

# AMADOR COUNTY PLANNING COMMISSION

810 Court Street, Jackson, CA 95642  
(209) 223-6380

**PLEASE NOTE:** All Planning Commission meetings are tape recorded.

- Anyone who wishes to address the Planning Commission must speak from the podium and should print their name on the speaker list located on the podium and identify themselves for the record.
- Public hearing items will commence no sooner than the times listed on the agenda.
- All proceedings are conducted in English.
- In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the Planning Department at (209) 223-6380 or (209) 257-5002 (fax). Requests must be made as early as possible and at least one-full business day before the start of the meeting.

## AGENDA

**DATE:** Tuesday, April 11, 2017  
**TIME:** 7:00 p.m.  
**LOCATION:** County Administration Center, 810 Court St., Jackson, CA

**A. Pledge of Allegiance**

**B. Approval of Agenda**

**C. Minutes:** March 14, 2017

**D. Correspondence:** Pertaining to agenda items, if any.

**E. Public Matters Not on the Agenda:** Discussion items only, no action may be taken. Any person may address the Commission on any subject within the jurisdiction of the Commission.

**F. Recent Board Actions:**

Meeting materials are available for public review at the Planning Department, 810 Court St, Jackson and posted to the County's website at [www.amadorgov.org](http://www.amadorgov.org) under the Agendas and Minutes section (generally the Thursday prior to the Planning Commission meeting). The staff report will denote staff's recommendations and list proposed conditions for the project if the project is approved.

## Agenda Item

**Item 1 - Request for a 6-year extension of time for Tentative Subdivision Map #147 Pine Acres North, proposing the division of approximately 44.2 acres into 66 single family residential lots (46 estate lots and 20 lots 6,000 sq. ft. min.), 3 low density multiple family lots (up to 4 units) and a 12 unit apartment complex. Two sewage disposal lots consisting of a 9.8-acre lot (Parcel A) and 2.3-acre lot (Parcel B), a 1.2-acre open space lot (Parcel C), a wastewater treatment area lot (Parcel D), and a propane area lot (Parcel E).**

**Applicant:** Parkinson Trust  
**Supervisory District IV**

**Location:** At the southeast corner of Hwy 88 & Tabeaud Road in Pine Grove (APNs 038-170-014-000; 038-180-040-000; 038-180-042-000; 038-180-054-000).

## **Public Hearings**

**Item 2 - Request for a Use Permit to exceed the 35' height limit in the "A," Agricultural District to allow for construction of a 55-foot tall tower with a point-to-point antenna for the purpose of providing high-speed internet to the site.**

**APPLICANT:** Renwood Winery / Cal.net, Inc.

**SUPERVISORIAL DISTRICT 5**

**LOCATION:** 12225 Steiner Road, Plymouth, CA at the intersection with Upton Road (APN-014-020-013).

**Item 3 - Request for a Use Permit to exceed the 35-foot height limitation in the "R1A," Single-family Residential and Agricultural District allow a barn/riding arena with a 40-foot overall height. Per Amador County Code, structures may be permitted with a height greater than 35 feet subject to securing a Use Permit.**

**Applicant:** Jack Stuart (Do Hong-Quy Pham, owner)

**Supervisorial District V**

**Location:** 18877 Ponderosa Annex approximately 1,600' south of Shake Ridge Road in the Sutter Creek area (APN 030-020-086)

**Item 4 - Continued - 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.**

**Applicant:** Town Centre Car Wash Company, Inc. (Jim Riskas, owner)

**Supervisorial District V**

**Location:** 20550 Ostrom Road, approximately 0.30 miles north of Fiddletown Road (APN 014-170-035).

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION**  
**FOR MEETING OF: APRIL 11, 2017**

**Item 1 Request for a 6-year extension of time for Tentative Subdivision Map #147 Pine Acres North, proposing the division of approximately 44.2 acres into 66 single family residential lots (46 estate lots and 20 lots 6,000 sq. ft. min.), 3 low density multiple family lots (up to 4 units) and a 12 unit apartment complex. Two sewage disposal lots consisting of a 9.8-acre lot (Parcel A) and 2.3-acre lot (Parcel B), a 1.2-acre open space lot (Parcel C), a wastewater treatment area lot (Parcel D), and a propane area lot (Parcel E).**

**Applicant: Parkinson Trust**

**Supervisory District: 4**

**Location:** At the southeast corner of Hwy 88 & Tabeaud Road in Pine Grove (APNs 038-170-014-000; 038-180-040-000; 038-180-042-000; 038-180-054-000).

**Background:** This map project was originally approved by the Board of Supervisors on July 13, 2010, with an initial expiration date of July 13, 2013. The project received the AB208 and AB116 gubernatorial extensions which extended the expiration date to July 13, 2017.

Senate Bill 1185, adopted in 2008, added an additional year to the five-year extension of time that can be granted by local governments. The project is eligible for the six-year extension of time to **July 13, 2023**.

Should future Senate Bills or Assembly Bills provide for further extensions of time, the project will be granted those automatically, if applicable.

**Staff Recommendation:** Staff recommends approval of the requested extension of time for Subdivision Map No. 147, Pine Acres North. The request is not subject to CEQA.



**TOMA & ASSOCIATES, INC.**  
ENGINEERING- SURVEYING- PLANNING

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Amador County  
MAR 20 2017  
PLANNING DEPARTMENT

March 14, 2017

Amador County Planning Department  
810 Court Street  
Jackson, CA 95642

**Re: Extension of Expiration Date  
Tentative Subdivision Map No. 147  
Pine Acres North**

At the request of our client, Steve Parkinson (Parkinson Trust acquired title from Thomas Martin and Associates), I am requesting a 6 year extension of the expiration date of Tentative Subdivision Map No. 147. The current AB116 Gubernatorial Extension Expiration Date is July 13, 2017.

Please let me know if you need additional information from me.

Thank you,

Gina Waklee  
[gmw@jacksonca.net](mailto:gmw@jacksonca.net)

enc: [REDACTED] filing fee



**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION**  
**FOR MEETING OF: APRIL 11, 2017**

**Item 2 - REQUEST FOR A USE PERMIT TO EXCEED THE 35' HEIGHT LIMIT IN THE "A," AGRICULTURAL DISTRICT TO ALLOW FOR CONSTRUCTION OF A 55-FOOT TALL TOWER WITH A POINT-TO-POINT ANTENNA FOR THE PURPOSE OF PROVIDING HIGH-SPEED INTERNET TO THE SITE.**

**APPLICANT:** Renwood Winery / Cal.net, Inc.

**SUPERVISORIAL DISTRICT 5**

**LOCATION:** 12225 Steiner Road, Plymouth, CA at the intersection with Upton Road (APN-014-020-013).

- A. GENERAL PLAN DESIGNATION:** A-G, Agricultural-General (40-acre minimum parcel size)
- B. ZONING:** "A," Agricultural District
- C. DESCRIPTION / BACKGROUND:** This request is for a Use Permit to exceed the 35' height limit in an "A," Agricultural District for construction of a 55-foot tall tower with point-to-point antenna in order to provide high-speed internet service to the site. Per County Code Section 19.48.090B, "Gas holders, radio, microwave radio relay and T.V. transmission towers, monuments, water tanks and similar structures may be erected to a greater height than the limit established for the district in which they are located, subject to securing a use permit in each case."
- D. STAFF REVIEW:** The application was circulated to the Technical Advisory Committee on March 22, 2017, and no technical objections were raised to the granting of this request subject to the Findings and Conditions attached to the staff report.
- E. PLANNING COMMISSION ACTION:** If the Planning Commission moves to grant the Use Permit the following conditions and findings, are recommended for adoption:

**Findings:**

1. The granting of this Use Permit as conditioned, complies with County Code Section 19.48.090B (Height Regulations) and is consistent with County Code Section 19.56 (Use Permits) in that the establishment of this structure will not under the circumstances of the particular case be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood of the proposed structure or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
2. The granting of this Use Permit is categorically exempt from CEQA pursuant to Section 15303 Class 3 of the CEQA Guidelines (New Construction or Conversion of Small Structures) and a Notice of Exemption shall be filed with the County Recorder.



CHARLES SPINETTA  
WINERY

April 3, 2017

Planning Commission  
Amador County Planning Department  
810 Court Street  
Jackson, CA. 95642

Re: Use permit for 55 foot tower with antennae, APN 014-020-013

Dear Commissioners,

Charles Spinetta Winery is located two doors down from the location of the proposed 55 foot tower at 12557 Steiner Road. We urge the planning commission to issue a use permit for the proposed tower as soon as possible.

The tower will provide our winery and our neighbors with a reliable source of broadband internet. Our neighborhood needs better broadband service. We've never really had reliable service, and broadband internet has become a necessity, not a luxury, for modern businesses of all sorts.

Two of my sons and I live off of Steiner Road. We've used Calnet as our internet service provider for nearly two years, and they've always treated us courteously and professionally. We're very happy with their service, but due to the lay of the land, we cannot currently receive a signal from Calnet at our winery. Rolling hills are wonderful for vineyards and detrimental to wifi signals.

Installation of the proposed tower will allow us to purchase broadband internet from Calnet at our winery. We are already number one on the list of customers who will be activated after Renwood Winery, and we look forward to issuance of the use permit required for installation of the 55 foot tower.

Sincerely,

Anthony J. Spinetta

cc. Calnet  
Renwood Winery  
Ray Ryan, District Five Planning Commissioner

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APR - 4 2017

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Chuck Beatty [REDACTED]

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**Renwood Winery PTP tower**

2 messages

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**Chuck Beatty** [REDACTED] >  
To: [REDACTED]

Tue, Apr 4, 2017 at 4:35 PM

Mark, we were processing the PTP tower for Renwood Winery under the assumption that the tower was to serve just the Renwood site. The letter from the owner's representative states that the permit application is "for providing a high-speed internet connection to the property...".

Today, I received a letter in support of the tower from the owner of a neighboring parcel who is excited at the prospect of purchasing internet services from Cal.net.

Since we advertised the project as serving only the Renwood site, we will have to recirculate the project, re-advertise, and re-notice it as a serving the community at large.

To that end, we will need the following information to supplement the existing application:

1. Alternate Site and Network Analysis. As part of a complete application, the applicant shall submit proof that all alternate sites have been explored and analyzed. The method of analysis shall be reviewed by the planning department staff. The applicant shall provide a map and analysis of existing facilities and a report explaining why co-location is not feasible.
2. RF Requirements. The application for a use permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of the maximum electric and magnetic field strength at the edge of the facility site, the extent that measurable fields extend in all directions from the facility.

The anticipated date of the public hearing for the revised application will be May 9. If you have questions, please let me know.

Thanks,

Chuck

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**Chuck Beatty, AICP**  
Amador County Planning  
810 Court Street  
Jackson, CA 95642  
209-223-6380  
[www.amadorgov.org](http://www.amadorgov.org)

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**Mark Herr** [REDACTED]  
To: Chuck Beatty [REDACTED]  
Cc: Mike Joyce [REDACTED]

Wed, Apr 5, 2017 at 7:36 AM

It is only serving the winery. If at some point further it needed to something different we would apply for additional permitting. Since Renwood is paying for this tower I can not turn it into a commercial site without a separate contract agreement with the property owner. Anthony Spinetta is excited about the

potential but doesn't know the full details of what is happening. At this time the tower is only for the Winery.

Mark

 cid:D5F1A159-53C8-4AC7-9FD3  
-  
A3C20464560B@hsd1.ca.comc  
ast.net.

**From:** Chuck Beatty [mailto:████████████████████]  
**Sent:** Tuesday, April 4, 2017 4:36 PM  
**To:** ████████████████████  
**Subject:** Renwood Winery PTP tower

[Quoted text hidden]



**PLANNING DEPARTMENT**  
**LAND USE AGENCY**


County Administration Center  
810 Court Street • Jackson, CA 95642-2132  
Telephone: (209) 223-6380  
Website: [www.co.amador.ca.us](http://www.co.amador.ca.us)  
E-mail: [planning@amadorgov.org](mailto:planning@amadorgov.org)

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**APPLICATION REFERRAL**

**TO:** Environmental Health Department  
Transportation and Public Works Department  
Building Department  
Amador Fire Protection District  
Waste Management/Air District  
Surveying Department  
County Counsel  
Cal Fire

**DATE:** March 22, 2017

**FROM:**  Chuck Beatty, Planner III

**PROJECT:** Request from Renwood Winery/Cal.Net for a Use Permit (UP-17;3-2) to allow the installation of a 55-foot tall tower with a point-to-point antenna for the purposes of providing high-speed internet service to the site. Per Amador County Code, radio antennae may be installed to a greater height than the 35-foot height limit established for the A, Agricultural district subject to securing a Use Permit.

**LOCATION:** 12225 Steiner Road, Plymouth, CA 95669 (APN 014-020-013)

**REVIEW:** As part of the preliminary review process, this project is being sent to local agencies for their review and comment. At this time, the project is being processed as Categorical Exempt from CEQA and a Notice of Exemption will be adopted per CEQA Guidelines.

If you have comments or recommended conditions for this project, please forward them to the Planning Department by Wednesday, March 29, 2017.

UP-1732

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**APPLICATION PROCEDURE FOR USE PERMIT**

A Public Hearing before the Planning Commission will be scheduled after the following information has been completed and submitted to the Planning Department Office:

  X   1. Complete the following:  
 Name of Applicant           CMC-Net            
 Mailing Address           P.O. Box 1041            
 Phone Number           530-672-1078 ext # 105            
 Assessor Parcel Number           014-020-013-000            
 Zoning District    General Plan Designation   

         2. Use Permit Applied For:  
          Excessive Height  
          Sea Land Container  
 \*\*           Bed and Breakfast Inn  
 \*\*           Sign Program  
 \*\*           Other   

         3. Attach a letter explaining the purpose and need for the Use Permit.  
  X            4. If Applicant is not the property owner, a consent letter must be attached.  
  X            5. Attach a copy of the deed for the property (can be obtained from the County Recorder's Office).  
         6. Assessor Plat Map (can be obtained from the County Surveyor's Office).  
  X            7. Plot Plan (no larger than 11" X 17") of parcel showing location of request in relation to property lines, road easements, other structures, etc. (see Plot Plan Guidelines). Larger map(s) or plans may be submitted if a photo reduction is provided for notices, Staff Reports, etc. The need is for easy, mass reproduction.

<u>        </u>	8. Planning Department Filing Fee:	\$		<u>        </u>
<u>        </u>	Public Works Agency Review Fee:	\$		Rep. Initials <u>        </u>
<u>        </u>	Environmental Health Review Fee:	\$		Rep. Initials <u>        </u>
<u>        </u>	Amador Fire Protection District Fee:	\$	<u>  </u>	Rep. Initials <u>        </u>

         9. If necessary, complete an Environmental Information Form (ask Planning Department Staff).

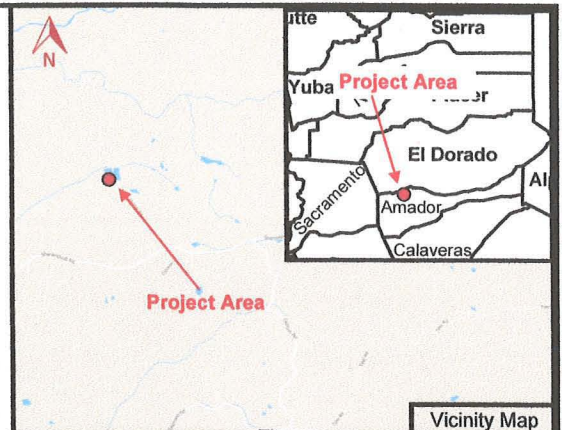
**\*\* Public Works Agency, Environmental Health Department, and Amador Fire Protection Fees apply.**



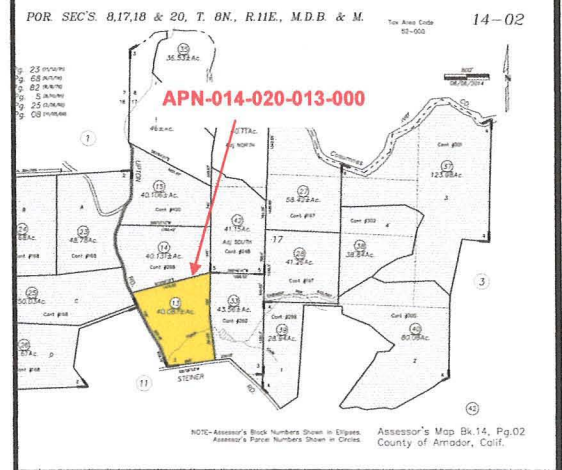
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MAR 21 2017

PLANNING DEPARTMENT



Vicinity Map



Cal.net 1/19/2017  
4101 Wild Chaparral Drive, Shingle Springs CA, 95682

Renwood Project Site - Elevation  
12225 Steiner Rd, Plymouth, CA 95669

Cal.net



Parcel Lot Layout



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MAR 21 2017  
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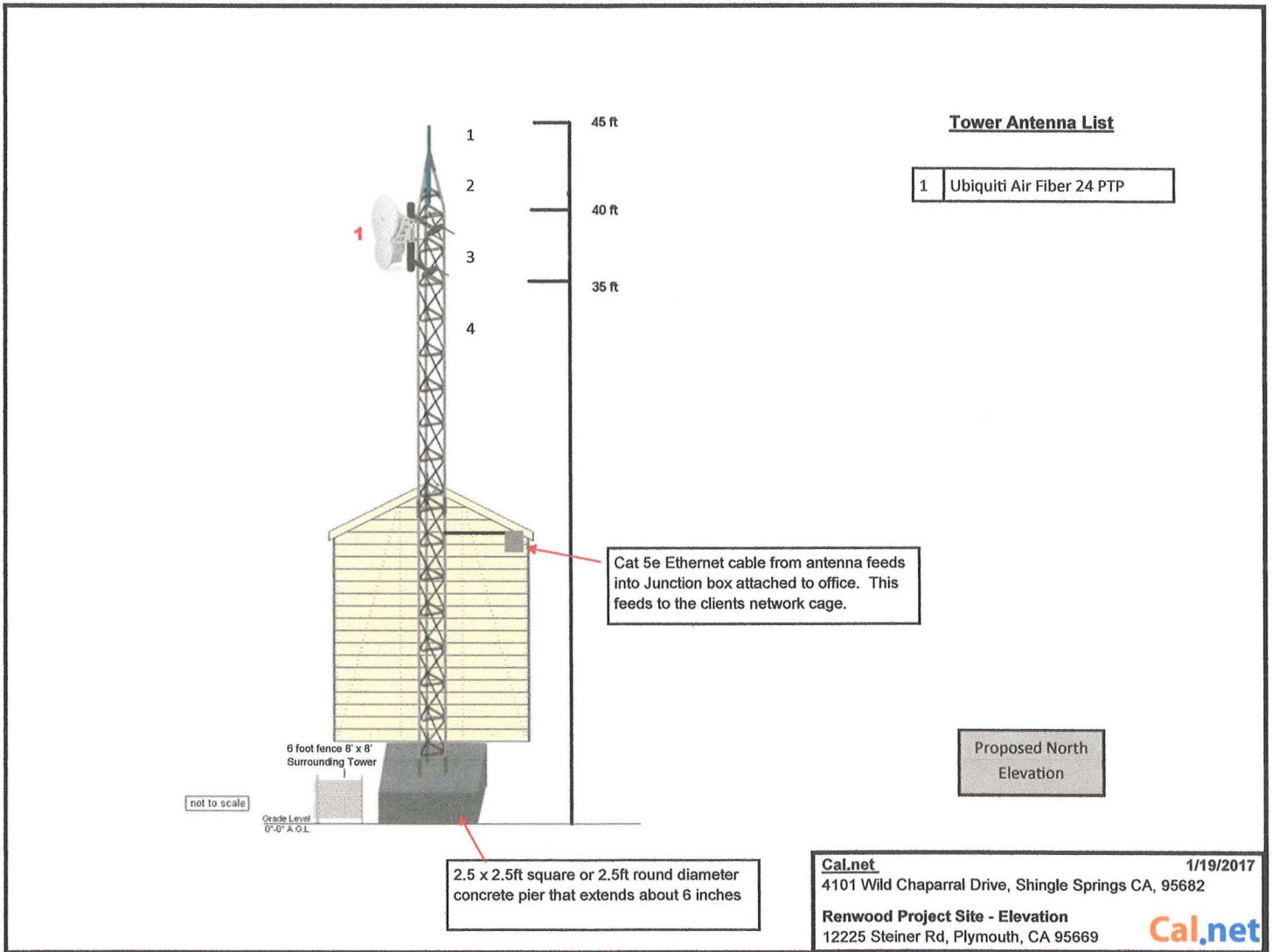
Cal.net 1/19/2017  
4101 Wild Chaparral Drive, Shingle Springs CA, 95682

Renwood Project Site - Parcel Setbacks  
12225 Steiner Rd, Plymouth, CA 95669 Cal.net



MAR 21 2017

PLANNING DEPARTMENT



**Tower Antenna List**

1	Ubiquiti Air Fiber 24 PTP
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Cal.net 1/19/2017  
4101 Wild Chaparral Drive, Shingle Springs CA, 95682  
Renwood Project Site - Elevation  
12225 Steiner Rd, Plymouth, CA 95669 **Cal.net**



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Existing



Proposed

Photo simulation of view on Steiner looking North

**Cal.net**

4101 Wild Chaparral Drive, Shingle Springs CA, 95682

1/19/2017

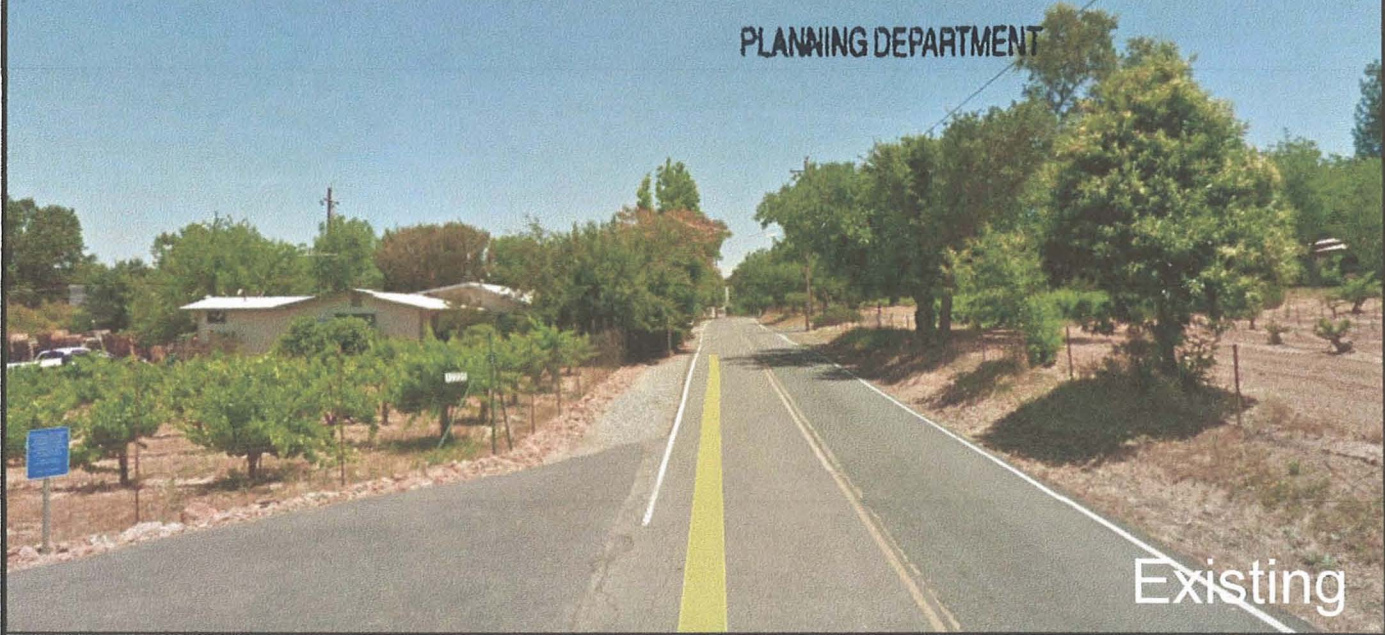
**Renwood Project Site - Elevation**

12225 Steiner Rd, Plymouth, CA 95669

**Cal.net**



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Amador County  
MAR 21 2017  
PLANNING DEPARTMENT



Existing



Proposed

Photo simulation of view on Steiner looking west

Cal.net

4101 Wild Chaparral Drive, Shingle Springs CA, 95682

1/19/2017

Renwood Project Site - Elevation

12225 Steiner Rd, Plymouth, CA 95669

Cal.net



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MAR 21 2017  
PLANNING DEPARTMENT



Existing



Proposed

Photo simulation of view on Steiner looking east

Cal.net 1/19/2017  
4101 Wild Chaparral Drive, Shingle Springs CA, 95682  
Renwood Project Site - Elevation  
12225 Steiner Rd, Plymouth, CA 95669

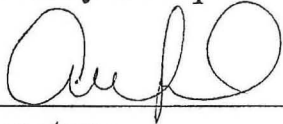


Amador County  
Building, Planning and Environmental Health Department  
810 Court Street  
Jackson, CA 95642

Attention: Permit Center

With this letter, I authorize you to recognize Mark Herr of Cal.net as my Agent, and acting in my behalf and for Renwood Winery, may sign and submit for applications and/or permits for my property at 12227 Steiner Road, Plymouth, CA 95669, and as being APN 014-020-013-000. Only for purposes Providing a High-speed Internet connection to the property, and the construction of the Tower/antenna for this purpose, and no additional projects.

By my signature, I recognize and approve said submittals and willfully accept the responsibility as owner of the property.



Signature

Angela Kooten

Printed Name

VP of Administration

Title

3/3/2017

Date

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Amador County

MAR 21 2017

PLANNING DEPARTMENT



**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION**  
**FOR MEETING OF: APRIL 11, 2017**

**Item 3- REQUEST FOR A USE PERMIT TO EXCEED THE 35' HEIGHT LIMIT IN THE "R1A," SINGLE-FAMILY RESIDENTIAL & AGRICULTURAL DISTRICT TO ALLOW FOR THE COMPLETION OF A BARN/INDOOR RIDING ARENA WITH AN OVERALL HEIGHT OF 40 FEET.**

**APPLICANT:** Thuan Pham, (Jack Stewart, agent)

**SUPERVISORIAL DISTRICT 5**

**LOCATION:** 18877 Ponderosa Annex Road, Sutter Creek (APN 030-020-086).

- A. GENERAL PLAN DESIGNATION:** A-G, Agricultural-General (40-acre minimum parcel size)
- B. ZONING:** "R1A," Single-family Residential and Agricultural District
- C. DESCRIPTION / BACKGROUND:** This request is for a Use Permit to exceed the 35' height limit in the "R1A," Single-family Residential and Agricultural District to allow the completion of a barn/indoor riding arena with an overall height of 40 feet. Per County Code Section 19.48.090C, "Any building in any R district may be erected to a greater height than the limit established for the district in which the building is to be located; provided, that the required side yards shall be increased by one foot for each one foot over the height limit and subject to securing a use permit in each case."
- D. STAFF REVIEW:** The application was circulated to the Technical Advisory Committee on March 22, 2017, and no technical objections were raised to the granting of this request subject to the Findings and Conditions attached to the staff report. The property owner is currently processing a Boundary Line Adjustment so that the building meets the increased setback requirements noted above.
- E. PLANNING COMMISSION ACTION:** If the Planning Commission moves to grant the Use Permit the following conditions and findings, are recommended for adoption:

**Findings:**

1. The granting of this Use Permit as conditioned, complies with County Code Section 19.48.090C (Height Regulations) and is consistent with County Code Section 19.56 (Use Permits) in that the establishment of this structure will not under the circumstances of the particular case be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood of the proposed structure or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
2. The granting of this Use Permit is categorically exempt from CEQA pursuant to Section 15303 Class 3 of the CEQA Guidelines (New Construction or Conversion of Small Structures) and a Notice of Exemption shall be filed with the County Recorder.



**PLANNING DEPARTMENT**  
**LAND USE AGENCY**


County Administration Center  
810 Court Street ▪ Jackson, CA 95642-2132  
Telephone: (209) 223-6380  
Website: [www.co.amador.ca.us](http://www.co.amador.ca.us)  
E-mail: [planning@amadorgov.org](mailto:planning@amadorgov.org)

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**APPLICATION REFERRAL**

**TO:** Environmental Health Department  
Transportation and Public Works Department  
Building Department  
Amador Fire Protection District  
Waste Management/Air District  
Surveying Department  
County Counsel  
Cal Fire

**DATE:** March 29, 2017

**FROM:**  Chuck Beatty, Planner III

**PROJECT:** Request from Thuan Pham for a Use Permit (UP-17;3-3) to exceed the 35-foot height limitation in the "R1A," Single-family Residential and Agricultural District to allow a barn/riding arena with a 40-foot overall height. Per Amador County Code, structures may be permitted with a height greater than 35 feet subject to securing a Use Permit.

**LOCATION:** 18877 Ponderosa Annex Road, Sutter Creek, CA (APN 030-020-086)

**REVIEW:** As part of the preliminary review process, this project is being sent to local agencies for their review and comment. At this time, the project is being processed as Categorical Exempt from CEQA and a Notice of Exemption will be adopted per CEQA Guidelines.

If you have comments or recommended conditions for this project, please forward them to the Planning Department by Tuesday, April 4, 2017.

**CJS BUILDINGS**  
**12617 TABEAUD RD**  
**PINE GROVE, CA 95665**  
License# - 838305

March 22, 2017

To Whom It May Concern:

We are requesting a use permit to exceed the 35 foot height limit for this project to allow for the raised center on the arena to generate air movement to keep the riding area cool on hot days and eliminate the need for mechanical ventilation. This is to correct the oversight made when the plans were cleared during the building permit application that the building is 38/40' in overall height. The application did state that the height of the arena was 40' when it was initially submitted and cleared.

Sincerely,



Jack Stewart  
CJS Buildings



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## AUTHORIZATION LETTER

To whom it may concern,

**Jack Stewart** has permission to act as my agent to resolve the use permit for the following

APN# 030-020-111; 030-020-085; 030-020-086; 030-420-012

Owner



Hong-Quy Do Pham



**PLANNING DEPARTMENT  
LAND USE AGENCY**

COUNTY ADMINISTRATION CENTER

810 Court Street • Jackson, CA 95642-2132  
Telephone: (209) 223-6380

website: www.co.amador.ca.us  
e-mail: planning@co.amador.ca.us

**APPLICATION PROCEDURE FOR USE PERMIT**

A Public Hearing before the Planning Commission will be scheduled after the following information has been completed and submitted to the Planning Department Office:

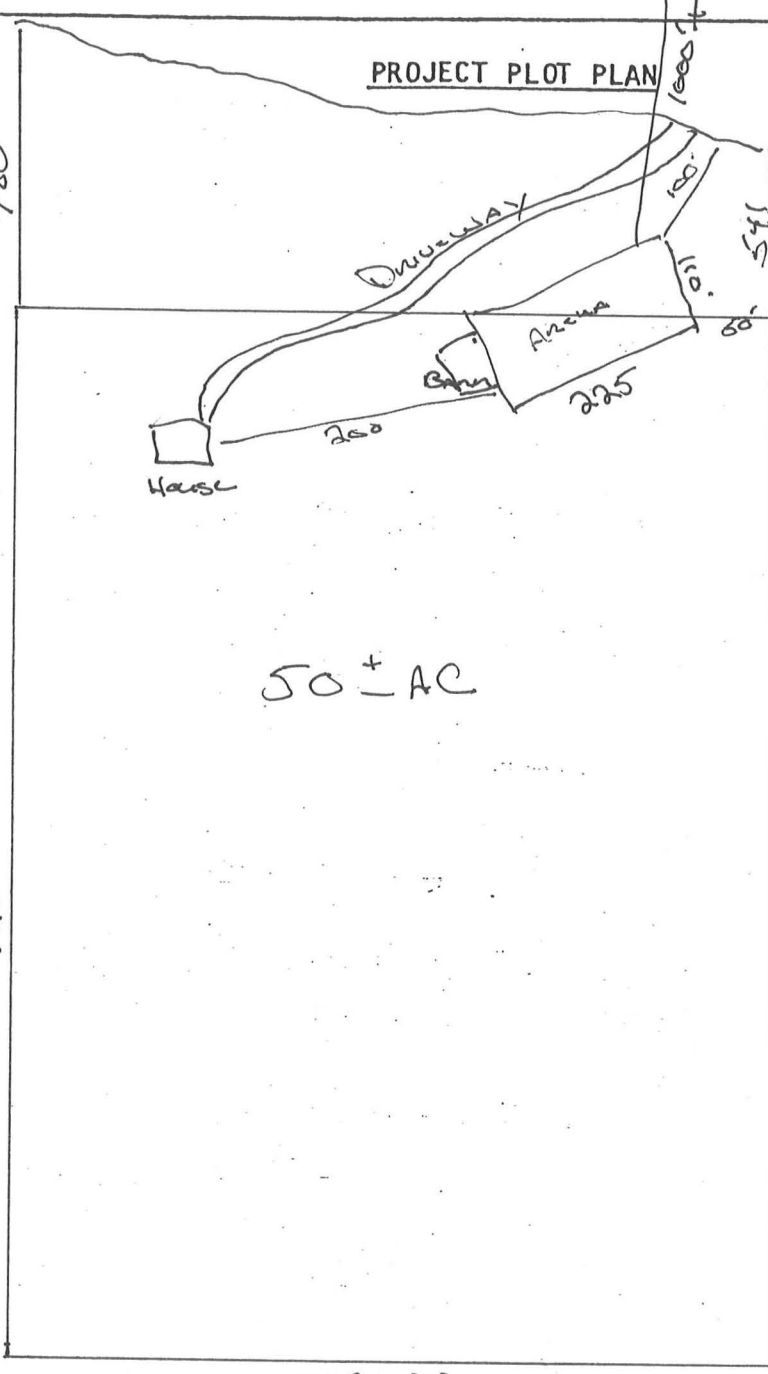
\_\_\_\_\_ 1. Complete the following:  
Name of Applicant Thuan Pham  
Mailing Address 1199 N. CAPITOL AVE. Suite 50 San Jose CA  
Phone Number 408-837-1888 95132  
Assessor Parcel Number 030-020-086-000

\_\_\_\_\_ 2. Use Permit Applied For:  
\*\*  Excessive Height  
\*\*  Bed and Breakfast Inn  
\*\*  Temporary Caretaker Mobile Home  
\*\*  Mobile Home for Farm Labor Quarters  
\*\*  Other \_\_\_\_\_

- \_\_\_\_\_ 3. Attach a letter explaining the purpose and need for the Use Permit.
- \_\_\_\_\_ 4. Attach a copy of the deed of the property (can be obtained from the County Recorder's Office).
- \_\_\_\_\_ ~~5.~~ If Applicant is not the property owner, a consent letter must be attached.
- \_\_\_\_\_ 6. Assessor Plat Map (can be obtained from the County Surveyor's Office).
- \_\_\_\_\_ 7. Plot Plan (no larger than 11" X 17") of parcel showing location of request in relation to property lines, road easements, other structures, etc. (see Plot Plan Guidelines). Larger map(s) or plans may be submitted if a photo reduction is provided for notices, Staff Reports, etc. The need is for easy, mass reproduction.
- \_\_\_\_\_ 8. Planning Department Filing Fee: \$ \_\_\_\_\_  
Public Works Agency Review Fee: \$ \_\_\_\_\_  
Environmental Health Review Fee: \$ \_\_\_\_\_
- \_\_\_\_\_ ~~9.~~ If necessary, complete an Environmental Information Form (ask Planning Department Staff).
- \_\_\_\_\_ ~~10.~~ Proposed floor plan (Guest House applications only).

\*\* Environmental Health and Public Works Fee's apply.

Snake Ridge Road



PROJECT PLOT PLAN

780

Driveway

Horse

Arena

Property Line Adjustment

50+ AC

1258

1326.72

Horse Riding Arena Height

Thuan Pham

APN # 030-020-086-000

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION**  
**FOR MEETING OF: APRIL 11, 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):

- 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.*

**J. PLANNING COMMISSION ACTION:** During the Planning Commission's March 14, 2017 meeting, concern was raised over the potential increase in by-right land uses that would accompany a change in zoning from "R1A" to "AG," particularly with respect to wine tasting rooms and social events. Direction was given to staff to research whether Williamson Act contracts associated with "AG" zoning could limit land uses that were otherwise permissible by the zoning district. An opinion from County Counsel regarding the matter is included with the staff report.



GREGORY G. GILLOTT  
County Counsel

JENNIFER K. MAGEE, DEPUTY  
GRACE L. PAK, DEPUTY  
ANGELA R. CREACH, PARALEGAL  
JULIE BROWN, LEGAL SECRETARY

**STAFF REPORT**

TO: Planning Commission

FROM: Gregory Gillott, County Counsel  
Grace Pak, Deputy County Counsel *GP*

DATE: April 3, 2017

RE: Continued Matter from March 14, 2017 Planning Commission Meeting:  
Request for 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 Variance from County Code Section 19.24.036D(4) for Inclusion of a Parcel Less than 40 Acres (APN 014-170-035); Location: 20550 Ostrom Road

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**BACKGROUND AND ISSUE**

At the March 14, 2017 Planning Commission meeting, the Commission continued this Item and directed staff to review whether imposing conditions in a Williamson Act contract is permissible. In particular, whether the Planning Commission can recommend approval of the zone change from “R1A” to “AG” for inclusion into a Williamson Act contract and limit the by right “AG” uses that would result from a zone change, e.g., tasting room.

**WILLIAMSON ACT COMPATIBLE USES**

The California Land Conservation Act of 1965 or more commonly known as the Williamson Act is codified at California Government Code section 51200 *et seq.* The purpose and intent of the Williamson Act is to preserve agricultural and open space land by reducing the amount of property taxes assessed to encourage such preservation and promote agricultural uses of land.

A Williamson Act contract “shall do both of the following: (a) Provide for the exclusion of uses other than agricultural, and other than those compatible with agricultural uses, for the duration of the contract. (b) Be binding upon, and inure to the benefit of, all successors in

TO: Planning Commission  
DATE: April 3, 2017  
PAGE: 2  
RE: Zone Change and Variance Request for Inclusion in Williamson Act Contract

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interest of the owner. ...” (Gov’t Code § 51243.) In addition, the Williamson Act provides that “uses approved on contracted lands shall be consistent with all of the following principles of compatibility:

- (1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
- (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
- (3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.  
In evaluating compatibility a board or council shall consider the impacts on noncontracted lands in the agricultural preserve or preserves...”

### WILLIAMSON ACT CONTRACT

With respect to the contract itself, Government Code section 51240 states that “any ... county may by contract *limit* the use of agricultural land for the purpose of preserving such land pursuant and subject to the conditions set forth in the contract ... A contract may provide for restrictions, terms, and conditions, including payments and fees, *more restrictive* than or in addition to those required by this chapter.” (emphasis added.)

But, if a contract is made between a landowner and the county, the county “shall offer such contract under *similar terms* to every other owner of agricultural land within the agricultural preserve in question. However, except as required by other provisions of this chapter, the provisions of this section shall *not* be construed as requiring that all contracts affecting land within a preserve be *identical*, so long as such differences as exist are related to *differences in location and characteristics of the land* and are pursuant to uniform rules adopted by the county...” (Government Code § 51241 [emphasis added].)

TO: Planning Commission  
DATE: April 3, 2017  
PAGE: 3  
RE: Zone Change and Variance Request for Inclusion in Williamson Act Contract

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**ANALYSIS**

Based on the provisions of the Williamson Act governing compatible uses and the contract cited above, it appears that a Williamson Act contract may impose restrictions on the land. If the Planning Commission decides to impose use restrictions, it would be memorialized in the contract between the County and landowner and require the landowner's approval.

The Planning Commission can therefore limit the uses of the property in the Williamson Act contract, or make the findings and recommend approval of the request as set forth in the Staff Report, or deny the request.





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## Zoning change request for March 14 meeting

1 message

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Elaine Zorbas <[REDACTED]>  
Reply-To: Elaine Zorbas <[REDACTED]>

Mon, Mar 13, 2017 at 5:28 PM

To: "planning@amadorgov.org" <planning@amadorgov.org>, [REDACTED]

I am hereby submitting my letter of concern in regards to the request to Town Centre Car Wash Company, Inc. to rezone property on Ostrom Rd. from R1A to AG.

Thank you for distributing it to the Planning Commission.

Elaine Zorbas

20561 Ostrom Rd.

Fiddletown



**Ostrom Road zoning change request.docx**

15K

RECEIVED  
Amador County

MAR 14 2017

PLANNING DEPARTMENT

TO: The Amador County Planning Commission

RE: Zoning change request on Ostrom Road by Town Centre Car Wash Co.

March 13, 2017

Dear members of the Planning Commission:

My husband and I live opposite the property requesting the zoning change. The land has been used for commercial wine grape growing by Oleta Vineyards ever since we bought our property in 1987.

We are comfortable with the property being used as a vineyard and the consequent farm traffic that goes with it. If the property continues to be used for wine grape growing, AG zoning seems appropriate. It would continue to be an agricultural endeavor.

The issue at hand is the other uses that have now been attached by the County to the AG zoning designation. It is my understanding that folded in to AG zoning are winery facilities, tasting rooms, and the potential for having public events. *These are retail and commercial enterprises that go beyond farming and ranching.* For instance, would such expanded uses under the AG designation need special permits or hearings to allow public input? What recourse is left to neighbors to object or to request mitigation?

I do not know how the new owner intends to use the property in the future, but certainly having a winery, tasting room and events would affect the quality of life for us and residents along Ostrom Road. As result of Plein Air's recent request for a tasting room, you have recently become aware that Ostrom Road is narrow, curvy, and poorly maintained. We already get a lot of traffic from agricultural uses – we would not like to see Ostrom Road become another tourist destination for weddings, loud music for events, and crowds seeking entertainment from wineries.

We ask you to carefully consider this request with the attendant repercussions that arise with AG zoning. We enjoy the beauty of the vineyards and our peaceful environment along Ostrom Road. There needs to new guidelines for winery tasting rooms and to remove this commercial use from AG zoning.

Thank you for your thoughtful consideration.

Respectfully yours,

Elaine & Dimitris Zorbas

20561 Ostrom Road



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**Letter for Planning commissioners: March 14 Planning Agenda, re: Zone change on Ostrom Rd.**

1 message

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**Katherine Venturelli** [REDACTED]

Sun, Mar 12, 2017 at 5:30 PM

Reply-To: [REDACTED]  
To: planning@amadorgov.org

Hello,

Unfortunately I am unable to attend this meeting on Tues. and heard about this late. I was busy with the Shenandoah Rd/ Fiddletown Rd. intersection hearing last week and also have other life commitments!

Could you kindly distribute this letter of comments/questions to the Planning commissioners?

Thank you.

Sincerely,

K. Venturelli



**Change of Zone from R1A to Ag.doc**

751K

RECEIVED  
Amador County

MAR 13 2017

PLANNING DEPARTMENT

March 10, 2017

Dear Planning Commissioners,

I wish to make comment re:

**PROJECT NAME, DESCRIPTION AND LOCATION:** Request by Town Centre Car Wash Company, Inc., for a zone change from "R1A," Single-family Residential and Agricultural District to "AG," Exclusive Agriculture District in conjunction with a request for inclusion into a California Land Conservation Act (Williamson Act) contract; location being 20550 Ostrom Road, Fiddletown, CA, approximately 0.30 miles north of Fiddletown Road and containing 39.92± acres (APN 014-170-035). NOTE: SEE MAP ON BACK OF NOTICE.

As you know, the residents on or near Ostrom Rd. in Fiddletown have had concerns about the increase and impact of wine tasting rooms along Ostrom Rd. (recent example of Malone Property). Changing land into the temporary Williamson Act is a positive step as it is supposed to preserve land while having less development and benefit the landowner with tax breaks. However, I question what are its limits. What is allowed?

We are concerned that once the zone changes from R1A to AG that if and when the Williamson Act is cancelled it would possibly allow for Wineries with tasting rooms. I do not know what the future intentions are of the owner. Would AG be an automatic 'shoe in' and allow for another future wine tasting venue along this rural road corridor? What does this all mean?

There are already eight parcels fronting on Ostrom Road that are zoned A or AG, and therefore could have wine tasting rooms and events by right.

As your planning board once said, it is time for the County to develop clear guidelines for conditions that must be met in order to have a new tasting room, retail traffic, and events approved. This would help prevent property purchasers from believing they can do whatever they want to do with any Ag-designated parcel anywhere in the County.

I wish the best for this landowner's vision and certainly understand they too have their rights, however, these are questions and concerns that many of us have for our own rights to enjoy what we treasure in Amador County, the beauty and quiet of a rural area.  
Thank you.

K. Venturelli  
Fiddletown Resident

RECEIVED  
Amador County

MAR 13 2017

PLANNING DEPARTMENT

**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):

- 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.*

**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**

**ITEM 1.** 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

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 Allen, Jr., Chairman

\_\_\_\_\_  
Chuck Beatty, Planner III



**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 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.

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 D1 through 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 that 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

*Jim Polceris - properties.com*

### 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. *James Polceris, President Tom Corcoran, etc. etc. etc. x Robert S. Muttelba, President Oleta Diversyuk*

**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
014-470-035-000	40	VINEYARD	40		
Total Acres in request.	40				

Are there uses on the property which are not listed on either the agricultural or compatible use lists? NO  
If so, explain below.

Item E

**AGRICULTURAL PRODUCTION FROM THE LAND**

Use	Crop	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	
		Tons Per Acre	
Orchard	N/A	Tons Per Acre	
Other			

Item F

**OTHER INCOME FROM THE LAND**

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

Item G

**LEASES**

			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).	Use	Cash Rent Per Acre	
NONE	N/A	N/A	
3. 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) NONE	\$ 0
Corral(s) NONE	\$ 0
Fences	\$ 10,000 -
Wells	\$ 30,000 -
Water Systems	\$ 20,000 -
Other (specify)	\$ 0
<b>TOTAL</b>	<b>\$ 60,000 -</b>

2.

**ESTIMATED INCOME**

Use	Estimated Annual Income
WINE GRAPE SALES	\$ 120,000 -
<del> </del>	<del> </del>
<del> </del>	<del> </del>
<del> </del>	<del> </del>
<del> </del>	<del> </del>
<b>TOTAL</b>	<b>\$ 120,000 -</b>

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

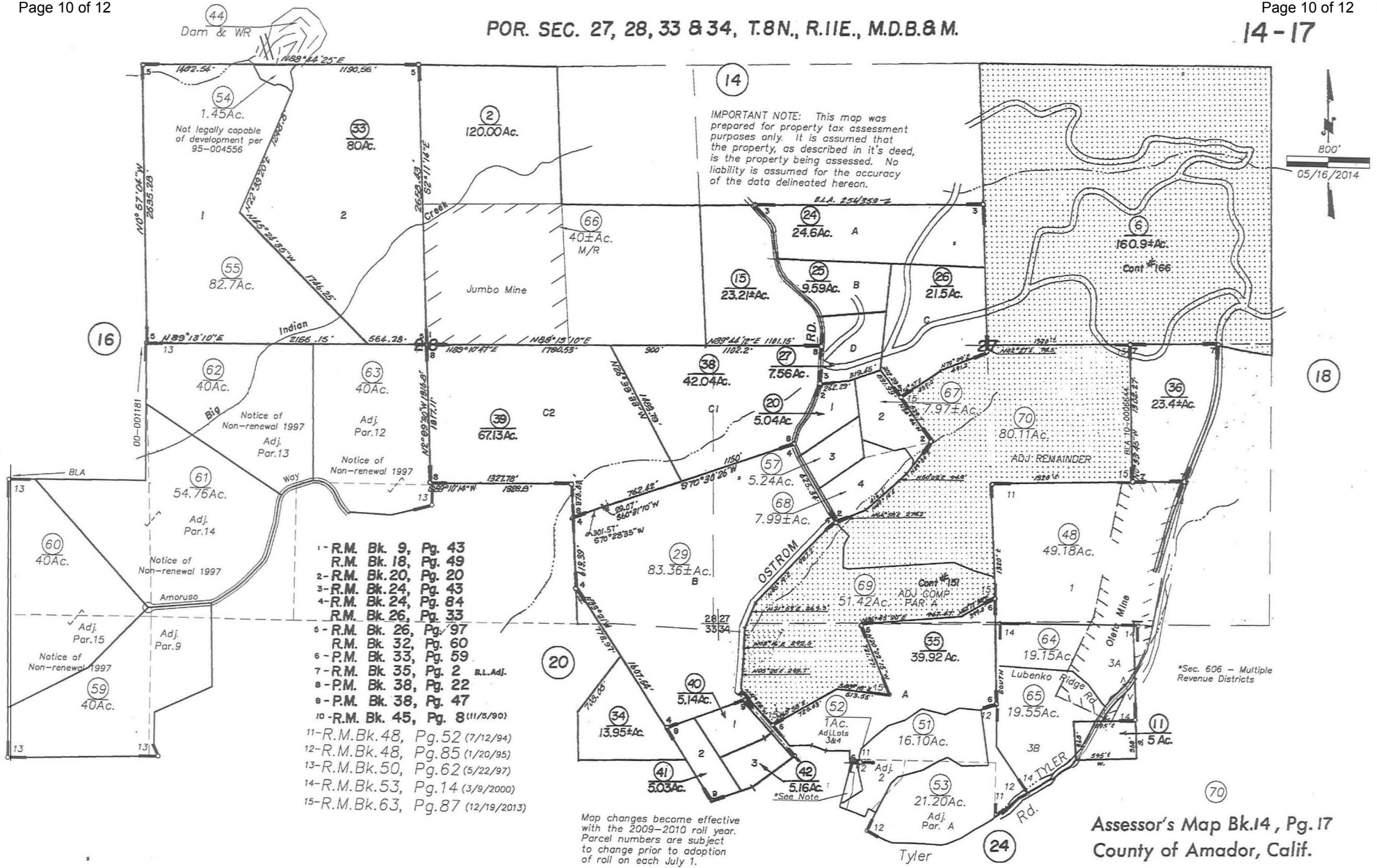
NAME: JAMES RISKAS  
 ADDRESS: [REDACTED]  
 CITY: [REDACTED]  
 PHONE: [REDACTED]

*James Riskas*  
 Signature of person who prepared application.  
12-6-16  
 Date

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

POR. SEC. 27, 28, 33 & 34, T.8N., R.11E., M.D.B.&M.

14-17



**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.

- 1-R.M. Bk. 9, Pg. 43
- 2-R.M. Bk. 18, Pg. 49
- 3-R.M. Bk. 20, Pg. 20
- 4-R.M. Bk. 24, Pg. 43
- 5-R.M. Bk. 24, Pg. 84
- 6-R.M. Bk. 26, Pg. 33
- 7-R.M. Bk. 26, Pg. 97
- 8-R.M. Bk. 32, Pg. 60
- 9-P.M. Bk. 33, Pg. 59
- 10-R.M. Bk. 35, Pg. 2 B.L. Adj.
- 11-P.M. Bk. 38, Pg. 22
- 12-P.M. Bk. 38, Pg. 47
- 13-R.M. Bk. 45, Pg. 8 (11/5/90)
- 14-R.M. Bk. 48, Pg. 52 (7/12/94)
- 15-R.M. Bk. 48, Pg. 85 (1/20/95)
- 16-R.M. Bk. 50, Pg. 62 (5/22/97)
- 17-R.M. Bk. 53, Pg. 14 (3/9/2000)
- 18-R.M. Bk. 63, Pg. 87 (12/19/2013)

Map changes become effective with the 2009-2010 roll year. Parcel numbers are subject to change prior to adoption of roll on each July 1.

**Assessor's Map Bk. 14, Pg. 17**  
**County of Amador, Calif.**



**PARCEL MAP NO 125**  
 FOR: GEORGE PACINI DEED REC 50-09-12  
 DATE: MAY 8, 1980

**OWNER'S CERTIFICATE**

THE UNDERSIGNED HEREBY CERTIFIES THAT HE/SHE IS THE OWNER OF THE REAL PROPERTY SHOWN HEREON AS THE SUBDIVISION AND THAT HE/SHE DOES HEREBY CONSENT TO THE PREPARATION AND REPRODUCTION OF THIS MAP, AND IN CONSIDERATION FOR AND AS A CONDITION OF THE APPROVAL OF SAID MAP HE/SHE DOES HEREBY:

1. MAKE AN IRREVOCABLE OFFER TO DEDICATE TO THE PUBLIC FOR ITS USE AND CONVENIENCE AN EASEMENT FOR USE AS A PUBLIC HIGHWAY OVER EACH AND EVERY PART OF SAID SUBDIVISION DESIGNATED ON THE MAP AS A "ROAD-UTILITY EASEMENT" OR "ACCESS EASEMENT"; AND
2. MAKE AN IRREVOCABLE OFFER TO DEDICATE TO THE PUBLIC FOR ITS USE AND CONVENIENCE AS A PUBLIC UTILITY EASEMENT IN, ON, OVER, ABOVE, OR UNDER EACH AND EVERY PART OF SAID SUBDIVISION DESIGNATED ON THE MAP AS A "ROAD-UTILITY EASEMENT" OR "UTILITY EASEMENT" OR "ACCESS EASEMENT" AND IN, OVER, ACROSS, AND THROUGH THOSE STRIPS OF LAND LYING 5 FEET ON EACH SIDE OF ALL SIDE LOT LINES AND REAR LOT LINES AND 10 FEET ALONG THE EXTERIOR BOUNDARIES OF THIS SUBDIVISION AND FRONT LOT LINES, AN EASEMENT FOR AMADOR COUNTY OR ITS DESIGNEES AT ANY TIME, OR FROM TIME TO TIME, TO ENTER, CONSTRUCT, MAINTAIN, OPERATE, REPAIR, REMOVE, REPAIR, ENLARGE, AND PROTECT FROM HAZARDOUS SANITARY SEWERS, STORM DRAINS, LINES OR PIPE, CABLES, CABLES, LINES, PIPES AND NECESSARY FIXTURES AND EQUIPMENT THEREFOR, TO CONNECT ANY PUBLIC UTILITY SERVICE TO ANY PARCEL OR LOT INSIDE OR OUTSIDE OF SAID SUBDIVISION AND/OR TO ANY MAIN OR TRUNK LINE OR SYSTEM, AND
3. PROMISE, COVENANT AND AGREE TO AND WITH AMADOR COUNTY TO GRANT OR RESERVE A NON-EXCLUSIVE EASEMENT FOR ROAD PURPOSES AND FOR INGRESS AND EGRESS OVER ALL THAT PORTION OF LAND DESIGNATED AS A "ROAD UTILITY EASEMENT" OR "ACCESS EASEMENT" TO THE RECORD OWNERS OF EACH LOT OF PARCEL IN SAID SUBDIVISION AT SUCH TIME AS SAID LOTS ARE SOLD OR FEES TITLE CONVEYED AND THAT NONE OF SAID LOTS SHALL BE LEASED, SOLD OR CONVEYED UNLESS SUCH NON-EXCLUSIVE EASEMENT FOR ROAD PURPOSES AND INGRESS AND EGRESS IS GRANTED OR RESERVED PRIOR TO OR CONCURRENT WITH SAID CONVEYANCE OF SAID LOTS UNLESS SAID PORTION OF LAND HAS BEEN DEDICATED TO AND ACCEPTED BY AMADOR COUNTY AS A PUBLIC HIGHWAY) SO AS TO PROVIDE ACCESS FOR SAID OWNER AND THEIR AGENTS, EMPLOYEES, INVITEES, AND LICENSEES BETWEEN SAID PARCELS OR LOTS AND THE NEAREST COUNTY ROAD AND BETWEEN AND AMONG ALL SAID PARCELS OR LOTS WITHIN SAID SUBDIVISION.
4. MAKE AN IRREVOCABLE OFFER TO DEDICATE TO THE PUBLIC FOR ITS USE AND CONVENIENCE:
  - A. EASEMENTS FOR DRAINAGE PURPOSES ON, OVER, ACROSS, UNDER AND THROUGH ALL NATURAL DRAINAGE COURSES AND THOSE PORTION OF LAND SHOWN HEREON DESIGNATED AS DRAINAGE EASEMENTS; AND
  - B. EASEMENTS FOR RIGHT-OF-WAY AND UTILITY MAINTENANCE 5 FEET IN WIDTH OUTSIDE OF BUT ADJACENT AND CONTIGUOUS TO THE DESIGNATED RIGHT-OF-WAY OF THE ROAD OFFERED FOR DEDICATION SHOWN HEREON, FOR THE EXPRESS PURPOSES OF THE COUNTY'S OR OTHER AUTHORITY'S PERFORMING ALL NECESSARY WORK TO PROTECT THE ROADWAY AND MAINTAIN THE CUT AND FILL SLOPES. THE PORTION HEREON COVERED BY SAID EASEMENT SHALL BE KEPT CLEAR.
 SAID OFFERS TO DEDICATE AND AGREEMENTS AND COVENANTS ARE IRREVOCABLE AND SHALL RUN WITH THE LAND AND BE BINDING UPON ANY FUTURE OWNERS, ENCUMBRANCES, SUCCESSORS, HEIRS OR ASSIGNS, AND SHALL CONTINUE IN EFFECT UNTIL EXPRESSLY AND COMPLETELY ABANDONED AND TERMINATED BY THE BOARD OF SUPERVISORS OF SAID COUNTY. SAID BOARD IN REFLECTING ANY AND ALL OF SAID OFFERS TO DEDICATE SHALL RETAIN THE RIGHT TO ACCEPT BY RESOLUTION ANY OR ALL SAID OFFERS AT ANY TIME THEREAFTER.

\_\_\_\_\_  
 GEORGE J. PACINI  
 \_\_\_\_\_  
 EMLEY I. PACINI

*George J. Pacini*  
*Emley I. Pacini*

**NOTARY'S CERTIFICATE**

STATE OF CALIFORNIA 3 s.s.  
 COUNTY OF AMADOR  
 ON May 19 1980, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED George J. Pacini (DEED I. PACINI) KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.  
 \_\_\_\_\_  
 CLAUDIA E. HILF  
 NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE



**CLERK'S CERTIFICATE**

\_\_\_\_\_  
 I, William D. Swann, HEREBY CERTIFY THAT I AM THE CLERK OF THE BOARD OF SUPERVISORS OF AMADOR COUNTY, CALIFORNIA, THAT THE BOARD USING THE PROPER APPROVING BODY ACCEPTS THE DEDICATION OF ALL PUBLIC UTILITY EASEMENTS, AND FIDDLERTOWN-SHENANDOAH ROAD (NO. 55) AS SHOWN.

DATE 6-26-1980  
 \_\_\_\_\_  
 COUNTY CLERK  
 SIGNED BY \_\_\_\_\_  
 DEPUTY

**SURVEYOR'S CERTIFICATE**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF GEORGE J. PACINI (DEED I. PACINI) KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.



*Teddy F. Stevens*  
 TEDDY F. STEVENS  
 L.S. 4898

**COUNTY SURVEYOR'S CERTIFICATE**

THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE.

DATE 6-24-80  
 \_\_\_\_\_  
 COUNTY SURVEYOR  
 SIGNED BY Jary L. Caldwell REC 20802  
 DEPUTY Clara Lee Deane

**PLANNING DEPARTMENT CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE EXAMINED PARCEL MAP 125 AND THAT IT IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY IMPROVED ALTERATION THEREOF, THAT ALL PROVISIONS OF AMADOR COUNTY CODE TITLE 17 HAVE BEEN COMPLIED WITH.

DATE June 24, 1980

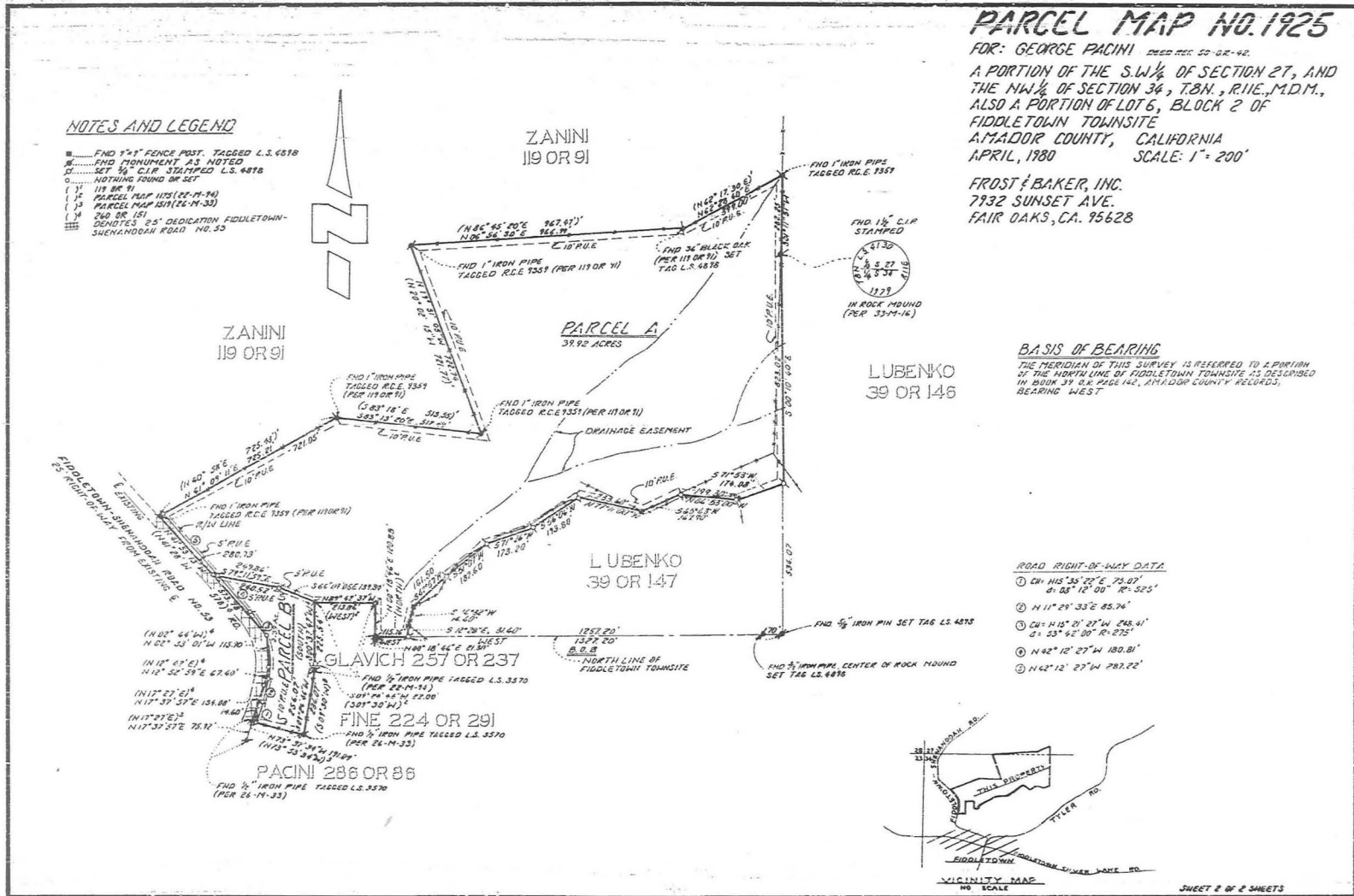
\_\_\_\_\_  
 PLANNING DIRECTOR

**RECORDER'S CERTIFICATE**

FILED THIS 26TH DAY OF JUNE, 1980, AT 3:30 PM IN BOOK 33 OF MAPS AND PLATS, AT PAGE 59, AT THE REQUEST OF THE AMADOR COUNTY CLERK. TITLE TO LAND THROUGH IN THIS PARCEL, MAP BEING NOTED AS DEED CERTIFICATE NO. 582, ON FILE IN THIS OFFICE.

REC'D 20802 4050  
 \_\_\_\_\_  
 AMADOR COUNTY RECORDER

SIGNED BY \_\_\_\_\_  
 DEPUTY



33-M-60