

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



Agenda of:

September 14, 2010

Staff:

Aaron Mount

LOT LINE ADJUSTMENT

FILE NUMBER: BLA10-0015

APPLICANT: John White

SURVEYOR: Bob Berti

REQUEST: Request for a Lot Line Adjustment between three parcels currently in a Williamson Act Contract.

LOCATION: On the north side of Happy Valley Road, approximately 1 mile east of the intersection with Mt. Aukum Road in the Somerset area, Supervisorial District II.

APNs: 093-090-03, -06, and -10

ACREAGE: 201.64 acres

GENERAL PLAN: Natural Resources (NR)

ZONING: Exclusive Agriculture (AE) and Residential Agricultural-40 (RA-40)

ENVIRONMENTAL DOCUMENT: Exempt pursuant to Section 21080 of the CEQA Guidelines

BACKGROUND

The project parcels are part of Agricultural Preserve Number 202 which was approved by the Board of Supervisors January 20, 1976 and an addition of 54 acres was approved on September 27, 1982. The subject application was considered by the Agricultural Commission at their regularly scheduled meeting held on June 9, 2010.

PROJECT DESCRIPTION

The request is for a Lot Line Adjustment between three parcels in order to exclude the existing vineyard from APN 093-090-03. Specifically, approximately 8 acres of land containing vineyard would be removed from APN 093-090-03 and added to APN 093-090-06 and APN 093-090-10.

LOT LINE ADJUSTMENT

Lot Line Adjustment BLA10-0015 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 and RA-40 zone districts and the NR land use designation which require a 40 acre minimum.

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. As no changes are being made to the exterior boundaries of the Williamson Act Contract, rescinding of the contract and entering into a new contract is not required.

RECOMMENDATION

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

1. Certify that the project is Exempt from CEQA pursuant to Section 21080 of the CEQA Guidelines.
2. Approve Lot Line Adjustment BLA10-0015 based on the Findings in Attachment 1.

SUPPORT INFORMATION

Attachments:

- Attachment 1Findings
- Exhibit ASite Plan/Proposed Lot Line Adjustment
- Exhibit BAssessor's Parcel Map
- Exhibit CAg. Commission Memo dated June 17, 2010

ATTACHMENT 1

FINDINGS FOR APPROVAL

Lot Line Adjustment BLA10-0015/John White Board of Supervisors/September 14, 2010

1.0 CEQA FINDING

- 1.1 Section 21080 of the Public Resources Code exempts from the application of CEQA those projects over which public agencies exercise only ministerial authority, which includes Lot Line Adjustments.

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 resulting parcels are consistent Natural Resources (NR) land use designation and the Exclusive Agricultural (AE) and Residential Agricultural-40 (RA-40) zone districts.

2.2 California Government Code Section 51257(a)

California Government Code Section 51257(a) states 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:

- 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.

Williamson Act Contract # 202 is not subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, the contract would continue to be in force and effect for a period of at least 10 years.

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

The total acreage of the three parcels affected by the lot line adjustment is currently 201.64 acres. The total acreage after the lot line adjustment would remain the same.

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

100 percent of the land under contract would remain under 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 three parcels would 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.

- 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, in their current configuration, are being used for agricultural production. The removal of the vineyard acreage (7.9 acres) from APN 093-090-03, should not affect the long-term productivity of the parcels under contract.

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

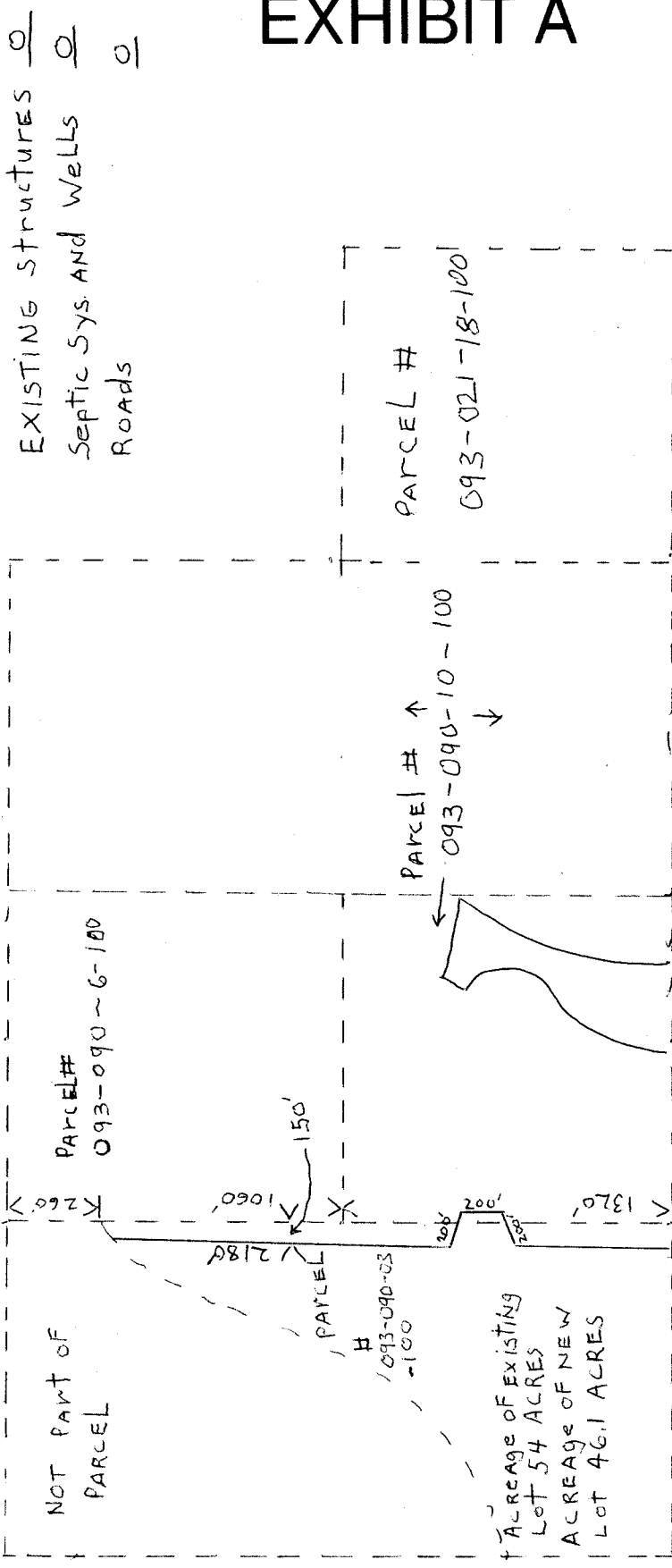
The parcels would continue to remain restricted by the Williamson Act Contract and used for agricultural productivity. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.

- 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 three parcels affected by the lot line adjustment would continue to exist after the lot line adjustment and would be more consistent with El Dorado County's General Plan and Zoning Ordinance. APN 093-090-06 is currently 39.23 acres with an NR land use designation. After the lot line adjustment, the parcel would be over 40 acres and consistent with its land use designation. The parcel configurations would generally remain the same.

EXHIBIT A

10 MAY -6 PM 4:35
RECEIVED
PLANNING DEPARTMENT



EXISTING structures ○
 Septic Sys. AND Wells □
 Roads —

PARCEL #
 093-021-18-100

PARCEL # ↑
 093-090-10-100 ↓

PARCEL #
 093-090-06-100

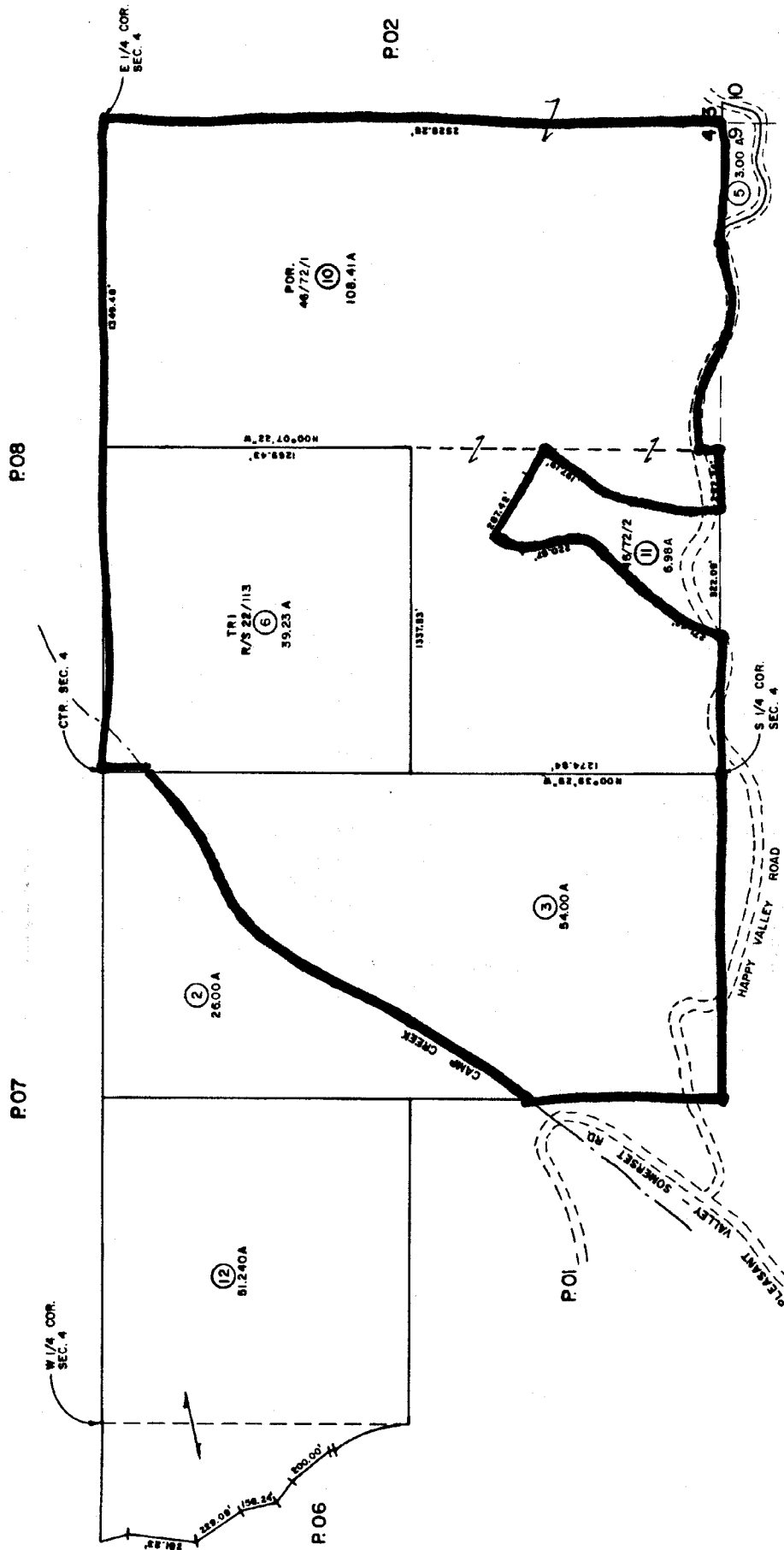
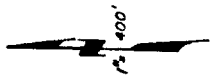
NOT PART OF
 PARCEL

↑ ACREAGE OF EXISTING
 LOT 54 ACRES
 ACREAGE OF NEW
 LOT 46.1 ACRES

Approved by director _____

DATE _____

EXHIBIT B



Assessor's Map Bl. 83 - Pg. 09
County of El Dorado, California
12-30-2002

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

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



AGRICULTURAL COMMISSION

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eldcag@edcgov.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
Currently Vacant – Livestock Industry

MEMORANDUM

DATE: June 17, 2010
TO: Aaron Mount, Development Services/Planning
FROM: Greg Boeger, Chair ^{GB}

RECEIVED
PLANNING DEPARTMENT
JUN 21 AM 11:35

SUBJECT: **BLA 10-0015 – BOUNDARY LINE ADJUSTMENT ON WILLIAMSON ACT CONTRACT # 202**

During the Agricultural Commission’s regularly scheduled meeting held on June 11, 2010 the following discussion and motion occurred regarding BLA 10-0015 – Boundary Line Adjustment on Williamson Act Contract # 202 (John White): requesting a lot line adjustment to move an interior boundary of APN 093-090-03, part of Williamson Act Contract #202, located on the north side of Happy Valley Road in the Somerset area. (District 2)

Staff reported that the applicant has applied for a boundary line adjustment that would affect three of his parcels within Ag Preserve # 202 (APN 093-090-03, -06, and -10). The parcel’s are located off of Happy Valley Road, and consists of approximately 201 acres. The reason cited for the boundary line adjustment is to exclude the existing vineyard from APN 093-090-03. At the completion of the boundary line adjustment, 7.9 acres would be removed from APN 093-090-03 and absorbed by APN’s 093-090-06 and 093-090-10.

Relevant Government Code:

California Government Code Section 51257.(a) states 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 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.

FINDING: *Williamson Act Contract # 202 is not subject to a Notice of Non-Renewal. At the conclusion of the boundary line adjustment, the contract would continue to be in force and effect for a period of at least 10 years.*

- (2) There is no net decrease in the amount of the acreage restricted.
FINDING: *The total acreage, of the three parcels, affected by the boundary line adjustment, is currently 201.64 acres. The total acreage, after the boundary line adjustment, would remain the same.*

- (3) At least 90 percent of the land under the former contract remains under the new contract.

FINDING: *100 percent of the land under contract would remain under 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.

FINDING: *Consistent with Section 51222, all three parcels would be larger than 40 acres, after the boundary 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.*

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

FINDING: *The parcels, in their current configuration, are being used for agricultural production. The removal of the vineyard acreage (7.9 acres) from APN 093-090-03, should not affect the long-term productivity of the parcels under contract.*

- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

FINDING: *The parcels would continue to remain restricted by the Williamson Act Contract and used for agricultural productivity. As such, the boundary line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.*

- (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.

FINDING: *The three parcels affected by the boundary line adjustment would continue to exist after the boundary line adjustment and would be more consistent with El Dorado County's General Plan and Zoning Ordinance. APN 093-090-06 is currently 39.23 acres with an NR land use designation. After the boundary line adjustment, the parcel would be over 40 acres and consistent with its land use. The parcel configurations would generally stay the same.*

The applicant was not present for comment.

It was moved by Mr. Bacchi and seconded by Mr. Draper to recommend APPROVAL of BLA 10-0015, as the findings for Government Code Section 51257 (a) can be made, the parcel continues to meet the minimum requirements for the Williamson Act Contract and the findings for General Plan Policy 8.1.4.1 can be made; the proposed use

- 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.***

AYES: Bacchi, Draper, Mansfield, Boeger
NOES: None
ABSENT: Smith, Walker

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

GB:na

cc: John White
Bob Berti