

**COUNTY OF PLACER**  
**Community Development/Resource Agency**

**PLANNING**

Michael J. Johnson, AICP  
Agency Director

**MEMORANDUM**

**TO:** Honorable Board of Supervisors

**FROM:** Michael J. Johnson, AICP  
CDRA Director

**DATE:** February 10, 2009

**SUBJECT:** Agriculture Preserve Contract Cancellation and Fee Certification  
Frisvold Property (PAGP 20080494/ AGP-241)

---

**ACTION REQUESTED:** The Board of Supervisors is requested conduct a public hearing and to consider cancellation of the Agricultural Preserve Contract (AGP-241) for the Frisvold property.

**AGRICULTURE PRESERVE CANCELLATION REQUEST:** The Frisvold property consists of a 15-acre parcel (APN 023-200-057) located east of the intersection of P.F.E. Road and Watt Avenue in southwest Placer County, (Exhibit 1) which is subject to a Land Conservation Agreement (AGP-241). A Notice of Non-Renewal was filed with Placer County on February 10, 2006. A request for cancellation was submitted on September 11, 2007 (Exhibit 2).

The property is designated for residential uses by the Dry Creek/West Placer Community Plan and is currently zoned Residential Single Family (RS) and Neighborhood Commercial (C-1). Furthermore, the property is within the Riolo Vineyard Specific Plan that is currently being processed and will be heard by the Planning Commission on the same agenda as this request. The Riolo Vineyard Specific Plan designates the property as Medium Density Residential, which could allow up to 120 dwelling units (Exhibit 3).

**PROJECT BACKGROUND:** The subject Agricultural Preserve has a long and complicated history. Agricultural Preserve Number 241 was created by the Board of Supervisors in February 1973. The original Agricultural Preserve covered five parcels and totaled approximately 126 acres. After AGP-241 was approved by the Board and the subsequent Land Conservation Agreement was executed, it was discovered that the subject 15-acre parcel was included within the Preserve but it was under a different ownership and should not have been included in the Preserve boundary. In 1975, an amended Land Conservation Agreement was prepared by the County to correct the error resulting in the exclusion of the subject 15-acre parcel. Unfortunately, for reasons that are not clear the amendment was never completed, possibly due to legal disputes over the ownership of the 15-acre parcel. In 1983, a Notice of

163

Non-Renewal for the AGP-241 was accepted by the County resulting in the termination of the contract for the majority of the contracted lands. However, the notice of non-renewal excluded the 15-acre property that was under separate ownership. At the time, it was recognized that removal of the other four parcels from the Preserve contract would leave the 15-acre parcel under contract and that the property would be non-conforming as to its ability to meet the minimum qualifications for production. The record shows that the Board of Supervisors directed staff to initiate the process to remove the 15-acre property from the Preserve contract in 1983, but no action was ever taken. Consequently, the restriction of AGP-241 remains intact for the 15-acre parcel. The current landowners filed a Notice of Non-Renewal on February 10, 2006, and their contract obligations will expire in February 2016. Until that time, the contractual terms remain in effect unless a cancellation is approved by Placer County.

**WILLIAMSON ACT BACKGROUND:** The California Land Conservation Act of 1965 (also known as the "Williamson Act"; Government Code Section 51200 *et seq.*), recognizes the importance of agricultural land as an economic resource which is vital to the general welfare of society. The enacting legislation declares that the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the State's economic resources, and is necessary not only to the maintenance of the agricultural economy of the State, but also to ensure adequate, healthful, and nutritious food for future residents of the State and the nation (Exhibit 4).

Intended to assist the long-term preservation of prime agricultural land in the State, Williamson Act contracts provide the agricultural landowner with a substantial property tax break for keeping land in agricultural production. The Williamson Act stipulates that for properties under contract, "the highest and best use of such land during the life of the contract is for agricultural uses." Therefore, property under contract is assessed and taxed based upon its agricultural value. Williamson Act contracts remain in effect until such time that property owner files a Notice of Non-Renewal with the County. Once a notice of non-renewal is filed, it takes a minimum of nine years to have the contract be terminated. A cancellation terminates a contract immediately once all the requirements of the cancellation have been satisfied.

**ADMINISTRATIVE RULES BACKGROUND:** Placer County has adopted Administrative Rules for Williamson Act Lands (Exhibit 5). The purpose of these Administrative Rules is to provide administrative procedures to assist the County with the management of its Williamson Act program.

**CANCELLATION OF A CONTRACT:** Both the Williamson Act and the County's Administrative Rules for Williamson Act Lands provide for two methods to terminate a contract: non-renewal and cancellation. Non-renewal is preferred by the State and County as the method of contract termination, but cancellation is allowable if the findings can be made. For non-renewal, the landowner or County provides the other party with a request to non-renew the contract. The Notice of Non-Renewal is recorded with the County Clerk-Recorder, and stops the automatic addition of another year to the contract (i.e., as of January 1, 2009, there will be seven years remaining on the subject contract). During the non-renewal period, all of the contract restrictions remain in place. The property tax assessment benefit from the contract will be phased out during the non-renewal period and return to the unrestricted value. Cancellation is a second method of contract termination when adequately supported findings can be made

and results in the immediate termination of the contract. The cancellation process is described below.

**CANCELLATION PROCEDURAL REQUIREMENTS:** The cancellation process involves the landowner seeking tentative cancellation approval from the County. A cancellation approval is subject to conditions as required by the State and the County and the conditions must be satisfied prior to the termination being in effect. The most relevant procedural requirements necessary to approve cancellation of a contract can be summarized as follows:

- The County must provide notice of cancellation to the Director of the Department of Conservation (DOC). The Director can submit comments on the proposed cancellation. For the subject cancellation, comments from the DOC are provided with this report (Exhibit 6). The DOC concluded that the petition provides sufficient evidence to permit the Board of Supervisors to reasonably find for contract cancellation upon required consistency findings, but not public interest findings. The DOC stated that based on the information provided, the proposed cancellation appears to be primarily in the interest of the landowner and does not conclusively demonstrate that this cancellation outweighs the concerns of preserving open space land and protecting the environment. The DOC recommended that additional information in support of the public interest rationale be added to the findings.
- The Agricultural Commission must conduct a public hearing and make a recommendation to the Planning Commission. The Planning Commission also must conduct a public hearing and make a recommendation to the Board of Supervisors.
- The County must determine and the Board must certify the cancellation fee of 12.5% based on the current fair market value of property as determined by the County Assessor as though free of the contractual restriction. The Assessor has determined the cancellation valuation for the Frisvold property is \$1,829,000 dollars. A cancellation fee of \$228,625 is due and payable to the State based on the valuation from the Assessor. However, the applicant has filed an appeal with the Assessor's office over valuation. The Board may approve the cancellation utilizing the current value of the property and under Government Code section 51282.5, the fee may be adjusted if the property valuation later changes.
- The County must make findings that cancellation is consistent with purposes of the Williamson Act. The purpose of the findings is to insure that agricultural preserves are not prematurely converted to non-agricultural purposes. Exhibit 7 contains the findings to support the cancellation of AGP-241.
- The County must give consideration to comments by the Director of Conservation before acting on the cancellation.
- After the tentative cancellation is approved, the applicant must submit a notice of compliance once all conditions of the tentative cancellation are completed. At that point, the County may hold a hearing (not required) to accept the applicant's notice. The County would then record the certificate of final cancellation.

**ANALYSIS OF THE PROPOSED FRISVOLD CANCELLATION:** Placer County has been placing lands in agricultural preserves since 1965, when the Williamson Act was enacted. In

that time, no contracts have been cancelled; however, several contracts have been removed through the non-renewal process. While the subject request is the County's first request for a cancellation, the Frisvold property's Agricultural Preserve presents a unique situation due to the past history of this particular contract. In 1983, when the notice of non-renewal was filed for AGP-241, the Board of Supervisors directed staff to also remove the subject 15-acre property from the contract. At that time, the County should have filed a non-renewal for the entire contract, including the subject property, thus letting the property roll out of the Williamson Act program. However, that action was not taken and thus the property has remained enrolled in the program.

In addition to the unique history of the contract, under the current Placer County Administrative Rules, this property would not be considered eligible for an agricultural preserve: 1) the property does not meet the minimum size required (40 acres is the minimum lot area for non-prime agricultural lands), and 2) the site does not have an on-site agricultural operation that meets the minimum agricultural income requirement of \$4,500 gross income.

Staff has reviewed the petition for cancellation and has determined that the request complies with the applicable sections of the Placer County Administrative Rules and State law for cancellation of the contract. Staff has determined: 1) that the property has been zoned for residential and commercial uses since 1990, 2) the contract is an existing non-conforming Preserve on which no agricultural activities are occurring, 3) the parcel is too small for non-prime production and 4) the property doesn't meet the minimum qualifications of \$4,500 in gross income. Most importantly, the subject property was never to be enrolled in the Williamson Act program as a 15-acre contract.

Since no action was taken in the 1980's to remove the property from the contract when it was the intent of the Board to have it removed, staff believes this unique situation supports the immediate contract cancellation. Staff has also determined that, given such unique circumstances, this action would not establish any precedence for cancellation of other agricultural preserve contracts within the County.

**CANCELLATION FINDINGS:** To approve the cancellation, the County must adopt certain findings, and those findings must be supported by substantial evidence in the record. Specifically, the Board of Supervisors "may grant tentative approval for cancellation of a contract only if it makes one of the following findings: (1) That the cancellation is consistent with the purposes of the Williamson Act; or (2) That cancellation is in the public interest." Both sets of findings contain a series of important subfindings, and these subfindings overlap in certain respects. Finally, the findings are not mutually exclusive. Without repeating all these subfindings, those most relevant to the Frisvold cancellation request can be summarized as follows:

- Cancellation of the Frisvold property contract is not likely to result in the removal of adjacent land from agricultural use.
- Cancellation of the Frisvold property contract will not result in discontinuous patterns of urban development.

- There is no proximate non-contracted land that is suitable for the use to which the Frisvold property will be devoted, and that cancellation of the Frisvold property contract is in the public interest.

Staff has prepared findings in support of the cancellation for the Board to adopt should the Board choose to approve the cancellation. See Exhibit 7.

**ENVIRONMENTAL REVIEW:** The environmental impacts of the proposed cancellation were analyzed in the Environmental Impact Report prepared for the Riolo Vineyard Specific Plan (PEIR T20050185 / SCH No. 2005092041). The environmental document determined that the act to cancel a contract does not result in a direct impact to the environment. However, the cancellation does result in the acceleration of the permanent loss of agriculture land for this parcel. (Absent the cancellation, the contractual obligations would remain in effect until February 2016.) Placer County considers the permanent loss of farmland currently designated and zoned for agricultural uses to be significant.

The Frisvold property is within the Dry Creek / West Placer Community Plan which designates the property for residential and commercial uses. These urban designations have been in place since the adoption of the Community Plan in 1990. The environmental document for the adoption of the Dry Creek / West Placer Community Plan identified impacts of preserve contract cancellations as significant and unavoidable and the Board of Supervisors adopted overriding considerations. As a result of that action, no mitigation is recommended for the Frisvold cancellation in recognition that the Specific Plan area is already designated, in large part, for urban uses. Therefore, the environmental document for the Riolo Vineyard Specific Plan determined that the indirect impact of the Frisvold property cancellation is considered significant and unavoidable. The findings for certification of the Environmental Impact Report prepared for the Riolo Vineyard Specific Plan include findings for a statement of overriding considerations.

**PUBLIC NOTICES AND REFERRAL FOR COMMENTS:** Public notices were mailed to property owners of record within 300 feet of the project site and property within the Riolo Vineyard Specific Plan, including properties within Sacramento County. A public hearing notice was also published in the *Roseville Press Tribune* newspaper. The Agricultural Commissioner, the Assessor, the Placer County Farm Advisor and Placer County LAFCO as well as the Department of Conservation were transmitted copies of the cancellation request and hearing notices for review and comment.

**AGRICULTURAL COMMISSION RECOMMENDATION:** At its October 13, 2008 meeting, the Agricultural Commission considered the proposed Frisvold Agricultural Preserve Contract cancellation. After receiving public testimony, the Agricultural Commission voted unanimously 8 to 0 (with Commissioner Beard recused) to recommend approval of the cancellation. This support was based upon the unique and therefore non-precedent setting circumstances that warranted a conclusion to support the early cancellation of the Frisvold contract consistent with the Cancellation Findings and Cancellation Conditions presented in the staff report.

**PLANNING COMMISSION RECOMMENDATION:** At its December 11, 2008 meeting, the Planning Commission considered the proposed Frisvold Agricultural Preserve Contract cancellation request. The Planning Commission voted unanimously 6 to 0 (Denio absent) to

support the cancellation request, based upon the unique and therefore non-precedent setting, circumstances. At the hearing, the Commission requested staff clarification on the amount of the cancellation fee, which is \$228,625, payable to the State. The applicant also provided public testimony in support of this request.

**RECOMMENDATION:** Staff brings forward the Agricultural Commission's and Planning Commission's recommendations to the Board of Supervisors for the cancellation of AGP-241, the Frisvold Agricultural Preserve Contract, given the unique circumstances that created the existing non-conforming contract. If the Board chooses to approve the cancellation, the Board must:

- 1) Adopt the findings as set forth in Exhibit 7, attached;
- 2) Certify payment of a cancellation fee of \$228,625;
- 3) Approve the cancellation subject compliance with conditions 1-4, and;
- 4) Direct the Planning Director to prepare a certificate of tentative cancellation consistent with the Board's action for recordation by the Clerk in accordance with Government Code section 51283.4(a).

**FISCAL IMPACT:** Contract cancellation will increase the property valuation and will result in an increase in property taxes on the Frisvold parcel.

**CANCELLATION CONDITIONS:** In addition, the following conditions will be required to be satisfied after approval of the tentative cancellation by the Board of Supervisors and before final cancellation. All applicable conditions must be satisfied within one year of the date of recording of the Certificate of Tentative Cancellation. The conditions are:

1. The Board of Supervisors must approve and certify the Riolo Vineyard Specific Plan Environmental Impact Report.
2. Upon approval, a Certificate of Tentative Cancellation must be recorded with the County Clerk;
3. Payment in full of the cancellation fee. If the fee is not paid or a notice of Final Cancellation is not recorded within one year from the date of the recording of the Tentative Cancellation, the cancellation fee shall be recomputed; and
4. Obtain any approvals necessary to commence the specified alternative land use.

Within 30 days of satisfaction of the Conditions, the Board of Supervisors must execute and record a Certificate of Final Cancellation of Contract.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP  
Agency Director

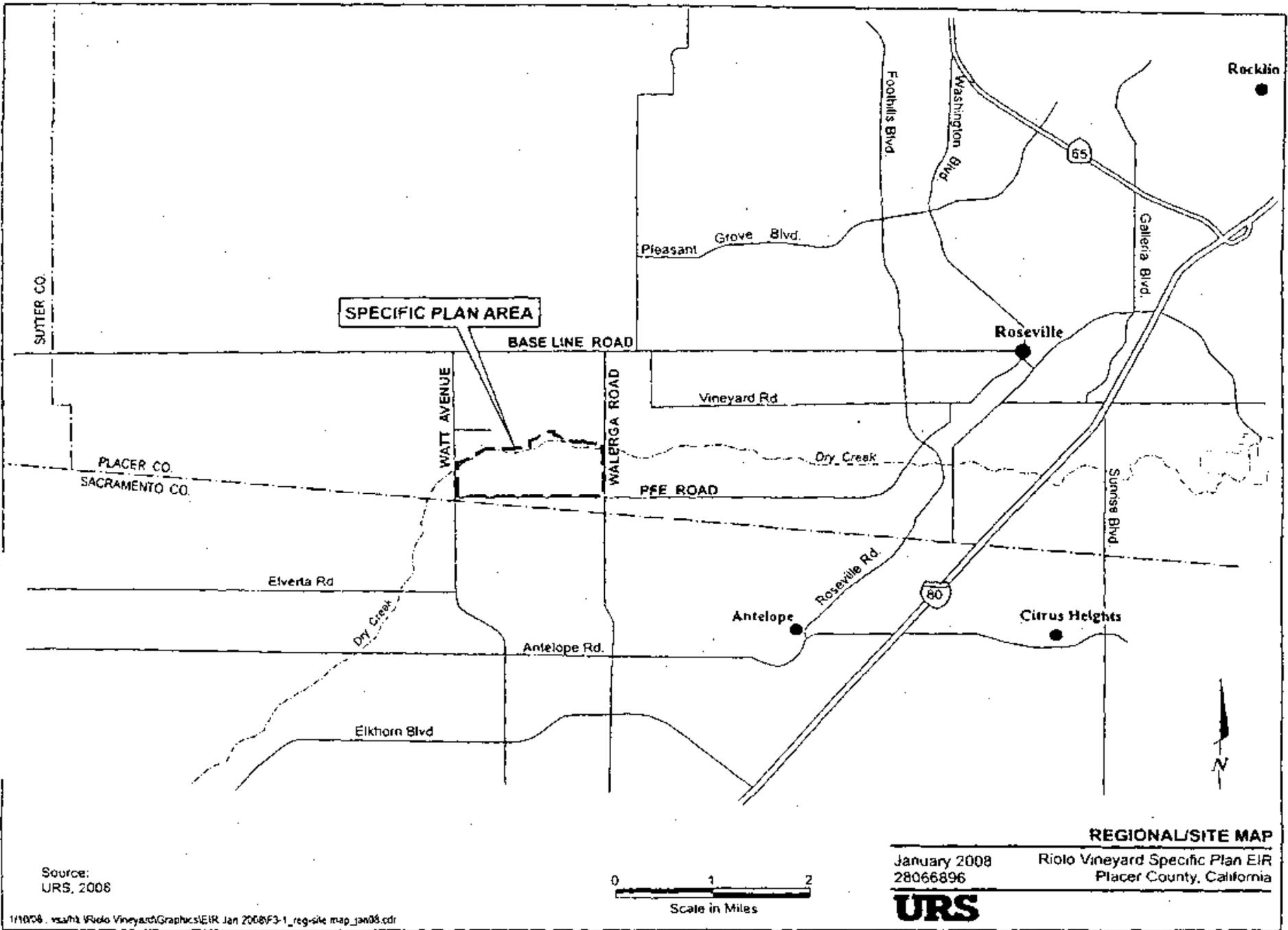
Attached to this report for the Board's information/consideration are:

**ATTACHMENTS:**

- Exhibit 1: Location Exhibit
- Exhibit 2: Petition for Contract Cancellation
- Exhibit 3: Riolo Vineyard Land Use Plan
- Exhibit 4: Williamson Act
- Exhibit 5: Administrative Rules for Williamson Act Lands
- Exhibit 6: Letter from the Department of Conservation (October 10, 2008)
- Exhibit 7: Findings in Support of Cancellation

cc: Christine Turner - Agricultural Commissioner  
Loren Clark - Deputy Planning Director  
Ann Baker - Planning Department  
Scott Finley - County Counsel's Office  
Alex Fisch - Planning Department  
Subject/chrono files (AGP-241)  
Marcus Lo Duca  
Russ Carollo

O:\PLUS\PLN\PROJECT FILES\PAGP 20080494 Frisvold Cancellation\SR\_F\_BOS\_PAGP20080494(2).doc



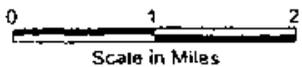
**SPECIFIC PLAN AREA**

**REGIONAL/SITE MAP**

January 2008 Riolo Vineyard Specific Plan EIR  
 28066896 Placer County, California

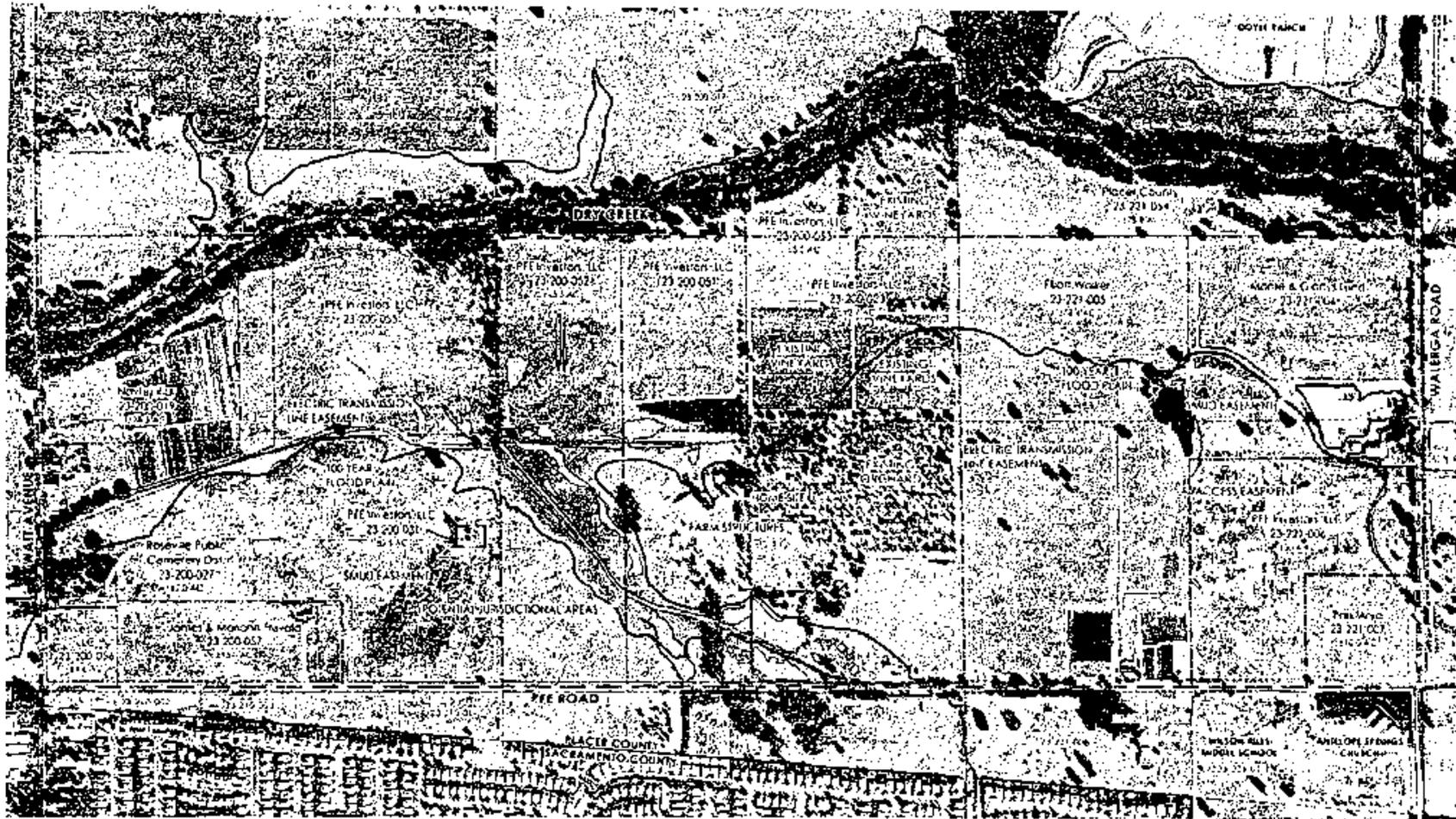


Source:  
 URS, 2008



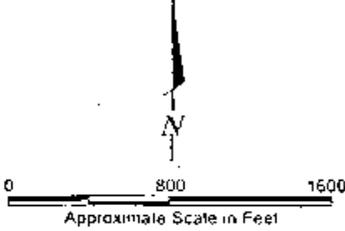
1/18/08 - vsah1 Riolo Vineyard\Graphics\EIR Jan 2008\F3-1\_reg-site map\_jan08.cdr

EXHIBIT 1  
 170



**LEGEND**

- Specific Plan Boundary
- Approximate 100-Year Flood Plain
- ..... Potential Jurisdictional Wetland Areas



Source  
MacKay & Soms, 2007

**EXISTING SITE CONDITIONS**

January 2008  
28066896

Riolo Vineyard Specific Plan EIR  
Placer County, California



**FIGURE 3-3**

171

1/10/08 NK:Riolo Vineyard:Graphics:EIR Jan 2008\F3\_3\_exist site cond Jan08.rcd

LAW OFFICES OF  
SANDBERG, LO DUCA & ALAND, LLP

---

CRAIG M. SANDBERG  
MARCUS J. LO DUCA  
SHERRIE B. ALAND

---

NICHOLAS S. AVONIS

September 11, 2007

Michael J. Johnson, AICP  
Planning Director  
County of Placer  
3091 County Center Drive  
Auburn, CA 95603

RE: Petition for Williamson Act Contract Cancellation – Frisvold Property,  
Riolo Vineyard Specific Plan

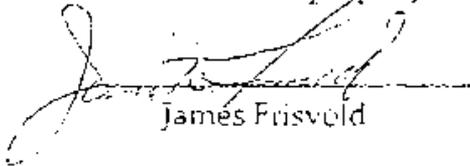
Dear Mr. Johnson:

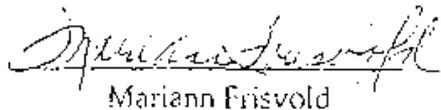
As you are aware, this office represents James and Mariann Frisvold, relative to their property in the Riolo Vineyard Specific Plan. This letter is submitted to the County to request a cancellation of the Williamson Act contract (Placer Board of Supervisors Resolution No. 73-53) that covers the Frisvolds' property as part of the land use entitlements proceeding forward in the Riolo Vineyard Specific Plan. The following is the information that was requested by County Counsel to initiate the cancellation process and is pursuant to the "Petition for cancellation of contract; grounds" as provided by California Government Code Section 51282:

1. Applicant Name: This cancellation petition is submitted by James and Mariann Frisvold, the property owners.
2. Property Description: Approximately 15 acres, APN 023-200-057-000, located at 5718 P.F.E. Road, Roseville, east of Watt Avenue. Legal descriptions of the property, as well as assessor's parcel map pages, are included in the enclosed copy of the Williamson Act contract.
3. Property Status: The current general plan/community plan designation of the property is low density residential and commercial. There is currently a

single family residence on the property. The current zoning of the property is RS-AG-B-20-DR-PD=2; C1-UP-Dc.

4. Williamson Act Contract: The subject property's Williamson Act contract is enclosed with this petition.
5. Proposed Use: The property is located in the proposed Riolo Vineyard Specific Plan area and in the adopted Dry Creek-West Placer Community Plan. Landowners propose a medium density residential land use designation in the Riolo Vineyard Specific Plan, and the same designation under the Dry Creek-West Placer Community Plan and County General Plan.
6. Governmental Agencies: The following is a list of the governmental agencies known by the landowner to have permit authority related to the proposed land use:
  - a. County of Placer
7. Non-Renewal: Landowners have filed a notice of non-renewal of the Williamson Act, the notice is enclosed for your reference. The subject property currently has urban land use designations in the Dry Creek-West Placer Community Plan, and is surrounded by properties with different urban land use designations under the Dry Creek-West Placer Community Plan, and which are proposed to have urban land use designations under the Riolo Vineyard Specific Plan. Under the Riolo Vineyard Specific Plan, no agricultural uses will be allowed on parcels adjacent to the subject property.
8. Waiver of Fees; Extension of Time: No waiver of cancellation fees is being requested at this time, however, the landowners request an extension of time of one year to allow for the payment of the cancellation fee.
9. Specific Conditions of Approval: No specific conditions of approval are being requested at this time.
10. Landowner Signatures: This petition for cancellation is requested by the landowners of the property:

  
James Frisvold

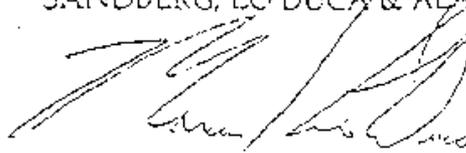
  
Mariann Frisvold

Michael Johnson  
September 4, 2007  
Page 3 of 3

Should you have any questions related to this petition, please contact me directly.

Very truly yours,

SANDBERG, LO DUCA & ALAND, LLP



Marcus J. Lo Duca

Enclosures: Copy of Williamson Act Contract  
Copy of Notice of Nonrenewal

Cc: James and Marianne Frisvold  
Russ Carolke  
Ann Baker  
Scott Finley, Esq.

4572

RECORDED BY COUNTY OF PLACER

PLACER COUNTY RECORDS  
PLACER COUNTY-CALIF.  
RECORD REQUESTED BY

FOR RECORDERS USE

Return to

Clerk of the Board of Supervisors  
County Administrative Center  
Auburn, California 95603

FEB 22 2 35 PM 1973

MARGARET DEBBAS  
COUNTY RECORDER

4572

### LAND CONSERVATION AGREEMENT

THIS AGREEMENT, made and entered into this 6th day of February, 19 73.

by and between ANNIE BARCA, GEORGE G. BARCA and MARIA BARCA

hereinafter called "OWNER" and the COUNTY OF PLACER, hereinafter called "COUNTY".

#### WITNESSETH

WHEREAS, OWNER possesses certain real property located within Placer County, described as shown in Exhibit "A", 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, esthetic, 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

VOL 1474 PAGE 385

175



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 Utility 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.
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, 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. OWNER shall be entitled to such 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.
4. *Length of Agreement.* This Agreement shall be effective commencing on February 6, 1973 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 10 years from the date of said renewal, unless written notice of non-renewal is given by COUNTY or OWNER by November 1, prior to the renewal date. If notice of non-renewal is given as provided above, this Agreement shall then expire automatically 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 cancelled 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 protests 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 judgement 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

VOL 1474  
PAGE 305

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 a sum equal to fifty percent (50%) of the full market value of the land when relieved of the restriction, as found by the Assessor, multiplied by the latest assessment ratio that had been published pursuant to Revenue and Taxation Code Section 401 when the Agreement was initially entered into. 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 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 restricted assessed value and the equalized unrestricted assessed value.
  9. *Payment:* OWNER shall not receive any payment from COUNTY in consideration of the obligation 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 judgement of a Court of the State of California or the Federal Government, then this Agreement shall be null and void.
  12. *Transfer to 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" shall mean:

VOL 1474 PAGE 387

- (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 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.
- (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, non-commercial airstrips for the use of aircraft used for agricultural purposes, together with accessory buildings and structures required therefor, feed lots, oil wells, gas wells, mining, seasonal housing for farm labor

OWNER: *Annie Barca*  
 ANNIE BARCA  
*George H Barca*  
 GEORGE G. BARCA  
*Maria Barca*  
 MARIA BARCA

VOL 1474 PAGE 388

(Attach Acknowledgment for each signature)

COUNTY OF PLACER  
 BY: *Robert N. Mahan*  
 CHAIRMAN, BOARD OF SUPERVISORS

CERTIFICATION

The Foregoing Instrument is correct copy of the original on file in this office

Dated: 2-6-78

ATTEST:  
 MAURINE I. DOBBAS,  
 County Clerk and ex-officio  
 Clerk of the Board of Supervisors  
 of the County of Placer,  
 State of California.

BY: *Maurine I. Dobbas*  
 DEPUTY CLERK

(ATTACH EXHIBIT "A")

EXHIBIT "A"

unincorporated part of the

All that real property situate in the County of Placer, State of California, described as follows:

All that portion of the Northwest quarter of Section 13, in Township 10 North, Range 5 East, M.D.B.M., described as follows:

*MB*  
*LB*  
*E.M.*  
*P.M.*

PARCEL ONE:

BEGINNING at the Northwest corner of the East two-thirds of the Northwest one-quarter of Section 13, Township 10 North, Range 5 East, M.D.B.M., said point being in the center of a County Road and on the North line of said Section 13, and located South 89° 30' East 907.70 feet from the Northwest corner of said Section 13 and running thence along the North line of said Section 13 and the center line of said County Road, South 89° 30' East 785.00 feet; thence South 0° 32' East 1347.50 feet to an iron monument; thence North 89° 30' West 785.00 feet to an iron monument on the West line of the East two-thirds of the Northwest one-quarter of said Section 13; thence along said West line North 0° 32' West 1347.50 feet to the point of beginning.

PARCEL TWO:

All that portion of the Northwest quarter of Section 13, in Township 10 North, Range 5 East, M.D.B.M., described as follows:

BEGINNING at the Northeast corner of the Northwest quarter of Section 13, in Township 10 North, Range 5 East, M.D.B.M., in the center of a County Road, and running thence along the East line of the Northwest quarter of said Section 13, South 0° 35' East 2656.50 feet to the Southeast corner of said Northwest quarter of Section 13, thence along the South line of said Northwest quarter, North 89° 56' West 1750.40 feet to the Southwest corner of the East two-thirds of the Northwest quarter of said Section 13, thence along the West line of the East two-thirds of the Northwest quarter of said Section 13, North 0° 32' West 1323.00 feet to an iron monument; thence South 89° 30' East 785.00 feet to an iron monument; thence North 0° 32' West 1347.50 feet to the North line of said Section 13 and the center line of a County Road; thence along the said North line of said Section 13 and the center line of said County Road South 89° 30' East 970.30 feet to the point of beginning.

EXCEPTING THEREFROM, from said Parcels One and Two all that certain parcel of land described as follows:

All that portion of hereinafter described realty lying and being in the Counties of Placer and Sacramento, described as follows:

BEGINNING AT the Northwest corner of the East two-thirds of the Northwest one-quarter of Section 13 in Township 10 North, Range 5 East, M.D.B.M., said point being in the center of a County Road and on the North line of said Section 13 and located South 89° 30' East 907.70 feet from the Northwest corner of said Section 13, thence along the North line of said Section 13 and along the center line of said County Road South 89° 30' East 540.45 feet; thence South 0° 32' East 2666.41 feet to a point on the South line of the Northwest one-quarter of said Section 13, thence along the South line of the Northwest one-quarter of said Section 13, North 89° 56' West 540.39 feet to the Southwest corner of the East two-thirds of the Northwest one-quarter of said Section 13; thence along the West line of the East two-thirds of the Northwest one-quarter of said Section 13, North 0° 32' West 2670.50 feet to the point of beginning.

ALSO EXCEPTING THEREFROM all that certain real property situate in the Counties of Placer and Sacramento, State of California, described as follows:

All that portion of the Northwest one-quarter (1/4) of Section 13, Township 10 North, Range 5 East, M.D.B.M., more particularly described as follows, to-wit:

BEGINNING at a point in the center line of a County Road known as P. F. E. Road, said center line also being the North line of said Section 13, at a point from which the Northwest corner of said Section 13 bears North 89° 30' West, a distance of 1443.15 feet, said point also being the Northeast corner of that certain parcel conveyed to Clyde W. Holtzman and Edna E. Holtzman, his wife, by deed recorded April 12, 1947, in Book 1321, page 250, Official Records; thence South 89° 30' East, along the said center line a distance of 607.425 feet to a point; thence South 00° 32' East parallel to the East line of said Holtzman parcel, a distance of 1003.975 feet to a point; thence North 89° 30' West, parallel to the North line of said Section 13 a distance of 607.425 feet to a point in the East line of said Holtzman parcel; thence North 00° 32' West, along the East line of said Holtzman parcel, a distance of 1003.975 feet to the point of beginning.

ALSO EXCEPTING THEREFROM that portion thereof lying within Sacramento County.

WILLIAM H. HARRIS  
COUNTY CLERK  
PLACER COUNTY

PARCEL ONE:

That portion of the Southwest quarter end of the South half of the Northwest quarter of Section 12, Township 10 North, Range 5 East, M.D.B. & M., lying Southerly of the center of Dry Creek, said center being the center of the sand channel thereof, and is described as follows:

BEGINNING at a point on the West line of said Section 12, distant thereon 1937 feet North of the Southwest corner thereof, and in the center of the low water channel of Dry Creek; thence following the meanderings of said low water channel upstream, as follows: North 84° 19' East 279.3 feet, North 54° 51' East 206.6 feet, North 51° 55' East 202.7 feet, North 69° 30' East 242.4 feet, North 50° 20' East 259.9 feet, North 58° 53' East 441.6 feet, North 78° 54' East 279.7 feet, South 82° 51' East 210.7 feet, North 82° 19' East 117.9 feet, South 72° 17' East 261.2 feet, and North 83° 39' East 400.8 feet to a point on the quarter section line running North and South through the center of said Section 12, distant thereon 2817.4 feet North of the Southeast corner of the Southwest quarter of said Section 12.

EXCEPTING THEREFROM that portion thereof described in the Deed to the Trustees of Union Cemetery, recorded February 20, 1882 in Book "JJ" of Deeds, page 756, Placer County Records.

ALSO EXCEPTING THEREFROM that portion thereof described in the Deed to Thomas J. Barca, recorded April 10, 1947 in Book 498 Official Records, page 84, Placer County Records.

ALSO EXCEPTING THEREFROM that portion thereof described in the Deed to Lawrence A. Barca and wife, recorded May 18, 1955 in Book 675 Official Records, page 228, Placer County Records.

PARCEL TWO:

That portion of the West half of Section 12, Township 10 North, Range 5 East, M.D.B. & M., described as follows:

BEGINNING at the Southwest corner of said Section 12; thence North along the West line of said Section 12, 883 feet; thence North 68° 36' East 1441 feet to the true point of beginning; thence South 68° 36' West 211.9 feet; thence North 1193.2 feet to the center of Dry Creek; thence North 58° 53' East along the center of Dry Creek, 230.5 feet to a line drawn parallel with the West line of said Section 12 and Distant 1342 feet East therefrom; thence South along the line so drawn, 1235 feet to the true point of beginning.

ALSO KNOWN AS ASSESSOR'S Parcel No. 23-200-20, 23-200-33, 23-200-39, and 23-200-40.

Vol. 1474 PAGE 391

M.

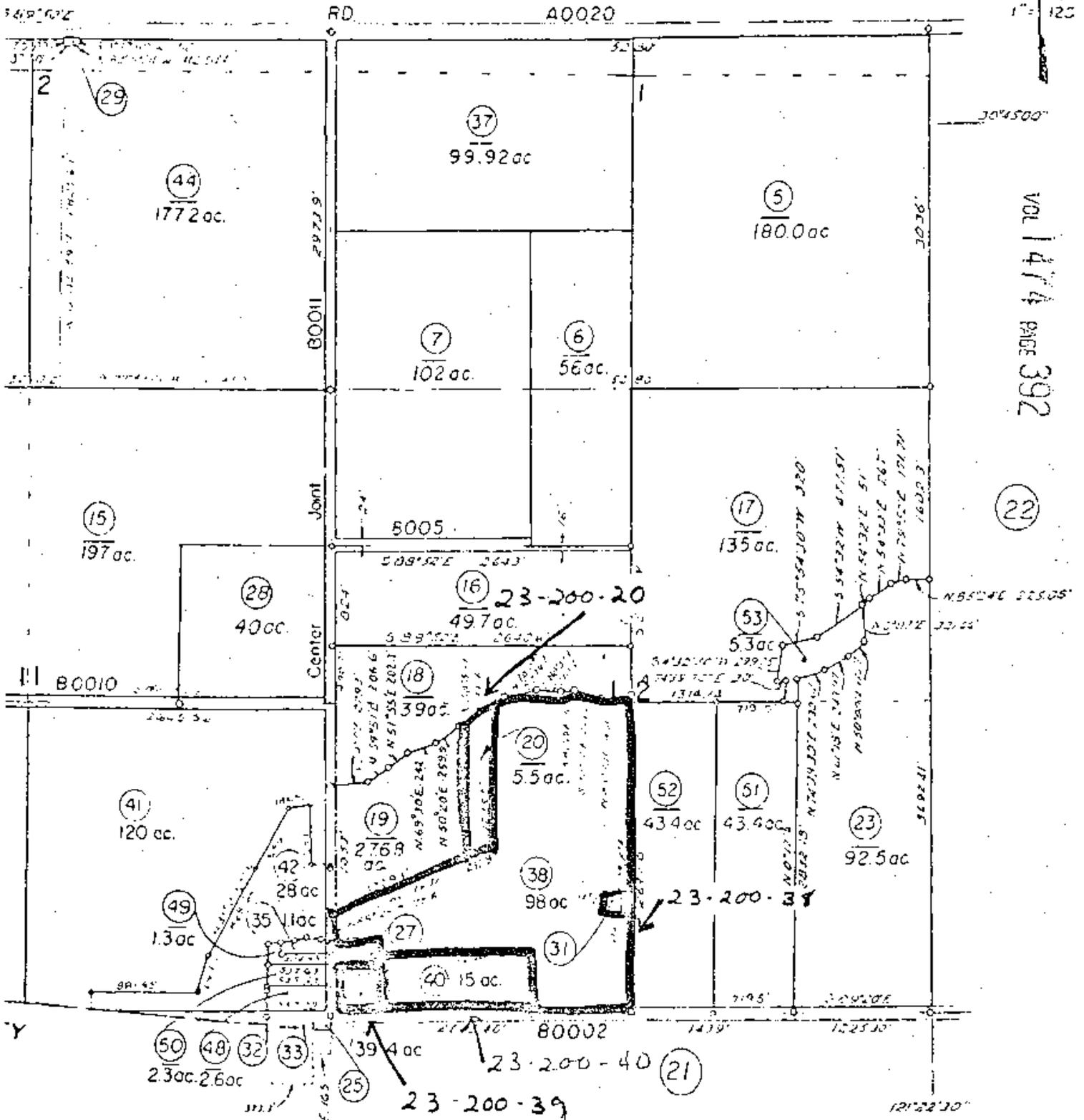
George & Annie Barca

23-20

Even

Bk. 17

AGP-241



VOL 1474 PAGE 392

Assessor's Map Bk. 23-Pg. 20  
County of Placer, Calif.

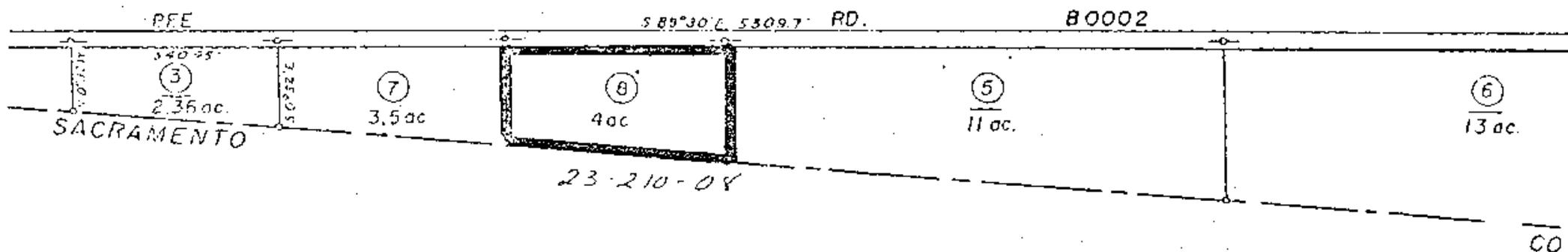
NOTE - ASSESSOR'S BLOCK

182

George & Annie Barca

APP-241

(20)



VOL 1474 PAGE 393

183

1  
2  
3  
4  
5  
6  
7  
8

# Before the Board of Supervisors County of Placer, State of California

In the matter of: A RESOLUTION CREATING  
AGRICULTURAL PRESERVE NUMBER

Resol. No: 73-53

241 (BARCA)

Ord. No: \_\_\_\_\_

Min. Bk: 33 Pg. \_\_\_\_\_

9  
10  
11  
12  
13  
14

The following RESOLUTION was duly passed by the Board of Supervisors  
of the County of Placer at a regular meeting held February 6, 1973  
by the following vote on roll call:

Ayes: Perreira, Thompson, Lee, Henne & Mohan

Noes: None

Absent: None

Signed and approved by me after its passage.

ROBERT L. HARRIS

Chairman, Board of Supervisors

15  
16  
17  
18

Attest: MAURINE I. DOBBAS  
Clerk of said Board

By: Phyllis Harris  
Deputy.

19  
20  
21  
22  
23

BE IT HEREBY RESOLVED, pursuant to the provisions of Government  
Code Section 51201(d), that an Agricultural Preserve is hereby  
created on that real property described in the Land Conservation  
Agreement attached hereto and incorporated herein by reference and  
illustrated on that Map attached as an exhibit thereto.

24  
25

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

26  
27  
28

Attachments: Land Conserv. Agreement  
Legal Description  
Map

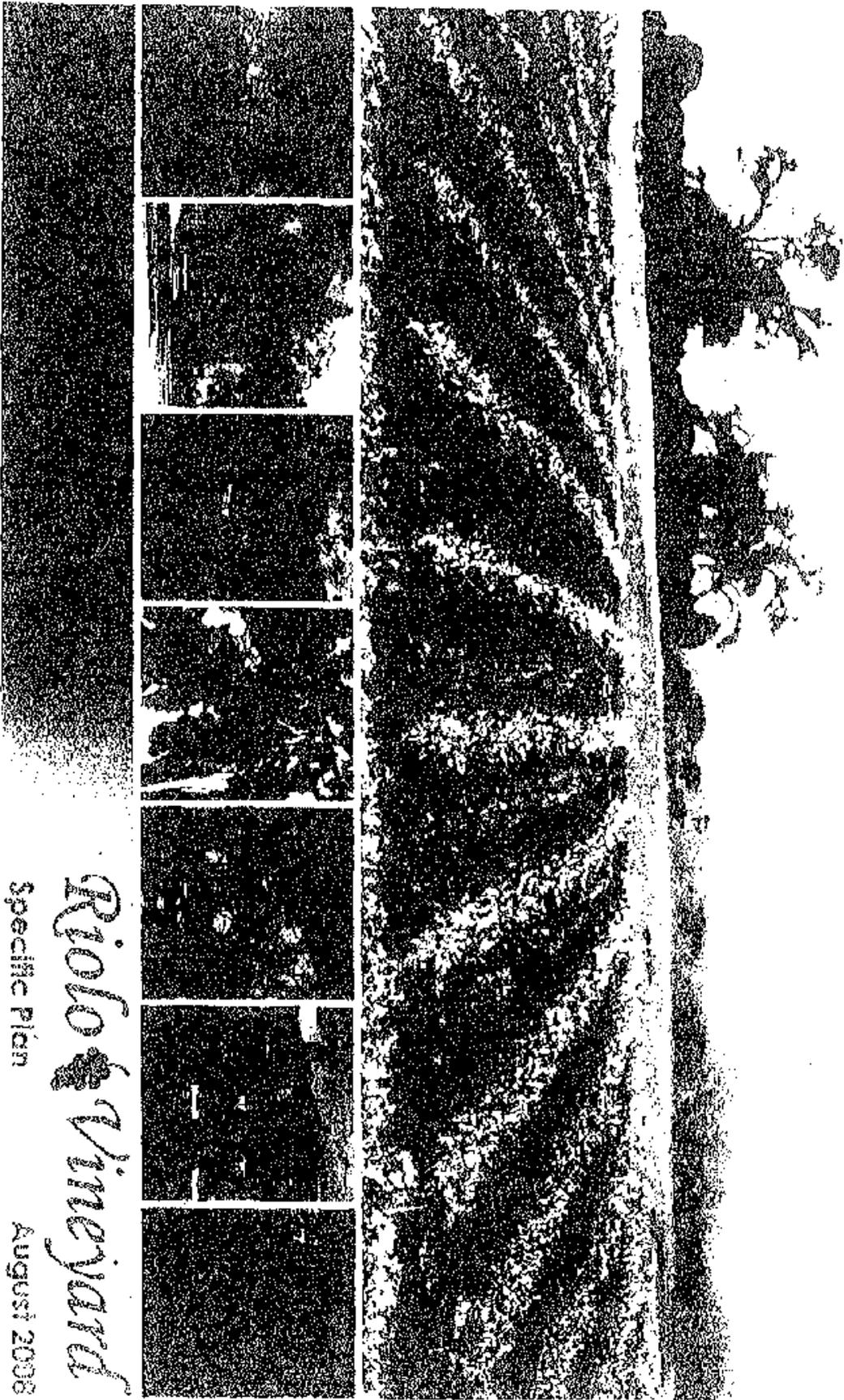
THE FOREGOING INSTRUMENT IS A CORRECT  
COPY OF THE ORIGINAL ON FILE IN THIS OFFICE  
ATTEST: 2-6-73

MAURINE I. DOBBAS  
County Clerk and ex-officio Clerk of the  
Board of Supervisors of the County of Placer,  
State of California.

Phyllis Harris  
DEPUTY CLERK

AG. AGREEMENT: Resolution Approving  
Rev. 12-16-71

184



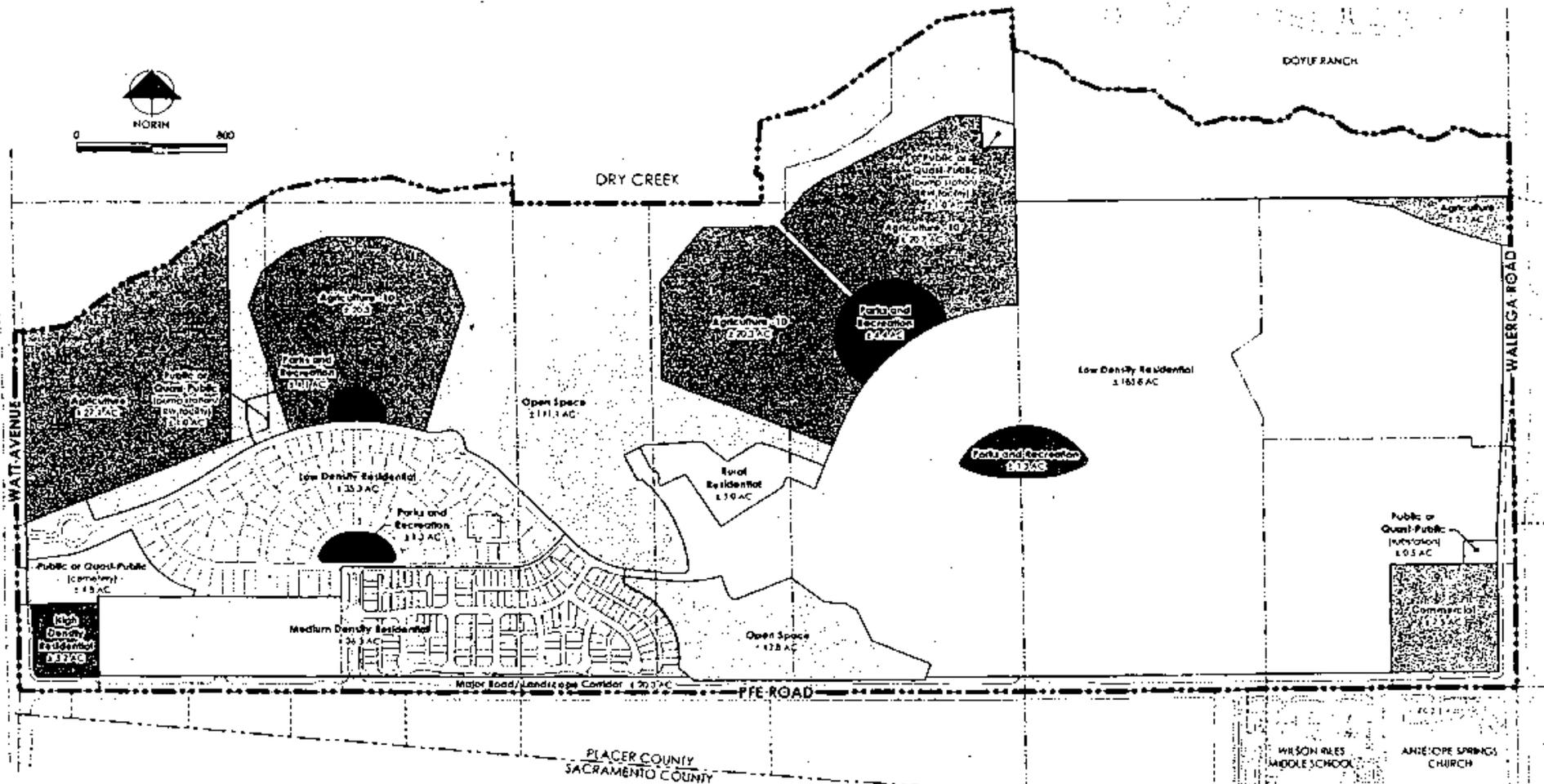
*Riolo Vineyard*

Specific Plan

August 2008

FIGURE 3.1 LAND USE

186



LEGEND	
LAND USE	± ACRES
High Density Residential (10-23 du/ac)	3.2
Medium Density Residential (5-10 du/ac)	36.3
Low Density Residential (1-5 du/ac)	221.1
Rural Residential (2 ac min)	50
Agriculture - 10 (10 ac min)	61.3
Agriculture	29.6
Open Space	173.9
Parks and Recreation	10.1
Commercial	7.5
Public or Quasi-Public	4.8
Cemetery	0.8
Substation	0.5
Pump Station/RW Facility	7.0
Major Road/Landscape Corridor	20.3
<b>TOTAL</b>	<b>525.8</b>

## California Land Conservation Act of 1965 Government Code Section 51282

51282. (a) The landowner may petition the board or council for cancellation of any contract as to all or any part of the subject land. The board or council may grant tentative approval for cancellation of a contract only if it makes one of the following findings:

- (1) That the cancellation is consistent with the purposes of this chapter; or
- (2) That cancellation is in the public interest.

(b) For purposes of paragraph (1) of subdivision (a) cancellation of a contract shall be consistent with the purposes of this chapter only if the board or council makes all of the following findings:

- (1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.
- (2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- (3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.
- (4) That cancellation will not result in discontinuous patterns of urban development.
- (5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

As used in this subdivision "proximate, noncontracted land" means land not restricted by contract pursuant to this chapter, which is sufficiently close to land which is so restricted that it can serve as a practical alternative for the use which is proposed for the restricted land.

As used in this subdivision "suitable" for the proposed use means that the salient features of the proposed use can be served by land not restricted by contract pursuant to this chapter. Such nonrestricted land may be a single parcel or may be a combination of contiguous or discontinuous parcels.

(c) For purposes of paragraph (2) of subdivision (a) cancellation of a contract shall be in the public interest only if the council or board makes the following findings: (1) that other public concerns substantially outweigh the objectives of this chapter; and (2) that there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

As used in this subdivision "proximate, noncontracted land" means land not restricted by contract pursuant to this chapter, which is sufficiently close to land which is so restricted that it can serve as a practical alternative for the use which is proposed for the restricted land.

As used in this subdivision "suitable" for the proposed use means that the salient features of the proposed use can be served by land not restricted by contract pursuant to this chapter. Such

nonrestricted land may be a single parcel or may be a combination of contiguous or discontinuous parcels.

(d) For purposes of subdivision (a), the uneconomic character of an existing agricultural use shall not by itself be sufficient reason for cancellation of the contract. 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.

(e) The landowner's petition shall be accompanied by a proposal for a specified alternative use of the land. The proposal for the alternative use shall list those governmental agencies known by the landowner to have permit authority related to the proposed alternative use, and the provisions and requirements of Section 51283.4 shall be fully applicable thereto. The level of specificity required in a proposal for a specified alternate use shall be determined by the board or council as that necessary to permit them to make the findings required.

(f) In approving a cancellation pursuant to this section, the board or council shall not be required to make any findings other than or in addition to those expressly set forth in this section, and, where applicable, in Section 21081 of the Public Resources Code.

51282.3. (a) The landowner may petition the board or council, pursuant to Section 51282, for cancellation of any contract or of any portion of a contract if the board or council has determined that agricultural laborer housing is not a compatible use on the contracted lands. The petition, and any subsequent cancellation based thereon, shall (1) particularly describe the acreage to be subject to cancellation; (2) stipulate that the purpose of the cancellation is to allow the land to be used exclusively for agricultural laborer housing facilities; (3) demonstrate that the contracted lands, or portion thereof, for which cancellation is being sought are reasonably necessary for the development and siting of agricultural laborer housing; and (4) certify that the contracted lands, or portion thereof, for which cancellation is being sought, shall not be converted to any other alternative use within the first 10 years immediately following the cancellation.

The petition shall be deemed to be a petition for cancellation for a specified alternative use of the land. The petition shall be acted upon by the board or council in the manner prescribed in Section 51283.4. However, the provisions of Section 51283 pertaining to the payment of cancellation fees shall not be imposed except as provided in subdivision (b).

(b) If the owner of real property is issued a certificate of cancellation of contract based on subdivision (a), there shall be executed and recorded concurrently with the recordation of the certificate of cancellation of contract, a lien in favor of the county, city or city and county in the amount of the fees which would otherwise have been imposed pursuant to Section 51283. Those amounts shall bear interest at the rate of 10 percent per annum. The lien shall particularly describe the real property subject to the lien, shall be recorded in the county where the real property subject to the lien is located, and shall be indexed by the recorder in the grantor index to the name of the owner of the real property and in

the grantee index in the name of the county or city or city and county. From the date of recordation, the lien shall have the force, effect and priority of a judgment lien. The board or council shall execute and record a release of lien if, after a period of 10 years from the date of the recordation of the certificate of cancellation of contract, the real property subject to the lien has not been converted to a use other than agricultural laborer housing. In the event the real property subject to the lien has been converted to a use other than agricultural laborer housing, or the construction of agricultural laborer housing has not commenced within a period of one year from the date of recordation of the certificate of cancellation of contract, then the lien shall only be released upon payment of the fees and interest for which the lien has been imposed. Where construction commences after the one-year period, the amount of the interest shall only be for that period from one year following the date of the recordation of the certificate of cancellation of contract until the actual commencement of construction.

51282.5. The owner of any land which has been zoned as a timberland production pursuant to Section 51112 or 51113, and that zoning has been recorded as provided in Section 51117, may petition the board or council for cancellation of any contract as to all or part of the land. Upon petition, the board or council shall approve the cancellation of the contract.

The provisions of Section 51283 shall not apply to any cancellation under this section, and no cancellation fee shall be imposed.

51283. (a) Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor of the county in which the land is located shall determine the current fair market value of the land as though it were free of the contractual restriction. The assessor shall certify to the board or council the cancellation valuation of the land for the purpose of determining the cancellation fee. At the same time, the assessor shall send a notice to the landowner and the Department of Conservation indicating the current fair market value of the land as though it were free of the contractual restriction. The notice shall advise the landowner and the department of the opportunity to request formal review from the assessor.

(b) Prior to giving tentative approval to the cancellation of any contract, the board or council shall determine and certify to the county auditor the amount of the cancellation fee that the landowner shall pay the county treasurer upon cancellation. That fee shall be an amount equal to 12 1/2 percent of the cancellation valuation of the property.

(c) If it finds that it is in the public interest to do so, the board or council may waive any payment or any portion of a payment by the landowner, or may extend the time for making the payment or a portion of the payment contingent upon the future use made of the land and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been canceled, if all of the following occur:

(1) The cancellation is caused by an involuntary transfer or change in the use which may be made of the land and the land is not immediately suitable, nor will be immediately used, for a purpose which produces a greater economic return to the owner.

(2) The board or council has determined that it is in the best interests of the program to conserve agricultural land use that the payment be either deferred or is not required.

(3) The waiver or extension of time is approved by the Secretary of the Resources Agency. The secretary shall approve a waiver or extension of time if the secretary finds that the granting of the waiver or extension of time by the board or council is consistent with the policies of this chapter and that the board or council complied with this article. In evaluating a request for a waiver or extension of time, the secretary shall review the findings of the board or council, the evidence in the record of the board or council, and any other evidence the secretary may receive concerning the cancellation, waiver, or extension of time.

(d) The first two million thirty-six thousand dollars (\$2,036,000) of revenue paid to the Controller pursuant to subdivision (e) in the 2004-05 fiscal year, and any other amount as approved in the final Budget Act for each fiscal year thereafter, shall be deposited in the Soil Conservation Fund, which is continued in existence. The money in the fund is available, when appropriated by the Legislature, for the support of all of the following:

(1) The cost of the farmlands mapping and monitoring program of the Department of Conservation pursuant to Section 65570.

(2) The soil conservation program identified in Section 614 of the Public Resources Code.

(3) Program support costs of this chapter as administered by the Department of Conservation.

(4) Program support costs incurred by the Department of Conservation in administering the open-space subvention program (Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2).

(e) When cancellation fees required by this section are collected, they shall be transmitted by the county treasurer to the Controller and deposited in the General Fund, except as provided in subdivision

(d). The funds collected by the county treasurer with respect to each cancellation of a contract shall be transmitted to the Controller within 30 days of the execution of a certificate of cancellation of contract by the board or council, as specified in subdivision (b) of Section 51283.4.

(f) It is the intent of the Legislature that fees paid to cancel a contract do not constitute taxes but are payments that, when made, provide a private benefit that tends to increase the value of the property.

51283.4. (a) Upon tentative approval of a petition accompanied by a proposal for a specified alternative use of the land, the clerk of the board or council shall record in the office of the county recorder of the county in which is located the land as to which the contract is applicable a certificate of tentative cancellation, which shall set forth the name of the landowner requesting the cancellation, the fact that a certificate of cancellation of contract will be issued and recorded at the time that specified conditions

and contingencies are satisfied, a description of the conditions and contingencies which must be satisfied, and a legal description of the property. Conditions to be satisfied shall include payment in full of the amount of the fee computed under the provisions of Section 51283, together with a statement that unless the fee is paid, or a certificate of cancellation of contract is issued within one year from the date of the recording of the certificate of tentative cancellation, the fee shall be recomputed as of the date the landowner requests a recomputation. A landowner may request a recomputation when he or she believes that he or she will be able to satisfy the conditions and contingencies of the certificate of cancellation within 180 days. The board or council shall request the assessor to recompute the cancellation valuation. The assessor shall recompute the valuation, certify it to the board or council, and provide notice to the Department of Conservation and landowner as provided in subdivision (a) of Section 51283, and the board or council shall certify the fee to the county auditor. Any provisions related to the waiver of the fee or portion thereof shall be treated in the manner provided for in the certificate of tentative cancellation. Contingencies to be satisfied shall include a requirement that the landowner obtain all permits necessary to commence the project. The board or council may, at the request of the landowner, amend a tentatively approved specified alternative use if it finds that the amendment is consistent with the findings made pursuant to subdivision (a) of Section 51282.

(b) The landowner shall notify the board or council when he or she has satisfied the conditions and contingencies enumerated in the certificate of tentative cancellation. Within 30 days of receipt of the notice, and upon a determination that the conditions and contingencies have been satisfied, the board or council shall execute a certificate of cancellation of contract, cause the certificate to be recorded, and send a copy to the Director of Conservation.

(c) If the landowner has been unable to satisfy the conditions and contingencies enumerated in the certificate of tentative cancellation, the landowner shall notify the board or council of the particular conditions or contingencies he or she is unable to satisfy. Within 30 days of receipt of the notice, and upon a determination that the landowner is unable to satisfy the conditions and contingencies listed, the board or council shall execute a certificate of withdrawal of tentative approval of a cancellation of contract and cause the same to be recorded. However, the landowner shall not be entitled to the refund of any cancellation fee paid.

51283.5. (a) The Legislature finds and declares that cancellation fees should be calculated in a timely manner and disputes over cancellation fees should be resolved before a city or county approves a tentative cancellation. However, the city or county may approve a tentative cancellation notwithstanding an assessor's formal review or judicial challenge to the cancellation value or fee.

(b) If the valuation changes after the approval or a tentative cancellation, the certificate of tentative cancellation shall be amended to reflect the correct valuation and cancellation fee.

(c) If the landowner wishes to pay a cancellation fee when a formal review or an independent appraisal has been requested, he or she may pay the fee required in the current certificate of cancellation and

provide security determined to be adequate by the Department of Conservation for 20 percent of the cancellation fee based on the assessor's valuation. The board or council shall hold the security and release it immediately upon full payment of the cancellation fee determined pursuant to Section 51203.

(d) The city or county may approve a final cancellation notwithstanding a pending formal review or judicial challenge to the cancellation valuation or fee. The certificate of final cancellation shall include the following statements:

- (1) That formal review or judicial challenge of the cancellation valuation or fee is pending.
- (2) That the fee may be adjusted, based upon the outcome of the review or challenge.
- (3) The identity of the party who will be responsible for paying any additional fee or will receive any refund.
- (4) The form and amount of security provided by the landowner or other responsible party and approved by the Department of Conservation.

(e) Upon resolution, the landowner or the party identified in the certificate shall either pay the balance owed to the county treasurer, or receive from the county treasurer or the controller any amount of overpayment, and shall also be entitled to the immediate release of any security.

(f) (1) If a party does not receive the notice required pursuant to Section 51203, 51283, 51283.4, or 51284, a judicial challenge to the cancellation valuation may be filed within three years of the latest of the applicable following events:

(A) The board or council certification of the fee pursuant to subdivision (b) of Section 51283, or for fees recomputed pursuant to Section 51283.4, the execution of a certificate of cancellation under that section.

(B) The date of the assessor's determination pursuant to paragraph (3) of subdivision (b) of Section 51203.

(C) The service of notice to the Director of Conservation of the board or council's recorded certificate of final cancellation.

(2) If a party did receive the required notice pursuant to Section 51203, 51283, 51283.4, or 51284, a judicial challenge to the cancellation valuation may be filed only after the party has exhausted his or her administrative remedies through the formal review process specified in Section 51203, and only within 180 days of the latest of the applicable following events:

(A) The board or council certification of the fee pursuant to subdivision (b) of Section 51283 or for fees recomputed pursuant to Section 51283.4, the execution of a certificate of cancellation under that section.

(B) The date of the assessor's determination pursuant to paragraph (3) of subdivision (b) of Section 51203.

(C) The service of notice to the Director of Conservation or the board or council's recorded certificate of final cancellation.

51284. No contract may be canceled until after the city or county has given notice of, and has held, a public hearing on the matter. Notice of the hearing shall be published pursuant to Section 6061 and shall be mailed to every owner of land under contract, any portion of which is situated within one mile of the exterior boundary of the land upon which the contract is proposed to be canceled. In addition, at least 10 working days prior to the hearing, a notice of the hearing and a copy of the landowner's petition shall be mailed to the Director of Conservation. Within 30 days of the tentative cancellation of the contract, the city or county shall publish a notice of its decision, including the date, time, and place of the public hearing, a general explanation of the decision, the findings made pursuant to Section 51282, and a general description, in text or by diagram, of the land under contract, as a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the city or county. In addition, within 30 days of the tentative cancellation of the contract, the city or county shall deliver a copy of the published notice of the decision, as described above, to the Director of Conservation. The publication shall be for informational purposes only, and shall create no right, standing, or duty that would otherwise not exist with regard to the cancellation proceedings.

51284.1. (a) When a landowner petitions a board or council for the tentative cancellation of a contract and when the board or council accepts the application as complete pursuant to Section 65943, the board or council shall immediately mail a notice to the Director of Conservation. The notice shall include all of the following:

- (1) A copy of the petition.
- (2) A copy of the contract.
- (3) A general description, in text or by diagram, of the land that is the subject of the proposed cancellation.
- (4) The deadline for submitting comments regarding the proposed cancellation. That deadline shall be consistent with the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7), but in no case less than 30 days prior to the scheduled action by the board or council.

(b) The board or council shall send that information to the assessor that is necessary to describe the land subject to the proposed cancellation. The information shall include the name and address of the landowner petitioning the cancellation.

(c) The Director of Conservation shall review the proposed cancellation and submit comments to the board or council by the deadline specified in paragraph (4) of subdivision (a). Any comments submitted shall advise the board or council on the findings required by Section 51282 with respect to the proposed cancellation.

(d) Prior to acting on the proposed cancellation, the board or council shall consider the comments by the Director of Conservation, if submitted.

(e) The board or council may include the cancellation valuation, if available, of the land as part of the completed petition sent to the director.

51285. The owner of any property located in the county or city in which the agricultural preserve is situated may protest such cancellation to the city or county conducting the hearing.

51286. (a) Any action or proceeding which, on the grounds of alleged noncompliance with the requirements of this chapter, seeks to attack, review, set aside, void, or annul a decision of a board of supervisors or a city council to cancel a contract shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure.

(b) The action or proceeding shall be commenced within 180 days from the date of the council or board order acting on a petition for cancellation filed under this chapter.

51287. The city or county may impose a fee pursuant to Chapter 8 (commencing with Section 66016) of Division 1 of Title 7 for recovery of costs under this article. The fee shall not exceed an amount necessary to recover the reasonable cost of services provided by the city or county under this article.

**ADMINISTRATIVE RULES  
FOR WILLIAMSON ACT LANDS  
IN PLACER COUNTY  
June 2008**

**6.64 – CANCELLATION**

A landowner may request cancellation of a Williamson Act contract on all or a portion of the property subject to the contract, in compliance with Williamson Act Section 51280 et seq. However, cancellation can be approved only under extraordinary circumstances as mandated in the Williamson Act.

- A. Application for cancellation.** Applications shall include the forms provided by the Planning Department, all information specified in the *Instructions for Agricultural Preserve Contract Cancellation Requests* provided by the Planning Department, a proposal for a specified alternative use of land, and the non-refundable filing fee required by the most current Planning Department Fee Schedule.
- B. Application review and staff report.** A properly completed application shall be processed as follows.
- 1. Notice to the State.** When a landowner petitions the Board for the tentative cancellation of a contract **and** when the Board accepts the application as complete, the Clerk of the Board shall immediately mail a notice to the Director of Conservation. The notice shall include all of the following:
    - a. A copy of the petition.
    - b. A copy of the contract.
    - c. A general description, in text or by diagram, of the land that is the subject of the proposed cancellation.
    - d. The deadline for submitting comments regarding the proposed cancellation. That deadline shall not be less than 30 days prior to the scheduled action by the Board.
    - e. The Director of Conservation shall review the proposed cancellation and submit comments to the Board by the deadline specified in paragraph (d) above. Any comments submitted shall advise the Board on the findings required by Section 51282 with respect to the proposed cancellation. Prior to acting on the proposed

cancellation, the Board shall consider the comments by the Director of Conservation, if submitted.

2. **Referral of application.** The Planning Department shall refer applications for contract cancellation to the following agencies and individuals listed in Section 6.30(C)(1) and to any other landowner who owns land under the same contract or within the same agricultural preserve.
  3. **Environmental determination.** The Planning Department shall review the cancellation application in compliance with the California Environmental Quality Act (CEQA).
  4. **Evaluation of application.** The Planning Department, Agricultural Commissioner, and Assessor shall review the application. The Planning Department shall prepare a staff report evaluating the compliance of the cancellation request with this Section and with applicable provisions of the Williamson Act.
- C. **Agricultural Commission hearing and recommendation.** The Agricultural Commission shall conduct a public hearing, where the Commission shall consider all oral and written comments received on the application for cancellation of the preserve and contract.
1. **Notice of hearing.** The Agricultural Commission shall give notice of the hearing to the applicant, the Planning Department and all other agencies and individuals listed in Subsection 6.30 (C)(1) above.
  2. **Report and recommendation.** At the conclusion of the hearing, the Commission shall prepare a recommendation to the Planning Commission for the approval or disapproval of the cancellation.
  3. **Distribution of recommendation.** Copies of the Agricultural Commission recommendation shall be sent to the applicant, the Planning Commission, the Board of Supervisors, the Planning Department, and all other agencies and individuals listed in Subsection 6.30 (C)(1) above. The Planning Department shall also forward a copy of all application materials for the cancellation to the Planning Commission and Board of Supervisors.
- D. **Planning Commission hearing and recommendation.** The Planning Commission shall conduct a public hearing, where the Commission shall consider all oral and written comments received on the application for cancellation.

1. **Notice of hearing.** Notice of the public hearing shall be provided in compliance with Section 17.60.140 of the Zoning Ordinance (Public Hearings).
  2. **Report and recommendation.** At the conclusion of the hearing, the Commission shall prepare a recommendation to the Board of Supervisors for the approval or disapproval of the cancellation.
- E. **Board of Supervisors hearing and decision.** Upon receipt of the information provided by the Planning Department, which shall include the recommendations of both the Agricultural Commission and the Planning Commission, the Clerk of the Board of Supervisors shall schedule a hearing on the application, provided that the Board shall not provide final approval of a cancellation until the requirements of Williamson Act Section 51283, regarding cancellation fees, have been satisfied.
1. **Notice and conduct of hearing.** The Clerk of the Board of Supervisors shall give notice of the hearing as described in Subsection (D), above, and Williamson Act Section 51284. At the hearing, the Board shall consider the recommendations and comments of the Agricultural Commission, the Planning Commission, and all oral and written comments received on the application for cancellation.
  2. **Board decision.** At the conclusion of the hearing, the Board shall determine whether the required findings can be made, and based thereupon the proposed contract cancellation may be tentatively approved or disapproved.
- F. **Required findings.** The approval of a cancellation request shall require that the Board of Supervisors first make all of the findings under one of the following two sets of findings to approve a cancellation request, in compliance with Williamson Act Section 51282.
1. The cancellation is consistent with the purposes of the California Land Conservation Act of 1965.
    - a. A notice of nonrenewal has been served.
    - b. Cancellation is not likely to result in the removal of adjacent lands from agricultural use.
    - c. An alternative use is proposed which is consistent with the County General Plan.
    - d. Cancellation would not result in discontinuous patterns of urban development.

- e. There is no proximate non-contracted land which is both available and suitable for the proposed alternative use, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land, which is sufficiently close to the contracted land that it can serve as a practical alternative for the use which is proposed for the contracted land.
2. The cancellation is in the public interest.
- a. Other public concerns substantially outweigh the objectives of the California Land Conservation Act of 1965; and
  - b. Same as item F(1)(e) above.

The following provision applies to Sections 1 and 2 above: The uneconomic character of an existing agricultural use shall not, by itself, be sufficient reason for cancellation of a contract. 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.

- G. Certificate of cancellation.** An approved cancellation shall be completed with the recordation of a tentative certificate of cancellation, and then a final certificate of cancellation in compliance with Williamson Act Section 51283.4. Among other requirements, the approval of a cancellation shall be contingent upon the payment of the cancellation fee, computed under Williamson Act Section 51203, 51283 and 51283.1, and upon a requirement that the landowner obtain all permits necessary to commence the project, as described as the alternative use of the land in the application. In no case shall the repayment period exceed the statutory limitations established under Williamson Act Section 51283.



# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0860 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

October 10, 2008

RECEIVED  
OCT 16 2008  
PLANNING DEPT.

Ms. Jennifer Dzakowic, Senior Planner  
Placer County Community Development Resource Agency  
3091 County Center Drive, Suite 140  
Auburn, CA 95603

Dear Ms. Dzakowic:

**SUBJECT: PROPOSED CANCELLATION OF LAND CONSERVATION  
(WILLIAMSON ACT) CONTRACT – (Frisvold)  
APN 023-200-057; AGP- 241**

Thank you for submitting notice to the Department of Conservation (Department) as required by Government Code (GC) §51284.1 for the above referenced matter.

Applicants, James and Mariann Frisvold, submitted a petition requesting cancellation of their Williamson Act contract for the purpose of conversion to urban residential uses. The petition affects an approximately 12.6-acre agricultural parcel (APN 023-200-057), located west of Roseville, CA, at 5718 P.F.E. Road, east of Watt Avenue. The affected parcel is surrounded by various mixed uses, ranging from agricultural to rural residential.

### Cancellation Findings

GC §51282 states that tentative approval for cancellation may be granted only if the local government makes either of the following findings:

- 1) cancellation is consistent with purposes of the Williamson Act, or
- 2) cancellation is in the public interest.

The Department has reviewed the petition and information provided and offers the following comments.

For cancellation to be consistent with purposes of the Williamson Act, the Placer County Board of Supervisors (Board) must make all of the following five findings:

- (1) a notice of nonrenewal has been served,
- (2) cancellation is not likely to result in removal of adjacent land from agricultural use,
- (3) the alternative use is consistent with the County General Plan,

- (4) discontiguous patterns of urban development will not result, and
- (5) there is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

**(1) Notice of nonrenewal has been served:**

The Placer County Recorder recorded a notice of nonrenewal for the subject contract on January 12, 2007. The contract is scheduled to terminate on January 1, 2016, through the nonrenewal process.

**(2) Cancellation is not likely to result in removal of adjacent land from agricultural use:**

Subject to mandatory mitigation conditions, cancellation of the affected parcel appears not likely to result in subsequent removal of adjacent lands from agricultural use.

The Department has concerns that emergent residential development adjacent to productive agricultural lands north of the Riolo Vineyard Specific Plan area could have significant and direct environmental impacts. Such impacts, including increased traffic and pollution, potential diminished productivity, and threatened food safety, could cause neighboring agricultural parcels to face increased pressure to convert to non-agricultural uses.

Right-to-Farm ordinances have not been effective in reducing parcel conversion to non-agricultural uses, especially in those situations involving pesticide spraying. Some cities in the state have adopted mandatory buffers of 25 to 100 yards, depending on adjacent crop types. Therefore, the Department recommends the County implement mandatory buffers between proposed development and adjacent agriculture to ensure this finding can be made.

The Department also recommends purchase of agricultural conservation easements on agricultural land of at least equal quality and acreage, to mitigate development impacts resulting from loss of agricultural land. Agricultural conservation easements protect a portion of those remaining resources and lessen project impacts in accordance with California Environmental Quality Act (CEQA) Guideline §15370. We highlight this measure because of its growing acceptance and use by lead agencies as mitigation under CEQA. Agricultural land conversion represents a permanent loss in the State's agricultural land resources. The purchase of agricultural easements does not obviate the requirement to make the necessary findings for cancellation of a Williamson Act contract.

**(3) Alternative use is consistent with County General Plan:**

The proposed alternative use appears to be consistent with the County General Plan. Under County General Plan, the parcel is designated Low Density Residential. Development of the proposed residential subdivision would be consistent with current zoning of Residential Single Family.

**(4) Discontiguous patterns of urban development will not result:**

Based on the information provided, discontiguous patterns of urban development appear not likely to occur. The subject parcel, and related Specific Plan area, appears to be contiguous to existing residential development to the south.

The Department, however, recommends that any additional information regarding intent and ability of the intervening landowners, specifically those located between P.F.E. Road and the county line, to develop their land be added to the record.

**(5) There is no available and suitable proximate noncontracted land for the use proposed on the contracted land:**

The petition provides sufficient documentation to support a finding that there is no proximate noncontracted land both available and suitable for the proposed use.

For the *cancellation to be in the public interest*, the Board must make **both** of the following findings:

- (1) other public concerns substantially outweigh the objectives of the Williamson Act, and
- (2) there is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

In order to find that "other public concerns substantially outweigh the objectives of the Williamson Act," the California Supreme Court has directed that a County must consider the interest of the public as a whole in the value of the land for open space and agricultural use. Though the interests of the local and regional communities involved are also important, no decision regarding the public interest can be based exclusively on their parochialism.

Moreover, the paramount 'interest' involved is the preservation of land in agricultural production. In providing for cancellation, the Legislature recognized the relevance of other interests, such as housing, needed services, environmental protection through developed uses, economic growth and employment. However, it must be shown that open space objectives, explicitly and unequivocally protected by the Act, "are substantially outweighed by other public concerns before the cancellation can be deemed 'in the public interest.'" *Sierra Club*, 28 Cal.3d at 857.

Our comments above in section (5) have already addressed the proximate lands issue.

Based on information provided, this proposed cancellation appears to be primarily in the interest of the landowners. It is not conclusively demonstrated that this cancellation outweighs the concerns of preserving open space land and protecting the environment.

Ms. Jennifer Dzakowic, Senior Planner  
October 10, 2008  
Page 4 of 4

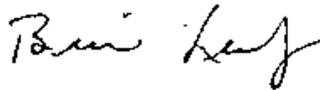
The Department recommends that all additional information in support of the public interest rationale be added to the record.

Based on the information provided to date, it is the Department's conclusion that this petition provides sufficient supporting evidence to permit the Board to reasonably find for contract cancellation upon required consistency findings, but not public interest findings.

Thank you for the opportunity to provide comments on this proposed cancellation. Please provide our office with a copy of the Notice of the Public Hearing on this matter ten (10) working days before the hearing and a copy of the published notice of the Board's decision within 30 days of the tentative cancellation pursuant to GC §51284. Additionally, we request a copy of the Board's findings pursuant to GC §51282.

If you have any questions concerning our comments, please contact Tom Tandoc, Environmental Planner at (916) 323-4160.

Sincerely,



Brian Leahy  
Assistant Director

**FINDINGS SUPPORTING CANCELLATION  
OF AGP-241 ON THE FRISVOLD PROPERTY (APN 023-200-057)**

Introduction

The County adopts these finding in support of its decision to approve immediate cancellation of Agricultural Preserve Number 241 on the 15-acre Frisvold property (APN 023-200-057-000) located in the Riolo Vineyard Specific Plan area, within the Dry Creek West Placer Community Plan.

The Board of Supervisors finds that cancellation of the subject contract is consistent with subdivisions (b)(1) through (b)(5) of Government Code section 51282 and subdivision (F)(1) of Section 6.64 of the Placer County Administrative Rules. The Board also finds, as a separate and distinct matter, that cancellation of the subject contract is in the public interest and consistent with subdivision (c) of Government Code section 51282 and subdivision (F)(2) of Section 6.64 of the Placer County Administrative Rules.

**I**  
**CONSISTENCY FINDINGS:**  
**GOVERNMENT CODE SECTION 51282(B)(1)-(B)(5)**  
**AND COUNTY ADM. RULES SECTION 6.64 (F)(1)**

**FINDING # 1 - THE CANCELLATION IS FOR LAND ON WHICH A NOTICE OF NON-RENEWAL HAS BEEN SERVED PURSUANT TO GOVERNMENT CODE SECTION 51245.**

Summary/Evidence: A Notice of Non-Renewal was filed with Placer County on February 10, 2006. The County accepted the notice.

Supporting Documents: Notice of Non-Renewal; Petition for Cancellation.

**FINDING # 2 - THE CANCELLATION IS NOT LIKELY TO RESULT IN REMOVAL OF ADJACENT LANDS FROM AGRICULTURAL USE.**

Summary/Evidence: The cancellation of the contract on the Frisvold property is not likely to result in the removal of adjacent lands from agricultural use for the following reasons: 1) proposed land uses on adjoining parcels will not be materially impacted by the urban uses that conversion from agriculture would be expected to result in because the proposed land uses on adjoining parcels are already approved for urban development; 2) additionally, the planned land uses on the adjoining parcels that have been identified in the Dry Creek West Placer Community Plan are being further refined by the proposed Riolo Vineyard Specific Plan; 3) lands adjacent to the Dry Creek West Placer Community Plan, in Sacramento County and in the City of Roseville, have existing urban land uses and lands within the Placer Vineyards Specific Plan have approved urban land uses; 4) the Frisvold property is subject to a unique set of historical circumstances which created the existing non-conforming contract; 5) there is no evidence in the record demonstrating that urban development of the Frisvold property would prevent agricultural

activities from continuing on properties in the vicinity of the Frisvold property and in the region. Existing and proposed land uses on adjoining parcels will not be materially impacted by the Frisvold property conversion from agriculture, and will actually be complemented by such conversion.

The Frisvold property is surrounded by lands currently zoned and designated for urban development. Removing the Frisvold property from agricultural use will not result in incompatible uses, in fact, quite the opposite is true, as removing the Frisvold property from agricultural uses will promote compatible neighboring and surrounding uses consistent with and meeting the County's goals and objectives embodied in the County's General Plan, the Dry Creek West Placer Community Plan, existing County zoning, and the proposed Riolo Vineyard Specific Plan. This planning area of the County is bounded by existing urban development in Sacramento County, the City of Roseville, as well as the approved Placer Vineyards Specific Plan. Therefore, existing farmland in the immediate vicinity will have no pressure to convert due to any land use conflicts associated with the cancellation of the contract on the Frisvold property. Furthermore, although cancellation of the Frisvold property contract would allow urban development to proceed, there is no evidence in the record that any other lands would be converted from agricultural use to urban development as a necessary result of the cancellation of the Frisvold property contract.

Supporting Documents: Notice of Non-Renewal; Petition for Cancellation; Placer County General Plan; Placer County Zoning Ordinance; Dry Creek West Placer Community Plan; Riolo Vineyard Specific Plan; Riolo Vineyard Specific Plan EIR.

**FINDING # 3 -THE CANCELLATION IS FOR AN ALTERNATIVE USE THAT IS CONSISTENT WITH THE APPLICABLE PROVISIONS OF THE COUNTY GENERAL PLAN.**

Summary/Evidence: The proposed alternate use is consistent with the General Plan of the County, as amended by the Riolo Vineyard Specific Plan. The current General Plan/Community Plan designation of the Frisvold property is low density residential. For 18 years, the County's land use plans and policies envisioned the development of the Frisvold property, as well as the entire Dry Creek West Placer Community Plan area, with urbanized uses. The existing General Plan Community Plan designations are distinctly urbanized uses, not compatible with agricultural land uses. The proposed land uses of medium density residential under the proposed Riolo Vineyard Specific Plan would be consistent with the land use designation in the General Plan/Community Plan that designated urbanized land uses for the Frisvold property. The landowners are proposing to cancel the contract on the Frisvold property in order to develop the project consistent with the County's adopted General Plan/Community Plan governing the development of the property; as such development is refined by the proposed Riolo Vineyard Specific Plan.

Supporting Documents: Notice of Non-Renewal; Petition for Cancellation; Placer County General Plan; Placer County Zoning Ordinance; Dry Creek West Placer Community Plan; Riolo Vineyard Specific Plan; Riolo Vineyard Specific Plan EIR.

**FINDING #4 -THE CANCELLATION WILL NOT RESULT IN DISCONTIGUOUS PATTERNS OF URBAN DEVELOPMENT.**

Summary/Evidence: Cancellation of the contract on the Frisvold property will not result in discontiguous patterns of urban development because cancellation of the contract is necessary to ensure that the County's planning area is developed in a logical and contiguous pattern in accordance with County goals and objectives. The development of the proposed Riolo Vineyard Specific Plan, at completion, will form an internally and externally contiguous pattern of urban development, contiguous to existing urban development in Sacramento County, the City of Roseville and the County.

The Frisvold property is within the approved County General Plan and Community Plan, as well as the proposed Riolo Vineyard Specific Plan area. Under the Dry Creek West Placer Community Plan, the Frisvold property has urban land use designations of residential single family. Both the proposed Riolo Vineyard Specific Plan and the current community plan are adjacent to urbanized areas outside the County's planning area, in Sacramento County and in the City of Roseville, and adjacent to the approved Placer Vineyards Specific Plan area. The Frisvold property does not exist in a vacuum, but rather is a small piece of a quite larger plan of development for this planning area of the County, a plan which implements the goals and objectives of the County in planning for the methodical, logical and contiguous urbanization in this planning area, which is adjacent to existing and approved urban development, including higher density housing along transit corridors. Thus, there will be no period, temporary or otherwise, during which the subject project will be isolated from other urban development.

Supporting Documents: Notice of Non-Renewal; Petition for Cancellation; Placer County General Plan; Placer County Zoning Ordinance; Dry Creek West Placer Community Plan; Riolo Vineyard Specific Plan; Riolo Vineyard Specific Plan EIR.

**FINDING #5 -THERE IS NO PROXIMATE NONCONTRACTED LAND WHICH IS BOTH AVAILABLE AND SUITABLE FOR THE USE TO WHICH IT IS PROPOSED THE CONTRACTED LAND BE PUT, OR, THAT DEVELOPMENT OF THE CONTRACTED LAND WOULD PROVIDE MORE CONTIGUOUS PATTERNS OF URBAN DEVELOPMENT THAN DEVELOPMENT OF PROXIMATE NONCONTRACTED LAND.**

Summary/Evidence: There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land. There is no other noncontracted land that would serve the purpose of developing the Frisvold property because the Frisvold property is an integral part of an existing General Plan and Community Plan, which provide for internally contiguous patterns of development. The surrounding land use designations are designed to support and complement the development of this community plan area. The proposed Riolo Vineyard Specific Plan seeks to implement the goals and objectives set forth in the County's General Plan and Community Plan. As such, the uses planned for the Frisvold property provide a more compact form of urban development than strict adherence to the use of only noncontracted properties because the pattern of contracted and noncontracted properties is irregular throughout the County's planning area

and would frustrate the ability to provide the necessary infrastructure to only the noncontracted properties.

Supporting Documents: Notice of Non-Renewal; Petition for Cancellation; Placer County General Plan; Placer County Zoning Ordinance; Dry Creek West Placer Community Plan; Riolo Vineyard Specific Plan; Riolo Vineyard Specific Plan EIR.

**II**  
**CONSISTENCY FINDINGS:**  
**GOVERNMENT CODE SECTION 51282(C)**  
**AND COUNTY ADM. RULES SECTION 6.64 (F)(2)**

**FINDING #1 - CANCELLATION OF THE CONTRACT IS IN THE PUBLIC INTEREST  
BECAUSE OTHER PUBLIC CONCERNS SUBSTANTIALLY  
OUTWEIGH THE OBJECTIVES OF THIS CHAPTER.**

Summary/Evidence: Cancellation of the subject contract is in the public interest for the following reasons: 1) the development of the Frisvold property implements the County's General Plan, the Dry Creek/West Placer Community Plan, existing County zoning, and the proposed Riolo Vineyard Specific Plan that provide for the methodical, logical and contiguous patterns of urban development for the County, which are in the best interests of the County; 2) the urban development of the Frisvold property represents the best outcome for the citizens of Placer County and the surrounding area in particular, recognizing the local and regional level of the geographic urban development context that the Frisvold property is just a small piece of; 3) the proposed site is not considered by the State Department of Conservation to be prime farmland; 4) The County's General Plan encourages the provision of a range of housing types, contiguous urban development, and higher density housing along transit corridors, and the Dry Creek/West Placer Community Plan has identified this area of the County as a desired location for urban development; and 5) the contract does not meet the minimum qualifications for a contract under the County's Administrative Rules.

Cancellation of the contract on the Frisvold property would allow the Riolo Vineyard Specific Plan area to be developed with a broad range of housing types and densities which would improve the balance between long-term housing supply and demand in the County and would further concentrate urban development near pre-existing urbanized areas in the County, the County of Sacramento and the City of Roseville, as well as the approved Placer Vineyards Specific Plan. Furthermore, development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land, which is sufficiently close to the contracted land that it can serve as a practical alternative for the use which is proposed for the contracted land because development Frisvold property would meet the goals and objectives of the County's General Plan, the Dry Creek West Placer Community Plan, existing County zoning, and the proposed Riolo Vineyard Specific Plan, that provide for the methodical, logical and contiguous patterns of urban development in this planning area of the County.

There is no other contracted land that would serve the purpose of the County's development goals and objectives, including contiguous urban development and the planned urban development that the Frisvold property is designed to support and at the same time be an integral part of a comprehensive, planned urban development area in this portion of the County.

The Frisvold property does not meet the minimum qualification for a preserve contract due to its zoning (The Frisvold property is zoned Residential Single family and Neighborhood Commercial), as well as the site does not meet the minimum size required (40 acres is the minimum lot area for non-prime agricultural lands). Thus, because the Frisvold property is in non-renewal and given the unique historical circumstances of the Frisvold property, the benefits of cancellation substantially outweigh the loss of a little more than seven (7) years of marginal agricultural production that could be achieved on the small parcel of land proposed for contract cancellation.

Supporting Documents: Notice of Non-Renewal; Petition for Cancellation; Placer County General Plan; Placer County Zoning Ordinance; Dry Creek West Placer Community Plan; Riolo Vineyard Specific Plan; Riolo Vineyard Specific Plan EIR.

**FINDING #2 -THERE IS NO PROXIMATE NONCONTRACTED LAND WHICH IS BOTH AVAILABLE AND SUITABLE FOR THE USE TO WHICH IT IS PROPOSED THE CONTRACTED LAND BE PUT, OR, THAT DEVELOPMENT OF THE CONTRACTED LAND WOULD PROVIDE MORE CONTIGUOUS PATTERNS OF URBAN DEVELOPMENT THAN DEVELOPMENT OF PROXIMATE NONCONTRACTED LAND.**

Summary/Evidence: There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land. There is no other noncontracted land that would serve the purpose of developing the Frisvold property because the Frisvold property is an integral part of an existing General Plan and Community Plan, which provide for internally contiguous patterns of development. The surrounding land use designations are designed to support and complement the development of this community plan area. The proposed Riolo Vineyard Specific Plan seeks to implement the goals and objectives set forth in the County's General Plan and Community Plan. As such, the uses planned for the Frisvold property provide a more compact form of urban development than strict adherence to the use of only noncontracted properties because the pattern of contracted and noncontracted properties is irregular throughout the County's planning area and would frustrate the ability to provide the necessary infrastructure to only the noncontracted properties.

Supporting Documents: Notice of Non-Renewal; Petition for Cancellation; Placer County General Plan; Placer County Zoning Ordinance; Dry Creek West Placer Community Plan; Riolo Vineyard Specific Plan; Riolo Vineyard Specific Plan EIR.

