

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: October 13, 2020**

ITEM 4 - Request for a Zone Change (ZC-20;3-1) from the A, Agricultural zoning district to the AG, Exclusive Agriculture zoning district for a ±85-acre parcel in conjunction with the establishment of an amended Agricultural Preserve. The request proposes the addition of the ±85-acre parcel to an existing 100-acre preserve enrolled in California Land Conservation Act (Williamson Act) contract No. 446. The resulting Amended Preserve would total ±185 acres (APNs: 014-150-038, -039, and - 040).

Applicant: Michael Collier
Supervisorial Districts: 5
Location: 16427 Tyler Rd., Fiddletown

- A. General Plan Designation:** AG, Agricultural-General
- B. Current Zoning:** A, Agricultural District
- C. Project Description:** The applicant has applied for inclusion of approximately 85 acres into an existing California Land Conservation Act (Williamson Act) contract for a total of 185 acres under Contract # 446. The intended use of the property is seasonal dry pasture grazing for cattle. Applications for Williamson Act contracts include a simultaneous request to rezone the contracted property to Exclusive Agriculture because the permitted uses in the AG zone become the land use limitations of the contract.
- D. Agricultural Advisory Committee Recommendation:** The Agricultural Advisory Committee reviewed the request for inclusion into a Williamson Act contract and recommended approval of the request to the Board of Supervisors with the condition that all affected parcels be merged into a single legal parcel.
- E. TAC Review:** This project was reviewed by the Technical Advisory Committee on July 1, 2020 for completeness, and again on July 22, 2020 where a Notice of Exemption was recommended as the appropriate environmental document for the project. TAC has no technical objection to the Planning Commission approving the Zone Change subject to the findings included in the staff report.
- F. Planning Commission Action:** Should the Planning Commission recommend approval of the zone change from A, Agricultural District to AG, Exclusive Agriculture District to the Board of Supervisors, the findings below are recommended for inclusion with the motion to approve.
- G. Recommended Findings:**
 - 1. The zone change is consistent with the Amador County General Plan Land Use designation for the property;
 - 2. The agricultural preserve will meet the agricultural improvement requirements of the Exclusive Agriculture zoning district for parcels 160 acres or larger as outlined in County Code § 19.24.036 D(2); and
 - 3. The zone change is categorically exempt from CEQA 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-Clerk.

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.

W. H. Ball

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
014-150 040	85	Dry Pasture fenced	85		
014-150 038	50	Dry Pasture fenced Barn	50	Dwelling 1800 sq	
014-150 039	50	Dry Pasture fenced		Dwelling 2300 sq	
Total Acres in request.	185				

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

Two fifty Acres Parcels in Williamson Act
 adding 85 additional acres 446

Item E

AGRICULTURAL PRODUCTION FROM THE LAND

Use	Crop	Production	Comments
Dry Pasture		Cattle 20 Animal Units	
Irrigated Pasture		Animal Units	
Field Crops		Tons Per Acre	
		Tons Per Acre	
Row Crops		Tons Per Acre	
		Tons Per Acre	
Orchard		Tons Per Acre	
Other			

Item F

OTHER INCOME FROM THE LAND

Hunting	Fishing	Mineral	Other
\$ Per Year	\$ Per Year	\$ Per Year	\$ Per Year

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:			

IMPROVEMENT AND INCOME STATEMENT

1.

PERMANENT AGRICULTURAL IMPROVEMENTS

Type of Improvement	Estimated Value
Barn(s) <u>One</u>	<u>\$ 50,000</u>
Corral(s) <u>Six</u>	<u>\$ 5,000</u>
Fences <u>Total</u>	<u>\$ 20,000</u>
Wells <u>Two</u>	<u>\$ 10,000</u>
Water Systems	
Other (specify)	
TOTAL	

2.

ESTIMATED INCOME

Use	Estimated Annual Income
<u>Cattle operation</u>	<u>\$ 30,000</u>
TOTAL	<u>\$ 30,000</u>

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

NAME: Michael F. Collier
 ADDRESS: P.O. Box 211
 CITY: Fiddletown Ca. 95029
 PHONE: 530)219-2597

[Signature]
 Signature of person who prepared application.
3-9-20
 Date

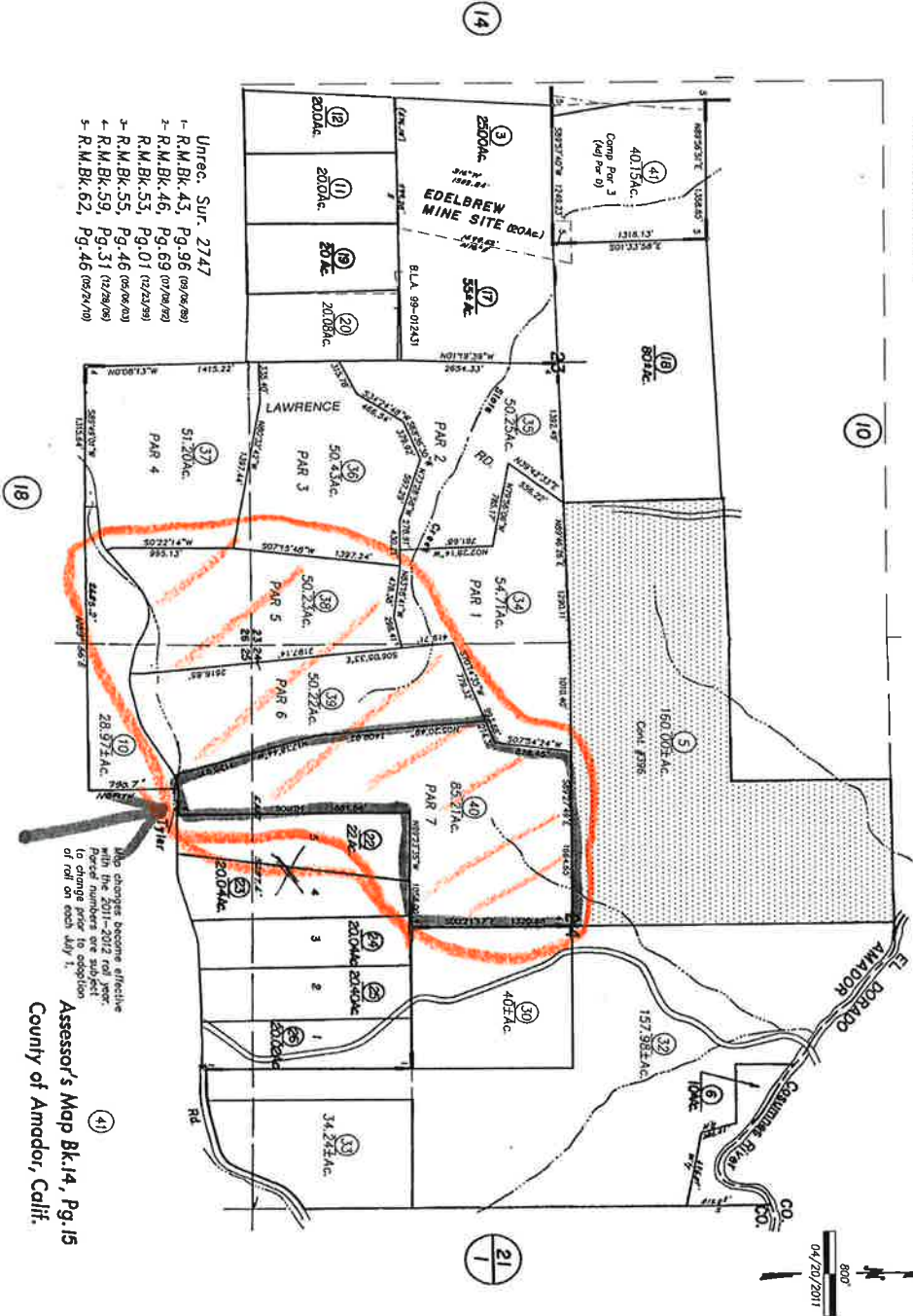
Additional persons to be notified concerning action on this request:

NAME: Coyote Land & Cattle NAME: _____
 ADDRESS: Same DBA ADDRESS: _____
 CITY: _____ CITY: _____
 PHONE: _____ PHONE: _____

IMPORTANT NOTE: This map was prepared for property tax assessment purposes only. It is not intended to be a legal document. No liability is assumed for the accuracy of the data delineated hereon.

POR. SEC. 23, 24, 25 & 26, T8N, R.11E, M.D.B. & M.

14-15



- Unrec. Sur. 2747
- 1- R.M.Bk. 43, Pg. 96 (06/06/09)
 - 2- R.M.Bk. 46, Pg. 69 (07/08/09)
 - 3- R.M.Bk. 53, Pg. 01 (12/29/09)
 - 4- R.M.Bk. 55, Pg. 46 (06/06/09)
 - 5- R.M.Bk. 59, Pg. 31 (12/29/09)
 - 6- R.M.Bk. 62, Pg. 46 (06/24/10)

This change becomes effective with the 2011-2012 roll year. Parcel numbers are subject to change prior to adoption of roll on each July 1.

Assessor's Map Bk. 14, Pg. 15
County of Amador, Calif.

READ AND APPROVED

RECORDING REQUESTED BY:

First American Title Company

MAIL TAX STATEMENT

AND WHEN RECORDED MAIL DOCUMENT TO:

Michael F. Collier
P.O. Box 211
Fiddletown, CA 95629



Amador County Recorder

Kimberly L. Grady

DOC- 2020-0001539-00

Acct 2-First American Title Co

Wednesday, FEB 26, 2020 14:41

Ttl Pd \$410.00

Nbr-0000333338

CT1/R1/1-2

Space Above This Line for Recorder's Use Only

A.P.N.: 014-150-040-000

File No.: 0301-6153296 (EK)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX **\$385.00**; CITY TRANSFER TAX **\$0.00**;
SURVEY MONUMENT FEE **\$10.00**

- computed on the consideration or full value of property conveyed, OR
- computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
- unincorporated area; City of **Fiddletown**, and

EXEMPT FROM BUILDING HOMES AND JOBS ACTS FEE PER GOVERNMENT CODE 27388.1(a)(2)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Amy Lynn Buck, an unmarried woman**

hereby GRANTS to **Michael F. Collier, an unmarried man**

the following described property in the Unincorporated Area of , County of **Amador**, State of **California**:

**PARCEL 7, AS SHOWN IN THAT CERTAIN PARCEL MAP ENTITLED "PARCEL MAP NO. 2674",
RECORDED ON DECEMBER 28, 2006, IN BOOK 59 OF MAPS AND PLATS, AT PAGE 31.**

Mail Tax Statements To: **SAME AS ABOVE**

A.P.N.: 014-150-040-000

Dated: February 25, 2020

Amy Lynn Buck

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

STATE OF California)SS
COUNTY OF Amador)

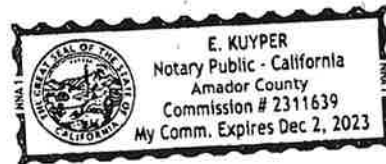
On 2-25-2020, before me, E. Kuyper, Notary Public, personally appeared Amy Lynn Buck, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

This area for official notarial seal

Notary Signature



INDEMNIFICATION

Project: _____

In consideration of the County's processing and consideration of the application for the discretionary land use approval identified above (the "Project") the Owner and Applicant, jointly and severally, agree to defend, indemnify, and hold harmless the County of Amador from any claim, action, or proceeding against the County to attack, set aside, void or annul the Project approval, or any action relating related to the Project approvals as follows:


1. Owner and Applicant shall defend, indemnify, and hold harmless the County and its agents, officers or employees from any claim, action, or proceeding against the County or its agents, officers or employees (the "County") to attack, set aside, void or annul the Project approval, or any prior or subsequent determination regarding the Project, including but not limited to determinations related to the California Environmental Quality Act, or Project condition imposed by the County. The Indemnification includes, but is not limited to, damages, fees, and or costs, including attorneys' fees, awarded against County. The obligations under this Indemnification shall apply regardless of whether any permits or entitlements are issued.

2. The County may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the County defends the claim, action, or proceeding in good faith.

3. The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action, or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, by their signature below, Owner and Applicant hereby acknowledge that they have read, understand, and agree to perform the obligations under this Indemnification.

Applicant:



Signature

3-9-20

Owner (if different than Applicant):

Signature



Application for Zone Change (ZC-20;3-1)

1 message

Casas, Michael@DOT <Michael.Casas@dot.ca.gov>
To: Amador County Planning Department <planning@amadorgov.org>
Cc: "Ponce, Gregoria@DOT" <gregoria.ponce@dot.ca.gov>

Thu, Jun 25, 2020 at 11:00 AM

Ms. Ruesel,

Caltrans appreciates to opportunity to review and respond to the application for Zone Change (ZC-20;3-1), where the applicant Michael Collier is requesting to rezone a ±85 acre parcel from the "R1A," Single-family Residential and Agricultural Zoning District to the "AG," Exclusive Agriculture Zoning District in conjunction with the establishment of an Amended Agricultural Preserve. The request proposes the addition of ±85 acres to ±100 acres already enrolled under Contract 446. Resulting Amended Preserve would total ±185 acres.

Based on the information provided on this project, Caltrans has no comment. If there are any future changes to the scope of work or developments on parcels of this project Caltrans would like to review those changes.

Kind regards,

Michael Casas

Caltrans District 10

Office of Rural Planning

Division of Planning, Local Assistance, and Environmental

1976 E. Dr. Martin Luther King Jr Blvd.

[Stockton CA 95205](#)

Telework # 1-209-986-9830

<https://dot.ca.gov/caltrans-near-me/district-10>

- | | |
|---|----------------------|
| 1. GIS List. <u>300</u> ft. Plus _____
(Distance) (Special Instructions: e.g. to end of access road) | Initial
<u>KR</u> |
| 2. Checked <u>all</u> APN pages of those parcels from the GIS list for "NOTES" or "SPECIAL INSTRUCTIONS." | <u>KR</u> |
| 3. Project Applicant and Representative(s), if applicable. | <u>KR</u> |
| 4. Checked Project file cover for agency distribution. | <u>KR</u> |
| 5. Checked inside file for special requests for notification. | <u>KR</u> |
| 6. Checked old notification list for additional notification. | <u>NA</u> |
| 7. Other – Specify:

_____ | |

AFFIDAVIT OF SERVICE BY MAIL

I am a citizen of the United States, over eighteen years of age, employed in Amador County, and not a party to the within action; my business address is 810 Court Street, City of Jackson, State of California. I hereby declare I served a copy of the attached public hearing notice regarding 20-20, 3-1 Collier Amended Contract #446 by placing copies in 13 envelopes addressed to: (see attached list).

Said envelopes were then sealed and postage fully paid thereon and were deposited in the United States Mail on September 21, 2020 at Jackson, California.

I declare under penalty of perjury the foregoing is true and correct.

Executed at Jackson, California on September ²¹ 2020

Signed Rista Ruesel

Witness CAJH