



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
Tom Heflin – Fruit and Nut Farming Industry
Gary Ward – Livestock Industry

MINUTES

May 14, 2008
6:30 P.M.

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

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

Members Absent: None (Chair Boeger absent for Items I-V)

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

Staff Members Present: Nancy Applegarth, Clerk to the Ag Commission
Chris Flores, Ag Biologist/Standards Inspector

Pierre Rivas, Development Services/Planning
Monique Wilber, Development Services/Planning

Others Present: Clarence Alvis, Ted Bechard, Crista Campbell, Don Carter,
Alfonso P. Elena, Ethan Koerigs, Linnea Marengo, Art
Marinnacio, Cindy Shaffer

I. CALL TO ORDER

The meeting was called to order at 6: 30 p.m. by Lloyd Walker, Chair Pro Tem.

II. APPROVAL OF AGENDA

Bill Stephans stated that after further review, a change was made to the staff recommendation on Item VII.; Blackhawk Estates (Bruce & Diane Wirtanen/Larry Patterson). RE5 zoning was requested by the applicant on the entire parcel with three land use designations (LUD) on the parcel, MDR, LDR and RR. The RE5 zoning is not appropriate in the RR land use designation because the General Plan parcel size for this LUD is 10 to160 acres, not five acres. The amended staff recommendation was based on this information.

It was moved by Mr. Heflin and seconded by Mr. Pratt to APPROVE the Agenda with the amended staff recommendation on Item VII. Motion passed.

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

III. APPROVAL OF MINUTES

Minutes of April 9, 2008

It was moved by Mr. Bacchi and seconded by Mr. Pratt to APPROVE the Minutes of April 9, 2008.

AYES: Bacchi, Draper, Pratt, Heflin, Walker, Ward

NOES: None

ABSENT: Boeger

IV. PUBLIC FORUM

Art Marinnacio spoke regarding an ad hoc committee which is being formed to identify some regulatory reforms regarding permits and processes, such as the special use permit process and Zone Change process.

V. Ranch Marketing/Winery Ordinance Update

Bill Stephans has met with the Ranch Marketing committee on a regular basis and stated that both the Ranch Marketing and Winery Ordinance committees have discussed streamlining the permit process and are working toward that goal. A proposed draft from the Ranch Marketing committee will soon be offered which may also be analyzed with the Winery Ordinance. The RFP for an EIR was sent out for the Winery Ordinance within the last week or two. The proposals may be presented to the Board of Supervisors in July or August.

VI. Discussion of General Plan Policy 8.1.3.1 continued from April 9, 2008 Agricultural Commission meeting

**Note: Mr. Boeger arrived at this point and it was agreed that he would chair the meeting after discussion of this item.*

“Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.”

Ag staff had presented Draft Relief Findings Criteria for General Plan Policy 8.1.3.1 with two options and questions for the Agricultural Commission’s consideration at the April meeting.

Proposed Draft Option A – Findings criteria to be contained in a Resolution adopted by the Board of Supervisors by adding an authorizing statement within the General Plan policy:

Proposed Draft Option B – Findings criteria to be contained in General Plan Policy 8.1.3.1.

Bill Stephans asked for any suggestions or changes the Ag Commission members might have after their consideration of the proposed options and their choice of either Option A or B.

Pierre Rivas stated that after review of both options by the Planning staff, they believe Option A would be more advantageous as it provides additional flexibility to amend the findings if any changes are necessary to accommodate new circumstances as they arise. He suggested that additional language (underlined here) should be included in the proposed authorizing statement in General Plan Policy 8.1.3.1 "...A parcel size of less than 10 acres may be considered, if the approving authority finds the parcel meets certain criteria and/or findings that are recommended by the County Agricultural Commission and adopted by the Board of Supervisors." Mr. Rivas also suggested similar language be included in the criteria preamble where it is stated, "the County Agricultural Commission may consider recommending to the approving authority the creation of a parcel(s) less than 10 acres adjacent to agriculturally zoned lands when the Commission finds..."

Art Marinaccio agreed with planning staff's suggested additions stating that the Agricultural Commission should be an advisory body only. He recommended that where it is stated under Option A, section 1) "The parcel adjacent to the agriculturally zoned land is within an existing General Plan Community Region or Rural Center and will not intensify conflict with an adjacent agricultural operation" to omit "*and will not intensify conflict with an adjacent agricultural operation*". He believes the deletion of this finding would help reduce processing time and expense that projects are requiring due to unclear General Plan policies and limited staff time. He also stated that CEQA requires an analysis of each project's effects on agriculture so the statement in the criteria is not necessary

Bill Stephans explained that the language Mr. Marinaccio suggested omitting was included because an analysis showed that some parcels in Community Regions and Rural Centers are adjacent to existing agricultural operations and/or agricultural districts. A previous Powerpoint presentation to the Commission showed that only approximately 8-9% of parcels in Community Regions or Rural Centers could be affected by this policy since many parcels were already smaller than 10 acres. It was staff's opinion that although parcels are in Community Regions or Rural Centers, an analysis would have to be completed as to the effects of the creation of a smaller parcel directly adjacent to agricultural operations. A good example of an agricultural operation adjacent to a Community Region (Placerville) is Greg Boeger's vineyard. These agricultural operations need to be considered prior to allowing a smaller parcel. That is why staff proposed the finding that a project will not intensify conflicts with an adjacent agricultural operation.

A Commission member asked for staff's opinion as to the definition of "*intensify conflicts*." He cited a specific project that was approved, and for the sake of one more parcel, the applicant split up the ten-acre buffer against an existing long-term agricultural operation.

Bill Stephans explained that the project the Commission member referred to may not intensify future conflicts as the one house was already built on the parcel directly adjacent to

the agricultural operation and the split was going to place the newly created parcel away from

the agricultural operation which would not increase the “intensity” of the land use directly adjacent to the agricultural operation. This was a finding the Board of Supervisors made in order to allow the project and the requested parcel split to proceed.

There was discussion regarding the necessity to treat Community Regions and Rural Centers differently since they were created in the General Plan to satisfy different needs and some Rural Centers are surrounded by Ag Districts.

Bill Stephans stated that based on staff analysis there are Ag Districts adjoining Community Regions (i.e. the Placerville Community Region is adjacent to the Camino Ag District).

A Commission member was concerned that by adding the criteria to policy 8.1.3.1 the Ag Commissions’ ability to make recommendations might be hindered or limited. Bill Stephans stated that it the intent of the proposed criteria to only provide a mechanism that allows the Ag Commission, in very narrow circumstances, to consider the creation of a parcel less than ten acres. There is currently no ability to consider the creation of a parcel less than 10 acres if the parcel is adjacent to Ag land. The proposed criteria will give the Commission the ability to analyze each proposal to see if a smaller parcel does make sense in certain situations. The intent of the proposed criteria is to provide a way to allow smaller parcels when warranted. Pierre Rivas suggested that additional language be included which would give the Commission the authority to recommend “conditional” approval of a smaller parcel. Bill Stephans stated that in his opinion, the additional language is not necessary because the ordinance creating the Commission already empowers the Commission to recommend conditions to a project that will protect agricultural lands.

Motion #1:

It was moved by Mr. Boeger and seconded by Mr. Ward to recommend to the Board of Supervisors to initiate a General Plan Amendment as outlined in the Proposed Draft Option A (Attachment A) - by adding an authority statement within the General Plan Policy 8.1.3.1 to allow the creation of a parcel less than ten (10) acres adjacent to agriculturally zoned parcels and to adopt findings criteria through a Board Resolution. Motion passed.

AYES: Bacchi, Draper, Pratt, Heflin, Walker, Ward, Boeger

NOES: None

ABSENT: None

Motion #2:

It was moved by Mr. Heflin and seconded by Mr. Bacchi, to 1) Include Planning staff’s suggested language regarding “the approving authority” to Proposed Draft Option A authorizing statement in General Plan Policy 8.1.3.1 and the proposed criteria guidelines preamble; 2) Retain “and will not intensify conflict with an adjacent agricultural operation” in Section A) of the criteria; 3) Recommend to the Board of Supervisors to

adopt the findings relief criteria for the required 10 acre buffer by resolution with the additional language (Attachment A). Motion passed.

AYES: Bacchi, Draper, Pratt, Heflin, Walker, Ward, Boeger

NOES: None

ABSENT: None

- VII. Z 08-0004/TM 08-1466 – Blackhawk Estates** (Bruce & Diane Wirtanen/Larry Patterson)
A request to rezone from AE (Exclusive Agricultural) to RE-5 (Estate Residential Five-Acre) and a tentative subdivision map to create nine (9) lots ranging in size from 5.0 acres to 11.5 acres. The property, identified by Assessor's Parcel Number 078-200-71, consists of 74.38 acres, and is located on the east side of Mt. Aukum Road approximately 0.25 miles east of the intersection with Pleasant Valley Road, in the Pleasant Valley area. (District 2)

Staff reported on the site visit. On the Blackhawk Estates Tentative Map, proposed lots 3, 4, 5, 6 and 7, are all adjacent to agriculturally zoned land and comply with GP Policy 8.1.3.1, as the proposed parcels are 10 acres or greater. Proposed lots 1 and 9 are not in compliance with the GP Policy, as they are adjacent to AE zoned lots and are proposed to be less than 10 acres (5.92 and 5.1 acres respectively). General Plan Policy 8.1.3.2 requires a minimum setback of 200 feet for any incompatible use (i.e. a single family residence), adjacent to agricultural zoned lands. Proposed lots 2, 4, 5, 6 and 7, are affected by this policy. There is no agricultural operation occurring on the parcel at this time. Mr. Wirtanen, the co-owner of the subject parcel, stated during staff's site visit, that he had attempted to grow apples on 4 acres of his property, from 1991 to 2000, but was unable to make any money due to low temperatures. The parcel has choice agricultural soils, but is not in an agricultural district. Proposed lots 1, 2, 7, 8 and 9 have a Land Use Designation of LDR (Low Density Residential) as assigned by the land use map for the 1996 General Plan.

Bruce Wirtanen, the applicant, asked that Lots 1 and 9 be rezoned to RE-5. He started the non renewal of the Williamson Act contract in 1992, and after the completion of the roll-out found that there were conflicts with the General Plan. Issues described to the Commission included setbacks, smaller AE zoned parcels, multiple land use designations, ten acre buffer requirements, and incompatible uses within the agricultural setbacks on parcels adjacent to his property.

Mr. Wirtanen asked that the Commission approve the existing map, or at least recommend that Planning staff look at rezoning the existing three-acre AE parcels to appropriate zoning.

Several neighbors were present to oppose the project. All of the individuals that spoke against the project thought the intensity of the development was far greater than the area should have. There has been a history of cattle, goats and sheep grazing on parcels adjacent to the subject property. Don Carter, representing the owner of the adjacent AE parcel to the north, stated that the property was used for grazing livestock and that as a young man, he worked on the subject property moving irrigation pipe that was used to water pasture land for cattle. During that time, it was the general practice to move cattle from one paddock to another so as not to overgraze the area. Other neighbors stated that their concerns were

regarding water issues and contamination from runoff from possible landscaping projects into Clear Creek. One individual expressed his concerns that there would be additional noise

due to the increase in residential uses and that the project would create an island of residential uses in a rural agricultural area. The owner of one of the small (3 acre) AE zoned parcels spoke in support of the project but stated that he would not rezone his AE parcel.

Staff clarified that the findings can be made as required by Policy 8.1.4.1 for certain portions of the project and that the project will not create an "island" of agricultural lands but may create an intrusion of residential uses into an agricultural/rural setting.

It was moved by Mr. Walker and seconded by Mr. Ward to recommend APPROVAL of Z 08-0004 – Blackhawk Estates (Bruce & Diane Wirtanen/Larry Patterson) request to rezone from AE (Exclusive Agriculture not currently in contract) to RE-5 (Estate Residential Five-Acre) within the LDR/MDR (Low Density and Medium Density Residential) Land Use Designations and to RE-10 (Estate Residential Ten-Acre) within the RR (Rural Residential) Land Use Designation, so that the proposed zoning is consistent with the underlying Land Use Designations of the parcels, as all of the required findings from General Plan Policy 8.1.4.1 can be made:

A. the rezone will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and

B. the rezone 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. the rezone will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

The Agricultural Commission further recommends DENIAL of TM 08-1466 the tentative parcel map as proposed, until the adjacent AE zoned parcel is rezoned to something other than agriculture, or Lots 1 and 9 are combined to create a parcel 10 acres or greater and is rezoned to RE10 to comply with General Plan Policy 8.1.3.1. All other parcels proposed in the tentative map are consistent with all applicable agricultural policies and recommends that the required 200 foot agricultural setbacks contained in General Plan Policy 8.1.3.2 be imposed on all newly created parcels adjacent to agriculturally zoned lands as the policy 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. Motion passed.

AYES: Draper, Walker, Ward, Boeger

NOES: Bacchi, Pratt, Heflin

ABSENT: None

VIII. P 08-0007 – Marshall Parcel Map (Wayne J. & Jane L. Marshall/Stanley L. Wells/Bob Olson): A request for a parcel map to create two (2) lots, each 10.007 acres in size. This project replaces COC 06-0116 which County Counsel determined could not be processed. The property, identified by Assessor's Parcel Number 098-170-09, consists of 20.23 acres,

and is located on the south side of Pleasant Valley Road ½ mile east of the intersection with Oak Hill Road, in the Pleasant Valley area. (District 3)

Staff gave the site visit report. Due to the TPZ zoned parcel to the northwest and in compliance with General Plan Policies 8.4.1.1 and 8.4.1.2, this parcel split request must be heard by the Agricultural Commission. The TPZ zoned parcel (APN 098-160-44) consists of 5.31 acres, has a Land Use Designation of MDR (Medium Density Residential) and is in the Oak Hill Rural Center. Although the parcel has active TPZ zoning, the property is not being managed for its timber and has a single family residence. General Plan Policy 8.4.1.1 states, in part, that “The subdivision of lands adjacent to...lands zoned TPZ containing 40 acres or less located generally below 3000 feet in elevation may be considered for the creation of new parcels containing not less than 10 acres, as appropriate.” The Marshall’s proposal to create two 10 acre parcels would comply with this GP policy, as the TPZ zoned parcel is less than 40 acres and is below 3000 feet in elevation, and the parcels being created would not be less than 10 acres. 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 zoned Timberland Production Zone (TPZ). These setback areas...shall be delineated on newly recorded parcel or subdivision maps. The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet...”

Mr. Draper referred to a letter he had submitted to the Commission for their information. He was hired as a Registered Professional Forester, to provide an assessment for the neighboring Timber Production Zoned parcel (APN 098-160-44) and had advised at that time that the property would not sustain an economically viable commercial Christmas tree farm or harvestable timber. He supports a reduced setback of 100 feet.

It was moved by Mr. Pratt and seconded by Mr. Heflin to recommend APPROVAL of P 08-0007 – Marshall Parcel Map (Wayne J. & Jane L. Marshall/Stanley L. Wells/Bob Olson) request for a parcel map to create two (2) lots, each 10.007 acres in size as the proposed parcel sizes are in compliance with General Plan Policy 8.4.1.1, and the following findings in General Plan Policy 8.4.2.1 can be made:

- A.) The proposed creation of two (2) parcels will not be detrimental to the adjacent TPZ parcel for long-term forest resource production value or conflict with forest resource production in the general area;***
- B.) The proposed creation of two (2) parcels will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;***
- C.) The proposed creation of two (2) parcels will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;***
- D.) The proposed creation of two (2) parcels will not hinder timber production and harvesting access to water and public roads or otherwise conflict with continuation or development of timber production harvesting; and***
- E.) The proposed creation of two (2) parcels will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands***

In addition, the Commission recommends a 100 foot setback for incompatible uses. Motion passed.

AYES: Pratt, Heflin, Walker, Ward, Draper, Bacchi, Boeger

NOES: None

ABSENT: None

- IX. Z 08-0011 – Jose Wine Cave Zone Change** (Alfonso P. Elena/Ted Bechard): A request for a rezone to change the zoning from RA-20 (Residential Agricultural-20 Districts) to PA (Planned Agricultural Districts). The property, identified by Assessor’s Parcel Number 088-440-13, consists of 40.01 acres, and is located on the west side of Prospectors Road approximately 1 mile north of the intersection with Marshall Grade, in the Coloma area. (District 4)

Staff reported on the site visit. According to the El Dorado County Zoning Ordinance 17.36.110, the purpose of Planned Agricultural Districts is, “...to provide for the orderly development and protection of lands having sufficient space and conditions, compatible to horticulture, husbandry and other agricultural pursuits and to promote and encourage these pursuits by providing additional opportunities for the sale, packing, processing, and other related activities which tend to increase their economic viability...” Ordinance 17.36.150 Development Standards, lists criteria that the establishment of agricultural zoning shall be based upon (at least one of the criteria must be met): 1) The capability of land for agricultural production – what type of soil is on the site and is it “Choice” agricultural soil according to the “Soil Survey of El Dorado area, California?”, or” 2) What is the present land use? – is the land being actively used for agricultural purposes and does it meet the criteria for an agricultural preserve? Where is the parcel located in relation to other land uses? – The policy states that “Land that is within an agricultural area or adjacent to agriculturally zoned lands may be recommended for agricultural zoning.” *Note: under Present Land Use, the policy states, “Additionally, when lands do not qualify as agricultural under capability criteria 1, or the above (present land use criteria 2 – *added*), they may be zoned agricultural if recommended by the agricultural commission.” Although the soils on the site are not considered “Choice” agricultural soils, the land is actively being used for agricultural pursuits. The owner of the parcel has planted approximately 2 acres of wine grapes and has plans to increase the acreage to 12 acres total.

Alfonso P. Elena was present to answer any questions by the public or Agricultural Commission members.

It was moved by Mr. Pratt and seconded by Mr. Bacchi to recommend APPROVAL of P 08-0011 Jose Wine Cave zone change (Alfonso P. Elena/Ted Bechard) request for a rezone to change the zoning from RA-20 (Residential Agricultural-20 Districts) to PA (Planned Agricultural Districts) as the applicant has demonstrated his intent to operate an agricultural enterprise through his current and planned agricultural pursuits. Motion passed.

AYES: Helfin, Walker, Ward, Bacchi, Draper, Pratt, Boeger

NOES: None

ABSENT: None

X. LEGISLATIVE ISSUES

Copies of AB2168, AB2760, AB 2763 and SB1723 status reports were handed-out; many of them dealing with the light brown apple moth. Bill Stephans also spoke regarding a judges ruling in Santa Cruz to stop the spraying of pheromones, also the Superior Court in Monterey County has prohibited the aerial spraying and has required a full Environmental Impact Report. The Department of Pesticide Regulation is sponsoring a bill that would require the recycling of containers used for agricultural pesticides by requiring recycling centers for those containers. The recycled containers would not be used for consumer products other than new pesticide containers.

XI. CORRESPONDENCE

- LAFCO – Bass Lake estates annexation to EID

XII. OTHER BUSINESS

- 08-0018 Boundary Line Adjustment application – Thomas R. VanNoord
- The Board of Supervisors adopted Ordinance 4769 amending Section 2.18.030 of Title 2, Ex-Officio Members and also the amendments to the Agricultural Commission By-Laws Section 5(g) “Officers” regarding a Registered Professional Forester as an ex officio member whenever the Forest and Related Industries representative is not a Registered Professional Forester.
- Lease agreement with Milburn Reed submitted by Guy Shaver – verification by site visit will be completed May 23, 2008.

XIII. ADJOURNMENT

There being no further business, Chair Boeger adjourned the meeting at 8:37 p.m.

APPROVED: Greg Boeger, Chair

Date: June 11, 2008

The Agricultural Commission recommends that findings criteria be contained in a Resolution by adding an authorizing statement within General Plan Policy 8.1.3.1 through a General Plan Amendment.

General Plan Policy 8.1.3.1: *“Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. A parcel size of less than 10 acres may be considered, if the approving authority finds the parcel meets certain criteria and/or findings that are recommended by the County Agricultural Commission and adopted by the Board of Supervisors. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.”*

The criteria below are recommended by the Agricultural Commission for adoption by a Board of Supervisors resolution:

Pursuant to the 2004 General Plan Policy 8.1.3.1, the County Agricultural Commission may consider recommending to the approving authority the creation of a parcel(s) less than 10 acres adjacent to agriculturally zoned lands when the Commission finds that the following exists:

- A) The parcel adjacent to the agriculturally zoned land is within an existing General Plan Community Region or Rural Center and will not intensify conflict with an adjacent agricultural operation; or*
- B) The agriculturally zoned parcel is zoned Exclusive Agriculture (AE) or Agricultural Preserve (AP); and*
 - i. The agricultural parcel is no longer under contract and the Agricultural Commission determines that the surrounding parcels are residential/nonagricultural in nature and are not suitable for an agricultural operation; or*
 - ii. The parcel was assigned an urban or other nonagricultural use in the Land Use Map for the 1996 General Plan(LDR, MDR, HDR, MFR, C, TR, RD, AP or PF); or*
- C) The agriculturally zoned parcel is less than 10 acres in size and is not being used for agricultural operations; or*
- D) The Agricultural Commission determines that the surrounding parcels are residential/nonagricultural in nature and are not suitable for an agricultural operation; or*
- E) The parcel was assigned an urban or other nonagricultural use in the Land Use Map for the 1996 General Plan; and*
- F) The proposed parcel size is consistent with the General Plan Land Use designation; and*
- G) The proposed parcel will not intensify conflict with an adjacent agricultural operation; and*
- H) The agriculturally zoned land area contains less than 20% choice soils; or*
 - l) The Agricultural Commission determines that there is currently no agricultural activity on the agriculturally zoned parcel(s) adjacent to the subject parcel and that the conversion to a low or high intensive farming operation is not likely to take place due to soil and/or topographic characteristics of the adjacent agriculturally zoned parcel(s)*