

**ELDORADO COUNTY DEVELOPMENT SERVICES  
STAFF REPORT**



Agenda of: January 11, 2007  
Item No.: 7.  
Staff: Tom Dougherty

**WILLIAMSON ACT CONTRACTS**

**FILE NUMBER:** WAC06-0012 and WAC06-0013

**APPLICANT:** Ed Akin

**AGENT:** Bill Snodgrass

**REQUEST:** Request to reduce the acreage in existing Agricultural Preserve #1 from 323.79 acres to 123.66 and establish a new separate agricultural preserve with the remaining 200.13 acres.

**LOCATION** On the south side of Gold Hill Road, approximately one mile west of the intersection with Cold Springs Road, in the Gold Hill area (Exhibit A).

**APNS:** 089-120-31, -32, and 317-030-01, -06, -09 and -14

**ACREAGE:** 323.79 acres

**GENERAL PLAN** Agricultural Lands (AL) and Rural Residential (RR) with Agricultural (A) and Important Biological Corridor (IBC) overlays. (Exhibit B)

**ZONING:** Exclusive Agriculture (AE). (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines.

**SUMMARY RECOMMENDATION:** Recommend Approval

**BACKGROUND:** The applicant currently has an existing Agricultural Preserve No. 1 with a total of 323.79 acres and six parcels identified by Assessor's Parcel numbers 089-120-031, 089-120-32, 317-030-14, 317-030-06, 317-030-01, and 317-030-09. This preserve was established by El Dorado County Board of Supervisors Resolution No. 123-68 in 1968. In September of 1995, 55.89 acres were to the Preserve with the adoption of Resolution No. 255-95. The six parcels, as one preserve, have historically been used for raising livestock, oats and wine grapes. Preserve No. 1, as previously approved, contains the following structures:

APN Number	Acres	Proposed WAC Number	Structures/Features
089-120-31	38.93	06-0012	30x60 foot agricultural barn, 20x 36 foot barn/tack structure occupying approximately one acre. The remaining acreage is mild to steeply sloped.
089-120-32	84.73	06-0012	Four-acre pond, two single-family residences with attendant structures, 30x120 foot metal shop building, 18x40 foot pole barn, 32x40 foot three-sided storage hanger and a 24x120 foot metal poultry shed. Approximately 12 acres comprises a 7-year old vineyard and 40 acres is irrigated pasture. The remaining is dry grazing land. Approximately 50 percent is flat; the rest is mildly sloping with approximately 4 acres in the SW corner having a steep slope.
317-030-01	24.24	06-0013	No structures. Mostly level to mildly sloping. Some oak trees and brush but mostly cleared.
317-030-06	115.38	06-0013	No structures. Mostly steep intermittently covered with oaks trees and brush.
317-030-09	4.62	06-0013	No structures. Mostly steep, covered with oak trees and brush.
317-030-14	55.89		80x200 foot steel storage building. Mild to steeply sloped, intermittently covered in oak trees and brush.

All structures that exist today that are listed above have had previous County approval.

### STAFF ANALYSIS

**Request:** Revise Agricultural Preserve #1 so that it only includes Assessor's Parcel Numbers 089-120-31 and 089-120-32 for a total of 123.66 acres to be included in the WAC 06-0012 application request. The applicant is requesting that this revision retain the Agricultural Preserve #1 designation. The remaining four parcels, identified by Assessor's Parcel Numbers 317-030-14, 317-030-06, 317-030-01 and 317-030-09, total 200.13 acres and are to be included in the WAC06-0013 application request.

**Site Description:** The six subject parcels are located within the 1,000 to 1,600 foot elevation above sea level. There is an existing single-family residence and second dwelling unit, miscellaneous outbuildings, a grape vineyard and a large pond on Assessor's Parcel Number 089-120-32 which fronts Gold Hill Road. That parcel is relatively flat and contains primarily annual grasses, other than the vineyard, and is devoid of trees on most of the parcel except for a few oaks near the pond. The other five parcels vary in slope from flat to steep hillsides and contain annual grasses, interior live

oaks (*Quercus wislizenii*), blue oaks (*Quercus douglasii*). Weber Creek separates parcels 317-030-06 and 09 at the southern end of the current Preserve.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
Site	AE	AL/RR/A/IBC	Residential, ranching, agriculture
North	PA/AE/RE-5/R3A/RE-10	MDR/LDR/AL/A/IBC	Residential, ranching, agriculture
South	RA-20/PD	RR/AL/A/IBC	Residential, ranching, agriculture
East	RE-5/RE-10	AL/OS/RR/A/IBC	Residential
West	RE-5/RA-20/	OS/LDR/AL/A/IBC	Residential, ranching, agriculture

**Discussion:** The project is adjacent to 30 parcels. Because the subject proposal does not change the exterior boundary of the existing Agricultural Preserve the impacts of the newly proposed two Preserves would have the same impacts on buffering requirements to neighboring parcels as they did prior to the subject application.

**General Plan:** The General Plan designation of the subject parcels as Agricultural Lands (AL). This designation is applied to lands described in Policy 8.1.1.8. Williamson Act Contracts allow only one residential dwelling for each contract. The 4.62-acre parcel to the south of Weber Creek (317-030-09) has a Rural Residential land use designation. Four of the parcels have the Agricultural District (A) overlay (089-120-32, 317-030-14, 317-030-01, and 317-030-06). This overlay designation is applied to lands with “choice” agricultural soils and to designate lands to be conserved and protected for agricultural uses. Four of the subject parcels do contain mapped choice soils. All six parcels are further designated with the Important Biological Corridor (IBC) overlay. Where the -IBC Overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay. There is no development proposal with these applications, so there will be no new impact on the corridor that was not already allowed or exists. Additionally, the following General Plan policies apply to this project.

**Policy 2.2.2.2** directs that the purpose of the Agricultural District (-A) overlay designation is to identify the general areas which the Board of Supervisors has determined should be preserved primarily for agricultural uses. The two proposed Agricultural Preserves will be consistent with Policy 2.2.2.2 in that the resultant preserves will continue to preserve agricultural uses.

**Policy 2.2.5.2** directs that all applications for discretionary projects or permits 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. The establishment of a new separate Preserve and the ensuing uses it

allows is consistent with the allowed uses intended by the Agricultural Lands (AL) land use designation and the Agricultural (A) overlay designation.

**Policy 8.1.1.8** directs that lands assigned the Agricultural Land (AL) designation shall be of sufficient size to sustain agricultural use and should be under a Williamson Act or Farmland Security Zone Contract, and/or contain the characteristics of choice agricultural land or are under cultivation for commercial crop production or are identified as grazing land; and either are located in the County's Rural Region; or the County Department of Agriculture has determined that the land is well suited for agricultural production. Amending Agricultural Preserve #1 to create a new Agricultural Preserve in addition to the existing one, will be consistent with Policy 8.1.1.8 because all parcels will be under Williamson Act Contracts, contain choice and/or contain commercial crops, and are located within the County's Rural Regions. Five of the parcels are over 20 acres in size and the sixth which is 4.620 was previously approved to be included in Agricultural Preserve #1, and it is mostly steep and acts as a buffer to the open space area and further residential zone district to the south.

**Policy 8.1.3.1** directs that agriculturally zoned lands including Williamson Act Contract properties (i.e., lands within agricultural preserves) shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. The revision of one Preserve and creation of a new one would not induce any new agricultural setbacks onto the subject parcels that do not currently exist, because the exterior boundary of the two would be the same as the original Preserve.

**Policy 8.1.4.1** directs that the County Agricultural Commission review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. The El Dorado County Agriculture Commissioners have determined that the land is well suited for agricultural production by their approval recommendation for those contracts at their November 8, 2006, meeting.

**Policy 8.2.4.1** seeks to ensure long-term conservation, enhancement, and expansion of viable agricultural lands. The project is consistent with Policy 8.2.4.1 by the request for the modification and continued use of a Williamson Act Contract.

**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 is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

**Zoning:** Pursuant to Section 17.36.070, the Exclusive Agriculture (AE) Zone District shall apply only to those lands subject to the Land Conservation Act of 1965. All six subject parcels are presently zoned AE since being encumbered under Agricultural Preserve No. 1. Section 17.36.070 (D) allows the placement of one single-family dwelling unit within each agricultural preserve. The effect of this proposal to create this agricultural preserve would allow one house within each contract which is consistent with the zoning. Section 17.36.090.C requires a minimum parcel size of 20 acres. Each of the newly created agricultural preserves would meet this minimum except for



Assessor's Parcel number 317-030-09 which is 4.62 acres but was previously approved to be located within the original Preserve.

**Williamson Act Criteria:** The Agricultural Commission reviewed the requested Williamson Act Contracts at their regularly scheduled meeting on November 8, 2006. At this meeting, the Agricultural Commission reviewed the three primary criteria outlined in Resolution No. 188-2002 for establishment of an Agricultural Preserve. These three criteria are:

1. There shall be a minimum capital outlay for agricultural improvements in the minimum total sum of \$45,000 excluding the applicant's residence and original cost of the land.

WAC06-0012 Discussion: The Agriculture Department provided a summarized expense sheet showing the payment of costs for agricultural improvements. Expenses for agricultural improvements consisted of an agricultural building, vines, trellis system, irrigation supplies, fencing, and a well. Total capital outlay was shown to be \$115,697.000, which exceeds the minimum of \$45,000.

WAC06-0013 Discussion: The Agriculture Department provided a summarized expense sheet showing the payment of costs for agricultural improvements. Expenses for agricultural improvements consisted of fencing and an agricultural building. Total capital outlay was shown to be \$126,800, which exceeds the minimum of \$45,000

2. The minimum acreage shall be 20 contiguous acres for "intensive farming operations".

WAC06-0012 Discussion: The two subject parcels consist of 123.66 contiguous acres total.

WAC06-0013 Discussion: The four subject parcel consists of 200.13 contiguous acres total.

3. High intensive farming operations (orchards, vineyards and row crops) shall produce a minimum gross income of \$13,500, or \$2,000.00 for low intensity farming (grazing).

WAC06-0012 Discussion: Current gross income for grazing, irrigated pasture, and vineyard is \$37,665.00.

WAC06-0013 Discussion: Current gross income for grazing and oats is \$6,542.00.

Conclusion: Since all required findings were made for the requested Williamson Act Contracts, the Agricultural Commission recommended approval of WAC06-0012 and WAC06-00013.

The El Dorado County Assessor's Office staff has visited the site and did not find contradictions to the owner's statements nor did they determine there were any reasons to deny the application requests. They had made a note that they would not recommend approval until a boundary line adjustment was approved to split the residential units, however, they were not aware that the two residences have been approved twice with the initial review of the Preserve in 1968 and also when the Preserve had parcel 14 added in 1995.

**El Dorado County Agricultural Commission:** At the November 8, 2006, meeting, the Agricultural Commission found the applicant's request to amend existing Agricultural Preserve #1 to establish two new Agricultural Preserves meets all the criteria, and they recommend approval for WAC06-0002 and WAC06-0003.

## **ENVIRONMENTAL REVIEW**

Section 15317 exempts the Williamson Act Contracts and the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. Pursuant to Resolution No. 240-93, a \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

**RECOMMENDATION:** Recommend approval

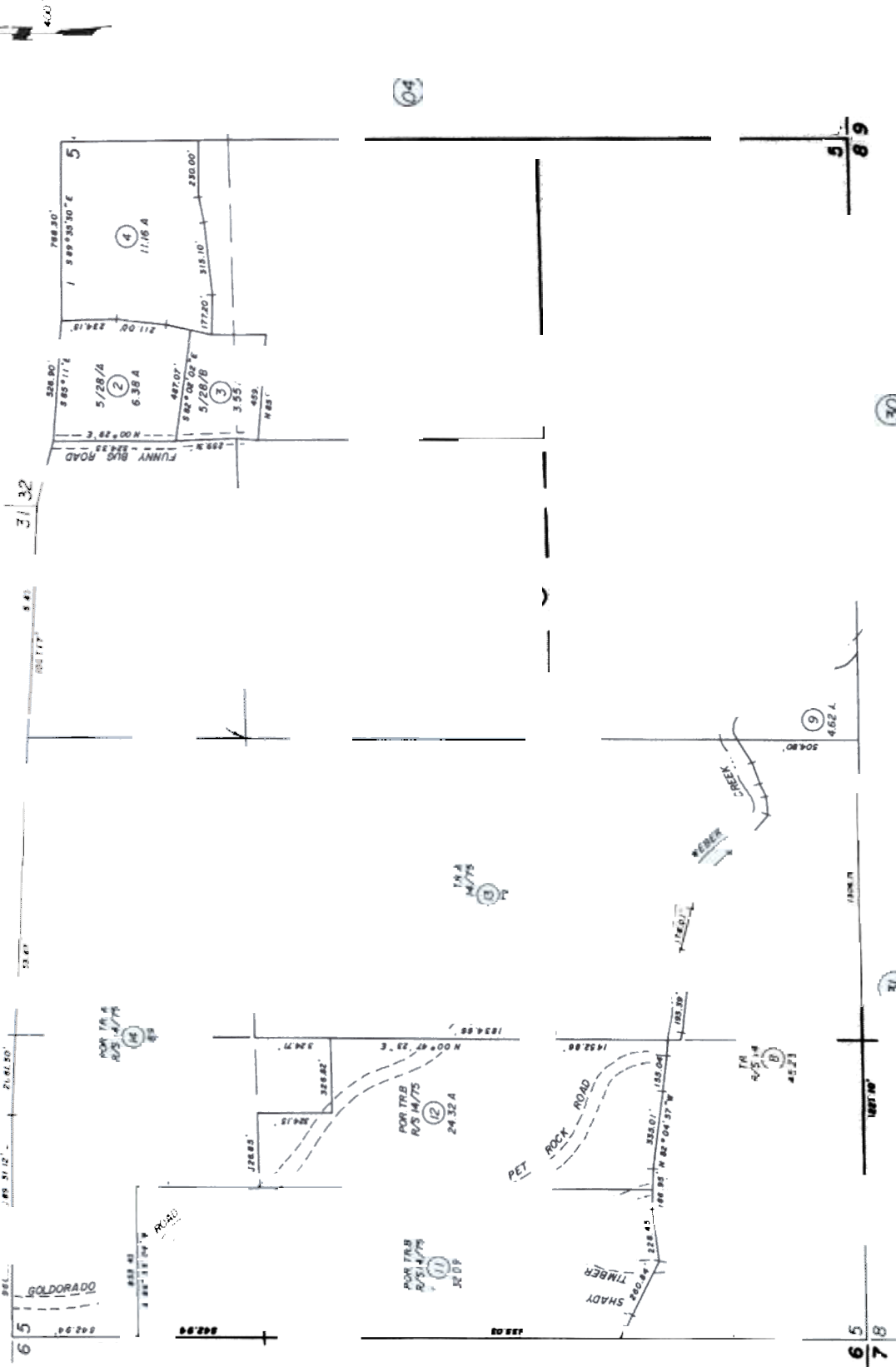
## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Exhibit A.....	.....Vicinity Map
Exhibit B.....	.....Assessor's Parcel Map
Exhibit C1 .....	.....General Plan Land Use Designations
Exhibit C2 .....	.....General Plan Land Use Designations w/Agricultural District Overlay
Exhibit C3 .....	.....General Plan Land Use Designations w/Important Biological Corridor Overlay
Exhibit D.....	.....Zoning Map
Exhibit E .....	.....Soils Map
Exhibit F .....	.....U.S.G.S. Quadrangle
Exhibit G1 .....	.....Aerial Photo WAC06-0012
Exhibit G2.....	.....Aerial Photo WAC06-0013
Exhibit H.....	.....Parcel Map 49-83 was created by BLA01-0078 and was recorded September 2006. It changed Assessor's Parcel Numbers 089-120-08 and 09 to 089-120-31 and 32 and adjusted the acreage to 42.959 acres for 31 and 75.167 acres for 32, but the total acreage for WAC 06-0012 (Agricultural Preserve #1), remains the same.



BK 89



30

31

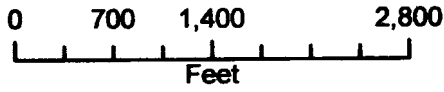
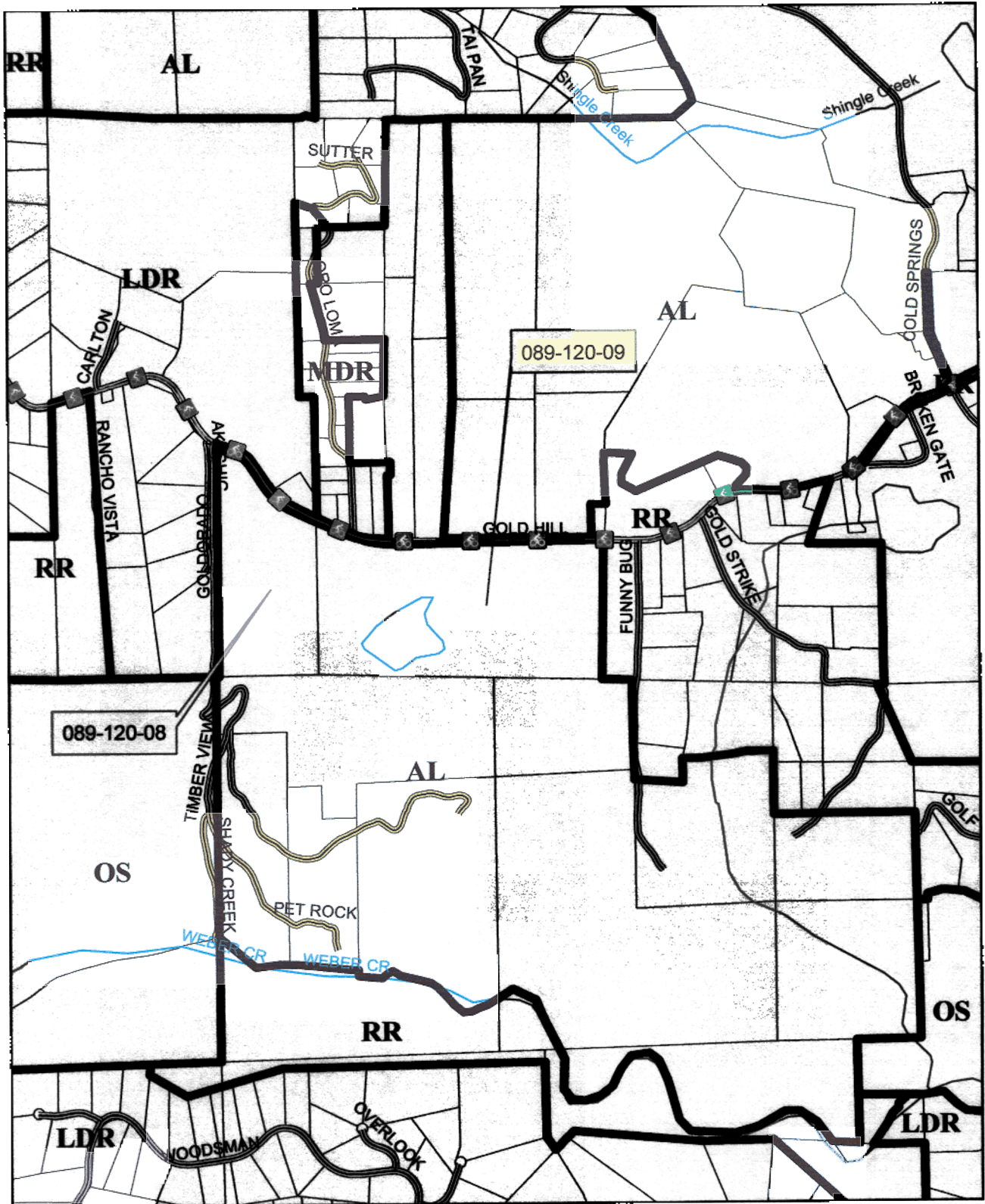
Blair  
Assessor's Parcel Numbers Shown in Circles

MAP 65 NO. 1  
City Office

65  
78

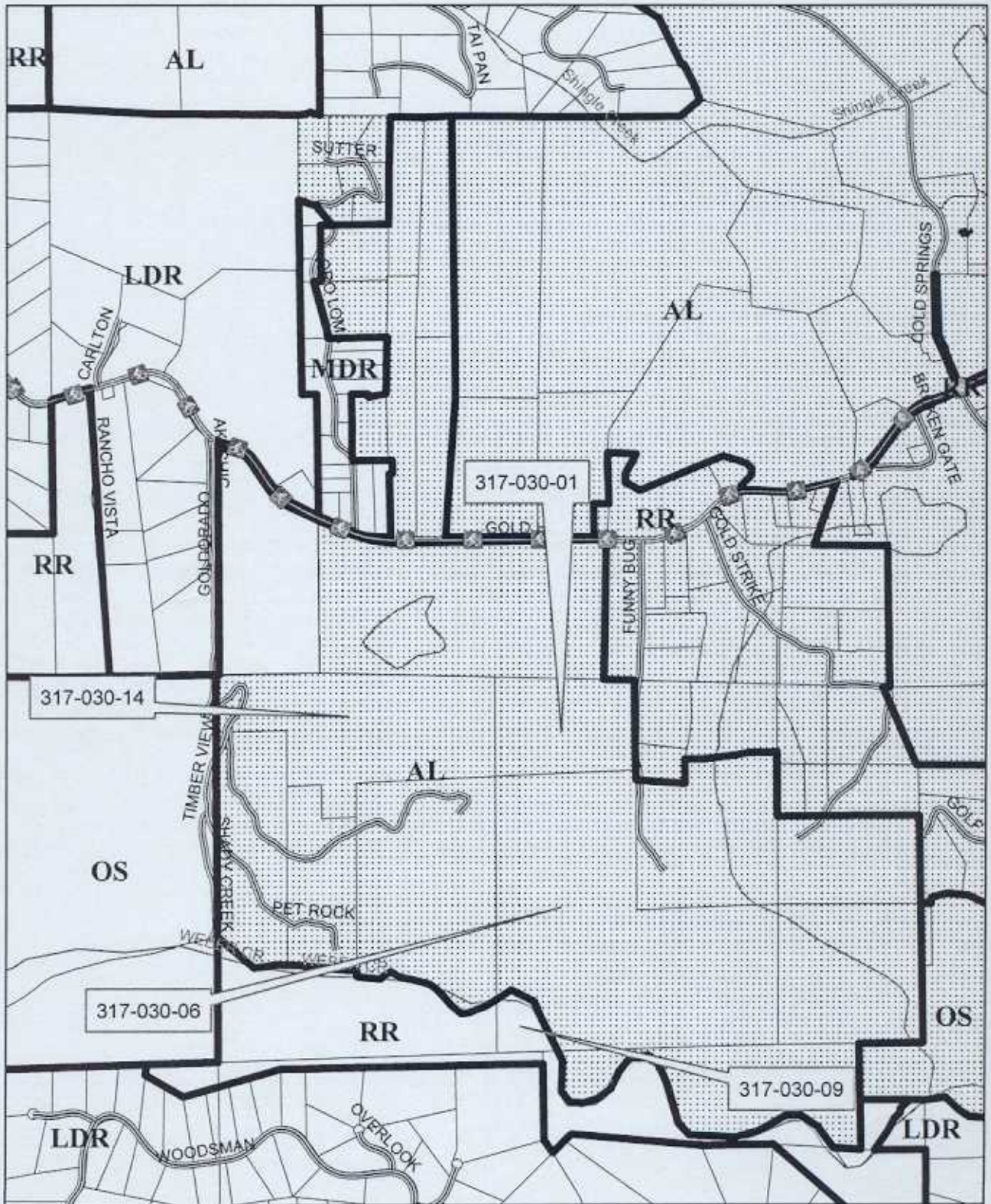


# General Plan Land Use Designations





# General Plan Land Use Designations



■ — Bike Plan

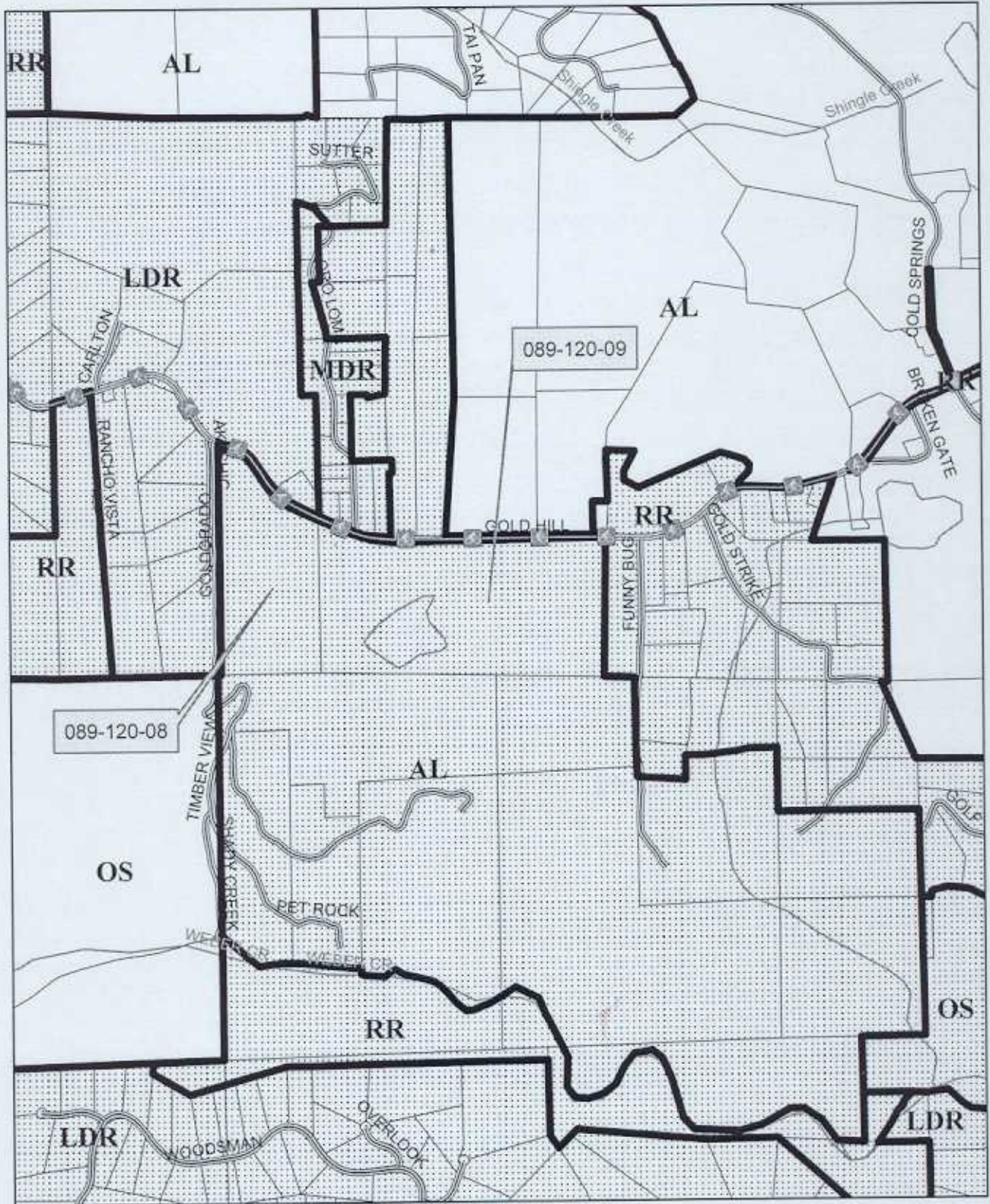
▨ — Agricultural District Overlay



Exhibit C2

WAC 06-0013



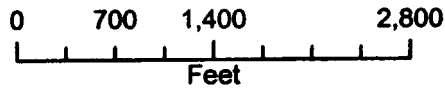
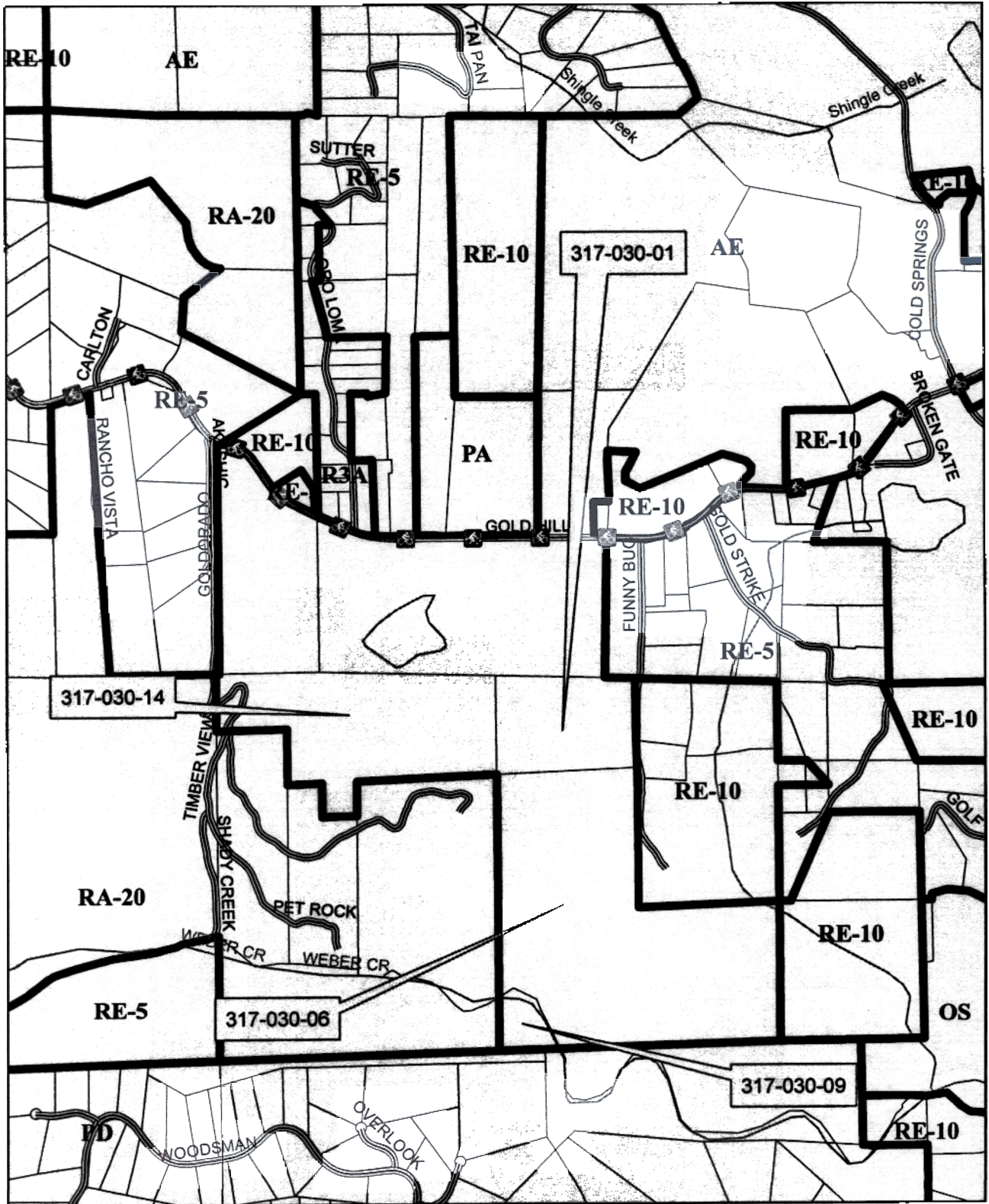
# General Plan Land Use Designations With Important Biological Corridor Overlay



-  Bike Plan
-  Biological Corridor



# Zoning

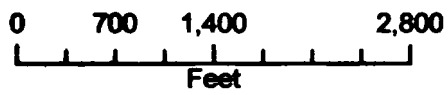
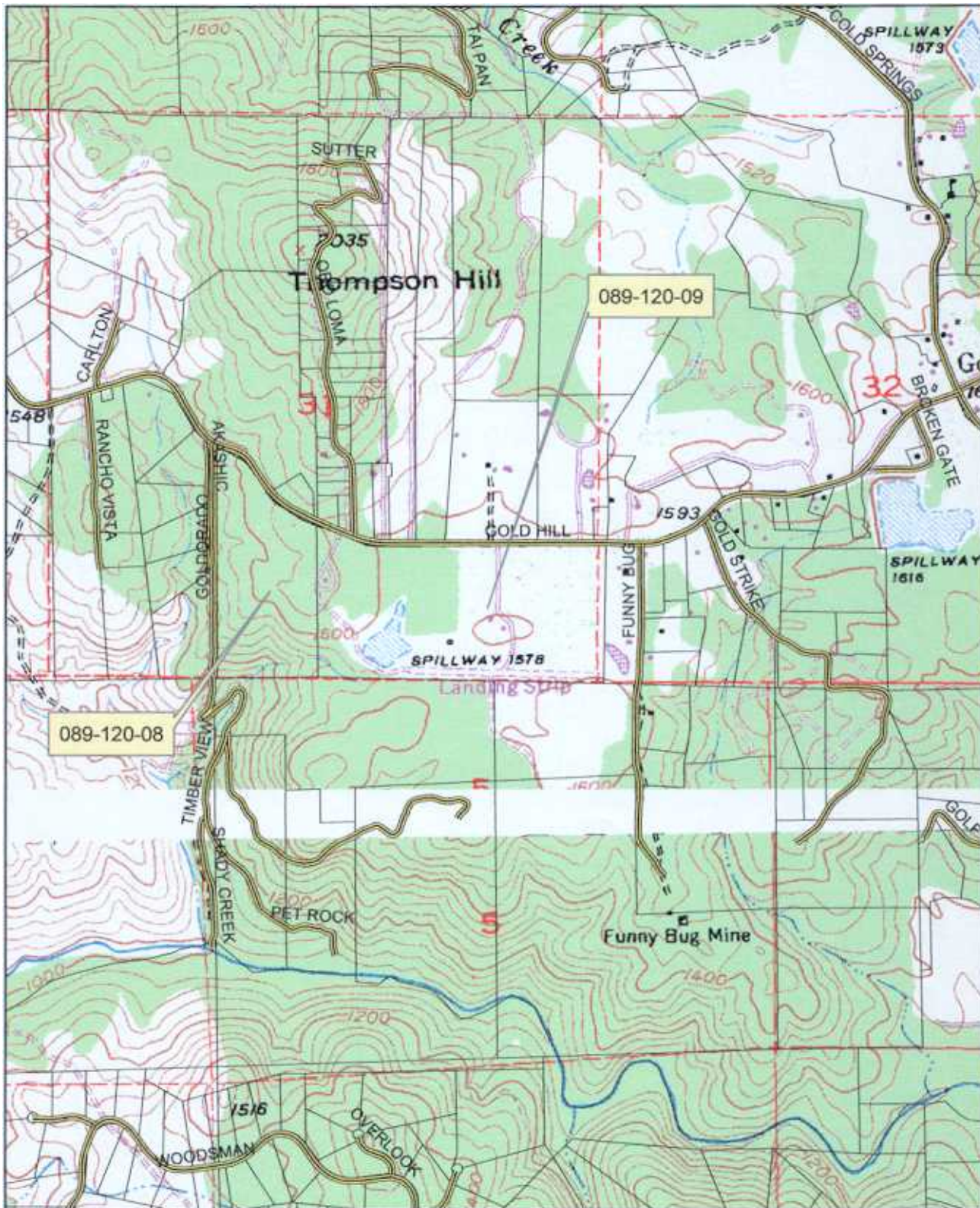








# U.S.G.S. Quadrangles







**Disclaimer:**

**This depiction was compiled from unverified public and private sources and is illustrative only. No representation is made as to the accuracy of this information. Parcel boundaries are particularly unreliable. Users make use of this depiction at their own risk.**





**Disclaimer:**

This depiction was compiled from unverified public and private sources and is illustrative only. No representation is made as to the accuracy of this information. Parcel boundaries are particularly unreliable. Users make use of this depiction at their own risk.



**PARCEL MAP**  
 A PORTION OF THE SOUTH 1/2 OF SECTION 31  
 T. 11 N., R. 10 E., M. D. M.  
 COUNTY OF EL DORADO, STATE OF CALIFORNIA,  
 SEPTEMBER 2006 SCALE: 1"=300'  
 EL DORADO LAND SURVEY CO.

**BASIS OF BEARINGS**  
 THE MERIDIAN OF THIS COUNTY IS TRUE NORTH AND IS IDENTICAL TO THAT OF RS 14-75.

**NOTE**  
 REFER TO DDL# 2006-00160001 FOR CONSENT OF ALL PARTIES HAVING RECORDED TITLE INTEREST.

**DEVELOPMENT SERVICES DIRECTOR'S STATEMENT**  
 THIS MAP CONFORMS WITH THE REQUIREMENTS OF SECTIONS 66412(3) AND 66467 OF THE SUBDIVISION MAP ACT.  
 DATED: 9/28/06  
 Roger Mount  
 DEVELOPMENT SERVICES DIRECTOR  
 COUNTY OF EL DORADO, CALIFORNIA

**SURVEYOR'S STATEMENT**  
 THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AT THE REQUEST OF  
 EDWARD P. AKIN ON 9-1-06  
 I HEREBY STATE THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP IF ANY. ALL MONUMENTS ARE OF THE CORNER AND QUALIFY THE POSITIONS INDICATED AND ARE SUFFICIENT TO FURNISH THE SURVEY TO BE REPRODUCED.

Walter C. Swart  
 WALTER C. SWART - LS 4180  
 VIA EXPIRE DATE: 6-30-08



**REFERENCES**  
 (1) CALIF. RW MAP - S. 1097 (U) PMS ROUTE 1097 RS 14-75

**COUNTY SURVEYOR'S STATEMENT**  
 I HAVE EXAMINED THE MAP, THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP IF REQUIRED AND AN APPROVED ALTERNATIVE THEREOF OF ALL PROVISIONS OF CHAPTER 1 OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP IF REQUIRED, HAVE BEEN COMPLIED WITH. I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

Daniel Zullo  
 DANIEL ZULLO - LS 5077  
 COUNTY SURVEYOR  
 COUNTY OF EL DORADO, CALIFORNIA  
 VIA EXPIRE DATE: 12-31-07

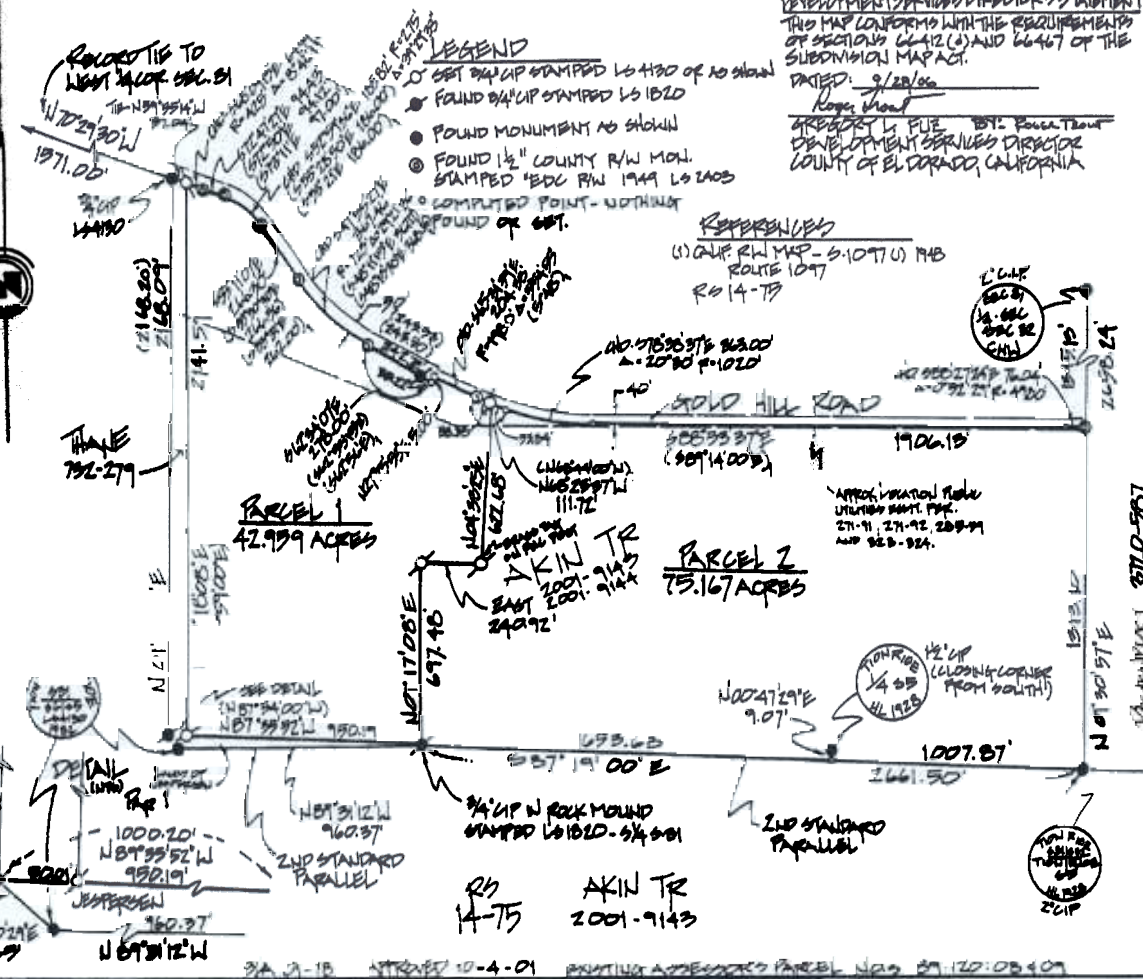


**COUNTY RECORDER'S CERTIFICATE**  
 I, WILLIAM E. SCHULTE HEREBY CERTIFY THAT PLACER TITLE COUNTY SUBDIVISION MAP NUMBER 201-38189 WAS FILED WITH THIS OFFICE AND THAT THIS PARCEL MAP WAS ACCEPTED FOR RECORD AND FILED THIS 28th DAY OF SEPTEMBER 2006 AT 11:37:45 IN BOOK 119 OF PARCEL MAPS AT PAGE 53 AT THE REQUEST OF EDWARD P. AKIN. DOCUMENT NO. 2006-00160001

William E. Schulte  
 WILLIAM E. SCHULTE  
 COUNTY CLERK  
 COUNTY OF EL DORADO  
 STEPHEN CO. QUINN  
 DEPUTY

**LEGEND**

- 68T 3/4" CIP STAMPED LS 4180 OF AS SHOWN
- FOUND 3/4" CIP STAMPED LS 1020
- FOUND MONUMENT AS SHOWN
- FOUND 1 1/2" COUNTY R/W MON. STAMPED 'EDC RW 1944 LS 2403
- COMPUTED POINT - NOTHING FOUND OR 68T.



1203

Exhibit H

44-83

49-83