

EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT



Item No.: 8.a.
Staff: Michael Baron
Agenda of: December 14, 2006

WILLIAMSON ACT CONTRACT/REZONE

FILE NUMBER: WAC06-0007/Z06-0032

APPLICANT: Robert Margot and Steven Scharpf

REQUEST: Williamson Act Contract placing 25 acres into a new agricultural preserve and rezone property from Estate Residential Five-acre (RE-5) to Agriculture Preserve (AP).

LOCATION: On the west side of Mosquito Road, 1.75 miles north of the intersection with Union Ridge Road, in the Camino area. (Exhibit A)

APN: 084-200-13 and -17, and 084-220-13

ACREAGE: 25 acres

GENERAL PLAN: Rural Residential - Agriculture District overlay (RR-A) & Rural Residential (RR) for parcel 084-200-17 (Exhibit B)

ZONING: Estate Residential Five-acre (RE-5) (Exhibit C)

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

SUMMARY RECOMMENDATION: Recommend approval

STAFF ANALYSIS

Project Description:

The project parcel consists of 25 acres, of which presently, 5.5 acres have been planted with wine grapes and 0.25 acre planted with 60 olive trees. The applicants have a barn to serve as a

workshop/equipment storage building. Projected plans call for an additional 0.75 acre of olive trees and possibly one to two additional acres of grapes.

Site Description:

The project site is accessed off of Mosquito Road which is 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 fence. A single-family residence, guest house, and agricultural barn currently exist on the property.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	RR-A/RR	Improved Residence/Vineyard
North	RE-5	RR	Improved Residential/Vineyard
South	RE-10/RE-5	RR-A/RR	Improved Residential
East	RE-10/RE-5	RR-A/RR	Improved Residential
West	RE-10/RE-5	RR-A/RR	Improved Residential/Vacant

General Plan: The General Plan designates the subject site as Rural Residential-Agricultural District (RR-A) and Rural Residential (RR). General Plan Policy 2.2.1.2 states that the Rural Residential land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities.

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 for 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. Two of the three project parcels have the Agricultural District overlay designation (-A) added to their land use designation of Rural Residential (RR), and all three parcels meet the criteria applicable to these designations. Both designations support the Agricultural Preserve (AP) Zone District that is applied to parcels 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 parcels rezone to Agriculture Preserve, all new development of agriculturally incompatible uses on adjacent parcels will require a setback of 200 feet, although administrative relief is available through the Agricultural Commission. At the time of the preparation of this report, staff had received comments from the public with concerns regarding this 200-foot building setback. A total of eleven surrounding parcels would be subject to a 200-foot setback. However, only one 26.9 acre parcel to the southwest is undeveloped and a 200-foot setback would not create an un-developable parcel.

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). The purpose of the AP Zone District is to implement the Land Conservation Act of 1965, and to encourage the sustainable use of farmland in the County for agricultural production.

The parcel sizes are consistent with the development standards of 17.36.090.D. Under Ordinance 17.36.070, one single family dwelling is allowed in each AP preserve. In this case, the one existing dwelling unit for the 25 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. As they pertain to this application they are:

1. Minimum acreage:
 - A. For high intensive farming operations:
 1. An agricultural preserve shall consist of a minimum of twenty (20) contiguous acres.
2. Capital outlay:
 - A. Methods for determining a value of capital outlay shall be determined by the Agricultural Commission.
 - B. For high intensive farming operations:
 1. There shall be a minimum capital outlay of \$45,000 excluding applicant's residence and original cost of the land.
3. Income:
 - A. Methods for determining a value income shall be determined by the Agricultural Commission.
 - B. For high intensive farming operations:
 1. The property shall produce a minimum annual gross income of \$13,500 for high intensive farming operations, including but not limited to orchards, vineyards, and row crops.

2. 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 Agricultural Commission has reviewed this application and stated that the property meets all the necessary criteria:

The 20-acre minimum has been met, as the property consists of 25 acres.

2. Capital outlay has been achieved over time with the on-site agricultural improvements of, barns, agricultural equipment, fencing and grape vines, \$110,000.
3. The land has been determined to be capable of making a profit through agricultural pursuits with projected income from the existing 5.5 acres of grapes equaling \$18,000.

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 \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION: Recommend approval

Exhibit A: Vicinity Map

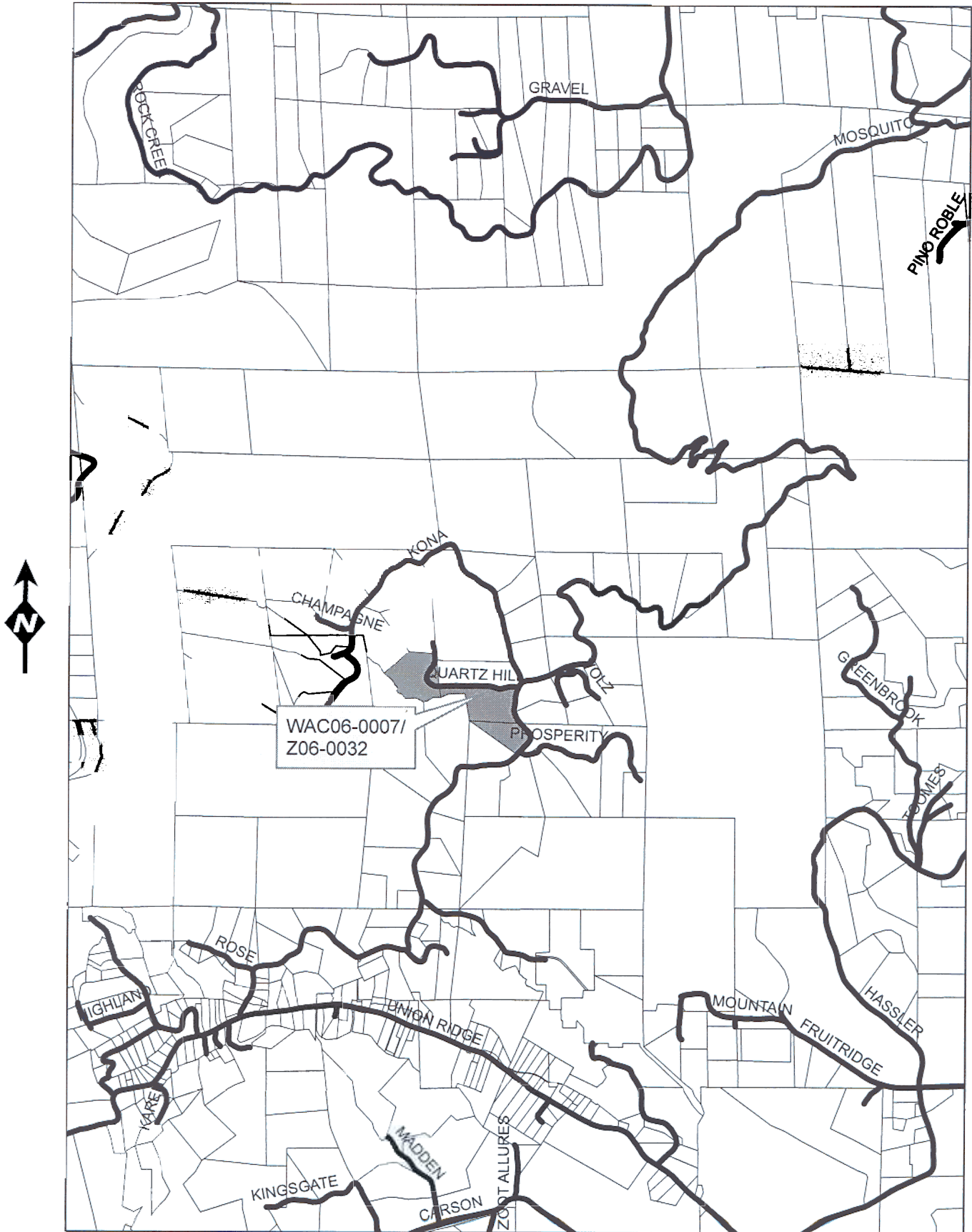


Exhibit B: General Plan Land Use Map

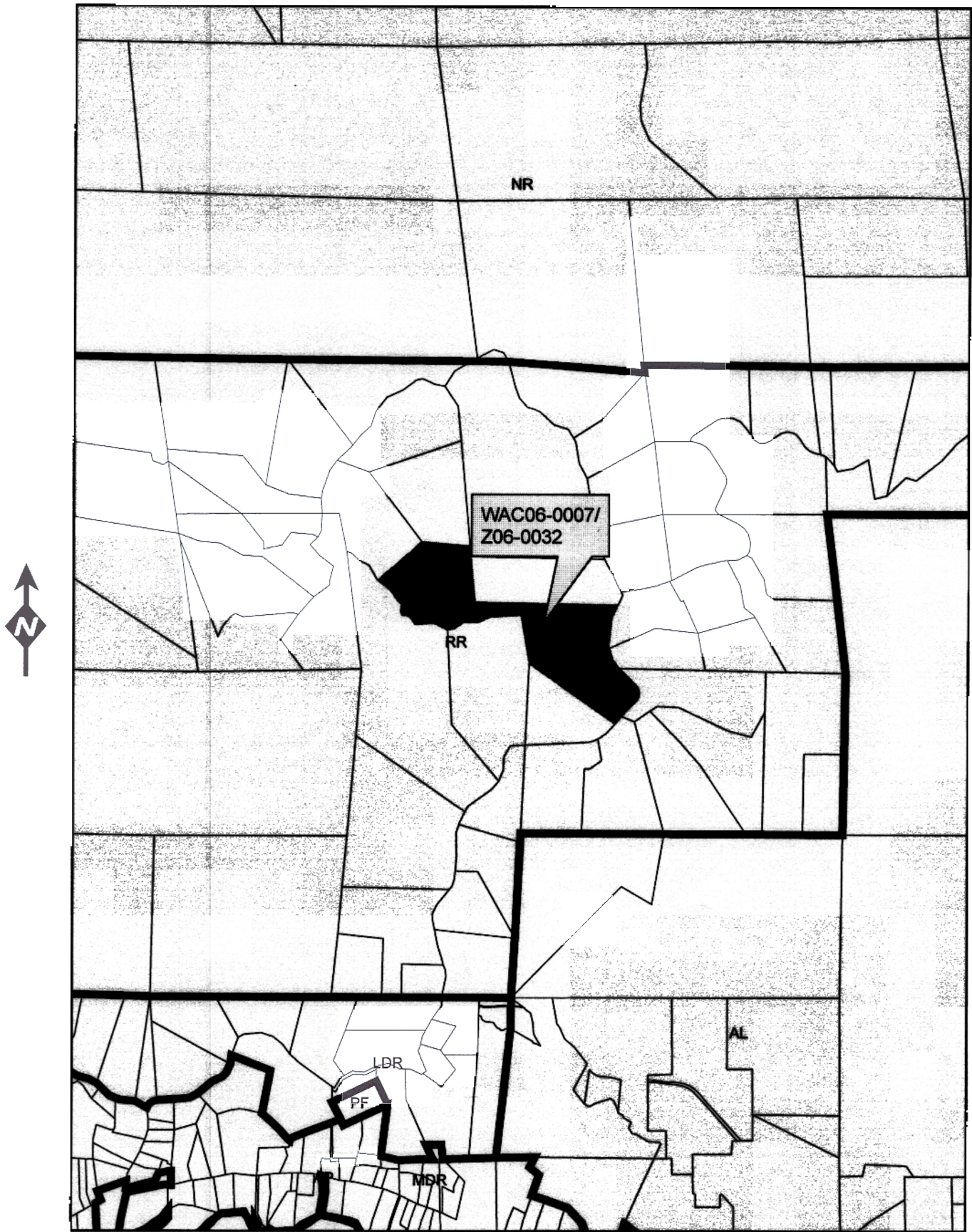


Exhibit C: Agricultural District

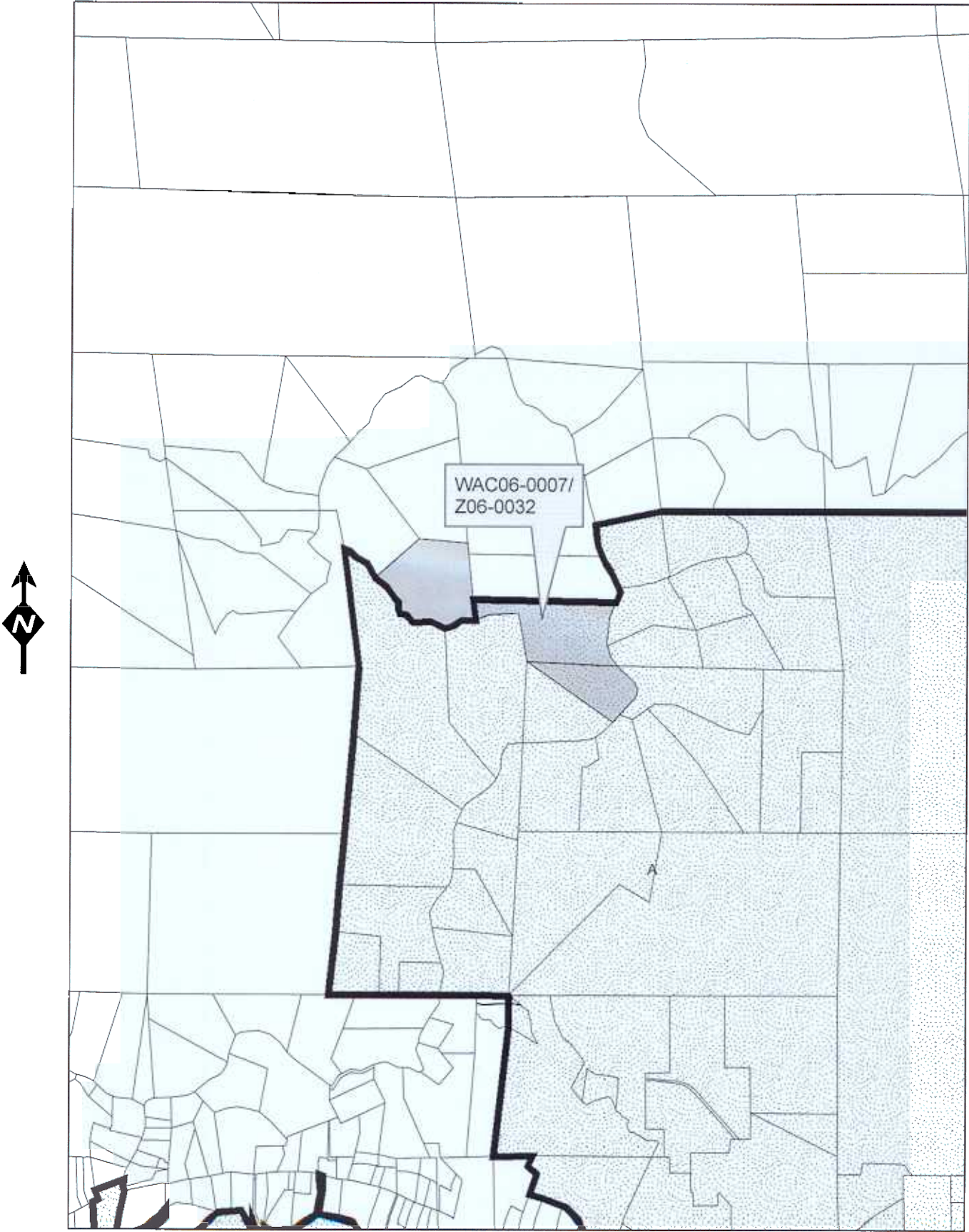


Exhibit D: Zoning Map

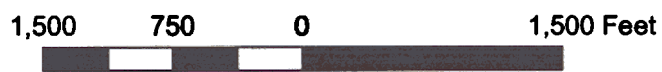
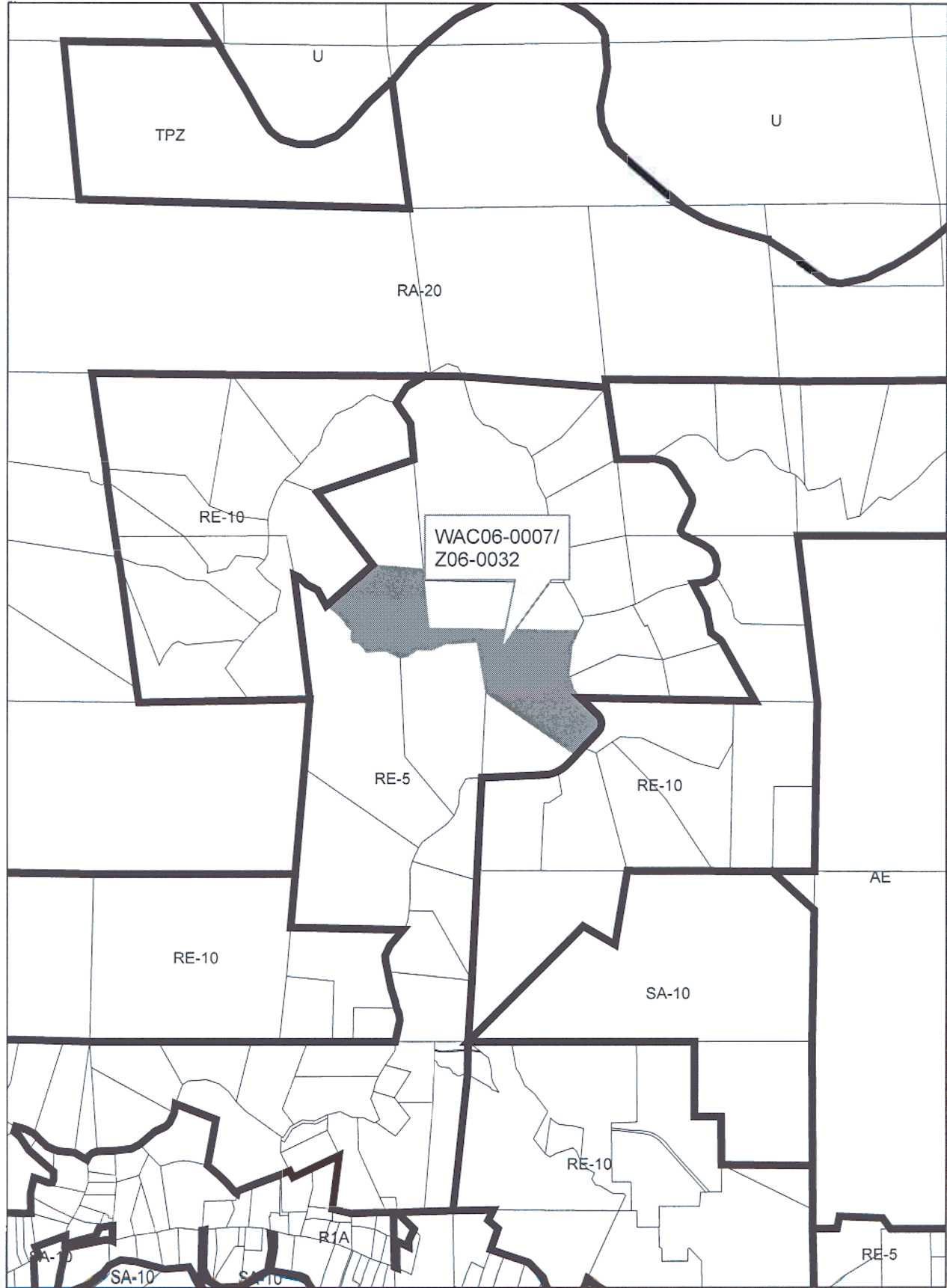


Exhibit E: WAC06-0007 Application

7/11, 2006

PART I

(To be completed by applicant)

LAND CONSERVATION CONTRACT APPLICATION

NAME ROBERT SCHARPF PHONE () 622-8315
MARGOT SCHARPF PHONE () " "
STEVEN SCHARPF PHONE () " "

MAILING ADDRESS 8548 MOSQUITO RD, PLACERVILLE 95667

ASSESSOR'S PARCEL NO.(s): (attach legal description if portion of parcel)

084-200-13-100 ; 084-220-13-100 ; 084-200-17-100

TYPE OF AGRICULTURAL PRESERVE (Check one):

- Williamson Act Contract (10-year roll-out)
- Farmland Security Zone (20-year roll-out)



NUMBER OF ACRES TO BE CONSIDERED UNDER THIS CONTRACT 25

WATER SOURCE EID (AG RATE) PRESENT ZONING _____

YEAR PROPERTY PURCHASED 1975, 1994, 2001

WHAT IS YOUR AGRICULTURAL CAPITAL OUTLAY (excluding land value)?

List specific items or improvements with value for each

<u>Improvement</u>	<u>Value</u>
<u>5.5 ACRES VINEYARD & FENCING</u>	<u>\$ 50,000</u>
<u>BARN, AGR. EQUIPMENT, STORAGE BLDG.</u>	<u>60,000</u>
_____	_____
_____	_____

WAC 06-0007

Z 06-0032

PART I
(continued, page 3)
(To be completed by applicant)

CURRENT LAND UTILIZATION

Pear trees _____	acres	Date planted _____
Apple trees _____	acres	Date planted _____
Walnut trees _____	acres	Date planted _____
60 OLIVE trees 0.25	acres	Date planted 2006
Irrigated pasture _____	acres	Date planted _____
Crop land _____	acres	Comments _____
Dry grazing _____	acres	Comments _____
Brush _____	acres	Comments _____
Timber _____	acres	Comments _____
Christmas trees _____	acres	Comments _____
Grapes 5.5	acres	Comments _____
_____	acres	Comments _____

TOTAL ACRES 6.00 (This figure should equal acreage under Contract)

PLANNED FUTURE DEVELOPMENTS

Briefly describe what future plans you have for the development of this agricultural unit. Please list acreage, crops and time schedule for your planned projects.

PLAN TO PLANT AN ACRE OF OIL OLIVES, AND POSSIBLY ANOTHER ACRE OR TWO OF GRAPES.

I hereby certify that the information contained within this application is true and correct to the best of my knowledge.

7/11/00
Date

Robert F. Scharff
Signature of Applicant

PART II
(To be completed by Assessor)

Comments: _____

Assessor's recommendation(s): _____

_____ Date

_____ El Dorado County Assessor

PART III
(To be completed by Agricultural Commission)

Comments: _____

Commission's recommendation(s): _____

Date

Chairman, Agricultural Commission

PART IV
(To be completed by Planning Commission)

Date of public hearing: _____

Action: _____

Comments: _____

Executive Secretary, Planning Commission



PART V
(To be completed by Board of Supervisors)

Date of public hearing: _____

Action: _____

Comments: _____

CINDY KECK, Clerk to the Board

By: _____
Deputy Clerk to the Board

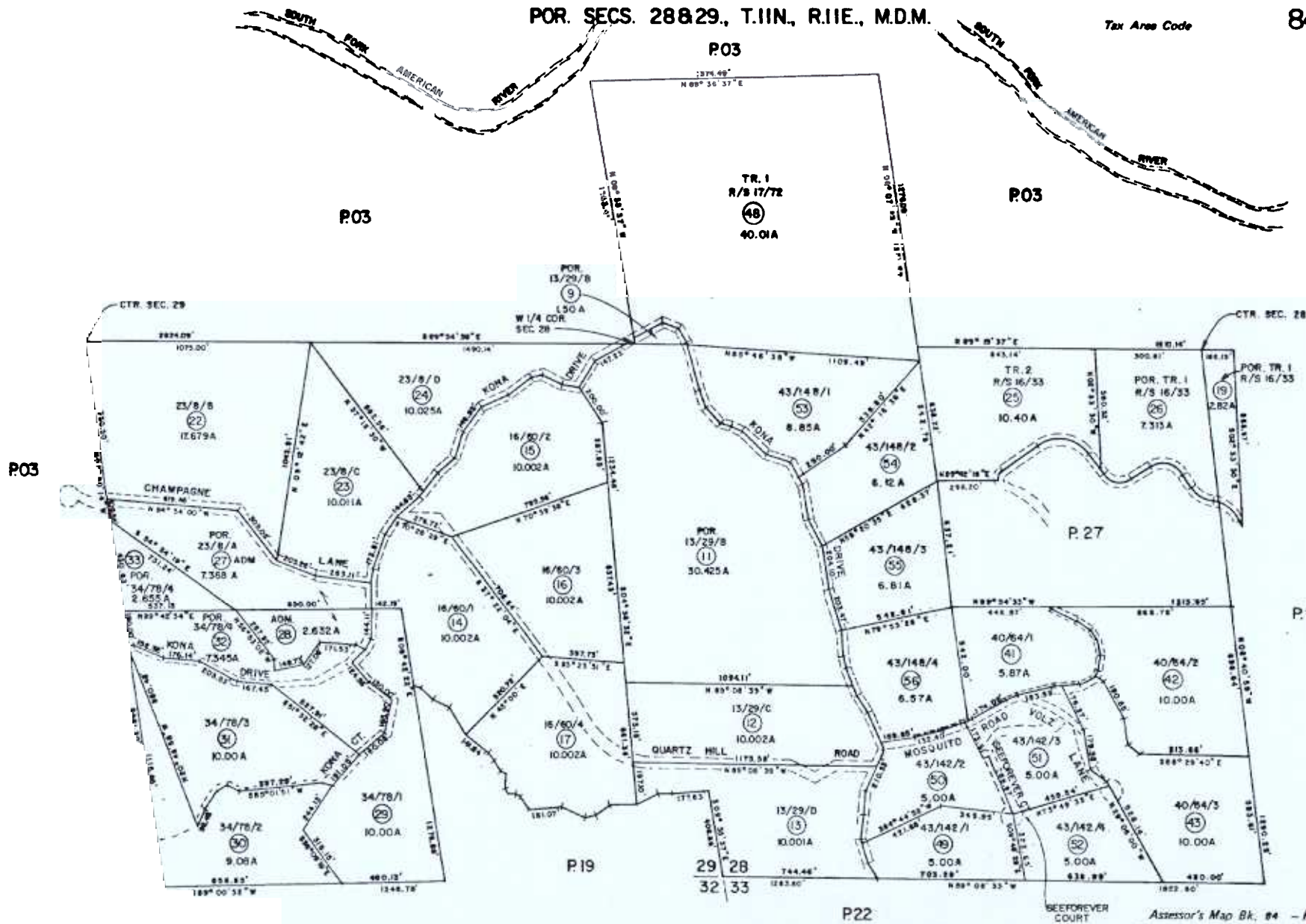
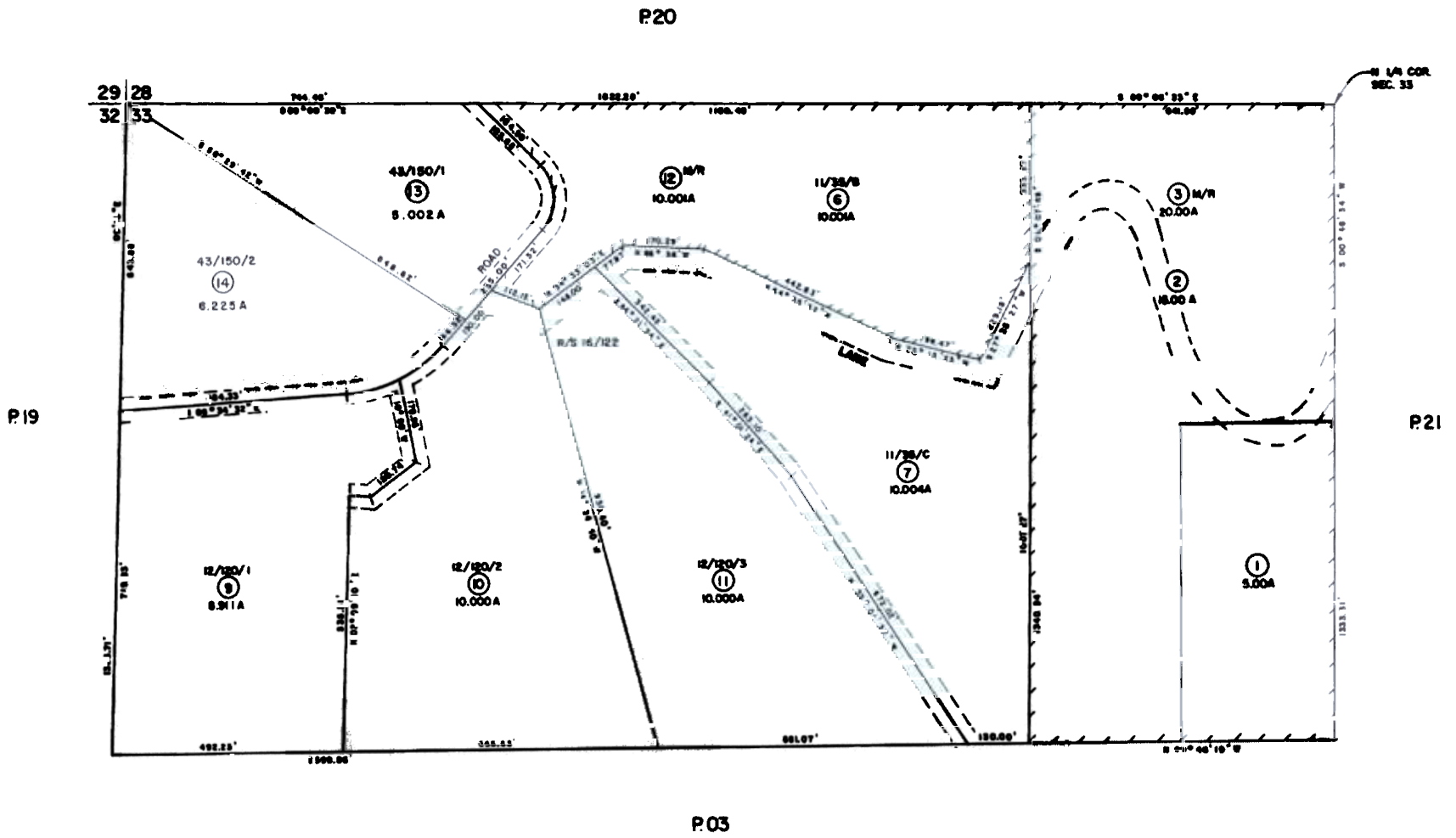


Exhibit F: Assessor's Map

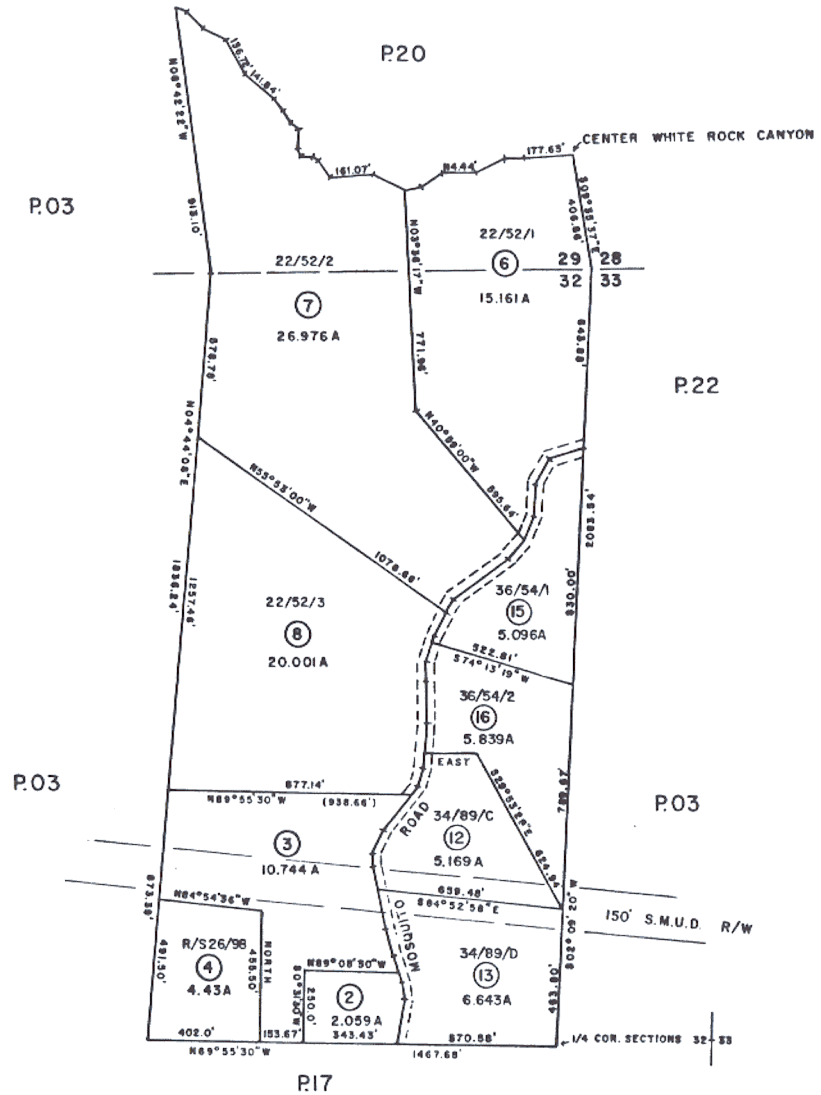
NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 84 - Pg. 20
County of El Dorado, California

MAR 27 2006



NOTE - Assessor's Block Number Shown in Ellipses
Assessor's Parcel Number Shown in Circles



NOTE - Assessor's Block Numbers Shown in Ellipse
owner's Parcel Numbers Shown in Circles

Assessor's Map Bk. 84 - Pg. 19
County of El Dorado, California

NOV 17 2003