

**ELDORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: June 22, 2006
Item No.: 9.a.
Staff: Jason R. Hade

STAFF REPORT – WILLIAMSON ACT CONTRACT

FILE NUMBER: WAC05-0003 and WAC05-0004

APPLICANT: Carolyn Stromberg & Malcolm and Gloria Carpenter

AGENT: Bill Snodgrass

REQUEST: Request to divide existing Agricultural Preserve 246 into two new agricultural preserves, one consisting of Assessor's Parcel Number 041-910-12/20.04 acres (Carpenter), and the other consisting of Assessor's Parcel Numbers 041-910-13 and -14/40.01 acres (Stromberg). The subject properties are located on the southeast side of Happy Valley Road, eight miles east of the intersection with Mt. Aukum Road, in the Somerset area.

LOCATION: Southeast side of Happy Valley Road, eight miles east of the intersection with Mt. Aukum Road, in the Somerset area (Exhibit A)

APN: 041-910-12; 13; and 14 (Exhibit D)

ACREAGE: 40.01 acres (APN 041-910-13 and 14) & 20.04 acres (APN 041-910-12)

GENERAL PLAN: Rural Residential – Platted Lands (RR-PL) (Exhibit B)

ZONING: Exclusive Agricultural (AE) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt from CEQA pursuant to Section 15317 of the CEQA Guidelines

SUMMARY RECOMMENDATION: Recommend approval

BACKGROUND: The subject parcels entered into a Williamson Act Contract (Agricultural Preserve No. 246) in 1988. According to the project agent, the current request for separate Williamson Act Contracts is being submitted for estate planning purposes.

STAFF ANALYSIS

Project Description: The submitted request consists of the creation of one new agricultural preserve covering Assessor’s Parcel Number 041-910-12 owned by Malcolm and Gloria Carpenter, currently part of Agricultural Preserve No. 246 and the creation of another new agricultural preserve covering Assessor’s Parcel Numbers 041-910-13 and 041-910-14 owned by Carolyn Stromberg, also currently part of Agricultural Preserve No. 246.

Site Description: Assessor’s Parcel Numbers 041-910-13 and 14 (WAC05-0003) contains 4.6 acres of grapes that are properly maintained to produce a commercial crop. The vineyard is fenced, drip irrigated, and trellised. Assessor’s Parcel Number 041-910-12 (WAC05-0004) also contains 4.6 acres of grapes that are properly maintained to produce a commercial crop. The vineyard is fenced, drip irrigated, and trellised. Existing improvements to the Stromberg property include a 1,888 square foot single-family home, barn, and shed while the Carpenter property does not include any existing structures. The subject site also contains a seasonal creek and pond. Site access is provided by Happy Valley and Hawkeye roads.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	AE	RR-PL	Vineyards/Single-Family Residence
North	RA-20/ RA-80	RR/NR	Undeveloped
South	RA-20	RR	Undeveloped
East	RA-20	RR	Undeveloped
West	RA-20	NR	Single-Family Residence

General Plan: The General Plan designates the subject site as Rural Residential with the Platted Lands (RR-PL) overlay designation. This designation establishes areas for residential and agricultural development. Policy 2.2.1.2 states that such uses are permitted. Additionally, the following General Plan policies also apply to this project:

Policy 2.2.2.3: The existence of the –PL overlay cannot be used as a criteria or precedent to expand or establish new incompatible uses.

Discussion: The request is consistent with the Platted Lands overlay designation and will maintain an agricultural use compatible with the surrounding land uses.

Policy 8.1.1.4: The procedures set forth in The Procedures for Evaluating the Suitability of Land for Agriculture shall be used for evaluating the suitability of agricultural lands in Agricultural Districts and Williamson Act Contract lands (agricultural preserves). The procedures shall be developed, reviewed, and revised, as appropriate, by the Agricultural Commission, and approved by the Board of Supervisors.

Discussion: As discussed in further detail below, the Agricultural Commission utilized such procedures outlined in the General Plan and determined that all requirements for Williamson Act Contracts were met.

Conclusion: As discussed above, staff finds that the proposed project 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 include the rezoning of the land to Exclusive Agricultural (AE), unless the property is already zoned AE, such as the subject site. 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 the 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:
 1. 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:
 1. 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:
 1. 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.
 2. 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 reviewed this application at a regularly scheduled meeting held on April 12, 2006, and recommended approval of the request to amend existing Agricultural Preserve No. 246 and establish two separate Williamson Act Contracts, one under Carolyn Stromberg (WAC05-0003) for Assessor's Parcel Number 041-910-13 and 14 and the other under Malcolm Carpenter (WAC05-0004) for Assessor's Parcel Number 041-910-12, as each separate request meets all the criteria independently. Further details regarding the Agricultural Commission's findings are discussed below and in Exhibit F.

1. The 20-acre minimum has been met as the subject sites consist of 40.012 acres and 20.038 acres respectively.
2. The applicant for WAC05-0003 has spent \$47,966 on agricultural improvements while the applicant for WAC05-0004 has spent \$50,111 on agricultural improvements.
3. Income from the 4.6 acres of grapes on Assessor's Parcel Number 041-910-13 and 14 is \$15,999 while the income from the 4.6 acres of grapes on Assessor's Parcel Number 041-910-12 is \$16,776.

Agency and Public Comments: The following agencies provided comments on this application:

Agriculture Department: The Agriculture Department reviewed the requests and forwarded a recommendation for approval to the Agricultural Commission which voted to uphold the staff recommendation on April 12, 2006.

Assessor's Office: The Assessor's Office reviewed the proposal on February 22, 2006, and did not recommend approval based on information from an appraiser and discussions with the Agricultural Commissioner. However, the Assessor's Office revisited its original recommendation for disapproval in a memo dated May 12, 2006 (Exhibit G), and it now is in agreement with the Agriculture Department findings that this proposal meets the requirements criteria for the proposed Williamson Act Contracts.

Carolyn Stromberg and Malcolm Carpenter: Each applicant submitted a letter in support of the other's application as the applicants are partners in the grape growing industry according to the project agent.

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

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines stating that “the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area” are exempt from further environmental review. Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

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

1. Approve Williamson Act Contract WAC05-0003 to include Assessor’s Parcel Numbers 041-910-13 and 041-910-14 and Williamson Act Contract WAC05-0004 to include Assessor’s Parcel Number 041-910-12.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Findings
Exhibit A.....	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D.....	Assessor’s Parcel Map
Exhibit E	WAC05-0003/WAC05-0004 Applications
Exhibit F	Agricultural Commission Memorandum April 21, 2006
Exhibit G.....	Assessor’s Office Memorandum May 12, 2006

ATTACHMENT 1 FINDINGS

FILE NUMBER WAC05-0003 and WAC05-0004

1. The proposed Williamson Act Contracts are consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report.
2. The properties satisfy 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 subject sites consist of 40.012 acres and 20.038 acres respectively;
 - b. The applicant for Williamson Act Contract WAC05-0003 has spent \$47,966 on agricultural improvements while the applicant for Williamson Act Contract WAC05-0004 has spent \$50,111 on agricultural improvements.
 - c. Income from the 4.6 acres of grapes on Assessor's Parcel Numbers 041-910-13 and 14 is \$15,999 while the income from the 4.6 acres of grapes on Assessor's Parcel Numbers 041-910-12 is \$16,776.
3. The project is Categorical Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines stating that "the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area" are exempt from further environmental review.