

**FROM THE MINUTES OF OCTOBER 26, 2006**

**7. WILLIAMSON ACT CONTRACTS/REZONES (Public Hearing)**

- a. **WAC06-0006/Z06-0019** submitted by JOEL and JUDITH SKLAR to establish a new agricultural preserve and rezone the same properties from Estate Residential Five-acre (RE-5) to Agricultural Preserve (AP). The properties, identified by Assessor's Parcel Numbers 094-060-16, -31, and -35, consisting of 26.8 acres, are located on the north side of Perry Creek Road, approximately three miles east of the intersection with Mt. Aukum Road (E16), in the **Fairplay area**. (Categorically exempt pursuant to Section 15317 of the CEQA Guidelines)

Staff: Aaron Mount recommended approval. Joel Sklar was present. There will be no winery. He will just be growing grapes. Commissioner Chaloupka questioned allowing properties under 40 acres into a Williamson Act Contract. There was no further input.

MOTION: COMMISSIONER MAC CREADY, SECOND BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, TOLHURST, AND KNIGHT; NOES – COMMISSIONER CHALUPKA; ABSENT – COMMISSIONER MACHADO, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15317 OF THE CEQA GUIDELINES AND APPROVE WAC06-0006 ESTABLISHING AN AGRICULTURAL PRESERVE ON ASSESSOR'S PARCEL NUMBERS 094-060-16, -31, AND -35, AND APPROVE Z06-0019 REZONING THE SAME PROPERTIES FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO AGRICULTURAL PRESERVE (AP) BASED ON THE FINDINGS PROPOSED BY STAFF.

## **Findings**

### **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 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 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 subject parcels satisfy the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:
  1. The 20 acre minimum has been met, as the subject site consists of 26.8 acres.
  2. Capital outlay has been achieved over time with the on-site agricultural improvements of clearing, irrigation, trellises, vines, and planting totaling \$63,164.00.
  3. The land has been determined to be properly planted, cared for and maintained, and is capable of making a profit through viticulture, with projected income from existing 10 acres of grapes equaling \$28,915.

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