

FINDINGS

Williamson Act Contract WAC09-0002/Lot Line Adjustment BLA13-0032/Rossi Board of Supervisors/December 13, 2016

1.0 CEQA FINDINGS

- 1.1 The proposed request for a Williamson Act Contract is 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." The boundary line adjustment is Categorically Exempt from CEQA pursuant to Section 15305 which exempts minor alterations in land use limitations in areas with an average slope of less than 20 percent which do not result in any changes in land use or density.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policies 2.2.1.2 and 2.2.5.5.

The project parcels are within the Natural Resources (NR) land use designation where General Plan Policy 2.2.1.2 requires a 40 acre minimum parcel size. However, the Lot Line Adjustment would create one parcel less than 40 acres. Under Policy 2.2.5.5, a reduction in parcel size is allowed to better manage natural resources, such as agriculture. The Lot Line Adjustment and revised Williamson Act Contract are being requested to consolidate an existing vineyard and winery that are currently on two parcels into one parcel within a single Agricultural Preserve. The 20 acre parcel that is created as a result is consistent with this policy.

2.2 The project is consistent with General Plan Policy 8.1.3.1.

Policy 8.1.4.1 requires agriculturally zoned lands, including Williamson Act Contract lands, to be buffered from increased density by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Parcels used to buffer agriculturally zoned lands should have a similar width to length ratio of other parcels when feasible. The project is consistent, as all surrounding parcels would be a minimum of 20 acres with similar width to length ratios.

2.3 The project is consistent with General Plan Policy 8.1.3.5.

Policy 8.1.3.5 states that for any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider the agricultural use or potential of the land and provide a recommendation whether the request will diminish or impair the agricultural use prior to any discretionary permit being approved. The boundary line adjustment and Williamson Act contract applications were forwarded to the Agricultural Commission for review and recommendation on September 14, 2016. The Commission voted unanimously to recommend approval of the boundary line adjustment and the amended Williamson Act contract.

2.4 The project is consistent with General Plan Policy 8.2.4.1.

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 with the request for continuation in the Williamson Act Contract program.

3.0 ZONING FINDINGS

3.1 The proposed Williamson Act Contract amendment is consistent with Title 130.

The resultant lot size and agricultural and winery uses within the proposed AP #298 boundaries would be consistent with Sections 130.36.070 (AE - Exclusive Agriculture) and 130.14.200 (Wineries) that were in effect at the time the project was deemed complete.

3.2 The proposed boundary line adjustment is consistent with Title 130.

Reconfiguration of the property lines would create parcels consistent with the development standards under the AE, Residential Agriculture – 20 acre (RA-20), and Estate Residential – 10 acre (RE-10) zones that were in effect at the time the project was deemed complete.

4.0 ADMINISTRATIVE FINDINGS

4.1 Williamson Act Contract

The contracted land satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:

4.1.1 Minimum Acreage for High-Intensity Farming Operations:

- a. Minimum Acreage – 74 contiguous acres created under BLA13-0032 exceeds the twenty acre minimum criteria.

4.1.2 Capital Outlay for High-Intensity Farming Operations:

- a. Minimum Capital Outlay: The capital outlay of \$90,000 for eight acres of vineyard exceeds the minimum \$10,000 capital outlay criteria.

4.1.3 Income for High-Intensity Farming Operations:

- a. Minimum Annual Gross Income: The annual gross income of \$15,000 from the vineyard exceeds the minimum annual gross income criteria of \$13,500.

4.2 Subdivision Ordinance Findings

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

The Boundary Line Adjustment conforms to the minimum lot size requirements of the AE, RA-20, and RE-10 zones. The request for the adjustment is to consolidate the existing vineyard onto one parcel (APN 095-040-46). All resulting parcel sizes are consistent with General Plan policies 2.2.1.2 and 2.2.5.5, as stated in Subsection 2.1 above.

4.3 California Government Code Section 51257

4.3.1 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.

The amended contract will enforceably restrict the entire acreage of Agricultural Preserve #298 for at least ten years.

4.3.2 There is no net decrease in the amount of the acreage restricted.

Agricultural Preserve #298 will increase from 40 acres to 74.406 acres.

4.3.3 At least 90 percent of the land under the former contract remains under the new contract.

One hundred percent of the former land under Agricultural Preserve #298 will remain under the new contract.

4.3.4 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.

Parcels are presumed to be large enough to sustain their agricultural use if they are greater than 20 acres for high intensive farming operations. Consistent with Section

51222, the high intensive vineyard and winery operation under AP #298 will be larger at 74.406 acres after the Lot line Adjustment.

4.3.5 The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.

The parcel in its current and proposed configuration is and will be used for agricultural production. The BLA would not affect the long-term productivity of the parcel under contract.

4.3.6 The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

All four parcels associated with the Lot Line Adjustment allow agricultural uses by right under its previous and current zoning. As such, the Boundary Line Adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.

4.3.7 The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.

The adjusted parcels are consistent with the Subdivisions Ordinance Chapter 120.53 (Lot Line Adjustments). The lot line adjustment would not result in a greater number of developable parcels than existed prior to the adjustment. As stated in Section 2.0, the adjusted lots are consistent with the General Plan.