

**EL DORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Item No.:** 8.a.  
**Staff:** Michael Baron  
**Agenda of:** December 14, 2006

**WILLIAMSON ACT CONTRACT/REZONE**

**FILE NUMBER:** WAC06-0007/Z06-0032

**APPLICANT:** Robert Margot and Steven Scharpf

**REQUEST:** Williamson Act Contract placing 25 acres into a new agricultural preserve and rezone property from Estate Residential Five-acre (RE-5) to Agriculture Preserve (AP).

**LOCATION:** On the west side of Mosquito Road, 1.75 miles north of the intersection with Union Ridge Road, in the Camino area. (Exhibit A)

**APN:** 084-200-13 and -17, and 084-220-13

**ACREAGE:** 25 acres

**GENERAL PLAN:** Rural Residential - Agriculture District overlay (RR-A) & Rural Residential (RR) for parcel 084-200-17 (Exhibit B)

**ZONING:** Estate Residential Five-acre (RE-5) (Exhibit C)

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

**SUMMARY RECOMMENDATION:** Recommend approval

**STAFF ANALYSIS**

**Project Description:**

The project parcel consists of 25 acres, of which presently, 5.5 acres have been planted with wine grapes and 0.25 acre planted with 60 olive trees. The applicants have a barn to serve as a

workshop/equipment storage building. Projected plans call for an additional 0.75 acre of olive trees and possibly one to two additional acres of grapes.

**Site Description:**

The project site is accessed off of Mosquito Road which is a County-maintained road. The access and onsite circulation consists of gravel roads. The topography of the parcel is characterized by gently rolling hills.

Most of the sloped areas are covered by the existing vineyard, and the entire project area is surrounded by fence. A single-family residence, guest house, and agricultural barn currently exist on the property.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-5	RR-A/RR	Improved Residence/Vineyard
<b>North</b>	RE-5	RR	Improved Residential/Vineyard
<b>South</b>	RE-10/RE-5	RR-A/RR	Improved Residential
<b>East</b>	RE-10/RE-5	RR-A/RR	Improved Residential
<b>West</b>	RE-10/RE-5	RR-A/RR	Improved Residential/Vacant

**General Plan:** The General Plan designates the subject site as Rural Residential-Agricultural District (RR-A) and Rural Residential (RR). General Plan Policy 2.2.1.2 states that the Rural Residential land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities.

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 requested zoning of Agricultural Preserve (AP) is similar in intent to the AE Zone District except for wineries and certain ranch marketing activities are only allowed by special use permit as opposed to by right in the AE Zone District. No winery or ranch marketing activities are proposed. Two of the three project parcels have the Agricultural District overlay designation (-A) added to their land use designation of Rural Residential (RR), and all three parcels meet the criteria applicable to these designations. Both designations support the Agricultural Preserve (AP) Zone District that is applied to parcels subject to the Land Conservation Act of 1965, or the Williamson Act. Staff finds that the project, as proposed, conforms to the General Plan.

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:** Subsequent to the subject parcels rezone to Agriculture Preserve, all new development of agriculturally incompatible uses on adjacent parcels will require a setback of 200 feet, although administrative relief is available through the Agricultural Commission. At the time of the preparation of this report, staff had received comments from the public with concerns regarding this 200-foot building setback. A total of eleven surrounding parcels would be subject to a 200-foot setback. However, only one 26.9 acre parcel to the southwest is undeveloped and a 200-foot setback would not create an un-developable parcel.

**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 Agriculture Preserve (AP). The purpose of the AP Zone District is to implement the Land Conservation Act of 1965, and to encourage the sustainable use of farmland in the County for agricultural production.

The parcel sizes are consistent with the development standards of 17.36.090.D. Under Ordinance 17.36.070, one single family dwelling is allowed in each AP preserve. In this case, the one existing dwelling unit for the 25 acre project is in compliance with the density requirement of one dwelling unit per preserve.

### **Williamson Act Criteria:**

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.

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 25 acres.
2. Capital outlay has been achieved over time with the on-site agricultural improvements of, barns, agricultural equipment, fencing and grape vines, \$110,000.
3. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from the existing 5.5 acres of grapes equaling \$18,000.

### **ENVIRONMENTAL REVIEW**

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. The requested rezone to AP only allows wineries, special events, and other quasi-commercial activities by special use permit which would require further discretionary and CEQA review. Pursuant to Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

### **RECOMMENDATION**

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

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15317 of the CEQA Guidelines;
2. Approve Z06-0032 rezoning Assessor's Parcel Numbers 084-200-13, -17, and 084-220-13 from Estate Residential Five-acre (RE-5) to Agriculture Preserve; and
3. Approve WAC06-0007 to include Assessor's Parcel Numbers 084-200-13, -17 and 084-220-13.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....Findings WAC 06-0007/Z06-0032  
Exhibit A .....Vicinity Map  
Exhibit B .....General Plan Land Use Map  
Exhibit C .....Agricultural District  
Exhibit D .....Zoning Map  
Exhibit E .....WAC 06-0007 Application  
Exhibit F .....Assessor's Parcel Map

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# **ATTACHMENT 1** **FINDINGS**

## **FILE NUMBER WAC05-0007/Z06-0032**

### **1.0 CEQA Findings**

- 1.1 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.

### **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 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 25 acres.
  - b. Capital outlay has been achieved over time with the on-site agricultural improvements of barns agricultural equipment, fencing and grape vines totaling \$110,000.
  - c. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from the existing 5.5 acres of grapes equaling \$18,000.