

ELDORADO COUNTY DEVELOPMENT SERVICES STAFF REPORT



Agenda of: January 11, 2007

Item No.: 7.

Staff: Tom Dougherty

WILLIAMSON ACT CONTRACTS

FILE NUMBER: WAC06-0012 and WAC06-0013

APPLICANT: Ed Akin

AGENT: Bill Snodgrass

REQUEST: Request to reduce the acreage in existing Agricultural Preserve #1 from 323.79 acres to 123.66 and establish a new separate agricultural preserve with the remaining 200.13 acres.

LOCATION: On the south side of Gold Hill Road, approximately one mile west of the intersection with Cold Springs Road, in the Gold Hill area (Exhibit A).

APNS: 089-120-31, -32, and 317-030-01, -06, -09 and -14

ACREAGE: 323.79 acres

GENERAL PLAN: Agricultural Lands (AL) and Rural Residential (RR) with Agricultural (A) and Important Biological Corridor (IBC) overlays. (Exhibit B)

ZONING: Exclusive Agriculture (AE). (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines.

SUMMARY RECOMMENDATION: Recommend Approval

BACKGROUND: The applicant currently has an existing Agricultural Preserve No. 1 with a total of 323.79 acres and six parcels identified by Assessor’s Parcel numbers 089-120-031, 089-120-32, 317-030-14, 317-030-06, 317-030-01, and 317-030-09. This preserve was established by El Dorado County Board of Supervisors Resolution No. 123-68 in 1968. In September of 1995, 55.89 acres were to the Preserve with the adoption of Resolution No. 255-95. The six parcels, as one preserve, have historically been used for raising livestock, oats and wine grapes. Preserve No. 1, as previously approved, contains the following structures:

APN Number	Acres	Proposed WAC Number	Structures/Features
089-120-31	38.93	06-0012	30x60 foot agricultural barn, 20x 36 foot barn/tack structure occupying approximately one acre. The remaining acreage is mild to steeply sloped.
089-120-32	84.73	06-0012	Four-acre pond, two single-family residences with attendant structures, 30x120 foot metal shop building, 18x40 foot pole barn, 32x40 foot three-sided storage hanger and a 24x120 foot metal poultry shed. Approximately 12 acres comprises a 7-year old vineyard and 40 acres is irrigated pasture. The remaining is dry grazing land. Approximately 50 percent is flat; the rest is mildly sloping with approximately 4 acres in the SW corner having a steep slope.
317-030-01	24.24	06-0013	No structures. Mostly level to mildly sloping. Some oak trees and brush but mostly cleared.
317-030-06	115.38	06-0013	No structures. Mostly steep intermittently covered with oaks trees and brush.
317-030-09	4.62	06-0013	No structures. Mostly steep, covered with oak trees and brush.
317-030-14	55.89	06-0013	80x200 foot steel storage building. Mild to steeply sloped, intermittently covered in oak trees and brush.

All structures that exist today that are listed above have had previous County approval.

STAFF ANALYSIS

Request: Revise Agricultural Preserve #1 so that it only includes Assessor’s Parcel Numbers 089-120-31 and 089-120-32 for a total of 123.66 acres to be included in the WAC 06-0012 application request. The applicant is requesting that this revision retain the Agricultural Preserve #1 designation. The remaining four parcels, identified by Assessor’s Parcel Numbers 317-030-14, 317-030-06, 317-030-01 and 317-030-09, total 200.13 acres and are to be included in the WAC06-0013 application request.

Site Description: The six subject parcels are located within the 1,000 to 1,600 foot elevation above sea level. There is an existing single-family residence and second dwelling unit, miscellaneous outbuildings, a grape vineyard and a large pond on Assessor’s Parcel Number 089-120-32 which fronts Gold Hill Road. That parcel is relatively flat and contains primarily annual grasses, other than the vineyard, and is devoid of trees on most of the parcel except for a few oaks near the pond. The other five parcels vary in slope from flat to steep hillsides and contain annual grasses, interior live

oaks (*Quercus wislizenii*), blue oaks (*Quercus douglasii*). Weber Creek separates parcels 317-030-06 and 09 at the southern end of the current Preserve.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	AE	AL/RR/A/IBC	Residential, ranching, agriculture
North	PA/AE/RE-5/R3A/RE-10	MDR/LDR/AL/A/IBC	Residential, ranching, agriculture
South	RA-20/PD	RR/AL/A/IBC	Residential, ranching, agriculture
East	RE-5/RE-10	AL/OS/RR/A/IBC	Residential
West	RE-5/RA-20/	OS/LDR/AL/A/IBC	Residential, ranching, agriculture

Discussion: The project is adjacent to 30 parcels. Because the subject proposal does not change the exterior boundary of the existing Agricultural Preserve the impacts of the newly proposed two Preserves would have the same impacts on buffering requirements to neighboring parcels as they did prior to the subject application.

General Plan: The General Plan designation of the subject parcels as Agricultural Lands (AL). This designation is applied to lands described in Policy 8.1.1.8. Williamson Act Contracts allow only one residential dwelling for each contract. The 4.62-acre parcel to the south of Weber Creek (317-030-09) has a Rural Residential land use designation. Four of the parcels have the Agricultural District (A) overlay (089-120-32, 317-030-14, 317-030-01, and 317-030-06). This overlay designation is applied to lands with “choice” agricultural soils and to designate lands to be conserved and protected for agricultural uses. Four of the subject parcels do contain mapped choice soils. All six parcels are further designated with the Important Biological Corridor (IBC) overlay. Where the -IBC Overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay. There is no development proposal with these applications, so there will be no new impact on the corridor that was not already allowed or exists. 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 two proposed Agricultural Preserves will be consistent with Policy 2.2.2.2 in that the resultant preserves will continue to preserve 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 a new separate Preserve and the ensuing uses it

allows is consistent with the allowed uses intended by the Agricultural Lands (AL) land use designation and the Agricultural (A) overlay designation.

Policy 8.1.1.8 directs that lands assigned the Agricultural Land (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 #1 to create a new Agricultural Preserve in addition to the existing one, will be consistent with Policy 8.1.1.8 because all parcels will be under Williamson Act Contracts, contain choice and/or contain commercial crops, and are located within the County's Rural Regions. Five of the parcels are over 20 acres in size and the sixth which is 4.620 was previously approved to be included in Agricultural Preserve #1, and it is mostly steep and acts as a buffer to the open space area and further residential zone district to the south.

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 revision of one Preserve and creation of a new one would not induce any new agricultural setbacks onto the subject parcels that do not currently exist, because the exterior boundary of the two would be the same as the original Preserve.

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 those contracts at their November 8, 2006, 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 and continued use of a Williamson Act Contract.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

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. All six subject parcels are presently zoned AE since being encumbered under Agricultural Preserve No. 1. 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 this agricultural preserve would allow one house within each contract which is consistent with the zoning. Section 17.36.090.C requires a minimum parcel size of 20 acres. Each of the newly created agricultural preserves would meet this minimum except for

Assessor's Parcel number 317-030-09 which is 4.62 acres but was previously approved to be located within the original Preserve.

Williamson Act Criteria: The Agricultural Commission reviewed the requested Williamson Act Contracts at their regularly scheduled meeting on November 8, 2006. 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 minimum total sum of \$45,000 excluding the applicant's residence and original cost of the land.

WAC06-0012 Discussion: The Agriculture Department provided a summarized expense sheet showing the payment of costs for agricultural improvements. Expenses for agricultural improvements consisted of an agricultural building, vines, trellis system, irrigation supplies, fencing, and a well. Total capital outlay was shown to be \$115,697.000, which exceeds the minimum of \$45,000.

WAC06-0013 Discussion: The Agriculture Department provided a summarized expense sheet showing the payment of costs for agricultural improvements. Expenses for agricultural improvements consisted of fencing and an agricultural building. Total capital outlay was shown to be \$126,800, which exceeds the minimum of \$45,000

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

WAC06-0012 Discussion: The two subject parcels consist of 123.66 contiguous acres total.

WAC06-0013 Discussion: The four subject parcel consists of 200.13 contiguous 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).

WAC06-0012 Discussion: Current gross income for grazing, irrigated pasture, and vineyard is \$37,665.00.

WAC06-0013 Discussion: Current gross income for grazing and oats is \$6,542.00.

Conclusion: Since all required findings were made for the requested Williamson Act Contracts, the Agricultural Commission recommended approval of WAC06-0012 and WAC06-00013.

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. They had made a note that they would not recommend approval until a boundary line adjustment was approved to split the residential units, however, they were not aware that the two residences have been approved twice with the initial review of the Preserve in 1968 and also when the Preserve had parcel 14 added in 1995.

El Dorado County Agricultural Commission: At the November 8, 2006, meeting, the Agricultural Commission found the applicant's request to amend existing Agricultural Preserve #1 to establish two new Agricultural Preserves meets all the criteria, and they recommend approval for WAC06-0002 and WAC06-0003.

ENVIRONMENTAL REVIEW

Section 15317 exempts the Williamson Act Contracts and 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. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation that the Board of Supervisors take the following action:

1. Certify that the projects are Categorical Exempt from CEQA pursuant to Section 15317; and
2. Approve WAC06-0012 and WAC06-0013 based on the findings in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Findings
Exhibit A	Vicinity Map
Exhibit B	Assessor's Parcel Map
Exhibit C1	General Plan Land Use Designations
Exhibit C2	General Plan Land Use Designations w/Agricultural District Overlay
Exhibit C3	General Plan Land Use Designations w/Important Biological Corridor Overlay
Exhibit D	Zoning Map
Exhibit E	Soils Map
Exhibit F	U.S.G.S. Quadrangle
Exhibit G1	Aerial Photo WAC06-0012
Exhibit G2	Aerial Photo WAC06-0013
Exhibit H	Parcel Map 49-83 was created by BLA01-0078 and was recorded September 2006. It changed Assessor's Parcel Numbers 089-120-08 and 09 to 089-120-31 and 32 and adjusted the acreage to 42.959 acres for 31 and 75.167 acres for 32, but the total acreage for WAC 06-0012 (Agricultural Preserve #1), remains the same.

ATTACHMENT 1 FINDINGS

FILE NUMBERS WAC 06-0012 and WAC 06-0013 FINDINGS

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 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 Commissioners.