcels



1" = 593 ft

Aerial photography, if displayed,  
© DigitalGlobe, Inc., All Rights Reserved

Notes



The County of Amador assumes no responsibility arising from use of this information. THE MAPS AND ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this data before consulting your decision with the appropriate County Office.

Amador County GIS Viewer  
Amador County Information Technology Dept.  
810 Court St., Jackson CA 95642

April 10, 2015

STAFF REPORT TO: AMADOR COUNTY AGRICULTURAL ADVISORY  
COMMITTEE  
FOR MEETING OF: APRIL 16, 2015

ITEM #2 REVIEW OF REQUEST TO ESTABLISH AN AGRICULTURAL  
PRESERVE IN ACCORDANCE WITH THE CALIFORNIA LAND  
CONSERVATION ACT FOR 41.65 ACRES (ARDITTO FAMILY TRUST).

*Located on the south side of Long Gate Road, approximately 1/4 mile south of  
SR16 (APN 001-140-016).*

This application is a request to establish a 41.65-acre agricultural preserve per the requirements of the California Land Conservation Act. The parcel is used for dry pasture cattle grazing. The agricultural income and improvements for the parcel, as provided by the applicant, are included in the attached information.

The Committee must review the application to determine if the parcel meets both the agricultural income potential (\$5,665), and agricultural improvement criteria (\$28,323), as well as demonstrate unique characteristics of an agricultural industry, as required by County Code Section 19.24.036 D4, for parcels at least 40 acres but less than 100 acres in size.

If the Committee recommends approval of this request to the Board of Supervisors, staff recommends that the contract be subject to a successful request for a Zone Change from the "RIA" district to the "AG" district.

# AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
November 10, 2015	

To: **Board of Supervisors**

Date: October 29, 2015

From: Steven A. Zanetta  
(Department Head - please type)

Phone Ext. 371

Department Head Signature *Steven Zanetta*

Agenda Title: Ray & Denise Speetzen-Public Hearing for a Certificate of Merger & abandonment of a 10' public utility easement

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)  
The subject agenda item is a Public Hearing for a Certificate of Merger and abandonment of a ten-foot wide (10') public utility easement. The property is located on the southerly side of Curran Road, approximately 200 feet easterly of the junction with Quiver Drive, in the Lake Camanche area. APN 03-752-006 and 03-752-007.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes  No

Contract Attached: Yes  No  N/A   
Resolution Attached: Yes  No  N/A   
Ordinance Attached: Yes  No  N/A

Committee Review? N/A

Name \_\_\_\_\_

Committee Recommendation: \_\_\_\_\_

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

Request Reviewed by:

Chairman *[Signature]*

Counsel *GG*

Auditor *JOR*

GSA Director *Hop*

CAO *[Signature]*

Risk Management \_\_\_\_\_

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

Please transmit two copies of each resolution to Surveying; one set certified.

### FOR CLERK USE ONLY

Meeting Date November 10, 2015 Time 10:30 a.m. Public Hearing Item # 13

Board Action: Approved Yes \_\_\_ No \_\_\_ Unanimous Vote: Yes \_\_\_ No \_\_\_

Ayes: \_\_\_\_\_ Resolution \_\_\_\_\_ Ordinance \_\_\_\_\_ Other: \_\_\_\_\_

Noes \_\_\_\_\_ Resolution \_\_\_\_\_ Ordinance \_\_\_\_\_

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

Distributed on _____	A new ATF is required from _____ Department	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
Completed by _____ of _____	For meeting of _____	ATTEST: _____ Clerk or Deputy Board Clerk



Requested by:  
**BOARD OF SUPERVISORS**  
Return to:  
**SURVEYING & ENGINEERING**

---

**BEFORE THE BOARD OF SUPERVISORS OF THE  
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF

RESOLUTION APPROVING ABANDONMENT ) RESOLUTION NO. 15-XXX  
OF A PUBLIC UTILITY EASEMENT FOR )  
RAY SPEETZEN AND DENISE SPEETZEN )

BE IT RESOLVED by the Board of Supervisors of the County of Amador, State of California, that said Board does hereby approve the abandonment of a ten-foot wide (10') public utility easement for Ray Speetzen and Denise Speetzen as attached description in Exhibit "A".

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 10th day of November, 2015, by the following vote:

AYES: Brian Oneto, John Plasse, Louis D. Boitano, Richard M. Forster, and  
Lynn A. Morgan

NOES: None

ABSENT: None

---

Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County  
California

---

Deputy

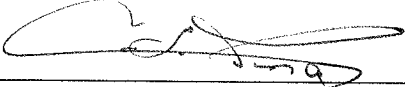
# EXHIBIT "A"

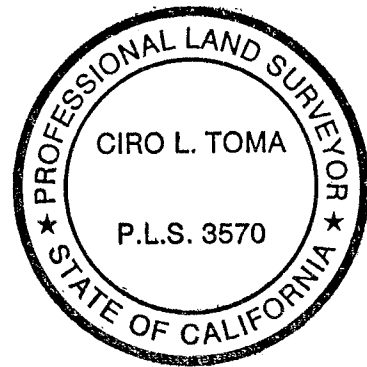
## LEGAL DESCRIPTION

### Public Utility Easement to be abandoned between Lots 6-356 & 6-357 Lake Camanche Village Unit 6

A public utility easement to be abandoned situated in the County of Amador, State of California, and being a strip of land the uniform width of Ten (10.00) feet, and being also along the common line between Lots 6-356 and 6-357, as shown and so designated upon that certain official map entitled "LAKE CAMANCHE VILLAGE UNIT 6", and filed for record in the office of the Recorder of Amador County in Book 3 of Subdivision Maps at Page 53, et seq, the centerline of said easement being more particularly described as follows:

Beginning at the North common corner to the hereinabove referred to Lots 6-356 and 6-357, thence, from said point of beginning, along the common line thereto, South 06° 04' 42" West 166.90 feet to the South common corner to said Lots 6-356 and 6-357.

 09/21/15  
Ciro L. Toma PLS 3570 License expires 06/30/2016



Requested By:  
**BOARD OF SUPERVISORS**  
When recorded return to:  
**SURVEYING & ENGINEERING**

---

**BEFORE THE BOARD OF SUPERVISORS OF THE  
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION ISSUING CERTIFICATE ) RESOLUTION NO. 15-XXX  
OF MERGER TO RAY SPEETZEN AND )  
DENISE SPEETZEN )

BE IT RESOLVED by the Board of Supervisors of the County of Amador, State of California, that pursuant to Amador County Code No. 17.94.040 a certificate of merger be approved and hereby is issued to Ray Speetzen and Denise Speetzen for the parcel described in the certificate of merger; and

BE IT FURTHER RESOLVED that the Clerk of said Board be and hereby is directed to record this resolution and certificate of merger.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 10th day of November, 2015, by the following vote:

AYES: Brian Oneto, John Plasse, Louis D. Boitano, Richard M. Forster, and  
Lynn A. Morgan  
NOES: None  
ABSENT: None

---

Chairman, Board of Supervisors

ATTEST  
JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County,  
California

---

Deputy

Requested by:  
Board of Supervisors

Return to:  
Surveying and Engineering

---

**CERTIFICATE OF MERGER**

I/We, the undersigned owner(s) of record, hereby declare our intention to merge said real property, heretofore known and described as follows:

Lot Numbers 6-356 and 6-357 of Lake Camanche Village Unit No. 6 as shown on the official map filed for record February 19, 1971 in Book 3 of Subdivision Maps at Page 53, Amador County Records.

Said land to be known hereafter as follows:

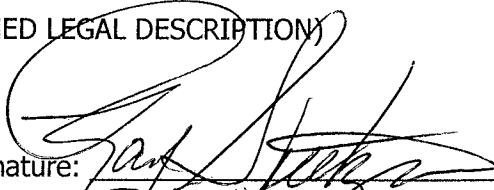
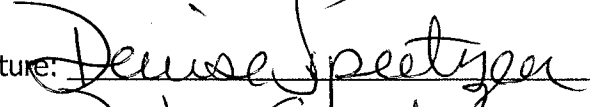
(SEE ATTACHED LEGAL DESCRIPTION)

Owner(s) signature:

Print name/title:

Owner(s) signature:

Print name/title:

  
\_\_\_\_\_  
RAY SPEETZEN  
\_\_\_\_\_  
  
\_\_\_\_\_  
Denise Speetzen  
\_\_\_\_\_

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Joaquin

On 10-5 2015 before me,  
Date

Matthew K Mauser, Notary Public, personally appeared,

Ray Speetzen & Denise Speetzen  
Name(s) of Signer(s)

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.

Matthew K. Mauser  
Signature of Notary Public



Notary Seal

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: Certificate of Merger

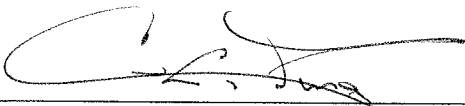
Document Date: 10-5-2015 Number of Pages: 3

Signer(s) Other than Named Above: Ray & Denise Speetzen

**LEGAL DESCRIPTION**  
**Merger of Lots 6-356 & 6-357**  
**Lake Camanche Village Unit 6**

A parcel of land situated in the County of Amador, State of California, and being a merger of Lots 6-356 and 6-357, as shown and so designated upon that certain official map entitled "LAKE CAMANCHE VILLAGE UNIT 6", and filed for record in the office of the Recorder of Amador County in Book 3 of Subdivision Maps at Page 53, et seq, and said merger parcel being more particularly described as follows:

Beginning at the Northwest corner of the hereinabove referred to Lot 6-356, thence, from said point of beginning, along the North lines of said Lot 6-356 and the hereinabove referred to Lot 6-357, South  $83^{\circ} 55' 18''$  East 160.49 feet to the Northeast corner of said Lot 6-357; thence, along the East line of said Lot 6-357, South  $06^{\circ} 04' 42''$  West 146.86 feet to the Southeast corner of said Lot 6-357; thence, along the South lines of said Lots 6-357 and 6-356, South  $81^{\circ} 11' 15''$  West 148.83 feet to the Southwest corner of said Lot 6-356; thence, along the West line of said Lot 6-356, North  $00^{\circ} 56' 16''$  East 185.85 feet to the point of beginning, and containing 0.58 acre of land, more or less.

 05/21/15  
Ciro L. Toma PLS 3570 License expires 06/30/2016

