

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
BOARD OF SUPERVISORS
STAFF REPORT**



Agenda of: November 15, 2010

Staff: Aaron Mount

LOT LINE ADJUSTMENT

FILE NUMBER: BLA09-0038

AGENT: Randy Rossi

APPLICANTS: Randy Rossi, Tina Rossi, Stephan Paul Luce, and Sunny Hammonds

SURVEYOR: Bob Olson

REQUEST: Request for a Lot Line Adjustment between three parcels, one currently in a Williamson Act Contract.

LOCATION: On the east side of Grizzly Flat Road, approximately 3.9 miles east of the intersection with Mt. Aukum Road in the Somerset area, Supervisorial District II. (Exhibit A)

APNs: 093-040-46, -58, -59

ACREAGE: 201.64 acres

GENERAL PLAN: Natural Resources (NR)

ZONING: Exclusive Agriculture (AE), Residential Agricultural-20 (RA-20), and Estate Residential Ten-Acre (RE-10) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Exempt pursuant to Section 21080 of the CEQA Guidelines

BACKGROUND

Agricultural Preserve Number 298 was approved by the Board of Supervisors October 4, 2005 for APN 093-040-46. The subject applications were considered by the Agricultural Commission at their regularly scheduled meeting held on March 10, 2010. Comments were received from the Assessor's Office on May 6, 2010.

The applicant's access goes through two other properties (APN: 093-040-58 and -59) and is a non-County maintained road. In accordance with the El Dorado County Winery Ordinance Section 17.14.200(E)(5)(b), the applicant would be required to obtain a Special Use Permit for a wine tasting room, as the property is not in an Agricultural District and is accessed by a non-County maintained road. The applicant proposes to obtain, by the BLA application, the portions of the neighboring properties that his access extends through (approximately 14 acres).

PROJECT DESCRIPTION

The request before the Board is for approval of the Lot Line Adjustment only. The Lot Line Adjustment is going before the Board ahead of the zone change and Williamson Act Contract to ensure the lot line adjustment finalized prior to writing the ordinance for the zone change. The following project description is for the projects that went before the Planning Commission.

The project is a request to expand Agricultural Preserve Number 298 through a Boundary Line Adjustment and a Zone change from RA-20 to AE for the expanded portion of the Agricultural Preserve. Section 51257 of the California Government Code requires Boundary Line Adjustments involving parcels within a Williamson Act Agricultural Preserve to rescind the contract and simultaneously enter into a new contract when exterior boundaries are changed. Findings must be approved by the Board of Supervisors approving the BLA simultaneously with the Williamson Act contracts.

APN	BLA EXISTING ACREAGE	BLA PROPOSED ACREAGE	AG PRESERVES EXISTING	AG PRESERVES PROPOSED
093-040-46	40.001 AC	54.406 AC	#298	WAC09-0002
093-040-58	77.408 AC	65.353 AC	Not within an AG Preserve	A 12.055 ac portion would be within WAC09-0002
093-040-59	112.385 AC	110.035 AC	Not within an AG Preserve	A 2.35 ac portion would be within WAC09-0002

LOT LINE ADJUSTMENT

Lot Line Adjustment BLA09-0038 has been found to be consistent with applicable Zoning Ordinance sections and General Plan Policies. Specifically the resulting parcel sizes are consistent with the AE, RA-20, and RE-10 zone districts and the NR land use designation which require a 40 acre minimum.

Section 51257 of the California Government Code requires that findings must be approved by the Board of Supervisors when a Lot Line Adjustment involves parcels within a Williamson Act Contract. As no changes are being made to the exterior boundaries of the Williamson Act Contract, rescinding of the contract and entering into a new contract is not required.

RECOMMENDATION

Staff recommends that the Board of Supervisors take the following actions:

1. Certify that the project is Exempt from CEQA pursuant to Section 21080 of the CEQA Guidelines.
2. Approve Lot Line Adjustment BLA09-0038 based on the Findings in Attachment 1.

SUPPORT INFORMATION

Attachments:

- Attachment 1Findings
- Exhibit ASite Plan/Proposed Lot Line Adjustment
- Exhibit BAssessor’s Parcel Map
- Exhibit CAg Commission Memo dated March 19, 2010

ATTACHMENT 1

FINDINGS FOR APPROVAL

**Lot Line Adjustment BLA09-0038/Rossi
Board of Supervisors/November 15, 2010**

1.0 CEQA FINDING

- 1.1 Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority, which includes Lot Line Adjustments.

2.0 ADMINISTRATIVE FINDINGS

2.1 Lot Line Adjustment

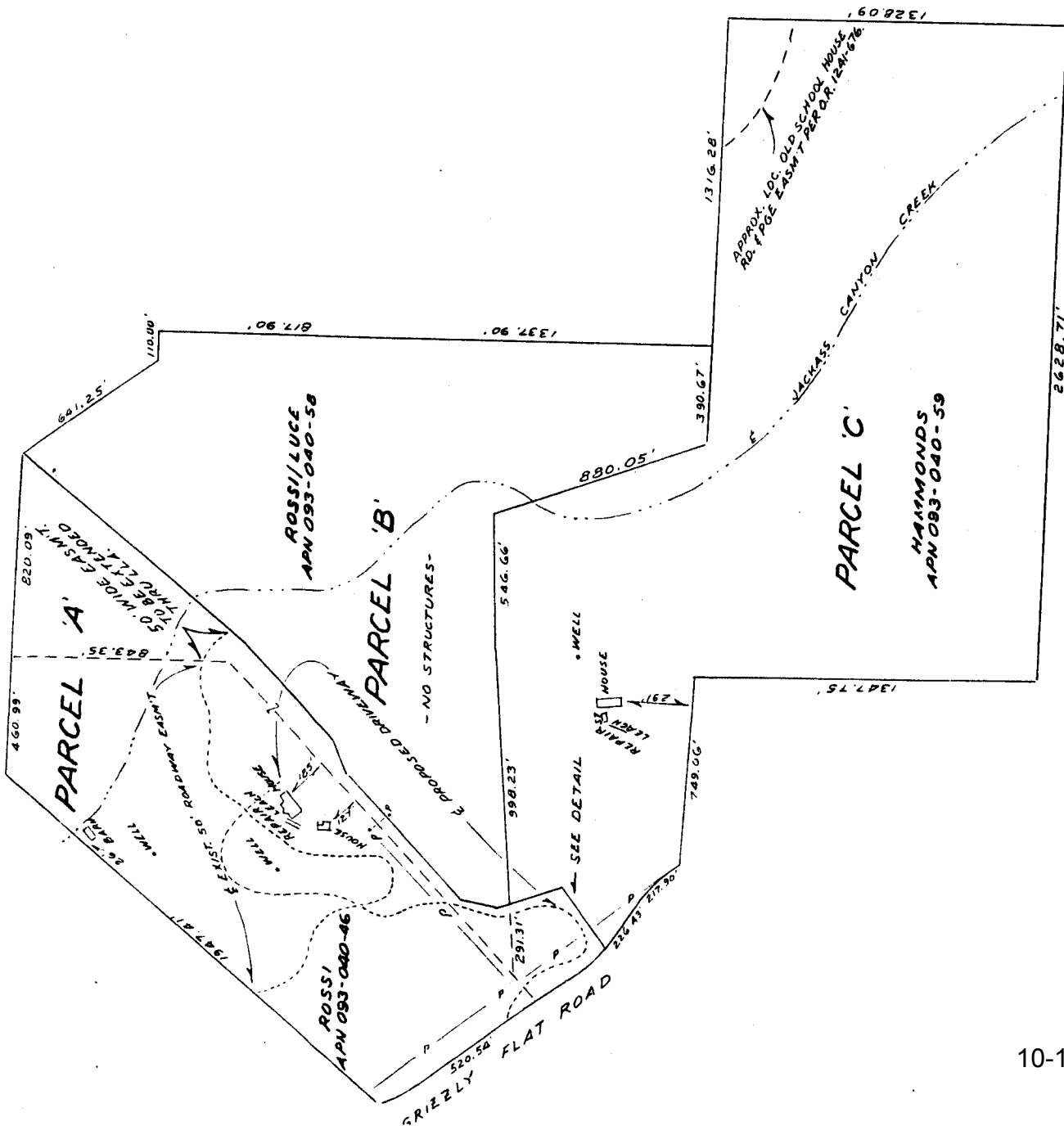
- 2.1.1 The Lot Line Adjustment conforms to the General Plan and Zoning Ordinance.

The Boundary Line Adjustment conforms to the General Plan and Zoning Ordinance.

2.2 California Government Code Section 51257

- 2.2.1 As a new contract is required, the new contracts will enforceably restrict the adjusted boundaries of the parcel for an initial term not less than 10 years.
- 2.2.2 There is no net decrease in the amount of acreage being restricted; in fact, there will be an additional 14 acres under the new contract.
- 2.2.3 At least 90 percent of the land under the former contract will remain under the new contracts; 100 percent of the land under the former contract will be included in the new contracts.
- 2.2.4 After the Boundary Line Adjustment, the parcels of land subject to contract will be large enough to sustain agricultural use as defined in Government Code Section 51222.

EXHIBIT A

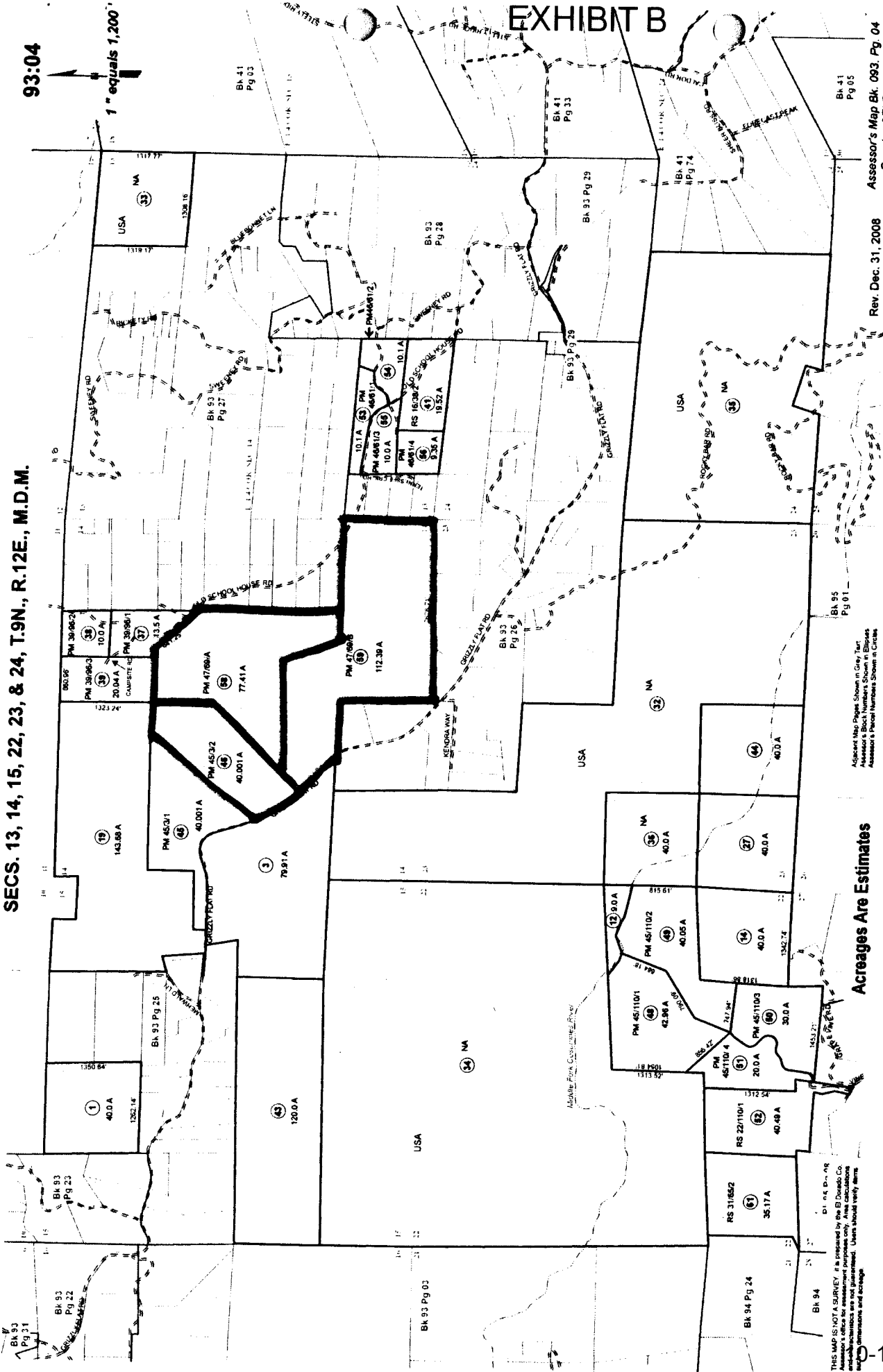


SECS. 13, 14, 15, 22, 23, & 24, T.9N., R.12E., M.D.M.

93:04

1" equals 1,200'

EXHIBIT B



Acres are Estimates

Adjacent Map Pages Shown in Gray Tint

Assessor's Parcel Numbers Shown in Circles

THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co. Assessor's Office for information purposes only. Area calculations and acreages are not guaranteed. Users should verify items, dimensions and acreage.

Assessor's Map Bk. 093 Pg. 04

Rev. Dec. 31, 2008

County of El Dorado, CA



AGRICULTURAL COMMISSION

311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX
eldcag@co.el-dorado.ca.us

Greg Boeger, Chair - Agricultural Processing Industry
Lloyd Walker, Vice-chair - Other Agricultural Interests
Chuck Bacchi - Livestock Industry
Bill Draper, Forestry /Related Industries
Ron Mansfield - Fruit and Nut Farming Industry
John Smith - Fruit and Nut Farming Industry
Gary Ward, Livestock Industry

MEMORANDUM

DATE: March 19, 2010
TO: Aaron Mount, Development Services/Planning
FROM: Greg Boeger, Chair GB

RECEIVED
PLANNING DEPARTMENT
MARCH 23 11:25:59

SUBJECT: Z09-0011/WAC09-0002/BLA09-0038 - ROSSI AG PRESERVE & BLA

During the Agricultural Commission's regularly scheduled meeting held on March 10, 2010, the following discussion and motion occurred regarding **Z09-0011/WAC09-0002/BLA09-0038 - Rossi Ag Preserve and BLA (Randy Rossi/Bob Olson)**: A request for a zone change for portions of the Assessor Parcel Numbers 093-040-58 and 093-040-59 from Residential Agricultural-20 Districts (RA-20) to Exclusive Agricultural Districts (AE) related to BLA 09-0038 and WAC09-0002 which is a lot line adjustment expanding the exterior boundary of Agricultural Preserve #298. The property, identified by Assessor's Parcel Numbers 093-040-58, 093-040-59 and 093-040-46, consists of 40.0 acres, and is located on the north side of Grizzly Flat Road approximately 3.9 miles east of the intersection with Mt. Aukum Road, in the Somerset area. (District 2)

Staff gave the following report:

The applicant's property, located off of Grizzly Flat Road, has Exclusive Agriculture (AE) zoning, is in a Williamson Act Contract (#298), and has a General Plan Land Use Designation of Natural Resource (NR). The applicant's driveway goes through two other properties (APN: 093-040-58 and -59) and is currently considered a non-County maintained road. In accordance with the El Dorado County Winery Ordinance Section 17.14.200 (E)(5)(b), the applicant would be required to obtain a Special Use Permit for a winery, as the property is not in an Agricultural District and is accessed by a non-County maintained road. The applicant proposes to obtain, by the BLA application, the portions of the neighboring properties that his driveway extends through (approximately 3 acres), add the 3 acres to his existing Williamson Act Contract, and change the zoning of the 3 acres from RA-20 to AE.

California Government Code Section 51257 (a) states: to facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term for as least as long as the unexpired term of the rescinded contract, but for not less than 10 years.

- (2) There is no net decrease in the amount of the acreage restricted.
- (3) At least 90 percent of the land under the former contract remains under the new contract.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior the adjustment, or an adjusted lot that is inconsistent with the General Plan.

The applicant has over five acres of grapevines and has constructed a wine cave.

The agent for the applicant was present and available for questions but had no additional information to add to the request.

It was moved by Mr. Smith and seconded by Mr. Draper to recommend APPROVAL of Z 09-0011, WAC 09-0002 & BLA 09-0038, as the findings for Government Code Section 51257 (a) can be made if the original contract is rescinded and a new contract is simultaneously entered into:

- (1) The new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term for as long as long as the unexpired term of the rescinded contract, but for not less than 10 years.***
- (2) There is no net decrease in the amount of the acreage restricted.***
- (3) At least 90 percent of the land under the former contract remains under the new contract.***
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.***
- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.***
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.***
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior the adjustment, or an adjusted lot that is inconsistent with the General Plan.***

The parcel continues to meet the minimum requirements for the Williamson Act Contract and the findings for General Plan Policy 8.1.4.1 can be made. The proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and***
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and***
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.***

Motion passed.

Aaron Mount

Meeting Date: March 10, 2009

RE: Rossi, Randy

Page 3

AYES: Bacchi, Draper, Mansfield, Smith, Walker, Boeger

NOES: None

ABSENT: Ward

If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

GB:na

cc: Randy Rossi
Bob Olson