

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: October 26, 2006
Item No.: 7.b.
Staff: Aaron Mount

WILLIAMSON ACT CONTRACT/REZONE

FILE NUMBER: WAC06-0008/Z06-0036

APPLICANT: Frank Gregory and Susan L. Boeger

REQUEST: Williamson Act Contract placing the subject 10 acre parcel into a new agricultural preserve and rezoning from Select Agricultural Ten-acre (SA-10) to Exclusive Agricultural (AE).

LOCATION: On the north side of Cleese Road, approximately 1,300 feet east of the intersection with North Canyon Road, in the Camino area (Exhibit A).

APN: 085-540-55

ACREAGE: 10 acres

GENERAL PLAN: Agricultural Lands – Agricultural District (Exhibit B)

ZONING: Select Agricultural (SA-10) (Exhibit C)

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

SUMMARY RECOMMENDATION: Recommend Approval

STAFF ANALYSIS

Project Description: The applicants are requesting to enter a ten acre parcel into a Williamson Act Contract and a rezone from Select Agricultural (SA-10) to Exclusive Agricultural (AE). No winery is proposed as the subject parcel is a vineyard associated with an established winery, located at 1709 Carson Road in Placerville Periphery area, which is in the vicinity of the subject parcel. The parcel containing the winery is currently in Agricultural Preserve No. 174.

Site Description: The subject parcel, Assessor’s Parcel Number 085-540-55, consists of ten acres and is at an average elevation of 2,600 feet above mean sea level. The parcel is on a southeast facing slope of the western slope of El Dorado County. Agricultural improvements include 5.45 acres of planted wine grapes in a vineyard that is fenced, drip irrigated, and staked. Structural improvements include a 1,290 square foot barn with power and water. The parcel is accessed by Cleese Road which encroaches onto North Canyon Road which is a county maintained road. Soil types include Musick, sandy loam 15 to 30 percent slopes (MrC), a soil of local importance, and Argonaut loam, seeped variant (AoB).

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	SA-10	AL-A	Vineyard, Agricultural Structure
North	SA-10	AL-A	Residential, Agricultural
South	SA-10/AE	AL-A	Residential
East	SA-10	AL-A	Undeveloped
West	SA-10	AL-A	Agricultural

Discussion: The subject parcel is located in the Camino-Fruitage Agricultural District and the El Dorado American Viticulture Area.

General Plan: The General Plan designates the subject site as Agricultural Lands with the Agricultural District (AL-A) overlay designation. This designation establishes areas for agricultural and residential development pursuant to Policies 2.2.1.2, 2.2.2.2, and 8.1.1.8. Additionally, the following General Plan policies also apply to this project.

Policy 8.1.1.6: Parcels encumbered by a Williamson Act Contract, pursuant to the California Land Conservation Act, shall be zoned Exclusive Agriculture (AE).

Discussion: Under Table 2-4, the Agricultural Lands (AL) designation supports the Exclusive Agriculture (AE) Zone District that is applied to parcels subject to the Land Conservation Act of 1965, or the Williamson Act. The property meets the criteria of having choice soils as determined by the El Dorado County Agricultural Commission and is listed as Unique Farmland by the State Farmland Mapping and Monitoring Program. Approving the Williamson Act Contract request would help to preserve the parcel for agricultural use. The AL designation permits a rezone to AE as it supports the agricultural uses of this zone.

Policy 8.1.3.2: Agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of agriculturally zoned lands.

Discussion: The subject parcel and adjacent parcels are within the SA-10 Zone District. The SA-10 Zone District is an agricultural zoning district; consequently the subject and adjacent parcels are

currently required to provide a 200 foot setback to develop incompatible uses. No new agricultural setbacks will be established due to the requested rezone.

Conclusion: As discussed, staff finds that the proposed rezone conforms to the General Plan land use designation in that the AE Zone District is compatible with the designation under Table 2-4, and the vineyard has been developed in a manner that manages and protects the existing natural resources; and impacts on the adjacent land from the resultant or potential uses, as addressed in the above discussions, will create no impact.

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 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. Existing parcels between ten and twenty acres may be considered upon satisfaction of additional criteria.
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 September 13, 2006, and recommended approval of the of the Boeger's request to place the subject parcels into a Williamson Act Contract as it meets all criteria.

1. The 10 acre parcel meets all additional criteria as required by Resolution No. 188-2002 for minimum parcel size.
2. Capital outlay has been achieved with the on-site agricultural improvements of clearing, irrigation, trellises, vines, and planting totaling \$89,000.
3. The land has been determined to be properly planted, cared for and maintained, and is capable of making a profit through viticulture, with projected income from the existing 5.45 acres of grapes equaling \$2,400 in 2007. It is expected that a profit of \$16,800 is expected to be achieved in 2009.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines which states, "Class 17 consists of 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. The requested rezone to AE has the same by right winery and ranch marketing uses as the existing SA-10 Zone District. Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15317 of the CEQA Guidelines;
2. Approve WAC06-0008 to establish an agricultural preserve of 10 acres for Assessor's Parcel Number 085-540-55 based on the findings listed on Attachment 1; and
2. Approve Z06-0036 rezoning Assessor's Parcel Number 085-540-55 from Select Agricultural (SA-10) to Exclusive Agricultural (AE).

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	Soils Map
Exhibit E	Agricultural District Map

ATTACHMENT 1 FINDINGS

WAC06-0008/Z06-0036

Findings

1.0 CEQA Findings

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines which states, "Class 17 consists of 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.

2.0 General Plan Findings

- 2.1 The proposed Williamson Act Contract is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report.

3.0 Zoning Findings

- 3.1 The subject parcels meet the design standards pursuant to 17.36.090.D of the County Code.

4.0 Administrative Findings

- 4.1 The subject parcels satisfy the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:
 1. The 10 acre parcel meets all additional criteria as required by Resolution No. 188-2002 for minimum parcel size.
 2. Capital outlay has been achieved with the on-site agricultural improvements of clearing, irrigation, trellises, vines, and planting totaling \$89,000.
 3. The land has been determined to be properly planted, cared for and maintained, and is capable of making a profit through viticulture, with projected income from the existing 5.45 acres of grapes equaling \$2,400 in 2007. It is expected that a profit of \$16,800 is expected to be achieved in 2009.