

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



**Agenda of:** December 13, 2016

**Staff:** Aaron Mount

**WILLIAMSON ACT CONTRACT/  
LOT LINE ADJUSTMENT**

**FILE NUMBERS:** WAC09-0002/BLA13-0032/Rossi

**APPLICANTS:** Randy Rossi, Brian Luce, Miranda Luce, David Hendry, Liane Hendry, and Sunny Hammonds

**REQUEST:** The project consists of the following requests:

- 1) Amend existing Williamson Act Contract (Agricultural Preserve) Agricultural Preserve No. 298 (APN 093-040-46) by expanding the 40 acre parcel to 74.406 acres; and
- 2) Lot Line Adjustment adjusting common property lines between four parcels resulting in the following revisions:
  - a) APN 093-040-59 decreasing from 112.385 acres to 110.035 acres;
  - b) APN 093-040-58 decreasing from 77.408 acres to 65.353 acres;
  - c) APN 093-040-46 increasing from 40.001 acres to 74.406 acres; and
  - d) APN 093-040-45 decreasing from 40.001 acres to 20.001 acres.

**LOCATION:** On the east side of Grizzly Flat Road, approximately 3.9 miles east of the intersection with Mt. Aukum Road, in the Somerset area, Supervisorial District 2. (Exhibit A)

**APNs:** 093-040-45 (Agricultural Preserve No. 291)  
093-040-46 (Agricultural Preserve No. 298)  
093-040-58  
093-040-59 (Exhibit B)

**ACREAGE:** 269.795 acres

**GENERAL PLAN:** Natural Resources-Agricultural District (NR-A) and Natural Resources (NR) (Exhibit C)

**ZONING:** Pre 1-15-2016: Exclusive Agriculture (AE), Residential Agricultural-20 (RA-20), and Estate Residential Ten-Acre (RE-10) (Exhibit D)

Post 1-15-2016 Planned Agricultural 40-Acre (PA-40), Rural Lands 160-Acre (RL-160), Limited Agricultural 40-Acre (LA-40) (Exhibit E)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt pursuant to Sections 15305 and 15317 of the California Environmental Quality Act (CEQA) Guidelines

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

1. Find that the project is Categorically Exempt from California Environmental Quality Act pursuant to Sections 15305 and 15317;
2. Approve WAC09-0002 amending an existing Williamson Act Contract, Agricultural Preserve No. 298 (Assessor's Parcel Number 093-040-46), by expanding the 40 acre parcel into a 74.406 acre parcel based on the Findings and subject to the Conditions of Approval as presented; and
3. Approve Lot Line Adjustment BLA13-0032 adjusting common property lines between four parcels based on the Findings as presented and resulting in the following changes:
  - a) Assessor's Parcel Number 093-040-59 decreasing from 112.385 acres to 110.035 acres;
  - b) Assessor's Parcel Number 093-040-58 decreasing from 77.408 acres to 65.353 acres;
  - c) Assessor's Parcel Number 093-040-46 increasing from 40.001 to 74.406; and
  - d) Assessor's Parcel Number 093-040-45 decreasing from 40.001 acres to 20.001 acres.

## **BACKGROUND**

The El Dorado County Williamson Act Lands Program is established in compliance with Chapter 7, Part 1, Division 1 of Title 5 of the Government Code (Section 51200 et seq.), otherwise known as the California Land Conservation Act of 1965. The purpose of the Program is to protect agricultural lands for the continued production of agricultural commodities and to protect certain other lands devoted to open-space uses in compliance with the Williamson Act.

The original contract for Agricultural Preserve #291, was established by the Board in 2003 and consisted of APNs 093-040-45 and 093-040-46 for a total of 80 acres. In 2005 a request to amend Agricultural Preserve #291 by dividing the preserve into two separate preserves was approved by the Board. The resulting preserves comprise 40 acres each and were under separate ownership: APN 093-040-45 for Agricultural Preserve #291 and APN 093-040-46 for Agricultural Preserve #298. A request to roll out Agricultural Preserve #291 was approved by the Board of Supervisors on October 25, 2005 and it will completely roll out in 2017. The applicant now has ownership of both parcels and has requested to amend Agricultural Preserve #298 through the lot line adjustment process.

A new comprehensive Zoning Ordinance was adopted by the Board on December 15, 2015 and took effect on January 15, 2016. Section 130.10.040.C.1 of the new ordinance states the following:

***Pending Applications.** Applications which have been determined by the Department to be complete and in compliance with California Government Code Section 65943 before the effective date of this Title, or any amendment hereto, shall comply with the provisions of this Title in effect on the date that the application is deemed complete.*

The project has been reviewed against the Zoning Ordinance in effect in 2013 when the project was deemed complete. The project has been reviewed for consistency with Sections 130.36.060, 130.30.040, and 130.70.110 of the AE, RA-20, and RE-10 zone districts, respectively. The resultant parcels meet the development standards of the zone districts for minimum lot area and width.

## **PROJECT DESCRIPTION**

### Williamson Act Contracts

The applicant is requesting an amendment to Agricultural Preserve #298 (APN 093-040-46) by increasing its area to 74.406 acres through the Lot Line Adjustment process. The agricultural use of the site is high intensive vineyards. The resulting single contract would encompass the entirety of the existing eight-acre vineyard and winery.

APN	EXISTING ACREAGE	PROPOSED ACREAGE	AG PRESERVES EXISTING	AG PRESERVES PROPOSED
093-040-46	40.001 AC	74.406 AC	AP #298	AP #298
093-040-58	77.408 AC	65.353 AC	Not within an AG Preserve	A 12.055 ac portion would transfer to AP #298
093-040-59	112.385 AC	110.035 AC	Not within an AG Preserve	A 2.35 ac portion would transfer to AP #298
093-040-45	40.001	20.001	AP #291	AP #291, roll out was approved by the BOS, roll out complete in 2017

The original agricultural preserve number “298” would be retained, and would continue to meet the criteria to qualify as an agricultural preserve after reconfiguring the boundary lines. Consistent with Resolution Number 188-2002, the requested Williamson Act Contract exceeds the following criteria:

- (1) Capital outlay requirement of \$45,000 exceeded at \$90,000;
- (2) Minimum 20 acre requirement exceeded at 74.406 acres;
- (3) Gross income requirement of \$13,500 exceeded at \$15,000.

The Agricultural Commission reviewed the applicants’ requests at their regularly scheduled meeting on September 14, 2016 and recommended approval of the applications (Exhibit F).

Boundary Line Adjustment

The proposed boundary line adjustment would reconfigure the common property lines. As shown in Exhibit G, APN 093-040-45 (Parcel 4, Agricultural Preserve #291) would decrease from 40.001 acres to 20.001 acres and APN 093-040-46 (Parcel 3, Agricultural Preserve #298) would increase from 40.001 acres to 74.406 acres. APN 093-040-58 (Parcel 2) would decrease from 77.408 acres to 65.353 acres and APN 093-040-59 (Parcel 1) would decrease from 112.385 to 110.035. The adjusted common property lines would expand Agricultural Preserve #298 from 40 acres to 74.406 acres. Exhibit H details the existing improvements and land use and zoning designations on the subject and surrounding properties.

**CONSISTENCY ANALYSIS**

**Subdivisions and Zoning Ordinances:** The proposed project complies with the rules in effect at the time the project was deemed complete. All lots would meet the minimum standards for the respective zone districts that they are within, including AE, RA-20, and RE-10. Assessor’s

Parcel 093-040-45 would be reduced from 40 acres to 20 acres consistent with the AE zone district that requires a 20 acre minimum parcel size.

**General Plan:** The project parcels are within the Natural Resources (NR) land use designation requiring a 40 acre minimum parcel size under General Plan Policy 2.2.1.2. The Lot Line Adjustment proposes to reduce APN 093-040-45 to 20 acres. However, the project is consistent with General Plan Policy 2.2.5.5.C that allows “lot line adjustments to create a substandard size parcel when there is a need to better consolidate and manage lands with important resources, e.g. agriculture”. The applicants are requesting the proposed Lot Line Adjustment and amended Williamson Act Contract in order to consolidate the existing vineyard and winery operation into a single agricultural preserve (AP#298). The resulting 20-acre lot size of APN 093-040-45 would remain adequate to meet setback and buffer requirements for the surrounding agriculture and timber production zoned land.

The project has been reviewed for consistency with applicable policies of the General Plan. As analyzed and discussed under the Findings, the project is consistent with General Plan Policies 8.1.3.5 (Agricultural Commission Review of Agricultural Use), 8.1.4.1 (Adjacent Developments), and 8.2.4.1 (Agricultural Programs).

**Boundary Line Adjustment Requirements Involving a Williamson Act Contracted Land:** Lot Line Adjustment BLA13-0032 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 the 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.

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:

Findings  
Conditions of Approval

Exhibit A.....Location Map  
Exhibit B.....Assessor's Parcel Map  
Exhibit C.....General Plan Map  
Exhibit D.....Pre 1-15-2016 Zoning Map  
Exhibit E.....1-15-2016 Zoning Map  
Exhibit F.....Agricultural Commission Memorandum;  
September 15, 2016  
Exhibit G.....Proposed Lot Line Adjustment BLA13-0032 Map  
Exhibit H.....Aerial Photo with Land Use Information