

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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MEMORANDUM

DATE: October 16, 2008 **Agenda of:** November 13, 2008
TO: Planning Commission **Item #: 8.a**
FROM: Aaron Mount, Project Planner
SUBJECT: WAC08-0001/Clary Agricultural Preserve

WAC08-0001 was continued off calendar at the September 11, 2008 Planning Commission hearing due to a Code Compliance investigation which found multiple building code violations including illegal dwellings on the subject site.

The Code Compliance case has been resolved to the satisfaction of Planning Services and Code Compliance.

cc: Larry Appel, Deputy Director-Planning
Pierre Rivas, Principal Planner

FROM THE MINUTES OF SEPTEMBER 11, 2008

2. ADOPTION OF AGENDA

Larry Appel informed the Commission that staff is recommending item #11/WAC 08-0001/Clary be continued off-calendar due to a Code Compliance investigation.

MOTION: COMMISSIONER MACCREADY, SECONDED BY COMMISSIONER KNIGHT, IT WAS MOVED TO ADOPT THE AGENDA WITH THE MODIFICATION OF ITEM #11 BEING CONTINUED OFF-CALENDAR.

11. WILLIAMSON ACT CONTRACT

Williamson Act Contract WAC08-0001 submitted by PAUL and ALICE CLARY to create a new Agricultural Preserve for parcel currently part of Agricultural Preserve #11. The property, identified by Assessor's Parcel Number 093-032-86, consisting of 50.38 acres, is located on the north side of Perry Creek Road, approximately 0.5 mile east of the intersection with Fairplay Road, in the **Fairplay area**, Supervisorial District II. (Categorically exempt pursuant to section 15317 of the CEQA Guidelines)**

Per the request of staff, this item was continued off calendar when the agenda was approved.

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MEMORANDUM

DATE: September 10, 2008 Agenda of: September 11, 2008
TO: Planning Commission Item #: 11
FROM: Aaron Mount, Project Planner *AM*
SUBJECT: WAC08-0001 / Clary Agricultural Preserve

Planning Services is requesting a continuation off calendar of Item 11 due to a Code Compliance investigation which has found multiple building code violations including illegal dwellings on the subject site.

Cc: Larry Appel, Deputy Director Planning Services
Pierre Rivas, Principle Planner

aura

PC 9/11/08

#11

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RECEIVED
PLANNING DEPARTMENT

**El Dorado County Planning Commission
2850 Fairlane Court
Placerville, CA 95667**

Dear Commissioners,

We would like to reply to the application submitted by Paul and Alice Clary to create a new Agricultural Preserve Contract WACO8001, parcel number 093-032-86 in the Fairplay area. It is being considered on Sept. 11, 2008. We have no problem with them requesting to be in the Williamson Act, however, we do have a problem with them putting a modular home on this property for their daughter which they plan to do. They already have four buildings on this property, one of which they have lived in for years on weekends and extended stays and now have two additional buildings that are being lived in. The fourth building is used for storage. We just wanted you to be aware as we know that it is not possible to have more than one dwelling to live in while you are in the Williamson Act. There are many of us that would have liked to be able to do this. The building in which they have lived in has been called a "barn" but has the conveniences of a home.

Thank for your attention to this matter.

Sincerely,

Richard and Betty Creason

**Richard and Betty Creason
410 Flower Drive
Folsom CA 95630**

**Cc: The Building Department
: The Agricultural Commission
: Chairman, Board of Supervisors**

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: September 11, 2008
Item No.: 11
Staff: Aaron Mount

WILLIAMSON ACT CONTRACT

FILE NUMBER: WAC08-0001

APPLICANT: Paul and Alice Clary

REQUEST: Request to create a new Agricultural Preserve for a parcel currently part of Agricultural Preserve #11.

LOCATION: On the north side of Perry Creek Road, approximately one half mile east of the intersection with Fairplay Road in the Fairplay area, Supervisorial District II. (Exhibit A)

APN: 093-032-86

ACREAGE: 50.38 acres

GENERAL PLAN: Agricultural Lands-Agricultural District (AL-A) (Exhibit B)

ZONING: Exclusive Agriculture (AE) (Exhibit C)

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

RECOMMENDATION: Planning staff recommends the Planning Commission forward a recommendation that the Board of Supervisors take the following actions:

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15317.
2. Approve Williamson Act Contract WAC08-0001.

BACKGROUND

The project parcel is a portion of existing Agricultural Preserve No. 11 comprising 282.47 acres amongst five parcels. This preserve was established by the El Dorado County Board of Supervisors Resolution Number 43-71 in 1971. Agricultural Preserve #11 is currently approved for a ten year roll out by a Notice of Non-renewal certified by the Board of Supervisors on February 5, 2007. The five parcels, as one preserve, have historically been used for the grazing land and orchards. The current configuration of the parcels was achieved through a boundary line adjustment BLA07-0067.

STAFF ANALYSIS

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

Project Description: Request to create a new separate agricultural preserve from existing Agricultural Preserve #11 which contains five parcels and a total of 282.47 acres. The new agricultural preserve would contain a single parcel of 50.38 acres. Agricultural activities include the cultivation of six acres of walnut trees and grazing of four to five cattle.

Site Description: The subject parcel is at an average elevation of 2,200 feet above means sea level. Improvements include a 40 by 60 foot barn, a 16 by 32 foot storage shed, three water tanks, and a well. The project site currently contains six acres of walnut trees and a proposal to graze cattle on a 30 acre portion of the site.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	AE	AL	Agriculture
North	AE	AL	Undeveloped, agriculture
South	RE-10	RR	Undeveloped, residential
East	AE	AL	Agriculture
West	AE, OS	AL, OS	Agriculture, residential, US government land

Discussion: The subject parcel is currently in an Agricultural Preserve that has been granted a 10 year roll out, thus the project parcel would have the same impacts on buffering requirements on neighboring parcels as the existing preserve. There currently is a 200-foot setback imposed on all surrounding parcels of Agricultural Preserve #11 and that would not change with the new proposed contract. The project parcel and adjacent parcels are within Fairplay/Somerset Agricultural District.

General Plan: The General Plan land use designation for the project is Agricultural Lands with an Agricultural District overlay (AL-A). This AL land use designation is applied to lands described in Policy 8.1.1.8. The Agricultural District overlay designation is applied to lands with choice agricultural soils and to designate lands to be conserved and protected for agricultural uses. A majority of the subject parcel contains mapped "choice soils." 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 proposed Agricultural Preserve would be consistent with Policy 2.2.2.2 in that the resultant preserve will continue to protect 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 AL land use designations and the Agricultural District overlay designation.

Policy 8.1.1.8 directs that lands assigned the Agricultural Lands (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 #11 to create a new Agricultural Preserve, will be consistent with Policy 8.1.1.8 because the parcel would be under Williamson Act Contracts, contain choice soils and/or contain grazing lands, and are located within the County's Rural Regions. The project parcel at 50.38 acres has been determined to be of sufficient size by the El Dorado County Agriculture Commission staff.

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 creation of a new agricultural preserve would not induce any new agricultural setbacks onto the subject parcels that do not currently exist because the exterior boundary of the new contract would be the same as the original Preserve 11.

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 the contract at their June 11, 2008 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 the Williamson Act Contract program.

Conclusion: The project has been reviewed in accordance with the General Plan and it has been determined that the project is consistent with the applicable policies. Findings of consistency with the General Plan are provided in Attachment 1.

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. The subject parcel is presently zoned AE being encumbered under Agricultural Preserve No. 11. 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 a new agricultural preserve is to allow one house within each contract which would be consistent with Zoning. Section 17.36.090.C requires a minimum parcel size of twenty acres. The newly created agricultural preserve at 51 acres would meet this minimum.

Williamson Act Criteria: The Agricultural Commission reviewed the requested Williamson Act Contracts at their regularly scheduled meeting on August 8 and September 12, 2007. 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 \$10,000 excluding the applicant's residence and original cost of the land.

Discussion: The applicant provided a summarized expense sheet showing the payment of costs for agricultural improvements to be \$69,300. Expenses for agricultural improvements consisted of perimeter fencing, a well, three water storage tanks, a 40 by 60 foot barn, a 16 by 32 foot storage shed, and road encroachment paving which exceeds the minimum of \$10,000 capital outlay requirement.

2. The minimum acreage shall be 40 contiguous acres for low intensity farming operations.

Discussion: The subject parcel consists of 50.38 acres.

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).

Discussion: The projected yearly income is estimated at \$5,747 which exceeds the minimum \$2,000 for low-intensity farming. This income is generated from grazing of four to five cattle and cultivation of six acres of walnut trees.

Conclusion: Since all required findings were made for the requested Williamson Act Contracts, the Agricultural Commission recommended approval of WAC08-0001.

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.

ENVIRONMENTAL REVIEW

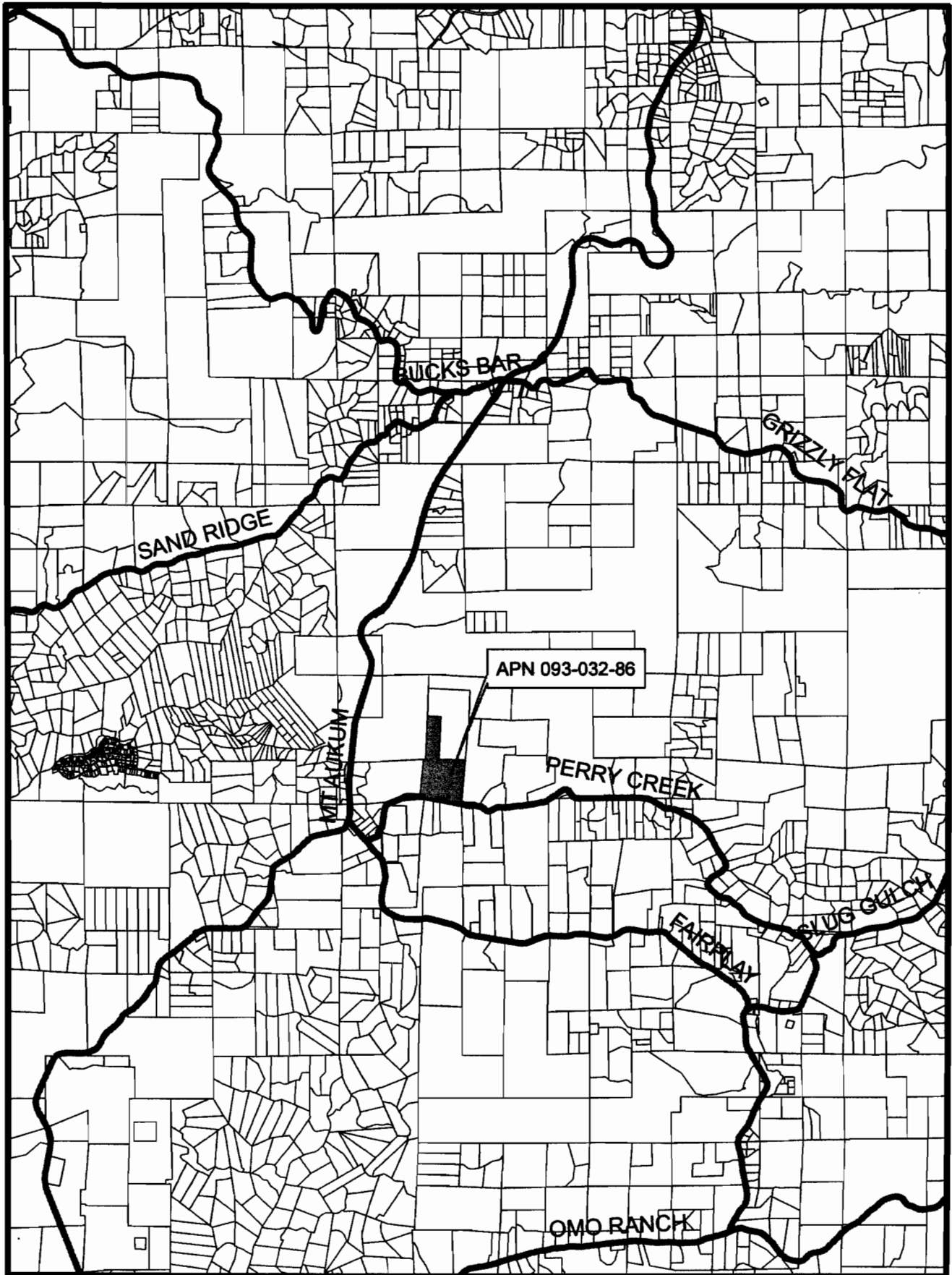
This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines stating that the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act are exempt. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments:

Attachment 1	Findings
Exhibit A.....	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C.....	Zoning Map
Exhibit D.....	Site Plan

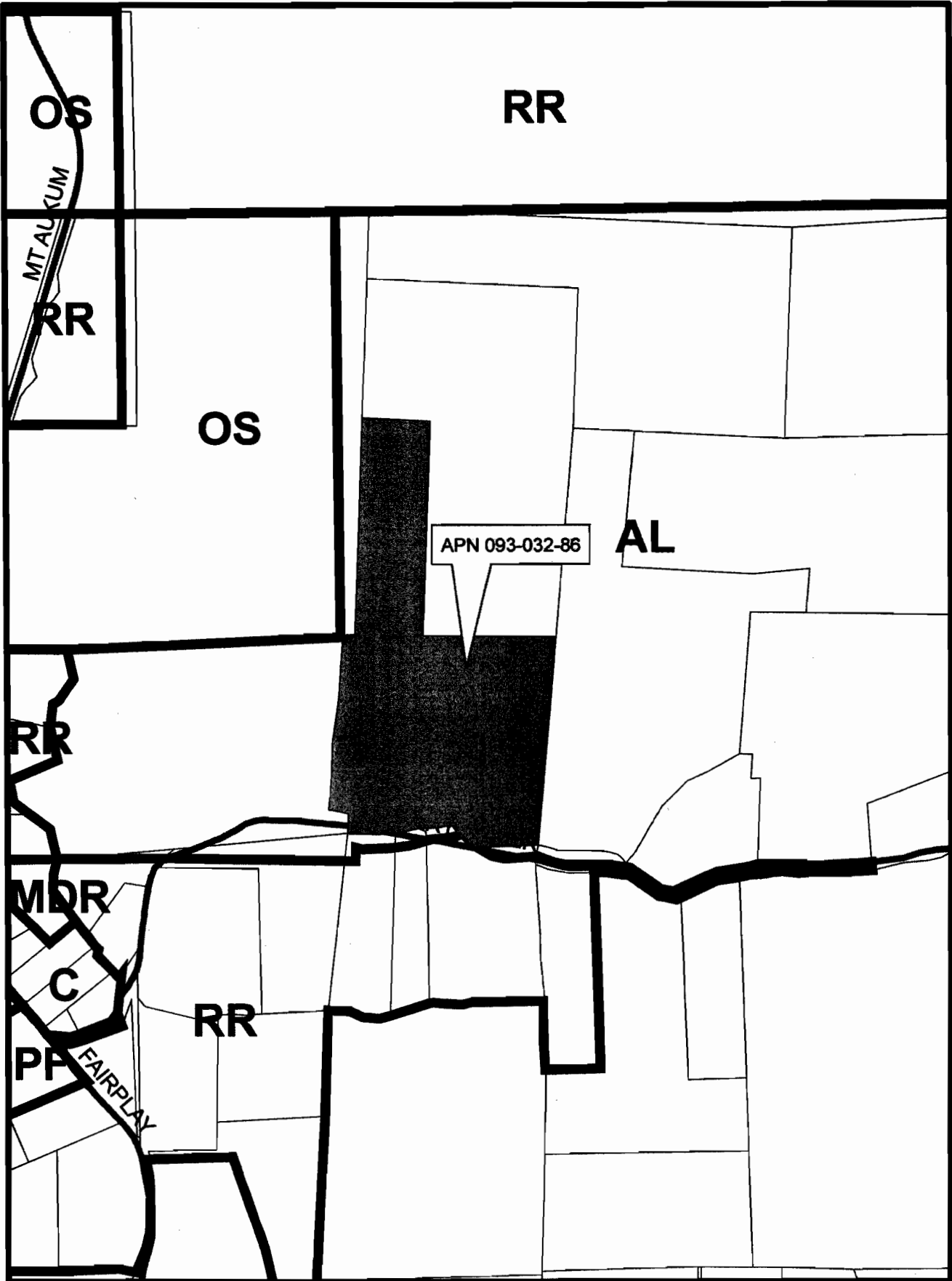
EXHIBIT A: VICINITY MAP



PERMIT # WAC08-0001
PREPARED BY AARON MOUNT



EXHIBIT B: GENERAL PLAN MAP

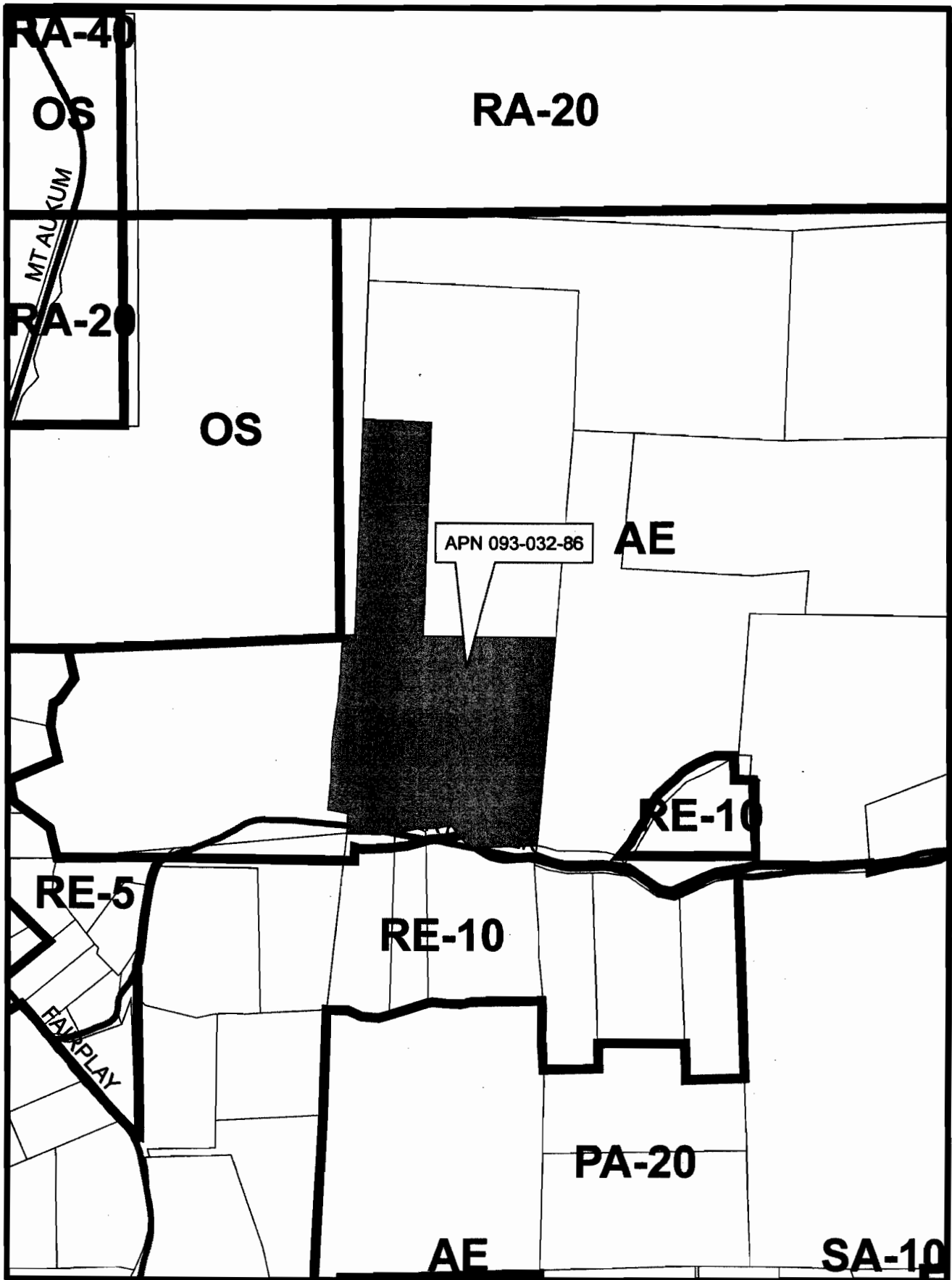


PERMIT # WAC08-0001
PREPARED BY AARON MOUNT

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EXHIBIT C: ZONE DISTRICT MAP



PERMIT # WAC08-0001
PREPARED BY AARON MOUNT

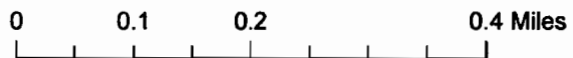
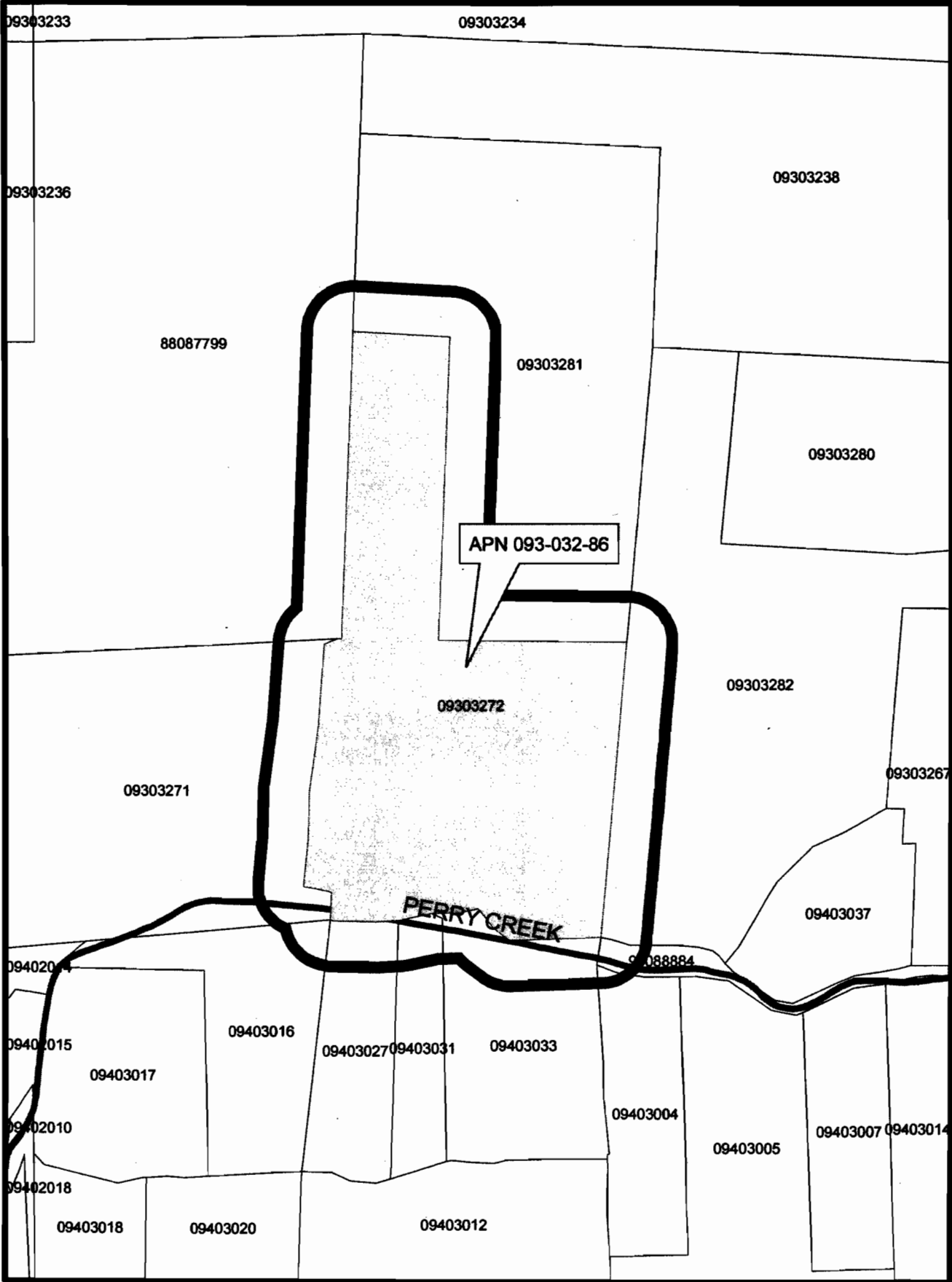


EXHIBIT D: 200 FT AG SETBACK



PERMIT # WAC08-0001
PREPARED BY AARON MOUNT

