

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



Agenda of:

December 17, 2013

Staff:

Aaron Mount

WILLIAMSON ACT CONTRACT

FILE NUMBER: WAC13-0006/Agricultural Preserve #285 Partial Roll-out

APPLICANT: Alesha Neher

OWNERS: Alesha Neher, George Popescu, and Cielo Vineyards and Winery

REQUEST: A request for a partial roll-out of Agricultural Preserve #285, removing Assessor's Parcel Number 070-210-32 (33.5 acres), and application to amend existing Williamson Act contract for remaining three parcels; Assessor's Parcel Numbers 070-131-56, 070-131-59, and 070-210-55 (66 acres).

LOCATION: The parcels are located on the west side of Ponderosa Road, approximately 2.5 miles north of the intersection with US Highway 50, in the Shingle Springs area, Supervisorial District 4. (Exhibit A)

APNs: 070-210-32, 070-131-56, 070-131-59, and 070-210-55 (Exhibit B)

ACREAGE: 99.72 acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit C)

ZONING: Exclusive Agriculture (AE) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to CEQA Guidelines Section 15317

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;
2. Approve a partial roll out of Agricultural Preserve #285, removing Assessor's Parcel Number 070-210-32; and
3. Approve Williamson Act Contract WAC13-0006 based on the Findings in Attachment 1.

STAFF ANALYSIS

Project Description: The application is a request for a partial roll-out of Agricultural Preserve #285, removing parcel number 070-210-32, and application to amend existing Williamson Act contract for remaining three parcels; APNs 070-131-56, 070-131-59, and 070-210-55. Board of Supervisor's Policy C-12.5 states "Any application for partition or partial roll out will be processed in the same manner as a request creating a new Williamson Act Contract". Consistent with this policy a Williamson Act Contract application was requested to evaluate the remaining parcels and amend the existing contract for Ag Preserve #285. The roll out parcel will remain within the Williamson Act for nine years and will remain within the AE zone district after that time.

Background and Project Issues: Agricultural Preserve #285 was approved by the Board of Supervisors on September 17, 2002. APN 070-210-32 was approved by a previous Williamson Act contract for grazing. The remaining parcels contain vineyards, grazing land, and a winery. The roll out on APN 070-210-32 starts a 9 year period for the parcel to roll out of the normal 10 year Williamson Act Contract for Agricultural Preserve #285. Either the local government, or landowner, can initiate the nonrenewal process. During the nonrenewal process, the annual tax assessment gradually increases. At the end of the 9-year nonrenewal period, the contract is terminated for the subject roll out parcel while the parcels within the amended contract remain within a Williamson Act contract.

Site Description: The subject parcels are located at an average elevation of approximately 1,400 feet above mean sea level. The existing Agricultural Preserve contains a winery and multiple vineyards. The roll out parcel is undeveloped and historically was used for grazing. The topography is characterized by rolling vineyard land with scattered stands of mature oaks and wetlands.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	AE	LDR	Agricultural/Vineyards, Winery, and Grazing Land
North	SA-10	LDR	Agricultural/Vineyards, Residential
South	RE-5/RE-10	LDR	Residential/Residential
East	RE-5	LDR	Residential/Residential, Vineyard
West	RE-5	LDR	Residential/Residential

General Plan: The General Plan designates the subject parcels as Low Density Residential (LDR). This land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. The parcels are being utilized as vineyard land and grazing, and therefore, are 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 parcels are zoned AE and are encumbered by Agricultural Preserve Number 285.

Section 17.36.070.D of the County Code allows for *one single-family detached dwelling within each AE preserve, or one mobile home within the AE preserve for the property owner*. Review of the history of Agricultural Preserve No. 285 indicates that there may be multiple houses within the preserve. Therefore, for the applicant to build a single family home within the roll out parcel, a new preserve or a roll out must be completed. The parcel does not meet the criteria for high intensive agricultural land, mainly due to soil type, and does not meet the minimum size for low intensive agricultural uses.

Williamson Act Criteria: The Agricultural Commission reviewed the applicant's requests at the regularly scheduled meeting on November 13, 2013. At this meeting, the Agricultural Commission reviewed the three primary criteria for a High Intensive Farming Operation outlined in Resolution No. 188-2002 to ensure that the three parcels remaining in the contract are consistent. These three criteria are:

1. Minimum Acreage – Twenty (20) contiguous acres – Proposed amended contract would consist of the three remaining parcels, minus the roll out parcel, and would contain 66 acres of which 30 acres are vineyard and 37 acres of grazing land.
2. Capital Outlay - \$45,000 – Capital outlay improvements to the property are reported at \$267,000 (vineyard expenses) plus fencing costs and irrigated pasture.

3. Minimum Annual Gross Income - \$13,500 – Annual gross income reported is \$60,000 for wine grape production.

Conclusion: The Agricultural Commission determined that the application meets the minimum criteria for a high intensive agricultural operations in the Williamson Act Contract and recommended approval of both the partial roll out and amended contract (Exhibit E).

ENVIRONMENTAL REVIEW

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.” 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 30 days to 180 days.

SUPPORT INFORMATION

Attachments:

Attachment 1	Findings
Exhibit A.....	Location Map
Exhibits B1-2	Assessors Plat Maps
Exhibit C	General Plan Land Use Map
Exhibit D.....	Zoning Map
Exhibit E	Agricultural Commission Memo; November 13, 2013

ATTACHMENT 1

FINDINGS FOR APPROVAL

Williamson Act Contract WAC13-0006/Agricultural Preserve #285 Partial Roll-out Board of Supervisors/December 17, 2013

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to Section 66472.1 of the California Government Code:

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 8.1.4.1.

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 November 13, 2013 and determined that the Williamson Act Contract application did meet the minimum criteria for a high intensive agricultural operation.

2.2 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. The project is consistent with Policy 8.2.4.1 by the request for the continued use of the Williamson Act Contract program and the partial non-renewal which will retain the AE zoning after the completion of the 9 year roll out process.

3.0 ADMINISTRATIVE FINDINGS

3.1 Williamson Act Contract

The properties, APNs 070-131-56, 070-131-59, and 070-210-55, satisfy 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 high intensive farming (vineyards) and will consist of 66 acres which complies with the preserve requirement of having a minimum of twenty contiguous acres.

3.1.2 Capital Outlay:

- a. The capital outlay reported is \$267,000 (vineyard expenses) plus fencing costs and irrigated pasture. The capital outlay exceeds the \$45,000 minimum requirement for high intensive farming operations, excluding the residential structures and original cost of the land.

3.1.3 Income:

- a. For high intensive farming operations, the property is required to have a minimum annual gross income of \$13,500. The property is reported to have an annual income of \$60,000.

4.0 ZONING FINDINGS

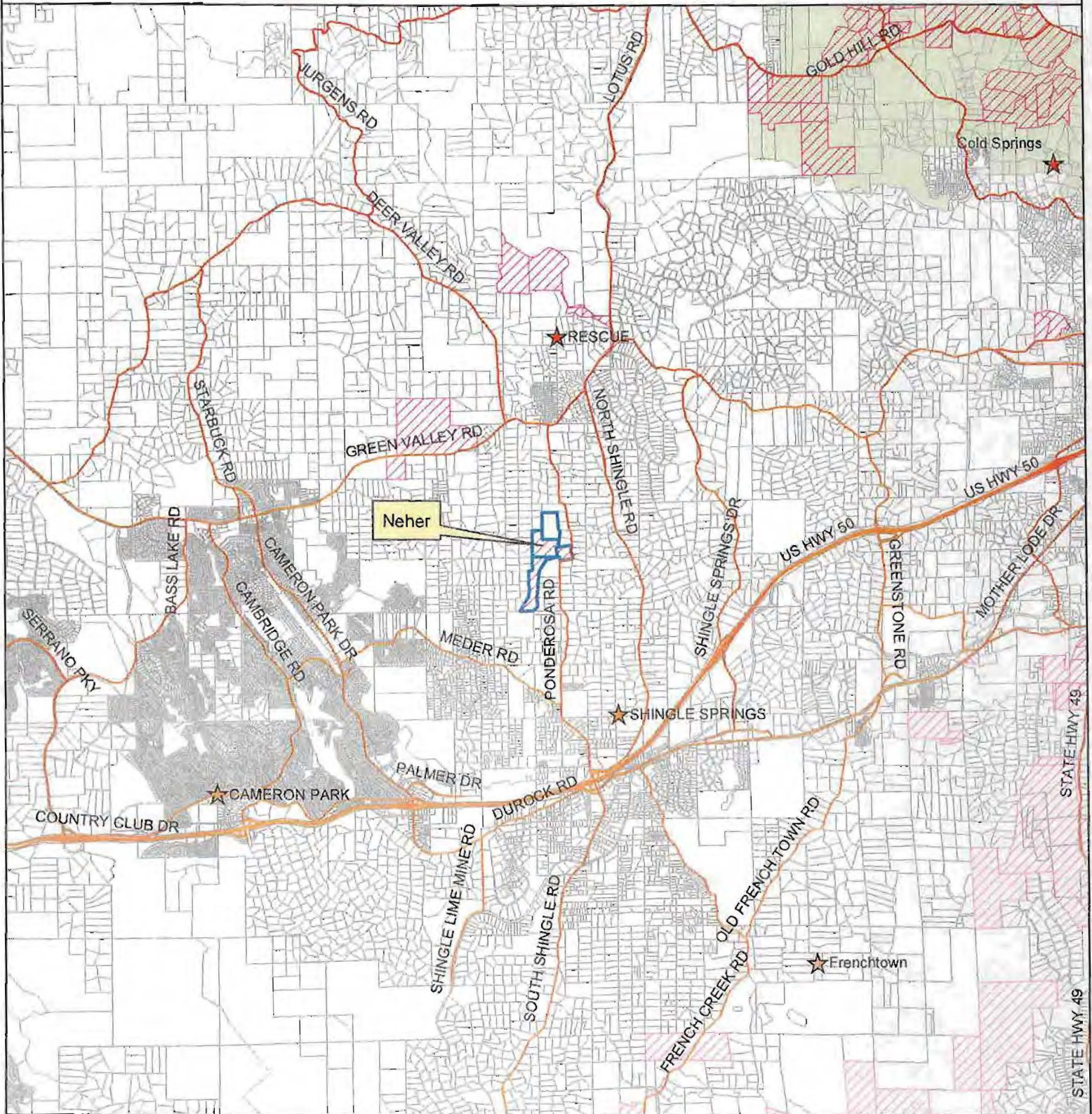
4.1 The proposed use is consistent with Title 17.

The existing vineyards and grazing are a uses permitted by right in accordance with Section 17.36.070 of the County Code.

Alesha Neher

Proximity to Agricultural District

EXHIBIT A



DISCLAIMER

THIS DEPICTION WAS COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO ACCURACY OF THIS INFORMATION. PARCEL BOUNDARIES ARE PARTICULARLY UNRELIABLE. USERS MAKE USE OF THIS DEPICTION AT THEIR OWN RISK.

MAP PREPARED BY: MARK LA LOOGIA DATE: OCTOBER 21, 2011

PROJECT ID: 71074

EL DORADO COUNTY SURVEYOR & L.S. DIVISION
PHONE (330) 621-6333 FAX (330) 626-8771

- Gold Hill AG District
- Ag Preserves
- Roads
- Parcels

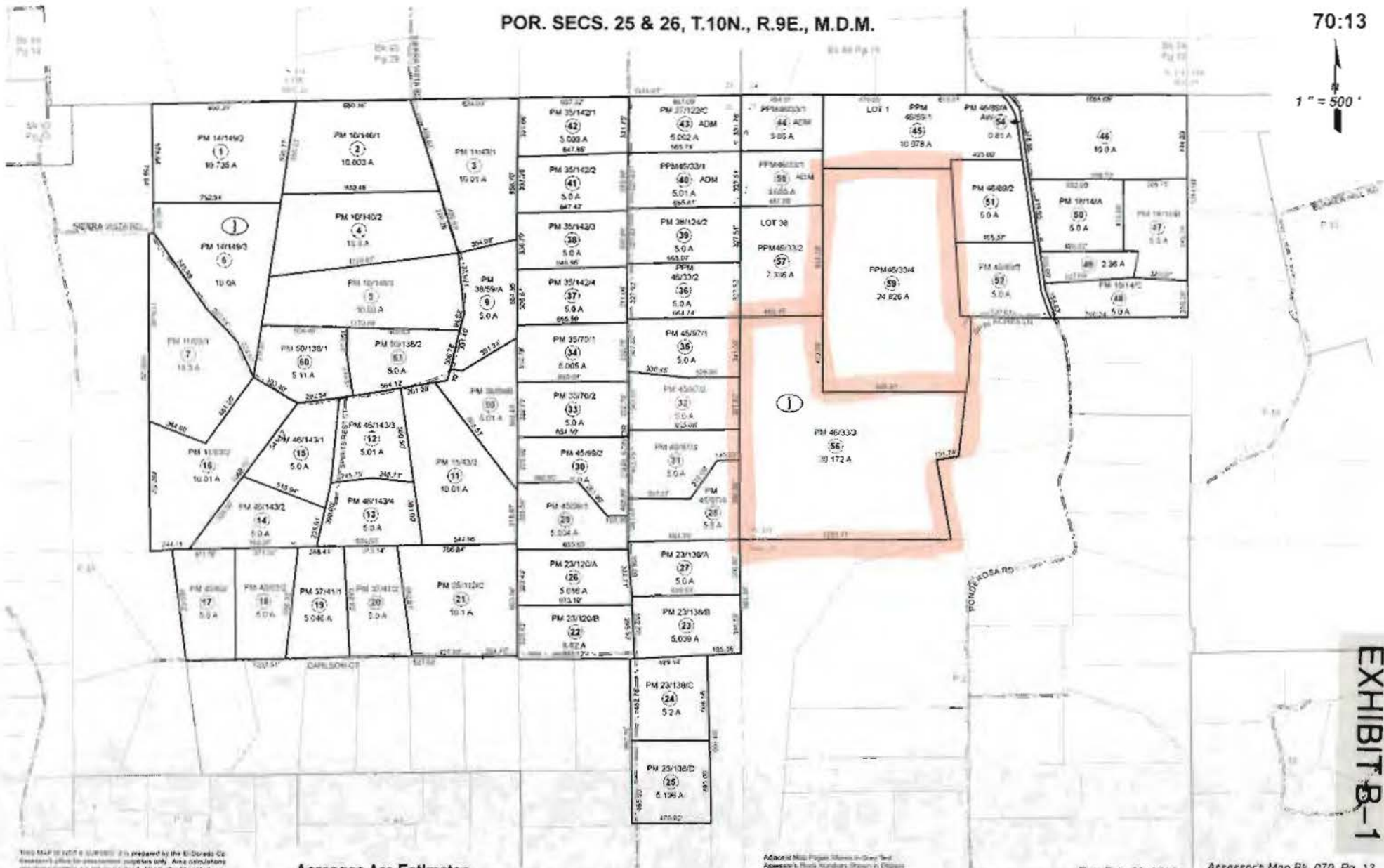
0 0.75 1.5 2.25 3 Miles
Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



POR. SECS. 25 & 26, T.10N., R.9E., M.D.M.

70:13

1" = 500'



Acreages Are Estimates

THIS MAP IS FOR INFORMATION ONLY. It is prepared by the El Dorado Co. Assessor's Office for informational purposes only. Area calculations and other details are not guaranteed. Users should verify items with the Assessor's Office.

Adopted Map Project Name: 13-1497 A
Assessor's Office: El Dorado County, CA
Assessor's Office: El Dorado County, CA

Rev Feb 28, 2012

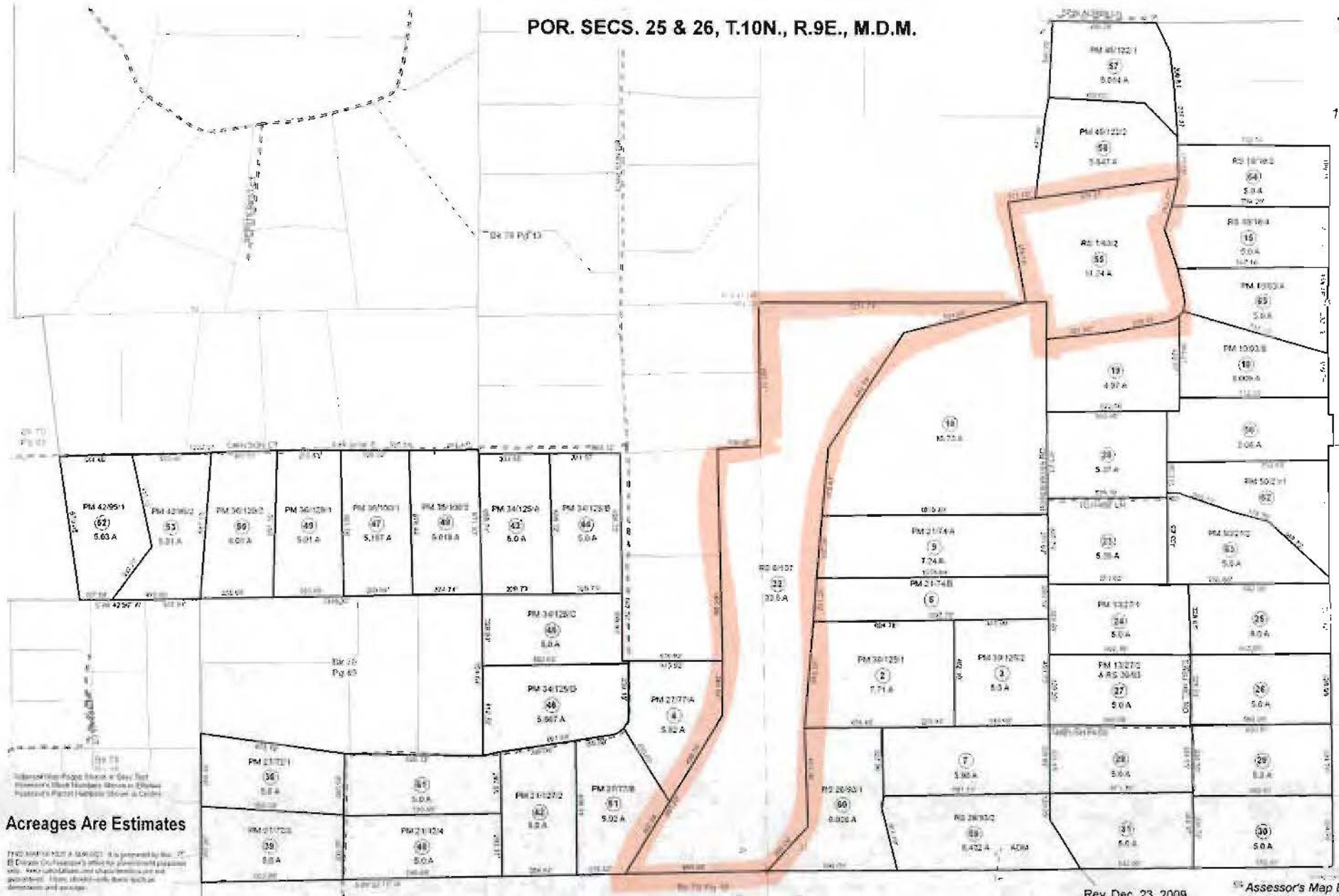
Assessor's Map Bk. 070, Pg. 13
County of El Dorado, CA

EXHIBIT B-1

POR. SECS. 25 & 26, T.10N., R.9E., M.D.M.

70:21

1" = 400'



Acreages Are Estimates

THIS MAP WAS PREPARED BY THE COUNTY OF EL DORADO, CALIFORNIA, AND IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE COUNTY OF EL DORADO, CALIFORNIA, DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

Rev Dec. 23, 2009

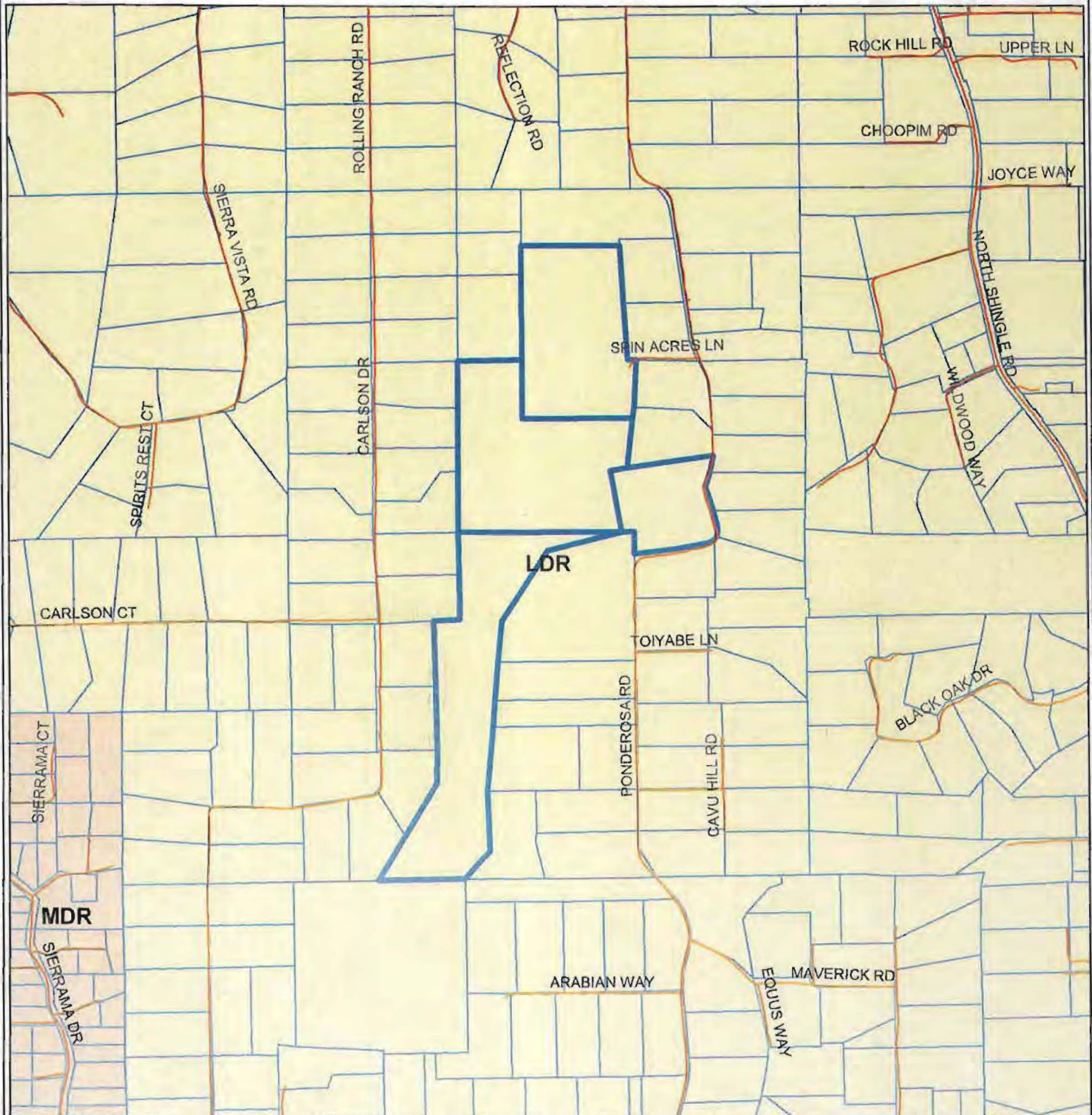
Assessor's Map Bk 070 Pg. 21
County of El Dorado, CA

EXHIBIT B-2

Alesha Neher

Land Use 9-19-2013

EXHIBIT C



DISCLAIMER
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MAP PREPARED BY: MARK LA LOOGIA DATE: OCTOBER 23, 2013

PROJECT ID: 71074

EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION
PHONE (530) 421-6111 FAX (530) 426-9731

Legend

- Land Use Designation
- Subject Parcels
- Low Density Residential
- Medium Density Residential
- Roads

0 750 1,500 2,250 3,000 Feet

Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



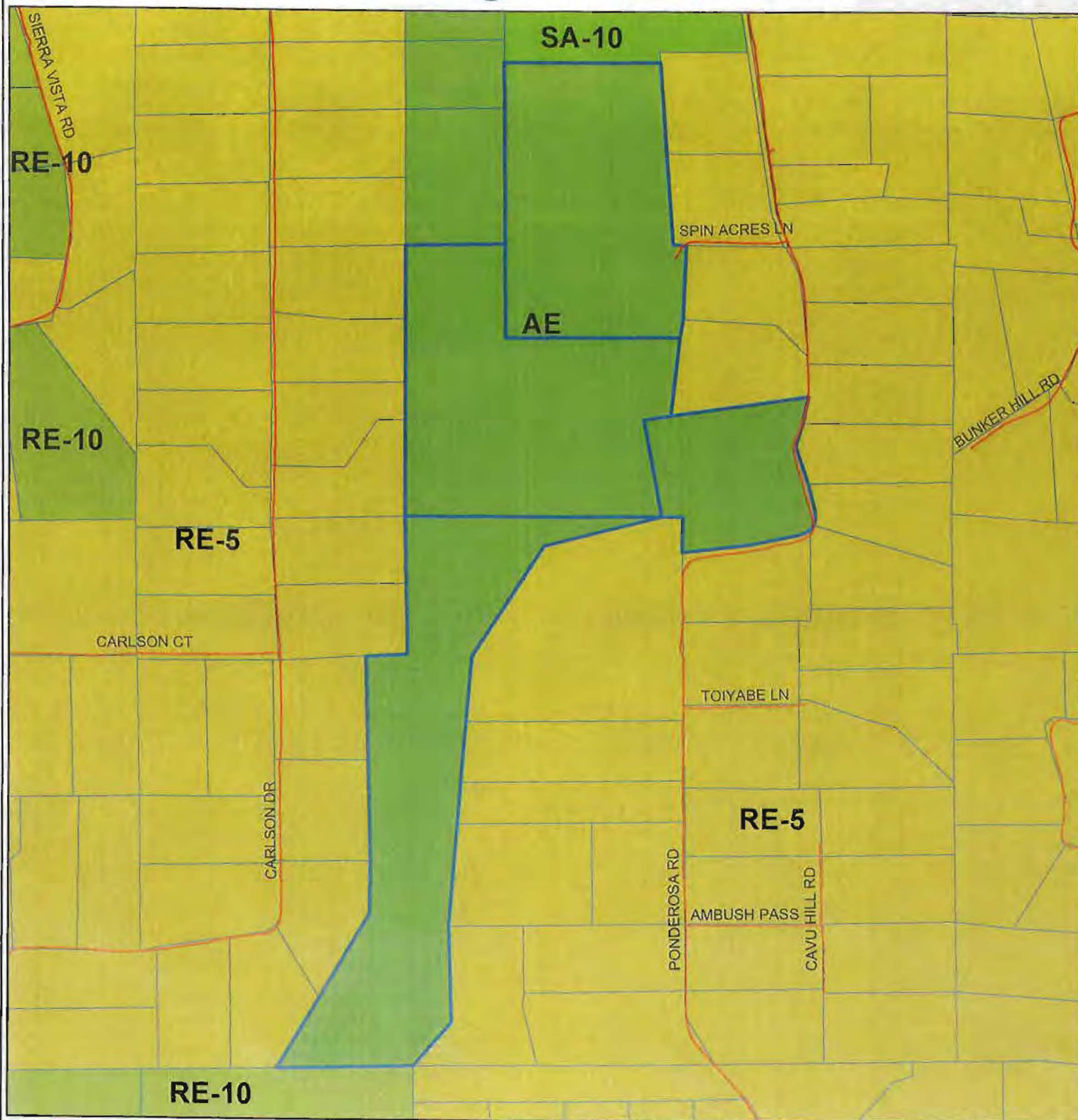
El Dorado County Agricultural Commission

13-1497 A 10 of 13

Alesha Neher

Zoning 9-19-2013

EXHIBIT D



DISCLAIMER

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MAP PREPARED BY: MARK LA LOGGIA DATE: OCTOBER 21, 2013

PROJECT ID: 71854

EL DORADO COUNTY SURVEYORS & L.S. DIVISION
PHONE (530) 621-4511 FAX (530) 626-8731

Legend

- Select Agricultural
- Exclusive Agricultural
- Estate Residential Five-Acre
- Estate Residential Ten-Acre

- Roads
- Parcels

0 400 800 1,200 1,600 Feet
Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



El Dorado County Agricultural Commission

13-1497 A 11 of 13

COUNTY OF EL DORADO



AGRICULTURAL COMMISSION

311 Fair Lane
 Placerville, CA 95667
 (530) 621-5520
 (530) 626-4756 FAX
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: November 13, 2013
TO: Aaron Mount, Development Services/Planning
FROM: Greg Boeger, Chair
SUBJECT: Request for Agricultural Commission Review for a partial roll-out of Ag Preserve #285 of WAC 13-0006 (Neher, Alesha) APN 070-210-32.

During the Agricultural Commission's regularly scheduled meeting held on November 13, 2013, the following discussion and motion occurred regarding review of **WAC 13-0006 (Neher, Alesha) APN 070-210-32** – A request for a partial roll-out to Ag Preserve #285, removing parcel number 070-210-32, and application to amend existing contract for remaining three parcels; APNs 070-131-56, 070-131-59, and 070-210-55. The parcels are located on the west side of Ponderosa Road, approximately 2.5 miles north of the intersection with US Highway 50, in the Shingle Springs area. (District 4)

Parcel Descriptions:

- APN 070-210-32 (applying for non-renewal/partial roll-out); Acreage = 33.5 acres; Zoning = Exclusive Agricultural (AE); Land Use Designation = Low Density Residential (LDR); Soil Types = Placer Diggins, Loamy Alluvial Land, Rescue Very Stony Sandy Loam and Rescue Sandy Loam.
- APN 070-210-55 (location of Cielo tasting room, wine grapes); Acreage = 11 acres; Zoning = AE; Land Use Designation = LDR; Soil Types = Rescue Very Stony Sandy Loam, Argonaut Clay Loam, and Rescue Sandy Loam
- APN 070-131-56 (winery building, wine grapes); Acreage = 30 acres; Zoning = AE; Land Use Designation = LDR; Soil Types = Placer Diggins, Rescue Very Stony Sandy Loam, Rescue Sandy Loam, Rescue Clay Clayey Variant
- APN 070-131-59 (wine grapes, grazing land); Acreage = 25 acres; Zoning = AE; Land Use Designation = LDR; Soil Types = Rescue Sandy Loam, Rescue Very Stony Sandy Loam, and Placer Diggins.

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

1. Minimum Acreage – twenty (20) contiguous acres. – *Remaining parcels would consist of*

66 acres, with approximately 30 acres of wine grapes and approximately 37 acres of grazing land.

2. Capital Outlay - \$45,000 – *Capital outlay improvements to the property are reported at over \$45,000 for vineyard installation costs, fencing, etc.*
3. Minimum Annual Gross Income - \$13,500 – *Annual gross income reported is \$60,000+ for wine grape production.*

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 the applicant’s request for a partial roll-out/non-renewal of parcel number 070-210-32, removing it from WAC # 285, as the parcel does not contribute to the agricultural production of the contract and APPROVAL of WAC 13-0006, amending WAC # 285 for the three remaining parcels (APN’s 070-210-55, 070-131-56, and 070-131-59) as the minimum Williamson Act Contract criteria for a high intensive agricultural operation is being met.

The applicants were not present and a few concerned neighbors voiced comments regarding future use of the property being rolled out of the Williamson Act Contract.

Aaron Mount, from Development Services, was present and agreed with staff’s recommendations.

It was moved by Mr. Smith and seconded by Mr. Bacchi to recommend APPROVAL of Alesha Neher’s request for a partial roll-out/non-renewal of parcel number 070-210-32, removing it from WAC # 285, as the parcel does not contribute to the agricultural production of the contract and APPROVAL of WAC 13-0006, amending WAC # 285 for the three remaining parcels (APN’s 070-210-55, 070-131-56, and 070-131-59) as the minimum Williamson Act Contract criteria for a high intensive agricultural operation is being met.

Motion passed

AYES: Smith, Walker, Draper, Neilsen, Bacchi, Boeger

NOES: None

ABSENT: Mansfield

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

Cc: Alesha Neher

Ron Briggs, Board of Supervisor (District 4)