



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject 2018-032 Airola General Plan Amendment	Board Meeting Date December 4, 2018	Agenda Number 23
Dept: Planning Contact: Peter Maurer Phone: (209) 754-6394	Supervisory District Number District 4	Regular Agenda
Published Notice Required? Yes Public Hearing Required? Yes		Estimated Time: 0
Type of Document? Resolution PowerPoint Presentation Included? Yes Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Conduct a public hearing and adopt a Resolution Amending the General Plan of the subject properties from the Oak Canyon Ranch Specific Plan to Natural Resource Lands, Agriculture Preserve for William A. and Deloris J. Airola, Trustees of the Airola 2015 Revocable Trust. The project is categorically exempt from CEQA.

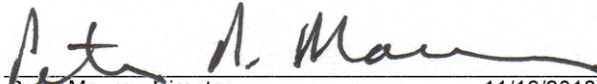
DISCUSSION/SUMMARY:

This action to approve a General Plan Amendment from the Oak Canyon Ranch Specific Plan to Natural Resource Lands is one of four actions necessary for the purpose of establishing an Agriculture Preserve and Williamson Act Contract No. 354 for William A. and Deloris J. Airola, trustees of the Airola 2015 Revocable Trust. The ordinance amendment to rescind the OCR Development Agreement (previous item), the resolution establishing the Agriculture Preserve and Williamson Act Contract No. 354 (succeeding item) and the ordinance amending the zoning of the subject properties to reflect the Agriculture Preserve (AP) zone (succeeding item) are discussed concurrently in the previous item. All attachments found in the previous submittal are relative to all actions; therefore, the attachments are not repeated.

OTHER AGENCY INVOLVEMENT:

Agriculture, Weights & Measures

APPROVED BY:


Peter Maurer, Director 11/16/2018


Diane Severud, Deputy Clerk of the Board of Supervisors 11/19/2018


Tim Lutz, County Administrative Officer 11/21/2018


Julie Moss-Lewis, Deputy County Counsel 11/21/2018

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
December 4, 2018

Resolution
No. (ID # 4094)

**A RESOLUTION AMENDING THE GENERAL PLAN OF
APN: 054-006-014, 011, 018, 039, 040, 041, 043, 044,
035, 053-017-010, 009, 008, 007, 053-016-012, 011, &
053-015-014 FROM THE OAK CANYON RANCH SPECIFIC
PLAN TO NATURAL RESOURCE LANDS, AGRICULTURE
PRESERVE FOR WILLIAM A. AND DELORIS J. AIROLA,
TRUSTEES OF THE AIROLA 2015 REVOCABLE TRUST.**

WHEREAS, the Planning Department of the County of Calaveras received application 2018-032 from landowners William A. and Deloris J. Airola on behalf of the Airola 2015 Revocable Trust (hereinafter "the Airola Trust") requesting the Board of Supervisors amend the General Plan from the Oak Canyon Ranch Specific Plan to Natural Resource Lands, Agriculture Preserve for the purpose of establishing an Agriculture Preserve and Williamson Act Contract No. 354 for 3,171.72 acres of land in Copperopolis; and

WHEREAS, on December 15, 2003 the Calaveras County Board of Supervisors adopted Resolution No. 03-406 adopting the Oak Canyon Ranch Specific Plan for a 3,215 acre mixed use development; and

WHEREAS, prior to recording the tentative subdivision tract map, the developer defaulted on the loan and the land went back to the bank; and

WHEREAS, in 2015 the Airola trust purchased the land from the City National Bank with the intent to a long term commitment to agricultural land conservation by placing the land into an agriculture easement and establishing a California Land Conservation Contract/Agriculture Preserve; and

WHEREAS, on June 14, 2016 the County Board of Supervisors declared the County's support of the proposal to the California Department of Lands Conservation Program for Oak Canyon Ranch by entering an agreement with the Airola trust for limited indemnification and performance of conditions subsequent to County Resolution; and

WHEREAS, as provided in the limited indemnification agreement, the approval of the Airola Trust's proposed agricultural conservation easement and agriculture preserve was made contingent upon the Airola Trust applying for and successfully obtaining a General Plan Amendment removing the Specific Plan designation for Oak Canyon Ranch, a rescission of the Development Agreement for Oak Canyon Ranch and a zoning amendment for Oak Canyon Ranch; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, more particularly described as APN: 054-006-014, 011, 018, 039, 040, 041, 043, 044, 035, 053-017-010, 009, 008, 007, 053-016-012, 011, and 053-015-014. The subject parcels encompass all of

Sections 9 and 16 and a portion of Sections 4, 5, 6, 10 and 15, T01N, R12E, MDM; and

WHEREAS, pursuant to Section 15317, the establishment of agriculture preserves are exempt from the California Environmental Quality Act; and

WHEREAS, during a noticed public meeting on August 25, 2016, the Agriculture Advisory Committee considered all of the information presented to it, including the application and information presented by the project proponent; and

WHEREAS, that the Agriculture Advisory Committee recommends the Board of Supervisors establish Agriculture Preserve No. 354 for 3,171.72 acres; and

WHEREAS, during a noticed public hearing on October 25, 2018, the Planning Commission considered all of the information presented to it, including its staff report, information presented by the project proponent, and public testimony presented in writing and at the meeting; and

WHEREAS, that the Planning Commission recommends the Board of Supervisors rescind the OCR development agreement, amend the general plan land use designation, approve the zoning amendment as shown on exhibit "A" and establish Agriculture Preserve No. 354 for the subject 3,171.72 acres; and

WHEREAS, during a noticed public hearing on December 4, 2018, the Board of Supervisors considered all of the information presented to it, including its staff report, information presented by the project proponent, and public testimony presented in writing and at the meeting; and

BE IT THEREFORE RESOLVED, that the Board of Supervisors approves the General Plan Amendment from Oak Canyon Ranch Specific Plan to Natural Resources Lands – Agricultural Preserve for the purpose of establishing Agriculture Preserve No. 354 for the subject 3,171.72 acres of land, based on the following findings:

1. The rescission of the development agreement, general plan amendment, zoning amendment, and the establishment of an Agriculture Preserve are exempt from CEQA.

Evidence: Article 19, Categorical Exemptions, Section 15317 of the State CEQA Guidelines, Open Space Contracts or Easements, exempts from CEQA the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act. Each of the actions recommended by the Planning Commission are precedent to the establishment of the agricultural preserve and would not, by themselves result in any adverse environmental impact. The Natural Resource Lands designation and AP zone protect and preserve lands for intensive agriculture, ranching production and open space. The AP zone applies to lands for which a Williamson Act contract has been executed. The AP zone restricts land from commercial, industrial and residential development. Amending the General Plan is a necessary step to establishing the agricultural preserve and will ensure that the previously approved development will not occur and that the land will be preserved as open space with no effect on the environment. The rescission of the development agreement, the General Plan amendment and the zoning

amendment are all necessary components of the establishment of the Agricultural Preserve under the Williamson Act.

2. The proposed General Plan Amendment is in the public interest.

Evidence: A goal of the General Plan is to preserve and encourage the use of land for agricultural purposes.” (Goal IV-1) Policy IV-1A reads: “Allow resource production lands to remain available for agriculture and rural use.” This amendment would preserve an existing agricultural operation. Providing for continued productive use as agricultural land and encouraging its conservation through a Williamson Act contract rather than maintaining a defunct specific plan is in the public interest.

Chair

ATTEST

Rebecca Turner, Ex-Officio Clerk
of the Board of Supervisors, County of Calaveras

Deputy Clerk