

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



**Agenda of:** June 24, 2010  
**Item No.:** 8  
**Staff:** Tom Dougherty

**WILLIAMSON ACT CONTRACT**

**FILE NUMBER:** WAC10-0001

**APPLICANTS:** Michael Kuhl, Jack Rudd and Jeanine Santillo

**REQUEST:** Request to amend a portion of Agricultural Preserve Number 172 establishing a new Agricultural Preserve.

**LOCATION:** West side of South Shingle Road approximately 1.3 miles north of the intersection with Latrobe Road in the Latrobe area, Supervisorial District II. (Exhibit A)

**APN:** 087-021-58 (Exhibit B)

**ACREAGE:** 178.75 acres

**GENERAL PLAN:** Agricultural Lands (AL) (Exhibit D)

**ZONING:** Exclusive Agriculture (AE) (Exhibit E)

**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 Categorically Exempt from CEQA pursuant to Section 15317;
2. Approve Williamson Act Contract WAC10-0001 based on the Findings in Attachment 1.

**BACKGROUND**

In 1973, the Board of Supervisors authorized the establishment of the 1,084.53-acre Agricultural Preserve Number 172, authorizing the execution of the Williamson Act Contract. In 1981 and again in 1986, the Board accepted Notices of Non-Renewal for portions of the contract. This left two parcels of 178.75 and 105.90 acres within Preserve 172. On May 13, 2008, the Board approved and certified the Notice of Non-Renewal for the 105.90-acre portion of the contract identified by Assessor’s Parcel Number 087-021-58. The approval also stated that the remaining 178.75-acre parcel shall be required to be analyzed by the Agricultural Commission for the potential to qualify for a new Williamson Act Contract, hence, the subject application.

**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 new Agricultural Preserve for the remaining 178.75-acre portion of Agricultural Preserve 172. Agricultural activities include grazing and are more fully detailed in the Williamson Act Criteria section (Exhibit C).

**Site Description:** The subject parcel is located at an average elevation ranging from 800 to 960 feet above mean sea level. The project site is accessed off of South Shingle Road, which is a County-maintained road. There are existing graveled and dirt driveways used for interior access. The topography is characterized by rolling pasture and with scattered mature native oak trees. There is an existing barn, associated outbuildings, and wells and the property is currently being used for grazing cattle.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	AE	AL	Agriculture/Barn and outbuildings.
<b>North</b>	AE	AL	Agricultural/Vacant.
<b>South</b>	RE-10, RA-40	RR	Residential/Single family residences.
<b>East</b>	AE	AL	Agricultural/Single family residence
<b>West</b>	RA-40	RR	Residential/Vacant.

**Discussion:** The subject parcel is currently zoned AE, and therefore 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 228-acre parcel to the north was previously encumbered by Agricultural Preserve 157. At a regular meeting of the Board of Supervisors held February 5, 2008, the Board certified the Notice of Non-Renewal for that preserve.

**General Plan:** The General Plan land use designation for the project is Agricultural Lands (AL). The project parcel is located within a Rural Region Planning Concept Area and is not designated by the General Plan with the Agricultural District overlay. The project contains 178.75 acres and choice agricultural soils as shown in Exhibit F. Additionally, the following General Plan policies apply to this project:

**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.*

Discussion: The establishment of the new separate preserve and the ensuing uses it allows would be consistent with the AL land use 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.*

Discussion: Creating a new agricultural preserve would be consistent with Policy 8.1.1.8 because the parcel would be under a Williamson Act Contract, contains choice soils and/or contain grazing lands, and are located within the County's Rural Regions. The project parcel at 178.75 acres has 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.* **Policy 8.1.3.2** directs that *Agriculturally incompatible uses adjacent to agriculturally zoned land outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger.*

Discussion: The creation of a new agricultural preserve would not induce any new agricultural setbacks onto adjacent parcels due that the area already exists within 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.*

Discussion: 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 April 14, 2010 meeting. A copy of the Agricultural Commission Memo including their recommendations is included as Exhibit G.

**Policy 8.2.4.1** seeks to ensure long-term conservation, enhancement, and expansion of viable agricultural lands.

**Discussion:** The project is consistent with Policy 8.2.4.1 by the request for the 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 17.36.060, the Exclusive Agriculture (AE) zone district *shall apply only to those lands subject to the Land Conservation Act of 1965*. The subject parcel is currently zoned AE, being encumbered under Agricultural Preserve Number 172. Section 17.36.070.D allows the placement of one single-family dwelling unit within each agricultural preserve. If the new Williamson Act Contract is approved a single family residence could be developed on the parcel. Section 17.36.090.C requires a minimum parcel size of 20 acres. The newly created agricultural preserve at 178.75 acres would meet this minimum.

**Williamson Act Criteria:** The Agricultural Commission reviewed the requested Williamson Act Contracts at their regularly scheduled meeting on April 14, 2010. 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 \$10,000 excluding the applicant's residence and original cost of the land.

Discussion: The Agriculture Department determined that the existing fencing, wells, barn 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 178.75 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 WAC10-0001.

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 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.<sup>00</sup> 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 .....	Assessor's Parcel Map
Exhibit C .....	Agricultural Preserve 172 Map
Exhibit D .....	General Plan Land Use Map
Exhibit E .....	Zoning Map
Exhibit F .....	Soils Map
Exhibit G .....	Agricultural Commission Recommendation
Exhibit H .....	County Assessor Memo
Exhibit I .....	Aerial Map

# **ATTACHMENT 1**

## **FINDINGS FOR APPROVAL**

### **Williamson Act Contract WAC10-0001 June 24, 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 property satisfies 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. WAC10-0001 has a total of 178.75 acres.

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

a. WAC10-0001 has a total capital outlay of \$21,750 which exceeds the \$10,000 minimum requirement.

- 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. WAC10-0001 has a gross income which exceeds \$2,000 at \$3,500.00.

#### **3.0 GENERAL PLAN FINDINGS**

- 3.1 The proposed Williamson Act Contract is consistent with policies 2.2.5.2, 8.1.1.8, 8.1.3.1, 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.