

**ELDORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



**Agenda of:** April 27, 2006  
**Item No.:** 7.a.  
**Staff:** Michael C. Baron

**WILLIAMSON ACT CONTRACT / REZONE**

**FILE NUMBER:** WAC05-0005/Z05-0017

**APPLICANT:** Robert and Allison Green

**AGENT:** Richard R. Doolittle

**REQUEST:** Williamson Act Contract placing 30.85 acres into a new agricultural preserve and rezoning the same property from Estate Residential Ten-acre (RE-10) to Exclusive Agriculture (AE).

**LOCATION:** On the north side of Omo Ranch Road, at the intersection with Mt. Aukum Road, in the Fairplay area. (Exhibit A)

**APN:** 046-081-42 and 094-210-05

**ACREAGE:** 30.85 acres

**GENERAL PLAN:** Rural Residential - Agriculture District overlay (RR-A) (Exhibit B)

**ZONING:** Estate Residential Ten- acre (RE-10) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration prepared.

**SUMMARY RECOMMENDATION:** Recommend approval

**STAFF ANALYSIS**

**Project Description:**

The project parcel consists of 30.85 acres of which, presently, 13.9 acres have been planted with wine grapes and 1.1 acres of walnut groves. The applicants have constructed a 1,500 square foot barn to serve as a workshop/equipment storage building. Projected plans call for a 4,200 plus/minus square foot wine tasting facility and accessory improvements. Irrigation is presently being handled by one 35 gallon per minute well and a 20 gallon per minute well along with a small creek and water reservoir.

**Site Description:**

The project site is accessed off of Omo Ranch Road and also fronts Mt. Aukum Road, both County-maintained roads. The access and onsite circulation consists of gravel roads. The topography/slope of the parcel can be characterized as follows:

<u>Percent Slope Range</u>	<u>Percent Existing Slope</u>
0 – 10	44
11 – 15	26
16 – 20	13
21 – 29	11
>30	6

Most of the sloped areas face to the southwest and are covered by the existing vineyard. The entire project area is surrounded by fencing with an electronic gate at the main entrance. A single-family residence, guest house, and agricultural barn currently exist on the property.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-10	RR-A	Improved Residence/Vineyard
<b>North</b>	RA-20	RR-A	Improved Residential
<b>South</b>	RE-10	PF	Fire Station
<b>East</b>	RE-10	RR-A	Improved Residential
<b>West</b>	RE-10	RR-A	Improved Residential

**General Plan:** The General Plan designates the subject site as Rural Residential-Agricultural District (RR-A). General Plan Policy 2.2.1.2 states that the Rural Residential land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as

“choice” agricultural soils. The RR designation shall be used as a transition between Low Density Residential (LDR) and the Natural Resource (NR) designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state or for agricultural production. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.

Under Policy 2.2.2.2, the Agricultural District overlay (-A) identifies those areas within the County containing choice agricultural soils in order to preserve those lands for agricultural uses. Ranch marketing is encouraged while incompatible uses, such as high density residential development, are discouraged.

Under Policy 8.1.1.2, Agricultural Districts shall be based on the following criteria:

- A. Lands currently under Williamson Act Contract (i.e., agricultural preserves);
- B. Soils identified as El Dorado County “choice” agricultural soil, which consist of federally designated prime, State designated unique or important, or County designated locally important soils;
- C. Lands under cultivation for commercial crop production;
- D. Lands that possess topographical and other features that make them suitable for agricultural production;
- E. Low development densities; and
- F. A determination by the Board of Supervisors that the affected lands should be preserved for agricultural production rather than other uses.

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).

**Conclusion:** The project parcel has the Agricultural District overlay designation (-A) added to its land use designation of Rural Residential (RR) and meets all criteria applicable to these designations. Both designations support the Exclusive Agriculture (AE) Zone District that is applied to parcels that are subject to the Land Conservation Act of 1965, or the Williamson Act. Staff finds that the project, as proposed, conforms to the General Plan.

**Zoning:** Agricultural preserves are established through the execution of a Williamson Act Contract between the County and the landowner and includes the rezoning of the land to Exclusive Agriculture (AE), unless the property is already zoned AE. The purpose of the AE Zone is to implement the Land Conservation Act of 1965 and to encourage the sustainable use of farmland in the County for agricultural production.

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. As they pertain to this application they are:

1. Minimum acreage:
  - A. For high intensive farming operations:
    - i. An agricultural preserve shall consist of a minimum of twenty (20) contiguous acres.
2. Capital outlay:
  - A. Methods for determining a value of capital outlay shall be determined by the Agricultural Commission.
  - B. For high intensive farming operations:
    - i. There shall be a minimum capital outlay of \$45,000 excluding applicant's residence and original cost of the land.
3. Income:
  - A. Methods for determining a value income shall be determined by the Agricultural Commission.
  - B. For high intensive farming operations:
    - i. The property shall produce a minimum annual gross income of \$13,500 for high intensive farming operations, including but not limited to orchards, vineyards, and row crops.
    - ii. For permanent, non-producing agriculture crops, such as orchards and vineyards, the plants shall be planted and properly cared and maintained (as determined by the Agricultural Commission) to produce a commercial crop within three (3) years and be capable of producing a minimum annual gross income of \$13,500 within five (5) years of planting.

Conclusion: The Agricultural Commission has reviewed this application and stated that the property meets all the necessary criteria:

1. The 20-acre minimum has been met, as the property consists of 30.85 acres.
2. Capital outlay has been achieved over time with the on-site agricultural improvements of well and irrigation system, barn, vines, and walnut grove totaling \$415,000.
3. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from the existing 13.9 acres of grapes equaling \$20,000.

At the time of the preparation of this report, staff had received comments from the public with concerns that a rezone of the parcel to Exclusive Agriculture (AE) would result in a 200-foot building setback for residential structures adjacent to the property. However, in the future any adjoining property owner that would apply for a building permit may apply for administrative relief regarding the 200-foot setback. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

### **ENVIRONMENTAL REVIEW**

Rezoning the property to Exclusive Agriculture allows ranch marketing and winery uses by right that may create potentially significant impacts upon the environment. Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the rezone will have a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Negative Declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

### **RECOMMENDATION**

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

1. Adopt the Negative Declaration for WAC05-0005/Z05-0017 based on the Initial Study prepared by staff;
2. Approve Z05-0017 rezoning Assessor's Parcel Numbers 094-210-05 and 046-081-42 from Estate Residential Ten- acre (RE-10) to Exclusive Agriculture (AE), based on the findings listed on Attachment 1; and
3. Approve WAC05-0005 to include Assessor's Parcel Numbers 094-210-05 and 046-081-42, based on the findings listed on Attachment 1.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Agricultural District
Exhibit D .....	Zoning Map
Exhibit E .....	WAC05-0005 Application
Exhibit F .....	Assessor's Parcel Map
Exhibit G .....	Environmental Checklist for WAC05-0005/Z05-0017

# **ATTACHMENT 1**

## **FINDINGS**

### **FILE NUMBER WAC05-0005/Z05-0017**

1. The proposed Williamson Act Contract is consistent with the policies in the El Dorado County General Plan as discussed in the General Plan section of this staff report.
2. The property satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution No. 188-2002, as follows:
  - a. The 20-acre minimum has been met, as the property consists of 30.85 acres.
  - b. Capital outlay has been achieved over time with the on-site agricultural improvements of well and irrigation system, roads, trellises, vines, and plantings totaling \$415,000.
  - c. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from the existing 13.9 acres of grapes equaling \$20,000.
3. The proposed project will not have a significant effect on the environment, based on the analysis contained in the Initial Study, and a Negative Declaration has been filed. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable).
4. The proposed rezone from Estate Residential Ten-acre (RE-10) to Exclusive Agriculture (AE) is consistent with the policies in the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report.
5. The property satisfies the County's three criteria, as contained in Resolution No. 188-2002 for the establishment of an Agricultural Preserve. Therefore, establishment of the Exclusive Agriculture Zone District is appropriate.