

FINDINGS

Rezone Z16-0003/Williamson Act Contract WAC16-0002/Hermosa Vista Ranch Planning Commission/November 10, 2016

1.0 CEQA FINDINGS

- 1.1 The proposed request for a Williamson Act Contract is Categorically Exempt from CEQA pursuant to Section 15317, which states that 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 shall be exempt from CEQA; and section 15305, which applies to minor alterations in land use limitations on sites with an average slope of less than twenty percent, which do not result in any changes to 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 Policy 2.2.1.1.

The General Plan designates the subject parcel as Natural Resources (NR). The purpose of this designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting those resources from interests that are in opposition to the managed conservation and economic, beneficial use of those resources.

Rationale: The proposed Williamson Act Contract and rezone is permitted under the Agriculture and Forestry Element of the General Plan. Several of the important natural resources of the county include forested areas, important watersheds, and river corridors. Compatible uses on private land may include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The maximum allowable density for this designation is one dwelling unit per 40 acres within river canyons outside of the timber production area. The proposed rezone and revised Williamson Act Contracts are consistent with this NR General Plan designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2

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. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General

Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. According to the General Plan Land Use Designation and Zoning District Consistency Matrix (Table 2-4), the LA zone is consistent with the Natural Resources land use designation. As described and conditioned, the proposal is consistent with the intent of the General Plan.

2.3 **The project is consistent with General Plan Policy 2.2.5.3**

Policy 2.2.5.3 requires that the County evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following nineteen criteria:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;

Rationale: The site is currently served by a private well. No changes to the water source are proposed. The use of the property is to remain as it is currently, and no increase in demand for water is anticipated.

2. Availability and capacity of public treated water system;

Rationale: The site is currently served by a private well, and there are no plans to connect to a public treated water system. The use of the property is to remain as it is currently, and no increase in demand for water is anticipated.

3. Availability and capacity of public waste water treatment system;

Rationale: A connection to a public waste water treatment system is not proposed. The use of the property is to remain as it is currently, with the potential for one primary dwelling and an accessory dwelling to be constructed on site by right. The addition of a dwelling unit would require the design and installation of a private septic system.

4. Distance to and capacity of the serving elementary and high school;

Rationale: The school nearest to the site is Indian Diggins Elementary, which is located approximately 3.75 miles to the south. The project would not generate additional students or affect school capacity.

5. Response time from nearest fire station handling structure fires;

Rationale: The nearest fire station is located approximately 3.5 miles from the site. The project would not result in the potential for additional structures beyond those currently allowed by right at the site. The project would not affect response times.

6. Distance to nearest Community Region or Rural Center;

Rationale: The project is within a Rural Region. The nearest rural center is Grizzly Flats, which is located 0.75 miles to the east of the site. The site is to remain in agricultural use.

7. Erosion hazard;

Rationale: No further development of the property is proposed. The use of the property is to remain as it is currently, and the change in zoning would restrict the use of the property to those listed under Limited Agriculture. However, if any allowed uses were proposed for the property that would require any permits, erosion would be controlled through adherence to County grading requirements.

8. Septic and leach field capability;

Rationale: No septic systems are proposed. The use of the property is to remain as it is currently, and would be restricted to those listed under Limited Agriculture.

9. Groundwater capability to support wells;

Rationale: No new wells are proposed, and the development would not impact groundwater supply. The use of the property is to remain as it is currently, and would be restricted to those listed under Limited Agriculture.

10. Critical flora and fauna habitat areas;

Rationale: The project would not adversely affect biological resources, as no new development is proposed. The use of the property is to remain as it is currently, and the change in zoning would restrict the use of the property to those listed under Limited Agriculture.

11. Important timber production areas;

Rationale: The project is not located in and would not adversely affect timber resource areas.

12. Important agricultural areas;

Rationale: The project would not adversely affect agricultural areas, as it would serve to preserve an agricultural use in a rural area of the county. Policy 8.2.4.1(B) of the Agriculture and Forestry Element supports the continued use of Williamson Act Contracts to provide tax benefits to farms and ranches to ensure the long-term conservation of agricultural lands.

13. Important mineral resource areas;

Rationale: The project is not located near and would not adversely affect mineral resource areas.

14. Capacity of the transportation system serving the area;

Rationale: The project would be required to improve affected roadways and would not affect transportation system capacity. The use of the property is to remain in low-intensity farming operations, and the change in zoning would restrict the use of the property to those listed under Limited Agriculture. No additional traffic is expected as a result of this project.

15. Existing land use pattern;

Rationale: The project would be consistent with the adjacent existing low-density housing and agricultural land use pattern to the north, east, south, and west and would provide adequate buffers and transitions for other locations. The use of the property is to remain as it is currently, and the change in zoning would restrict the use of the property to those listed under Limited Agriculture.

16. Proximity to perennial water course;

Rationale: Perennial water courses would be protected through compliance with required programs (see Findings 2.41, 2.79, and 2.86).

17. Important historical/archeological sites; and

Rationale: There are no known historic/archaeological sites that would be affected by the project. The use of the property is to remain as it is currently, and the change in zoning would restrict the use of the property to those listed under Limited Agriculture.

18. Seismic hazards and presence of active faults.

Rationale: There are no active faults or extraordinary seismic hazards in the vicinity of the project.

19. Consistency with existing Conditions, Covenants, and Restrictions.

Rationale: There are no CC&Rs currently at the site.

2.4 **The project is consistent with General Plan Policy 8.1.1.4.**

This General Plan policy requires use of The Procedure for Evaluating the Suitability of Land for Agriculture for evaluating the suitability of agricultural lands in Agricultural Districts and Williamson Act Contract lands (agricultural preserves).

Rationale: The Agricultural Commission reviewed the applicant’s requests at their regularly scheduled meeting on August 10, 2016. At the hearing, the Agricultural Commission reviewed the three primary criteria for Low-Intensive Farming Operations for establishment of an Agricultural Preserve. The property satisfies the County’s three criteria for the establishment of an Agricultural Preserve for low-intensity farming operations, as defined in Resolution Number 188-2002, as follows:

Criteria	Site
Minimum Acreage: 50 contiguous acres	Consist of 154 acres
Minimum Capital Outlay: \$10,000	<ul style="list-style-type: none"> • Double bear fence with solar panels (approximately \$1,500) • Locking gate (approximately \$1,500) • Gravel road (\$10,000) • 14 bee boxes (approximately \$2,600) Total: \$15,600
Minimum Annual Gross Income: \$2,000/year	Minimum annual gross income reported: \$2,000

The Agricultural Commission determined that the application meets the minimum criteria for both high- and low-intensive agricultural operations under the proposed Williamson Act Contract and recommended approval of both the rezone and Williamson Act Contract (see Exhibit J).

2.5 The project is consistent with General Plan Policy 8.1.3.5.

Policy 8.1.3.5 states that any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

Rationale: The Williamson Act Contract application was forwarded to the Agricultural Commission for review and recommendation. The Commission voted unanimously to recommend approval of the rezone and Williamson Act Contract on August 10, 2016.

2.6 The project is consistent with General Plan Policy 8.1.4.1.

Policy 8.1.4.1 requires the County Agricultural Commission to review all discretionary development applications involving land zoned for or designated agriculture.

Rationale: The El Dorado County Agriculture Commission reviewed the application on August 10, 2016 and determined that the Williamson Act Contract meets the minimum criteria for agricultural operations.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.21.010

Limited Agricultural (LA) Zone, applies to the development of agricultural enterprises and uses, whether encumbered by a farmland conservation contract or not. This zone is to be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing use, soil type, water availability, topography, and similar factors. The LA zone is distinguished from the PA zone in that it provides limited opportunities for ranch marketing and commercial winery uses, and shall generally be applied where those more intensive commercial uses may be undesirable.

Rationale: The Zoning Ordinance designates the parcel as Rural Lands-40 Acres (RL-40). The proposed rezone would change the zoning designation to Limited Agriculture (LA). The site is currently used as an apiary, and the applicant proposes to continue this use. Bees fit the definition of small animals, according to 130.40.080 (B). Animal Raising and keeping, including of small animals, is allowed in the LA zone.

3.2 The proposed use is consistent with Title 130.40.060.

This section of the Zoning Ordinance implements the provisions of the Land Conservation Act of 1965 (Williamson Act) and the farmland security zone legislation

(California Government Code Chapters 51200 et seq. and 51296 to 7, respectively) and provides criteria for zoning and protecting the existing agricultural resources of the county. Sections B and C apply to the establishment of this Williamson Act Contract.

B. Criteria for Establishment of Agricultural Preserves. In order to establish a new Agricultural Preserve, hereinafter referred to as “Preserve”, a property owner must enter into a Williamson Act Contract with the county subject to the provisions and criteria set forth in California Government Code Chapter 51200 et seq. and Resolutions adopted by the Board establishing Williamson Act criteria, as amended from time to time, and the following:

1. Zone Change. The property shall be zoned to Planned Agricultural (PA), Limited Agricultural (LA), or Agricultural Grazing (AG) with the approval and establishment of a Preserve, subject to the specific provisions of Subsection 130.21.010 (Matrix of Allowed Uses), Subsections C.1 (Planned Agricultural (PA), C.2 (Limited Agricultural (LA) and C.3 (Agricultural Grazing).

Rationale: This request includes a zone change from Rural Lands 40 Acres to Limited Agriculture. The current and proposed use of the site is for an apiary. The proposed keeping and raising of bees is a use permitted by right in accordance with Sections 130.30.020 (RL-40 & LA), 130.40.060 (AP), and 130.40.080 (Animal Raising and Keeping) of the Zoning Ordinance.

2. Term. The initial term of a contract is ten years, calculated from January 1 of the same year it is approved in. On each anniversary date of a contract, a year shall be automatically added to the initial term unless written Notice of Non-Renewal is given as provided in Subsection D (Non-Renewal of Williamson Act Contracts/Agricultural Preserves) below. If the property owner or the county serves written Notice of Non-Renewal in any year, the contract shall remain in effect for the balance of the unexpired term.

Rationale: The initial term for the contract, as described in section 4, is for a period of ten years. The non-renewal process is described in section 5 of the contract, and complies with this criteria.

C. Preserve Standards:

1. Minimum Acreage. The minimum acreage of a Preserve shall be (a) 20 acres for high intensive farming operations or 50 acres for low intensive farming operations, consisting of a single lot or contiguous lots; or (b) at least ten acres but less than 20 acres upon a positive recommendation from the Agricultural Commission and approval by the Board if the property meets all land suitability requirements for agricultural potential, and the lot was or

contiguous lots were in existence as of March 23, 1993.

Rationale: The parcel is 154.4 acres. The Williamson Act Contract would include the entirety of the parcel. Currently the site is being used as an apiary, with on site improvements consisting of a well with a solar panel pump and gravel driveway. There are plans for the construction of a bee storage shed and for the planting of native wildflowers to support the bees. This contract would include two property owners; John and Maria Taylor.

2. Use and Structures. The use of the property shall be limited during the term of the contract to agricultural and compatible uses. Structures may be erected and/or enlarged on the property upon a positive recommendation from the Agricultural Commission and approval by the Board if they are directly related to and compatible with uses allowed in Table 130.21.020 (Agricultural and Resource Zone Districts Use Matrix).

Rationale: Currently the site is being used as an apiary, with on-site improvements including a well with a solar panel pump and gravel driveway. There are plans for the construction of a bee storage shed and for the planting of native wildflowers to support the bees.