

STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: SEPTEMBER 12, 2017

Item 1 - REQUEST FOR A ZONE CHANGE FROM “RIA,” SINGLE-FAMILY RESIDENTIAL & AGRICULTURAL DISTRICT TO “AG,” EXCLUSIVE AGRICULTURE DISTRICT IN CONJUNCTION WITH A REQUEST FOR INCLUSION INTO A CALIFORNIA LAND CONSERVATION ACT CONTRACT.

APPLICANT: John L. Kirkpatrick and Maxine Kirkpatrick, Trustees of the Kirkpatrick Revocable Living Trust

SUPERVISORIAL DISTRICT 1

LOCATION: Located between Stony Creek Road and Highway 88 (APNs 044-010-047, 044-180-001, and 044-180-026).

- A. GENERAL PLAN DESIGNATION OF AREA:** A-G, Agricultural-General (40-acre minimum parcel size) and A-T, Agricultural-Transition (5-acre minimum parcel size)
- B. CURRENT ZONING:** “RIA,” Single Family Residential & Agricultural District
- D. DESCRIPTION:** The applicants have applied for inclusion of approximately 230.58 acres into a California Land Conservation Act (Williamson Act) contract. Applications for inclusion into a Williamson Act contract include a concurrent application to rezone the property to “AG,” Exclusive Agriculture district, because the land use restrictions of the “AG” district are the mechanism for ensuring the property is utilized or remains available for agriculture.
- E. STAFF/COMMITTEE RECOMMENDATION:** The Agricultural Advisory Committee reviewed the request for inclusion into a Williamson Act contract and recommended approval to the Board of Supervisors, subject to the condition that the three parcels are legally merged into a single parcel prior to recording of the contract.
- 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(2). subject to the condition that the three parcels are legally merged in to a single parcel; and
 - 3. The zone change is Categorical Exempt from CEQA per Section 15183 (Projects Consistent with an Adopted General Plan) and Section 15317 (Open Space Contracts or Easements) of the State CEQA Guidelines, and a Notice of Exemption will be filed with the County Recorder.

DRAFT
MINUTES
AMADOR COUNTY AGRICULTURAL ADVISORY COMMITTEE
MEETING OF WEDNESDAY, JULY 12, 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
Keith Des Voignes, Planning Commission
Rich Pember, Assessor's Office

Also in attendance:

Scott Oneto, Farm Advisor
Susan Grijalva, Planning Department
John Kirkpatrick
Brian Kirkpatrick
Jeff Welch, Reed Leasing Group, LLC
Robin Peters, Cal-State Engineering (rep. for Reed Leasing Group, LLC)

- A. **CORRESPONDENCE:** None.
- B. **PUBLIC MATTERS AND PERSONS WISHING TO ADDRESS THE COMMITTEE REGARDING NON-AGENDA ITEMS:** None.
- C. **APPROVAL OF MINUTES:** It was moved by David Bassett, seconded by Rich Pember, and carried to approve the January 11, 2017 minutes as presented.

AGENDA ITEMS

- ITEM 1.** **Review of a request for inclusion into a California Land Conservation Act contract and preserve for 230± acres located between Stoney Creek Road and Highway 88 (APNs 044-010-047, 044-180-001, and 004-180-026), submitted by John & Maxine Kirkpatrick.**



Chair John Allen reviewed the application submitted by the Kirkpatricks.

Rich Pember noted the property is 3 separate parcels; an 80 acre, a 5 acre and a 145± acre parcel that are contiguous to each other and to another parcel owned by the Kirkpatricks that is currently under contract.

There was discussion as to whether if the 3 parcels were put in a single contract with a joint management agreement would that prevent the smaller, non-qualifying parcels from being sold in the future.

Susan Grijalva explained that in the past multiple, small/non-qualifying parcels had been placed in a single contract but that it had since been determined being in a single contract did not prevent the sale of the parcels which could result in non-qualifying parcels under different ownerships being in the Williamson Act without being used for agriculture, which is the purpose of the program.

Rich Pember stated that none of the 3 parcels alone meet the AG zone district agricultural income or improvement criteria but together they would qualify.

After further discussion, it was moved by David Bassett, seconded by Dan Port, and carried to recommend approval of a Williamson Act contract for APNs 044-010-047, 044-180-001, and 004-180-026 subject to the condition the 3 parcels are legally merged into a single parcel.

ITEM 2. ~~Review of request to establish separate Williamson Act contracts in conjunction with a request for a Parcel Map to create two legal parcels from a 241-acre parcel bifurcated by Highway 88 (APNs 005-240-001 and 005-190-005), submitted by The Reed Leasing Group, LLC.~~

~~Chair John Allen presented the proposal to the Committee. He noted the proposed parcels are approximately 111 acres (north of Highway 88) and 130 acres (south of Highway 88) in size.~~

~~David Bassett questioned the carrying capacity of the property on the north side of Hwy 88 as it is more heavily wooded and appears to be rockier soil than the south side. There was discussion relative to how the agricultural income is established for cattle grazing. John Allen felt the north side is "borderline" for meeting the agricultural income criteria.~~

~~There was discussion about whether the Parcel Map could be conditioned to require the necessary agricultural improvements be in place prior to the map being recorded. Susan Grijalva stated that would have to be the case since without the agricultural improvements that are proposed in the application, the parcels wouldn't meet the AG zone district criteria and the map could not be approved.~~

~~David Bassett moved to deny the request because the parcel on the north side of the highway does not meet the agricultural income criteria. The motion died for the lack of a second.~~

~~It was moved by Dan Port, seconded by Rich Pember and carried 4-1 to recommend the Board of Supervisors find proposed Tentative Parcel Map 2864~~

AGENDA

AGRICULTURAL ADVISORY COMMITTEE

WEDNESDAY, JULY 12, 2017

5:30 PM

Conference Room C
Second Floor, County Administration Center
810 Court Street, Jackson, California

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.

- A. Correspondence.
- B. Public matters and persons wishing to address the Committee regarding non-agenda items.
- C. Approval of minutes: January 11, 2017.
- D. AGENDA ITEMS:
 - ITEM 1. Review of a request for inclusion into a California Land Conservation Act contract and preserve for 230+/- acres located between Stoney Creek Road and Highway 88 (APNs 044-010-047, 044-180-001, and 044-180-026), submitted by John & Maxine Kirkpatrick.
 - ITEM 2. Review of request to establish separate Williamson Act contracts in conjunction with a request for a Parcel Map to create two legal parcels from a 241-acre parcel bifurcated by Highway 88 (APNs 005-240-001 and 005-190-005), submitted by The Reed Leasing Group, LLC.

**STAFF REPORT TO: AMADOR COUNTY AGRICULTURAL ADVISORY
COMMITTEE**
FOR MEETING OF: JULY 12, 2017

**ITEM #1 REVIEW OF REQUEST TO ESTABLISH AN AGRICULTURAL
PRESERVE IN ACCORDANCE WITH THE CALIFORNIA LAND
CONSERVATION ACT FOR 230.57 ACRES (SUBMITTED BY JOHN &
MAXINE KIRKPATRICK).**

Located between Stoney Creek Road and Highway 88 (APNs 044-010-047, 044-180-001, and 044-180-026).

This application is a request to establish a 230.57-acre agricultural preserve per the requirements of the California Land Conservation Act. The parcels are used for dry pasture. 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 proposed preserve meets one of the following criteria as required by County Code Section 19.24.036(D)2 for agricultural preserves 160 acres and larger:

- 1) the ability to produce an annual gross income from agricultural of \$5,867 or more,
- or*
- 2) has in place a minimum of \$29,335 worth of agricultural improvements.

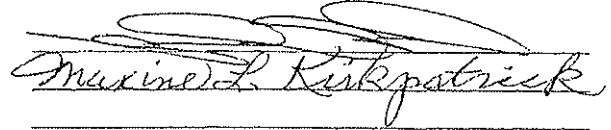
Per the application materials, the potential annual income from 20 head of cattle would be \$20,000, and the agricultural improvements (fences) have a value of \$23,000 to \$38,000.

The Committee's recommendation(s) will be forwarded to the Board of Supervisors for their consideration when reviewing the request for inclusion into the Act.

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 |
| 044-180-001 | 145.572 | Dry Pasture | | | |
| 044010-047 | 80.00 | | | | |
| 44-180-026 | 5.01 | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Total Acres in request. | 230.57 | | | | |

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 | | 20 Animal Units | 20,000 ^{ea} |
| 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 |
| \$ | \$ | \$ | \$ |

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 | |
| | | | |
| 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) | |
| Corral(s) | |
| Fences | 23,000 To 38000 |
| Wells | |
| Water Systems | |
| Other (specify) | |
| TOTAL | 23,000 To 38000 |

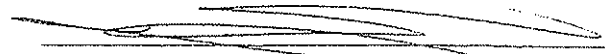
2.

ESTIMATED INCOME

| Use | Estimated Annual Income |
|-------|-------------------------|
| | 20,000 |
| | |
| | |
| | |
| | |
| | |
| TOTAL | 20,000 |

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

NAME: John Kirkpatrick
ADDRESS: P.O. Box 1198
CITY: Jackson CA 95642
PHONE: 209-304-5269


Signature of person who prepared application.
6-27-2017
Date

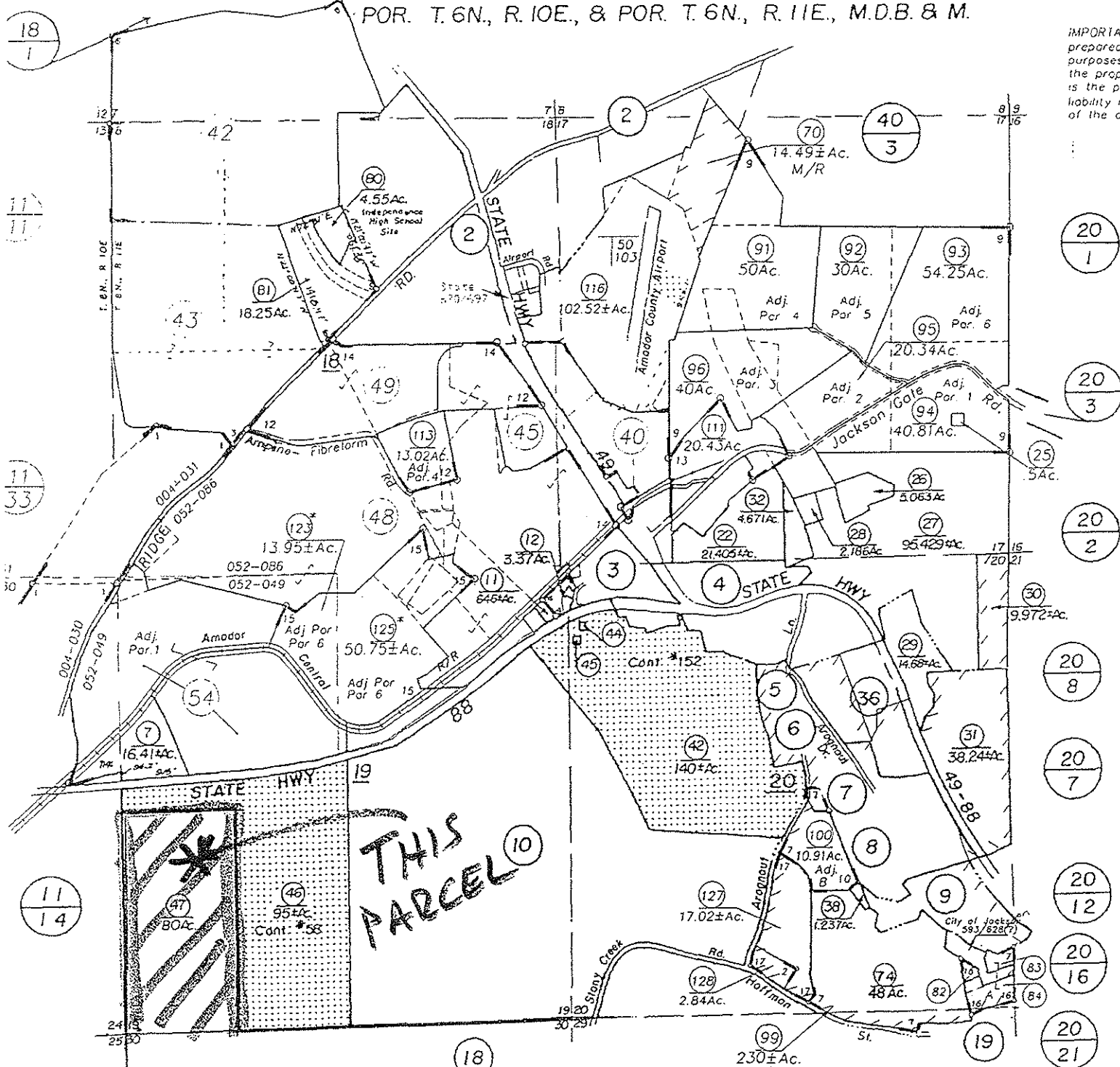
Additional persons to be notified concerning action on this request:

NAME: _____
ADDRESS: _____
CITY: _____
PHONE: _____

NAME: _____
ADDRESS: _____
CITY: _____
PHONE: _____

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.

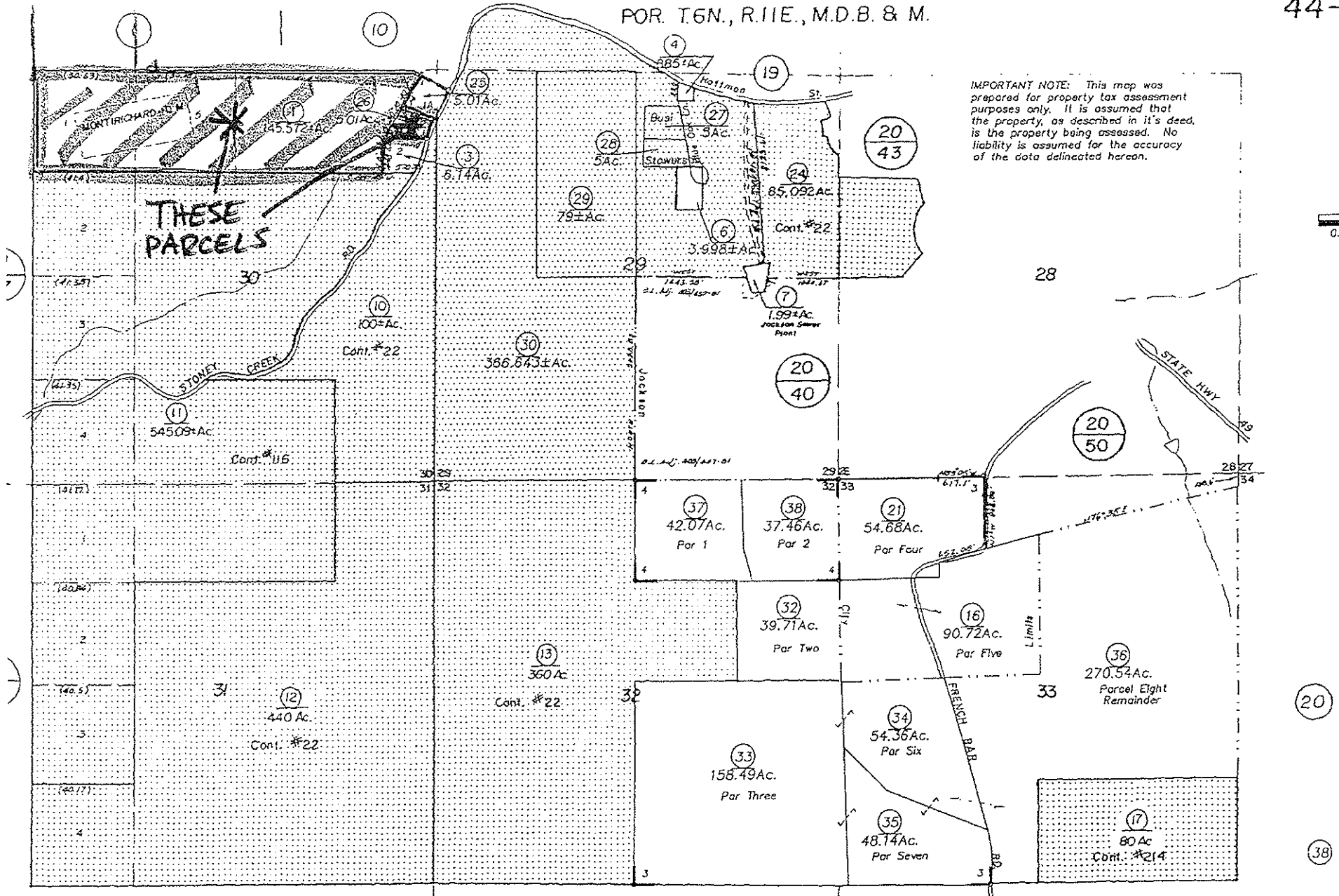
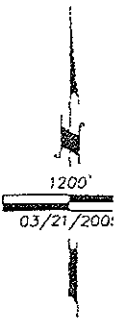
Map changes become effective with the 2009-2010 roll year. Parcel numbers are subject to change prior to adoption of roll on each July 1.



- Unrec Sur 1271 R.M. Bk.04, Pg. 61
- R.M. Bk.04, Pg. 79
- R.M. Bk.04, Pg. 86
- R.M. Bk.04, Pg. 90
- R.M. Bk.05, Pg. 24
- R.M. Bk.05, Pg. 30
- R.M. Bk.06, Pg. 49
- R.M. Bk.06, Pg. 96
- R.M. Bk.07, Pg. 28
- R.M. Bk.09, Pg. 07
- R.M. Bk.09, Pg. 41
- R.M. Bk.10, Pg. 78
- R.M. Bk.11, Pg. 05
- R.M. Bk.11, Pg. 06
- R.M. Bk.12, Pg. 38
- R.M. Bk.19, Pg. 73
- R.M. Bk.26, Pg. 44
- R.M. Bk.26, Pg. 53
- P.M. Bk.30, Pg. 23
- R.M. Bk.32, Pg. 20
- R.M. Bk.36, Pg. 08
- R.M. Bk.36, Pg. 69
- 1- P.M. Bk.37, Pg. 83
- R.M. Bk.38, Pg. 90
- 2- R.M. Bk.39, Pg. 27
- 3- P.M. Bk.39, Pg. 39
- 4- R.M. Bk.39, Pg. 69
- 5- R.M. Bk.39, Pg. 73
- 6- R.M. Bk.42, Pg. 30
- 7- R.M. Bk.44, Pg. 26
- 8- R.M. Bk.44, Pg. 35
- R.M. Bk.47, Pg. 90
- 9- R.M. Bk.47, Pg. 100
- R.M. Bk.49, Pg. 46
- R.M. Bk.49, Pg. 88
- 10- R.M. Bk.50, Pg. 07
- 11- R.M. Bk.51, Pg. 07
- 12- R.M. Bk.52, Pg. 06
- 13- R.M. Bk.52, Pg. 24
- 14- R.M. Bk.54, Pg. 38
- R.M. Bk.57, Pg. 22
- 15- R.M. Bk.60, Pg. 24
- 16- R.M. Bk.57, Pg. 78
- 17- R.M. Bk.59, Pg. 21

POR. T.6N., R.11E., M.D.B. & M.

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.



THESE PARCELS

Map changes become effective with the 2005-2006 roll year. Parcel numbers are subject to change prior to adoption of roll on each July 1.

- R.M. Bk. 40, Pg. 42
- 1-R.M. Bk. 44, Pg. 95 (10/19/2001)
- 2-R.M. Bk. 45, Pg. 93 (11/10/01)
- 3-R.M. Bk. 54, Pg. 6 (7/12/2001)
- 4-P.M. Bk. 57, Pg. 9 (8/27/2004)

31

- R.M. Bk. 1, Pg. 68 Sewer Plant
- R.M. Bk. 12, Pg. 74
- R.M. Bk. 33, Pg. 23 B.L. Adj.
- R.M. Bk. 34, Pg. 59 B.L. Adj.

Assessor's Map Bk. 44, Pg. 18

County of Amador, Calif.

Exhibit "A"

Legal Description

A.P.N.: 044-180-001 and 044-180-026 and 044-010-047

Real property in the unincorporated area of the County of Amador, State of California, described as follows:

PARCEL ONE: (APN: 044-180-001)

THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 30 T6N, R11E WHICH LIES SOUTH OF THE RIGHT OF WAY OF THE AMADOR CENTRAL RAILROAD WHERE IT CROSSES SAID PREMISES AT THE SOUTHWESTERLY PORTION THEREOF, AND WESTERLY OF THE JACKSON-LANCHA PLANA ROAD WHERE IT CROSSES THE SOUTHEASTERLY CORNER OF SAID SECTION (19) AND THE EASTERLY PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 30.

PARCEL TWO: (APN: 044-010-047)

THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 19 T6N, R11E, MDM., AMADOR COUNTY, STATE OF CALIFORNIA.

EXCEPTING THEREFROM PARCELS 1 AND 2 AS SAID PARCELS ARE SHOWN AND DELINEATED ON THE RECORD OF SURVEY OF PROPERTY OF AMBROSE GARBARINI, FILED FOR RECORD ON MAY 18.1966 IN BOOK 12 OF MAPS AND PLATS AT PAGE 74, RECORDS OF AMADOR COUNTY.

PARCEL THREE: (APN: 044-180-026)

ALL THAT PORTION OF SECTIONS 29 AND 30, TOWNSHIP 6 NORTH, RANGE 11 EAST, M.D.M., AMADOR COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT CERTAIN PARCEL DESIGNATED "GARBARINI PARCEL 1B" ON RECORD OF SURVEY-BOUNDARY LINE ADJUSTMENT FOR AMBROSE GARBARINI, ET UX., FILED FOR RECORD OCTOBER 19, 1990 IN BOOK "44" OF MAPS AND PLATS, AT PAGE 95, RECORDS OF AMADOR COUNTY.



**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

NOTICE OF PUBLIC HEARING

Notice is hereby given the Planning Commission of the County of Amador, State of California, has received an application for the project described in this notice.

PROJECT NAME, DESCRIPTION AND LOCATION: Request by John L. Kirkpatrick and Maxine Kirkpatrick, Trustees of the Kirkpatrick Revocable Living Trust, for a zone change from "R1A," Single-family Residential and Agricultural District to "AG," Exclusive Agricultural District in conjunction with a request for inclusion into a California Land Conservation Act contract; location being between Stony Creek Road and CA Highway 88 in the Martell community and containing 230.58± acres (APNs 044-010-047, 044-180-001, and 044-180-026). NOTE: SEE MAP ON BACK OF NOTICE.

Public Hearing: Notice is hereby given said Planning Commission will hold a public hearing on this application at the County Administration Center, Board of Supervisors Chambers, 810 Court Street., Jackson, California, on September 12, 2017 at 7:00 p.m. or as soon thereafter as can be heard. Anyone having comments on the project may attend and be heard.

Letters of comment regarding this matter received by the County prior to the preparation of a Staff Report (generally the Tuesday prior to the meeting) will be mailed to each Planning Commissioner as part of the Staff Report. The Staff Report will be available online (typically the Friday prior to the meeting) for viewing at www.amadorgov.org in the "Agendas and Minutes" section. Letters received after the Staff Report has been mailed will be copied and circulated to each Commissioner just prior to the Public Hearing. However, be advised that due to time constraints, the Commissioners may not be able to give letters submitted after the Staff Report is prepared, as detailed a review as those received earlier. Therefore, it may be to your benefit to attend the hearing and summarize your concerns orally. Letters will not be read aloud at the Public Hearing.

If you have any questions or desire more information, please contact this office.

NOTE: If you do not comment at the public hearing or send in written comments and later decide to challenge the nature of this proposed action in court, you may be limited to raising only those issues you raised at the public hearing or have given in written correspondence delivered to the public entity conducting the hearing at, or prior to, the Public Hearing.

AMADOR COUNTY PLANNING COMMISSION

Date of this notice: August 22, 2017



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" = 1301 ft

Aerial photography, if displayed.
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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 95642

August 21, 2017