

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of: November 14, 2024

Staff: Bianca Dinkler

REZONE/WILLIAMSON ACT CONTRACT

FILE NUMBER: Z21-0010/WAC21-0003 Indian Rock Tree Farm (Hyder)

APPLICANT Sam Rumbaugh and Karen Hyder

PROPERTY OWNER: Raymond L. Hyder and Geraldine F. Hyder 1994 Trust

REQUEST: The proposed project consists of the following requests:

1. Request for a Rezone from Timber Production Zone (TPZ) to Planned Agricultural, Twenty-acre (PA-20); and
2. Establishment of a Williamson Act Contract (Agricultural Preserve) for a 33.22-acre parcel for an established tree farm, Indian Rock Tree Farm (Christmas trees 17.0-acres).

LOCATION: On the south side of North Canyon Road, 1.5 miles northwest of the intersection with Larsen Drive in the Camino area, Supervisorial District 4. (Exhibits A and B).

APN: 085-540-003 (Exhibit C)

ACREAGE: 33.22-acres

GENERAL PLAN: Agricultural Lands in an Agricultural District (AL) (Exhibit D)

ZONING: Timber Production Zone (TPZ) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration prepared based on an Initial Study in accordance with the California Environmental Quality Act (CEQA) Guidelines (Exhibit M).

RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff in accordance with the CEQA Guidelines;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074(d), incorporated as Conditions of Approval; and
3. Approve Rezone Z21-0010, and Williamson Act Contract (Agricultural Preserve) WAC21-0003, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

A request for a Rezone from TPZ to Planned Agricultural, Twenty-acre (PA-20), and a request for a Williamson Act Contract (Agricultural Preserve) for an established Christmas tree farm, Indian Rock Tree Farm. The proposed project has been reviewed for consistency with the County Zoning Ordinance, General Plan Policies, and an environmental review and determination have been prepared.

EXISTING CONDITIONS/SITE CHARACTERISTICS

Site Description: The project site is a 33.22-acre property developed with an existing residence, an Accessory Dwelling Unit (ADU), ancillary structures, and an established Christmas tree farm, Indian Rock Tree Farm, on approximately 17.0-acres of the 33.22-acre property. Access to the project site is from an existing private driveway from North Canyon Road, approximately 400-feet west of the intersection with Sky Ranch Road. North Canyon Road is a County-maintained roadway. The project site is located at an elevation of approximately 2,600 to 2,850 feet above mean sea level. Soil types include Musick sandy loam (MrC 9%-15% slopes), Musick sandy loam (MrD 15%-30% slopes), Sites loam (SkC 9%-15% slopes), Sites loam (SkD 15%-30% slopes), and Sites loam (SkE 30%-50% slopes). Vegetation consists of Sierran Mixed Conifer Forest with Ponderosa pine, incense cedar, Douglas-fir, madrone, and mountain dogwood. The shrub layer is mostly absent due to careful forest management; however, there are scattered shrubs, including California rose. The ground layer includes mountain misery, blue-wild rye, dog-tail grass, and Pacific starflower. The tree farm grows varieties of trees such as Silvertip fir, White fir, blue spruce, and specialty firs. A perennial stream, North Canyon Creek, flows northwesterly through the property with a five percent (5%) gradient. The creek collects water from intermittent and ephemeral sources upstream of Larsen Reservoir, which is located one-half mile upstream. The creek flows through the property and exits at the western boundary and flows towards the South Fork of the American River. The creek provides fly-fishing recreation. South of the creek consists of northerly and westerly slopes from the knoll on the property's south boundary to the creek with a gradient of approximately 22 percent (22%). The topography north of the creek consists of a southeasterly slope from the knoll to the creek, with 20 percent (20%) gradient.

Adjacent Land Uses: The adjacent parcels to the north are zoned PA-20 and Rural Land, Ten-Acre (RL-10), Residential, Two-Acre (R2A) to the east, R2A to the south, and PA-20 to the west, and a General Plan land use designation of AL to the north, Medium Density Residential (MDR) to the east, and south, and AL to the west.

Table 1. Adjacent Uses

	Zoning	General Plan	Land Use/Improvements
Site (E)	TPZ	AL	Established tree farm and residential uses
Site (P)	PA-20	AL	Established tree farm and residential uses
North	PA-20/RL-10	AL	Established winery and residential uses
East	R2A	MDR	Residential development
South	R2A	MDR	Residential development
West	PA-20	AL	Established agricultural and residential uses

(E)=Existing (P)=Proposed

PROJECT DESCRIPTION

A request for a Rezone from Timber Production Zone (TPZ) to Planned Agricultural, Twenty-acre (PA-20), and a request for a Williamson Act Contract (Agricultural Preserve) for an established tree farm, Indian Rock Tree Farm (Christmas trees). The proposed project does not consist of any physical construction on the existing tree farm. The analysis within this Staff Report evaluates the reasonably foreseeable consequences of the rezone, in particular, any operations activities that would be allowed “by-right” without further environmental review. These net new by-right activities could consist of ranch marketing uses such as a bake shop, commercial kitchen, food preparation on-site, handicraft sales, marketing/promotional events, and special events such as weddings. As required by the current Ranch Marketing and Wineries Ordinance a Special Event Notice shall be submitted to the El Dorado County Department of Agriculture for all special events. The proposed project would be served by an existing private well for both potable water and emergency water supply and served by an existing private on-site septic system. Access to the project site would be from an existing, private driveway from North Canyon Road, a County-maintained roadway. Electric service would be provided from an existing connection to Pacific Gas and Electric (PG&E) infrastructure in the project vicinity (Exhibit G).

The proposed Agricultural Preserve has shown that it will meet the minimum criteria to qualify as an Agricultural Preserve:

- (1) Capital outlay exceeds \$45,000;
- (2) Minimum acreage exceeds the 20-acre requirement;
- (3) Gross income exceeds \$13,500/year (Exhibit H).

The Agricultural Commission reviewed the applicants request at their regularly scheduled meeting on October 11, 2023, and recommended approval of the application (Exhibit I).

STAFF ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including: Policy 2.1.3.1 (Rural Regions), Policy 2.2.1.2 (General Plan Land Use Designations), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.3 (Future Rezoning), Policy 2.2.5.21 (Compatibility with Adjoining Land Uses), Policies TC-Xa through TC-Xi (Transportation and Circulation Element), Policy 5.2.3.4 (Groundwater Systems), Policy 5.3.2.4 (Septic Systems), Policy 5.4.1.2 (Protection of Natural Drainage Patterns), Policy 5.7.2.1 (Fire Protection Rural Regions), Policy 6.5.1.2 (Acoustical Analysis), Policy 7.4.2.8 (Biological Resources), Policy 7.5.1.3 (Cultural Resources), Policy 8.1.1.1 (Agricultural Districts), 8.1.1.4 (Procedure for Evaluating the Suitability of Land for Agriculture), 8.1.3.5 and 8.1.4.1 (Agricultural Commission Review of Agricultural Use and Adjacent Developments), and Policy 8.2.4.1 (Agricultural Programs). Further analysis of each policy is discussed in the Findings section below.

Zoning Ordinance Consistency: Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Zoning Ordinance. Specifically, the proposed Rezone from TPZ to PA-20 was analyzed for consistency with Section 130.40.060 of the Zoning Ordinance, meeting the criteria for an Agricultural Preserve, Section 130.21.010 C.1. (Planned Agricultural Zone District), and Section 130.21.020 (Matrix of Allowed Uses, PA). The proposed project would be consistent with PA-20 as more fully described in this Staff Report and the Findings section below.

Williamson Act Contract (Agricultural Preserve): The project includes agricultural capital outlay (excluding land value). The value of existing improvements includes Christmas trees (17.0-acres), fence line, fly fishing stream, and agricultural operation buildings. The current gross income for agricultural products exceeds the minimum required. Planned future development includes a continued tree replanting program. The project is a conversion from TPZ, as a state authorized use, to Williamson Act Contract. The conversion out of TPZ is subject to applicable requirements described in Article 3 (Rezoning), Article 4 (Immediate Rezoning), and Article 5 (Removal from Zone) by the California Department of Tax and Fee Administration, and applicable requirements by the County Assessor's Office.

Private Well Water/Private Septic System: The proposed project would be served by an existing private well for both potable water and emergency water supply and served by an existing private on-site septic system. The El Dorado County Environmental Management Department (EMD) reviewed the project and provided comments, which are incorporated as Conditions of Approval.

Wildland Fire Safe Plan: The project site is located within Very High Fire Hazard for wildland as shown on Figure HS-1 of the Fire Hazard Rating in the El Dorado County General Plan (2015) and California Department of Forestry and Fire Protection CALFIRE (January 2020). A Wildland Urban Interface Fire Protection Plan Fire Safe Plan (WFSP) was prepared for the project by CDS Fire Prevention Planning, William F. Draper, Registered Professional Forester, report dated

October 21, 2022 (Exhibit L). The El Dorado County Fire Protection District (EDCFPD) reviewed the project and provided comments, which are incorporated as Conditions of Approval.

Access and Circulation: The County Department of Transportation (DOT) reviewed the project. Based on review of the Traffic Impact Study - Initial Determination Form (TIS-ID), a Vehicle Miles Traveled (VMT) Analysis was required and was prepared by Traffic Engineer, Tom Kear, with final report dated January 9, 2024. Recommendations of the report are further discussed in the Proposed Mitigated Negative Declaration Initial Study (Exhibit M). Access to the project site would be from an existing private driveway from North Canyon Road, a County-maintained roadway. No grading would be necessary for the proposed project. Any future driveway improvements would be subject to a grading and/or encroachment permit and would be reviewed at that time.

Staff Analysis and Conclusion: The proposed project has been analyzed for consistency with all applicable requirements for a Rezone and Williamson Act Contract (Agricultural Preserve), as discussed in the analysis above, and below in the Findings and Conditions of Approval in this Staff Report.

PROJECT COMMENTS

The project was distributed to all applicable local and state agencies for review and comment including El Dorado County Air Quality Management District (AQMD), El Dorado County Building Services, EMD, DOT, El Dorado County Stormwater Coordinator - West Slope, El Dorado County Surveyor's Office, El Dorado Irrigation District (EID), EDCFPD, and PG&E. Comments received have been considered and if applicable, incorporated as Conditions of Approval for the project.

PUBLIC NOTICE

The project was duly noticed with a public notification range of 1,000 feet and a legal advertisement was published in the applicable newspapers. No formal public outreach was conducted by the County. No public outreach plan is required for this project; however, physical sign posting is required for a Rezone pursuant to the County Zoning Ordinance.

RESPONSE TO CEQA PUBLIC COMMENTS

In response to the public review period for the Initial Study with proposed Mitigated Negative Declaration, which published a Notice of Intent with a 30-day public review period from September 23, 2024, through October 22, 2024.

ENVIRONMENTAL REVIEW

In accordance with CEQA, staff has prepared an Initial Study analyzing the potential environmental effects resulting from the implementation of the project. Based on the Initial Study, a Mitigated Negative Declaration has been prepared (Exhibit M).

The CEQA Guidelines Section 15075, filing a Notice of Determination, is required to initiate a 35-day statute of limitations on legal challenges to the County’s decision. The applicant shall submit a **\$50.00** recording fee to the El Dorado County Planning and Building Department, Planning Division (Planning Division) for the El Dorado County Recorder to file the Notice of Determination within 48 hours of any decision-making body approving the project. Checks shall be made payable to El Dorado County. In addition to the Notice of Determination recording fee, the applicant shall submit the current California Department of Fish and Wildlife CEQA review fee for a Mitigated Negative Declaration, to the Planning Division. The 2024 fee is **\$2,916.75**: [CEQA Environmental Document Filing Fees \(ca.gov\)](https://www.cdpr.ca.gov/Programs/OPA/Pages/NR20240001.aspx)

SUPPORT INFORMATION

Attachments to Staff Report:

- Findings
- Conditions of Approval

- Exhibit A.....Location Map
- Exhibit B.....Aerial Map
- Exhibit C.....Assessor’s Parcel Page
- Exhibit D.....General Plan Land Use Map
- Exhibit E.....Zoning Map, Current
- Exhibit F.....Agricultural District Boundary Map
- Exhibit G.....Site Plan
- Exhibit H.....Williamson Act Contract Information
- Exhibit I.....Agricultural Commission Memorandum
- Exhibit J.....Assessor’s Recommendation
- Exhibit K.....Board of Supervisors Resolution #188-2002
- Exhibit L.....Wildland Urban Interface Fire Protection Plan
- Exhibit M.....Proposed Mitigated Negative Declaration Initial Study