

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



**Agenda of:** July 26, 2007  
**Item No.:** 7  
**Staff:** Michael C. Baron

**WILLIAMSON ACT CONTRACTS**

**FILE NUMBER:** WAC06-0015, WAC06-0016, and WAC06-0017

**APPLICANT:** Roy and Marilyn Rutz

**AGENT:** Bill Snodgrass

**REQUEST:** Application to divide existing agricultural preserve (AP #142) into three separate agricultural preserves totaling 420.9 acres

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

**APN:** WAC06-0015: 088-020-72, -79, -81, and -82  
WAC06-0016: 088-020-71  
WAC06-0017: 088-020-80 (Portion of Approved Boundary Line Adjustment BLA06-0076)

**ACREAGE:** WAC06-0015: 307.5 acres  
WAC06-0016: 50.6 acres  
WAC06-0017: 62.8 acres

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

**ZONING:** Exclusive Agriculture (AE) (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 proposed project consists of 420.9 acres. The project would create three separate Williamson Act Contracts, each providing at least the minimum requirement for acreage, capital outlay, and income for grazing. The acreage from the original Williamson Act Contract (#142) is incorrect and notes a parcel size of only 411.54 acres. However, the acreage for each parcel has been confirmed based on a licensed survey of the property in preparation of a boundary line adjustment (BLA06-0076). The lot configuration of the proposed Williamson Act contracts matches the approved boundary line adjustment.

**Site Description**

The project site is accessed off of Hackomiller Road, which is a County-maintained road. The access and onsite circulation consists of gravel and some paved roadway. The topography of the parcel is characterized by rolling pasture and oak woodlands. All three project areas are surrounded by individual fencing. A single-family residence and accessory structures exist on parcels 088-020-71, -72, and -80. The remaining parcels in the proposed contracts are vacant.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	AE	AL-A,IBC,MR	Improved Residential/Vacant
<b>North</b>	RE-10	AL-A,IBC,MR	Improved Residential/Vacant
<b>South</b>	AE/RE-10	AL/RR-A,MR,IBC	Improved Residential/Vacant/BLM
<b>East</b>	RE-10	RR-A,IBC	Improved Residential
<b>West</b>	RE-5/RE-10	RR-A,MR,IBC	Vacant

**General Plan**

The General Plan designates the subject sites as Agricultural Lands - Agricultural District, Important Biological Corridor, Mineral Resources Overlay Districts (AL-A, IBC, MR). General Plan Policy 2.2.1.2 states that the AL Land Use Designation is applied to lands described in Policy 8.1.1.8. 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). No winery or ranch marketing activities are proposed as part of this application. All six parcels for the three proposed Williamson Act Contracts are within the Agricultural District. All the contracts meet the criteria applicable to these designations.

## **Zoning**

All three of the proposed Williamson Act contracts consist of property currently zoned Exclusive Agriculture (AE). The parcel sizes are consistent with the development standards of 17.36.090.D for all three proposed contracts. Under Ordinance 17.36.070, one single family dwelling is allowed in each AE preserve. In this case, there are three existing dwelling units under the existing Williamson Act Contract (142). By splitting the existing Contract into three separate contracts, the proposed new contracts will be consistent with these policies. Adjacent parcels are already subject to the 200 foot agricultural setback requirements pursuant to 8.1.3.2. No changes would occur as a result of this proposal.

## **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; minimum acreage (50 acres for grazing), capital outlay (\$10,000 for low intensive farming), and income (minimum annual gross income of \$2,000 for low intensive farming).

The Agricultural Commission has reviewed this application and stated that the properties for the proposed Williamson Act Contracts meet all the necessary criteria:

1. The 50-acre minimum has been met for each contract as follows:
  - a. WAC06-0015 has a total of 307.51 acres
  - b. WAC06-0016 has a total of 50.6 acres.
  - c. WAC06-0017 has a total of 62.8 acres.
2. Capital outlay has been achieved over time for each contract as follows:
  - a. WAC06-0015 has a total capital outlay of \$122,000 from fencing, barn/shop, stock water pond, and agricultural roads.
  - b. WAC06-0016 has a total capital outlay of \$22,205 from fencing and agriculture structures.
  - c. WAC 06-0017 has a total capital outlay of \$41,838 from fencing and agricultural structures.
3. The land has been determined to be capable of making a profit for each Williamson Act Contract through agricultural pursuits with projected income from grazing for each contract as follows:

- a. WAC06-0015 has a projected income of \$3,395 generated by raising cattle.
- b. WAC06-0016 has a projected income of \$2,491 generated by grazing cattle and timber harvesting.
- c. WAC06-0017 has a projected income of \$2,491 generated by grazing cattle and timber harvesting.

### **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. 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 division of existing Agricultural Preserve No. 142 into three separate preserves is Categorical Exempt from CEQA pursuant to Section 15317 of the CEQA Guidelines; and
2. Approve WAC06-0015 to include Assessor's Parcel Numbers 088-020-72, -79, -81, and -82; WAC06-0016 to include Assessor's Parcel Number 088-020-71; and WAC06-0017 to include Assessor's Parcel Number 088-020-80 as amended by Boundary Line Adjustment BLA06-0076.

## **SUPPORT INFORMATION**

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

Attachment 1 .....	Findings WAC06-0010/WAC06-0011
Exhibit A .....	Vicinity Map
Exhibit B .....	General Plan Land Use Map
Exhibit C .....	Agricultural District
Exhibit D .....	Mineral Resources Overlay
Exhibit E .....	Important Biological Corridor
Exhibit F .....	Zoning Map
Exhibit G .....	Surrounding Parcels Affected by 200-Foot Setback
Exhibit H .....	Aerial Photo
Exhibit I .....	Assessor's Map
Exhibit J .....	Boundary Line Adjustment BLA06-0076
<b>Exhibit K .....</b>	<b>WAC06-0015, 16 and 17 Applications</b>

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

## **FILE NUMBER WAC06-0015, WAC06-0016, and WAC06-0017**

### **1.0 CEQA Findings**

- 1.1 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.

### **2.0 General Plan Findings**

- 2.1 The proposed Williamson Act Contracts are consistent with policies 2.2.1.2, 8.1.1.8, and 8.1.1.6 of the El Dorado County General Plan, as discussed in the General Plan section of this staff report.

### **3.0 Zoning Findings**

- 3.1 The subject parcels meet the design standards pursuant to 17.36.090.D of the County Code.

### **4.0 Administrative Findings**

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

- 4.1.1. The 20-acre minimum has been met:

- a. WAC06-0015 has a total of 307.51 acres
- b. WAC06-0016 has a total of 50.6 acres.
- c. WAC06-0017 has a total of 62.8 acres.

- 4.1.2. Capital outlay has been achieved for each contract as follows

- a. WAC06-0015 has a total capital outlay of \$122,000 from fencing, barn/shop, stock-water pond, and agricultural roads.
- b. WAC06-0016 has a total capital outlay of \$22,205 from fencing and agriculture structures.
- c. WAC 06-0017 has a total capital outlay of \$41,838 from fencing and agricultural structures.

- 4.1.3. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from grazing and timber harvesting for each contract as follows:
- a. WAC06-0015 has a projected income of \$3,395 generated by raising cattle.
  - b. WAC06-0016 has a projected income of \$2,491 generated by grazing cattle and timber harvesting.
  - c. WAC06-0017 has a projected income of \$2,491 generated by grazing cattle and timber harvesting.