

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



Agenda of: September 25, 2008
Item No.: 9
Staff: Monique Wilber

GENERAL PLAN AMENDMENT

FILE NUMBER: A08-0002
APPLICANT: El Dorado County
REQUEST: Amendment to General Plan Policy 8.1.3.1
ENVIRONMENTAL DOCUMENT: Negative Declaration
SUMMARY RECOMMENDATION: Forward a recommendation to Board of Supervisors to adopt the proposed General Plan policy amendment and to adopt the Criteria for Reduction of Minimum Parcel Size Agricultural Buffer Requirement.

BACKGROUND

On October 11, 2007, the Planning Commission, after hearing from a number of speakers during public forum, directed staff to return on November 8, 2007 with a discussion of Policy 8.1.3.1. On December 13, 2007, the Planning Commission adopted a Resolution of Intention to consider amendment to the policy that could exempt lands in Community Regions and Rural Centers. A joint workshop with the Agricultural Commission was held on February 19, 2008 at which time different alternatives were discussed. The Agricultural Commission held further hearings, and working with Agriculture Department and Planning staff, developed the proposed amendment to the policy. On May 14, 2008 the Agricultural Commission approved a motion to recommend to the Planning Commission to amend Policy 8.1.3.1 and provided criteria, to be adopted by a separate resolution, which define when the exemption is applicable (Attachment 3).

DISCUSSION

There is an inherent conflict between agricultural pursuits and adjacent higher density residential development arising from the dust, noise, odor, spraying, and other normal agricultural activities that

impact the adjacent residents and, conversely, when trespass by nearby residents and their pets cause vandalism, loss of crops, and other damage to the agricultural operations.

Policy 8.1.3.1 of the 2004 General Plan is one of several designed to protect agricultural uses by preventing incompatible development from being established adjacent to agriculturally zoned property. The current policy reads as follows:

Agriculturally zoned lands including Williamson Act Contract properties 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. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

Policy 8.1.3.1 establishes a 10-acre minimum parcel size for residential lots being created adjacent to agricultural land. This minimum parcel size was first established in the 1970s with the adoption of the "Long Range Plan" and the various area plans and has been consistently applied since that time. The minimum parcel size was recognized in the 1996 General Plan and readopted with the 2004 plan. The minimum parcel size has not been applied to non-residential uses because the County has found that industrial and commercial uses are not typically incompatible with agriculture. The noise, dust, odor, and other effects of agricultural operations do not generally adversely affect a commercial or industrial operation, nor will the non-residential use typically create the agricultural trespass concerns that arise from the residential uses. The County has applied this policy to all residential land divisions adjacent to agriculturally zoned land, including those within community regions and rural centers.

Staff/Agricultural Commission Recommended General Plan Policy 8.1.3.1 Amendment

The proposed amendment would provide flexibility for the decision makers on a subdivision to determine if buffers limiting the parcel size to something larger than otherwise permitted by the land use designation are necessary. The proposed amendment is as follows:

Policy 8.1.3.1 Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in residential density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. A parcel size of less than 10 acres may be considered, if the approving authority finds the parcel meets certain criteria and/or findings that are recommended by the County Agricultural Commission and adopted by resolution of the Board of Supervisors. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

The key to the Agricultural Commission's recommendation is the accompanying criteria that are recommended to be adopted by separate resolution. These criteria provide the framework to determine when it is appropriate to reduce or waive the 10-acre minimum buffer requirement. The basic provisions are identifying agriculturally zoned lands that are no longer in production, surrounded by other urban land uses, or are otherwise not likely to be retained long term in

agricultural production or are not necessary to protect the agriculture industry in the county. The proposed findings criteria are contained in Attachment 3.

The policy as written has no flexibility and provides no ability to consider the creation of a parcel less than ten acres if the parcel is adjacent to agricultural land. The proposed criteria will give the Agricultural Commission and the approving authority the ability to analyze each proposal to see if a smaller parcel does make sense in certain situations. The proposed amendment also clarifies that the buffer applies to new residential parcels.

ENVIRONMENTAL REVIEW

Staff has prepared a Negative Declaration, pursuant to 14 C.C.R. §15070 (State CEQA Guidelines). The proposed amendment would not result in significant environmental effects. Please refer to Attachment 4 for review of the Initial Study/Negative Declaration.

PUBLIC COMMENT

Comments regarding Policy 8.1.3.1 include the following, and are included as Attachment 5.

- There should be a reconsideration of any provisions that inhibit the ability of the Community Regions and Rural Centers to achieve their purpose, such as the 10-acre minimum parcel size when created adjacent to agriculturally zoned lands.
- Community regions (CR) and rural centers (RC) should not have the same criteria. Community regions are residential development serving while rural centers are for ag oriented development per the general plan.
- Consider community regions as they are presently configured.
- All CR should not be treated the same. Those with actively farmed land and good ag land within and adjoining should have different standards than others. Consider no change from 8.1.3.1 or at most a method of administrative relief could be established if development is considered.
- Consider what happens when the CR is expanded into or next to prime ag land or an ag district.
- Rural centers are ag oriented regions and should not have the ag buffer requirements changed.
- If administrative relief is developed it should include some mitigation if a development causes loss of ag land. This is called for in 8.1.3.4.
- No reduction of the buffering requirement should allowed whether in or out of a CR or RC in any situation where development is being considered next to actively commercial farmed land and grazing land nor within or next to ag districts.
- Oak woodlands in the residential development and abutting the ag land shall not be removed. Can act as buffer.
- Consider whether Policy 8.1.3.1 was intended to apply to protect archaic agricultural zoning or to restrict parcel size within Community Regions or Rural Centers, considering that lands in these areas are intended for highest density land uses not limited by parcel size. The Draft

Relief Findings Criteria developed by Agricultural Department Staff is a reasoned approach to resolution of Policy 8.1.3.1 issues.

RECOMMENDATION

Forward a recommendation to the Board of Supervisors to approve the Negative Declaration and adopt A08-0002, an amendment to Policy 8.1.3.1 as follows, based on the findings contained in Attachment 1:

Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in residential density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. A parcel size of less than 10 acres may be considered, if the approving authority finds the parcel meets certain criteria and/or findings that are recommended by the County Agricultural Commission and adopted by resolution of the Board of Supervisors. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

Further, staff recommends adoption of the resolution establishing Criteria for Reduction of Minimum Parcel Size Agricultural Buffer Requirement of Policy 8.1.3.1, as provided in Attachment 3.

SUPPORT INFORMATION

Attachments:

- Attachment 1Findings for Approval
- Attachment 2Agricultural Commission Memorandum dated May 28, 2008
- Attachment 3Resolution adopting Criteria for Reduction of Minimum Parcel Size Agricultural Buffer Requirement of Policy 8.1.3.1
- Attachment 4Initial Study/Negative Declaration
- Attachment 5Public Comments on General Plan Policy 8.1.3.1 Amendment

ATTACHMENT 1

FINDINGS FOR APPROVAL

File Number A08 – 0002

1.0 CEQA FINDINGS

- 1.1 A Negative Declaration for the amendment to General Plan Policy 8.1.3.1 is appropriate for compliance with CEQA, pursuant to 14 CCR §15070. The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the proposed amendment to Policy 8.1.3.1 may have a significant effect on the environment.
- 1.2 The proposed amendment to Policy 8.1.3.1 may result in the creation of more parcels than permitted under current policy, however, there will be no more than the potential number of lots analyzed in the 2004 General Plan EIR because the effect of this policy on limiting the number of potential lots was not included in either the 2025 forecast or the buildout land use absorption and growth forecasting prepared for the General Plan.
- 1.3 The creation of new residential parcels is a discretionary act, subject to subsequent environmental analysis; therefore, potential impacts associated with individual projects will be analyzed and mitigated at such time as development projects are submitted for review to the County.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed amendment will encourage infill development within the urbanized areas identified as Community Regions and Rural Centers, consistent with the land use patterns established by the 2004 General Plan.
- 2.2 All other policies relating to agricultural protection such as minimum setbacks, right-to-farm provisions, Agricultural Commission review, and Agricultural Districts will still apply, thereby protecting important agricultural resources in the county.
- 2.3 Establishment of specific criteria for use by the Agricultural Commission, Planning Commission, and Board of Supervisors for determining the appropriate application of the proposed amendment will ensure that productive agricultural land outside of the urban boundaries will be protected from incompatible land uses.