

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2018-060

>>A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS RESCIND THE OAK CANYON RANCH DEVELOPMENT AGREEMENT, AMEND THE GENERAL PLAN LAND USE DESIGNATION FROM THE OAK CANYON RANCH SPECIFIC PLAN TO NATURAL RESOURCE LAND AGRICULTURE PRESERVE, AMEND THE ZONING FROM SINGLE FAMILY RESIDENTIAL (SFR) / RESORT/COMMERCIAL (RES) / OPEN SPACE (OS) / RECREATION (REC) / PUBLIC SERVICE (PS) TO AGRICULTURE PRESERVE (AP) AND ESTABLISH AGRICULTURE PRESERVE NO. 354 FOR 3,171.72 ACRES OF LAND OWNED BY WILLIAM AND DELORIS AIROLA.

WHEREAS, the Planning Department of the County of Calaveras received an application from landowners William and Deloris Airola requesting to enter into a California Land Conservation Act Contract or Ag Preserve for 17 parcels totaling 3,256.93 acres of land; and

WHEREAS, the Planning Department of the County of Calaveras received application 2018-032 from landowners William and Deloris Airola requesting to rescind the Oak Canyon Ranch (OCR) Development Agreement, amend the General Plan land use designation from the OCR Specific Plan to Natural Resource Lands Agriculture Preserve and amend the zoning of the subject parcels from Single Family Residential (SFR) / Resort/Commercial (RES) / Open Space (OS) / Recreation (REC) / Public Service (PS) and General Agriculture (A1) to Agriculture Preserve (AP); 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, 053-015-014 & 054-003-011 (lake). 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 of the CEQA Guidelines, 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 of land excluding the 85.21-acre lake property, APN: 054-003-011.

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

BE IT THEREFORE RESOLVED, 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 and approve the establishment of an Agriculture Preserve under the Williamson Act as shown on exhibit "A" 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, 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. Rescinding the Development Agreement is a necessary step to amend the general plan and zoning 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 "[P]reserve 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.

3. The proposed Zoning Amendment is consistent with the County's General Plan and applicable policies of the Calaveras County Zoning Code, Title 17 for Agriculture Preserve.

Evidence: The AP zoning is a resource zone, found to be consistent in all land use designations described in the County General Plan outside of Community Centers, Residential Centers, Community, Special and Specific Plan areas. The subject property is currently designated in the County General Plan as the OCR Specific Plan. With approval of the proposed General Plan Amendment to Natural Resource Lands, Agriculture Preserve, the AP zone is consistent. The purpose of the AP zone is to protect and preserve lands for intensive agriculture and ranching production. AP zoning applies to lands for which a Williamson Act contract has been executed. Cumulatively, the 3,171.72 acres meet the minimum parcel size requirement of 50 acres in the AP zone district as well as the 100-acre minimum for cattle production in the Williamson Act. The feasibility study estimates the land is capable of projecting an annual gross income of \$71.71 / acre, exceeding the minimum \$2,000.00 annual income required to be in the Ag Preserve.

4. The proposed Zoning Amendment is consistent with neighboring and adjacent land uses and zoning.

Evidence: The subject property is located in an area of Calaveras County commonly in agriculture production. While there are adjacent residential properties, parcels in the immediate vicinity of the subject parcels are zoned Rural Residential (RR) and General Agriculture (A1) Ag Preserve (AP). The Saddle Creek Development is adjacent to the Airola property sharing a boundary to the far southwest. There is mixed use of residential, commercial and recreation. The area is designated as Natural Resource Lands, Future Single Family Residential and Community Center; thus, the area is compatible with the agricultural production. The proposal is found consistent with the neighboring properties and land uses.

5. When the above changes (development agreement rescission, General Plan Amendment, zoning amendment) have been made to 3,171.72 acres of the Airola Ranch (excluding the 85.21-acre lake property, APN: 054-003-011), those 3,171.72 acres will qualify for establishment as an Agriculture Preserve under the Williamson Act and County procedures.

Evidence: The Williamson Act contract would restrict the subject parcels of land to agricultural or related open space use. The above changes would impose restrictions consistent with the Williamson Act. The land is considerably over the 100-acre minimum size required by the Williamson Act. The land is noted by the County General Plan as having a high capability of sustaining agricultural operations. It is currently used for grazing 350 head of cattle, capable of exceeding the minimum \$2,000.00 annual income required by the Williamson Act. Actual income considerable exceeds the minimum. Since the lake property (APN: 054-003-011) is not contiguous with the rest of the property, it does not qualify for inclusion under Calaveras County procedures (Board of Supervisors Resolution 75-589) for establishment of an Agriculture Preserve. The Agriculture Advisory Committee reviewed the proposed contract and found that it is consistent with the requirements

for establishing an agriculture preserve pursuant to Board of Supervisors Resolution 75-589.

Adopted by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on October 25, 2018 on a motion by Commissioner Wooster and seconded by Commissioner Laddish.

AYES: Laddish, Muetterties, Wooster, Sisk

NOES:

ABSTAIN:

ABSENT: Bechelli


Chair, Planning Commission

ATTEST:


Gina Kathan, Planner III

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

Exhibit "A"

