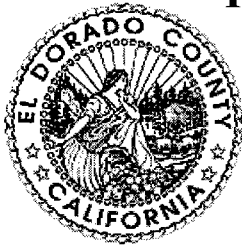


**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: November 8, 2012
Item No.: 8
Staff: Gina Paolini

WILLIAMSON ACT CONTRACT

FILE NUMBERS: WAC12-0002/Dan Varozza Preserve
WAC12-0003/Modification to Ag. Preserve No. 36

APPLICANT: Dan Varozza

REQUEST: Request to establish new Agricultural Preserves as follows:

1. Establish a new Agricultural Preserve for 226 acres; and
2. Modify existing Agricultural Preserve for 1,852 acres.

LOCATION: South side of Memory Lane approximately three-fourth mile east of the intersection with South Shingle Road, in the Latrobe area, Supervisorial District 2. (Exhibit A)

APN: WAC12-0002: 087-021-30, 087-021-20, 087-021-28, 087-021-27,
087-021-42 (Exhibit B)

WAC12-0003: 087-040-91, 087-040-89, 087-040-35, 087-123-01, 091-020-07, 091-020-21, 091-303-21, 091-040-14, 091-140-01, 091-140-03, 091-200-13, 091-200-14, 091-030-21, 091-040-14 (Exhibit C-1 through C-7)

ACREAGE: 226 acres (WAC12-0002)/1,852 acres (WAC12-0003)

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: Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Certify that the projects are Categorically Exempt from CEQA pursuant to Section 15317;
2. Approve Williamson Act Contract WAC12-0002 based on the Findings in Attachment 1; and
3. Approve Williamson Act Contract WAC12-0003 based on the Findings in Attachment 2.

BACKGROUND

The Board of Supervisors established Agricultural Preserve No. 36 on April 22, 1968, establishing a 1,596.39 acre agricultural preserve. Since then, there have been several modifications to the preserve. In 1971, 85 acres was added to the preserve, increasing the size of the preserve to 1681.39 acres. On November 28, 1972, the Board of Supervisors approved an additional 711.97 acres to the preserve, increasing the size of the preserve to 2393.36 acres. On August 14, 1979, the Board of Supervisors denied a request to withdraw 20 acres from the preserve on which to build a residence. On July 21, 1998, the Board of Supervisors approved the removal of 306.91 acres from the preserve, with the balance of the preserve being 2086.45 acres.

On July 13, 2012, the applicant submitted two Williamson Act contract applications, one to remove 226-acres from Agricultural Preserve No. 36 and one to retain 1,852 acres within Agricultural Preserve No. 36.

STAFF ANALYSIS

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

Site Description: The subject parcels are located at an average elevation ranging from 600 to 800 feet above mean sea level. The parcels of the land proposed for the new preserve are located off of Memory Lane, in the Latrobe area. The topography is characterized by rolling pasture land with scattered mature oaks.

General Plan: The General Plan designates the subject parcels as Agricultural Lands (AL). This designation is applied to lands that are of sufficient size that can sustain agricultural use and meet the criteria specified in General Plan Policy 8.1.1.8. The parcels are being utilized as grazing land, and therefore, are consistent with the General Plan.

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 parcels are zoned AE and are encumbered by Agricultural Preserve Number 36.

Section 17.36.070.D of the County Code allows for *one single-family detached dwelling within each AE preserve, or one mobile home within the AE preserve for the property owner*.

Review of the history of Agricultural Preserve No. 36 indicates that there are three houses within the preserve. These houses are located on APN's 087-021-27 (built in 1949), 091-200-13 (built in 1976) and 087-123-01 (built in 1980). Therefore, for the applicant to build a single family home within the 226-acres, a new preserve must be created.

Williamson Act Criteria: The Agricultural Commission reviewed the applicant's requests at the regularly scheduled meeting on September 12, 2012. 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.

Discussion: The Agricultural Commission determined:

- a. WAC12-02: The capital outlay reported for fencing was \$100,000, water supply ponds for cattle, \$20,000 and roads \$10,000.
 - b. WAC12-03: The capital outlay reported exceeds the \$10,000 required.
2. The minimum acreage shall be 50 contiguous acres that are adequately fenced for low intensity agricultural operations.

Discussion: The Agricultural Commission determined:

- a. WAC12-02: Assessor's Parcel Number 087-021-030 is a 226-acre parcel meeting the minimum acreage requirement.
 - b. WAC12-03: The combined parcels encompassing Agricultural Preserve No. 36 would total 1,852 acres, meeting the minimum acreage requirement.
3. The minimum gross income shall be \$2,000.00 for low intensity farming (grazing).

Discussion: The Agricultural Commission determined:

- a. WAC12-02: The gross income exceeds the minimum requirement of \$2,000/year at \$2,226.
- b. WAC12-03: The gross income exceeds the minimum requirement of \$2,000/year.

Conclusion: It was determined that both applications met the minimum criteria for low intensive agricultural operations in the Williamson Act Contract, the Agricultural Commission recommended approval of WAC12-0002 and WAC12-0003 (Exhibit F).

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.

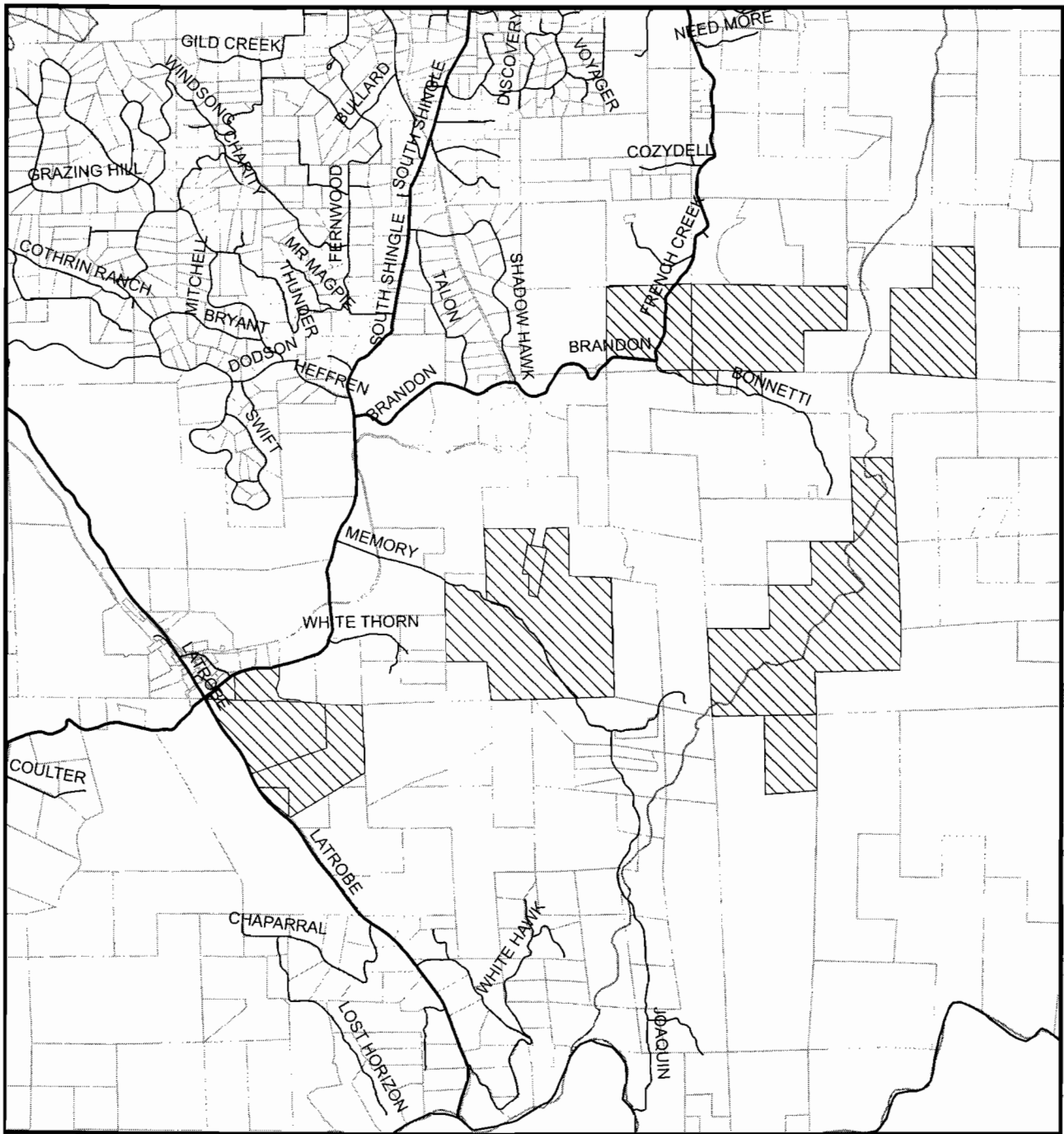
SUPPORT INFORMATION

Attachments:

- Attachment 1Findings for WAC12-0002-Dan Varozza Preserve
- Attachment 2Findings for WAC12-0003- Ag. Preserve No. 36

- Exhibit A.....Location Map
- Exhibit B.....Assessor’s Parcel Map for WAC12-0002 and
WAC12-0003
- Exhibit C-1 to C-7.....Assessor’s Parcel Map(s) for WAC12-0003
- Exhibit D.....General Plan Land Use Map
- Exhibit EZoning Map
- Exhibit F.....Agricultural Department Staff Report; August 30,
2012

Location Map



WAC12-0002/WAC12-0003-Dan Varozza Preserve
Agricultural Preserve No. 36



0.6
Miles

1:55,000

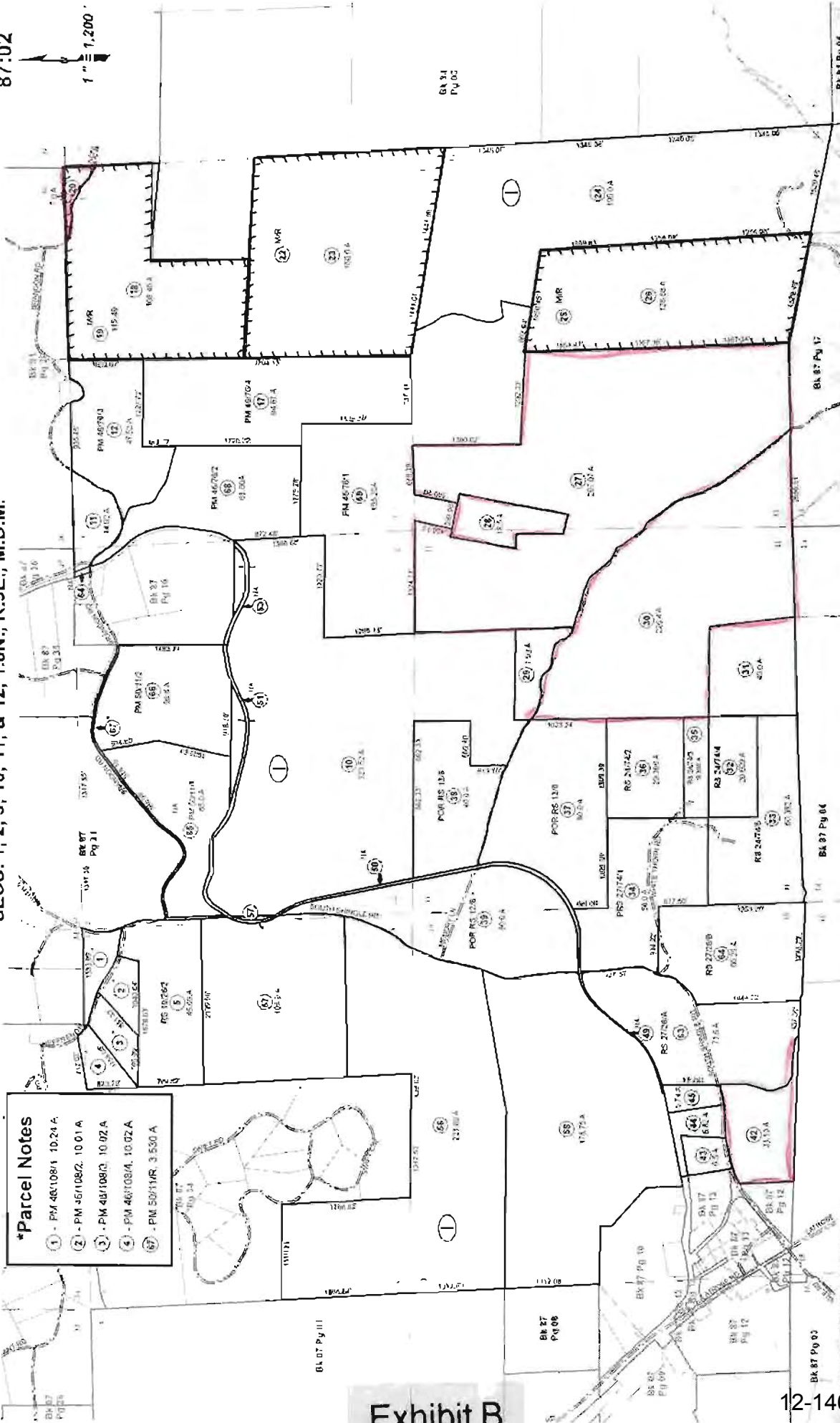
Prepared By:
Gina Paolini
Planning Services Department
September 14, 2012

Exhibit A



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

- *Parcel Notes**
- ① - PM 46108/1 10.24 A
 - ② - PM 56108/2 10.01 A
 - ③ - PM 49108/3 10.02 A
 - ④ - PM 46108/4 10.02 A
 - ⑤ - PM 50111R 3.530 A



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

Rev. Jan. 2, 2009

Additional Maps Being Submitted Under This
Assessor's Map Bk. 087, Pg. 02
Assessor's Parcel Numbers Shown in Circle

Acres are Estimates

POR. SECS. 9 & 10, T.8N., R.9E. M.D.M.
BLOCKS 1, 2, & 3 TOWNSITE OF LATROBE

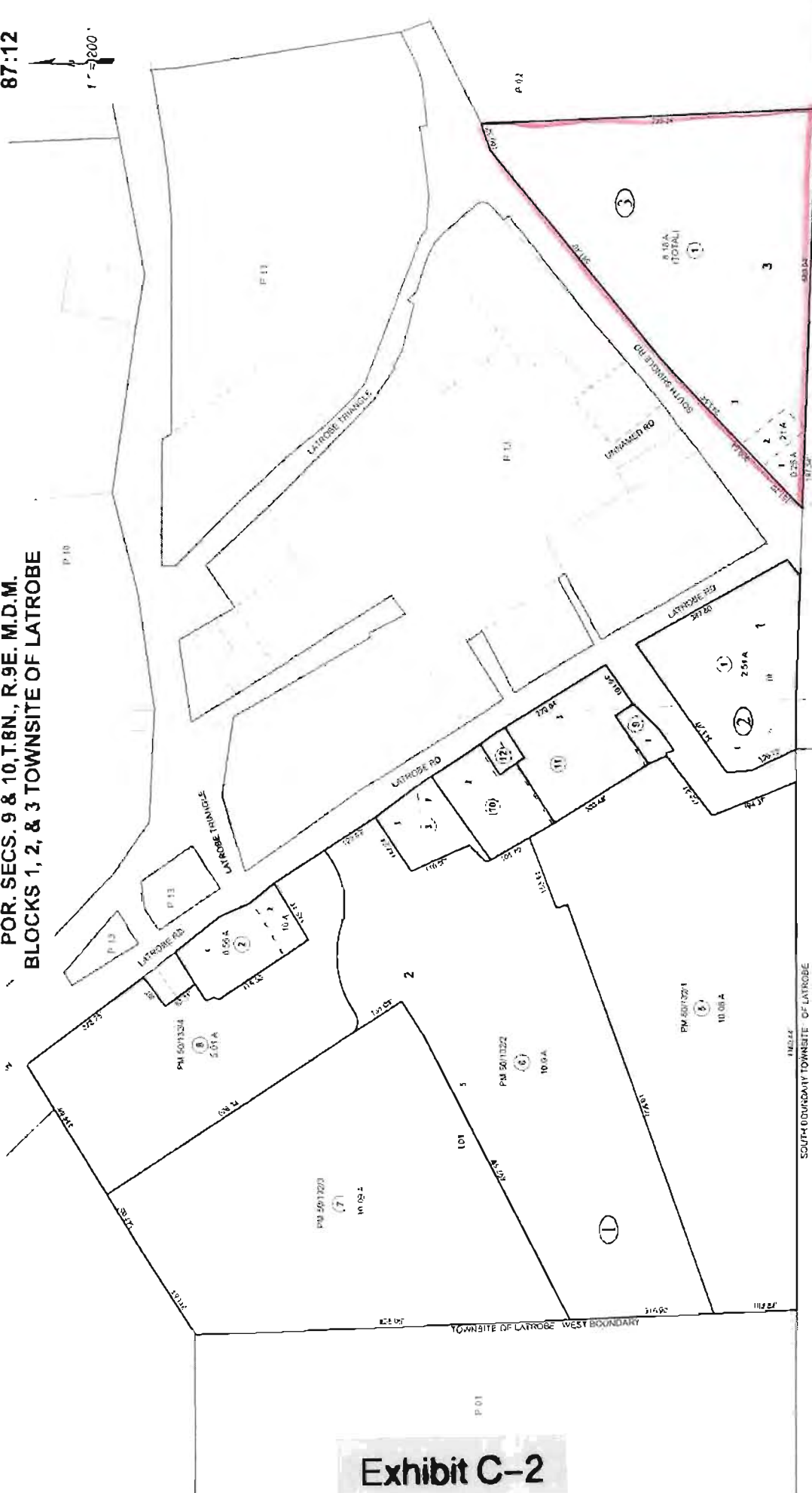
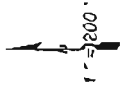


Exhibit C-2

THIS MAP IS A SURVEY. It is prepared by the El Dorado Co. Assessor's Office for assessment purposes only. Any calculations are approximate and should be used as a guide only.

Adjacent Maps Shown in Gray: Part Assessor's Block Numbers (County, El Dorado Assessor's Parcel Numbers (Shaded Green)

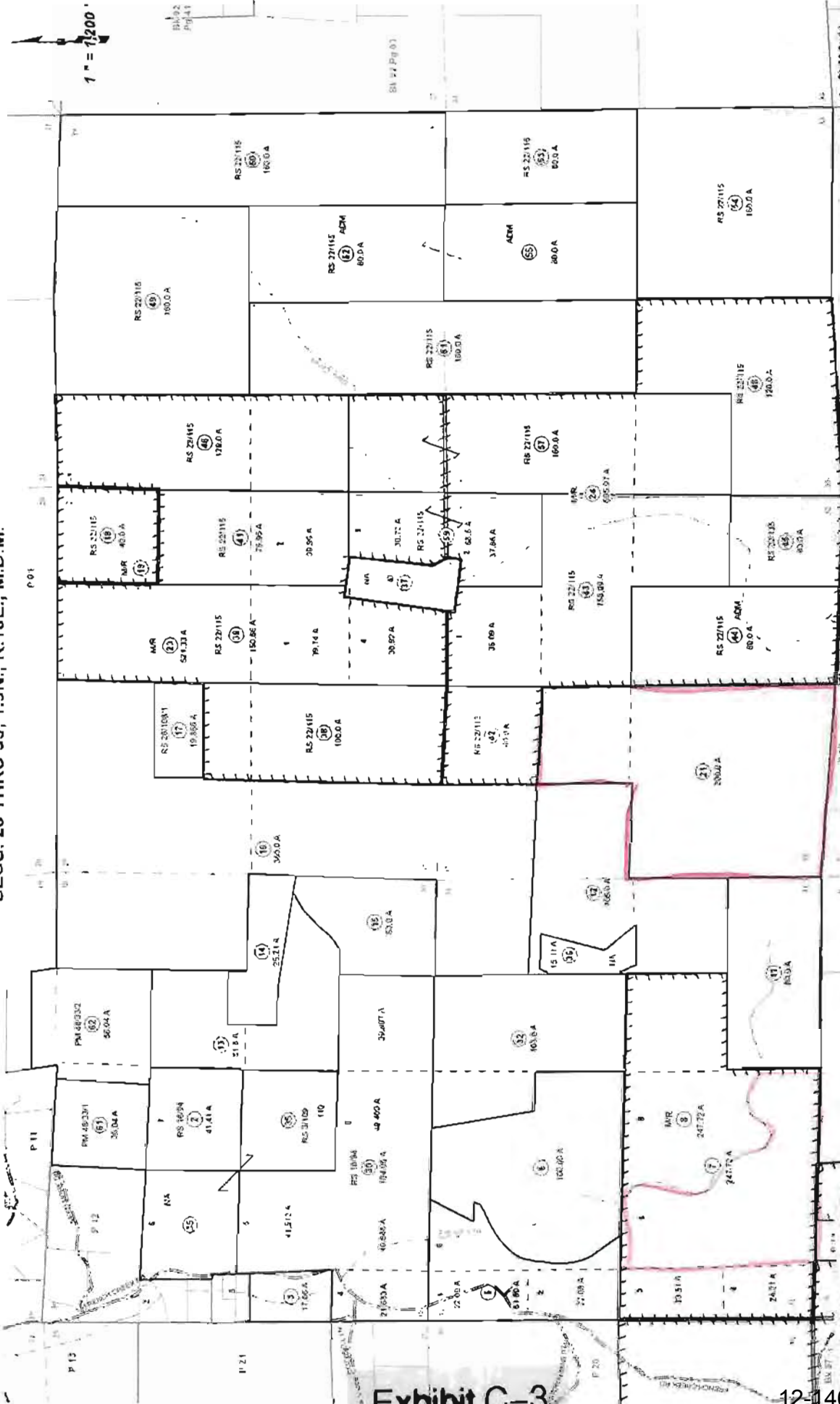
Acreages Are Estimates

Rev. July 17, 2012
Assessor's Map Bk. 087, Pg. 12
County of El Dorado, CA

SECS. 28 THRU 33, T.9N., R.10E., M.D.M.

91:02

1" = 1200'



Assessor's Map Bk. 091, Pg. 02
County of El Dorado, CA

Rev. 2011

P 30
Adjacent Maps: P 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Acreages Are Estimates

El Dorado County Assessor's Office
1000 El Dorado Blvd., Suite 200
El Dorado, CA 95762
Phone: (916) 426-1000
Fax: (916) 426-1001
www.el-dorado.ca.gov

Exhibit C-3

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

91:03

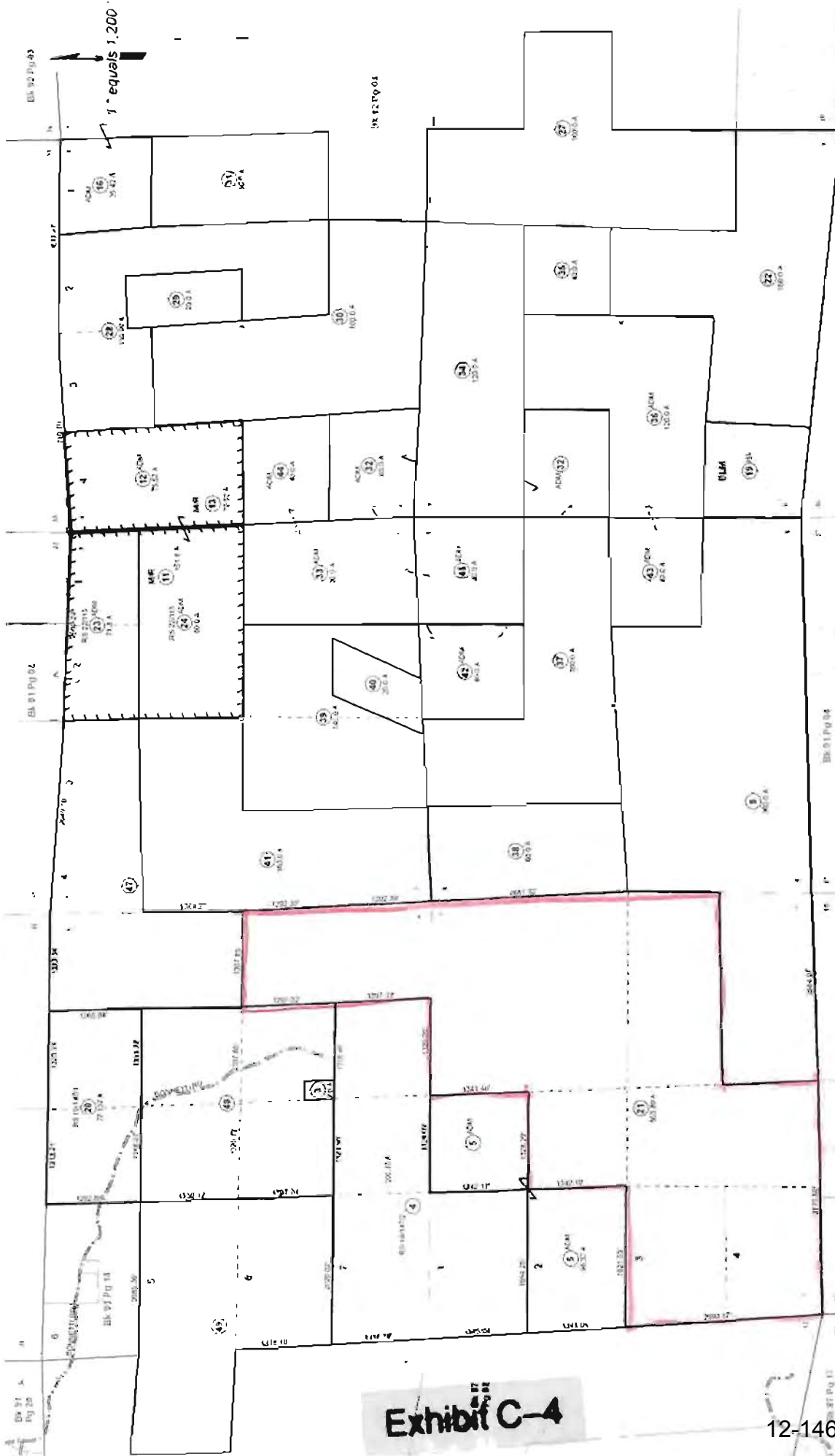


Exhibit C-4

Adjusted Map Pages Shown in Gray Text
Assessor's Book Numbers Corresponding to
Assessor's Parcel Numbers Shown in Blue

Acresages Are Estimates

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

Rev. July 31, 2007

BK 92 Pg 01

BK 91 Pg 84

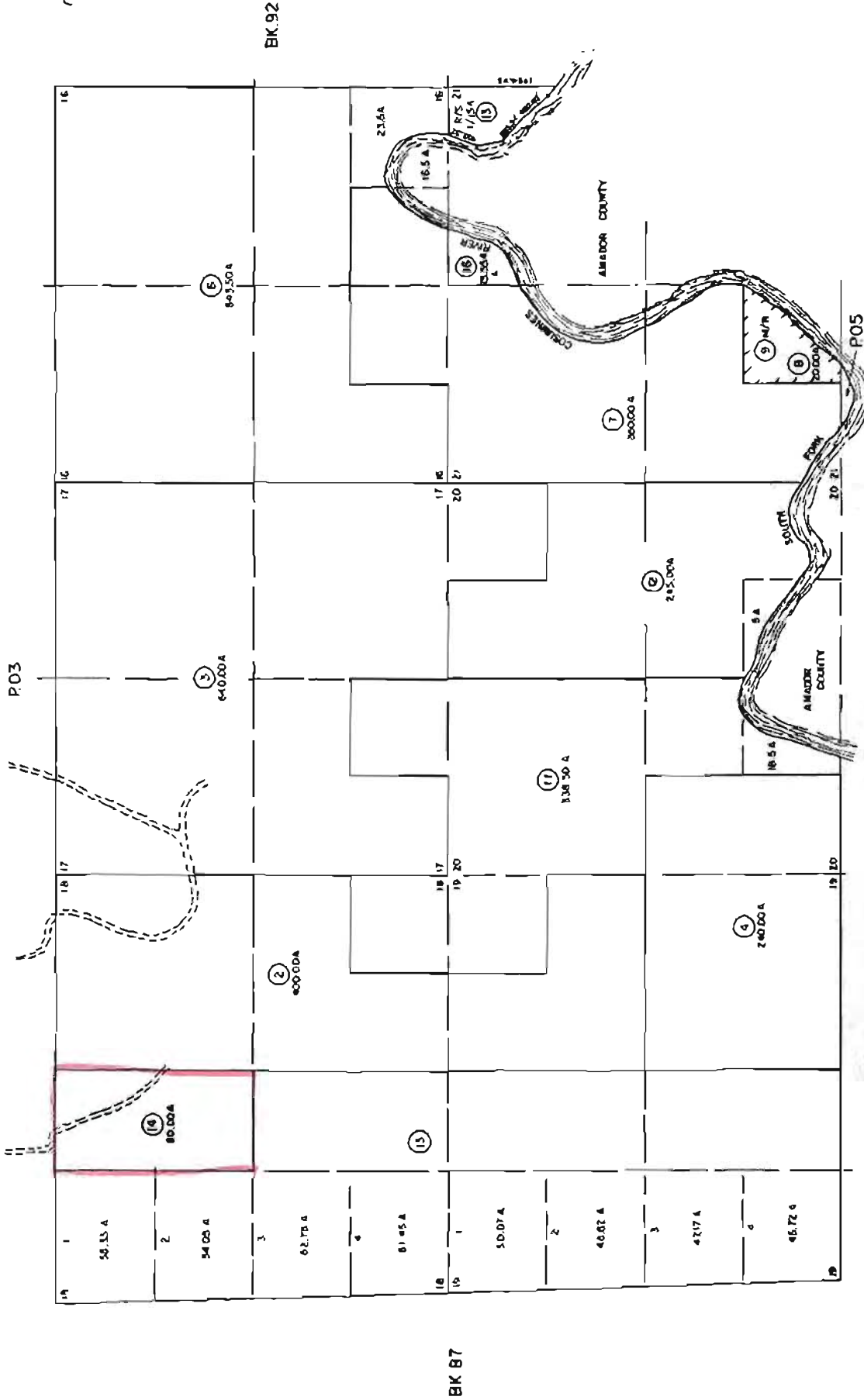
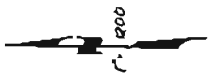
BK 91 Pg 82

This is a 2007 A.M.S. map. It is prepared by the Butte County Assessor's Office for assessment purposes only. Data collection and conclusions are not guaranteed. Users should verify data with appropriate authorities.

SECS. 16 THRU 21, T.1N., R.10E., M.D.M.

Tax Area Code

91:04



BK 87

BK 92

P03

P05

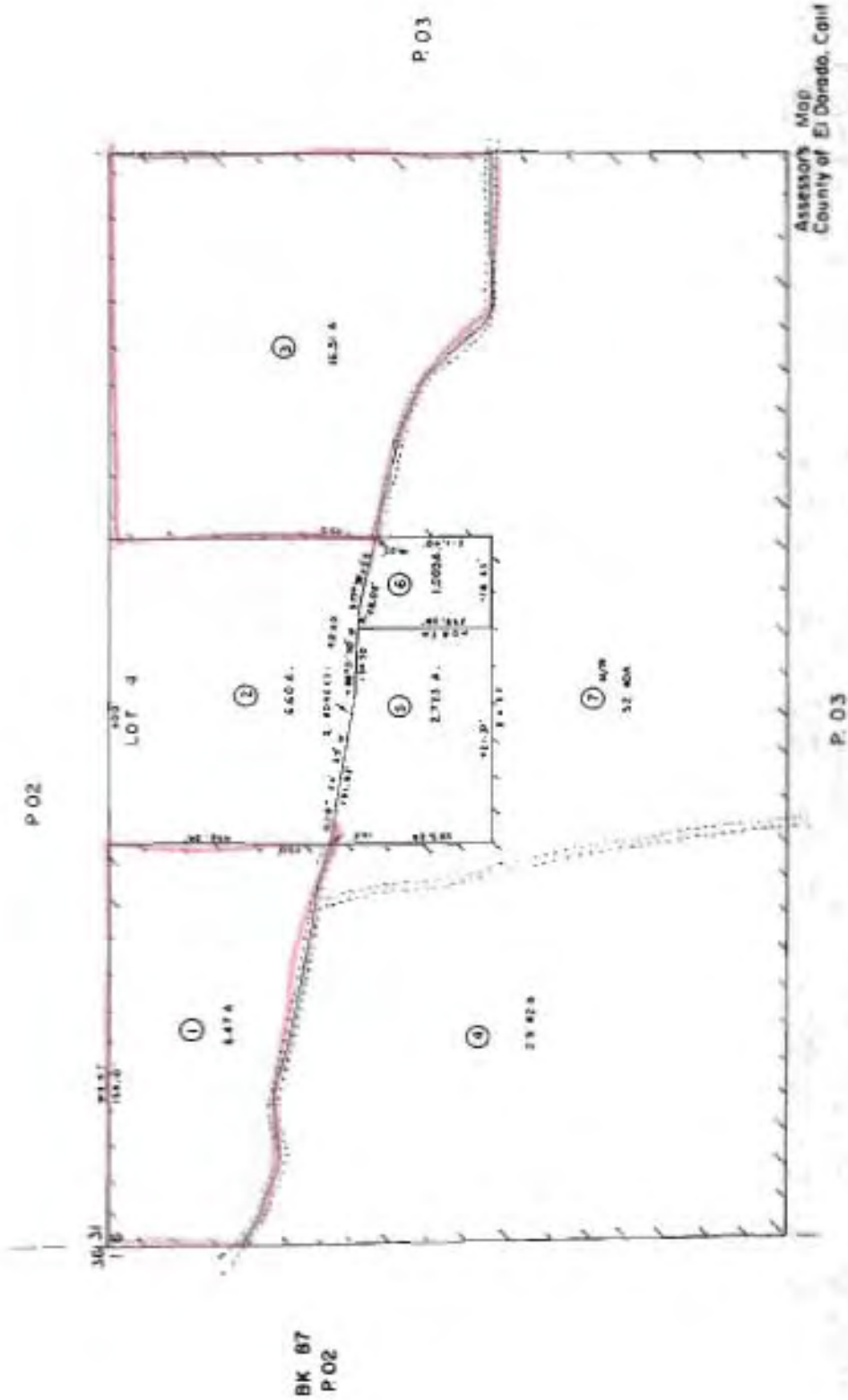
Assessor's Map BK 91 - Pg. 04
County of El Dorado, California

NOTE - Assessor's Map Numbers Shown in Pink are Assessor's Office Parcel Numbers Shown in Black

THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co. Assessor's Office for informational purposes only.

11/17/2004

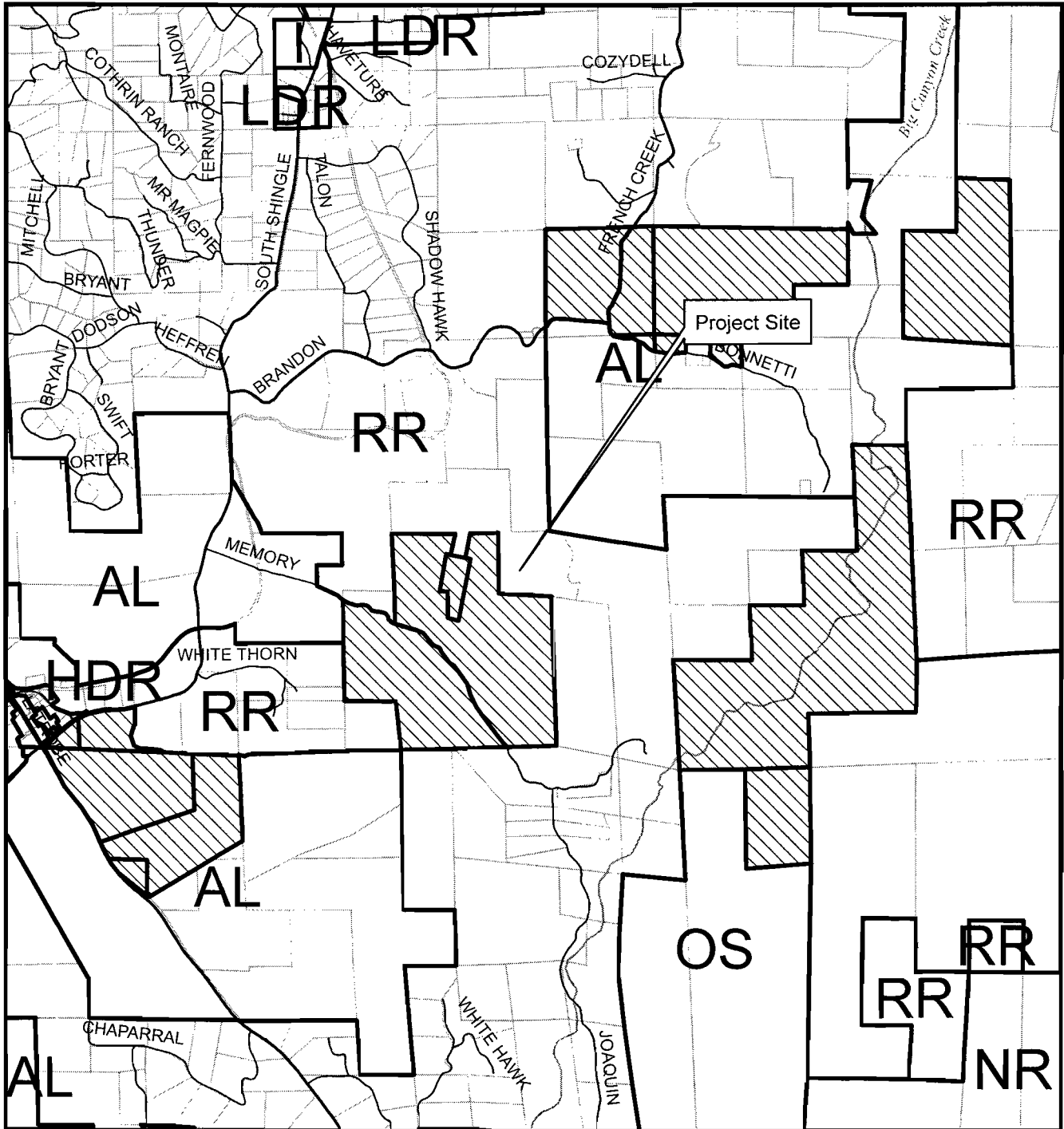
POR. NW 1/4 SEC. 6, T. 8N. R. 10E. M.D.M.



Assessor's Map
County of El Dorado, Calif

Exhibit C-6

General Plan Map



WAC12-0002/WAC12-0003-Dan Varozza Preserve
 Agricultural Preserve No. 36

Land Use Designation
 AL-Agricultural Lands
 RR-Rural Residential
 OS- Open Space

0.125 0.5 Miles

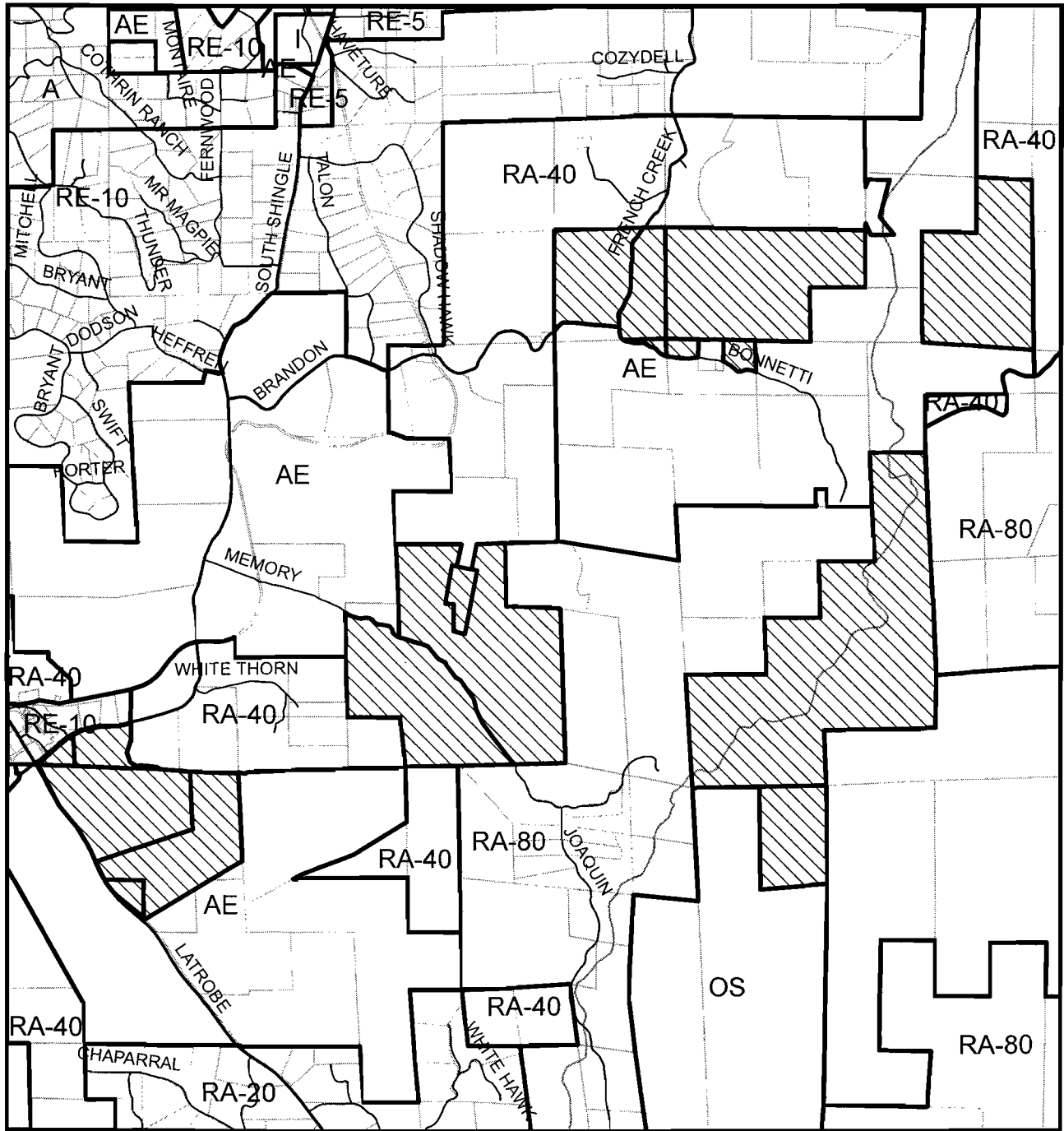
1:45,000



Prepared By:
 Gina Paolini
 Planning Services Department
 September 17, 1012

Exhibit D

Zoning Map



WAC12-0002/WAC12-0003-Dan Varozza Preserve
 Agricultural Preserve No. 36



Zoning Districts
 AE-Exclusive Agricultural Districts
 RA-40- Residential Agricultural-40 Districts
 RA-60- Residential Agricultural-60 Districts

0 0.2 0.4 Miles

1:45,000

Prepared By
 Gina Paolin
 Planning Services Department
 September 17, 2012

Exhibit E



EL DORADO COUNTY DEPARTMENT OF AGRICULTURE
WEIGHTS AND MEASURES

STAFF REPORT

August 30, 2012

TO: The Agricultural Commission

FROM: Chris Flores, Senior Ag Biologist

SUBJECT: Dan Varozza Williamson Act Contract Request; WAC 12-0002, WAC 12-0003

Parcel Descriptions:

- All parcels are currently part of Ag Preserve # 36
- Parcels are located off of Memory Lane in the Latrobe area.
- Current Land Use Designation of AL (Agricultural Lands)
- Current zoning of AE (Exclusive Agricultural) and RA-80 (Residential Agricultural – 80 Districts)
- Soil types consist of Auburn and Sobrante soils; important forage producing soils for rangeland.
- Approximate elevation of parcels is 600 to 800 feet

Williamson Act Contract Criteria for a Low Intensive Farming Operation per the County of El Dorado:

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

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.

Project Description:

- WAC 12-0002:
 1. Will encompass APN 087-021-30, a 226 acre parcel.
 2. Property is being used for grazing.
 3. Capital outlay reported: 226 acres of fencing and cross-fencing (\$100,000), water supply ponds for cattle (\$20,000) and roads (\$10,000).
 4. Current gross annual income reported for leased pasture: \$2,226

- WAC 12-0003:
 1. Will encompass all parcels within Ag Preserve #36 minus APN 087-021-30, for a total of 1853 acres.
 2. Properties are used for cattle grazing.
 3. Capital outlay exceeds the \$10,000 requirement.
 4. Annual gross income exceeds the \$2,000 requirement.

Photos:



APN 087-021-30 (226 acres used for cattle grazing)



Part of remaining 1800 + acres used for cattle grazing

Staff Recommendation: Staff recommends APPROVAL of WAC 12-0002 as the parcel, APN 087-021-30-100, meets 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 226 acres.
- 2) Capital outlay exceeds the minimum requirement of \$10,000 at over \$130,000.
- 3) Gross income exceeds the minimum requirement of \$2,000/year at \$2,226.

Staff recommends APPROVAL of WAC 12-0003 as the remaining parcels, APN's 087-021-20, -27, -28, -42, 087-040-35, -89, -91, 087-123-01, 091-020-07, -21, 091-030-21, 091-040-14, 091-140-01, -03, 091-200-13, and -14, continue to meet the minimum criteria for a low intensive agricultural operation in Williamson Act Contract:

- 1) Acreage of parcels exceeds the minimum requirement of 50 acres at over 1,800 acres.
- 2) Capital outlay exceeds the minimum requirement of \$10,000.
- 3) Gross income exceeds the minimum requirement of \$2,000/year.