

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: December 13, 2007
Item No.: 4.d.
Staff: Jason R. Hade

WILLIAMSON ACT CONTRACTS

FILE NUMBER: WAC06-0010 and WAC06-0011

APPLICANT: Terry & Ellen Stigall

REQUEST: Application to divide existing Agricultural Preserve #133 into two separate agricultural preserves totaling 160 acres

LOCATION: On the north side of Thompson Hill Road, at the intersection with Big Sky Ranch Road, in the Lotus area, Supervisorial District IV. (Exhibit A)

APN: WAC06-0010: 089-010-29
WAC06-0011: 089-010-02 & 089-010-27 (Exhibit B)

ACREAGE: WAC06-0010: 60 acres
WAC06-0011: 100 acres

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

ZONING: Exclusive Agriculture (AE) (Exhibit D)

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

SUMMARY RECOMMENDATION: Recommend approval

STAFF ANALYSIS

Project Description

The proposed project would create two separate Williamson Act Contracts from existing agricultural preserve number 133 totaling 160 acres. The new contracts would be 60 and 100 acres respectively.

Site Description

Project site access is provided by Big Sky Ranch Road which is not a County-maintained road. Access and on-site circulation consists of gravel and some paved driveways. The topography of the parcel is characterized by gently rolling hills. Site improvements include perimeter fencing, two single-family homes and a barn with a small living or office area.

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
Site	AE	AL-A	Agricultural/Single Family Residences
North	RE-10 & RA-20	AL-A	Rural Residential/ Single Family Residences
South	AE & RE-5	AL & LDR	Rural Residential/ Single Family Residences
East	AE	AL-A	Rural Residential/ Single Family Residences
West	AE & RE-10	AL-A	Rural Residential/ Undeveloped

General Plan

The General Plan designates the subject site as Agricultural Lands - Agricultural District (AL-A). General Plan Policy 2.2.1.2 states that the AL land use designation is applied to lands described in Policy 8.1.1.8. 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). No winery or ranch marketing activities are proposed as part of this application. All three parcels for the two proposed Williamson Act Contracts are within the Gold Hill Agricultural District. Both contracts meet the criteria applicable to these designations.

Zoning

Both of the proposed Williamson Act contracts consist of property currently zoned Exclusive Agriculture (AE). The parcel sizes are consistent with the applicable development standards contained within Section 17.36.090 of the Zoning Ordinance for both proposed contracts. Pursuant to Section 17.36.070, one single family dwelling is allowed by right in each AE preserve. In this case, there are two existing dwelling units under the existing Williamson Act Contract (133). The second home built on the existing contract was permitted in error several years ago by Development Services staff. If approved, the two proposed contracts would each contain one residence consistent with the Zoning Ordinance provisions. Because of the existing agricultural preserve, adjacent parcels are already subject to the 200 foot agricultural setback requirements pursuant to 8.1.3.2. No additional setbacks would be required as a result of this proposal. Additionally, impacted residential parcels to the south of the subject site are already built-out with primary residences as shown on the aerial photo (Exhibit G).

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; minimum acreage (50 acres for grazing); capital outlay (\$10,000 for low intensive farming); and income (minimum annual gross income of \$2,000 for low intensive farming).

The Agricultural Commission reviewed this application on September 29, 2007 and stated that the properties for the proposed Williamson Act Contracts meet all the necessary criteria:

1. The 50-acre minimum has been met for each contract as follows:
 - a. WAC06-0010 has a total of 60 acres; and
 - b. WAC06-0011 has a total of 100 acres.
2. Capital outlay has been achieved over time for each contract as follows:
 - a. WAC06-0010 has a total capital outlay in excess of \$10,000 as well as sufficient perimeter fencing; and
 - b. WAC06-0011 has a total capital outlay in excess of \$10,000 as well as sufficient perimeter fencing.
3. The land has been determined to be capable of making a profit for each Williamson Act Contract through agricultural pursuits with projected income from dry grazing for each contract as follows:
 - a. WAC06-0010 has a projected income of at least \$2,000 generated by dry grazing; and
 - b. WAC06-0011 has a projected income of at least \$2,000 generated by dry grazing.

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." Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

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

1. Certify that the division of existing Agricultural Preserve No. 133 into two separate preserves is Categorically Exempt from CEQA pursuant to Section 15317 of the CEQA Guidelines; and
2. Approve Williamson Act Contract WAC06-0010 to include Assessor's Parcel Numbers 089-010-29 and Williamson Act Contract WAC06-0011 to include Assessor's Parcel Numbers 089-010-02 and 089-010-27.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Findings WAC06-0010 & WAC06-0011
Exhibit A	Vicinity Map
Exhibit B	Assessor's Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Agricultural District
Exhibit F	Surrounding Parcels Affected by 200-Foot Setback
Exhibit G	Aerial Photo
Exhibit H	WAC06-0010 and WAC06-0011 Applications

ATTACHMENT 1

FINDINGS

FILE NUMBER WAC06-0010 and WAC06-0011

1.0 CEQA Findings

- 1.1 The 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 Contracts are consistent with policies 2.2.1.2, 8.1.1.6, and 8.1.1.8 of the El Dorado County General Plan, as discussed in the General Plan section of the staff report.

3.0 Zoning Findings

- 3.1 The subject parcels meet the design standards pursuant to 17.36.090 of the Zoning Ordinance.

4.0 Administrative Findings

- 4.1 The properties satisfy the County’s three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:

- 4.1.1. The 20-acre minimum has been met:

- a. WAC06-0010 has a total of 60 acres; and
- b. WAC06-0011 has a total of 100 acres.

- 4.1.2. Capital outlay has been achieved for each contract as follows

- a. WAC06-0010 has a total capital outlay in excess of \$10,000 as well as sufficient perimeter fencing; and
- b. WAC06-0011 has a total capital outlay in excess of \$10,000 as well as sufficient perimeter fencing.

- 4.1.3. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from grazing and timber harvesting for each contract as follows:
- a. WAC06-0010 has a projected income of at least \$2,000 generated by dry grazing;
and
 - b. WAC06-0011 has a projected income of at least \$2,000 generated by dry grazing.