



RESOLUTION No. 188-2002

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION AMENDING RESOLUTION NO. 245-99

WHEREAS, Chapter 7, Division 1 of Title 5 of the Government Code, commencing with Section 51200 (the "California Land Conservation Act of 1965" commonly referred to as the "Williamson Act") and Chapter 7, Part 7 of Division 1 of Title 5 of the Government Code commencing with Section 51296 (Farmland Security Zone), allows for the establishment of agricultural preserves by resolution of the Board of Supervisors after public hearing; and

WHEREAS, the County of El Dorado desires to revise its criteria and procedures for the creation of agricultural preserves pursuant to agreement with the owner of the property as provided in Section 51240, et seq., of the Government Code to meet the current needs of agriculture in the County; and

WHEREAS, the County finds that agricultural preserves of less than 100 acres are necessary due to the unique characteristics of agriculture in the County; and

WHEREAS the County finds that parcels consisting of between 10 and 20 acres and which are proven to be economically viable in agricultural endeavors should be afforded protection as afforded under Williamson Act contract;

NOW THEREFORE BE IT RESOLVED, by the El Dorado County Board of Supervisors of El Dorado County, that Resolution No. 245-99 is hereby amended, and the following shall be the criteria for the establishment of agricultural preserves within the County of El Dorado:

An applicant shall satisfy all of the following criteria for the establishment of an agricultural preserve:

1. Minimum Acreage:
 - A. For high intensive farming operations:
 - i. An agricultural preserve shall consist of a minimum of twenty (20) contiguous acres; however, an agricultural preserve may consist of between ten (10) and (20) contiguous acres if the Agricultural Commission determines the property meets all of the following criteria:

- (1) The property has a potential to contribute to the agricultural welfare of the County;
 - (2) The property scores eighty (80) or higher on the County Procedure for Evaluating the Suitability of Land for Agriculture as attached in Appendix 1;
 - (3) The property is, at the time of application, engaged in agricultural use;
 - (4) The use of the surrounding properties is primarily agricultural in nature, or zoned agriculture or in an agriculture district;
 - (5) The parcel size of the properties immediately adjacent to the property proposed to be included is at least ten (10) acres and said properties are included within the General Plan designation requiring at least a ten (10) acre minimum parcel size; and
 - (6) The parcel was created prior to March 23, 1993.
- B. For low intensive farming operations:
- i. An agricultural preserve shall consist of a minimum of fifty (50) contiguous acres that are adequately fenced to contain livestock.
2. Capital Outlay:
- A. Methods for determining a value of capital outlay shall be determined by the Agricultural Commission.
 - B. For high intensive farming operations:
 - i. There shall be a minimum capital outlay of \$45,000 excluding applicant's residence and original cost of the land.
 - C. For low intensive farming operations, such as grazing:
 - i. There shall be a minimum capital outlay of \$10,000 excluding applicant's residence and original cost of the land.

3. Income:
- A. Methods for determining a value income shall be determined by the Agricultural Commission.
 - B. For high intensive farming operations:
 - i. The property shall produce a minimum annual gross income of \$13,500 for high intensive farming operations, including but not limited to orchards, vineyards, and row crops.
 - ii. For permanent non-producing agriculture crops, such as orchards and vineyards, the plants shall be planted and properly cared and maintained (as determined by the Agricultural Commission) to produce an commercial crop within three (3) years and be capable of producing a minimum annual gross of income of \$13,500 within five (5) years of planting.
 - C. For low intensive farming operations, such as grazing:
 - i. The property shall produce a minimum annual gross income of \$2,000.

BE IT FURTHER RESOLVED, that the application forms for the establishment of an agricultural preserve shall be available from and shall be returned to the Planning Department, together with the applicable fee; and

BE IT FURTHER RESOLVED, that the applicant shall be notified in writing of the date and time of the public hearing held by the Planning Commission to consider the establishment of the agricultural preserve, and the applicant shall appear at said hearing; and

BE IT FURTHER RESOLVED, that in the event the Planning Commission recommends that an agricultural preserve should be established, the applicant shall be required to execute an agreement in the form approved by County Counsel which limits the use of the property to agricultural uses only, and upon execution by the County of the agreement, the County shall initiate a rezoning for the property to Exclusive Agricultural (AE); and

BE IT FURTHER RESOLVED, that in all matters relating to the establishment of agricultural preserves hereunder, the El Dorado County Agricultural Commission shall act as the primary advisory agency, and their determinations as to the criteria set forth above shall be entitled to due deference by the Planning Commission and Board of Supervisors; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption and thereafter this Resolution shall amend Resolution No. 245-99.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 16th day of July 2002, ~~18x~~ by the following vote of said Board:

Ayes: DUPRAY, BAUMANN, BORELLI, HUMPHREYS, SOLARO

ATTEST

DIXIE L. FOOTE

Clerk of the Board of Supervisors

By Margaret B. Moody
Deputy Clerk

Noes: NONE
Absent: NONE

[Signature]
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE _____

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By _____
Deputy Clerk