

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
BOARD OF SUPERVISORS
STAFF REPORT**



Agenda of:

May 1, 2012

Staff:

Aaron Mount

LOT LINE ADJUSTMENT

FILE NUMBER: BLA08-0057/Varozza

AGENT: Wayne Swart

APPLICANTS: Brandon Ranch LLC and Varozza Trucking Inc.

SURVEYOR: Wayne Swart

REQUEST: Request for a Lot Line Adjustment between three parcels, all currently under a Williamson Act Contract (Agricultural Preserve No. 64).

LOCATION: At the end of Bonetti Road, approximately 1 mile east of the intersection with Brandon Road, in the Latrobe area, Supervisorial District 2. (Exhibit A)

APNs: 091-030-47, 091-030-48, and 091-030-49 (Exhibit B)

ACREAGE: 476.58 Total Acres: 152.18 acres (091-030-47), 159.4 acres (091-030-48), and 165.0 acres (091-030-49)

GENERAL PLAN: Agricultural Lands (AL) and Agricultural Lands-Mineral Resources (AL-MR)

ZONING: Exclusive Agriculture (AE)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15305(a) of the CEQA Guidelines.

BACKGROUND

Agricultural Preserve Number 64 consists of three parcels which total 476.58 acres and are currently used for grazing cattle. The parcels were certified by Certificates of Compliance, (COC07-0221, COC07-0223, and COC07-0224) issued by the County Surveyor in 2007. A subsequent request for an amendment to the Williamson Act contract will be processed after the boundary adjustment is finalized. The request would amend the existing contract and create a new contract effectively splitting the existing contract into two separate contracts in order to better manage the family's assets. The Williamson Act Contract request remains incomplete; however the applicant has requested that the lot line adjustment be scheduled for hearing.

PROJECT DESCRIPTION

The request before the Board is for approval of the Lot Line Adjustment only. California Government Code Section 51257 requires certain findings be made by the Board of Supervisors when a lot line adjustment involves a parcel within a Williamson Act contract. The Lot Line Adjustment is going before the Board ahead of the Williamson Act Contracts to ensure the lot line adjustment is finalized prior to reviewing of the Williamson Act Contract by the Planning Commission and the Board to make certain an accurate property description is used in the contract documents.

APN Zone District	LLA EXISTING ACREAGE	LLA PROPOSED ACREAGE
091-030-47 AE	152.18 Ac	240.82 Ac
091-030-48 AE	159.4 Ac	180.2 Ac
091-030-49 AE	165.0 Ac	53.4 Ac

LOT LINE ADJUSTMENT

Lot Line Adjustment BLA08-0057 has been found to be consistent with applicable Zoning Ordinance sections and General Plan Policies. Specifically, the resulting parcel sizes are consistent with the AE zone district and the AL and AL-MR land use designations which require a 20-acre minimum parcel size. Additionally, the proposed lot line adjustment is consistent with County Resolution 188-2002 which requires a 50-acre minimum parcel size for low intensive farming operations.

Section 51257 of the California Government Code requires that findings must be approved by the Board of Supervisors when a Lot Line Adjustment involves parcels within a Williamson Act Contract. Findings for approval can be found in Attachment 1.

The Agricultural Commission at its regularly scheduled hearing on October 13, 2010 (Exhibit G) found that the findings pursuant to Section 51257 could be made as the project was proposed.

The Commission found that the parcels would continue to meet the minimum criteria for a low intensive agricultural operation in Williamson Act Contract.

ZONING

The project parcels were rezoned from A to AE in 1966 by Ordinance number 786. Adoption of the Latrobe Area Plan zone district map erroneously placed a small portion of 091-030-47 within the RA-80 zone district. The inclusion in the RA-80 zone district is inconsistent with the Williamson Act Contract, General Plan Policy 8.1.1.6, and Ordinance number 786. As the ordinance adopting the Latrobe Area Plan zoning map was not parcel specific, a parcel specific ordinance was adopted for the project parcels previous to the area plan, and the project parcels continued inclusion in the Williamson act, it is the conclusion of Planning Service's staff that the current RA-80 zoning is an error and has been administratively corrected to place all of APN 091-030-47 within the AE zone district.

ENVIRONMENTAL REVIEW

The project has been found to be Categorical Exempt from CEQA pursuant to Section 15305(a) of the CEQA Guidelines stating that *Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.* The project parcels contain an average slope of 18.5% and no new parcels are being created. This action is independent of the Williamson Act Contract revision request that has been applied for on the project parcels.

RECOMMENDATION

Staff recommends that the Board of Supervisors take the following actions:

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15305(a) of the CEQA Guidelines; and
2. Approve Lot Line Adjustment BLA08-0057 based on the Findings in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map Bk. 91 Pg. 03
Exhibit C	Site Plan/Proposed Lot Line Adjustment
Exhibit D	Ag Commission Memo; October 28, 2010

ATTACHMENT 1

FINDINGS FOR APPROVAL

Lot Line Adjustment BLA08-0057/Varozza Board of Supervisors/May 1, 2012

1.0 CEQA FINDING

- 1.1 The project has been found to be Categorically Exempt from CEQA pursuant to Section 15305(a) stating that *Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.* The project parcels contain an average slope of 18.5% and no new parcels are being created.

2.0 ADMINISTRATIVE FINDINGS

2.1 Lot Line Adjustment

- 2.1.1 **The Lot Line Adjustment conforms to the General Plan and Zoning Ordinance.**

The Boundary Line Adjustment conforms to the General Plan and Zoning Ordinance by meeting the minimum parcel sizes and development standards because the parcels will exceed the 20-acre minimum as required by the Agricultural Lands General Plan land use designation and the 20-acre minimum as required by the AE Zone District..

2.2 California Government Code Section 51257

- 2.2.1 **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.**

No exterior boundary changes are proposed, so no new contracts are required. The current contract would enforceably restrict the whole acreage for ten years.

- 2.2.2 **There is no net decrease in the amount of the acreage restricted.**

The lot line adjustment and the existing contract will enforceably restrict 100 percent of the contracted lands as there is no net decrease.

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

No exterior changes are proposed so 100 percent of the contracted lands will remain under the existing contract.

2.2.4 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.

Consistent with Section 51222, all parcels under contract will be larger than 40 acres after the lot line adjustment. Parcels are presumed to be large enough to sustain their agricultural use if they are greater than 10 acres, in the case of prime farmland, and 40 acres in the case of non-prime farmland. The subject parcels are non-prime farmland and all parcels are proposed to be greater than 40 acres.

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

The parcels within the Agricultural Preserve, in their current configuration, are being used for agricultural production and the parcels in their proposed configuration would be consistent with Section 51222, County Resolution 188-2002, and the AE zone district; therefore the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.

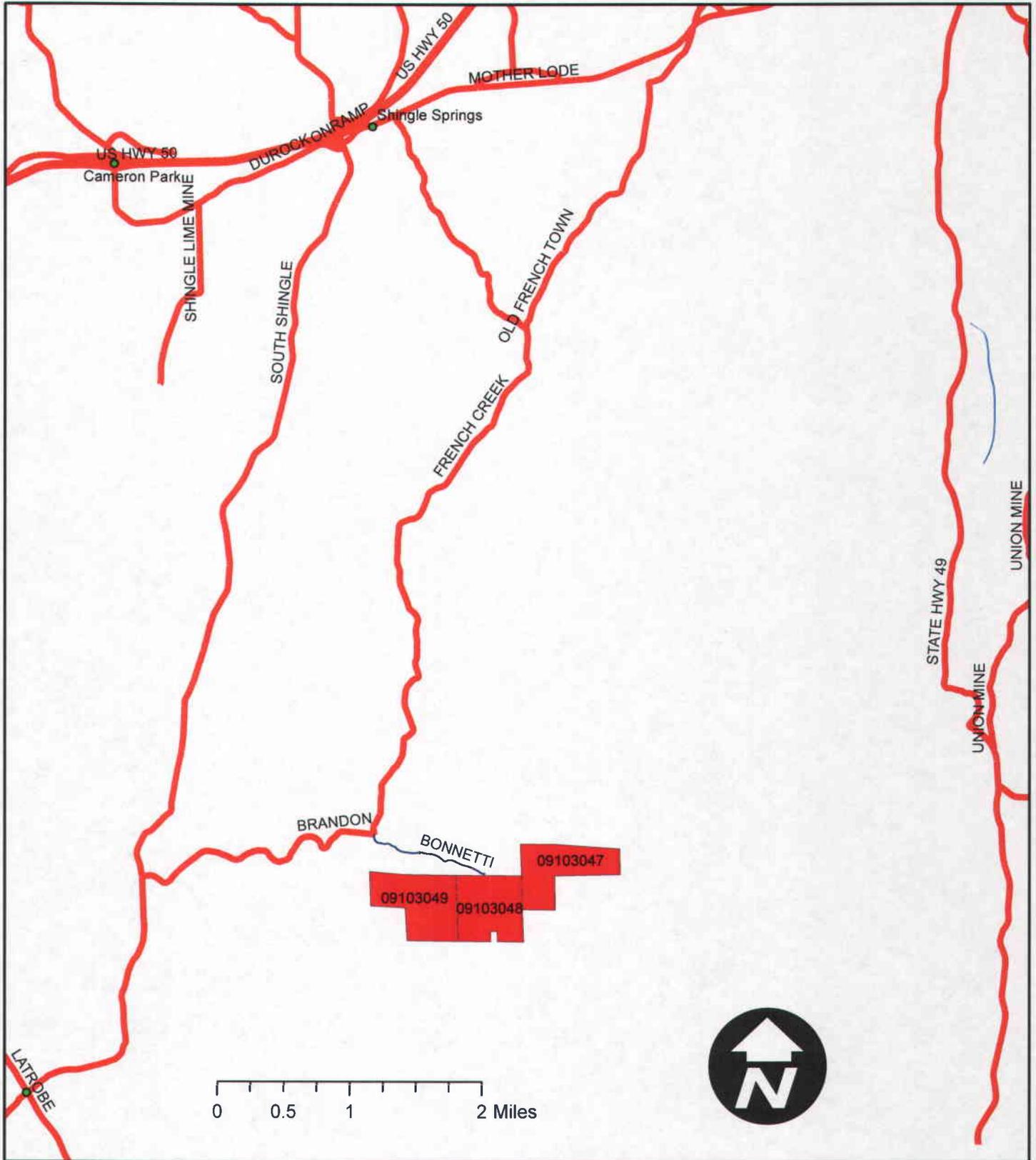
2.2.6 The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

The parcels will continue to remain restricted by the Williamson Act contract and used for agricultural productivity. As such, the Lot Line Adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.

2.2.7 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 lot line adjustment does not result in a greater number of developable parcels than existed prior to adjustment, or an adjusted lot that is inconsistent with the General Plan because the contracted acreage is staying the same and the resulting parcels are greater than 40 acres.

Exhibit A: Location Map



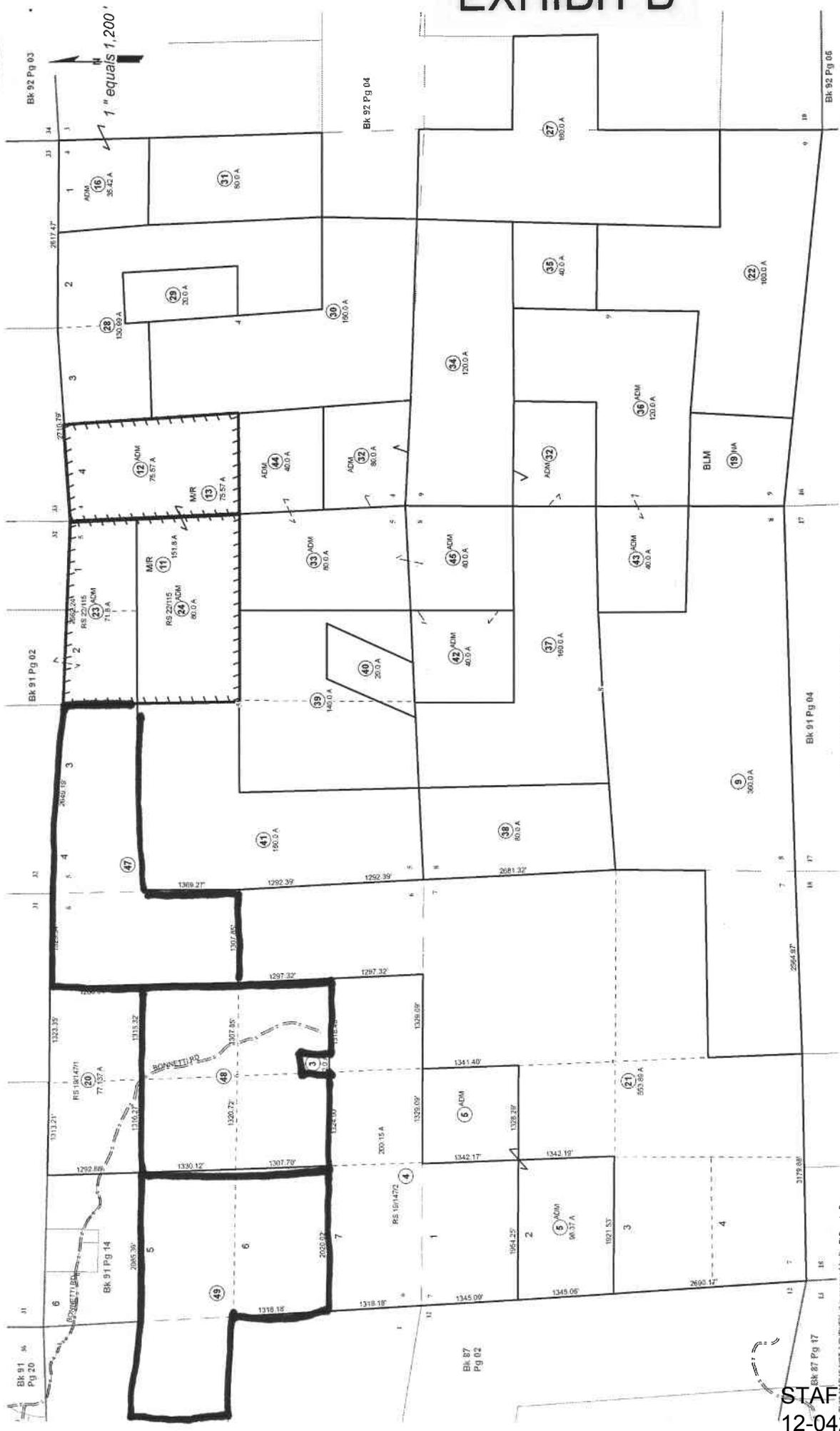
- PLACENAMES
- gpsroads selection
- prclbase selection
- major_roads

BLA08-0057
Prepared By Aaron Mount

EXHIBIT B

SECS. 4 THROUGH 9, T.8N., R.10E., M.D.M.

91:03



BK 92 Pg 03

BK 92 Pg 04

BK 91 Pg 02

BK 91 Pg 04

BK 87 Pg 02

BK 91 Pg 14

Assessor's Map Bk. 091, Pg. 03
County of El Dorado, CA

Rev. July 31, 2007

Adjacent Map Pages Shown in Grey Text
Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Acresages Are Estimates

STAFF REPORT
12-0423.A.8



AGRICULTURAL COMMISSION

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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
Tim Neilsen – Livestock Industry

MEMORANDUM

DATE: October 28, 2010
TO: Aaron Mount, Development Services/Planning
FROM: Greg Boeger, Chair
SUBJECT: Varozza/Brandon Ranch – WAC 10-0002, WAC 10-0003, Z 10-0004 & BLA 08-0057

During the Agricultural Commission's regularly scheduled meeting held on October 13, 2010 the following discussion and motion occurred regarding a request to rezone from Residential Agricultural-80 Districts (RA-80) to Exclusive Agricultural Districts (AE), a consistency zone change as the parcel is within a Williamson Act contract and the establishment of two new Williamson Act Contracts as the result of property reconfiguration under BLA 08-0057. The new contracts would replace the existing Agricultural Preserve #64. The property, identified by Assessor's Parcel Numbers 091-030-47, -48 & -49 consists of 476.58 acres, and is located at the end of Bonetti Road approximately one mile east of the intersection with Brandon Road, in the Latrobe area. (District II)

Staff reported that all of the subject parcels are currently part of Ag Preserve #64. The current Land Use Designation is Agricultural Lands (AL) and the current zoning is AE (Exclusive Agricultural) and RA-80 (Residential Agricultural – 80 Districts). The soil types consist of Auburn and Sobrante soils; important forage producing soils for rangeland. The approximate elevation of the parcels is 600 to 800 feet.

Project Description:

The Boundary Line Adjustment:

1. Will increase acreage of APN 091-030-47 from 152 acres to 240 acres,
2. Will increase acreage of APN 091-030-48 from 159 acres to 180 acres, and
3. Will decrease acreage of APN 091-030-49 from 165 acres to 53 acres

WAC 10-0002:

1. Will encompass APN 091-030-47 and part of 091-030-48 equaling approximately 235 to 240 acres.
2. Property is being used for grazing.
3. Capital outlay reported: new fencing (\$15,000), new corral (\$6,000), land clearing and road improvement costs (\$13,000)
4. Current gross annual income reported: \$15,000

WAC 10-0003:

1. Will encompass APNs 091-030-48 and -49 equaling approximately 233 acres.
2. Property is being used for grazing.
3. Capital outlay reported: fencing and corrals (\$20,000), land clearing and road improvements (\$10,500)
4. Current gross annual income reported: \$23,000

The Rezone:

1. The rezone is for consistency purposes to remove a section of RA-80 (Residential Agricultural – 80 Districts) zoning from the southeast corner of APN 091-030-47 and change it to AE (Exclusive Agricultural)

BLA Findings:

BLA 08-0057 must conform to **Government Code Section 51257**, as APN's 091-030-47, -48, and -49 are in an active Williamson Act Contract. The code section states, "(a) To facilitate a lot line adjustment, pursuant to subdivision (d) of section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- 1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- 2) There is no net decrease in the amount of acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- 3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- 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.
- 5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- 6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- 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."

Government Code Section 51222 states, "The Legislature further declares that it is in the public interest for local officials and landowners to retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. 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 (1) at least 10 acres in size in the case of prime

agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.

Williamson Act Contract Criteria for a Low Intensive Farming Operation:

1. Minimum Acreage – fifty (50) contiguous acres that are fenced to contain livestock.
2. Capital Outlay - \$10,000
3. Minimum Annual Gross Income - \$2,000

The representative for the applicant did not have any additional information to add.

It was moved by Mr. Bacchi and seconded by Mr. Neilsen to recommend APPROVAL of WAC 10-0002 as the parcels continue to meet the minimum criteria for a low intensive agricultural operation in Williamson Act Contract:

- 1) *Acreage of parcel exceeds the minimum requirement of 50 acres at over 235 acres.*
- 2) *Capital outlay exceeds the minimum requirement of \$10,000 at over \$34,000.*
- 3) *Gross income exceeds the minimum requirement of \$2,000/year at \$15,000.*

The Commission recommends APPROVAL of WAC 10-0003 as the parcels continue to meet the minimum criteria for a low intensive agricultural operation in Williamson Act Contract:

- 1) *Acreage of parcel exceeds the minimum requirement of 50 acres at over 233 acres.*
- 2) *Capital outlay exceeds the minimum requirement of \$10,000 at over \$35,000.*
- 3) *Gross income exceeds the minimum requirement of \$2,000/year at \$23,000.*

The Commission recommends APPROVAL of BLA 08-0057, as the findings for Government Code Section 51257 (a) can be made if the original contract is rescinded and new contracts are simultaneously entered into:

- 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.*
- 2) *There is no net decrease in the amount of the acreage restricted.*
- 3) *At least 90 percent of the land under the former contract remains under the new contract.*
- 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.*
- 5) *The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.*
- 6) *The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use,*
- 7) *The lot line adjustment does not result in a greater number of developable parcels than existed prior the adjustment, or an adjusted lot that is inconsistent with the General Plan.*

Aaron Mount

Meeting Date: October 13, 2010

RE: Varozza/Brandon Ranch

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The Commission recommends APPROVAL of Z 10-0004 as it is consistent with the property entering into a new Williamson Act Contract and the findings for General Plan Policy 8.1.4.1 can be made. The proposed rezone:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and***
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and***
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.***

Motion passed

AYES: Bacchi, Draper, Smith, Walker, Neilsen, Boeger

NOES: None

ABSENT: Mansfield

If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

GB:na

cc: Varozza Trucking, Inc
Wayne Swart