

# FINDINGS

## **Williamson Act Contracts WAC14-0001/WAC14-0002/WAC14-0003 and Boundary Line Adjustment BLA14-0016/White-McLees Board of Supervisors/July 14, 2015**

### **1.0 CEQA FINDINGS**

- 1.1 The proposed request for a Williamson Act Contract is 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.” The boundary line adjustment is Categorically Exempt from CEQA pursuant to Section 15305 which exempts minor alterations in land use limitations in areas with an average slope of less than 20 percent which do not result in any changes in land use or density.
- 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 8.1.1.6.**

Policy 8.1.1.6 states that parcels encumbered by a Williamson Act Contract be zoned Exclusive Agriculture (AE). All of the affected parcels within Agricultural Preserve 202 are already zoned AE except for the 10-acre piece around Parcel 093-090-11, which is zoned RA-40. The County’s Zoning Ordinance Update is near completion and this entire project site, including the 10-acre piece, is proposed for inclusion within the Agricultural Grazing (AG-40) zoning district, which would include lands suitable for grazing when encumbered by a Williamson Act Contract. Since the 10-acre piece is planned to be rezoned to Agricultural Grazing when the zoning ordinance update is approved, this policy will be satisfied.

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

Policy 8.1.1.8 requires Agricultural Lands (AL) to be of sufficient size to sustain agricultural use, be under a Williamson Act or Farmland Security Zone Contract, contain the characteristics of choice agricultural land, or be currently under cultivation for commercial crop production or grazing land. Further, these lands are required to be within the county’s Rural Region or be identified by the County Department of Agriculture as land suited for agricultural production. The project’s 247.62 acres are of sufficient size, contain choice soils, have been and are currently used as vineyard and grazing land, and are located within the County’s rural region. Therefore the properties are consistent with the AL land use designation.

**2.3 The project is consistent with General Plan Policy 8.1.3.5.**

Policy 8.1.3.5 states that any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved. The boundary line adjustment and Williamson Act contract applications were forwarded to the Agricultural Commission for their review and recommendation on March 11, 2015. The Commission voted unanimously to recommend approval of the boundary lines adjustment and all three Williamson Act contracts.

**2.4 The project is consistent with General Plan Policy 8.1.4.1.**

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 Commission reviewed the application on March 11, 2015, and determined that the Williamson Act contracts meet the minimum criteria for high- and low-intensive agricultural operations.

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

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.

**3.0 ZONING FINDINGS**

**3.1 The proposed use is consistent with Title 130.**

The proposed raising and grazing of livestock, and growing of grapes are uses permitted by right in accordance with Sections 130.30.080 (RA-40) and 130.36.070 (AE) of the Zoning Ordinance.

**4.0 ADMINISTRATIVE FINDINGS**

**4.1 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:

**4.1.1 Minimum Acreage for Low-Intensity Farming Operations:**

- a. Minimum Acreage – 50 contiguous acres that are fenced to contain livestock: Proposed WAC 14-0001 would consist of 125.95 acres and is fenced for grazing. Proposed WAC 14-0003 would consist of 52.27 acres and is fenced for grazing.

**4.1.2 Capital Outlay for Low-Intensity Farming Operations:**

- a. Minimum Capital Outlay – \$10,000: WAC 14-0001 had a capital outlay for well, road work, fencing, and EID pump and pump house of \$23,400. WAC 14-0003 had a capital outlay for fencing, encroachment, and culvert of \$27,500.

**4.1.3 Income for Low-Intensity Farming Operations:**

- a. Minimum Annual Gross Income - \$2,000: WAC 14-0001 annual gross income reported is \$13,000 per year. WAC 14-0003 annual gross income reported is \$7,000 per year.

**4.1.4 Minimum Acreage for High-Intensity Farming Operations:**

- a. Minimum Acreage – 20 contiguous acres: Proposed WAC 14-0002 would consist of 63.2 acres for grazing and 6.2 acres for vineyard.

**4.1.5 Capital Outlay for High-Intensity Farming Operations:**

- a. Minimum Capital Outlay – \$45,000: WAC 14-0002 had a capital outlay for vineyard, irrigation, and fencing of \$50,000.

**4.1.6 Income for High-Intensity Farming Operations:**

- a. Minimum Annual Gross Income - \$13,500: WAC 14-0002 annual gross income reported is \$19,000 per year.

**4.2 Lot Line Adjustment**

**4.2.1 The Lot Line Adjustment conforms to the General Plan and Zoning Ordinance.**

The Boundary Line Adjustment conforms to the General Plan and Zoning Ordinance by meeting the minimum parcel sizes and development standards.

**4.3 California Government Code Section 51257**

**4.3.1 The new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term for as least as long as the unexpired term of the rescinded contract, but for not less than 10 years.**

The revised contracts will enforceably restrict the entire acreage for ten years or more.

**4.3.2 There is no net decrease in the amount of the acreage restricted.**

The revised contract will enforceably restrict 100 percent of the contracted lands for ten years or more.

**4.3.3 At least 90 percent of the land under the former contract remains under the new contract.**

The entire 100 percent of the land under the former contract will remain under the new contracts plus 10 acres will be added to the overall Preserve.

**4.3.4 After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.**

Consistent with Section 51222, the parcels under contract will be larger than 40 acres (118.97 and 69.4 acres), after the Lot line Adjustment. Parcels are presumed to be large enough to sustain their agricultural use if they are greater than 10 acres, in the case of prime farmland, and 40 acres in the case of non-prime farmland.

**4.3.5 The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.**

The parcel within the Agricultural Preserve, in its current configuration, is being used for agricultural production. The BLA would not affect the long-term productivity of the parcel under contract.

**4.3.6 The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.**

Both parcels will continue to remain restricted by separate Williamson Act contracts and used for agricultural productivity. The AE zoning and NR land use designations for both parcels will remain. As such, the Lot Line Adjustment will have no impact on adjacent lands currently utilized for agricultural and residential purposes.

**4.3.7 The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.**

There will be two parcels after the Lot Line Adjustment, the parcels will be over 40 acres and consistent with their land use designation and the General Plan.