

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



**Agenda of:** October 22, 2013

**Staff:** Tom Purciel

**WILLIAMSON ACT CONTRACT**

**FILE NUMBER:** WAC13-0001/Hobbs Agricultural Preserve

**APPLICANT:** Susan D. Hobbs

**REQUEST:** Request to establish a Williamson Act Contract and Agricultural Preserve for a 101.48 acre parcel

**LOCATION:** East side of Hackomiller Road, approximately 0.25 mile north of the intersection with Garden Valley Road, in the Garden Valley area, Supervisorial District 4. (Exhibit A)

**APN:** 088-020-72 (Exhibit B)

**ACREAGE:** 101.48 acres

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

**ZONING:** Exclusive Agriculture (AE) (Exhibit D)

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

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

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15317 of the CEQA Guidelines; and
2. Approve Williamson Act Contract WAC13-0001 based on the Findings in Attachment 1.

## BACKGROUND

The project parcel was originally one of three parcels within Agricultural Preserve No. 322 (Rutz), consisting of approximately 300 acres (Assessor's Parcel Numbers 088-020-72, 088-020-79 and 088-020-81), established by the Board of Supervisors on August 28, 2007. On March 17, 2011, the owners of Agricultural Preserve 322 submitted a request for non-renewal to Planning Services. A Notice of Non-Renewal was subsequently certified by the Board of Supervisors on April 12, 2011, consistent with Government Code Section 51245. (Former) Agricultural Preserve No. 322 began a nine-year roll out which would be completed on January 1, 2021.

On June 17, 2013, the applicant submitted Williamson Act Contract Application WAC13-0001 to request the creation of a new 101.48-acre agricultural preserve out of a portion of the original contracted land.

## STAFF ANALYSIS

Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for Board of Supervisors consideration are provided in the following sections.

**Site Description:** The subject parcel is located at an average elevation of 2,200 feet above mean sea level. The parcel proposed for the new preserve is located off of Hackomiller Road, in the Garden Valley area. The topography is characterized by rolling pasture land with scattered mature oaks (Exhibit F).

**General Plan:** The General Plan designates the subject parcel as Agricultural Lands, Agricultural District Overlay (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. The parcel is being utilized as grazing land, and therefore, is consistent with the General Plan.

**Zoning:** Pursuant to Section 17.36.060, the Exclusive Agriculture (AE) zone district *shall apply only to those lands subject to the Land Conservation Act of 1965*. The parcel is currently zoned AE, and therefore, a new Williamson Act Contract would be consistent with this regulation. In addition, Section 17.36.070 allows one single-family detached dwelling within each AE preserve for the property owner. The owner's existing residence would be located in this preserve, consistent with this requirement.

**Williamson Act Criteria:** The Agricultural Commission reviewed the applicant's request at the regularly scheduled meeting on August 14, 2013. At this meeting, the Agricultural Commission reviewed the three primary criteria outlined in Resolution No. 188-2002 for establishment of an Agricultural Preserve and recommended approval.

1. There shall be a minimum capital outlay for agricultural improvements in the sum of \$10,000.

Discussion: The capital outlay reported for fencing was \$17,842.

2. The minimum acreage shall be 50 contiguous acres that are adequately fenced for low intensity agricultural operations.

Discussion: Assessor's Parcel Number 088-020-72 consists of 101.48 acres of fenced land, meeting the minimum acreage requirement.

3. The minimum annual gross income shall be \$2,000.

Discussion: Gross income exceeds the minimum requirement of \$2,000/year at \$2,520.

### **ENVIRONMENTAL REVIEW**

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines stating that the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act are exempt. A \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

### **SUPPORT INFORMATION**

#### **Attachments:**

Attachment 1 .....	Findings
Exhibit A .....	Location Map
Exhibit B .....	Assessor's Parcel Page
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Zoning Map
Exhibit E .....	Agricultural Commission Memo; August 14, 2013
Exhibit F .....	Site Photographs

# ATTACHMENT 1

## FINDINGS FOR APPROVAL

**Williamson Act Contract WAC13-0001/Hobbs Agricultural Preserve  
Board of Supervisors/October 22, 2013**

### **1.0 CEQA FINDINGS**

- 1.1 The proposed requests for Williamson Act Contracts has been found to be Categorically Exempt from CEQA pursuant to Section 15317 stating that, "Class 17 consists of 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."
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

### **2.0 GENERAL PLAN FINDINGS**

#### **2.1 The project is consistent with General Plan Policy 8.1.1.8.**

General Plan Policy 8.1.1.8 requires Agricultural Lands (AL) to be of sufficient size to sustain agricultural use, to be under a Williamson Act or Farmland Security Zone Contract, and/or contain the characteristics of choice agricultural land. The 101 acres has been identified as grazing land, is within the rural region and would be established under a Williamson Act Contract; therefore the property is consistent with the AL land use designation.

#### **2.2 The project is consistent with General Plan Policy 8.1.3.2.**

General Plan Policy 8.1.3.2 requires that agriculturally incompatible uses adjacent to agriculturally zoned land provide greater setbacks to protect agricultural resources. The creation of a new agricultural preserve would not impose new agricultural setbacks to adjacent parcels, as the project parcel is located within an existing agricultural zone district, and is subject to existing setback provisions.

#### **2.3 The project is consistent with General Plan Policy 8.1.4.1.**

General Plan Policy 8.1.4.1 requires the County Agricultural Commission to review all discretionary development applications involving land zoned for or designated agriculture. The El Dorado County Agriculture Commissioners reviewed the application on August 14, 2013 and determined that the Williamson Act Contract application meets the minimum criteria for a low intensive agricultural operation.

**2.4 The project is consistent with General Plan Policy 8.2.4.1.**

General Plan Policy 8.2.4.1 seeks to ensure long-term conservation, enhancement, and expansion of viable agricultural lands. Placing this land in the Williamson Act Contract program would provide long term conservation.

**3.0 ADMINISTRATIVE FINDINGS**

**3.1 Williamson Act Contract**

The property satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:

**3.1.1 Minimum Acreage:**

- a. The property is to be used for low intensive farming (grazing) and will consist of 101.48 fenced acres which complies with the preserve requirement of having a minimum of fifty contiguous acres that are adequately fenced to contain livestock.

**3.1.2 Capital Outlay:**

- a. The capital outlay reported is \$17,842 for fencing. The capital outlay exceeds the \$10,000 minimum requirement for low intensive farming operations, excluding the applicant's residence and original cost of the land.

**3.1.3 Income:**

- a. For low intensive farming operations, the property is required to have a minimum annual gross income of \$2,000. The property is reported to have an annual income of \$2,520.

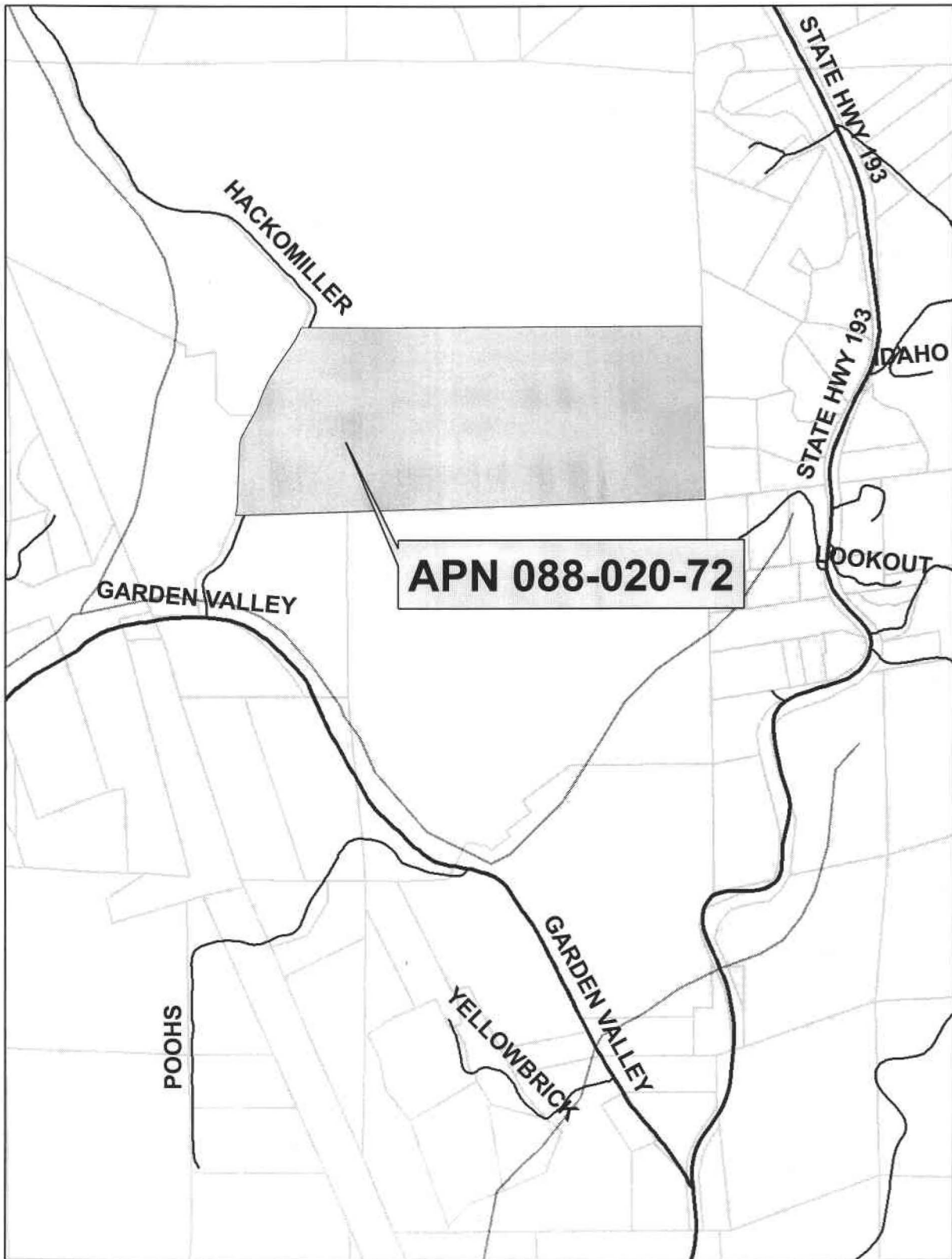
**4.0 ZONING FINDINGS**

**4.1 The proposed use is consistent with Title 17.**

The proposed raising and grazing of livestock is a use permitted by right in accordance with Section 17.36.070 of the County Code.

# WAC 13-0001 Location Map

# Exhibit A



SECS. 1, 2, 3, 10, 11, & 12, T.11N., R.10E., M.D.M.

88:02

1" = 1,200'



EXHIBIT B

Acreages Are Estimates

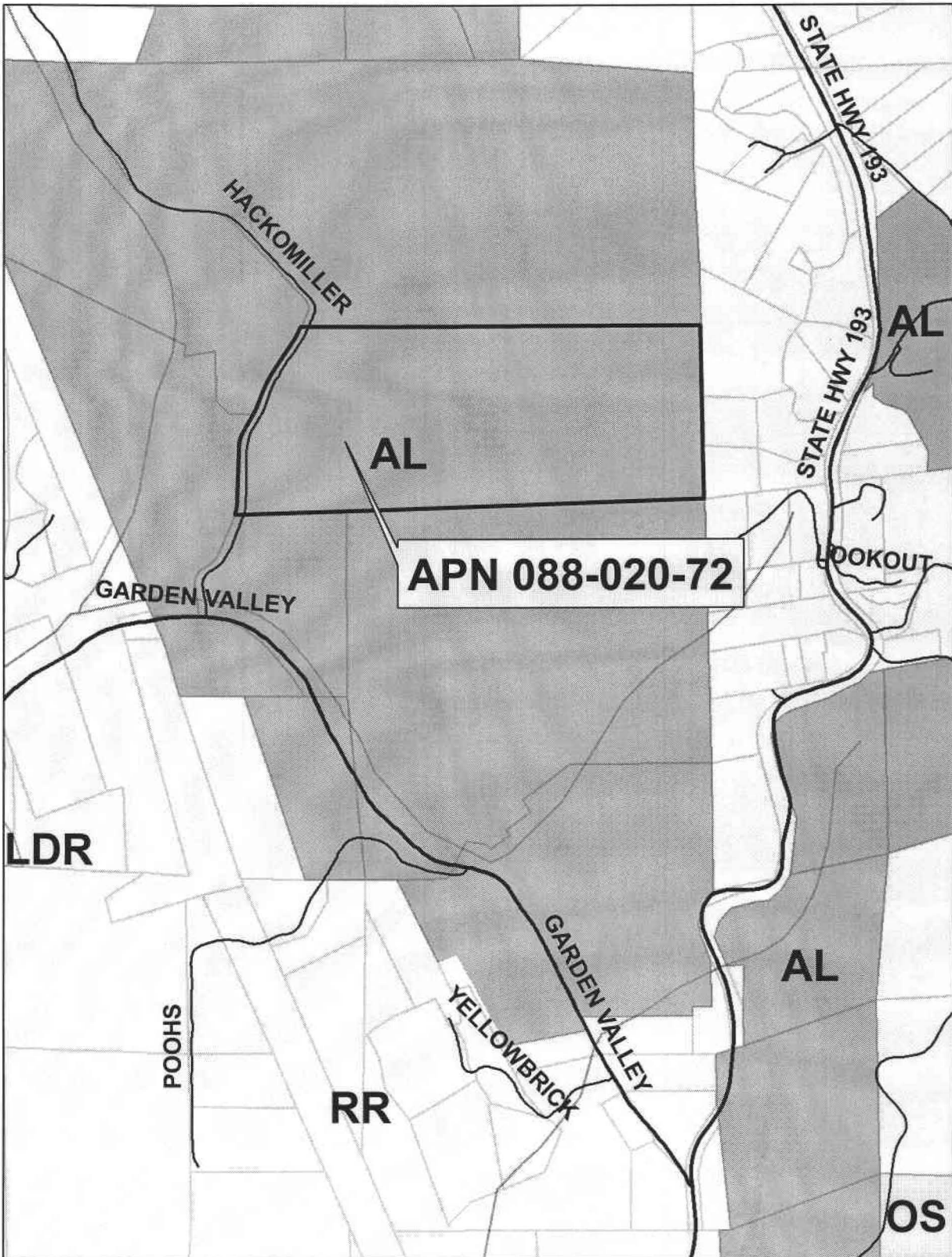
Rev. Jan. 2, 2010

RECEIVED  
PLANNING DEPARTMENT  
13 JUN 18 AM 9:07  
Assessor's Map Bk. 088, Pg. 02  
County of El Dorado, CA

WAC 13-0001

13-1253-A-7 of 12

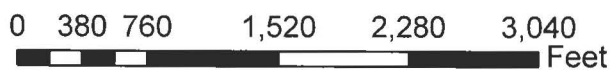
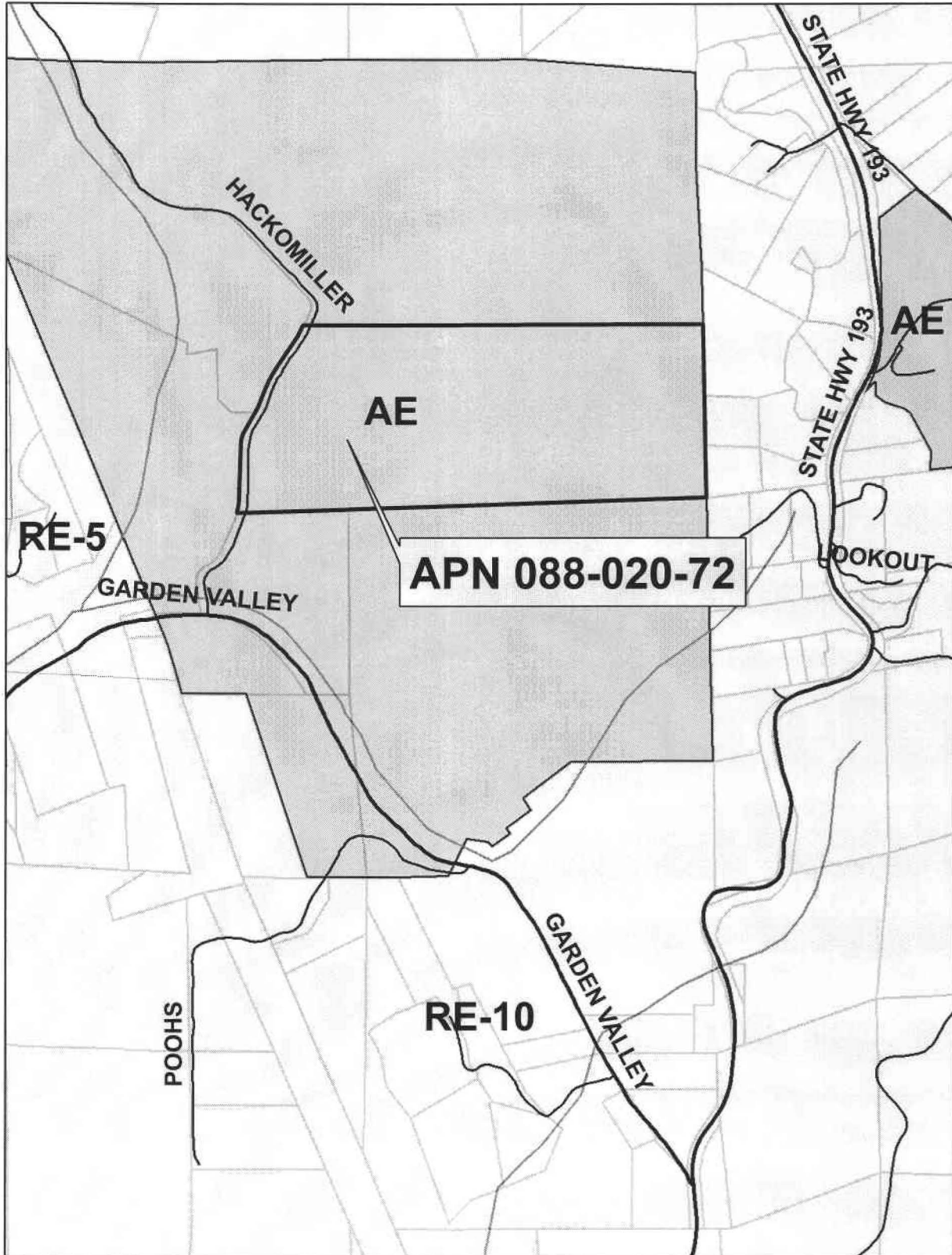
# WAC 13-0001 General Plan Land Use Map Exhibit C





# WAC 13-0001 Zoning Map

# Exhibit D





**AGRICULTURAL COMMISSION**

311 Fair Lane  
Placerville, CA 95667  
(530) 621-5520  
(530) 626-4756 FAX  
[eldcag@edcgov.us](mailto:eldcag@edcgov.us)

*Greg Boeger, Chair – Agricultural Processing Industry*  
*Lloyd Walker, Vice-chair – Other Agricultural Interests*  
*Chuck Bacchi – Livestock Industry*  
*Bill Draper, Forestry/Related Industries*  
*Ron Mansfield – Fruit and Nut Farming Industry*  
*John Smith – Fruit and Nut Farming Industry*  
*Tim Neilsen – Livestock Industry*

**MEMORANDUM**

**DATE:** August 14, 2013  
**TO:** Tom Purciel, Development Services/Planning  
**FROM:** Greg Boeger, Chair  
**SUBJECT:** Request for Agricultural Commission Review of WAC 13-0001 (Hobbs, Susan Diane) APN 088-020-72

During the Agricultural Commission’s regularly scheduled meeting held on August 14, 2013, the following discussion and motion occurred regarding review of **WAC 13-0001 (Hobbs, Susan Diane) APN 088-020-72** – A request for establishment of a Williamson Act Contract. The property, identified by Assessor’s Parcel Number 088-020-72, consists of 101.48 acres and is located on the east side of Hackomiller Road, approximately ¼ mile north of the intersection with Garden Valley Road, in the Garden Valley area. (District 4)

Parcel Description:

- Parcel is located off of Hackomiller Rd., in the Garden Valley Area.
- Acreage = 101 acres
- The parcel is currently in Ag Preserve #322 and is in a roll-out status
- Current Land Use Designation of AL (Agricultural Lands)
- Current zoning of AE (Exclusive Agricultural)
- Soil types consist of Boomer, Mariposa and Josephine soils; soils supportive of woodlands and grasslands.
- Approximate elevation of parcel is 2200 feet.

Williamson Act Contract Criteria for a Low Intensive Farming Operation per the County of El Dorado:

1. Minimum Acreage – fifty (50) contiguous acres that are fenced to contain livestock. – *Subject parcel is 101 acres and fenced and cross-fenced with 5-strand barbed wire fencing to contain cattle.*
2. Capital Outlay - \$10,000 – *Capital outlay improvements to the property were for fencing costs and are reported at \$17,842.00.*
3. Minimum Annual Gross Income - \$2,000 – *Annual gross income reported is \$2520.00 for grazing lease.*

Government Code Section 51222 states, “The Legislature further declares that it is in the public interest for local officials and landowners to retain agricultural lands which are

subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.

Staff Recommendation:

*Staff recommends APPROVAL of WAC 13-0001 as the parcel, APN 088-020-72-100, meets the minimum criteria for a low intensive agricultural operation in Williamson Act Contract and is consistent with Government Code Section 51222.*

The applicants were present for questions and there were none.

Roger Trout, from Development Services, was present and agreed with staff's recommendations.

*It was moved by Mr. Neilsen and seconded by Mr. Bacchi to recommend APPROVAL of Susan Hobbs request for establishment of a Williamson Act Contract as the minimum criteria for the low intensive Williamson Act Contracts has been met.*

***Motion passed***

AYES: Smith, Walker, Mansfield, Neilsen, Bacchi, Boeger  
NOES: None  
ABSENT: Draper

If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

Cc: Susan Diane Hobbs  
Ron Briggs, Board of Supervisor (District 4)

# EXHIBIT F

Photos:



**Staff Recommendation:** Staff recommends APPROVAL of WAC 13-0001 as the parcel, APN 088-020-72-100, meets the minimum criteria for a low intensive agricultural operation in Williamson Act Contract and is consistent with Government Code Section 51222.