

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



**Agenda of:** February 8, 2007  
**Item No.:** 8.a.  
**Staff:** Michael C. Baron

**WILLIAMSON ACT CONTRACT / REZONE**

**FILE NUMBER:** WAC06-0014/Z06-0039

**APPLICANT:** Greg and Sharon Baiocchi

**REQUEST:** Williamson Act Contract establishing a new agricultural preserve and rezoning the same property from Residential Estate Ten-acre (RE-10) to Agriculture Preserve (AP).

**LOCATION:** On the south side of Hidden Ranch Road, 0.5 mile east of the intersection with Mt. Aukum Road, in the Somerset area, Supervisorial District II (Exhibit A).

**APN:** 046-061-37

**ACREAGE:** 35.2 acres

**GENERAL PLAN:** Agricultural Lands - Agriculture District overlay (AL-A) (Exhibit B)

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

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt from CEQA pursuant to Section 15317 of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Recommend approval

## **STAFF ANALYSIS**

### **Project Description:**

The project parcel consists of 35.2 acres, of which 12.5 acres have been planted with wine grapes and 15 acres are utilized as dry grazing area. The applicants have a barn to serve as a workshop/equipment storage building. Projected plans call for an additional five acres of grapes by 2010.

### **Site Description:**

The project site is accessed off Hidden Ranch Road which is not a County-maintained road. The access and onsite circulation consists of gravel roads. The topography of the parcel is characterized by gently rolling hills.

Most of the sloped areas are covered by the existing vineyard, and the entire project area is surrounded by deer fence. A single-family residence and agricultural barn currently exist on the property. Improvements include a well and irrigation system for the existing vineyard.

### **Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-10	AL-A	Improved Residence/Vineyard
<b>North</b>	AE	AL-A	Improved Residential
<b>South</b>	RE-10	RR-A	Vacant Residential
<b>East</b>	RE-10	RR-A	Improved Residential
<b>West</b>	RE-10	AL-A	Improved Residential/Vacant

**General Plan:** The General Plan designates the subject site as Agricultural Lands-Agricultural District (AL-A). General Plan Policy 2.2.1.2 states that the Agricultural Lands designation is applied to lands described in Policy 8.1.1.8. A maximum of two residential dwellings used to support the agricultural use are allowed. The AL designation may be applied in Rural Regions only.

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 requested zoning of Agricultural Preserve (AP) is similar in intent to the AE Zone District except wineries and certain ranch marketing activities are only allowed by special use permit as opposed to by right in the AE Zone District. No winery or ranch marketing activities are proposed. The project parcel has the Agricultural District overlay designation (-A) added to its land use designation of Agricultural Lands (AL), and the parcel meets the criteria applicable to these designations. Both designations support the Agricultural Preserve (AP) 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.

Policy 8.1.3.2: Agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of agriculturally zoned lands.

**Discussion:** Subsequent to the subject parcel's rezone to AP, all new development of agriculturally incompatible uses on adjacent parcels will require a setback of 200 feet. Administrative relief is available through the Agricultural Commission. At the time of the preparation of this report, staff had not received comments from the public with concerns that a rezone of the parcel to Agricultural Preserve (AP) would result in a 200-foot building setback for residential structures adjacent to the property. A total of seven surrounding parcels would be subject to a 200-foot setback. However, only three parcels, each in excess of 10 acres, to the south and west are undeveloped, and a 200 foot setback would not create un-developable parcels. Five adjoining property owners were in attendance at the Agriculture Commission hearing to speak in opposition of the project.

**Zoning:** Agricultural preserves are established through the execution of a Williamson Act Contract between the County and the landowner and include the rezoning of the land to Agriculture Preserve (AP) or Exclusive Agriculture (AE). The purpose of the AP and AE zone districts is to implement the Land Conservation Act of 1965, and to encourage the sustainable use of farmland in the County for agricultural production. The difference between the AP and AE Zone District is that the AE Zone District allows for ranch marketing activities, such as a winery by right, where the AP Zone District would require a special use permit for that use.

The parcel size is consistent with the development standards of Section 17.36.090.D. Under Ordinance 17.36.070, one single family dwelling is allowed in each agricultural preserve preserve. In this case, the one existing dwelling unit for the 35.2 acre project is in compliance with the density requirement of one dwelling unit per preserve.

### **Williamson Act Criteria:**

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. Specifically, minimum acreage, capital outlay, and income generated from the agricultural pursuits are identified. The three criteria for the establishment of a Williamson Act Contract are described in Finding 3.0. The Agricultural Commission has reviewed this application and stated that the property meets all the necessary criteria.

### **ENVIRONMENTAL REVIEW**

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines which states, "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." The requested rezone to AP only allows wineries, special events, and other quasi-commercial activities by special use permit which would require further discretionary and CEQA review.

Pursuant to Resolution No. 240-93, a \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

**RECOMMENDATION**

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

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15317 of the CEQA Guidelines;
2. Approve WAC06-0014 authorizing the County to enter into a Williamson Act Contract with the owners of Assessor's Parcel Number 046-061-37 based on the findings contained in Attachment 1; and
3. Approve Z06-0039 rezoning Assessor's Parcel Number 046-061-37 from Residential Estate Ten-acre (RE-10) to Agricultural Preserve (AP) based on the findings contained in Attachment 1.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....	Findings WAC06-0014/Z06-0039
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Agricultural District
Exhibit D .....	Zoning Map
Exhibit E .....	WAC 06-0014 Application
Exhibit F .....	Assessor's Parcel Map
Exhibit G .....	Parcels Affected By Agricultural Setbacks

# **ATTACHMENT 1** **FINDINGS**

## **FILE NUMBER WAC05-0014/Z06-0039**

### **1.0 CEQA Findings**

1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines which states, "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 General Plan Findings**

2.1 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.

### **3.0 Williamson Act Contract Findings**

3.1 The property satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution No. 188-2002, as follows:

#### **3.1.1 An agricultural preserve shall consist of a minimum of twenty (20) contiguous acres.**

The 20-acre minimum has been met, as the property consists of 35.2 acres.

#### **3.1.2 There shall be a minimum capital outlay of \$45,000 excluding applicant's residence and original cost of the land.**

Capital outlay has been achieved over time with the on-site agricultural improvements of barns agricultural equipment, fencing and grape vines totaling \$183,000.

#### **3.1.3 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.**

The land has been determined to be capable of producing a commercial crop through agricultural pursuits with projected income from the existing 12 acres of grapes and 15 acres of dry grazing exceeding \$13,500 by 2008.