

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



Agenda of: November 13, 2008
Item No.: 8.b
Staff: Aaron Mount

**WILLIAMSON ACT CONTRACT/BOUNDARY LINE
ADJUSTMENT**

FILE NUMBER: WAC08-0002/WAC08-0003/WAC08-0006/BLA07-0070

APPLICANTS: Gael Barsotti and Anna Leigh

AGENT: Bill Snodgrass

REQUEST: Request to amend existing Agricultural Preserve Numbers 66 and 229 through a Boundary Line Adjustment and to establish three new Agricultural Preserves.

LOCATION: On the west and east sides of Hidden Valley Lane, approximately 0.25 miles north of the intersection with North Canyon Road in the Camino area, Supervisorial District III. (Exhibit A)

APN: 085-030-14, 085-540-70, 085-030-52, and 085-510-02

ACREAGE: 100 acres

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

ZONING: Exclusive Agriculture (AE) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15305 and 15317 of the CEQA Guidelines

RECOMMENDATION: Planning staff recommends the Planning Commission forward a recommendation that the Board of Supervisors take the following actions:

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15305 and 15317.
2. Approve Boundary Line Adjustment BLA07-0070, based on the Findings in Attachment 1.
3. Approve Williamson Act Contracts WAC08-0002, WAC08-0003, and WAC08-0006, based on the Findings in Attachment 1.

BACKGROUND

Boundary Line Adjustment BLA07-0070 was submitted November 15, 2007. Section 51257 of the California Government Code requires BLAs involving parcels within a Williamson Act Agricultural Preserve to rescind the contract and simultaneously enter into a new contract. Findings must be approved by the Board of Supervisors approving the BLA simultaneously with the Williamson Act contracts. Agricultural Preserve Number 66 was approved by the Board of Supervisors February 25, 1969 and Agricultural Preserve Number 229 was approved by the Board on March 4, 1980. Assessor’s Parcel Numbers 085-551-02 and 085-540-70 were within Agricultural Preserve Number 15 but completed a ten year roll out on February 28, 1998. The subject applications were considered by the Agricultural Commission at their July 9, 2008 and October 8, 2008 hearings.

STAFF ANALYSIS

Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for Planning Commission’s consideration are provided in the following sections.

Project Description: The project is a request to create two new separate agricultural preserves from existing Agricultural Preserve Number 66 through a Boundary Line Adjustment. The three new agricultural preserves would each contain a minimum of 20 acres. Agricultural activities include the cultivation of apple trees and grape vines and are more fully detailed in the Williamson Act Criteria section.

APN	BLA EXISTING ACREAGE	BLA PROPOSED ACREAGE	AG PRESERVES EXISTING	AG PRESERVES PROPOSED
085-030-14	37 AC	20 AC	#66	WAC08-0002
085-540-70	3 AC	20 AC	Not within an AG Preserve	WAC08-0003
085-030-52	29.86 AC	30 AC	#229	WAC08-0006
085-510-02	29.86 AC	30 AC	Not within an AG Preserve	

Site Description: The subject parcels are at an average elevation of 2,600 feet above mean sea level. Exhibit D shows the existing and proposed parcels as amended by the boundary line adjustment. The project parcels contain the following improvements:

APN	Agricultural Improvements	Physical Improvements
085-030-14	16 acre apple orchard, 2.5 acre vineyard	2 single family residences, juice factory
085-540-70	No improvements	No improvements
085-030-52	10 acre apple orchard	Single family residence
085-510-02	No apparent improvements	Single family residence

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	AE	AL-A	Agriculture, single family residences
North	SA-10	AL-A	Undeveloped, agriculture
South	AE, SA-10	AL-A	Undeveloped, residential
East	SA-10	AL-A	Agriculture
West	AE	AL-A	Agriculture, residential, US government land

Discussion: The subject parcels are currently in the AE zone district, thus the project parcels would have no new impacts on buffering requirements on neighboring parcels. There currently is a 200-foot setback imposed on all surrounding parcels of agriculturally zoned parcels and that would not change with the new proposed contracts. The project parcel and adjacent parcels are within Camino/Fruitridge Agricultural District.

General Plan: The General Plan land use designation for the project is Agricultural Lands with an Agricultural District overlay (AL-A). This AL land use designation is applied to lands described in Policy 8.1.1.8 which states that lands assigned the AL designation shall be of sufficient size to sustain agricultural use. The Agricultural District overlay designation is applied to lands with choice agricultural soils and to designate lands to be conserved and protected for agricultural uses. A majority of the subject parcels contain mapped “choice soils” including Musick Sandy Loam and Holland Coarse Sandy Loam. Additionally, the following General Plan policies apply to this project.

Policy 2.2.2.2 directs that *the purpose of the Agricultural District (A) overlay designation is to identify the general areas which the Board of Supervisors has determined should be preserved primarily for agricultural uses.* The proposed Agricultural Preserves would be consistent with Policy 2.2.2.2 in that the resultant preserves would continue to encourage protecting agricultural uses.

Policy 2.2.5.2 directs that *all applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan.* The establishment of the three new separate preserves and the ensuing uses it allows is consistent with the AL land use designations and the Agricultural District overlay designation.

Policy 8.1.1.8 directs that *lands assigned the Agricultural Lands (AL) designation shall be of sufficient size to sustain agricultural use and should be under a Williamson Act or Farmland Security Zone Contract, and/or contain the characteristics of choice agricultural land or are under cultivation for commercial crop production or are identified as grazing land; and either are located in the county's Rural Region; or the County Department of Agriculture has determined that the land is well suited for agricultural production.* Amending Agricultural Preserve Number 66 and 229 to create three new Agricultural Preserves will be consistent with Policy 8.1.1.8 because the parcels would be under Williamson Act Contracts, contain choice soils and/or contain grazing lands, and are located within the County's Rural Regions. The project parcels at 20 acres have been determined to be of sufficient size by the El Dorado County Agriculture Commission.

Policy 8.1.3.1 directs that *agriculturally zoned lands including Williamson Act Contract properties (i.e., lands within "agricultural preserves") shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands.* The creation of a new agricultural preserve would not induce any new agricultural setbacks onto adjacent parcels due the area already being in an agricultural zone district.

Policy 8.1.4.1 directs that *the County Agricultural Commission review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority.* The El Dorado County Agriculture Commissioners have determined that the land is well suited for agricultural production by their approval recommendation for the contracts at their July 9, 2008 and October 8, 2008 meetings. Additionally, the agricultural Commission made the necessary findings to approve BLA07-0007 pursuant to California Government Code Section 51257.

Policy 8.2.4.1 *seeks to ensure long-term conservation, enhancement, and expansion of viable agricultural lands.* The project is consistent with Policy 8.2.4.1 by the request for the modification, expansion, and continued use of the Williamson Act Contract program.

Conclusion: The project has been reviewed in accordance with the General Plan and it has been determined that the project is consistent with the applicable policies. Findings of consistency with the General Plan are provided in Attachment 1.

Zoning: Pursuant to Section 17.36.070, the Exclusive Agriculture (AE) zone district shall apply only to those lands subject to the Land Conservation Act of 1965. The subject parcels are presently zoned AE being encumbered under Agricultural Preserve Numbers 66 and 229. Section 17.36.070 (D) allows the placement of one single-family dwelling unit within each agricultural preserve. The effect of this proposal to create a new agricultural preserve is to allow one house within each contract which would be consistent with Zoning. Agricultural Preserve Number 66, APN 085-030-14, has an approved Special Use Permit for a second residence. Section 17.36.090.C requires a

minimum parcel size of 20 acres. The newly created agricultural preserves at 20 acres each would meet this minimum.

Williamson Act Criteria: The Agricultural Commission reviewed the requested Williamson Act Contracts at their regularly scheduled meeting on July 9, 2008. At this meeting, the Agricultural Commission reviewed the three primary criteria outlined in Resolution No. 188-2002 for establishment of an Agricultural Preserve. These three criteria are:

1. There shall be a minimum capital outlay for agricultural improvements in the sum of \$45,000 excluding the applicant's residence and original cost of the land.

WAC08-0002 Discussion: The Agriculture Department provided a summarized expense sheet showing the payment of costs for agricultural improvements. Expenses for agricultural improvements total \$323,046. Total capital outlay was determined by Agricultural Commission staff to exceed the minimum of \$45,000

WAC08-0003 Discussion: The Agriculture Department provided a summarized expense sheet showing the payment of costs for agricultural improvements. Expenses for agricultural improvements total \$377,246. Total capital outlay was determined by Agricultural Commission staff to exceed the minimum of \$45,000.

WAC08-0006 Discussion: The Agriculture Department provided a summarized expense sheet showing the payment of costs for agricultural improvements. Expenses for agricultural improvements total \$205,769. Total capital outlay was determined by Agricultural Commission staff to exceed the minimum of \$45,000.

2. The minimum acreage shall be 20 contiguous acres for intensive farming operations.

WAC07-0002 Discussion: The subject parcel would consist of 20.02 acres total.

WAC07-0003 Discussion: The subject parcel would consist of 20 acres total.

WAC07-0006 Discussion: The subject parcel would consist of 30.04 acres total.

3. High intensive farming operations (orchards, vineyards and row crops) shall produce a minimum gross income of \$13,500, or \$2,000.00 for low intensity farming (grazing).

WAC08-0002 Discussion: The projected yearly income is estimated at \$75,825 which exceeds the minimum \$13,500 for intensive farming.

WAC08-0003 Discussion: The projected yearly income is estimated at \$17,502 which exceeds the minimum \$13,500 for intensive farming.

WAC08-0006 Discussion: The projected yearly income is estimated at \$50,550 which exceeds the minimum \$13,500 for intensive farming.

Conclusion: Since all required findings were made for the requested Williamson Act Contracts, the Agricultural Commission recommended approval of WAC08-0002, WAC08-0003, and WAC08-0006.

The El Dorado County Assessor's Office staff has visited the site and did not find contradictions to the owner's statements nor did they determine there were any reasons to deny the application requests.

All proposed Agricultural Preserves are consistent with California Government Code Section 51222 in that they contain sufficient size to sustain agricultural use. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is at least 10 acres in size in the case of prime agricultural land. All parcels are considered prime agricultural land and each contains a minimum of 20 acres.

Boundary Line Adjustment: Boundary Line Adjustment BLA07-0007 has been found to be consistent with applicable Zoning Ordinance sections and General Plan Policies. Specifically the resulting parcel sizes are consistent with the AE zone district and the AL land use designation which both require a 20 acre minimum. Section 51257 of the California Government Code requires BLAs involving parcels within a Williamson Act Agricultural Preserve to rescind the contract and simultaneously enter into a new contract. Findings must be approved by the Board of Supervisors approving the BLA simultaneously with the Williamson Act contracts. Findings consistent with Section 51257 have been made by the Agricultural Commission and are contained in Attachment 1.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15317 and 15305 of the CEQA Guidelines stating that the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act and minor lot line adjustments are exempt. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments:

Attachment 1	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	BLA07-0070 Site Plan
Exhibit E	Choice Soils Map
Exhibit F	Proposed Agricultural Preserves WAC08-0002&03
Exhibit G	Agricultural District Map

ATTACHMENT 1 FINDINGS

FILE NUMBERS WAC08-0002, WAC08-0003, WAC08-0006, and BLA07-0070

1.0 CEQA FINDING

- 1.1 The proposed requests for Williamson Act Contracts has been found to be Categorically 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, or the acceptance of easements or fee interests in order to maintain the open space character of the area.”

2.0 ADMINISTRATIVE FINDINGS

2.1 Williamson Act Contract

- 2.1.1 The subject parcels satisfy the County’s criteria 1, 2, and 3 as contained in Resolution No. 188-2002 for the establishment of an Agricultural Preserve, as discussed in the staff report and pursuant to review by the El Dorado County Agriculture Commission. Therefore, the creation of the three new contracts from the original can be approved.

2.2 Boundary Line Adjustment

- 2.2.1 The Boundary Line Adjustment conforms to the General Plan and Zoning Ordinance.

2.3 California Government Code Section 51257

- 2.3.1 As new contracts are required, the new contracts will enforceable restrict the adjusted boundaries of the parcel for an initial term not less than 10 years.
- 2.3.2 There is no net decrease in the amount of acreage being restricted; in fact, there will be more acreage under the new contracts.
- 2.3.3 At least 90 percent of the land under the former contract will remain under the new contracts; 100 percent of the land under the former contract will be included in the new contracts.
- 2.3.4 After the Boundary Line Adjustment, the parcels of land subject to contract will be large enough to sustain agricultural use as defined in Section 51222.
- 2.3.5 The Boundary Line Adjustment will not compromise the long term agricultural productivity of the parcel or other agricultural lands subject to a contract.

- 2.3.6 The Boundary Line Adjustment will not result in the removal of adjacent land from agricultural use.
- 2.3.7 The Boundary Line Adjustment will not result in a greater number of developable parcels, or an adjusted lot that is inconsistent with the General Plan.