

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



**Agenda of:** April 19, 2016  
**Staff:** Aaron Mount

**WILLIAMSON ACT CONTRACT**

**FILE NUMBERS:** WAC13-0009/WAC13-0010/WAC13-0011/Van Noord

**APPLICANTS:** Thomas Van Noord and Wellborn Family Trust

**REQUEST:** A request for a non-renewal of Agricultural Preserve #283 and applications to create three new contracts for three of the four contracted parcels: Assessor's Parcel Numbers 089-010-67, 089-010-70, and 089-010-71.

**LOCATION:** North and south sides of Thompson Hill Road, approximately one mile east of the intersection with Lotus Road, in the Placerville area, Supervisorial District 4. (Exhibit A)

**APNs:** 089-010-45, -67, -70, and -71 (Exhibit B)

**ACREAGE:** 209.62 combined

**GENERAL PLAN:** Agricultural Lands-Agricultural District (AL-A) (Exhibit C)

**ZONING:** Agricultural Grazing 40-Acre (AG-40) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt pursuant to Sections 15317 and 15061(b)(3) of the CEQA Guidelines

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

1. Certify that the project is Categorically Exempt from CEQA pursuant to Sections 15317 and 15061(b)(3);
2. Approve the non-renewal of Agricultural Preserve #283; and
3. Approve Williamson Act Contracts WAC13-0009, WAC13-0010, and WAC13-0011 creating three new contracts for parcels 089-010-67, 089-010-70, and 089-010-71, based on the Findings as presented.

## **PROJECT INFORMATION**

**Background:** Agricultural Preserve (AP) Number 283 was established in 2002 from a portion of Agricultural Preserve Number 133. The configuration of AP #283 at its approval consisted of two parcels totaling 210 acres. Through a series of Certificates of Compliance, multiple parcels were created from the two original parcels resulting in AP #283 consisting of five parcels.

The current configuration of the project parcels were approved under lot line adjustments BLA11-0024 and BLA14-0045 that reduced the number of parcels from five to the current four. Consistent with California Government Code Section 51257, lot line adjustment BLA11-0024 was reviewed and approved by the Board on September 27, 2011. Lot line adjustment BLA14-0045 was approved administratively on December 10, 2014 due to a change in practice in approval of lot line adjustments involving parcels encumbered by a Williamson Act contract. Both lot line adjustments have been finalized through recordation of parcel map PM51-17 on September 05, 2013 and parcel map PM51-83 on September 09, 2015 (Exhibits K and L). Review by the Agricultural Commission of the request for three new Williamson Act contracts required two hearings because of the changes to the parcel configurations associated with these lot line adjustments (Exhibits H and I).

A request for non-renewal was accepted by the Clerk of the Board of Supervisors (Board) in 2014 prior to Lot Line Adjustment BLA14-0045 being submitted (Exhibit J). The request consisted of the non-renewal of APN's 089-010-45 and 089-010-68. A subsequent Lot Line Adjustment, BLA14-0045 (Exhibit J) resulted in APN 089-010-68 being merged with APN 089-010-69 into a single parcel newly designated as APN 089-010-71. Therefore, a roll-out of the 10 acre APN 0859-010-68 no longer applies. APN 089-010-45 is in its same configuration and remains as a roll-out request.

A roll-out request has been submitted for the remaining three parcels as currently configured within AP #283 so that the property owner may create new contracts for each of the three parcels (Exhibit M). On March 9, 2016, the Agricultural Commission reviewed this request again in light of BLA14-0045 and found it consistent with their previous recommendation for approval.

**Project Description:** The applications are a request for a non-renewal of Agricultural Preserve #283 and to create three new contracts for the remaining three parcels; Assessor's Parcel Numbers 089-010-67, 089-010-70, and 089-010-71. Assessor's Parcel Number 089-010-45 does

not meet the criteria to establish its own contract. The remaining three parcels each meet the criteria to establish individual Williamson Act Contracts.

**Site Description:** The subject parcels are located at elevations ranging from 1,200 to 1,800 feet above mean sea level. The topography is characterized by rolling pasture land with scattered stands of mature oaks. Parcel APN 089-010-45 contains a single family residence and all other parcels are undeveloped and used as pasture for cattle. None of the parcels contain Prime Farmland, Statewide Important Farmland, or Unique/Soils of Local Importance.

**General Plan:** The General Plan designates the subject parcels as Agricultural Lands-Agricultural District (AL-A). 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.

As part of the Targeted General Plan Amendment, General Plan Policy 8.1.1.6 that had previously required parcels encumbered by a Williamson Act Contract to be zoned AE was removed. Removal of this policy allows these parcels to enter into a Williamson Act contract without requiring a rezone.

**Zoning:** All subject parcels are within the Agricultural Grazing 40-acre (AG-40) zone district and Agricultural Land-Agricultural District (AL-A) land use designations. The parcels were rezoned from Exclusive Agriculture (AE) to AG-40 by the Zoning Ordinance Update, adopted on December 15, 2015. Pursuant to Section 130.21.010.C.3 of the Zoning Ordinance, the Agricultural Grazing (AG) zone district “is applied to lands suitable for grazing whether encumbered by a farmland conservation contract or not”.

Because all parcels are currently zoned AG-40, there would be no new impacts on buffering requirements on neighboring parcels. There currently is a 200-foot setback imposed on all surrounding parcels of agriculturally zoned land under Zoning Ordinance Section 130.30.030.E and that would not change with the new proposed contracts.

**Williamson Act Criteria:** The Agricultural Commission reviewed the applicant’s requests at the regularly scheduled meetings on July 09, 2014 and November 12, 2014. At these meetings, the Agricultural Commission reviewed the three primary criteria for a Low Intensive Farming Operation outlined in Resolution No. 188-2002 for establishment of an Agricultural Preserve. These three criteria for a low intensive farming operation are:

1. Minimum Acreage - fifty (50) contiguous acres.
2. Capital Outlay - \$10,000.
3. Minimum Annual Gross Income - \$2,000.

WAC/APN/ACRES	Existing Preserve #	Proposed	WAC Criteria
089-010-45 22 acres	283	Already Requested as a Partial Roll-Out	Does not meet min acreage, or gross income.
WAC13-0010 089-010-67 75 acres	283	Non-Renewal and New Contract	Meets min acreage, capital outlay, and gross income
WAC13-0011	283	Non-Renewal and	Meets min acreage,

089-010-70 50 acres		New Contract	capital outlay, and gross income
WAC13-0009 089-010-71 61 acres	283	Non-Renewal and New Contract	Meets min acreage, capital outlay, and gross income

**Conclusion:** The Agricultural Commission at its July 09, 2014 and November 12, 2014 hearings determined that the applications meet the minimum criteria for low intensive agricultural operations under the Williamson Act and recommended approval of the three new Williamson Act Contracts, as well as the roll-out of APN 089-010-45. Their recommendation was confirmed at their March 9, 2016 hearing.

**ENVIRONMENTAL REVIEW**

The establishment of three new Williamson Act contracts is Categorically Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines which exempts the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act. The proposed non-renewals of the identified Williamson Act contracted parcel is exempt from CEQA pursuant to Section 15061(b)(3) in that the non-renewal of the contract will not have a potential for causing a significant effect on the environment. The non-renewal will not result in significant land use changes, as the contract stays in effect for nine years and the current zoning designation of the parcel restricts uses to those comparable to the restrictions of the Williamson Act.

A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.

## SUPPORT INFORMATION

### Attachments to Staff Report:

#### Findings

Exhibit A.....	Location Map
Exhibit B.....	Assessor's Parcel Map
Exhibit C.....	General Plan Map
Exhibit D.....	Zone District Map
Exhibit E.....	Air Photo Map
Exhibit F.....	Agricultural Commission Memo; July 11, 2014
Exhibit G.....	Agricultural Commission Minutes of November 12, 2014
Exhibit H.....	BLA11-0024 Site Plan
Exhibit I.....	BLA14-0045 Site Plan
Exhibit J.....	Notice of Partial Non-Renewal Request for Agricultural Preserve #283
Exhibit K.....	Parcel Map PM51-17
Exhibit L.....	Parcel Map PM51-83
Exhibit M.....	Amended Notice of Non-Renewal