



AGRICULTURAL COMMISSION

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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
Gary Ward – Livestock Industry

MINUTES

January 13, 2010
6:30 P.M.

Board of Supervisors Meeting Room
330 Fair Lane – Building A, Placerville

Members Present: Bacchi, Boeger, Draper, Mansfield, Walker

Members Absent: Smith, Ward

Ex-Officio Members Present: William J. Stephans, Ag Commissioner/Sealer

Staff Members Present: Charlene Carveth, Deputy Ag Commissioner/Sealer
Chris Flores, Senior Agricultural Biologist
Nancy Applegarth, Clerk to the Agricultural Commission

Roger Trout, Development Services, Director

Others Present: Ed Akin, Bill Bacchi, Gary Brown, Greg Hawkins, Rick Meixner, Craig Sandberg, Bill Snodgrass, Michael & Colleen Ranalli, Scott Troy, Scott Underwood, Greg Woodrow, Nicole Young

I. CALL TO ORDER

Chair Boeger called the meeting to order at 6: 35 p.m.

II. RE-APPOINTMENT OF AGRICULTURAL COMMISSION MEMBER, GARY WARD BY THE EL DORADO COUNTY BOARD OF SUPERVISORS

Continued to the February 10, 2010 Ag Commission meeting.

III. ELECTION OF 2010 CHAIR AND VICE-CHAIR

It was moved by Mr. Bacchi and seconded by Mr. Mansfield to recommend that Greg Boeger, Chair, and Lloyd Walker, Vice-Chair, retain their current positions on the Ag Commission.

Motion passed

AYES: Bacchi, Draper, Mansfield,
NOES: None
ABSENT: Smith, Ward

IV. APPROVAL OF AGENDA

Mr. Boeger called for a voice-vote of Approval for the agenda

Motion passed.

AYES: Bacchi, Draper, Mansfield, Walker, Boeger

NOES: None

ABSENT: Smith, Ward

V. APPROVAL OF MINUTES

- Minutes of December 9, 2009

It was moved by Mr. Draper, and seconded by Mr. Walker to recommend Approval of the Minutes of December 9, 2009.

Motion passed.

AYES: Bacchi, Draper, Mansfield, Walker, Boeger

NOES: None

ABSENT: Smith, Ward

VI. PUBLIC FORUM

- William J. Bennett spoke to the Commission regarding the Sundance Subdivision in Pilot Hill, which was before the Commission on July 8, 2009, with a request to re-zone from AE to RE-10. He believes that the Planning Commission will recommend Approval of the project on January 28, 2010 based on new information collected by Planning staff.

Chair Boeger suggested that Mr. Bennett speak directly to each of the Planning Commissioners about his concerns.

- VII.** Z 08-0013 & P 08-0016 – Lands End Ranch-Ranalli Parcel Map (Michael & Colleen Ranalli/Carlton Engineering, Inc.): A request to rezone from Residential Agricultural-40 Districts (RA-40) to Residential Agricultural-20 Districts (RA-20), and a parcel map to create four lots ranging in size from 20 acres to 35.9 acres. The property, identified by Assessor's Parcel Number 105-100-08, consists of 96.6 acres, and is located on the north side of Peterson Lane approximately 3+/-miles west of the intersection with Lotus Road, in the Lotus area. (District 4)

Bill Draper recused himself from this item.

Staff reported on the site visit. The Lands End Ranch is located at the end of Peterson Lane, off of Bassi Road in the Lotus area. The American River surrounds the 96.6 acre parcel to the west, north, and east. The parcel is not in an Ag District. The Coloma Ag District is

north of, and across the American River and Highway 49, from the parcel. The current

zoning is Residential Agricultural Forty Acre (RA-40). The surrounding zoning is Exclusive Agricultural (AE), Residential 10-acre (RE-10) – across the river, Recreational Facilities (RF) – across the river, and Residential Agricultural 40-acre (RA-40). The current Land Use is Rural Residential (RR). The surrounding Land Use is Open Space (OS) - across the river, Rural Residential (RR) and Tourist Recreational (TR) – across the river. The elevation of this parcel is approximately 700 feet. The Soil Types are AuD: Auberry Very Rocky Coarse Sandy Loam, Moderately Deep, 9 to 30% slopes and PRD: Placer Diggings.

Relevant General Plan Policies:

- Policy 8.1.4.1: The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:
 - A. Will not intensify existing conflicts or add new conflicts between adjacent residential area and agricultural activities; and
 - B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
 - C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Staff noted that the applicant has submitted an application to the Agriculture Department for an agricultural grading permit. The applicant is proposing to plant up to twelve acres of grapes on proposed Parcel #2 and proposed Parcel #3.

Bill Stephans stated that staff has found the project to be consistent with the General Plan and the parcel's land use designation. The proposed parcel map has been configured in such a way as to promote agricultural activities on each of the individual parcels. The proposed 12 acre vineyard will promote agriculture in the County as well as the general area.

Craig Sandberg, representing Michael & Colleen Ranalli, said that when this application was heard previously by the Ag Commission some concerns were raised. One of these concerns was the proposed creation of smaller non-agriculturally zoned parcels and the possible precedent for other nearby landowners to do the same. There were also concerns about potential impacts to the viewshed from the American River and the effect it could have on rafting or on recreational uses across the river. To address these concerns, the project has been re-formatted. The current project maintains the agricultural zoning, and designates specific building envelopes on the parcel map, which were chosen to limit impacts to the viewshed from the American River. Also, as per the recommendation of Ag Department staff, 200 foot Agricultural Setbacks have been placed on the map, to be recorded when finalized. The Ranalli's have submitted an agricultural grading permit application which, Mr. Sandberg feels, is an indication of their intent to keep the property in agriculture.

Chair Boeger asked staff if it would make a difference to the project if PA-20 (Planned

Agriculture) zoning was requested instead of RA-20 (Residential Agriculture).

Bill Stephans stated that the soils on this project are not considered "Choice" soil and there are criteria under the zoning ordinance for PA-20 that have to be met. RA-20 has the same, By Right uses, as RA-40 for Agriculture and other activities/uses.

Roger Trout, Development Services Director explained that the requirements to get into a PA or SA zoning are stricter with certain criteria that has to be met. The only difference between the RA-20 zoning and the RA-40 zoning is the minimum parcel size of 20 acres versus 40 acres Mr. Trout reiterated that the RA-20 zoning is consistent with the parcel's Rural Residential land use designation. Mr. Trout reminded the audience that the Ag Commission is a "recommending body" to the Planning Commission, regarding agricultural issues. The Ag Commission's recommendation will be forwarded to Planning Staff who will incorporate the recommendation/comments into staff's report to the Planning Commission, who will then make their recommendation to the Board of Supervisors.

Bill Snodgrass, representing neighboring property owners, gave several reasons why they believe the subdivision would be detrimental to agriculture. They feel that rezoning to allow smaller parcels will increase the development of homes in the area, thus increasing the opportunity for complaints and lawsuits against agricultural operations, and thereby decreasing the profitability of nearby agricultural operations. They also feel that a twenty acre parcel is not large enough to sustain an economically viable agricultural operation. There is also concern that other parcels with similar zoning would be encouraged to rezone and subdivide their parcels. Bill Snodgrass also expressed concerns regarding the need for infrastructure, stating that it should be in place before the property is considered for a rezone.

Roger Trout explained that there is either enough existing infrastructure for the proposed project or Planning Staff will impose conditions on the project to meet the minimum infrastructure requirements. This is generally what is looked at in a parcel map situation, especially on a dead-end rural road. For the Ranalli proposal, the road access is the critical factor. It is his opinion that this parcel map will likely be recommended for some pretty substantial road improvement conditions to meet the minimum fire safe standards, fire code standards and design manual standards that would probably include widening the road to twenty feet and also provide for a second access.

Bill Snodgrass questioned whether or not the allowance for this rezone would set precedence for the other parcels in the area to subdivide.

Roger Trout explained that although no one can predict what will happen to the neighboring parcels in the future, any rezone request would ultimately be made with a recommendation by the Planning Commission and would then be sent to the Board of Supervisors for their decision. He mentioned that the term used by Planning is the "growth inducing affect" which is their main concern. Traditionally, in rural areas, there is not substantial pressure to create smaller parcels. The pressure usually comes from the growth inducing affects of extending water and sewer lines and paved roads into rural areas. Addressing Mr. Snodgrass' concerns,

Mr. Trout pointed out that although there are forty-acre parcels in the area, there are also surrounding five and ten-acre parcels, so the precedent was set back in 1989, when the area was originally subdivided.

Mr. Bacchi stated that although Planning looks at the growth inducing affect as services extended or urban growth, the folks in this type of rural area consider the subdivision of property, and doubling the number of houses, as significant growth.

Roger Trout agreed with Mr. Bacchi but explained that the perception of growth is different than the technical “growth inducing affect” that is used as a measurement tool from a land use perspective. “Growth” is truly measurable when water, sewer and paved roads are extended into rural regions.

Rick Miexner gave a brief history of the Bassi Road area. He said that when the agreements were made with the original owners and the property was divided, there were certain conditions placed on all of the parcels. One of the conditions, a secondary road for fire access, was never completed. Bonds were also required to ensure that the conditional work was completed. Mr. Miexner stated that the bonds were released by the County without the work being completed. He expressed concerns that property in El Dorado County is often broken down into smaller parcels without the infrastructure being in place to handle the increased growth.

Bill Draper, speaking as a Fire-Safe Planner for the applicant, stated that he has worked on this project for the Ranalli’s. He stated that the road issues have been addressed with all relevant fire agencies and the El Dorado County Department of Transportation. Petersen Lane is proposed to be widened to 20 feet and Union Town Road is to be completed and connected to Petersen Lane, to be used as a secondary fire-safe access.

Scott Underwood, owner of the Mother Lode River Center, provided a booklet with information to the Ag Commission members and stated the following:

“As a land riparian owner myself, I respect and support the right of the Ranalli’s to exercise their legitimate property rights. However, these rights should and do have limitations, and I believe the project as proposed clearly exceeds the bounds of zoning regulations as well as common sense.” In his opinion:

1. The Project Proposal will intensify existing conflicts or add new conflicts.
2. The conflicts the Project Proposal creates will result in an enforcement nightmare.
3. There is no reasonable justification for the Ag Staff’s change in ruling.
4. Fire road access remains dangerous to health and safety.
5. “Killing the goose that lays the golden eggs” is not the solution.

He feels that Agricultural use would satisfy the Ranalli’s economic needs and at the same time preserve the unique character of both their land and adjacent parcels such as Mother Lode Camp. The impact to the river itself, and the large tourism based income and ecological values it generates, is also a vital consideration. He stated that he would be pleased to engage in helping to create a more constructive future for all concerned.

A letter from a neighbor in the area of the project was provided to the Ag Commission members, which expressed similar reasons for opposing the rezone request.

Bill Stephans reminded the Ag Commission that the property would still maintain agricultural zoning and the Right to Farm Ordinance would protect those with agricultural operations.

Mr. Walker stated that the Planning Commission meeting would be the venue for the majority of the mentioned concerns and from an agricultural aspect; he felt the proposed subdivision would not create conflicts with existing agricultural operations in the area.

Mr. Mansfield commented that after thirty years of farming on a number of parcels around the county, it was his opinion that when we begin to subdivide larger parcels, conflicts can occur. And even though this project is consistent with the General Plan he still has concerns regarding potential conflicts and feels the Ag Commission needs to be cautious when making land use decisions in rural areas.

Mr. Bacchi agreed with Mr. Mansfield's statements. He stated that he has concerns regarding the subdivision of land that is surrounded by larger sized parcels.

Mr. Boeger agreed with Mr. Walker's prior comments, stating that in his opinion, this project would not be disruptive to agriculture.

Staff Recommendation: *Staff recommends Approval of P 08-0016 & Z 08-0013, Michael and Colleen Ranalli's request to rezone their property, APN 105-100-08, from RA-40 to RA-20 and create 4 parcels ranging in size from 20 acres to 35.9 acres, as the findings can be made for General Plan Policy 8.1.4.1, which states the proposed use;*

- A) Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities;*
- B) Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and*
- C) Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.*

Staff also recommends that pursuant to General Plan Policy 8.1.3.2, all 200 foot agricultural setbacks be recorded on the final parcel map.

It was moved by Mr. Walker and seconded by Mr. Boeger to Approve the project as per staff's recommendation. (As stated above)

Motion FAILED on a 2-2 vote. *(Pursuant to Counsel's advice, Staff maintains its recommendation as presented.)

AYES: Walker, Boeger

NOES: Bacchi, Mansfield

RECUSED: Draper

ABSENT: Smith, Ward

** No other motion was offered by the Agricultural Commission however questions were asked by the*

Commission members as to the ramifications of the failed motion: whether the failure constituted a recommendation to deny the project or a failure to recommend a position concerning the project. In an effort to capture the true meaning of the failed motion, staff contacted County Counsel. The advice of Counsel was as follows:

"It would go forward as "motion to recommend --- (whatever motion was) failed on a 2-2 vote." Then, staff can still make its recommendation."

- VIII.** P 09-0009 – DeAngelis Parcel Map (Michael DeAngelis/LeBeck Young Engineering, Inc.): A request for a parcel map to create 3 parcels ranging in size from 6.16 to 6.5 acres. A design waiver has been requested to allow a driveway to access proposed Parcel 3. The property, identified by Assessor's Parcel Number 109-340-68, consists of 18.838 acres, and is located on the west side of South Shingle Road approximately 1.9 miles south of the intersection with Durock Road, in the Shingle Springs area. (District 2)

Staff reported on the site visit. The 18.84 acre parcel is not in an Ag District, Rural Center, or Community Region. The land use designation is Low-Density Residential (LDR). The Current Zoning is Estate Residential Five-Acre (RE-5). Surrounding zoning is Estate Residential Five-Acre (RE-5) and Exclusive Agricultural (AE). The AE zoned parcel is 4.83 acres, is not in a current Williamson Act Contract, does not have a current ag operation on it, and has a land use designation of LDR. The approximate elevation is 1,360 feet. The soil type is ReB: Rescue Sandy Loan, 2 to 9% slopes (an El Dorado County Choice Agricultural Soil).

Relevant General Plan Policies:

Note: Due to the interpretation of General Plan Policies 8.1.3.1 and 8.1.3.2 by the Board of Supervisors, these policies will not apply, as the adjacent AE zoned parcel was assigned a Low Density Residential land use designation in the 2004 General Plan, and there is not a current agricultural operation on the parcel.

Policy 8.1.4.1 The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Nicole Young, engineer and agent for Michael DeAngelis, mentioned that on a prior parcel map, the Department of Transportation had placed a restriction for no vehicular access

between the two existing driveways (the northern and southern access along South Shingle Road). This has been resolved by a proposal to use the southern access shared by the ag zoned parcel and the DeAngelis parcel, to widen the road to the minimum 20 feet wide encroachment, and divide this road between the two parcels.

It was moved by Mr. Bacchi and seconded by Mr. Draper to recommend APPROVAL of the request to create three parcels ranging in size from 6.16 to 6.5 acres from APN 109-340-68, as General Plan policies 8.1.3.1 and 8.1.3.2, as interpreted by the Board of Supervisors, do not apply and the request is consistent with the parcel's current zoning and land use designation. The following findings for General Plan Policy 8.1.4.1 can be made. "...the proposed use:

- A) Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and***
- B) Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and***
- C) Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands."***

AYES: Bacchi, Draper, Mansfield, Walker, Boeger

NOES: None

ABSENT: Smith, Ward

IX. VINEYARD SOILS REPORT – Presentation and possible action regarding staff analyses of vineyard soils located throughout El Dorado County.

A handout and PowerPoint presentation was given to show the results of a GIS soil analysis of 54 El Dorado County vineyards. This report reveals that "Choice Soils" are not a necessary requirement for producing quality grapes. Some of the oldest and best quality vineyards are growing on Capability Class IV, Class VI, and Class VII soils. *The Procedure for Evaluating the Suitability of Land for Agriculture* assigns points to soils based on their Capability Class, with Class II and III soils scoring 40 points and Class VII and VIII soils scoring 0 points. General Plan Policy 8.1.1.4 states that "...*The Procedure for Evaluating the Suitability of Land for Agriculture* shall be used for evaluating the suitability of agricultural lands in Agricultural Districts and Williamson Act Contract lands (agricultural preserves)." After conducting the vineyard soil analysis, it appears that vineyard operations can be successful on a varying degree of soil types and independent of Capability Class. Giving parcels a higher point value based on "Choice Soils" may not be an accurate representation of agricultural capability in lieu of this new information.

Mr. Stephans added that when Staff began analyzing parcels for inclusion into the Agricultural Districts and looking at soil types, staff began to wonder what types of soils are successfully producing the County's wine grapes. The results of this analysis shows that parcels that may be good for vineyard production are not being identified. In accordance

with General Plan Policy 8.1.1.4, it is staff's recommendation that the Agricultural Commission review and revise, as appropriate, *The Procedure for Evaluating the Suitability*

of Land for Agriculture, specifically the Soil Capability and Characteristics section.

Mr. Boeger stated that when the Suitability of Land Procedure was developed, the soil types were based on soils identified as good for orchard development. He added that poorer quality soils can yield higher quality grapes.

Mr. Bacchi suggested that the Ag Commission direct Ag Department staff to start assigning points to certain soils that may be of value to vineyards, with the intent to bring the information back to the Ag Commission for further action.

Art Marinaccio cautioned the Ag Commission to tread carefully when making any changes.

Bill Bacchi questioned the economic affect this may have on prospective land owners but thanked staff for their work.

Chris Flores explained that the analysis is being conducted to re-evaluate a land use tool that is required by the General Plan to evaluate land for agricultural use, including applications for Williamson Act Contracts. The results of this study have identified the potential need to review, and possibly revise, *The Procedure for Evaluating the Suitability of Land for Agriculture*, which is a tool that is generally used on a parcel by parcel basis.

The Ag Commission directed staff to proceed with the study and to begin assigning numeric values to certain soil types.

X. LEGISLATIVE ISSUES

Bill Stephans stated that several bills that the Ag Commissioner's have been watching were held in Committee last year with the potential to be resurrected again this legislative session.

XI. CORRESPONDENCE

XII. OTHER BUSINESS

- Bill Draper – Sustainable Forest Action Coalition update regarding the Camino Mill closure
- Agricultural Commissioner Concurrence of Ag Setback Relief – Richard Paperno
APN: 095-130-18

XIII. ADJOURNMENT

- Chair, Greg Boeger, adjourned the meeting at 8:52 p.m.

APPROVED: Greg Boeger, Chair

Date: February 10, 2010