



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
Dave Pratt – Fruit and Nut Farming Industry
Vacant – Fruit and Nut Farming Industry
Gary Ward – Livestock Industry

MINUTES

March 11, 2009

6:30 P.M.

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

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

Members Absent: Ward

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

Staff Members Present: Chris Flores, Agricultural Biologist/Standards Inspector
Nancy Applegarth, Clerk to the Agricultural Commission
Rommel Pabalinas, Development Services/Planning

Others Present: Arlene Birt, Chuck Birt, Julie Bourriague, Camille Courtney, Scott Drake, Pete Johnson, Michael Ranalli, LaDonna Smith, John Stelzmilller, Clayton Stetson, Ed Stetson, Sue Taylor, Kit Veerkamp

I. CALL TO ORDER

II. APPROVAL OF AGENDA

It was moved by Mr. Walker and seconded by Mr. Pratt to recommend Approval of the agenda.

AYES: Bacchi, Draper, Pratt, Walker, Boeger

NOES: None

ABSENT: Ward

III. APPROVAL OF MINUTES

Minutes of February 4, 2009 (Special Meeting re: AB 885)

Mr. Draper requested that his name be omitted as having made comments regarding water softeners and their contribution to increased saline in groundwater, (Page 6, third paragraph of Item IV. - Discussion regarding the State Water Quality Control Board implementation of the Proposed Onsite Wastewater Treatment Systems Regulations) as he was not the individual who brought up this point of concern.

It was moved by Mr. Walker and seconded by Mr. Pratt to recommend Approval of the Minutes of February 4, 2009 with the requested change on Item IV.

Motion passed.

AYES: Bacchi, Draper, Pratt, Walker, Boeger

NOES: None

ABSENT: Ward

Minutes of February 11, 2009

It was moved by Mr. Draper and seconded by Mr. Walker to recommend Approval of the Minutes of February 11, 2009

Motion passed.

AYES: Bacchi, Draper, Pratt, Walker, Boeger

NOES: None

ABSENT: Ward

IV. PUBLIC FORUM

- No public comments were received

V. Legacy Ranch Presentation – Camille Courtney, President, Rancho Cortina Properties

Camille Courtney introduced LaDonna Smith, President of the American Mustang Foundation, who spoke regarding the foundation and the Legacy Ranch Concept Plan. Ms. Smith explained that the purpose of the American Mustang Foundation is to create a model for a wild horse training and education program that provides an alternative to BLM holding facilities. She spoke of their plans to increase public awareness and make a lasting impact on public policy concerning wild horses on the range. The planning of the American Mustang Foundation's Legacy Ranch Concept has occurred through analysis of the County General Plan and the needs of the Georgetown Divide region. A goal of the Legacy Ranch Program is to conserve and protect agricultural land while providing an economic benefit.

Kit Veerkamp gave further details of the plans that are in process which contain four major program elements – a sustainable working farm, which will provide opportunities for education and agri-tourism, mustang facilities, equestrian facilities, and support facilities.

Scott Drake spoke of plans for a Mustang Gentling & Training Center, and the Mustang Trail String, which will provide trail rides at various locations. The Equestrian & Support Facilities will be the major revenue source for the project as a whole, incorporating a facility for community and regional equine activities with various overnight accommodations (with and without horses), historical museum and exhibits, and conference facilities. Retail facilities will include a large animal veterinary and surgery center, feed store, concessionaires, cowboy action shooting facility, butcher shop, and tack and gift shop.

Camille Courtney concluded the presentation by requesting the Commission provide a letter of support for the project and recommendation to the Board of Supervisors. They would like to acquire funding for an Economic Feasibility Study of the Legacy Ranch Concept Plan.

Several questions were asked regarding the various phases and the timeframe involved in the project.

Camille Courtney explained that the phases will occur based on the funding that is received. They would like to have the rental string of horses up and running within 18 months to 24

months, with total build-out occurring in 4 to 6 years.

Commission Member Bacchi questioned the need for the facility since in these economic times, horses are plentiful. He also had serious concerns regarding the amount of horses being kept on the property and their environmental impacts since horses will graze large areas down to the ground. Ms. Smith agreed that horses do create “moonscapes” if not managed properly but it is their intention to minimize environmental impacts by keeping the Mustangs in DG based pens and moving the horses to various paddocks on a rotational basis.

She also stated that there is a need for mustangs because they are extremely surefooted and that they do not require shoes since their hooves are very hard. The Border Patrol has shown interest in purchasing mustangs to patrol steep/rocky areas of the border.

Chair Boeger spoke of the positive concepts of the plan and the possibility of combining the project with Ranch Marketing, wineries, and other types of agri-tourism activities.

The Commission directed staff to place the American Mustang Foundation project on next month’s agenda in April, allowing time for each member to give consideration and possible suggestions regarding the project. Chair Boeger stated that it would be helpful to see the Economic Development Advisory Committee’s letter of support or any other letters of support of the project.

- VI.** Clayton G. & Ed Stetson – requesting administrative relief from agricultural setbacks for a future single-family dwelling to be located 30 feet from the west, south, and east property lines on the south portion of the property and a future second dwelling to be located 30 feet from the west property line on the north portion of the property. The subject parcel is adjacent to Residential Agricultural (RA-20 & RA-40), Planned Agricultural (PA-20), and Timberland Preserve (TPZ) zoned land, within the General Plan land use designation of Natural Resources (NR) and therefore subject to special agricultural setbacks in accordance with the Interim Interpretive Guidelines adopted June 22, 2006. The proposed primary and secondary dwellings do not meet the requirements for the Development Services Director to allow up to a 50 and/or a 75 percent setback reduction and therefore requires the Agricultural Commission review for administrative relief. NOTE: This item was continued from the February 11, 2009 meeting to the March 11, 2009 meeting as requested by the applicant due to inclement weather conditions. Chair Boeger opened this item for public comment at the February 11, 2009 meeting and received no public comments at that time.

Staff reported on the site visit of January 9, 2009. The subject parcel is 20 acres and is located north of String Canyon Road in the Grizzly Flat area. The parcel is covered by a mixed conifer forest, has RA-20 and RA-40 zoning and a Natural Resource land use designation. Sunday Ridge Road runs through the subject parcel as an access road to two or more adjoining parcels. Surrounding parcels have the following zonings; PA-20, RA-40, RA-20, and TPZ. All surrounding parcels have a Natural Resource land use designation. The TPZ zoned parcel directly east of the southern portion of the subject parcel has an existing 5 acre commercially managed Christmas tree farm. There are no apparent agricultural operations occurring on the other adjoining agriculturally zoned parcels. The subject parcel and surrounding parcels have “Choice soils.” According to the topographic map, the parcel elevation drops approximately 200 feet from the southwestern corner of the property to the northeastern corner of the property. Based on the site visit, topography would not be an issue when choosing a buildable site. The subject parcel has an existing well, located at the southern portion of the property, and access to phone and electrical

distribution

lines that cross the property at several locations.

Relevant General Plan Policies:

- **General Plan Policy 8.4.1.2** states, “A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps. The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet...”
- **General Plan Policy 8.2.2.4** states, “Agricultural activities shall be protected from the encroachment of incompatible land use by the Right to Farm Ordinance, which recognizes that nuisances such as noise, odors, dust, fumes, smoke, and chemical usage are a part of recognized acceptable agricultural practices and production.”
- **General Plan Policy 8.1.3.2** states, “Agriculturally incompatible uses adjacent to agriculturally zoned land outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger. The implementing ordinance shall contain provisions for Administrative relief to these setbacks, where appropriate, and may impose larger setbacks where needed to protect agricultural resources.”

Findings for Administrative Relief of Agricultural Setbacks:

- The Agricultural Commission may approve a reduction of up to one hundred percent of the special agricultural setback when it can be demonstrated that a natural or man-made barrier already exists such as, but not limited to, topography, roads, wetlands, streams, utility or other easements, swales, etc., that would reduce the need for such a setback, or the Commission finds that three of four of the following exists:
 - a) No suitable building site exists on the subject parcel except within the required setback due, but not limited to, compliance with other requirements of the General Plan or other County development regulations; (Cannot make finding)...
 - b) The proposed non-compatible use/structure is located on the property to reasonably minimize the potential negative impact on the adjacent agricultural or TPZ zoned land; (Cannot make finding for proposed building site on southern portion of property)...
 - c) Based on the site characteristics of the subject parcel and the adjacent agricultural or TPZ zoned land including, but not limited to, topography and location of agricultural improvements, etc., the Commission determines that the location of the proposed non-compatible use/structure would reasonably minimize potential negative impacts on agricultural or timber production use; (Cannot make finding adjacent to TPZ zoned land)...
 - d) There is currently no agricultural activity on the agriculturally zoned parcel(s) adjacent to the subject parcel and the Commission determines that the conversion to a low or high intensive farming operation is not likely to take place due to the soil and/or topographic characteristics of the adjacent agriculturally zoned parcel(s) or because the General Plan Land Use Designation of the surrounding

or adjacent parcels is not agricultural (Light/Medium/High Density Residential).

(Cannot make finding as adjacent agriculturally zoned lands have choice soils and General Plan Land Use Designations are agricultural).

Discussion took place regarding the zoning of surrounding properties. The southern portion of the parcel is located next to PA-20 (Planned Agricultural) and TPZ zoned parcels. Bill Stephans mentioned that the owners of the Christmas tree farm/TPZ land have a Pesticide Use Permit with the Department of Agriculture which lists restricted materials.

The Commission agreed that the northwestern proposed building site would be better as it would be further away from the TPZ and the PA-20 parcels.

John Stelzmler, representing the applicants, expressed his frustration regarding the 200 foot agricultural setback. He feels this new requirement will make the property unmarketable to any potential buyers and that it is not being used for the original intent of protecting agricultural lands. Mr. Stelzmler handed out copies of Pacific Legal Foundation 2005 Annual Report highlighting numerous takings cases which they had won. In his opinion, the new ag setbacks are a taking. He also mentioned that the two proposed building sites, on the application, were chosen by prospective buyers who had since rescinded their offer. He gave a brief history of the property.

Ed and Clayton Stetson explained their urgency in wanting the project approved as the sale of the property will provide a necessary source of income. The well is already in, power lines would be easily accessed and they feel the building site chosen is the most suitable. Ed Stetson stated that he thinks the value of his property has been taken away. They do not believe there is a building site on the back portion of the property because it is steep and inaccessible.

It was pointed out by the Commission that the 200 foot agricultural setback probably existed when the property was purchased by the applicants and should have been disclosed by their Real Estate agent to them at that time,.

The general consensus of the Commission was that it would be presumptive to grant any agricultural setback relief without a site specific application before them.

It was moved by Mr. Walker and seconded by Mr. Draper to recommend DENIAL of the request for administrative relief from the 200 foot agricultural setbacks, regarding two proposed residential building sites, as none of the following findings can be made:

- a) No suitable building site exists on the subject parcel except within the required setback due, but not limited to, compliance with other requirements of the General Plan or other County development regulations;***
- b) The proposed non-compatible structures are located on the property to reasonably minimize the potential negative impact on the adjacent agricultural land;***
- c) Based on the site characteristics of the subject parcel and the adjacent***

agricultural zoned land including, but not limited to, topography and location of agricultural improvements, etc, the Commission determines that the location of the proposed non-compatible structures would reasonably minimize potential negative impacts on agricultural use; and

- d) *There is currently no agricultural activity on the agriculturally zoned parcels adjacent to the subject parcel and the Commission determines that the conversion to a low or high intensive farming operation is not likely to take place due to the soil and/or topographic characteristics of the adjacent agriculturally zoned parcels or because the General Plan Land Use Designation of the surrounding or adjacent parcels is not agricultural.*

Additionally, the 30 foot requested setback, adjacent to the TPZ zoned land (southern portion of the property), cannot be granted by the Agricultural Commission. General Plan Policy 8.4.1.2 states: “A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps. The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet.”

Motion passed.

AYES: Draper, Pratt, Walker, Bacchi, Boeger

NOES: None

ABSENT: Ward

Note: Bill Stephans read the following: BOS Resolution No. 079-2007 EXHIBIT A, Section A states: “If the requested reduction cannot meet the administrative criteria...an application may be made to the Board of Supervisors for administrative relief, such relief may be granted by the Board of Supervisors upon determination by the Board taking all relevant facts into consideration that the public interest is served by the granting of the relief. Such application shall be made to the Development Services Department and a recommendation made to the Board of Supervisors.”

- VII.** S 04-0014 R – T-Mobile Co-Location (Carl E. Greenhalgh/Jason Osborne – Nextlink T-Mobile/TRK Engineering): a request for a special use permit revision to allow collocation of one (1) two-foot diameter microwave antenna at the 112-foot level of an existing 115-foot Pacific Gas and Electric utility transmission tower. The tower already supports cellular service. No modifications are proposed to the existing equipment cabinets or fenced lease area, as the additional equipment supporting the microwave antenna will be located within an existing cabinet. The property, identified by Assessor’s Parcel Number 126-231-08, consists of 5.18 acres, and is located on the north side of Ethel Drive approximately ¼ mile west of the intersection with Clarksville Road, in the Green Springs Ranch area of Rescue.

Pete Johnson, representing the applicants, was available for questions and review of the project.

It was moved by Mr. Walker and seconded by Mr. Bacchi to recommend APPROVAL of S 04-0014R, 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*

Motion passed.

AYES: Bacchi, Draper, Pratt, Walker, Boeger

NOES: None

ABSENT: Ward

VIII. S 08-0030 – Birt’s American Bulldogs (Charles & Arlene Birt): a request for a special use permit revision to allow operation of a non-commercial kennel to raise and train American Bulldogs. This operation has no employees and is intended solely as a hobby for the owners. The dogs are occasionally bred and the pups presold from a waiting list. Currently, there are ten adult dogs on the premises. With this permit, the maximum number of dogs allowed would be 20. The property, identified by Assessor’s Parcel Number 046-041-81, consists of 40.00 acres, and is located on the north side of Sand Ridge Road approximately 1.9 miles southwest of the intersection with Bucks Bar Road, in the Placerville area.

Staff reported on a site visit. There are currently four to six, small, moveable kennels near the primary residence. There did not appear to be any issues that would prohibit the expansion of their operation, especially pertaining to agriculture.

Bill Stephans told the Commission that County Counsel wanted to make a clarification that although the application says, “a non-commercial kennel” if the animals were being sold, through the internet, or any other process, it would be considered a commercial operation.

Charles Birt explained further details of their project. He and his wife are the owners of the number one American Bulldog. They actually do not want customers coming to the property because it would increase chances of disease to their animals. They only breed the animals when they have a request to purchase one, with most, being sold outside of the county. He stressed that this is a hobby only and he has no plans to build a permanent facility.

It was moved by Mr. Bacchi and seconded by Mr. Pratt to recommend APPROVAL of S 08-0030, 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.*

Motion passed.

AYES: Pratt, Walker, Bacchi, Draper, Boeger
NOES: None
ABSENT: Ward

- IX.** General Plan Policy 8.1.3.1 and 8.1.3.2 – On February 3, 2009, during the regularly scheduled BOS meeting, a motion was made by Supervisor Sweeney and seconded by Supervisor Nutting to “Direct staff to return to the Board on February 24, 2009 with the Ag Commission’s criteria including modifications to apply that criteria to be utilized for RR, NR, OS & AL Land Use Designations.” During the February 24, 2009 BOS meeting, the item was continued until March 24, 2009, to allow the Agricultural Commission time to review the motion and to formulate their recommendation.

To address the motion, Planning and Ag department staff met and formulated the following criteria based on various projects that have come before the Commission within the last several years since the adoption of the General Plan. Staff believes the use of these criteria will allow the creation of smaller buffer parcels when appropriate.

DRAFT Criteria for the Consideration of a Reduction of Minimum Parcel Size Agricultural Buffer Requirement of Policy 8.1.3.1 in the Rural Regions of the County

The decision-making authority may approve a reduction of the minimum parcel size requirement pursuant to Policy 8.1.3.1 in the Rural Regions of the County as designated on the Land Use Diagram of the General Plan if all of the following criteria have been met:

1. The proposed development is consistent with the existing land use designation;
2. The adjacent agriculturally zoned land is not located within an Agricultural District or designated AL, Agricultural Land;
3. The adjacent agriculturally zoned land does not have an active agricultural operation; and
4. The adjacent agriculturally zoned land scores less than 60 points utilizing the Procedure for Evaluating the Suitability of Land for Agricultural Use as adopted by El Dorado County or the Agricultural Commission finds that 70% of the agriculturally zoned land is unsuitable for agriculture.

Directly prior to this meeting, staff was made aware of an alternative proposal which was formulated by several members of the public. The proposed language included two alternatives as stated below:

General Plan Policy 8.1.3.1 – Policy Interpretation and Guidance for NR, RR, OS & AL Land Use Designations (Draft 2/19/09)

- 4) General Plan Policies 8.1.3.1 and 8.1.3.2 will apply where a proposed project;
 - a) is located adjacent to an agriculturally-zoned parcel within the RR, NR, OS or AL land use designations, and
 - b) the Ag Commission recommends and the Board of Supervisors determines that the agriculturally-zoned parcel meets the criteria identified in the General Plan for agricultural lands (actual or potential croplands, actual or potential grazing lands, or Williamson Act Contract lands).

-OR-

- 4) Where a project is located adjacent to an agriculturally-zoned parcel within the RR, NR, OS or AL land use designation which meets the General Plan criteria for agricultural lands (actual croplands, potential croplands, actual grazing lands, potential grazing lands or lands under Williamson Act contracts), then the buffer requirements of Policy 8.1.3.1 and 8.1.3.2 will apply.

To recommend the best criteria possible, staff presented both staff's criteria and the public alternative to the Agricultural Commission. No one that worked on the "alternative" proposal was present to answer questions or to show how their alternative process would be implemented by staff.

As background to the issue, staff gave a brief description of the original argument that supported the Board's adopted interpretation of Policy 8.1.3.1. The recent interpretation includes the General Plan Land Use designations of: MFR, HDR, MDR, LDR, C, R&D, I, TR, AP, or PF. The adoption of the policy interpretation and guidance by the Board did not include the General Plan Land Use designations of RR, NR, OS and AL. As discussed, "archaic" zoning that did not conform to the 2004 General Plan Land Use designations was used to bolster the argument that the adopted Land Use of the General Plan should take precedence over agriculturally zoned lands that are assigned an urban or other non-agricultural land use. If an agriculturally zoned parcel has a land use designation of AL (Agricultural Lands), then the zoning would be consistent with the Land Use designation. Based on this analysis, Commission members questioned staff as to why a parcel would be considered to be created less than ten acres next to an ag zoned parcel with an AL land use designation. After discussion, the Commission and staff felt that since the ag zoned parcel is consistent with the land use map, consideration to create a parcel less than 10 acres is not appropriate if the intent of the General plan is to buffer a current or potential ag operation. The Commission agrees with the staff's criteria section 2 to exclude AL designated lands since those parcels must have been analyzed using General Plan Policy 8.1.1.8.

In reviewing the "alternative" proposal, questions arose as to how the first alternative (the one containing 4 a) & b)) would be implemented by staff when it appears that section b) requires the Ag Commission to recommend and **then** (*emphasis added*) the Board determines that the agriculturally zoned parcels meets the criteria identified in the General Plan for agricultural lands. Bill Stephans stated the only criteria staff has been able to identify in the

General Plan regarding ag lands is Policy 8.1.1.8, which sets forth generalized criteria for lands assigned the AL land use designation. If staff is correct and this is the policy that is referenced in section 4 b), then parcels determined to meet one or more of the General Plan Policy 8.1.1.8 criteria could require a General Plan amendment to change the land use designation to AL even if the parcel was assigned other land use designations (even urban and other non-agricultural land uses).

Commission Member Pratt stated that he liked the “potential cropland” and “potential grazing lands” mentioned in the alternative criteria section 4), after the “-OR-.”

Discussion ensued regarding staff’s criteria #4, which proposes to utilize *The Procedure for Evaluating the Suitability of Land for Agricultural Use*, to determine the agricultural capability of the parcel. The Commission Members supported the idea, agreeing that it was a quantitative method of determining agricultural suitability that has been used over a very long period in El Dorado County. There was some discussion regarding the 60 point score and whether or not the value is appropriate. Since this score is identified in the procedure as the threshold, staff and the Commission felt that it was a defensible number to include. The concept of using a graduated scale, to determine appropriate parcel sizes adjacent to agricultural lands was discussed and may be further evaluated if appropriate.

Mr. Boeger opened up the forum for public comment.

Sue Taylor expressed her concerns regarding Policy 8.1.3.1. She stated that when the Community Region lines were drawn, there were active agricultural operations that had agricultural land use designations, that were encased within the Community Region boundaries, and when the 2004 General Plan went into effect, those historic agricultural land use designations were changed to HDR (High Density Residential) to be consistent with the Community Region intent. She recently attended the workshop for General Plan Implementation where she reminded the Board that when they signed the 2004 General Plan there was a Resolution with a statement that acknowledged “landowner expectations arising from historic County land use planning.” She is concerned that land owners who expected protection using the ten acre buffers, independent of where they are located, will no longer enjoy those protections. She expressed her confusion over the entire matter, stating that the Ag Commission is only a recommending body. She questioned why the Board of Supervisors would not want to hear the Ag Commission’s recommendations even when the project is in Community Regions or Rural Centers. She also wondered why the County was spending time whittling away at the Ag protection policies in the General Plan, when the El Dorado County residents voted for the Ag policies as they are. Ms. Taylor mentioned the upcoming General Plan Implementation Workshop on agricultural issues scheduled for March 23, 2009 at the Board of Supervisors.

The Commission Members further discussed the criteria options before them and what they would recommend to the Board. It was suggested that staff could bring forward the draft criteria that they had developed as the recommended option that includes some clarification that the Ag Commission hear the projects that are adjacent to agriculturally zoned lands with land use designations of RR, OS and NR. Projects that are adjacent to agriculturally zoned

parcels that have an AL land use designation should not be considered. Further, if the Board does not accept staff's criteria as their preferred option, then the Commission directed staff to request an amendment to the alternate proposal regarding the second criteria section 4) with the deletion of "meets the General Plan criteria" and the insertion of "scores 60 points or greater utilizing the Procedure for Evaluating the Suitability of Land for Agricultural Use". This amendment would direct the use of a long standing defensible quantitative process rather than generalized criteria.

Mr. Walker voiced his support of staff's draft criteria. He stated that it allows the Commission flexibility when analyzing projects before them and allows them to recommend a smaller parcel next to agriculturally zoned land, if a smaller parcel is appropriate.

Bill Stephans agreed with Commission Member Walker's assessment and stated that was always staff's intention; to allow for the consideration of parcels less than 10 acres adjacent to ag zoned lands if and when appropriate.

It was moved by Mr. Walker and seconded by Mr. Draper to recommend staff's Criteria for the Consideration of a Reduction of Minimum Parcel Size Agricultural Buffer Requirement of Policy 8.1.3.1 in the Rural Regions of the County with the incorporation of clarifying language to require the Agricultural Commission to publically hear projects and make the recommendations to the decision making authority and give authority to Bill Stephans to recommend modified language of the alternative criteria only if the alternative proposal is supported by the Board of Supervisors.

AYES: Bacchi, Draper, Pratt, Walker, Boeger
NOES: None
ABSENT: Ward

As modified by the motion, Agricultural Commission Recommended Draft Criteria March 11, 2009:

Criteria for the Consideration of a Reduction of Minimum Parcel Size Agricultural Buffer Requirement of Policy 8.1.3.1 in the Rural Regions of the County:

The County Agricultural Commission, after conducting a public hearing, may consider recommending to the decision-making authority the creation of a parcel(s) less than 10 acres adjacent to agriculturally zoned lands pursuant to the requirements of General Plan Policy 8.1.3.1 in the Rural Regions of the County as designated RR, OS or NR on the Land Use Diagram of the 2004 General Plan if all of the following criteria have been met:

1. The proposed development is consistent with the existing land use designation;
2. The adjacent agriculturally zoned land is not located within an Agricultural District or designated AL, Agricultural Land;
3. The adjacent agriculturally zoned land does not have an active agricultural operation; and
4. The adjacent agriculturally zoned land scores less than 60 points utilizing the

Procedure for Evaluating the Suitability of Land for Agricultural Use as adopted by El Dorado County or the Agricultural Commission finds that 70% of the agriculturally zoned land is unsuitable for agriculture.

X. Draft Ranch Marketing Ordinance – Review and Discussion

Bill Stephans stated, for public benefit, that the reason the Ranch Marketing Ordinance is being rewritten is because of a direction from the Board of Supervisors and to make it consistent with the General Plan as adopted. A coalition from the industry helped with drafting the proposed ordinance. It may be appropriate to make it consistent with the format of the Winery Ordinance.

Mr. Walker suggested that the Commission wait until the various organizations had offered their recommendations and suggestions before the Commission discusses the proposed ordinance line by line.

Mr. Bacchi asked staff how “animal husbandry” fits into the Ranch Marketing draft.

Bill Stephans suggested a meeting with individuals from the cattle industry to further consider how “animal husbandry” will be covered and to identify areas within the county that might be protected by “grazing districts” if appropriate. Discussion of high intensity and low intensity operations took place.

Mr. Draper asked about TPZ zoning and asked that it be included in the draft Ranch Marketing Ordinance since many Christmas tree farms are on TPZ land. Bill Stephans agreed and thought that it was just overlooked in the draft..

XI. LEGISLATIVE ISSUES

- Williamson Act Contract Subventions
- SB 715 (Wolk) – Agricultural land: Williamson Act
- AB 443 (Galgiani) – Apple pests: pest and disease prevention
- AB 268 (Gaines) – Onsite sewage treatment systems

XII. CORRESPONDENCE

- Local Agency Formation Commission – comment request regarding Clarksville Annexation to the El Dorado Irrigation District
- AB 885 Proposed Regulations – letter sent to Todd Thompson, P.E. State Water Resources Control Board regarding Onsite Wastewater Treatment Systems Regulations.

Bill Stephans told the Commission that their comment letter regarding AB 885 was forwarded to Board of Supervisor Chair Ron Briggs. He mailed the letter on behalf of the Commission.

XIII. OTHER BUSINESS

- Boundary Line Adjustment Application BLA 09-0006 – Angela Amato
- Ag Review Panel met March 2, 2009 regarding Agricultural Commission member vacancy position in the Fruit and Nut Farming Industry – recommendation to the Board of Supervisors – with approval, Ron Mansfield will fill the position.
- Monday, March 23, 2009 – General Plan Implementation Workshop/Agricultural Issues

Bill Stephans gave a brief description of agricultural implementation measures that he feels should take top priority and that will be discussed at the workshop. He encouraged the Ag Commission Members to attend the workshop, and anyone else interested in supporting the agricultural community. One of the implementation measures of top priority is Measure AF-F, establishing a threshold of significance for the loss of agricultural land, and a means of mitigating that loss. The second measure of importance is Measure AF-E and AF-D, the identification of grazing lands and the development of programs to ensure their long term viability and protection. One idea to protect grazing lands is to develop Grazing Districts as a way of protecting suitable grazing lands. The third item that has been identified as a top priority is Measure AF-J, the modification of the Ag District boundaries as appropriate. A study has been completed to determine what lands would be suitable for inclusion into an agricultural district.

XIV. ADJOURNMENT

There being no further business the meeting was adjourned at 10:00 p.m.