

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



Agenda of: October 20, 2015

Staff: Mel Pabalinas

**WILLIAMSON ACT CONTRACT/
BOUNDARY LINE ADJUSTMENT**

FILE NUMBERS: WAC15-0002/WAC15-0003/BLA15-0014/Stigall

APPLICANT: Terry Stigall

REQUEST: The project consists of the following requests:

- 1) Amendment to two existing Williamson Act Contracts (Agricultural Preserve) consisting of the following changes: Agricultural Preserve No. 133 (Assessor's Parcel Numbers (APNs) 089-010-02 and 089-010-27) increasing from 101 acres to 111 acres and Agricultural Preserve No. 316 (APN 089-010-29) decreasing from 60 acres to 50 acres; and
- 2) Boundary Line Adjustment adjusting common property line between three parcels resulting in the following changes: APN 089-010-02 increasing from 40 acres to 50.7 acres, APN 089-010-27 decreasing from 61.3 acres to 60.7 acres, and APN 089-010-29 decreasing from 60.1 acres to 50 acres.

LOCATION: Approximately one and one-quarter mile east of Thompson Hill Road from its intersection with Lotus Road, in the Lotus area, Supervisorial District 4. (Exhibit A)

APNs: 089-010-02, 089-010-27 WAC15-0002 (Agricultural Preserve No. 133)
089-010-29 WAC15-0003 (Agricultural Preserve No. 316) (Exhibit B)

ACREAGE: 161 acres

GENERAL PLAN: Agricultural Lands (AL) (Exhibit C)

ZONING: Exclusive Agriculture (AE) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Sections 15305 and 15317 of the CEQA Guidelines

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

1. Certify that the project is Categorical Exempt from CEQA pursuant to Sections 15305 and 15317;
2. Approve amendments to existing Williamson Act Contracts resulting in Agricultural Preserve No. 133 (APNs 089-010-02, 089-010-27) increasing from 101 acres to 111 acres and Agricultural Preserve No. 316 (APN 089-010-29) decreasing from 60 acres to 50 acres based on the Findings and subject to the Conditions of Approval; and
3. Approve Boundary Line Adjustment BLA15-0014 adjusting common property line between three parcels resulting in APN 089-010-02 increasing from 40 acres to 50.7 acres, APN 089-010-27 decreasing from 61.3 acres to 60.7 acres, and APN 089-010-29 decreasing from 60.1 acres to 50 acres based on the Findings and subject to the Conditions of Approval.

BACKGROUND

The original contract, Agricultural Preserve No. 133, was established in 1971 and it encompassed a total 370 acres. In 2002, under Resolution No. 021-2002, the Board approved a new preserve (Agricultural Preserve No. 283) for the 209 acres portion of the original preserve which was acquired by a different property owner, leaving the remaining 161 acres under the original preserve contract. In October 2006, a Non-Renewal was approved by the Board of Supervisors for the entire 161 acres of Agricultural Preserve No. 133 initiating the 10-year roll out of the property.

In August 2008, under Resolution No. 239-2008, the Board approved a new Agricultural Preserve No. 316 (61 acres under APN 089-010-29) out of a portion of Agricultural Preserve No. 133. The balance of 100 acres remained under Agricultural Preserve No. 133 (APN 089-010-02, -27) and its preserve status was re-activated. Both agricultural preserve contracts are currently active under the common ownership of the applicant.

PROJECT DESCRIPTION

Williamson Act Contracts

The applicant is requesting an amendment to existing agricultural preserves. Williamson Act Contract (WAC) 15-0002 (Agricultural Preserve No. 133) consisting of APNs 089-010-02 and 089-010-27 would increase from 101 acres to 111 acres after the boundary line adjustment (discussed below). Three existing structures would be retained within the contract including a single family residence, a barn and a shop. WAC15-0003 (Agricultural Preserve No. 316)

consisting of APN 089-010-29 would decrease from 60 acres to 50 acres after the boundary line adjustment and would retain an existing residence, a garage, and a barn. The agricultural use of both sites is low-intensive grazing.

The existing agricultural preserve numbers will be retained as described above and will continue to meet the criteria to qualify as such after the amendment to boundary lines including:

- (1) Capital outlay exceeded the \$10,000 for each contract;
- (2) Minimum acreage still meets the 50 acre requirement;
 - Amended WAC15-0002 (Agricultural Preserve No. 133) = 111 Acres
 - Amended WAC15-0003 (Agricultural Preserve No. 316) = 50 Acres
- (3) Gross income exceeds the \$2,000 for both WAC contracts (Exhibit E)

The Agricultural Commission reviewed the applicant's requests at their regularly scheduled meeting on August 12, 2015 session and recommended approval of the applications (Exhibit F).

Boundary Line Adjustment

The proposed boundary line adjustment would reconfigure the common property lines resulting in new parcels. As shown in Exhibit G, APN 089-010-02 would increase from 40 acres to 50.7 (Parcel 1) acres and APN 089-010-27 would be reduced from 61.3 acres to 60.7 acres (Parcel 2). Both parcels are under Agricultural Preserve No. 133. APN 089-010-29 (Parcel 3) would be reduced from 60.1 acres to 50 acres and would remain under Agricultural Preserve No. 316. The adjusted common property line would coincide with Big Sky Ranch Road, which is the primary access to the properties. Exhibit H details the existing improvements and land use and zoning designations on the subject and surrounding properties.

CONSISTENCY ANALYSIS

General Plan: The project has been reviewed for consistency with applicable policies of the General Plan. As analyzed and discussed under *Findings*, the project is consistent with General Plan Policies 8.1.1.6 (Williamson Act Properties), 8.1.18 (Agricultural Land designated properties), 8.1.3.5 and 8.1.4.1 (Agricultural Commission Review of Agricultural Use and Adjacent Developments), and 8.2.4.1 (Agricultural Programs).

Zoning: The project has been reviewed for consistency with Section 130.36.060 (Applicability) of the Exclusive Agriculture (AE) zone district. The subject parcels would retain their current zoning of AE and existing Williamson Act Contracts. The resultant parcels meet the minimum development standards of the zone district involving lot area and width.

Boundary Line Adjustment Requirements: BLA15-0014 has been reviewed for conformance with the provisions of Government Code Section 51257 involving boundary line adjustments for active properties under Williamson Act Contracts. As analyzed and discussed under *Findings*, the proposed applications meet these requirements

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the requirements of CEQA pursuant to Section 15305 which applies to boundary line adjustments and Section 15317 which exempts the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act. Section 51257 of the California Government Code requires that findings must be approved by the Board of Supervisors when a Boundary Line Adjustment involves parcels within a Williamson Act Contract.

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 35 days to 180 days.

SUPPORT INFORMATION

Attachments:

Conditions of Approval
Findings

Exhibit A.....Location Map
Exhibit B.....Assessor's Parcel Map
Exhibit C.....General Plan Map
Exhibit D.....Zoning Map
Exhibit E.....Williamson Act Contract Information
Exhibit F.....Agricultural Commission Memorandum
August 18, 2015
Exhibit G.....Proposed Boundary Line Adjustment Map with
Agricultural Preserves Information
Exhibit H.....Aerial Photo with Land Use Information