



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

Planning Commission Staff Report

Hearing Date	October 28, 2021
Project Number/Name	2021-014 APC and ZA for Hatler
Supervisorial District Number	District 4
Assessor's Parcel Number(s)	050-033-009, 050-033-11 & 050-033-014
Planner	Gina Kathan, Interim Planning Director/Planner III

Date: October 15, 2021

PROJECT DESCRIPTION: Harold V. & Geraldine A. Hatler and James W. Hatler filed a California Land Conservation Contract Application to establish Agriculture Preserve Contract 381 for a total of 707.13 acres. The County is processing a zoning amendment for all three (3) assessor parcels from General Agriculture (A1) to Agriculture Preserve (AP).

APPLICANT AND LANDOWNER:

Harold V. & Geraldine A. Hatler and James W. Hatler
13001 Plaza St.
Farmington CA 95230

PROJECT LOCATION:

The 707.13 acres of land is comprised of three (3) assessor parcels, located approximately 6.5 miles southeast of the town of Milton. APN: 050-033-009, 011 & 014 are located in Sections 27, 33, & 34, T2N, R11E, MDM.



Figure 1 ~ land proposed for Ag Preserve & Re-Zoning

ANALYSIS:

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

The property has been in agriculture production for many years. Prior to leasing the land to Rex Whittle, for 60 years the property was utilized by the Hatler family as grazing land for their cattle in conjunction with the surrounding 800+ acres. The current operation consists of 85 head of beef cattle, reporting an annual gross income from production of \$10,200.00. Improvements on this ranch are limited to fencing as this ranch has been used as one with the contiguous lands owned by the family, sharing access to corals and even developed water systems. Hoods creek and a tributary to Hoods creek both traverse the property providing a seasonal source of water for the cattle. In addition to the creeks, the property has several springs providing a more reliable water source. Scott Oneto, Calaveras County Farm Advisor, completed a feasibility study for the subject property primarily utilized for livestock grazing. His study estimates the land is capable of producing an annual gross income of \$29.70 / acre, far exceeding the minimum \$2,000.00 annual income required to be in the agriculture preserve.

The County General Plan designates the land Resource Production (RP). The (RP) designation identifies those lands capable of and primarily used for agricultural operations, timber production and/or mineral resource production. This category include lands with conservation easements, critical habitat areas, agriculture preserves and timber production.

Upon establishment of an Agriculture Preserve and California Land Conservation Contract, all parcels restricted by that contract must be re-zoned Agriculture Preserve (AP). The purpose of the AP zone is to protect and preserve lands for intensive agriculture and ranching production. Agriculture preserve zoning applies to lands for which a Williamson Act contract has been executed. All of the listed permitted and conditional uses allowed in the AP zone are determined by the board of supervisors to be compatible with the definition of agricultural and authorized in the AP zoning and for lands under a Williamson Act Contract.



Pursuant to Board of Supervisors Resolution 75-489, establishing uniform rules for administration of agriculture preserves in the County of Calaveras and Government Code § 51230; ***“an agriculture preserve consists of not less than one hundred (100) acres provided that in order to meet the one hundred (100) acre requirement, two (2) or more parcels may be combined if said parcels are contiguous and in common ownership.”*** The three contiguous parcels total 707.13 acre, with the smallest parcel being 75.71 acres and all are under common ownership.

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

Within five miles of the proposed preserve, the California Natural Diversity Database identifies the siting of five different protected species; Tricolored Blackbird, Delta Button-Celery, Tuolumne Button-Celery, Patterson's Navarretia and the North American Porcupine. Policies of the Conservation and Open Space element of the General Plan encourage open space for the preservation of natural resources such as wildlife habitat, in addition to the managed production of resources, including forests, rangeland and agriculture lands. The preservation of lands for purposes of protecting wildlife habitat and agriculture production are found to be compatible.

The property is located in an area of the County having zero to low groundwater potential. In addition to several springs, the property is traversed by Hoods Creek and a tributary to Hoods Creek, all of which provide a source of water for the livestock operation. There are more reliable developed springs on the adjacent property owned by the Hatlers which is also leased by Mr. Whittle. In drought years, water has had to be transported to the cattle in late fall. In the event the on-site water sources becomes undependable, transportation of water will occur.

During a noticed public meeting on April 21, 2021, the Agriculture Advisory Committee, taking into consideration the California Land Conservation Application for Agriculture Preserve 381 and information pertaining to General Plan consistency, voted 5-0-0-0 recommending the Board of Supervisors approve a resolution establishing Agriculture Preserve Contract 381 for 3 Assessor Parcels totaling 707.13 acre.

CONCLUSION:

The proposed application is consistent with County's General Plan and applicable provisions of the Calaveras County Zoning Code, Title 17 for Agriculture Preserve. Goals and Policies of the Resource Production Element of the County General Plan encourage continued participation in the California Land Conservation Act of 1965 and other agriculture-related long term conservation programs. Policies of the Conservation and Open Space Element encourage the preservation of open space to protect wildlife habitat and lands for agriculture production. Pursuant to Chapter 17.18.010 AP zoning applies to lands for which a Williamson Act contract has been executed. The AP zone is compatible zoning in the Resource Production land use designation and all five parcels will be zoned appropriately upon establishment of the contract. Under Board Resolution 75-489, a parcel less than 100 acres in size can be entered in an Agriculture Preserve when 2 or more contiguous parcels total 100 acres in size. Cumulatively, the parcels meet the 100 acre minimum for the Williamson Act. Grazing livestock and utilization of good range

management will help reduce flammable vegetation, reducing the potential for wildfires and the conservation easement reduces the ability to develop the property residentially, reducing exposure of people and structures to the risk of wildland fires. The landowner has demonstrated that the agriculture operation meets the minimum income requirements for production from the land, thus qualifying the land for the Agriculture Preserve. The County Agriculture Commissioner and the Agriculture Advisory Committee support this application, recommending the Board of Supervisors establish contract 381 for 707.13 acres.

ENVIRONMENTAL REVIEW:

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

RECOMMENDATION:

Staff recommends the Planning Commission adopt resolution 2021-022 recommending the Board of Supervisors establish Agriculture Preserve Contract No. 381 for 3 Assessor Parcels totaling 707.13 acres and adopt an ordinance amending the zoning of APN: 050-033-009, 050-033-011 & 050-033-014 from General Agriculture (A1) to Agriculture Preserve (AP) for Harold V. & Geraldine A. Hatler and James W. Hatler, based the findings included therein.

ATTACHMENTS

1. Draft Resolution
2. California Land Conservation Contract Application
3. Agriculture Advisory Committee Recommendation
4. Feasibility Study

Attachment 1

Draft PC Resolution

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2021-022

>>A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS ESTABLISH AGRICULTURE PRESERVE 381 AND AMEND THE ZONING OF APN: 050-033-009, 050-033-011 & 050-033-014 FROM GENERAL AGRICULTURE (A1) TO AGRICULTURE PRESERVE (AP) FOR HAROLD V. & GERALDINE A. HATLER AND JAMES W. HATLER

WHEREAS, the Planning Department of the County of Calaveras received application 2021-014 from landowner Harold V. & Geraldine A. Hatler and James W. Hatler requesting to enter into a California Land Conservation Contract and Agriculture Preserve for 3 assessor parcels totaling 707.13 acres of land; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, more particularly described as APN: 050-033-009, 050-033-011 & 050-033-014, located in Sections 27, 33 & 34, T2N, R11E, MDM.

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

WHEREAS, during a noticed public meeting on April 21, 2021, the Agriculture Advisory Committee considered all of the information presented to it, including the application and information presented by the project proponent; and

WHEREAS, that the Agriculture Advisory Committee recommends the Board of Supervisors establish Agriculture Preserve Contract 381; and

WHEREAS, during a noticed public hearing on October 28, 2021, the Planning Commission considered all of the information presented to it, including its staff report, information presented by the project proponent, and public testimony presented in writing.

BE IT THEREFORE RESOLVED, that the Planning Commission recommends the Board of Supervisors establish Agriculture Preserve Contract 381 and adopt the Zoning Amendment as shown on Exhibit "A", based on the following findings:

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

Evidence: Article 19, Categorical Exemptions, Section 15317, Open Space Contracts or Easements, exempts from CEQA the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson

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

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

Evidence: The subject property is currently designated in the County General Plan as Resource Production. The General Plan finds the Agriculture Preserve (Williamson Act) compatible with this land use designation, recognizing the economic value agriculture has on the County of Calaveras. The purpose of the AP zone is to protect and preserve lands for intensive agriculture and ranching production. AP zoning applies to lands for which a Williamson Act contract has been executed. Cumulatively, the 707.13 acres meet the minimum 100 acre requirement to be eligible for the Agriculture Preserve under the Williamson Act. The estimated annual income from production exceeds the minimum requirement of \$2,000. The feasibility study from the Calaveras County Farm Advisor estimates the land is capable of producing an annual gross income of \$29.70 / acre, also exceeding the minimum \$2,000.00 annual income required to be in an Agriculture Preserve.

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

Evidence: The subject property is located in an area of Calaveras County commonly in agriculture production. There are thousands of acres within a 5 mile radius that are currently in an Agriculture Preserve; thus, proving the area's compatibility with the agricultural production. The proposal is found consistent with the neighboring properties and land uses.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on October 28, 2021 on a motion by Commissioner _____ and seconded by Commissioner _____ .

AYES:
NOES:
ABSTAIN:
ABSENT:

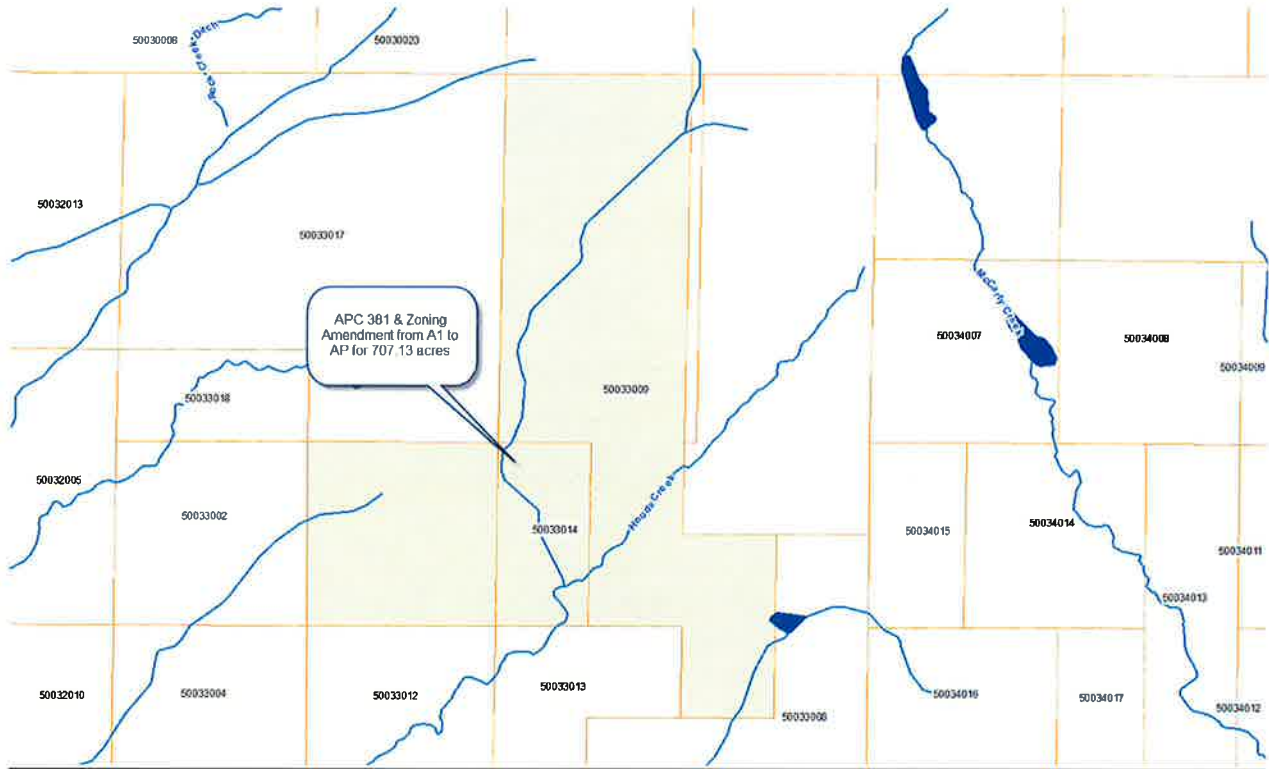
Chair, Planning Commission

ATTEST:

Gina Kathan, Planner III

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

Exhibit "A"
Agriculture Preserve Contract 381 and
Zoning Amendment
From General Agriculture (A1) to Agriculture Preserve (AP)
Totaling 707.13 acres
For Harold V. & Geraldine A. Hatler, Etal



Attachment 2

California Land Conservation Contract Application

**APPLICATION FOR A CALIFORNIA LAND CONSERVATION
CONTRACT/AGRICULTURAL PRESERVE**

PLNG 2021-06014

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

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

James Hazler
Harold HATLER
Geraldine Hazler

Item 2. Attach title report.

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

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

Assessor's Parcel No.	Acres	Agricultural Uses		Compatible Uses		Zoning
		Description	Acres	Description	Acres	
050-033-009	475.71	Dry Pasture	475.71	None		AI
050-033-011	155.71	Dry Pasture	155.71	None		AI
050-033-014	75.71	Dry Pasture	75.71	None		AI
Total acreage	707.13					

Attach additional sheet if needed.

Are there uses on the property, which are not listed on either agricultural or compatible use lists?
 If so, explain. None

Item 5. Agricultural production from land – last 4 years (average).

A. Crops: Include trees, field or vegetable, irrigated pasture and range.

Kind	Acres	Average Yield/Acre	Total Gross Income/year	Year planted

B. Livestock

Kind	Number	Total gross income/year
Beef cattle	85	\$10,200.00

C. Crops with nonbearing period of more than one year:
 Attach an Agricultural Production Plan and Feasibility report. (see Item 10)

Item 6. Total average annual gross income from agricultural production on this property \$10,200.00

Total average annual gross income from non-agricultural production on this property None

Grand total average annual gross income from this property \$10,200.00

Item 7. Leases or Rentals

A. Portion of subject property, which is owner-operated 0 acres.

B. Portion(s) leased or rented to others 707.13 acres

1. <u>Name and address of lessee(s)</u>	<u>Use</u>	<u>Acres</u>	<u>Rent/income/yr</u>
Rex Whittle P.O. Box 38 Altaville, Ca 95221		707.13	707.13 \$10,200.00

C. Portion(s) share-cropped to others **None**

2. Name a Address of Lessee(s) Use Acre % crop

Item 8. List structures on property (dwellings, barns, shop, etc.)

None

List other improvements (corrals, fences, wells, etc.)

None

Item 9. What future developments do you have planned for this agricultural land?

Describe briefly: **None**

Item 10. It shall be the responsibility of the applicant to obtain a report as to the feasibility of the proposed agricultural endeavor from the Farm Advisor at 209-223-6834.

Name: Lisa Curtoni

Mailing Address: 13013 Milton Rd

City: Farmington

-State: California Zip: 95230-9651

Telephone: 209-470-6616

Physical Property Address: 13013 Milton Rd

City: Milton

State: California

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



Signature of person who prepared application

Additional persons to be notified concerning action on this request:

Name: Harold & Geraldine Hatler

James Hatler

Address: 13001 Plaza Street

City: Farmington Zip 95230 9672

Telephone: 209-768-4673

A non-refundable filing fee is required upon submission of this application! Checks should be made payable to Dept. of Agriculture.

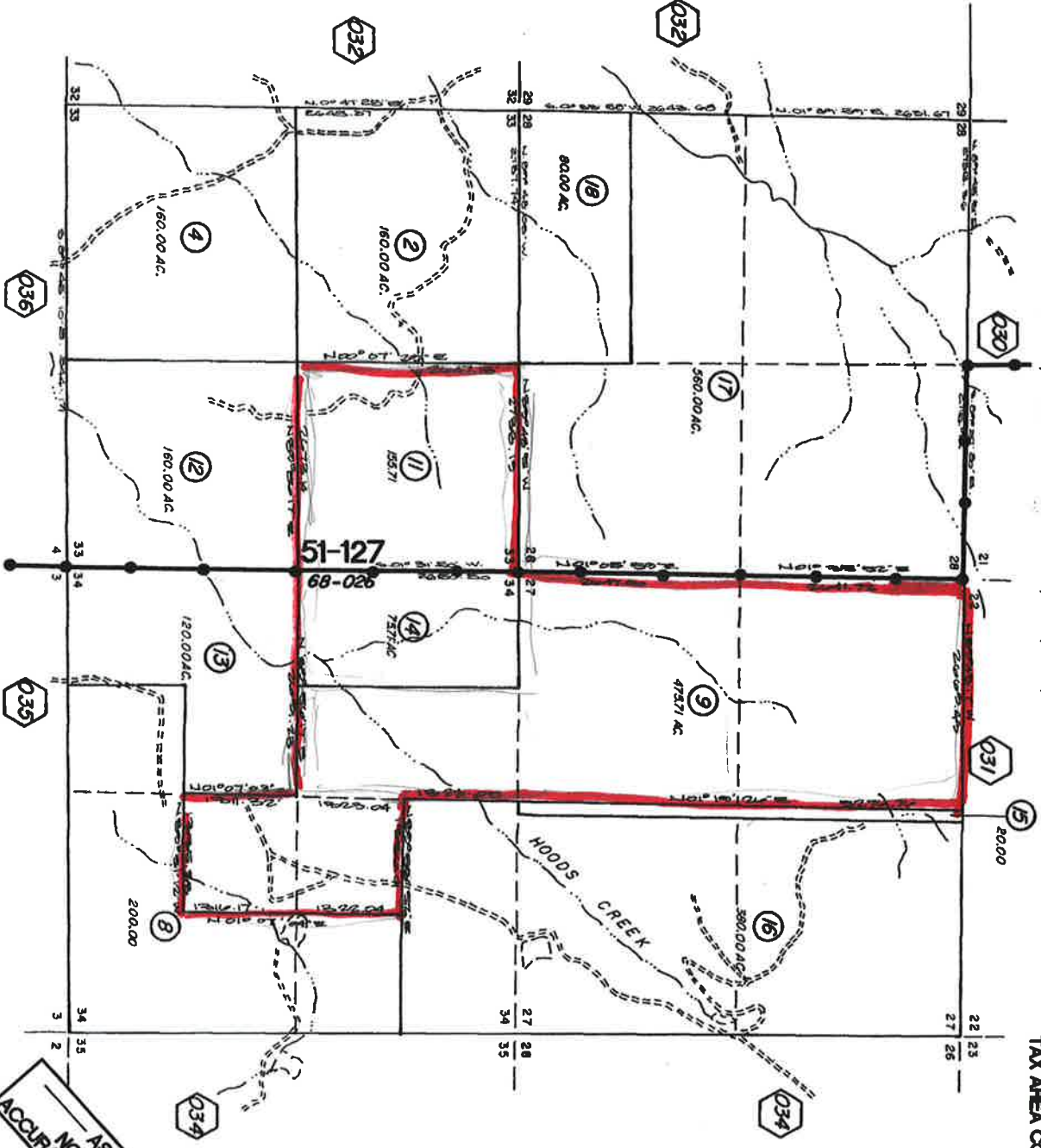
County Use Only:

Are the following items present?

- | | |
|---|---|
| <input type="checkbox"/> All signatures are correct/complete | <input type="checkbox"/> Parcel numbers and acres are verified |
| <input type="checkbox"/> Maps and legal descriptions verified | <input type="checkbox"/> Lot Book Guarantee received |
| <input type="checkbox"/> Filing fee received | <input type="checkbox"/> Approved documents recorded/Feasibility Report |
| <input type="checkbox"/> Feasibility Report | <input type="checkbox"/> Property owners list |

T.2N., R.1E. SECS. 27, 28, 33, 34

TAX AREA CODE 51-127, 68-026



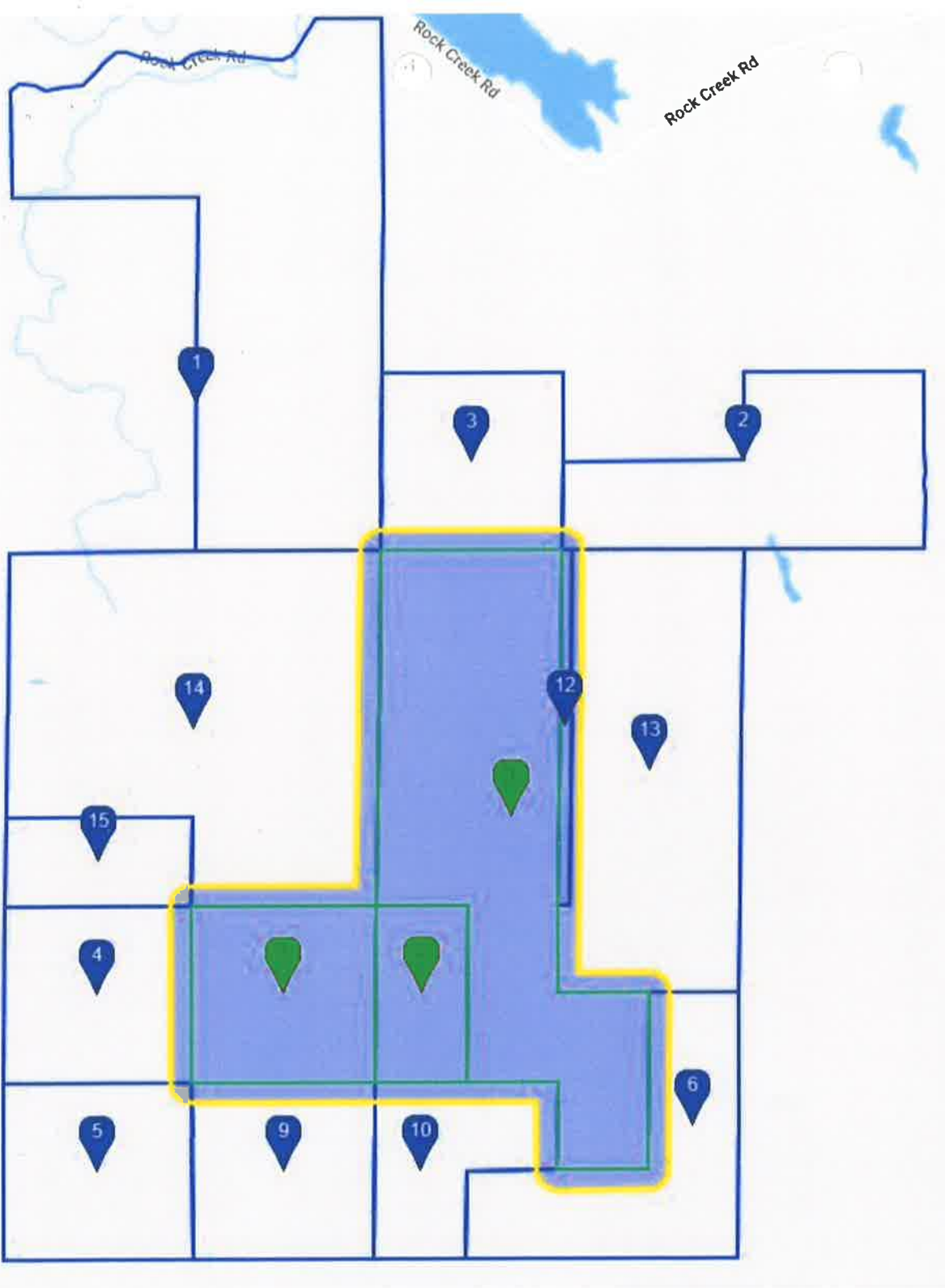
1" = 1400'

ASSESSMENT PURPOSES ONLY
 NO LIABILITY IS ASSUMED FOR THE
 ACCURACY OF THE DATA DELINEATED HEREON

CALAVERAS COUNTY
 ASSESSOR'S MAPS
 BOOK 50 PAGE 033

R.O.S. 14-42, 18-47

REV. 9 07/08/2000



The subject properties are indicated with the green numbers. The results of the parcels that fall within the 300' buffer are indicated with blue numbers. The numbers on each parcel correlates to the name and addresses listed below:

SUBJECT PARCELS (GREEN)

Attachment 3

Agriculture Advisory Committee Recommendation

CALIFORNIA LAND CONSERVATION CONTRACT 381
AGRICULTURAL ADVISORY COMMITTEE REPORT

PROPERTY OWNER: Hatler

DATE: April 21, 2021

MEMBERS PRESENT:

- Doug Joses
- Mindy Rasmussen, Chair
- John Robie
- Libby Rader-Kassik
- Stuart Mast

MEMBERS ABSENT:

AGRICULTURAL ADVISORY COMMITTEE RECOMMENDATION:

On a motion by Stuart Mast, seconded by Doug Joses, to recommend the Board of Supervisors approve a Resolution to Establish APC 381 for a total of 707.13 acres; and approve an Ordinance amending the zoning of APN: 050-033-009, 011 & 014 from General Agriculture (A1) to Agriculture Preserve (AP)

The Motion was approved on a vote of 4 in favor (Joses, Rader-Kassik, Rasmussen, Mast) 0 opposed, 1 abstain (Robie)

_____ MRasmussen
AG ADVISORY COMMITTEE CHAIR

Attachment 4

Feasibility Study

February 9, 2021

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

Subject: Williamson Act

Lisa Curtoni has contacted my office regarding the feasibility of placing 3 (three) contiguous parcels for a total of 707 acres into a Williamson Act Contract. The 3 parcels are identified as APN 050033009, 050033011, and 050033014.

The parcels also known as the Harold & Geraldine Hatler & James Hatler Ranch is located west of Copperopolis between Hwy 4 and Rock Creek Road. The property involved is a mix of annual rangeland, oak woodland and some chaparral. The predominant soils in the region are Bonanza, Jasperpeak, Loafercreek, and Pardee Series. The Bonanza, Jasperpeak and Loafercreek Series consists of shallow to moderately deep, well drained soils derived from metavolcanic rocks. The Pardee Series is a shallow, well-drained soil formed in mixed alluvium. These soils are on terrace remnants and eroded fan remnants on hills. All these soils are generally used for annual grass production and livestock grazing.

In talking with Lisa Curtoni, the property is used for cattle grazing. Many years of research data is utilized in determining carrying capacity and all data in this report is based on University of California's publication #8018 and #8092. No overall improvement through seeding or fertilization is apparent on the property. The forage production is estimated to be 2,000 pounds per acre.

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

Formula for determining potential income per acre:

1. 75% of forage is available for livestock use.
2. 1,000 lbs. of forage will carry one animal unit for one month (AUM).
3. Proper management dictates that 600 lbs. of residual dry matter (RDM) must be left per acre each year.
4. 1,000 pound cow = 1 Animal Unit
5. Average daily gain is one pound per animal.
6. Current market price is established by the USDA Agricultural Market Service at \$110.00/CWT for cattle (all beef)

Formula

The management unit's average forage production is 2,000 lbs./acre (with 1,500 lbs./acre available to livestock) and RDM needs to be 600 lbs./acre.

$$\frac{1,500 \text{ lbs./acre} - 600 \text{ lbs. RDM/acre}}{1,000 \text{ lbs./AUM}} = 0.9 \text{ AUM/acre}$$

$$1,000 \text{ lbs./AUM} = 0.9 \text{ AUM/acre}$$

$$30 \text{ lbs. Gain/AUM} \times 0.9 \text{ AUM's/acre} \times \$1.10/\text{lb.} = \$29.70 \text{ (annual gross income per acre)}$$

\$2,000 minimum annual income standard

$$\$29.70 \text{ (annual gross income/acre)} = 67 \text{ acre minimum}$$

RESOURCES:

<https://anrcatalog.ucanr.edu/pdf/8092.pdf>

<https://anrcatalog.ucanr.edu/pdf/8018.pdf>

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

Sincerely,



Scott Oneto
Farm Advisor