

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



Agenda of: April 8, 2010
Item No.: 11
Staff: Aaron Mount

WILLIAMSON ACT CONTRACT

FILE NUMBER: WAC09-0001

APPLICANTS: Roy and Marilyn Rutz

REQUEST: Request to amend existing Agricultural Preserve Number 313 through a partial roll out and establishment of a new Agricultural Preserve.

LOCATION: Along the east side of Hackomiller Road, at the intersection with Garden Valley Road in the Garden Valley area, Supervisorial District IV. (Exhibit A)

APNs: 088-020-72, 088-020-79, 088-020-81, and 088-020-82

ACREAGE: 307.51 acres

GENERAL PLAN: Agricultural Lands-Agricultural District-Important Biological Corridor-Mineral Resources (AL-A-IBC-MR) (Exhibit B)

ZONING: Exclusive Agriculture (AE) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 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 15317;
2. Approve Non-renewal of Williamson Act Contract for APN 088-020-82; and
3. Approve Williamson Act Contract WAC09-0001 to include APNs 088-020-72, -79, and -81 based on the Findings in Attachment 1.

BACKGROUND

Board of Supervisors Policy C-12(5) states that *any application for partition or partial roll out will be processed in the same manner as a request creating a new Williamson Act Contract*. The four project parcels currently comprise Agricultural Preserve Number 313, approved by the Board of Supervisors August 28, 2007 under application WAC06-0015 which was a division of an existing Williamson Act contract.

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 for a partial roll out of Agricultural Preserve Number 313 and a new Agricultural Preserve for the remaining portion. Agricultural activities include grazing and are more fully detailed in the Williamson Act Criteria section.

APN	ACREAGE	AG PRESERVES EXISTING	AG PRESERVES PROPOSED
088-020-72	101.48 AC	#313	WAC09-0001
088-020-79	169.85 AC	#313	WAC09-0001
088-020-81	25.53 AC	#313	WAC09-0001
088-020-82	10.65 AC	#313	Proposed 10 year roll out

Site Description: The subject parcels are at an average elevation ranging from 2,000 to 2,400 feet above mean sea level. The project site is accessed off of Garden Valley Road and Hackomiller Road, which are County-maintained roads. The topography of the parcel is characterized by rolling pasture and oak woodlands. All four project parcels are surrounded by individual fencing. A single-family residence and accessory structures exist on parcel 088-020-72. The remaining parcels in the proposed partial roll out and contract are vacant. The parcel proposed for roll out is separated from the remaining project parcels by Garden Valley Road and is not used currently for any agricultural purpose.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	AE	AL	Agriculture/Single family residence, Undeveloped
North	AE, RE-10	AL, RR	Residential/Undeveloped, Single family residences
South	AE, RE-10	AL, RR	Agriculture, Residential/Undeveloped, Single family residences
East	AE, RE-10	AL, RR	Agriculture, Residential/Undeveloped, Single family residences
West	AE, RE-10, RE-5	AL, RR	Agriculture, Residential/Undeveloped, Single family residences

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 contract. The project parcel and adjacent parcels are within Garden Valley 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. The project parcels all contain choice agricultural soils. 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 Preserve 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 new separate preserve 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 313 would 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 296.86 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 contract at their December 9, 2009 meeting.

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 313. Section 17.36.070 (D) allows the placement of one single-family dwelling unit within each agricultural preserve. If the roll out is approved a single family residence could be developed on the parcel ten years from the approval date. Section 17.36.090.C requires a minimum parcel size of 50 acres. The newly created agricultural preserves at 296.86 acres each would meet this minimum.

Williamson Act Criteria: The Agricultural Commission reviewed the requested Williamson Act Contracts at their regularly scheduled meeting on December 9, 2009. 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.

Discussion: The Agriculture Department determined that the existing fencing and outbuildings exceeded the required capital outlay.

2. The minimum acreage shall be 50 contiguous acres for low intensity agricultural operations.

Discussion: The subject parcels would consist of 296.86 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).

Discussion: Gross annual income exceeds the minimum of \$2,000 at over \$5,000.

Conclusion: Since all required findings were made for the requested Williamson Act Contracts, the Agricultural Commission recommended approval of WAC09-0001.

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. The Assessor's Office did state; "It is also the assessor's opinion that Williamson Act property ought to reflect some substantial agricultural use. Grazing a half-dozen cattle on 300 acres does not seem substantial."

The proposed Agricultural Preserve is consistent with California Government Code Section 51222 in that it contains 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 50 acres in size in the case of grazing land.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines stating that the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act are exempt. 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	Location Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Assessor's Parcel Map
Exhibit E	Agricultural District Map
Exhibit F	Agricultural Commission Recommendation
Exhibit G	County Assessor Memo

ATTACHMENT 1

FINDINGS FOR APPROVAL

Williamson Act Contract WAC09-0001 April 8, 2010 Planning Commission Hearing

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

- 2.1.1. The 50-acre minimum has been met:

a. WAC09-0001 has a total of 296.86 acres.

- 2.1.2. Capital outlay has been achieved for the contract as follows

a. WAC09-0001 has a total capital outlay of \$120,000 in excess of \$45,000.

- 2.1.3. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from wine grapes and olive trees as follows:

a. WAC09-0001 has a gross income which exceeds \$2,000 at \$5,000.

3.0 GENERAL PLAN FINDINGS

- 3.1 The proposed Williamson Act Contract is consistent with policies 2.2.2.2, 2.2.5.2, 8.1.1.8, 8.1.3.2, 8.1.4.1, and 8.2.4.1 of the El Dorado County General Plan, as discussed in the General Plan section of the staff report.

4.0 ZONING FINDINGS

- 4.1 The subject parcels meet the design standards pursuant to 17.36.340 of the Zoning Ordinance.