

Agenda of: October 27, 2005
Item No.: 7.a.
Staff: Lillian MacLeod

STAFF REPORT – Williamson Act Contract/Rezone

FILE NUMBER: WAC02-0010/Z02-0013

APPLICANT: Fairplay Farms LLC

AGENT: Dieter Jurgens/Michele Wilms

REQUEST: Williamson Act Contract placing 70.5 acres into a new agricultural preserve, and rezone of the same property from Residential Agricultural Forty-acre (RA-40) to Exclusive Agricultural (AE).

LOCATION: On the south side of Fairplay Road, approximately 2 miles east of the intersection with Mt. Aukum Road in the Fairplay area. (Exhibit A)

APN: 094-010-74

ACREAGE: 70.5 acres

GENERAL PLAN: Agricultural Lands - Agriculture District overlay (AL-A) (Exhibit B)

ZONING: Residential Agriculture Forty-acre (RA-40) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration prepared.

SUMMARY RECOMMENDATION: Conditional approval

STAFF ANALYSIS

Project Description:

The project parcel consists of 70.5 acres, of which 41 acres are conducive to wine grape growing. Presently, 18 acres have been planted with wine grapes, with the possibility of an additional 23 acres of planting in the future. The applicants have constructed a 2,400 square foot barn to serve as a workshop/ equipment storage building. Projected plans call for a single-family residence and winery facility. Irrigation is presently being handled by a 35 gallon per minute (gpm) well, along with three water storage tanks with a total capacity of 18,000 gallons.

Site Description:

The project site is accessed off Fairplay Road, a County-maintained road. Access to the parcel is across the strip of land that was included in a boundary line adjustment with the adjacent parcel to the west (BLA01-0066). This access strip fronts Fairplay Road for approximately 619 feet before terminating at a large, graveled staging area. Three water tanks lie at the edge of this area adjacent to the existing grapevines. The parcel gradually slopes upward to the east and south, becoming elevated above Fairplay Road to a height of approximately 8 to 10 feet. Grapevines have been planted in this terrain. Deer-fencing surrounds the existing grapevine plantings. Further south, beyond the vines and fencing, the parcel slopes moderately to steeply upward and is covered in dense, oak woodland/mixed conifer vegetation.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RA-40	AL-A	Vineyard, barn
North	PA-20, SA-10, RE-10	AL-A	Residential
South	RE-10	AL-A	Residential, Vineyard
East	PA-20	AL-A	Residential, Vineyard, Winery
West	PA-40, RA-40	AL-A	Vineyard, Wine caves

General Plan: The General Plan designates the subject site as Agricultural Lands – Agriculture District overlay (AL-A). Under Policy 8.1.1.8, this designation applies to land of sufficient size to sustain agricultural use, with one of the following characteristics: that it contain the soil characteristics of choice agricultural land, or that it be under cultivation for commercial crop production. In the case of the project parcel, both criteria are met. A third criterion, that the parcel is in a Williamson Act Contract, will be satisfied with approval of the subject application. Further, the property must either be in the County’s Rural Region or be determined by the Agricultural Commission to be well suited for agricultural production. Again, the project parcel meets both criteria.

Under Policy 2.2.2.2, the Agricultural District overlay (-A) identifies those areas within the County containing choice agricultural soils in order to preserve those lands for agricultural uses. Ranch marketing is encouraged while incompatible uses, such as high density residential development, are discouraged.

Policy 8.1.1.6 states that pursuant to the California Land Conservation Act, parcels under a Williamson Act contract shall be zoned Exclusive Agriculture (AE).

Conclusion: The project parcel has the Agricultural District overlay designation (-A) added to its land use designation of Agricultural Lands (AL) and meets all criteria applicable to these designations. Both designations support the Exclusive Agriculture (AE) Zone District that is applied

to parcels that are subject to the Land Conservation Act of 1965, or the Williamson Act. Staff finds that the project, as proposed/conditioned, conforms to the General Plan.

Zoning: Agricultural preserves are established through the execution of a Williamson Act Contract between the County and the landowner and includes the rezoning of the land to Exclusive Agriculture (AE), unless the property is already zoned AE. The purpose of the AE Zone is to implement the Land Conservation Act of 1965 and to encourage the sustainable use of farmland in the County for agricultural production.

The County's criteria and procedures for qualifying for a Williamson Act Contract are contained in Board of Supervisors' Resolution No. 188-2002. There are three criteria identified in this Resolution that are required for the establishment of an agricultural preserve. As they pertain to this application they are:

1. Minimum acreage:
 - A. For high intensive farming operations:
 - i. An agricultural preserve shall consist of a minimum of twenty (20) contiguous acres.
2. Capital outlay:
 - A. Methods for determining a value of capital outlay shall be determined by the Agricultural Commission.
 - B. For high intensive farming operations:
 - i. There shall be a minimum capital outlay of \$45,000 excluding applicant's residence and original cost of the land.
3. Income:
 - A. Methods for determining a value income shall be determined by the Agricultural Commission.
 - B. For high intensive farming operations:
 - i. The property shall produce a minimum annual gross income of \$13,500 for high intensive farming operations, including but not limited to orchards, vineyards, and row crops.
 - ii. For permanent, non-producing agriculture crops, such as orchards and vineyards, the plants shall be planted and properly cared and maintained (as determined by the Agricultural Commission) to produce a commercial crop within three (3) years and be capable of producing a minimum annual gross income of \$13,500 within five (5) years of planting.

Conclusion:

The Agricultural Commission has reviewed this application and stated that the property meets all the necessary criteria:

1. The 20-acre minimum has been met, as the property consists of 70.5 acres;
2. Capital outlay has been achieved over time with the on-site agricultural improvements of well and irrigation system, roads, trellises, vines and planting totaling \$250,468; and

3. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from the existing 18 acres of grapes equaling \$62,692.

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

ENVIRONMENTAL REVIEW

Rezoning the property to Exclusive Agriculture allows winery uses by right that could create significant or potentially significant impacts upon the environment. Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the rezone will have a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

RECOMMENDATION

Staff recommends that the Planning Commission forward the following recommendations to the Board of Supervisors:

1. Certify the project, WAC02-0010, is Categorical Exempt from CEQA pursuant to §15317 of the CEQA Guidelines, and establish an agricultural preserve for Assessor's Parcel Number 094-010-74;
2. Adopt the Negative Declaration for Z02-0013 based on the Initial Study prepared by staff; and
3. Approve the request to rezone Assessor's Parcel Number: 094-010-74 from Residential-Agricultural Forty-acre (RA-40) to Exclusive Agriculture (AE) based on the findings prepared by staff.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Findings WAC02-0010
Attachment 2	Findings Z02-0013
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	WAC02-0010 Application
Exhibit E	Assessor's Parcel Map
Exhibit F	Environmental Checklist for Z02-0013

ATTACHMENT 1

FINDINGS

FILE NUMBER WAC02-0010

1. The project has been found to be Categoricaly Exempt from CEQA pursuant to Section 15317 stating that *Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act.*
2. The proposed use is consistent with the policies in the El Dorado County General Plan as discussed in the General Plan section of this staff report.
3. The property satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:
 - a. The 20-acre minimum has been met, as the property consists of 70.5 acres.
 - b. Capital outlay has been achieved over time with the on-site agricultural improvements of well and irrigation system, roads, trellises, vines, and plantings totaling \$250,468.
 - c. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from the existing 18 acres of grapes equaling \$62,692.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER Z 02-0013

1. The proposed project will not have a significant effect on the environment, based on the analysis contained in the Initial Study, and a Negative Declaration has been filed. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable).
2. The proposed use is consistent with the policies in the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report.
3. The property satisfies the County's three criteria, as contained in Resolution No. 188-2002 for the establishment of an Agricultural Preserve. Therefore, establishment of the Exclusive Agriculture Zone District is appropriate.