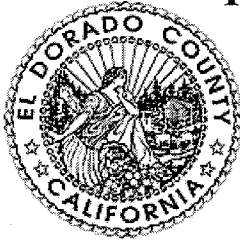


**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: June 24, 2010
Item No.: 8
Staff: Tom Dougherty

WILLIAMSON ACT CONTRACT

FILE NUMBER: WAC10-0001

APPLICANTS: Michael Kuhl, Jack Rudd and Jeanine Santillo

REQUEST: Request to amend a portion of Agricultural Preserve Number 172 establishing a new Agricultural Preserve.

LOCATION: West side of South Shingle Road approximately 1.3 miles north of the intersection with Latrobe Road in the Latrobe area, Supervisorial District II. (Exhibit A)

APN: 087-021-58 (Exhibit B)

ACREAGE: 178.75 acres

GENERAL PLAN: Agricultural Lands (AL) (Exhibit D)

ZONING: Exclusive Agriculture (AE) (Exhibit E)

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

RECOMMENDATION: Planning staff recommends the Planning Commission forward a recommendation that the Board of Supervisors take the following actions:

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15317;
2. Approve Williamson Act Contract WAC10-0001 based on the Findings in Attachment 1.

BACKGROUND

In 1973, the Board of Supervisors authorized the establishment of the 1,084.53-acre Agricultural Preserve Number 172, authorizing the execution of the Williamson Act Contract. In 1981 and again in 1986, the Board accepted Notices of Non-Renewal for portions of the contract. This left two parcels of 178.75 and 105.90 acres within Preserve 172. On May 13, 2008, the Board approved and certified the Notice of Non-Renewal for the 105.90-acre portion of the contract identified by Assessor's Parcel Number 087-021-58. The approval also stated that the remaining 178.75-acre parcel shall be required to be analyzed by the Agricultural Commission for the potential to qualify for a new Williamson Act Contract, hence, the subject application.

STAFF ANALYSIS

Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for Planning Commission's consideration are provided in the following sections.

Project Description: The project is a request for a new Agricultural Preserve for the remaining 178.75-acre portion of Agricultural Preserve 172. Agricultural activities include grazing and are more fully detailed in the Williamson Act Criteria section (Exhibit C).

Site Description: The subject parcel is located at an average elevation ranging from 800 to 960 feet above mean sea level. The project site is accessed off of South Shingle Road, which is a County-maintained road. There are existing graveled and dirt driveways used for interior access. The topography is characterized by rolling pasture and with scattered mature native oak trees. There is an existing barn, associated outbuildings, and wells and the property is currently being used for grazing cattle.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	AE	AL	Agriculture/Barn and outbuildings.
North	AE	AL	Agricultural/Vacant.
South	RE-10, RA-40	RR	Residential/Single family residences.
East	AE	AL	Agricultural/Single family residence
West	RA-40	RR	Residential/Vacant.

Discussion: The subject parcel is currently zoned AE, and therefore would have no new impacts on buffering requirements on neighboring parcels. There currently is a 200-foot setback imposed on all surrounding parcels of agriculturally zoned parcels and that would not change with the new proposed contract. The 228-acre parcel to the north was previously encumbered by Agricultural Preserve 157. At a regular meeting of the Board of Supervisors held February 5, 2008, the Board certified the Notice of Non-Renewal for that preserve.

General Plan: The General Plan land use designation for the project is Agricultural Lands (AL). The project parcel is located within a Rural Region Planning Concept Area and is not designated by the General Plan with the Agricultural District overlay. The project contains 178.75 acres and choice agricultural soils as shown in Exhibit F. Additionally, the following General Plan policies apply to this project:

Policy 2.2.5.2 directs that *all applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan.*

Discussion: The establishment of the new separate preserve and the ensuing uses it allows would be consistent with the AL land use designation.

Policy 8.1.1.8 directs that *lands assigned the Agricultural Lands (AL) designation shall be of sufficient size to sustain agricultural use and should be under a Williamson Act or Farmland Security Zone Contract, and/or contain the characteristics of choice agricultural land or are under cultivation for commercial crop production or are identified as grazing land; and either are located in the county's Rural Region; or the County Department of Agriculture has determined that the land is well suited for agricultural production.*

Discussion: Creating a new agricultural preserve would be consistent with Policy 8.1.1.8 because the parcel would be under a Williamson Act Contract, contains choice soils and/or contain grazing lands, and are located within the County's Rural Regions. The project parcel at 178.75 acres has been determined to be of sufficient size by the El Dorado County Agriculture Commission.

Policy 8.1.3.1 directs that *agriculturally zoned lands including Williamson Act Contract properties (i.e., lands within "agricultural preserves") shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands.* **Policy 8.1.3.2** directs that *Agriculturally incompatible uses adjacent to agriculturally zoned land outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger.*

Discussion: The creation of a new agricultural preserve would not induce any new agricultural setbacks onto adjacent parcels due that the area already exists within an agricultural zone district.

Policy 8.1.4.1 directs that *the County Agricultural Commission review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority.*

Discussion: The El Dorado County Agriculture Commissioners have determined that the land is well suited for agricultural production by their approval recommendation for the contract at their

April 14, 2010 meeting. A copy of the Agricultural Commission Memo including their recommendations is included as Exhibit G.

Policy 8.2.4.1 *seeks to ensure long-term conservation, enhancement, and expansion of viable agricultural lands.*

Discussion: The project is consistent with Policy 8.2.4.1 by the request for the continued use of the Williamson Act Contract program.

Conclusion: The project has been reviewed in accordance with the General Plan and it has been determined that the project is consistent with the applicable policies. Findings of consistency with the General Plan are provided in Attachment 1.

Zoning: Pursuant to Section 17.36.060, the Exclusive Agriculture (AE) zone district *shall apply only to those lands subject to the Land Conservation Act of 1965.* The subject parcel is currently zoned AE, being encumbered under Agricultural Preserve Number 172. Section 17.36.070.D allows the placement of one single-family dwelling unit within each agricultural preserve. If the new Williamson Act Contract is approved a single family residence could be developed on the parcel. Section 17.36.090.C requires a minimum parcel size of 20 acres. The newly created agricultural preserve at 178.75 acres would meet this minimum.

Williamson Act Criteria: The Agricultural Commission reviewed the requested Williamson Act Contracts at their regularly scheduled meeting on April 14, 2010. At this meeting, the Agricultural Commission reviewed the three primary criteria outlined in Resolution No. 188-2002 for establishment of an Agricultural Preserve. These three criteria are:

1. There shall be a minimum capital outlay for agricultural improvements in the sum of \$10,000 excluding the applicant's residence and original cost of the land.

Discussion: The Agriculture Department determined that the existing fencing, wells, barn and outbuildings exceeded the required capital outlay.

2. The minimum acreage shall be 50 contiguous acres for low intensity agricultural operations.

Discussion: The subject parcels would consist of 178.75 acres total.

3. High intensive farming operations (orchards, vineyards and row crops) shall produce a minimum gross income of \$13,500, or \$2,000.00 for low intensity farming (grazing).

Discussion: Gross annual income exceeds the minimum of \$2,000 at over \$5,000.

Conclusion: Since all required findings were made for the requested Williamson Act Contracts, the Agricultural Commission recommended approval of WAC10-0001.

The El Dorado County Assessor's Office staff has visited the site and did not find contradictions to the owner's statements nor did they determine there were any reasons to deny the application requests.

The proposed Agricultural Preserve is consistent with California Government Code Section 51222 in that it contains sufficient size to sustain agricultural use. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is at least 50 acres in size in the case of grazing land.

ENVIRONMENTAL REVIEW

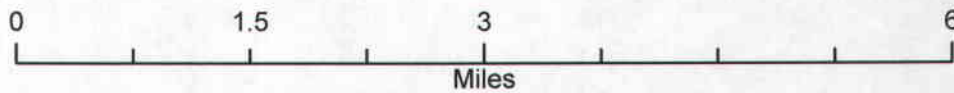
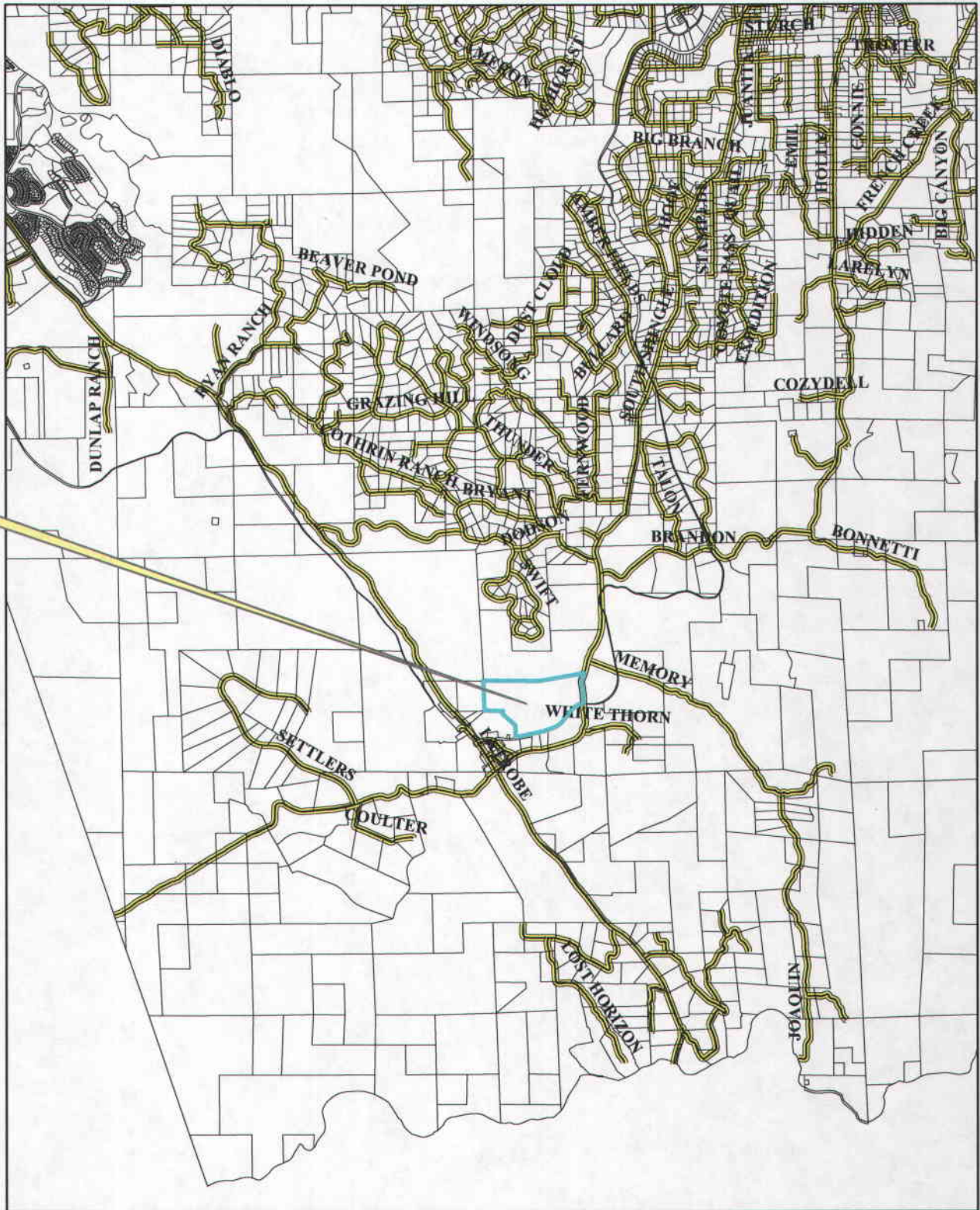
This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines stating that the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act are exempt. A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

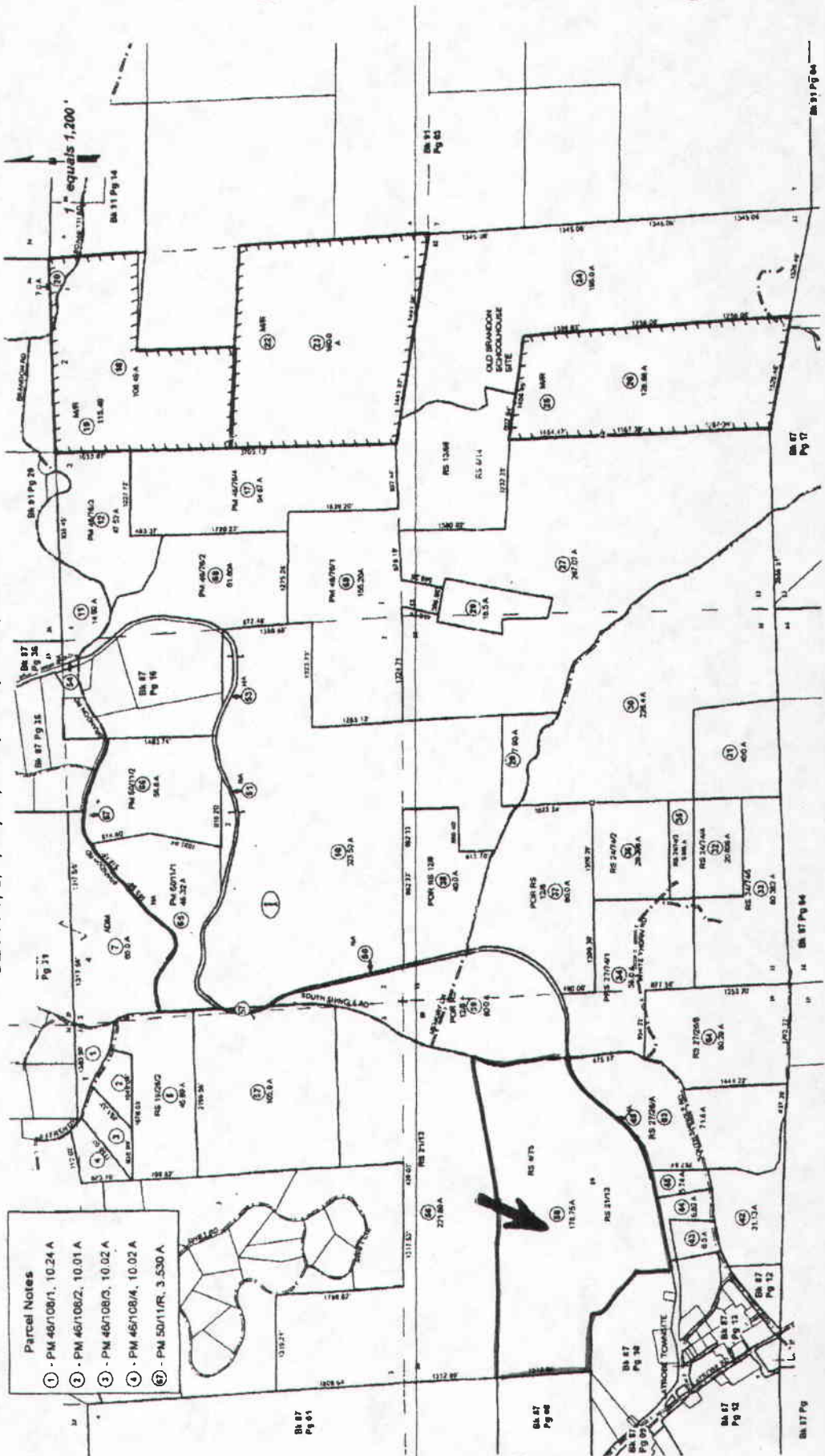
Attachments:

Attachment 1	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	Agricultural Preserve 172 Map
Exhibit D	General Plan Land Use Map
Exhibit E	Zoning Map
Exhibit F	Soils Map
Exhibit G	Agricultural Commission Recommendation
Exhibit H	County Assessor Memo
Exhibit I	Aerial Map

Location Map



SECS. 1, 2, 3, 10, 11, & 12, T.8N., R.9E., M.D.M.



Parcel Notes

1	- PM 461/08/1, 10.24 A
2	- PM 461/08/2, 10.01 A
3	- PM 461/08/3, 10.02 A
4	- PM 461/08/4, 10.02 A
67	- PM 501/1/R, 3.530 A

Assessor's Map Bk. 087, Pg. 02
County of El Dorado, CA

Rev. Jan. 2, 2008

Address Map Pages 087 to 097
Assessor's Map Bk. 087, Pg. 02
County of El Dorado, CA

Acreages Are Estimates

NOTICE... This is neither a plat nor a survey, it is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon.

Description: El Dorado, CA Assessor Map 87.2 Page: 1 of 2
Order: dw Comment:

Agricultural Preserve 172



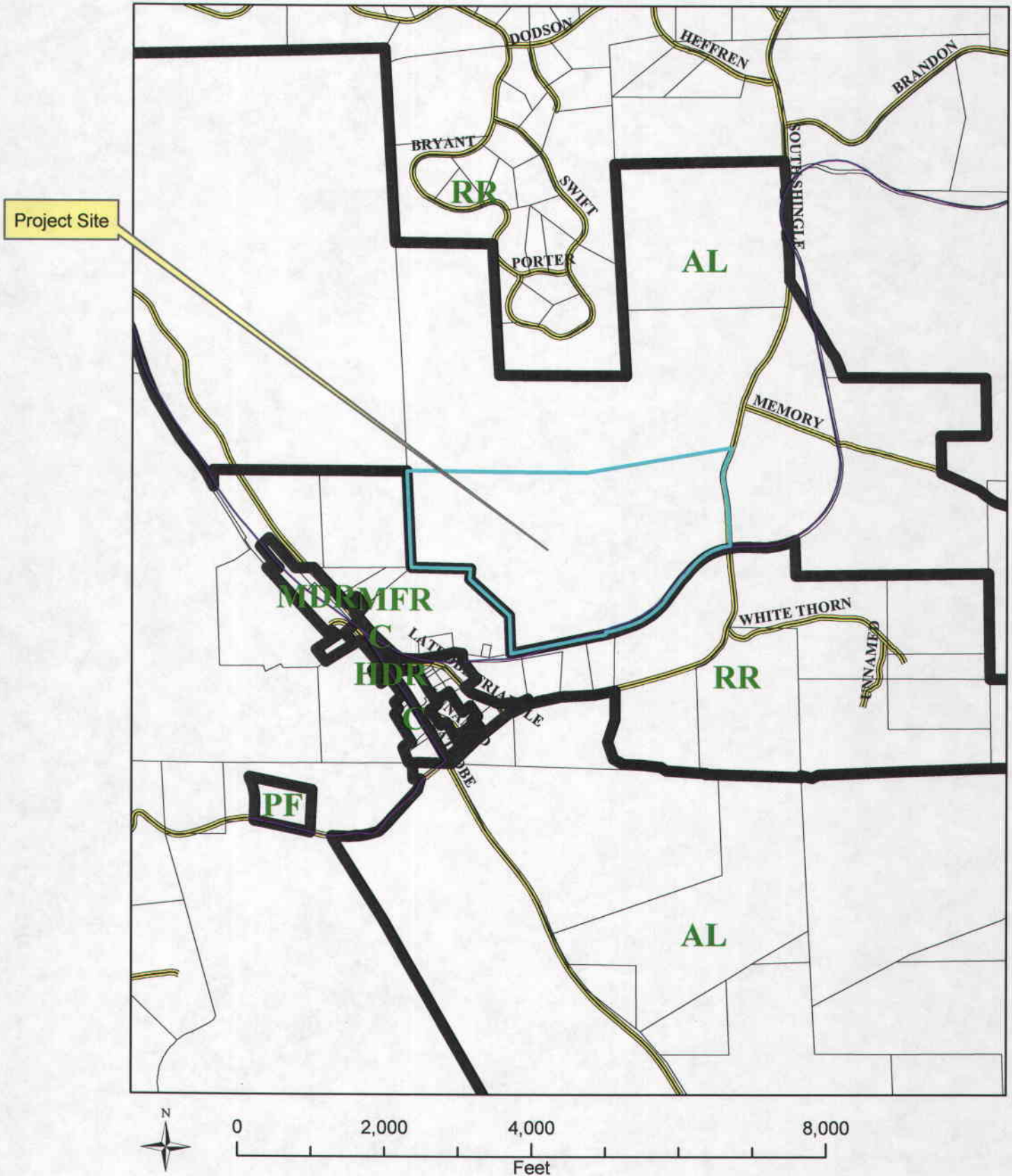
087-021-57
This 105.90 portion was granted
a ten-year rollout on May 13, 2008

087-021-58
This 178.75-acre portion is seeking
a new Williamson Act Contract.

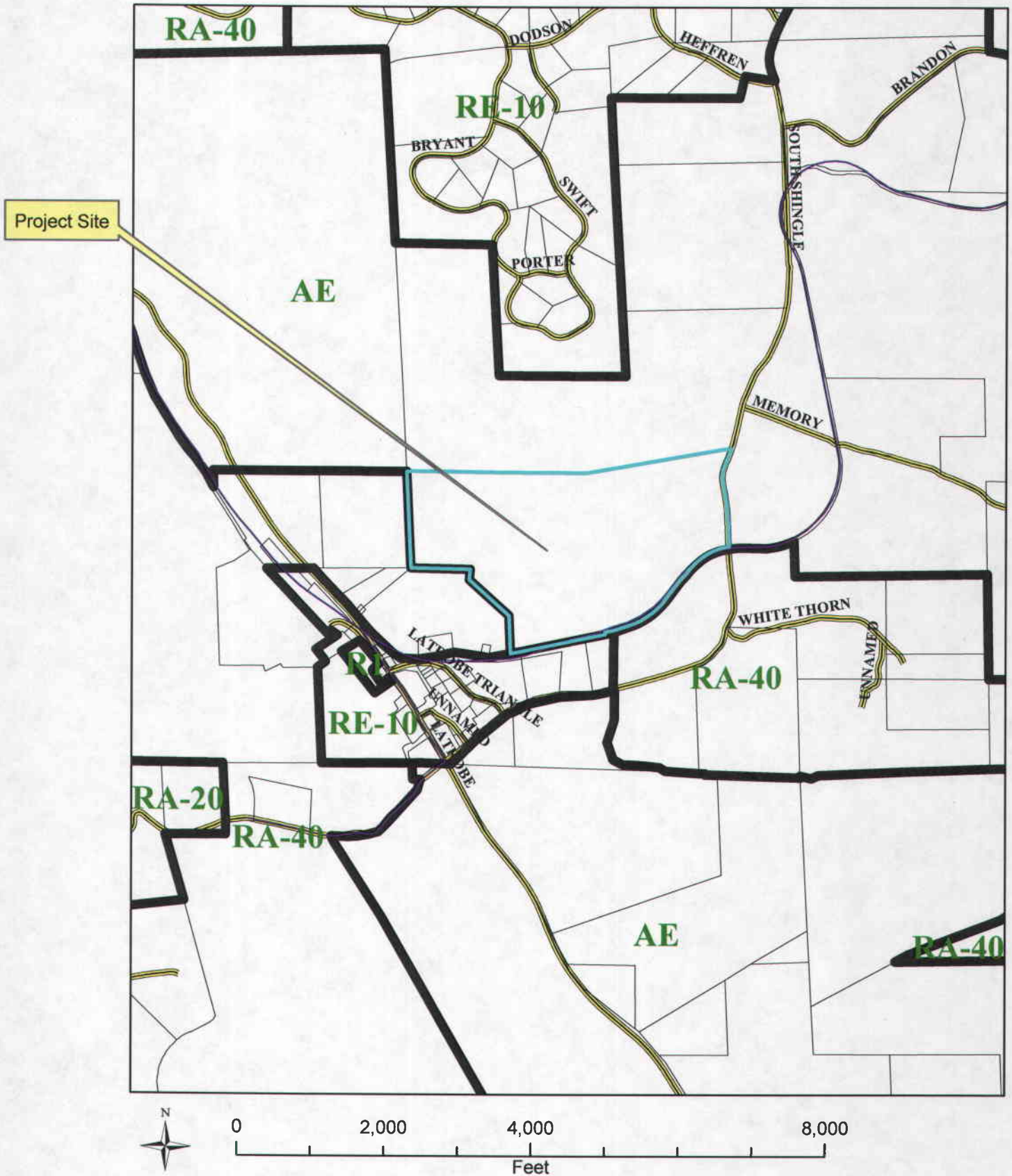
Ag. Preserve 172



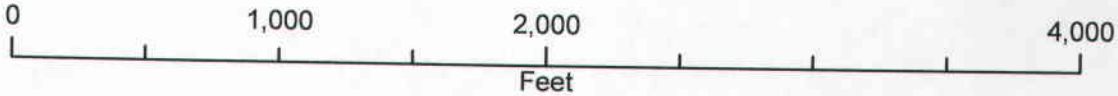
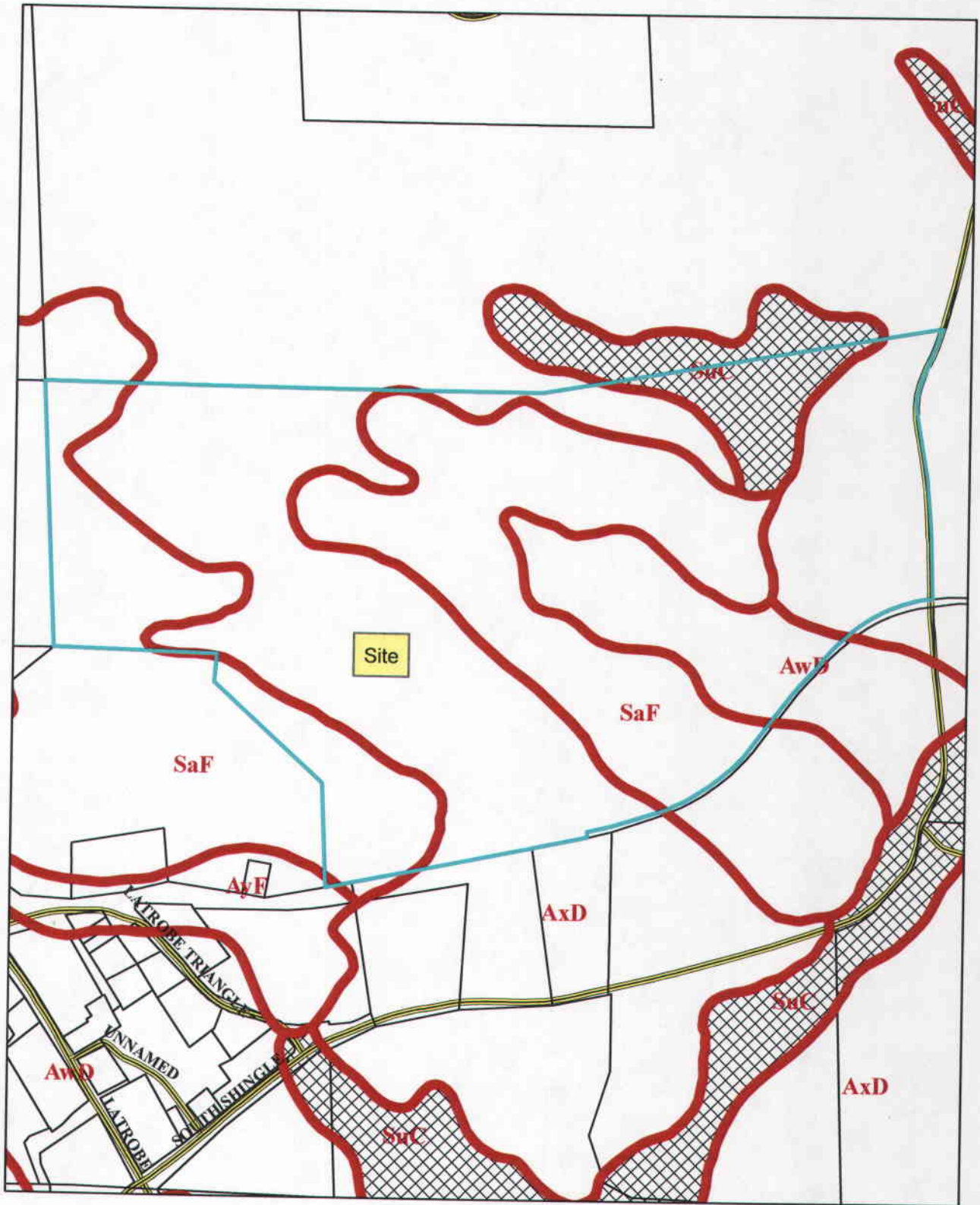
General Plan Land Use Designations



Zoning



Soils



File No. WAC10-0001

 Choice Soils

AwD: Auburn Silt Loam
AxD: Auburn Very Rocky Silt Loam
SaF: Serpentine Rock Soils
SuC: Sobrante Silt Loam

Exhibit F

10-0757.D.11



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: April 29, 2010
TO: Tom Dougherty, Development Services/Planning
FROM: Greg Boeger, Chair *GB*

10 MAY -4 AM 11:17
RECEIVED
PLANNING DEPARTMENT

SUBJECT: WAC10-0001 – KUHL/SANTILLO/RUDD (MICHAEL KUHL, JEANINE SANTILLO, JACK RUDD)

During the Agricultural Commission’s regularly scheduled meeting held on April 14, 2010 the following discussion and motion occurred regarding WAC10-0001 – Kuhl/Santillo/Rudd (Michael Kuhl, Jeanine Santillo, Jack Rudd): New Williamson Act Contract required by the approval and certification of the Notice of Non-Renewal for a portion of Agricultural Preserve No. 172 identified by Assessor’s parcel number 087-021-57 on May 13, 2008. The subject 178.75-acre parcel is the second parcel of that original preserve and is identified by Assessor’s Parcel Number 087-021-58. It is located on the west side of South Shingle Road approximately 1.3 miles north of the intersection with Latrobe Road in the Latrobe area. (District 2)

Staff reported on the site visit. The property is over 178 acres and is located on South Shingle Road in the Latrobe area. The parcel is currently zoned AE, has a Land Use Designation of Agricultural Land (AL) and is part of Ag Preserve number 172. The applicant’s have applied for a separate Williamson Act Contract for the 178 acres. Agricultural improvements to the property include: five-strand barbed wire fencing and corrals (verified during site visit), barns and outbuildings (verified during site visit), wells (per application), electric power (verified during site visit), and gravel and dirt roads throughout property (verified during site visit). Improvements exceed the minimum \$10,000 capital outlay requirement. Annual gross income is stated at \$3,500.00 (per application), which exceeds the minimum \$2,000.00 for low intensive farming (grazing). The applicant leases land for cattle grazing. Cattle were on the property at the time of the site visit.

Mr. Bacchi commented that he was glad the property is being maintained as grazing land.

Michael Kuhl was present for questions and review of the project but had no comment.

It was moved by Mr. Bacchi and seconded by Mr. Draper to recommend APPROVAL of WAC 10-0001 as APN 087-021-58 meets the minimum criteria for a low intensive agricultural operation:

Tom Dougherty
Meeting Date: April 14, 2010
RE: Brown, Christine/Carlton Eng.
Page 2

- 1) *The capital outlay exceeds the minimum requirement of \$10,000 at \$21,750,*
- 2) *The acreage of the parcel exceeds the minimum requirement of 50 acres at 178 acres,
and,*
- 3) *The gross income exceeds the minimum requirement of \$2000/year at \$3,500/year.*

Motion passed.

AYES: Mansfield, Smith, Bacchi, Draper, 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: Michael Kuhl
Jeanine A. Santillo
Jack Rudd

PART II
(To be completed by Assessor)

Comments: observed fencing. Barn is visible on
aerial photo. Acreage is gently rolling with few
oak trees.

Assessor's recommendation(s): parcel appears suitable for
dry grazing

4/28/10
Date

Cathi Spear, Senior Appraiser
El Dorado County Assessor

Project Site

