Page 1 of 12 Page 1 of 12

STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION

FOR MEETING OF: MARCH 14, 2017

ITEM 3 - 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 AND REQUEST FOR A VARIANCE FROM COUNTY CODE SECTION 19.24.036 D(4) FOR INCLUSION OF A PARCEL LESS THAN 40 ACRES (APN 014-170-035).

APPLICANT: Town Centre Car Wash Company, Inc. (Jim Riskas, owner) **SUPERVISORIAL DISTRICT 5**

LOCATION: 20550 Ostrom Road, approximately 0.30 miles north of

Fiddletown Road

- **A. GENERAL PLAN DESIGNATION OF AREA:** A-T, Agricultural Transition (5-acre minimum parcel size)
- **B. CURRENT ZONING:** "R1A," Single Family Residential & Agricultural District
- C. ACREAGE INVOLVED: 39.92
- **D. DESCRIPTION:** The applicants have applied for inclusion of approximately 39.92 acres into a California Land Conservation Act (Williamson Act) contract. The current use of the property includes approximately 35 acres of irrigated vineyards.
- **E. STAFF/COMMITTEE RECOMMENDATION:** The Agricultural Advisory Committee reviewed the request for inclusion into a Williamson Act contract and recommended approval of the zone change request to the Board of Supervisors, along with the recommended findings below.
- **F. ZONE CHANGE FINDINGS:** If the Planning Commission recommends approval of this zone change to the Board of Supervisors, 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 and income requirements of the "AG" zone district as outlined in County Code § 19.24.036 D(4); 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.
- **G. VARIANCE:** The applicant is seeking a variance from County Code § 19.24.036 D(4) in order to include a parcel less than 40 acres into a Williamson Act contract. County Code § 19.24.036(D)(2)(b) allows for parcels less than 40 acres to be included subject to 1) obtaining a variance from the Board of Supervisors, and 2) the Board of Supervisors making the following findings (code attached):

Page 1 of 12 Page 1 of 12

Page 2 of 12 Page 2 of 12

- that special circumstances have caused the size of the parcel to be less than 40 acres;
- that the parcel substantially complies with the qualifications for 40-acre parcels;
- that the owner (or predecessor) did not, within three years preceding the application, voluntarily reduce the size of the parcel below 40 acres;
- the parcel must be contiguous to a parcel included in a Williamson Act contract which has a size of forty acres or more.
- **H. STAFF/COMMITTEE RECOMMENDATION:** The Agricultural Advisory Committee reviewed the request for a variance from the minimum 40-acre requirement in accordance with County Code Section 19.24.036(D)(2)(b), and recommended approval to the Board of Supervisors subject to the findings below.
- I. VARIANCE FINDINGS: If the Planning Commission recommends approval of the variance to the Board of Supervisors, the following findings are recommended:
 - 1. The dedication of right-of-way for Ostrom Road is a special circumstance that reduced the net acre of the parcel from 40.08 acres to 39.92 acres, as described in attached Parcel Map #1925, recorded in Book 33 of Maps, Page 60, of the Amador County Records;
 - 2. The parcel substantially complies with the income and improvement requirements for 40-acre parcels and demonstrates unique characteristics of an agricultural industry;
 - 3. Within the three years preceding the application, the parcel was not reduced in size;
 - 4. The parcel is contiguous to a parcel included in Williamson Act contract #151, which has a size of 51.42+/- acres.

Page 2 of 12 Page 2 of 12

Page 3 of 12 Page 3 of 12

MINUTES AMADOR COUNTY AGRICULTURAL ADVISORY COMMITTEE MEETING OF WEDNESDAY, JANUARY 11, 2017

The meeting of the Amador County Agricultural Advisory Committee was called to order at 5:30 p.m. 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)
David Bassett, District 1
Dan Port, District 2
Caryl Callsen, Planning Commission
Eric Mayberry, Agricultural Commissioner

Also in attendance:

Scott Oneto, Farm Advisor Chuck Beatty, Planning Department Jim Riskas

- **A. CORRESPONDENCE:** None.
- B. PUBLIC MATTERS AND PERSONS WISHING TO ADDRESS THE COMMITTEE REGARDING NON-AGENDA ITEMS: None.
- C. APPROVAL OF MINUES: It was moved by David Bassett, seconded by Caryl Callsen, and carried to approve the April 27, 2016 minutes as presented.

AGENDA ITEMS

Review of a request for inclusion into a California Land Conservation Act contract and preserve for 39.92 acres located at 20550 Ostrom Road (APN 014-170-035), submitted by Town Centre Car Wash Company, Inc.

Chairman Allen introduced the item and discussed the requirements for inclusion into Williamson Act contracts for parcels between 40 and 100 acres.

Chuck Beatty distributed the report from the Assessor's office which indicated that the parcel exceeds the requirements of at least \$28,323 in agricultural improvements and the potential for at least \$5,665 in agricultural income.

Chair Allen reviewed the County Code requirements for parcels less than 40 acres to be included in a Williamson Act contract:

A parcel comprised of less than forty acres may be zoned AG despite the forty-acre minimum for AG parcels provided, that a variance is obtained from the Board of Supervisors and that the Board must find that special circumstances have

Page 3 of 12 Page 3 of 12

Page 4 of 12 Page 4 of 12

caused the size of the parcel to be less than forty acres, that the parcel substantially complies with the forty-acre minimum standards, and that the owner or his predecessor in interest did not, within three years preceding the application, voluntarily reduce the size of the parcel below the forty-acre minimum. The subject parcel must also be contiguous to parcel subject to a California Land Conservation Act contract which has a size of forty acres or more.

It was moved by David Bassett, seconded by Dan Port, and carried to recommend approval of a Williamson Act contract for APN 014-170-035, with the following findings:

The dedication of right-of-way for Ostrom Road is a special circumstance that reduced the net acre of the parcel from 40.08 acres to 39.92 acres, as described in Parcel Map #1925, recorded in Book 33 of Maps, Page 60, of the Amador County Records (Parcel Map #1925 attached);

The parcel substantially complies with the income and improvement requirements for 40-acre parcels and demonstrates unique characteristics of an agricultural industry;

Within the three years preceding the application, the parcel was not reduced in size;

The parcel is contiguous to a parcel included in Williamson Act contract #151, which has a size of 51.42+/- acres (Assessor's Parcel Map attached).

OTHER BUSINESS: Scott Oneto introduced Eric Mayberry as the new Agricultural Commissioner for Amador County.

There being no further business, the meeting was adjourned at 6:00 p.m.

John Aller	n, Jr., Chairman
Chuck Bea	atty, Planner III

Page 4 of 12 Page 4 of 12

STAFF REPORT TO:

AMADOR COUNTY AGRICULTURAL ADVISORY

COMMITTEE

FOR MEETING OF:

JANUARY 11, 2017

ITEM #1

REVIEW OF REQUEST TO ESTABLISH AN AGRICULTURAL PRESERVE IN ACCORDANCE WITH THE CALIFORNIA LAND CONSERVATION ACT FOR 40+/- ACRES, SUBMITTED BY TOWN CENTRE CAR WASH COMPANY, INC.

Located at 20550 Ostrom Road (APN 014-170-035).

This application is a request to establish an agricultural preserve per the requirements of the California Land Conservation Act. The parcel is used for irrigated vineyards. 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 <u>both</u> the agricultural income potential (\$5,665), and agricultural improvement criteria (\$28,323), <u>as well as</u> 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.

The application materials indicate that the parcel is less than the minimum 40 acres typically required to be included in a Williamson Act contract. However, County Code Section 19.24.036(D)(2)(b) allows for parcels less than 40 acres to be included subject to 1) obtaining a variance from the Board of Supervisors, and 2) the Board of Supervisors making the following findings (code attached):

- that special circumstances have caused the size of the parcel to be less than 40 acres;
- that the parcel substantially complies with the qualifications for 40-acre parcels;
- that the owner (or predecessor) did not, within three years preceding the application, voluntarily reduce the size of the parcel below 40 acres;
- the parcel must be contiguous to a parcel included in a Williamson Act contract which has a size of forty acres or more.

If the Committee recommends approval of this request to the Board of Supervisors, staff recommends that the following findings be included in the Committee's recommendation in order to satisfy the requirement above:

The dedication of right-of-way for Ostrom Road is a special circumstance that reduced the net acre of the parcel from 40.08 acres to 39.92 acres, as described in Parcel Map #1925, recorded in Book 33 of Maps, Page 60, of the Amador County Records (Parcel Map #1925 attached);

The parcel substantially complies with the income and improvement requirements for 40-acre parcels and demonstrates unique characteristics of an agricultural industry;

Within the three years preceding the application, the parcel was not reduced in size;

The parcel is contiguous to a parcel included in Williamson Act contract #151, which has a size of 51.42+/- acres (Assessor's Parcel Map attached).

Excerpt from County Code Section 19.24.036 AG district regulations.

- D. No property shall be rezoned to AG district unless the following requirements are met:
- 1. a. No parcel less than forty acres shall be zoned AG except that contiguous parcels under common ownership totaling forty acres or more may be zoned AG if said parcels are merged into an assessor's parcel. Said parcels shall be considered as one parcel for purposes of subdivision under the State Subdivision Map Act and Title 17 of this code.
- b. A parcel comprised of less than forty acres may be zoned AG despite the forty-acre minimum for AG parcels set forth in paragraph a; provided, that a variance is first obtained pursuant to Chapter 19.52 of this code; provided, however, that in addition to the requirements of that chapter, the board must find that special circumstances have caused the size of the parcel to be less than forty acres, that the parcel substantially complies with the forty-acre minimum set forth herein, and that the owner thereof or his predecessor in interest did not, within three years preceding the application for rezoning, voluntarily reduce the size of the parcel below the forty-acre minimum. The foregoing notwithstanding, no parcel of less than forty acres shall under any circumstances be zoned AG unless it is contiguous to a parcel zoned AG, which parcel is subject to a California Land Conservation Act contract and which has a size of forty acres or more.
- 2. Parcels to be zoned AG containing one hundred sixty acres or more shall indicate a potential ability to produce an annual gross income from agriculture of not less than two thousand dollars, or shall have permanent agricultural improvements thereon with a value of not less than ten thousand dollars. The amounts set forth in this subdivision shall be adjusted for inflation each year beginning January 1, 1981, in accordance with any increase or decrease in the Consumer Price Index for Northern California published by the United States Department of Labor or any other appropriate index or combination of indices selected by the board, which amounts shall be rounded to the nearest hundred dollars.
- 3. Property less than one hundred sixty acres but not less than one hundred acres shall meet both of the criteria listed in subdivision D2.
- 4. Property less than one hundred acres but at least forty acres or qualifying pursuant to Paragraph D1b shall meet the criteria listed in subdivision D2 and additionally shall demonstrate unique characteristics of an agricultural industry.
- 5. Property less than one hundred sixty acres may be considered to satisfy requirements of subdivisions D1through D4 if the property is a portion of and contiguous to the adjacent tract under the same ownership which is within an agricultural preserve in an adjoining county and which, when considered as a whole, would meet the appropriate requirements.
- 6. A parcel may be found to meet the income requirements set forth in subdivisions D1 through D4 if the owner of the parcel demonstrates to the satisfaction of the board than the owner has planted at the time of this application for rezoning to AG, or that he shall plant during the calendar year following his application for rezoning to AG, crop-bearing trees or vines or other slowly maturing crops, or that he has made or will make agricultural improvements which shall ensure that there will be, within five years from the date of the rezoning to AG, annual agricultural income from the parcel in the minimum amount set forth in this section. Any California Land Conservation Act contract entered into on the basis of this subdivision shall contain a provision that, in the event such income is not produced within such period

Page 6 of 12 Page 6 of 12

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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 resone said land to an "AG," Exclusive Agriculture some. (also request that the Assessor consolidate the lax parcels on said land wherever possible. Lunderstand 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 facts for facts from Green the him interest, and from holder(s) as shown on the strucked title report. Reit Muttel a Prestate to Oleta Olerayurek
Item B	Attach current firle report.
Item C	Attach legal description of all property included in this request.
(tem f)	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		Agricultural U	ses	Compatible Uses		
Parcel No.	Acres	Description	Acres	Description	Acres	
014-170-	40	VINEYARD	40			
					1	
Total Acres	40					

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

Item E

AGRICULTURA	PRO	DUCTION	FROM	THE	LAND
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Use	Стор	Production	Comments
Dry Pasture	N/A	Animal Units	
Irrigated Pasture	N/A	Animal Units	
Field Crops	N/A	Tons Per Acre	
•		Tons Per Acre	
Row Crops	WINE GRAPES	2.5 Tons Per Acre	
Row Crops		Tons Per Acre	
Orchard	N/A	Tons Per Acre	
Other			

Item F

OTHER INCOME FROM THE LAND

	Hunting			Fishing		Mineral		Other			
\$0	N/A	Per Year	\$0	NA	Per Year	\$ 0	N/A	Per Year	\$0	N/A	Per Year

Item G

LEASES

10195	ACHEC				
			Acres		
1. Portion of subject property which is owner operated	40				
2. Portion(s) leased or rented to others. Provide Name & Address of lessee(s). Cash Rent Per Acre					
NONE	N/A	NA			
 Portion(s) share cropped to others. Provide Name & Address of lessee(s) 	Crop	% to Owner			
NONE	N/A				
If operating expenses are shared by owner, explain:					
NONE					

Item H

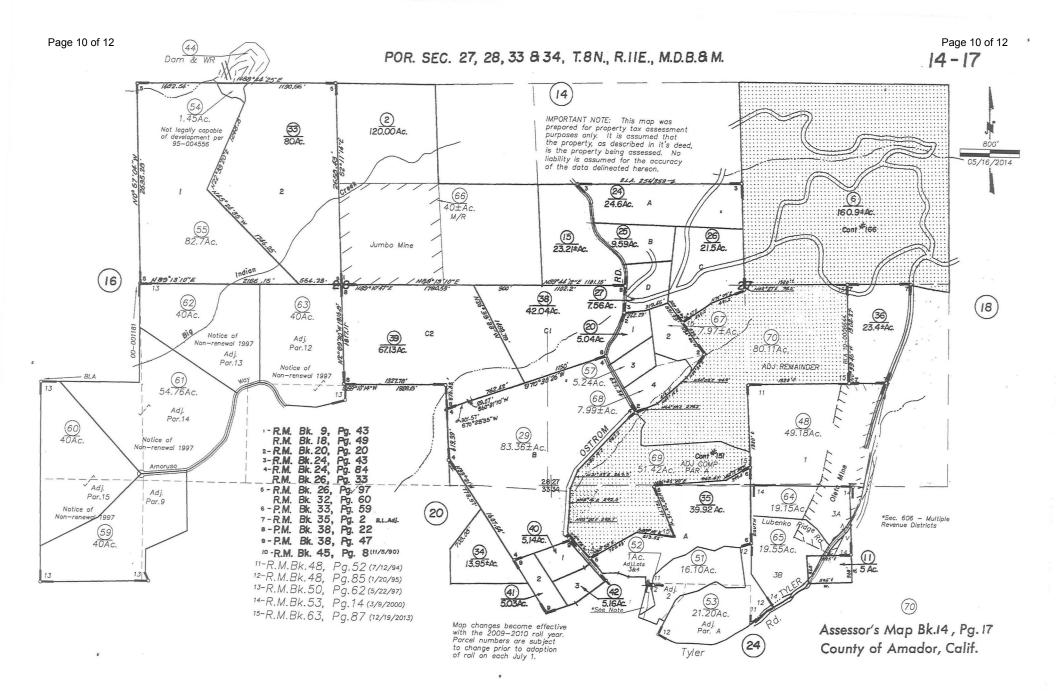
IMPROVEMENT AND INCOME STATEMENT

1. PERMANENT AGRICULTURAL IMPROVEMENTS

Type of Improvement	Estimated Value
Barn(s) NONG	\$ ()
Corral(s) NONE	\$ 0
Fences	\$10,000
Wells	\$ 30.000 -
Water Systems	\$ 20,000 -
Other (specify)	.# 0
TOTAL	\$ 60,000

2.	ESTIMATED INCOME				
	Use	Estimated Annual Income			
	WINE GRAPE SALGS	\$ 120,000-			
		/-			
	TOTAL	\$120,000			

I certify that the information presented in this application	n is true and correct to the best of my knowledge.
NAME: JAMES RISKAS	Anne Tolan
ADDRESS: 3	Signature of person who prepared application.
CITY:	12-6-16
PHONE:	Date
Additional persons to be notified concerning action on this I	request: NAME:
ADDRESS:	ADDRESS:
CITY:	CITY:
PHONE:	PHONE:



FOR: GEORGE PACINI DEED REE SO-OR-12 DATE: MAY 8.1980 (1) NOTARY'S CERTIFICATE OWNER'S CERTIFICATE SURVEYOR'S CERTIFICATE THE UNDERSEMED MERENY DEVITIES THAT HE/SHE IS THE BAMER OF THE REAL PROMETY SUBHIM MEREN AS THE SUMDIVISION AND THAT HE/SHE DOES MERENY CONSINCT TO THE PROPRETION AND RESTORATION OF THE MAP, AND IN CONSIDERATION FOR HAM SAIL CONSTITUTION OF THE APPROVAL IN SAID MAP HE/SHE/DOES MERES! THIS MAP WAS PREPARED BY HE OF UNDER MY DIRECTION AND IS DESED WHOM A MELD SURVEY IN CHAMPETANCE WHIT THE PROVINCENTS GEORGE A PRILIN ON 1-3-1140. THERE YES STATE THAT THIS PRECE MAP SUBSTANTIALLY CONFORMS TO THE APPROVED ON CONDITIONALLY APPROVED, TRY TAYLE MAY STATE OF GALIFORNIA ON MANDE. 19 THE DEFENSE HE THE UNDERSIGNED, A NOTARY PUBLIC HIS AND THE SAND CONSTRUCT AND STATE PERSONALLY APPLACED CONTROL HIS AND THE TO SET HETCHEN HIS AND CONTROL AND ADDRESS AT HETCHEN HIS AND THE TO SET HETCHEN HIS AND ADMINISTRATION TO THE WITHIN HISTANCHENT AND ADMINISTRATION THAT THE ELECTRIC THE SETTLE. I, MAKE AN MREVOCABLE OFFER TO DEDICATE TO THE PUBLIC FOR ITS USE AND CONVENIENCE AN EASEMENT FOR USE AS A PUBLIC HIGHAAM OVER EACH AND EVERY PART OF SAID SUBMINISHIN GENUALTED BY THIS MADE AS A "ROLD-UTILITY" EASEMENT" OR "ACCESS EASEMENT"; AND AS A ROAD-UTLITY EASEMENT OR FACESS CAMPENT TO THE MAP

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DATE 6-26-1980 Stilla & Glass SUGNED BY

PLANNING DEPARTMENT CERTIFICATE

I HEREBY CERTIFY THAT I MAYE ESAMINED PARTEL MAP THE MOD THAT IT IS SUBSTAINTALLY THE SAME AS IT APPEARED ON THE TENT-ATTURE THAN THAT ISPROVED ATTERMENT THERETO, THAT ALL PROVISIONS OF AMADON COUNTY CODE TITLE IT HAVE BEEN COMPLIED WITH.

DATE JUNE 24 1980 MANNING DIRECTOR

RECORDER'S CERTIFICATE

FILED THIS ZETH DAY OF TUME. 1860, ... 330 C.M. IN BOOK 33 OF MEPS AND PLETS AT PAGE 55 , AT THE REQUES OF THE AMADOR COUNTY CLEEK, TITLE TO LAND INCLUDED IN THIS PARCE. THE DEMA VESTED AS PER CERTIFICATE NO 362. ON FILE IN THIS OFFICE.

2050 SAMADOR COUNTY RECORDER

SIGNED BY DEPUTY

33-M59

4. MANE AN INNERPOCABLE OFFER TO DEDICATE TO THE PUBLIC FOR ITS USE AND CONVENIENCE: A. EASEMENTS FOR CRAIMAGE PUMPOSES CM, OVER, ACROSS, UMDER AND THROUG ALL MATURAL DRAIMAGE COURSES MID TROSE PORTION OF LAND SACRES HERRON DESIGNATED AS ORAMAGE EXFERENTS, AND

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GEORGE J. PACINI

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