

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION AND BOARD OF SUPERVISORS
STAFF REPORT**



Agenda of: October 23, 2008

Item No.: 9

Staff: Thomas A. Lloyd

GENERAL PLAN AMENDMENT

FILE NUMBER: A08-0008/Rome Valley Vineyards

APPLICANT: B. J. Rome

REQUEST: Amendment to the General Plan land use map changing the designation from Rural Residential (RR) to Rural Residential – Agricultural District Overlay (RR-A)

LOCATION: On the southwest side of Traverse Creek Road at the intersection with Spanish Flat Road in the Garden Valley area, Supervisorial District IV. (Exhibit A)

APN: 088-170-32 (Exhibit D)

ACREAGE: 17.47 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit B)

ZONING: Exclusive Agricultural (AE) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Exempt from CEQA review pursuant to CEQA Section 15061(b)3

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

1. Find the project exempt from CEQA review pursuant to *CEQA Guidelines Section 15061(b)3*; and
2. Approve General Plan Amendment A08-0008, based on the Findings in Attachment 1.

BACKGROUND: The subject parcel is zoned Exclusive Agricultural (AE). The parcel was rezoned from Estate Residential Ten-acre (RE-10) concurrently with the establishment of agricultural preserve contract #268 by resolution of the Board of Supervisors on December 19, 1995. When the County was defining the Agricultural District boundaries, an AE zoned parcel such as this, with an active agricultural preserve, would have been included. It is staff's opinion that this parcel was inadvertently excluded from the adjoining Garden Valley Agricultural District, perhaps as the result of a mapping error.

Permit History: The subject parcel has been improved with a permitted 3,410 square foot single family home. There are also several portable storage sheds on the property to support the agricultural activities.

STAFF ANALYSIS

Project Description: The applicant is proposing amendment to the General Plan land use map changing the designation from Rural Residential (RR) to Rural Residential – Agricultural District Overlay (RR-A).

Site Description: The parcel is located on the western slope of the Sierra Nevada range, in the northeastern portion of El Dorado County. The average elevation of the parcel is approximately 2,400 feet above mean sea level. The project site is accessed via Traverse Creek Road from Spanish Flat Road, both of which are County maintained and paved with asphalt. The property slopes downward from the southwest to the northeast. The parcel has been planted with approximately nine acres of wine grapes, over one half acre of apple trees, and numerous small conifers to be harvested as Christmas trees. The northeast portion of the parcel contains several mature trees, including oaks and cedar.

Project Issues: The primary discussion issue for this project is the suitability of this parcel for inclusion into the Agricultural District overlay.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	AE	RR	Residential agricultural, single-family dwelling
North	RE-10	RR-A	Residential agricultural, single-family dwellings
South	RE-10	RR	Residential, single-family dwelling
East	RE-10	RR	Traverse Creek Road; Residential, single-family dwelling
West	RE-10	AL	Agricultural lands, single-family dwelling

Land Use and Zone Compatibility: This site's land use designation, as well as those to the north, south, and east, is Rural Residential (RR). Rural Residential establishes areas for residential and agricultural development. Typical uses include single-family residences,

agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activity. The allowable density for this designation is one dwelling unit per ten to 160 acres. This designation is considered appropriate only in the Rural Regions. This parcel is located within an Exclusive Agricultural (AE) zone district. The General Plan Consistency Matrix Table 2-4, which defines compatible zones with the respective land use designation, lists the AE zone district as consistent and compatible with the RR designation. The subject parcel is bounded on two sides (north and west) by the existing Garden Valley Agricultural District. Further, the parcel to the immediate west has a General Plan designation of Agricultural Lands (AL). The parcels located to the north, south, and east of the subject parcel are zoned Estate Residential Ten-acre (RE-10). An inclusion into the immediately adjacent Agricultural District overlay would be consistent with the surrounding land uses.

General Plan: Applicable General Plan policies are as follows:

Policy 2.2.5.2 states that all discretionary projects 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.

Policy 2.2.5.10 states, in part, that the following uses are allowed by right and do not require a special use permit: processing and/or sale of agricultural products, the sale of handicrafts or goods, picnic areas, and any other use allowed by right as specified in the zoning Ordinance provided that these activities are conducted on a site with a bona fide agricultural operation.

Policy 8.1.1.1 states that “Agricultural Districts” shall be created and maintained for the purposes of conserving, protecting, and encouraging the agricultural use of important agricultural lands and associated activities throughout the County; maintaining viable agricultural-based communities; and encouraging the expansion of agricultural activities and production. These districts shall be delineated on the general Plan land use map as an overlay land use designation.

Pursuant to **Policy 8.1.1.2**, Agricultural Districts shall be based on the following criteria:

- A. Lands currently under Williamson Act contract (i.e., “agricultural preserves”);
- B. Soils identified as El Dorado County “choice” agricultural soil, which consist of Federally designated prime, State designated unique or important, or County designated locally important soils;
- C. Lands under cultivation for commercial crop production;
- D. Lands that possess topographical and other features that make them suitable for agricultural production;
- E. Low development densities; and

F. A determination by the Board of Supervisors that the affected lands should be preserved for agricultural production rather than other uses.

Policy 8.1.1.3 mandates that the boundaries of Agricultural District overlays shall be based on existing land features including but not limited to soil types, rivers, ridgelines, and other visibly evident features or, otherwise, shall follow legal property boundaries.

Policy 8.1.1.4 states that the procedures set forth in *The Procedure for Evaluating the Suitability of Land for Agriculture* shall be used for evaluating the suitability of agricultural lands in Agricultural Districts and Williamson Act Contract lands (agricultural preserves).

Policy 8.1.1.6 requires parcels encumbered by a Williamson Act Contract, pursuant to the California Land Conservation Act, to be zoned Exclusive Agriculture (AE).

Policy 8.1.1.7 mandates all agricultural lands in active production, or determined by the Agricultural Commission to be suitable for production, be incorporated into an Agricultural District following suitability review.

Pursuant to **Policy 8.1.3.5**, on any parcel ten 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.

Discussion: The project proposal was forwarded to the El Dorado County Agricultural Commission for review and inclusion on their regular agenda. Following a site visit and analysis of the parcel, Agricultural Department staff recommended approval, based on a suitability review of the criteria listed in Policy 8.1.1.2. At a regular meeting of the El Dorado County Agricultural Commission, held July 9, 2008, a 5-0 vote passed a motion to approve the proposed amendment because the parcel is currently in a Williamson Act contract, has choice soils, is zoned Exclusive Agricultural (AE), has over nine acres of wine grapes being managed for commercial production, and meets five of the six criteria in General Plan Policy 8.1.1.2; the sixth being approval by the Board of Supervisors. Further, the Commission found the parcel suitable for agricultural production, pursuant to General Plan Policy 8.1.1.7.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project would be consistent with all applicable policies of the General Plan. Findings of consistency with the General Plan are provided in Attachment 1.

Zoning: The subject site is zoned Exclusive Agriculture (AE). AE permits a minimum parcel area of 20 acres provided, however an agricultural preserve may consist of a parcel or contiguous parcels of between ten and 20 acres if the property meets all of the special criteria therefore as established by the county in that certain resolution establishing Williamson Act criteria.

Conclusion: As discussed above, staff finds that the project can be found in conformance with the Title 17 and that the necessary findings can be made to support the request for a General Plan land use designation change. The details of those findings are contained in Attachment 1.

Agency and Public Comments:

Native American Tribes: Pursuant to SB18, Native American Tribes with traditional lands in the vicinity are required to be notified regarding General Plan Amendments. There were five tribes identified by the Native American Heritage Commission to be sent notification, and the tribes have 90 days to respond and request consultation. Due to the nature of this General Plan Amendment, staff is anticipating that the Native American Tribal representatives will not require a consultation. The 90 day review period will end prior to this matter being heard by the Board of Supervisors, provided that the Commission makes such a recommendation. Progress on the notification and consultation process will be provided as it becomes available.

Conclusion: The proposed amendment does not alter the development potential of the lot involved and would be of negligible concern to other agencies.

ENVIRONMENTAL REVIEW

This project has been found to be exempt from the requirements of CEQA pursuant to *Section 15061(b)3*. The project proposal is covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. As the project is not granting any entitlements, merely incorporating the subject parcel into an Agricultural District, no further environmental analysis is necessary. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

- Attachment 1Findings for Approval
- Exhibit AVicinity Map
- Exhibit BGeneral Plan Land Use Map
- Exhibit CZoning Map
- Exhibit DAssessor's Plat Map
- Exhibits EAerial Photo
- Exhibit FAgricultural Commission Minutes, July 9, 2008

Vicinity

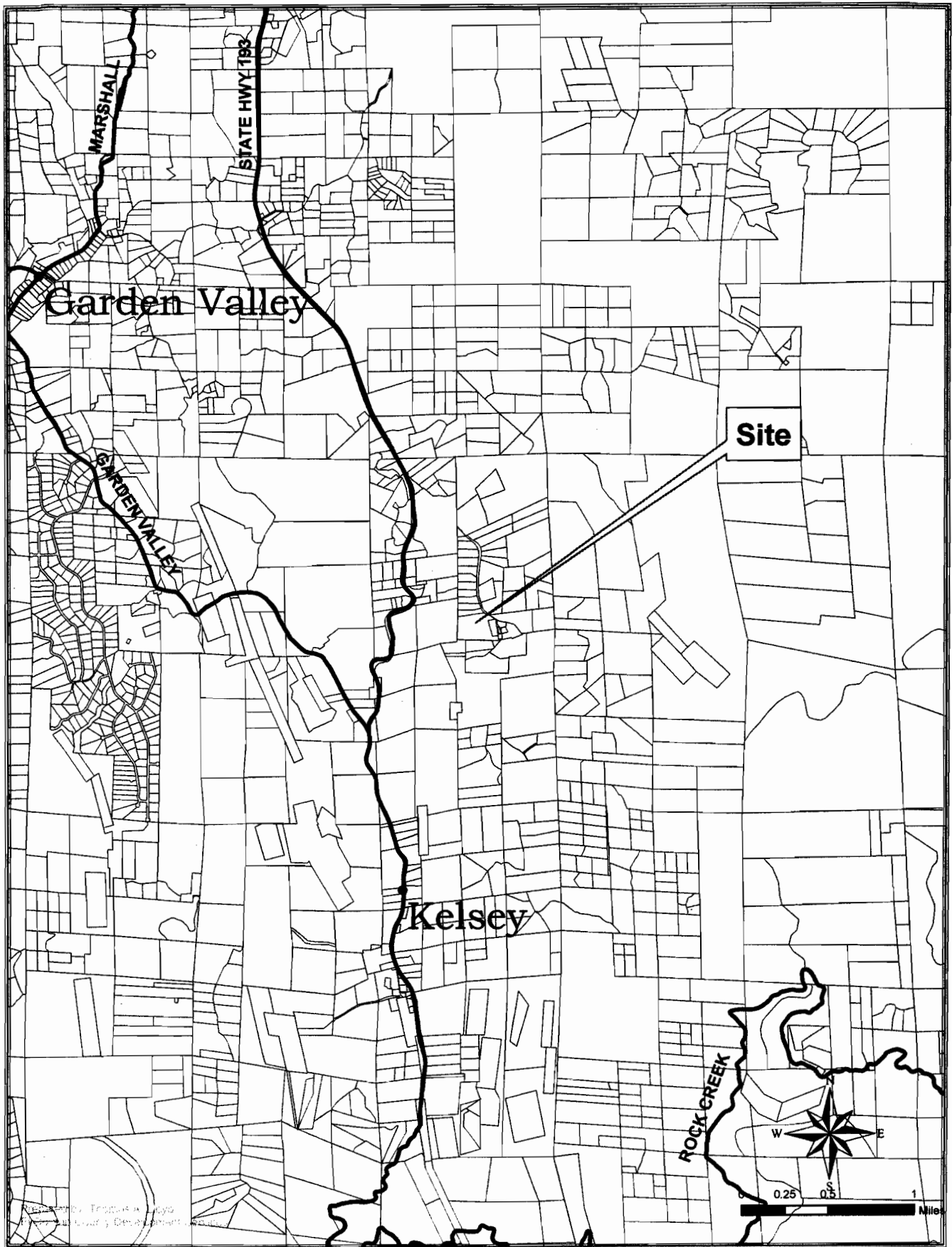
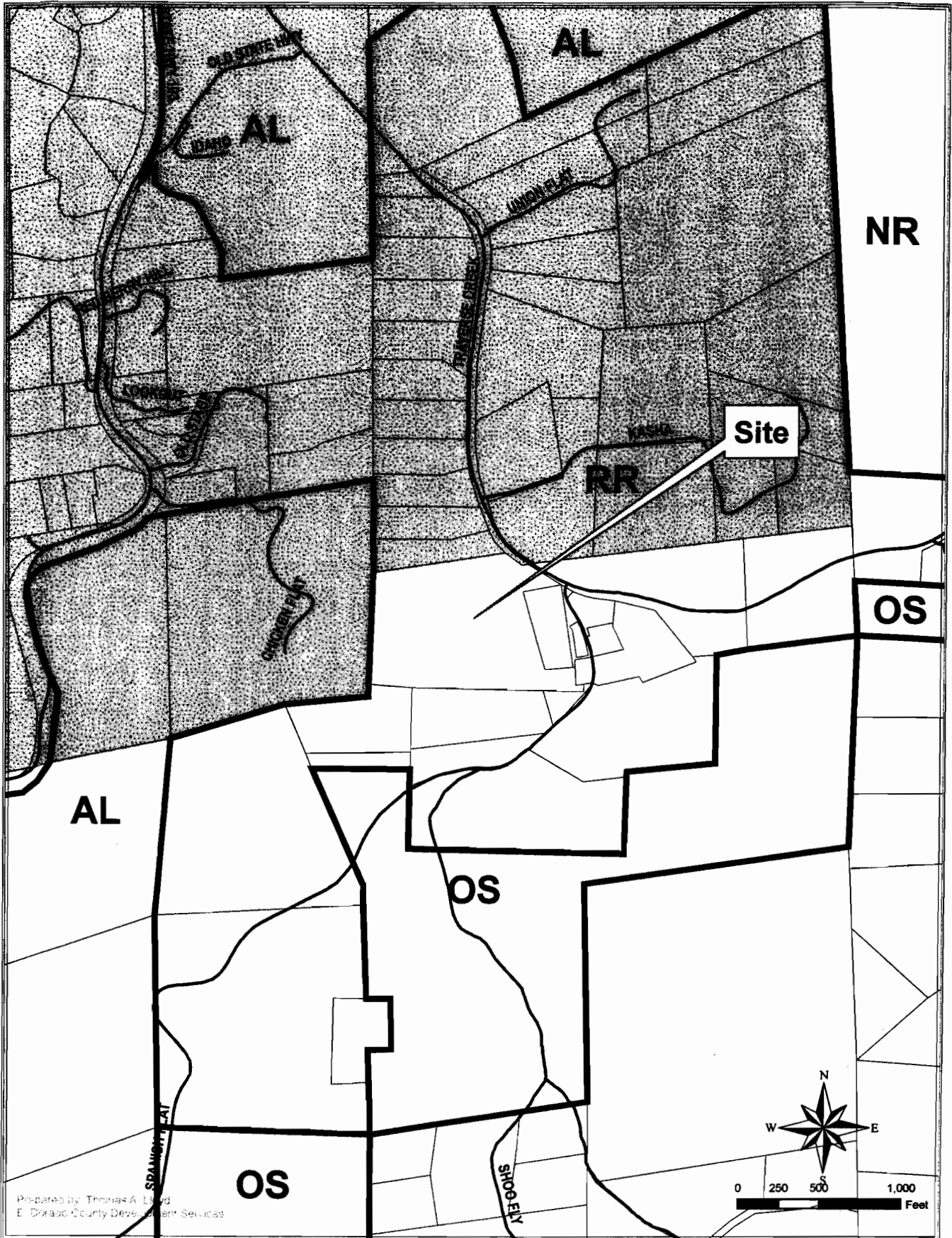


Exhibit A:

General Plan Land Use



Prepared by Thomas A. Lloyd
E. Dixie County Development Services

Legend
[Stippled Box] Ag. District

Exhibit B:

Zoning

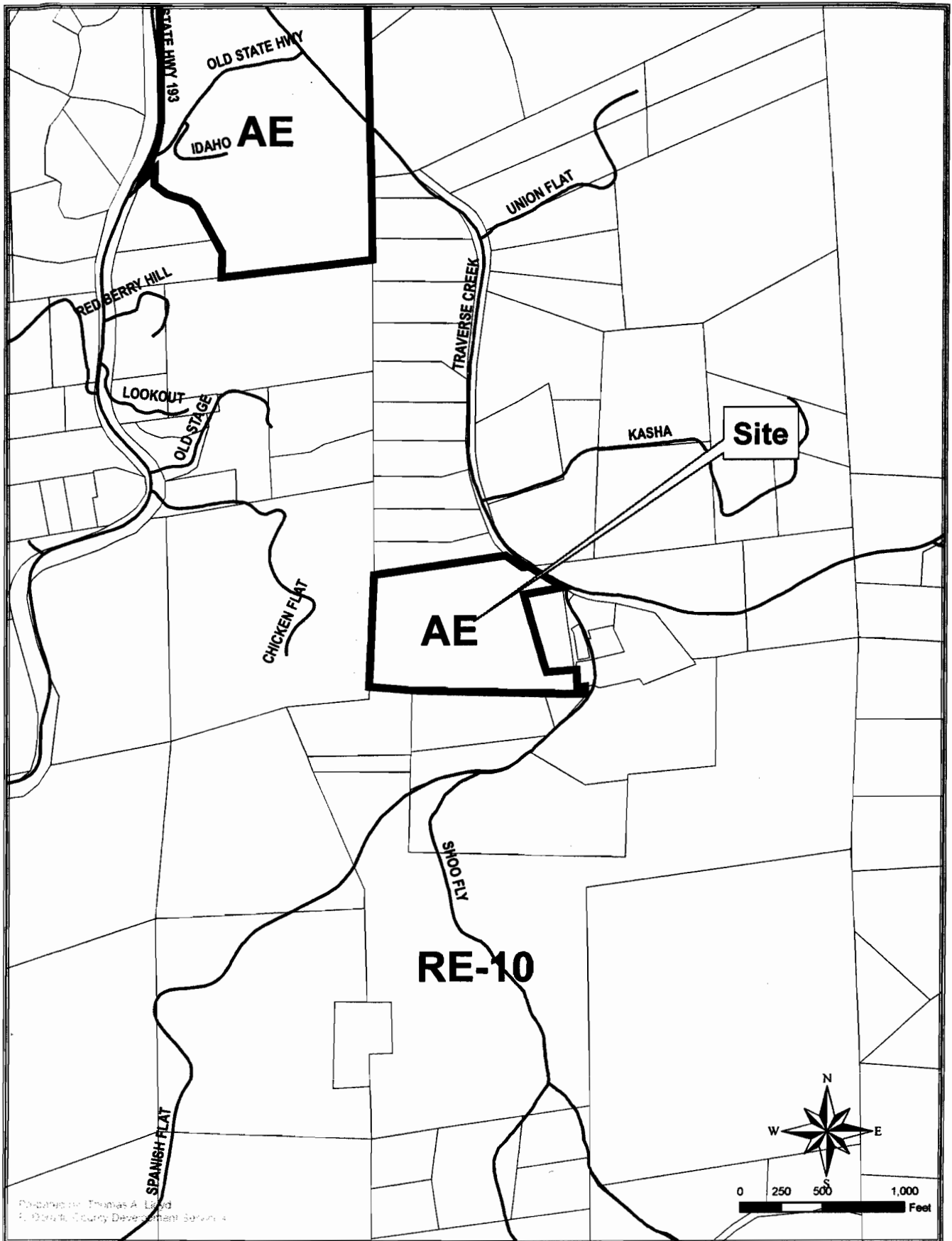


Exhibit C:

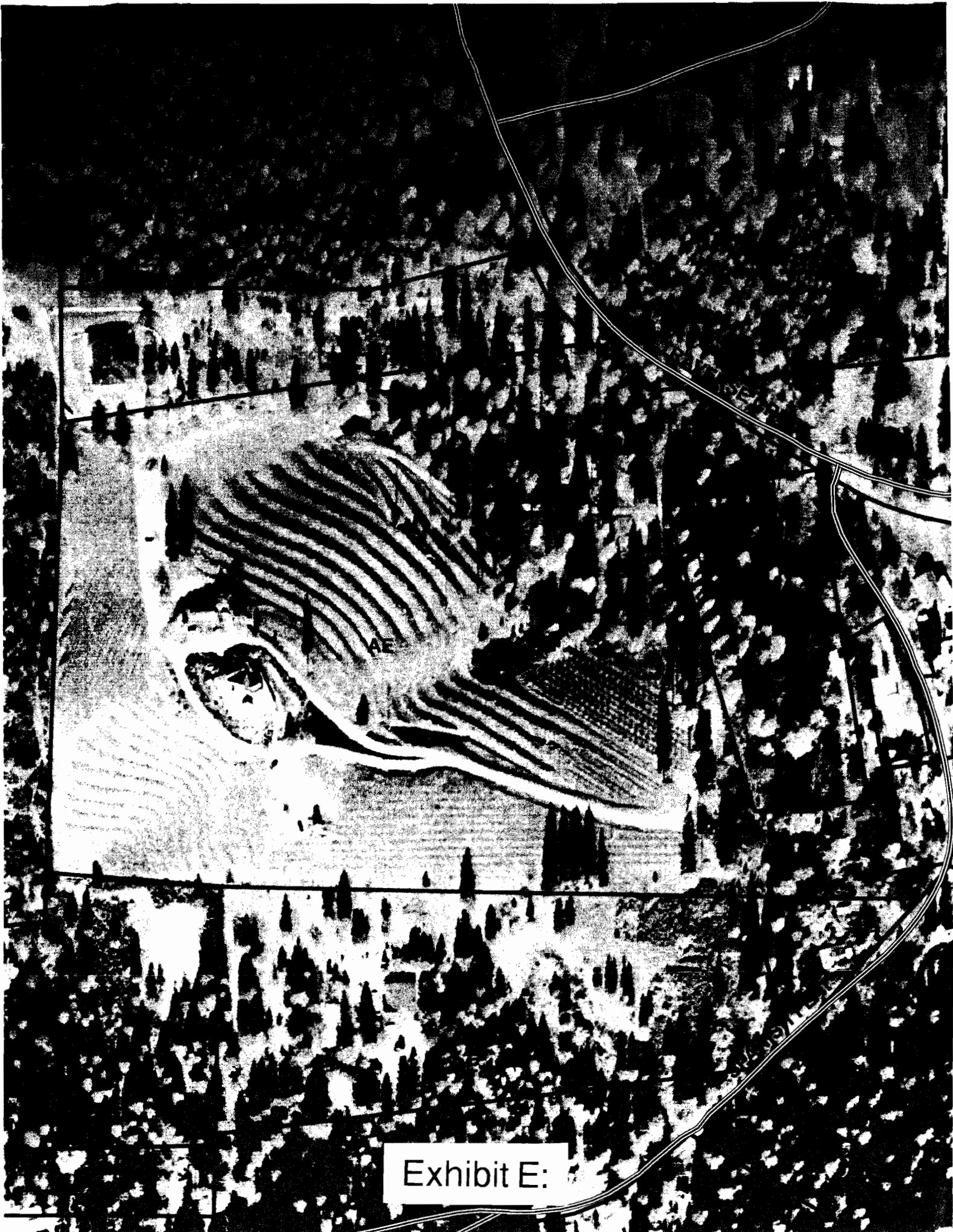


Exhibit E:



AGRICULTURAL COMMISSION

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Lloyd Walker, Vice-chair - Other Agricultural Interests
Chuck Bacchi - Livestock Industry
Bill Draper, Forestry Related Industries
Tom Heflin - Fruit and Nut Farming Industry
David Pratt - Fruit and Nut Farming Industry
Gary Ward, Livestock Industry

MEMORANDUM

DATE: July 17, 2008
TO: Thomas Lloyd, Development Services/Planning
FROM: Greg Boeger, Chair *GB*
SUBJECT: A08-0008 - ROME VALLEY GENERAL PLAN AMENDMENT (BJ ROME)

AGRICULTURAL COMMISSION
JUL 17 2008

During the Agricultural Commission's regularly scheduled meeting held on July 9, 2008, the following discussion and motion occurred regarding AO8-0008 - Rome Valley General Plan Amendment (BJ Rome): A request for a General Plan Amendment to change the land use designation from RR (Rural Residential) to RR-A (Rural Residential-Agricultural). See also SPR 08-0009. General Plan Amendment into the Agricultural District would allow proposed wine facility in SPR 08-0009 by eliminating 200 foot setbacks otherwise imposed on the parcel from residential uses. The property, identified by Assessor's Parcel Number 088-170-32, consists of 17.47 acres, and is located on the southwest side of Traverse Creek Road at the intersection with Spanish Flat Road, in the Garden Valley area. (District 4)

Staff reported on the site visit. The parcel consists of approximately 17.465 acres, is zoned AE (Exclusive Agricultural), is in a Williamson Act Contract #268, has a Land Use Designation of Rural Residential and is adjacent to the garden Valley Agricultural District. The parcel consists of both choice and non-choice soils. The applicant has applied for a General Plan Amendment to be included in the Garden Valley Agricultural District, which is directly north of the subject parcel. General Plan Policy 8.1.1.1 states that "Agricultural Districts" shall be created and maintained for the purposes of conserving, protecting, and encouraging the agricultural use of important agricultural lands and associated activities throughout the county;...and encouraging the expansion of agricultural activities and production... General Plan Policy 8.1.1.2 states that Agricultural Districts shall be based on the following criteria: A) Lands currently under Williamson Act contract; B) Soils identified as El Dorado County "choice" agricultural soil...; C) Lands under cultivation for commercial crop production; D) Lands that possess topographical and other features that make them suitable for agricultural production; E) Low development densities; and F) A determination by the Board of Supervisors that the affected land should be preserved for agricultural production rather than other uses. It is staff's opinion that the subject parcel meets A through E of the above criteria. General Plan Policy 8.1.1.4 states that The Procedure for Evaluating the Suitability of land for Agriculture shall be used for evaluating the suitability of agricultural lands in Agricultural Districts and Williamson Act Contract lands (agricultural preserves). Staff evaluated the subject parcel using The Procedure for Evaluating the Suitability of Land for Agriculture. The total score was calculated as 57 points (60 points or more signifies a parcel with good agricultural capability). The score was

Exhibit F:

decreased due to the non-choice soils on the property. Wine grapes do not require choice soils to be healthy and productive. As the parcel has more than 9 acres of wine grapes, over ½ acre of apple trees, and newly planted conifers to be used as Christmas trees in the future, AND is in a Williamson Act Contract, it is staff's opinion that the parcel qualifies as land suitable for agriculture. General Plan Policy 8.1.1.7 states that *All agricultural lands in active production or determined by the Agricultural Commission to be suitable for production shall be incorporated into an Agricultural District following suitability review.* The General Plan Amendment request to be included in the Garden Valley Agricultural District will reduce the agricultural structure setback requirement from 200 feet to 50 feet. The applicant is proposing to add a two-story winery and tasting room to the parcel. Planning requests the Agricultural Commission's recommendation on General Plan Policies 8.1.3.5 and 8.1.4.1.

Pierre Rivas stated he believed there was an oversight when the agricultural district boundaries were established in the early to mid 1990's and that the subject property should have been included as part of the Agricultural District.

A neighbor expressed his concerns over his lack of privacy if the applicant was granted a 50' setback instead of the 200' setback to build the two-story winery. Commission Member Pratt pointed out that the area of the parcel directly adjacent to the neighbor's property is planted in vineyard and that although there are no absolute guarantees, most agriculturalists would not remove a vineyard to build a winery.

For clarification, Bill Stephans stated that the applicant was not requesting a 50 foot setback but if the property was included into an Agricultural District then the setback would be 50 feet. BJ Rome stated that she was only trying to correct an oversight that was done thirteen years ago. Additionally, she described her wish to leave a legacy.

It was moved by Mr. Walker and seconded by Mr. Pratt to recommend APPROVAL of BJ Rome's request for a General Plan Amendment to change the Land Use Designation of parcel 088-170-32, from RR (Rural Residential) to RR-A (Rural Residential-Agricultural) because the following findings in General Plan Policy 8.1.4.1 can be made :

- A) The proposal will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities;***
- B) The proposal 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) The proposal will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.***

To further conserve and protect agricultural land, the Commission recommends APPROVAL of BJ Rome's request for the parcel to be incorporated into the adjoining Garden Valley Agricultural District because the parcel is currently in a Williamson Act contract, has choice soils, is zoned AE, has over nine acres of wine grapes being managed for commercial production, and meets 5 of the 6 criteria in General Plan Policy 8.1.1.2: Agricultural Districts shall be based on the following criteria:

- A) Lands currently under Williamson Act contract;***
- B) Soils identified as El Dorado County "choice" agricultural soil...;***
- C) Lands under cultivation for commercial crop production;***
- D) Lands that possess topographical and other features that make them suitable for agricultural production; and***
- E) Low development densities.***

Based on staff analysis using "The Procedure for Evaluating the Suitability of Land for Agriculture" the Commission finds the parcel suitable for agricultural production pursuant to General Plan Policy 8.1.1.7.

Motion Passed.

AYES: Walker, Draper, Bacchi, Pratt, Boeger

NOES: None

ABSENT: Heflin, Ward

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

GB:na

cc: BJ Rome