



COUNTY OF PLACER
Community Development Resource Agency

PLANNING

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, Planning Director

DATE: December 19, 2006

SUBJECT: REQUEST TO APPROVE AN AGRICULTURAL PRESERVE AND WILLIAMSON ACT CONTRACT - PAGP 20060236

ACTION REQUESTED:

The applicants request that the Board of Supervisors approve a resolution to create a Williamson Act Contract for dry pasture, beef cattle grazing. The two properties for which the contract is requested are zoned Farm and total 51-acres of pasture, oak woodland and riparian corridor. The properties seasonally support between eight and 30 head of cattle.

BACKGROUND:

The proposed agricultural preserve is located in the rural east Lincoln area, one-half mile west of Sierra College Boulevard and one-half mile east of the Twelve Bridges master planned community. Agricultural improvements include irrigation infrastructure, field fencing, cross fencing, one corral and one barn. Summer grazing is supplemented with hay feed purchased from a local feed supply. Cattle are rotated through this property from a larger ranch located in Hat Creek, California, that is also owned by the applicant.

The property includes a rural residential estate consisting of one single-family dwelling on a one-acre portion of the site.

Agricultural Commission Hearing on Proposed Agricultural Preserve

The Placer County Farm Advisor, Placer County Agricultural Commissioner, and the Agricultural Commission have evaluated the proposed 51-acre contract for its ability to support the proposed agricultural use. On September 11, 2006, the Agricultural Commission took action to recommend that the Board of Supervisors approve the applicant's request to enroll in the Williamson Act program based upon finding that the Penney Ranch is a unique agricultural enterprise because it is the last working cattle ranch in the area. A memorandum from the Agricultural Commission is attached to this report.

Establishment of an Agricultural Preserve less than 100-acres in size

The proposed agricultural preserve is less than 100 acres and is not contiguous with any other agricultural preserve. The County may only establish an agricultural preserve of less than 100 acres if it finds that the establishment of smaller preserves is necessary to preserve the unique characteristics of the agricultural enterprises in the area, and that the establishment of agricultural preserves of less than 100 acres in size is consistent with the General Plan.

General Plan Consistency

The approval of Williamson Act contracts is consistent with the Placer County General Plan goals and policies, which encourage enrollments of agricultural lands into its Williamson Act program to improve the financial viability of Placer County's agricultural economy through actions that have the potential to reduce costs and increase profits.

FISCAL IMPACT:

Enrolling these properties into the Williamson Act program would result in reduced property tax revenues from each parcel. The Assessor's Office has estimated that the assessed value of the properties would be reduced by approximately 70 percent, excluding the residential estate.

Conclusion

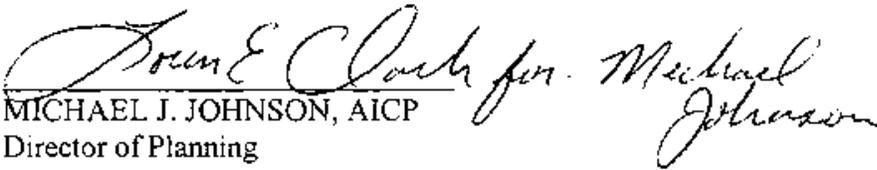
Staff has attached one contract and one resolution that, when executed, will create agricultural preserve PAGP 20060236. The resultant contract reflects the property owner's application submittal and is consistent with provisions of the California Land Conservation Act provided that the Board of Supervisors makes specific findings that the establishment of a preserve less than 100 acres in size is consistent with the General Plan and that establishment of a preserve less than 100 acres in size is necessary to preserve the unique characteristics of the agricultural enterprises in the area. Staff has prepared findings of fact for approval of the agricultural preserve and contract, and for a categorical exemption from CEQA.

RECOMMENDATION:

Staff recommends that the Board take the following action:

1. Make a finding that the establishment of an agricultural preserve less than 100 acres in size is necessary to preserve the unique agricultural enterprises of the area.
2. Make a finding that the establishment of an agricultural preserve of less than 100 acres is consistent with the General Plan.
3. Approve the findings in support of the determination that the creation of this Williamson Act Contract is Categorically Exempt from environmental review pursuant to Section 15317 of the California Environmental Quality Act and Class 17, Section 18.36.190 of the Placer County Environmental Review Ordinance (Open space contracts or easements).
4. Approve and authorize the Chair to sign the attached resolution to create Williamson Act contract PAGP 20060236.

Respectfully submitted,


MICHAEL J. JOHNSON, AICP
Director of Planning

Attached to this report for the Board's information/consideration are:

ATTACHMENTS:

- Exhibit 1: Suggesting findings in support of contract creation
- Exhibit 2: Agricultural Commissioner's Memo dated October 4, 2006
- Exhibit 3: Resolution and contract creating PAGP 20060236
- Exhibit 4: Vicinity Map
- Exhibit 5: Plat Map

cc: Fred and Kathleen Penney, Property Owner
Sarah Wademan, Assessor's Office
Christine Turner, Agricultural Commissioner's Office

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EXHIBIT 1

FINDINGS OF FACT: PAGP 20060236

CEQA

The Board of Supervisors of the County of Placer finds that establishment of Agricultural Preserves is categorically exempt from review under CEQA pursuant to Section 15317, Open Space Contracts or Easements (Class 17) of the CEQA Guidelines (ERO Section 18.36.019).

Contract Findings

1. Establishment of a 51-acre agricultural preserve, which is smaller than the 100-acre minimum required for approval of an agricultural preserve, is necessary to preserve the unique agricultural enterprises of the area.
2. Establishment of a 51-acre agricultural preserve, which is smaller than the 100-acre minimum required for approval of an agricultural preserve, is consistent with the Placer County General Plan.



PLACER COUNTY DEPARTMENT OF AGRICULTURE WEIGHTS AND MEASURES

11477 E Avenue, Auburn, CA 95603-2799 (530) 889-7372 FAX (530) 823-1698

CHRISTINE E. TURNER
Agricultural Commissioner/
Sealer of Weights and Measures

October 4, 2006

TO: Placer County Board of Supervisors

FROM: Christine E. Turner, Agricultural Commissioner/Sealer

SUBJECT: Williamson Act Contract, Fred Penny (New Contract)

During the Agricultural Commission's September 11, 2006, the Commission voted unanimously, 6 – 0 (three members absent), to recommend the Board of Supervisors approve a new Williamson Act contract, for Fred Penny. The new contract would consist of a two parcels: APN 032-030-032 (28.0 acres) and APN 032-030-033 (23.0 acres) for a total of 51.0 acres. Roger Ingram, Natural Resources and Livestock UC Cooperative Extension Farm Advisor, and I evaluated the 51.0 acres for compliance with the County's current Williamson Act Administrative rules and determined that the cow/calf and feeder cattle operation on this un-irrigated property meets the minimum qualifications (see attached report dated July 27, 2006).

In addition, the Agricultural Commission discussed the Placer County Administrative Rules for Williamson Act contracts that requires a minimum of 100 acres unless the subject property is "located in an area with unique agricultural enterprises, where the establishment of an agricultural preserve with a total are of less than 100 acres is in the public interest and consistent with the General Plan." For preserves of less than 100 acres, the minimum lot area to qualify for a Williamson Act contract is 40 acres for Non-prime agricultural lands and qualifying operations may include the raising of cattle.

The Agricultural Commission decided that Fred Penny's 51.0 acres constituted a "unique agricultural enterprise" as the last working cattle operation in his area. The property also has native oak tree habitat and an abundance of spring wildflowers. In addition, the property is zoned as "Farm" and therefore consistent with the General Plan, and it is the public interest to continue to support local agriculture that contributes to the country's food supply, this case through the raising of beef cattle. Based upon the discussion and evaluation of the relevant information, the Agricultural Commission voted to recommend support for Mr. Penny's Williamson Act request.

Page 2
October 4, 2006
Fred Penny Williamson Act Request

Action Requested:

Approve a new Williamson Act contract for Fred Penny on APN 032-030-032 (28.0 acres) and APN 032-030-033 (23.0 acres) for a total of 51.0 acres, located at 1850 Creekside Lane, Loomis, CA 95650.

cc: Planning Department
Agricultural Commission

"If you eat food and wear clothes, you ARE involved in agriculture." - L.A. Warner, pro agriculture

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF PLACER, STATE OF CALIFORNIA**

**In the matter of: A RESOLUTION CREATING
AGRICULTURAL PRESERVE AGP-2006-0236**

Reso. No:

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage

Chairman, Board of Supervisors

ATTEST:
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY RESOLVE THAT:

Pursuant to the provisions of Government Code Section 51200, et seq., and the findings of fact contained in Exhibit 1, an Agricultural Preserve is hereby created on that real property described in the Land Conservation Agreement attached hereto, including Exhibits A & B to that contract, all of which are incorporated herein by reference, and illustrated on the map attached as Exhibit 5.

BE IT FURTHER RESOLVED that the Chairman be authorized to sign said Agreement.

EXHIBIT 323

RECORDED BY COUNTY OF PLACER

Return to:

Placer County Planning Department
Planning Commission Clerk
3091 County Center Drive
Auburn CA 95603

LAND CONSERVATION AGREEMENT - PAGES-20060236

THIS AGREEMENT, made and entered into this 19th day of December, 2006, by and between FRED and KATHLEEN PENNEY, hereinafter called "OWNER" and the COUNTY OF PLACER, hereinafter called "COUNTY"

WITNESSETH:

WHEREAS, OWNER possesses certain real property, located within Placer County, as described and shown in Exhibits "A" and "B", attached hereto, which is devoted to the production of agricultural commodities for commercial purposes, and which is located within an Agricultural Preserve previously established; and

WHEREAS, both OWNER and COUNTY desire to limit the use of said property to agricultural purposes in order to discourage premature and unnecessary conversion of such land to urban use, recognizing that such land has substantial public value as open space and that the preservation of such land in agricultural production constitutes an important physical, social, aesthetic, and economic asset to COUNTY, and both parties having determined that the highest and best use of such land, during the life of the within contract, is for agricultural purposes.

NOW, THEREFORE, the parties, in consideration of the mutual covenants and conditions set forth herein, and the substantial public benefits to be derived therefrom, do agree as follows:

1. Authority: This Agreement is made under authority of the Land Conservation Act of 1965, Government Code Section 51200 et seq.
2. Limitation on Land Use: During the term of this Agreement, the above-described land shall only be used for the production of plant and animal products for commercial purposes.

No structures shall be erected upon such land except those directly related to, and compatible with, production of plant and animal products for commercial purposes, and except those residence buildings for such individuals as are engaged in the care, use, operation, or management of said land. Compatible land use shall include, but not be limited to:

- A. Public Utilities: Electric, gas, water, sewer, oil, and communication lines, both overhead and underground.

- B. Communication equipment buildings and distribution substations.
- C. Public Utility substations and service yards.

No division of said land shall be made, except in accordance with COUNTY Ordinances as from time to time amended.

- 3. Eminent Domain: When any permissible action in Eminent Domain, for the condemnation of the fee title of the land under Agreement is filed, or when such land is acquired in lieu of Eminent Domain for a public improvement, by a public agency or person, the following rules shall apply:

- A. If the taking is of the entire acreage, this Agreement shall be null and void as of the date the action is filed and, thereafter, the contract shall not be binding on any party to it.
- B. If the taking is of a portion of the entire acreage, this Agreement shall be null-and-void as to the acreage so taken as of the date the action is filed, and, thereafter, the contract shall not be binding on any party to it as to such acreage taken. If, after such taking, the remaining land qualifies for an Agreement under COUNTY'S criteria, this Agreement shall continue as to such remaining acreage; if it does not qualify, then this Agreement to be null-and-void as to such remaining acreage.

As to such taking, OWNER shall be entitled to compensation for such land as he would have received if this Agreement had never been executed. OWNER shall not be subject to any penalty for termination of the Agreement as hereinabove provided.

- 4. Length of Agreement: This Agreement shall be effective commencing on January 1, 2007 and shall remain in effect for a period of ten (10) years therefrom, except as provided by Paragraph 5 and 6 thereof.
- 5. Renewal: This Agreement shall be automatically renewed on the first day of January of each year, for a period of ten (10) years from the date of said renewal, unless written notice of Non-Renewal is given by COUNTY within 60 days of the renewal or by OWNER within 90 days of the renewal date. If notice of Non-Renewal is given as provided above, this Agreement shall then expire automatically nine (9) years from January 1st following such notice of Non-Renewal. There is no penalty attached to any notice of Non-Renewal.
- 6. Cancellation: This Agreement may be canceled by mutual agreement of all parties to this Agreement if:
 - A. COUNTY holds a public hearing on the matter after mailing notice to each and every OWNER of property under contract or agreement within the agricultural preserve in which the agreement property is located, and after publishing notice

of such hearing, as specified in Government Code Section 6061; and

- B. At or before such hearing, less than 51% of the contracted or agreement acreage in such preserve protest such cancellation.

It is the intention of the parties hereto that cancellation will not be requested by OWNER, and will not be approved by COUNTY, except on a clear showing, to the COUNTY'S exclusive judgment and satisfaction that there has occurred a change of circumstances beyond the control of OWNER and his successors in interest, and that such change would clearly promote the public welfare.

The existence of an opportunity for another use of the land shall not be sufficient reason for cancellation. A potential alternative use of the land may be considered only if there is no proximate land, not subject to a Land Conservation Act Contract or Agreement, suitable for the use to which it is proposed the subject land be put. The uneconomic character of the existing agricultural use shall not be sufficient reason for cancellation. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

The cancellation fee shall be 12½% of the full market value of the land, when relieved of the restriction, as found by the Assessor. The determination of unrestricted value may be made the subject of an Equalization Hearing.

If, in the COUNTY'S judgment, there has occurred a change of circumstances, beyond the control of the OWNER or his successors in interest, COUNTY may waive all or part of the penalty, if the Waiver is subject to these findings by the COUNTY:

- (1) It is in the public interest and the best interests of the Program, to conserve agricultural land that such payment be waived or deferred; and
- (2) The reason for the cancellation is an involuntary transfer or involuntary change in the use of the land, and the land is not suitable, and will not be immediately used for a purpose which produces a greater economic return to the OWNER.

7. Amendment: It is the intention of the parties hereto that this Agreement will not be amended, except on a clear showing, to the COUNTY'S exclusive judgment and satisfaction, that there has occurred a change in the law pertaining to the protection of commercial agricultural uses, and that any such amendment would clearly promote the purposes of the Land Conservation Act of 1965, and all amendments thereto.

8. Assessor's Report: The COUNTY'S Assessor shall annually, during the continuation of this Agreement, report to the OWNER and to the COUNTY'S Board of Supervisors the equalized, unrestricted assessed value.

9. Payment: OWNER shall not receive any payment from COUNTY in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of the within agreement is the substantial public benefit to be derived therefrom, and the

advantage which might accrue to OWNER as the result of possible reduction in the assessed value of said property, due to the imposition of the limitations on its use contained herein, as such factors are relevant to appraising and assessing standards under the California Constitution and California Revenue and Taxation Code 402.1, and all amendments thereto, and all other relevant sections therein.

10. Running with Land: This Agreement shall run with the land described above and shall be binding upon the heirs, successors, and assigns of the parties hereto.
11. Constitutionality: If the Land Conservation Act of 1965, contained in Government Code Sections 51200, et. seq., be declared to be unconstitutional by a Final Judgment of a Court of the State of California, or the Federal Government, then this Agreement shall be null-and-void.
12. Transfer of Contract: If OWNER enters into a Contract, pursuant to Government Code Section 51240, on all or any portion of land covered under this Agreement, this Agreement shall then terminate as to such land covered by such Contract. There shall be no cost or penalty to OWNER for the termination of this Agreement as to such contracted lands.
13. Compatible Uses: As used in this Agreement, the term "Compatible Uses" includes, but is not limited to the following:
 - (1) The cultivation of ground, including the preparation of soil, planting or seeding, and the raising and harvesting of trees, timber, fruits, vegetables, flowers, grains, and other stock crops; the raising, feeding, managing and breeding of livestock, poultry, fish, birds, and other animals; greenhouses; the excavation of earth, and the drilling of wells exclusively for agricultural and domestic uses; single family dwellings for persons who labor full-time on such land, together with barns, corrals, and other outbuildings and structures accessory to the foregoing. The sale on the premises of products produced hereon. The operation of private clubs for hunting and fishing. The packing, storing, and processing of products grown on the land, together with accessory buildings and structures required therefor. Commercial raising, feeding, managing, breeding, and sale on the premises of fish. Wineries.
 - (2) With a valid Land Development Permit issued under the COUNTY Zoning Laws: Stands and other facilities, for the purpose of selling products produced on the land, together with accessory picnic facilities; sales of agricultural products produced off the premises, provided that the sale of such products is incidental and secondary to the sale of agricultural products produced on the premises; non-commercial airstrips, for the use of aircraft used for agricultural purposes, together with accessory buildings and structures required therefor, feeding lots, public golf courses, oil wells, gas wells, mining, seasonal housing for farm labor.
14. All determinations as to whether a use is a compatible use shall be made by the Board of Supervisors, following recommendations by the Agricultural Commission and Planning Commission.

OWNERS: _____

(Attach Acknowledgement
for each signature)

COUNTY OF PLACER

By: _____

Chairman, Board of Supervisors

CERTIFICATION

The foregoing Instrument is a correct copy of the original on file in this Office.

DATED: _____

ATTEST:

Clerk of the Board of Supervisors of the County
of Placer, State of California

By: _____

Deputy Clerk

(Attach EXHIBIT "A" and "B")

EXHIBIT A

RECORDING REQUESTED BY

Placer Title Company

Escrow Number: 110-2018

AND WHEN RECORDED MAIL TO

FREDERICK W. PENNEY AND KATHLEEN PENNEY
1850 CREEKSIDE LANE
LOOMIS, CA 95650

Certified a true copy of the original document
recorded 9-8-04
recorder's serial no. 04-019039
County Recorder
Placer Title Company
By MARCO COHEN

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$715.00 City Transfer Tax: \$0.00

(X) computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, DIANE K SEKAFETZ, AN UNMARRIED WOMAN AND CLAIRE MOYNIHAN, ADMINISTRATOR OF THE ESTATE OF MILDRED KURTZ

Hereby GRANT(S) to FREDERICK W. PENNEY AND KATHLEEN PENNEY, TRUSTEES OF THE FREDERICK WILLIAM PENNEY FAMILY REVOCABLE TRUST DATED MARCH 26, 2004

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF PLACER, UNINCORPORATED AREA, AND IS DESCRIBED AS FOLLOWS:

LOT 7, AS SHOWN AND DESIGNATED ON THAT MAP ENTITLED "CLOVER VALLEY RANCH SUBDIVISION NO. 1", FILED IN THE OFFICE OF THE COUNTY RECORDER OF PLACER COUNTY, CALIFORNIA, ON AUGUST 24, 1977, IN BOOK "L" OF MAPS, AT PAGE 25.

APN: 032-030-033

Dated: September 01, 2004

RECEIVED
MAR 27 2006
PLACER COUNTY

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

SAME AS ABOVE

Name

Street Address

City & State

© 2004 Placer County

279

EXHIBIT A

RECORDING REQUESTED BY
Placer Title Company

96-009333

Rec Fee 10.00
DOC 412.50
Check 422.50

AND WHEN RECORDED MAIL THIS DEED
AND, UNLESS OTHERWISE SHOWN BELOW,
MAIL TAX STATEMENTS TO:

Recorded
Official Records
County of
Placer
Jim McCauley
Recorder
3:00pm 22-Feb-96

SO 2

FREDERICK W. PENNEY and KATHLEEN
PENNEY

~~1860 CREEKSIDE LANE~~ 3450 Nestle Court
~~ROCKLIN, CA, 95659~~ Rocklin, CA 95765

Title Order No 1011078-BJS
Escrow No. 1011078-BJS

SPACE ABOVE THIS LINE FOR RECORDER'S USE
The undersigned Grantor declares:
Documentary Transfer Tax. \$412.50

COMPUTED ON FULL VALUE OF PROPERTY CONVEYED,

 OR COMPUTED ON FULL VALUE LESS LIENS AND ENCUMBRANCES
REMAINING AT TIME OF SALE.

The Undersigned

Signature of Declarant or Agent determining tax. Firm Name

Grant Deed

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, PAUL JOSEPH BIANCHI, JR. - TRUSTEE and VICKI LYNNE BIANCHI - TRUSTEE of the BIANCHI FAMILY TRUST ESTABLISHED ON AUGUST 26, 1991

hereby GRANT(S) to FREDERICK W PENNEY and KATHLEEN PENNEY, husband and wife , as Joint Tenants

the following described real property in the Unincorporated Area County of Placer State of California:

LOT 6 OF "CLOVER VALLEY RANCH SUBDIVISION", RECORDED AGUUST 24, 1977, IN BOOK "L" OF MAPS, AT PAGE 25, PLACER COUNTY RECORDS.

Parcel Number: 032-030-032

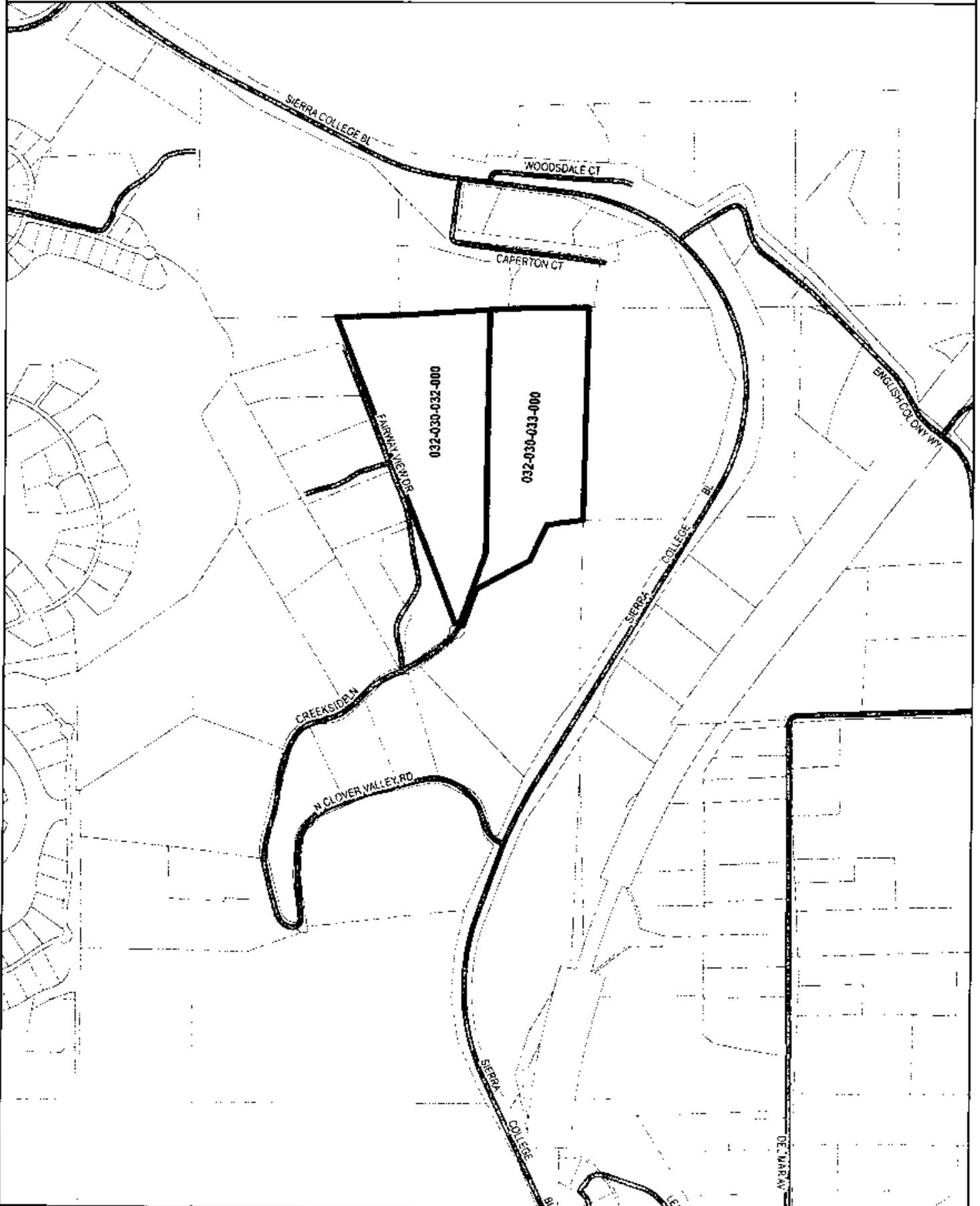
BIANCHI FAMILY TRUST ESTABLISHED ON AUGUST 26, 1991

By: 
PAUL JOSEPH BIANCHI, JR. - TRUSTEE

By: 
VICKI LYNNE BIANCHI - TRUSTEE

THIS DEED IS BEING RE-RECORDED TO CORRECT THE MAILING ADDRESS FOR GRANTEE.

PENNEY VICINITY MAP 2





WINDY HILLS DRIVE

UNITY

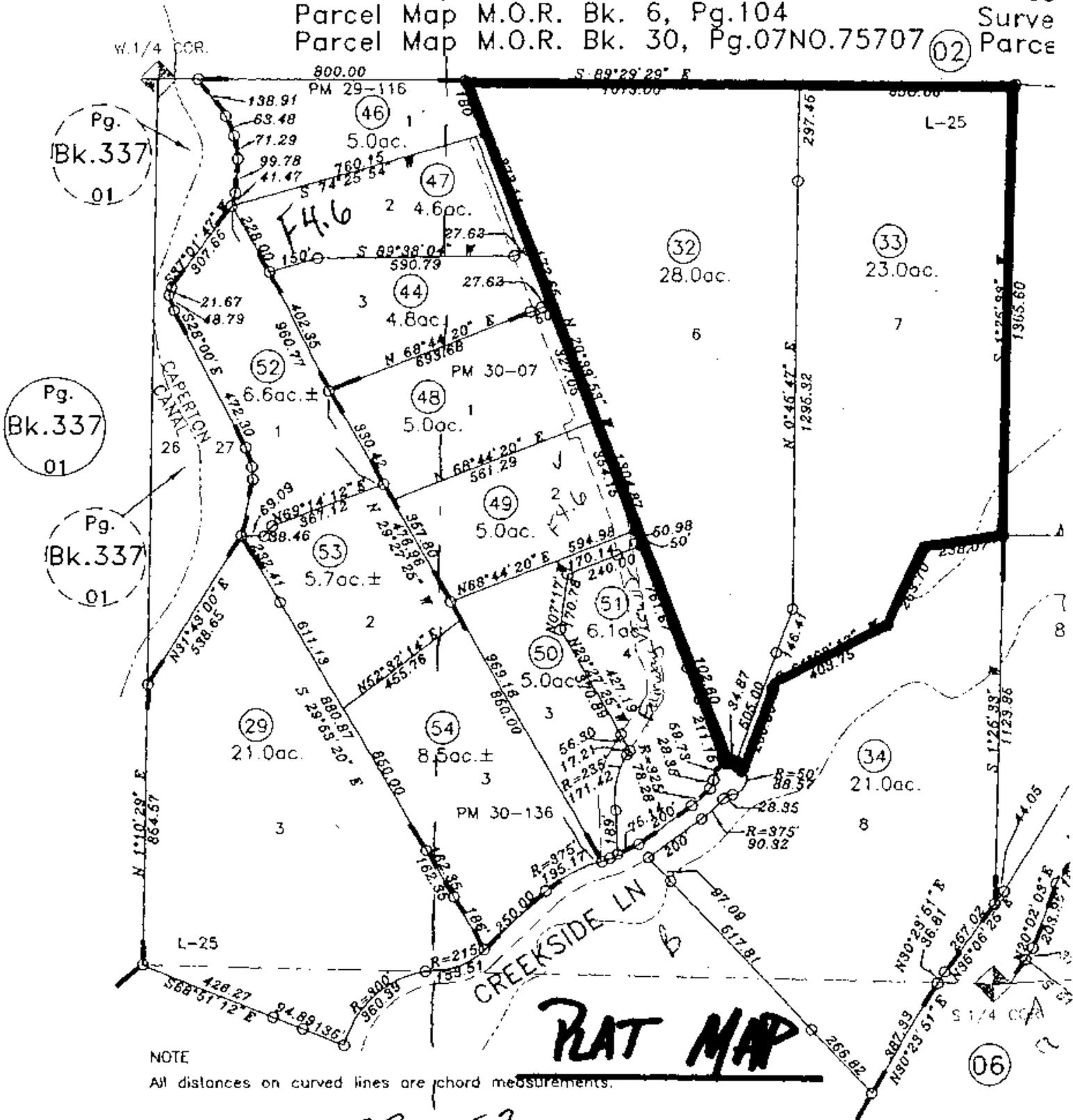
UNITY

©1997-2005 AirPhotoUSA

EXHIBIT

POR. S. 1/2 SEC.29, & POR. N.1/2 SEC.32, T.1
 Survey M.O.R. Bk.3, Pg. 12
 Survey M.O.R. Bk.3, Pg. 53
 Parcel Map M.O.R. Bk. 1, Pg.49 & 50
 Parcel Map M.O.R. Bk. 6, Pg.104
 Parcel Map M.O.R. Bk. 30, Pg.07NO.75707 (02) Parcel

Clovel
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Pg. (Bk.337) 01

Pg. (Bk.337) 01

Pg. (Bk.337) 01

(02)

(06)

12-11-2002
 05-22-2000
 11-10-99
 09-27-99 BMJ
 PAGE REDRAWN FROM BASE MAP INFORMATION

D3 E3

283

EXHIBIT 5

NOTICE OF PUBLIC HEARING

PLACER COUNTY BOARD OF SUPERVISORS

WHERE: Board of Supervisors' Hearing Room, 175 Fulweiler Avenue, Auburn, CA 95603.

WHEN: December 19, 2006, @ 9:15 a.m.

SUBJECT: **PROPOSED LAND CONSERVATION AGREEMENT CONTRACT PAGP (T20060236): FRED & KATHLEEN PENNY**

Notice is hereby given that the Placer County Board of Supervisors will conduct a public hearing, on the date and at the time noted above, in order to consider a request from Fred & Kathleen Penny to approve a resolution to approve a 51-acre Williamson Act Agricultural preserve and the associated Contract (AGP-20060236). The subject properties are Assessor's Parcel Number(s) 032-030-032 and 032-030-033 and are located in the Loomis area at 1850 Creekside Lane.

The applicant and/or a representative should be present in order to present information and/or testimony relative to the application(s). The Board of Supervisors may take whatever action they may deem appropriate, whether or not the applicant or the representative is present.

Administrative remedies must be exhausted prior to an action being initiated in a court of law. If the proposed project is challenged in court, one may be limited to those issues raised at the public hearing described in this notice or in written correspondence delivered prior to the public hearing.

In accordance with County Administrative Rule 15.10(c), all letters, written materials, studies or reports, in excess of one (1) page should be delivered to the Clerk of the Board, 175 Fulweiler Avenue, Room 101 Auburn, CA 95603, at least 24 hours or (1) business working day prior to the beginning of the meeting as noticed above.

Further information on the project and appeals can be obtained by calling the Planning Department at (530) 745-3000 or 1-800-488-4308, ext. 3000 during normal business hours. Interested persons are invited to attend the hearing or submit written comments.

BOARD OF SUPERVISORS
Clerk of the Board, Ann Holman
Staff Planner: Alex Fisch
By: Sr. Board Clerk, Melinda Harrell

To: Placer County Board of Supervisors

November 22, 2006

RECEIVED
DEC 14 2006
CLERK OF THE
BOARD OF SUPERVISORS

The Williamson Act (WA) was passed in 1965 to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses (development). The WA gives farmers a financial incentive to stay in ag by substantially reducing their property taxes in exchange for voluntarily protecting their productive lands and compatible open space for a minimum of 10 years. Contracts can be terminated under various scenarios.

Currently, the WA is being abused and stretched beyond its intent, and we taxpayers are picking up the tab. Professionals (affectionately referred to as "City slickers") with good paying jobs are buying land at inflated prices, but rather than pay the rightfully owed property taxes due on their million dollar estates, they are putting an interpretive twist on their activities in order to barely comply with the minimum WA contract requirements, or slip by with exceptions.

Basic requirements to enter a WA contract include a minimum of 100 acres. There are loopholes to the requirements, but the intention of the WA was to allow legitimate farmers to receive a property tax break (which the rest of us pick up) and keep their 100 acres in agriculture. Currently at least two WA applications are being submitted to the Placer County Board of Supervisors for approval that have no merit and should be denied as blatant attempts to avoid paying taxes.

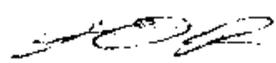
One (near Bickford and Twelve Bridges) is for only 53 acres that will be used for cattle grazing maybe three months out of the year. The applicant has other primary employment, but is applying for a WA contract in order to avoid paying a large chunk of rightfully owed property taxes. No public interest is being served by granting this WA application. Since the land isn't visible to the public (private roads), and is adjacent to development, it hardly meets any open space criteria.

Another application is even more egregious—40 acres—to run a 2.3-acre vineyard on land that is already in an open space preserve in perpetuity. Not only is no additional public interest being served, but this applicant will also avoid paying rightfully owed property taxes, putting the burden on the rest of us.

The WA was never intended to be a tax avoidance scheme for landowners looking for loopholes. Why should the rest of us taxpayers foot the bill for these hobby farmers to own million dollar estates? Placer County Supervisors must thwart these blatant attempts to abuse the WA and deny both of these seams. Bring back the integrity of legitimate tax subsidies provided in the WA for ag operations that meet the criteria, do indeed provide real open space, and are in the public interest.

Additionally, I urge the Board of Supervisors to audit all the other WA contracts in the county. Apparently, no one enforces the WA rules.

If we really want open space and agriculture in perpetuity, taxpayers would come out ahead by purchasing agricultural or open space easements from the landowners, rather than subsidizing phony agricultural fronts that eventually can be canceled and result in the land being developed anyway.



Jake O'Rourke
3600 Clover Valley Road
Loomis, CA 95650

Cc Dept of Conservation

NOV 27 2006
285

