

CALAVERAS COUNTY PLANNING DEPARTMENT 891 Mountain Ranch Road, San Andreas, California 95249 (209) 754-6394

Planning Commission Staff Report

Hearing Date	October 13, 2022
Project Number/Name	2022-035 ZA for AP/WAC 391 for Friend
Supervisorial District Number	District 4
Assessor's Parcel Number(s)	057-015-024 & 057-018-008
Planner	Gina Kathan, Planner IV

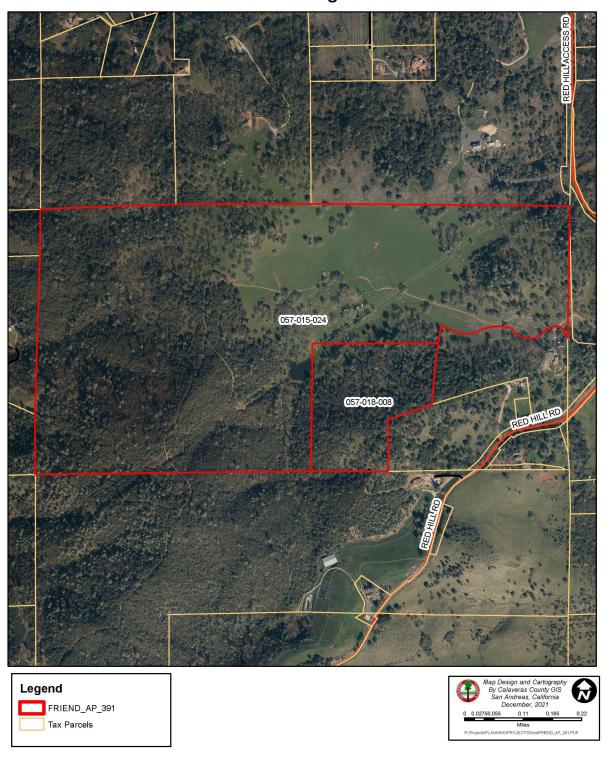
Date: September 19, 2022

PROJECT DESCRIPTION: The applicants filed a California Land Conservation Contract Application to establish Agriculture Preserve & Williamson Act Contract 391 for a total of 270 acres. As a result, the County is processing a Zoning Amendment for two assessor parcels from General Agriculture (A1) to Agriculture Preserve (AP) to signify the land is in an Agriculture Preserve pursuant to County Code Chapter 17.18.010 that Agriculture preserve zoning applies to lands for which a Williamson Act contract has been executed.

APPLICANT AND LANDOWNER:

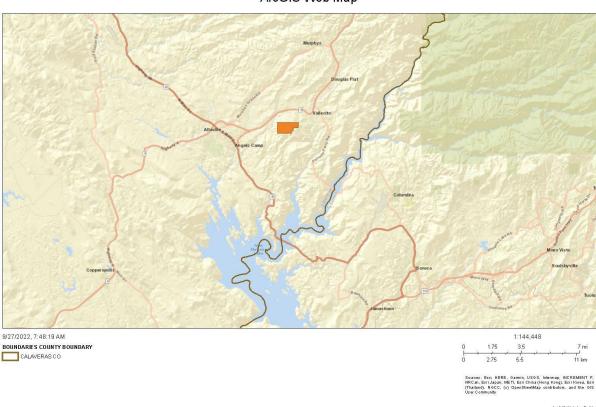
Robert G. & Ashley S. PO Box 1101 Angels Camp CA 95222

Agriculture Preserve and Williamson Act Contract 391 for Friend totaling 270 acres



PROJECT LOCATION:

The subject property is a total of 270 acres comprised of 2 assessor parcels and 1 legal parcel. APN: 057-015-024 and 057-018-008 are located approximately 1.5 miles southwest of town of Vallecito, between Borbe Ranch Road and Red Hill Road and is a portion of Section 25, T3N, R13E, MDM.



ArcGIS Web Map

ANALYSIS:

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. Agriculture is an important part of the Calaveras County economy. Therefore, preservation of agriculture lands is encouraged by our County General Plan.

The land is currently leased by the Rasmussen Ranch LLC. The agriculture operation includes 24 beef cattle grazing on dry pasture. The Ranch reports a total annual gross income from production of \$18,000, averaged over the past 4 years. Scott Oneto, Calaveras County Farm Advisor, completed a feasibility study for the subject property primarily utilized for livestock grazing. His study estimates the land can produce an annual gross income of \$54.45 / acre, far exceeding the minimum \$2,000.00 annual income required to be a Williamson Act Contract. Improvements on the land include 1 barn, 1 well,

PC date: 10/13/22

Page 3 of 6

1 on-site wastewater system and boundary fencing. Future improvements include the construction of a single-family residence which is a permitted use in the AP zone.

General Plan: The County General Plan designates the land as Natural Resource Lands (Resource Production and Working Lands). These land use designations identify those lands capable of and primarily used for agricultural operations, timber production and/or mineral resource production. This category includes lands with conservation easements, critical habitat areas, agriculture preserves and timber production.

Zoning: Upon establishment of an Agriculture Preserve and California Land Conservation Contract, the parcels restricted by that contract must be re-zoned Agriculture Preserve (AP). The purpose of the AP zone is to protect and preserve lands for intensive agriculture and ranching production. Agriculture preserve zoning applies to lands for which a Williamson Act contract has been executed. All the listed permitted and conditional uses allowed in the AP zone are determined by the board of supervisors to be compatible with the definition of agricultural and authorized in the AP zoning and for lands under a Williamson Act Contract. The parcel is a minimum of 50 acres, qualifying for a separate and independent Williamson Act contract, consistent with site development standards in the AP Zone. The General Plan finds the AP zone consistent with the RP and WL Land Use Designation.

Local Regulation: Pursuant to Board of Supervisors Resolution 75-489, establishing uniform rules for administration of agriculture preserves in the County of Calaveras and Government Code § 51230; "an agriculture preserve consists of not less than one hundred (100) acres provided that in order to meet the one hundred (100) acre requirement, two (2) or more parcels may be combined if said parcels are contiguous and in common ownership." The 270 acres is comprised of 2 assessor parcels and 1 legal parcel and is in common ownership.

Natural Resources: The parcels are in an area of the County with zero to low as well as a moderate to high groundwater potential. Indian creek traverses the property and a 0.79-acre pond both provide a source of water to livestock. An additional source of water to the livestock is the 1 well on the property.

Within five miles of the proposed preserve, the California Natural Diversity Database identifies the siting of several different special-status species. Special-status species are plants and animals that are legally protected under the California and/or Federal Endangered Species Acts (CESA and FESA, respectively) or other regulations (e.g., Migratory Bird Treaty Act, California Environmental Quality Act), and species that are considered rare by the scientific community (e.g., the California Native Plant Society, California Fish and Wildlife Species of Special Concern) The California Natural Diversity Database revels special status species within a 5 mile radius of the subject parcels. Species include Pollid Bat, Townsensd's big-eared bat, Yellow-lip pansy monkeyflower, Tricolord Blackbird, Western Bumble bee, Foothill yellow-legged frog, Stanislaus Monkeyflower, Melones Cave harvestman, Carlow's Cave pseudoscorpion, and Red Hills

PC date: 10/13/22

Page 4 of 6

Cryptantha.

Safety: Through the Fire and Resource Assessment Program, Cal Fire identifies the subject property as being in very high fire hazard area. Maintaining the land in agriculture will help to reduce the fire hazard. Grazing livestock reduces vegetation and the landowner's use of range management to clear property for optimum grazing pastures will decrease fire fuels on the property. Entering this property into an Agriculture Preserve not only ensures long term agriculture production on the land, but reduces the lands development potential; thus, minimizing the exposure of people and structures to the risk of wildland fires.

Surrounding land use and zoning: Larger parcels in the surrounding area are used for grazing livestock, growing hay, vineyards, and a few orchards. Smaller parcels are utilized for farming and ranching practices on a personal scale compared to the commercial sized operations on the larger parcels. Zoning ranges from Agriculture Preserve (AP) to General Agriculture (A1) on larger parcels and Residential Agriculture and Rural Residential on parcels less than 20 acres in size. Three hundred acres immediately south of the subject property is owned by Calaveras County and is used as the County landfill and transfer station. Natural Resource lands primarily designate the surrounding area with smaller pockets of Rural Transition land and Public Service.

During a noticed public meeting on August 24, 2022, the Agriculture Advisory Committee, taking into consideration the California Land Conservation Application for Agriculture Preserve 391 and information pertaining to General Plan consistency, voted 4-0-0-1 recommending the Board of Supervisors approve a resolution establishing Agriculture Preserve Contract 391 for five Assessor Parcels totaling 270 acres.

CONCLUSION:

The proposed application is consistent with County's General Plan and applicable provisions of the Calaveras County Zoning Code, Title 17 for Agriculture Preserve. Goals and Policies of the Resource Production Element of the County General Plan encourage continued participation in the California Land Conservation Act of 1965 and other agriculture-related long term conservation programs. Policies of the Conservation and Open Space Element encourage the preservation of open space to protect wildlife habitat and lands for agriculture production. Pursuant to Chapter 17.18.010 AP zoning applies to lands for which a Williamson Act contract has been executed. The AP zone is compatible with the Resource Production land use designation and the parcels will be zoned appropriately upon establishment of the contract. The parcel meets the 100-acre minimum for an Agriculture Preserve and Williamson Act Contract and 50-acre requirement in the AP zone. Grazing livestock and utilization of good range management will help reduce flammable vegetation, reducing the potential for wildfires and the conservation easement reduces the ability to develop the property residentially, reducing exposure of people and structures to the risk of wildland fires. The landowner has demonstrated that the agriculture operation meets the minimum income requirements for production from the land, thus qualifying the land for an Agriculture Preserve & Williamson Act Contract. The proposed Agriculture Preserve and Williamson Act Contract is compatible with the surrounding land

PC date: 10/13/22

Page 5 of 6

use and zoning as most lands in this area of the County are utilized for grazing livestock. The County Agriculture Commissioner and the Agriculture Advisory Committee support this application, recommending the Board of Supervisors establish contract 391 for 270 acres.

ENVIRONMENTAL REVIEW:

A Notice of Exemption in compliance with the California Environmental Quality Act (CEQA) will be filed. Article 19, Categorical Exemptions, Section 15317, Open Space Contracts or Easements; Class 17 consists of the establishment of agriculture preserves, the making and renewing of open space contracts under the Williamson Act.

RECOMMENDATION:

Staff recommends the Planning Commission adopt resolution 2022-012 recommending the Board of Supervisors and adopt an ordinance amending the zoning of APN: 057-015-024 and 057-018-008 from General Agriculture (A1) to Agriculture Preserve (AP) for Robert and Ashely Friend upon Board approval to establish Agriculture Preserve and Williamson Act Contract No. 391 for 270 acres based the findings included therein.

PC date: 10/13/22

Page 6 of 6

ATTACHMENTS

- 1. Draft Resolution
- 2. Notice of Public Hearing
- 3. California Land Conservation Contract Application
- 4. Agriculture Advisory Committee Recommendation
- 5. Feasibility Study

Draft Resolution

COUNTY OF CALAVERAS, STATE OF CALIFORNIA PLANNING COMMISSION

RESOLUTION NO. 2022-012

>>A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS AMEND THE ZONING OF APN'S: 057-015-024 & 057-018-008 FROM GENERAL AGRICULTURE (A1) TO AGRICULTURE PRESERVE (AP) UPON BOARD APPROVAL ESTABLISHING AGRICULTURE PRESERVE AND WILLIAMSON ACT CONTRACT 391 FOR 270 ACRES FOR ROBERT AND ASHELY FRIEND, LAND USE APPLICATION 2022-035

WHEREAS, the Agriculture Commissioner of the County of Calaveras received a California Land Conservation Contract Application from landowner Robert and Ashely Friend requesting to enter 2 assessor parcels (1 legal parcel) totaling 270 acres into the Agriculture Preserve & Williamson Act Contract 391; and

WHEREAS, the proposed project is located on real property in the unincorporated portion of the County of Calaveras, more particularly described as APN's: 057-015-024 & 057-018-008, located approximately 1.5 miles southwest of town of Vallecito, between Borbe Ranch Road and Red Hill Road and is a portion of Section 25, T3N, R13E, MDM; and

WHEREAS, a Notice of Exemption was prepared pursuant to the California Environmental Quality Act; and

WHEREAS, during a noticed public meeting on August 24, 2022, the Agriculture Advisory Committee considered all the information presented to it, including the application and information presented by the Planning Department; and

WHEREAS, that the Agriculture Advisory Committee recommends the Board of Supervisors establish Agriculture Preserve Contract 391; and

WHEREAS, during a noticed public hearing on October 13, 2022, the Planning Commission considered all the information presented to it, including its staff report and information provided by the project proponent.

BE IT THEREFORE RESOLVED that the Planning Commission recommends the Board of Supervisors adopt the Zoning Amendment as shown on Exhibit "A" upon establishment of Agriculture Preserve and Williamson Act Contract 391, based on the following findings:

1. The project is categorically exempt from CEQA. A Notice of Exemption has been prepared in accordance with the California Environmental Quality Act (CEQA).

Evidence: Article 19, Categorical Exemptions, Section 15317, Open Space Contracts or Easements, exempts from CEQA the establishment of agricultural

preserves, the making and renewing of open space contracts under the Williamson Act. The AP zone is to protect and preserve lands for intensive agriculture and ranching production and applies to lands for which a Williamson Act contract has been executed. The AP zone restricts land from commercial, industrial and residential development. Therefore, re-zoning the property for this purpose has no negative effect on the environment.

2. The proposed Zoning Amendment is consistent with the County's General Plan and applicable policies of the Calaveras County Zoning Code, Title 17 for Agriculture Preserve.

Evidence: The subject property is currently designated in the County General Plan as Natural Resource Lands, Resource Production and Working Lands. The General Plan finds the Agriculture Preserve (Williamson Act) compatible with this land use designation, recognizing the economic value agriculture has on the County of Calaveras. The purpose of the AP zone is to protect and preserve lands for intensive agriculture and ranching production. AP zoning applies to lands for which a Williamson Act contract has been executed. The 270-acre parcel meets the minimum 100-acre requirement to be eligible for the Agriculture Preserve and a Williamson Act contract, and the parcel is over 50 acres in size, making the parcel eligible for the AP Zone. The California Land Conservation Contract Application meets the minimum requirements to be eligible for a Williamson Act Contract. Thus, upon establishment of a contract, the land must be zoned AP.

3. The proposed Zoning Amendment is consistent with neighboring and adjacent land uses and zoning.

Evidence: The subject property is in an area of Calaveras County commonly in agriculture production. Surrounding agriculture operations range from commercial sized livestock production, vineyards, orchards and hay to personal scaled farming and ranching operations associated with a residence. Lands are zoned and designated by the County General Plan appropriate for farming and ranching actives; thus, proving the area's compatibility with the proposed application. The proposal is found consistent with the neighboring properties and land uses.

regular meeting of the Planning Commissioner and seconded by Commissioner	on held on October 13, 2022, on a motion by issioner
AYES: NOES: ABSTAIN: ABSENT:	
ATTEST:	Chair, Planning Commission
Gina Kathan, Planner IV	

Approved by the Planning Commission of the County of Calaveras, at a

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

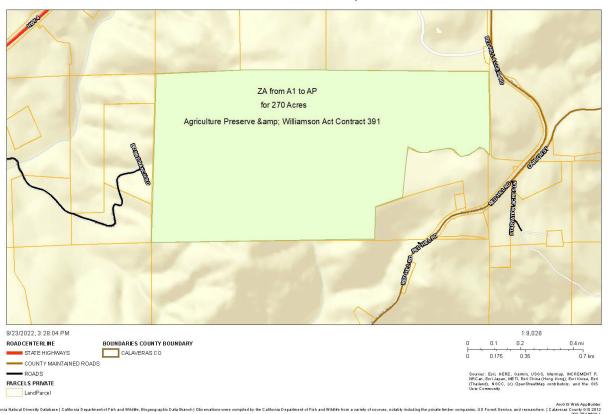
Exhibit "A"

Zoning Amendment
From General Agriculture (A1) to Agriculture Preserve (AP)
Totaling 270 acres

For

Robert and Ashely Friend Agriculture Preserve and Williamson Act Contract 391

ArcGIS Web Map



Notice of Public Hearing



PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

LEAD AGENCY: Calaveras County Planning Department

891 Mountain Ranch Rd. San Andreas, CA 95249

2022-035 Zoning Amendment for Establishment of Agriculture Preserve and Williamson Act Contract 391 for Robert & Ashley Friend: The County Agriculture Commissioner received a California Land Conservation Contract Application from Robert & Ashley Friend to establish Agriculture Preserve & Williamson Act Contract 391 for a total of 270 acres. In addition, the County is processing a Zoning Amendment for 2 parcels, APN: 057-015-024 & 057-018-008, from General Agriculture (A1) to Agriculture Preserve (AP) to signify the land is in an Agriculture Preserve for purposes of establishing a Williamson Act Contract. The parcels are located at 4530 Red Hill Road in Vallecito, approximately a ½ mile south of the intersection of Red Hill Road and SR 4, a portion of the County in Section 25, T3N, R13E, MDM. Pursuant to CEQA guidelines a Notice of Exemption has been prepared for this project.

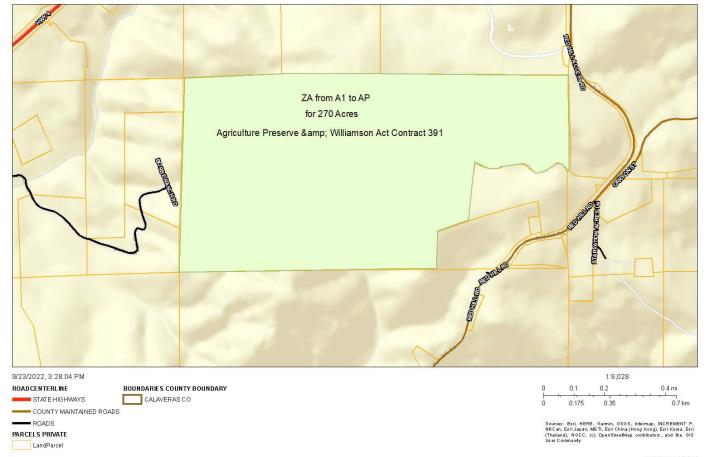
NOTICE IS HEREBY GIVEN that the Calaveras County Planning Commission will conduct a public hearing on **October 13, 2022**, at **9:00 a. m.** or soon thereafter to consider the above referenced project. The public hearing will be held in the Calaveras County Board of Supervisors Chambers, Government Center, 891 Mountain Ranch Road, San Andreas, California.

Pursuant to Government Code 65009, if anyone challenges the above listed issues in a court of law, the challenge may be limited to raising only those issues you or someone else raise at the public hearing described in this notice, or in written correspondence delivered to the Commission, at or prior to, the public hearing. You are welcome to review the application at the Calaveras County Planning Department during normal working hours, 8:00 a.m. to 4:00 p.m., Monday through Friday except county holidays. Gina Kathan is the project planner and can be reached at (209) 754-6394. Planning Commission reports made available public staff are for viewing online https://calaverasgov.us/Meeting-Calendar on the Friday prior to the scheduled meeting. The project file and staff report can be viewed or purchased at the Planning Department for the cost of making the copies.

Date of Notice - September 30, 2022

Zoning Exhibit

ArcGIS Web Map



California Land Conservation Contract Application

APPLICATION FOR A CALIFORNIA LAND CONSERVATION CONTRACT/AGRICULTURAL PRESERVE

I hereby request the Board of Supervisors of Calaveras County to establish my property as described below in an Agricultural Preserve in accordance with the California Land Conservation Act of 1965. I further request that the property be rezoned to "Agricultural Preserve District" as established by Ordinance No 767 and, if applicable, a use permit be granted. I also request that the Assessor consolidate the tax parcels on said land whenever possible. I understand that the inclusion of said land in an Agriculture Preserve is conditioned on the execution of a land conservation contract between myself and Calaveras County.

Item 1. Signature(s) of all owner(s) and lien holders as shown on attached title report.

Retail Credit Officer American AgCredi

Item 2. Attach title report.

Item 3. Attach legal description of property in this request.

Item 4. Attach Assessor's parcel map(s) of property. Outline exactly that property to be included in this request. Show on map(s) how much property is used and summarize below. List uses and acreage within request only.

Assessor's Parcel		Agricultural Uses		Compatible Uses		
No.	Acres	Description	Acres	Description	Acres	Zoning
057-015-024	236	Dry Pasture	232	Private Roads Outbuildings	2	
				Pond	1	
057-018-008	34	Dry Pasture	34			
			-	-		

Total acreage 270

Attach additional sheet if needed.



JUL 2 0 2022

Are there use If so, explain		ty, which a	re not liste	d on either agric	ultural or co	ompatible use lists?
Item 5.	Agricultural production from land – last 4 years (average).					
A. Crops:	Include trees,	field or ve	getable, irr	igated pasture a	nd range.	
Kind	Acres	Average \	/ield/Acre	Total Gross In	come/year	Year planted
B. Livestock						
Kind		Number	Total gro	oss income/year		
Beef Cattle (pair		24	\$4,050	0.00		
	with nonbearing an Agricultura			one year: l Feasibility repo	ort. (see Ite	m 10)
Item 6.	Total average property			from agricultura —	al production	n on this
	Total average property		ess income	from non-agricu	ıltural produ	ection on this
	Grand total av	verage annu	al gross in	come from this	property	\$4,050.00
Item 7.	Leases or Ren	ntals				
	A. Portion of	subject pro	perty, which	ch is owner-oper	rated1	acres.
a i		and addres	s of lessee	(s) Use	_ acres Acres	Rent/income/y
	P.O. Box 1	257		Beef Cattle	269	\$4,050.00
	Angels Ca	mp, CA 95	222			

	C. Portion(s) share-cropped to 2. Name and Address of		Use	Acres	% crop			
	None							
Item 8.	List structures on property (dwellings, barns, shop, etc.) 1 Barn, 1 Well House							
	List other improvements (cor Boundary Fence, 1 Sep			c.)				
Item 9.	_	What future developments do you have planned for this agricultural land? Describe briefly: Construction of Single Family Residence.						
Item 10.	It shall be the responsibility of the proposed agricultural of			•	-			
Physical Pro			gels Can	np	State: <u>CA</u> Zip: <u>95222</u>			
I certify that knowledge.	the information presented in the	is application	is true a	nd correc	t to the best of my			
Signature of	person who prepared application							
Additional p	ersons to be notified concerning	g action on th	is reques	t:				
Name:		_						
			-					
Telephone:		-	-					
A non-refun	dable filing fee is required upo le to Dept. of Agriculture.		n of this	applicati	on! Checks should be			
All signa	ving items present? tures are correct/complete I legal descriptions verified received	Lot Boo	ok Guaran	tee receiv	nre verified red rded/Feasibility Report			

Agriculture Advisory Committee Recommendation

CALIFORNIA LAND CONSERVATION CONTRACT 391 AGRICULTURAL ADVISORY COMMITTEE REPORT

PROPERTY OWNER: Friend	DATE: August 24, 2022
MEMBERS PRESENT:	
Doug Joses	
Mindy Rasmussen, Chair	
Libby Rader-Kassik	
Stuart Mast	
MEMBERS ABSENT: Robie	
AGRICULTURAL ADVISORY COMMITTEE RECO	MMENDATION:
On a motion by Doug Joses, seconded by Stuart Mast, to Resolution to Establish APC 391 for a total of 270 acres at the end of Borbe Ranch Road in the town of Vallecito	including APN: 057-015-024 & 057-018-008, located
The Motion was approved on a vote of 4 in favor (Jose	s, Rader-Kassik, Rasmussen, Mast) <u>0</u> opposed,
<u>1</u> absent (Robie).	
	US
\overline{A}	G ADVISORY COMMITTEE CHAIR

Feasibility Study



UC Cooperative Extension Central Sierra

Serving El Dorado, Amador, Calaveras and Tuolumne Counties

311 Fair Lane, Placerville, California 95667 (530) 621-5502 office (888) 764-9669 fax cecentralsierra@ucdavis.edu http://cecentralsierra.ucanr.edu/

July 1, 2022

Calaveras County Agricultural Advisory Committee 891 Mountain Ranch Road San Andreas, CA 95249

Subject: Williamson Act

Robert Friend has contacted my office regarding the feasibility of placing two contiguous parcels (APN 057-015-024, 057-018-008) for a total of 270 acres into a Williamson Act Contract. The parcels are located off Red Hill Road in Vallecito.

The property involved is a mix of annual rangeland, oak woodland and some chaparral. The predominant soils in the region are Sierra-Verjeles-Aquic Haploxeralfs complex and Wardsferry-Millvilla complex. The Sierra complex consists of deep to very deep, well drained soils that formed in material weathered from intrusive igneous rocks. The Wardsferry complex consists of deep, well drained soils that formed in colluvium over residuum weathered from phyllite, schist, and other metasedimentary rocks. All these soils are generally deep and uses for agriculture can vary. Some are used for grazing for livestock production and other sites are used for growing hay and pasture and a few orchards and vineyards.

In corresponding with Robert Friend, the property is used for cattle grazing.

Many years of research data is utilized in determining carrying capacity and all data in this report is based on University of California's publication #8018 and #8092. No overall improvement through seeding or fertilization is apparent on the property. The forage production is estimated to be 3,000 pounds per acre.

The following information is provided in an educational format to assist your committee as they consider her request.

Formula for determining potential income per acre:

- 1. 75% of forage is available for livestock use.
- 2. 1,000 lbs. of forage will carry one animal unit for one month (AUM).
- 3. Proper management dictates that 600 lbs. of residual dry matter (RDM) must be left per acre each year.
- 4. 1,000 pound cow = 1 Animal Unit
- 5. Average daily gain is one pound per animal.

6. Current market price is established by the USDA Agricultural Market Service at \$110.00/CWT for cattle (all beef)

Formula

The management unit's average forage production is 3,000 lbs./acre (with 2,250 lbs./acre available to livestock) and RDM needs to be 600 lbs./acre.

2,250 lbs./acre-600 lbs. RDM/acre

1,000 lbs./AUM

= 1.65 AUM/acre

30 lbs. Gain/AUM x 1.65 AUM's/acre x \$1.10/lb. = \$54.45 (annual gross income per acre)

\$2,000 minimum annual income standard

\$54.45 (annual gross income/acre) = 36.7 acre minimum

RESOURCES:

https://anrcatalog.ucanr.edu/pdf/8092.pdf https://anrcatalog.ucanr.edu/pdf/8018.pdf

Let me know if I can be of further assistance to you.

Sincerely,

Scott Oneto

Farm Advisor

Scott Ones

