



# 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*  
*Tim Neilsen, Livestock Industry*  
*John Smith – Fruit and Nut Farming Industry*

## MINUTES

June 9, 2014  
6:30 P.M.

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

**Members Present:** Bacchi, Boeger, Smith, Walker, Mansfield, Neilsen, Draper

**Members Absent:** None

**Ex-Officio Members Present:** Charlene Carveth, Agricultural Commissioner

**Media Members Present:** None

**Staff Members Present:** LeeAnne Mila Deputy Agricultural Commissioner  
Roger Trout, Community Development/Planning  
Chris Flores, Senior Agricultural Biologist  
Myrna Tow, Clerk to the Agricultural Commission

**Others Present:** Karen Guthrie, Charles King, Doug Bonetti, Dana Murphy, Mark Leja, Peter & Marlina Reese, JP Cliff Carroll, Jan Brown, James Sholl, Christelle Beroud, Beruitce Karol, Mary Cox, Dee Karla, Nancy Neilsen, Lisa Cundall, Leigh Strohn, Dave Cook, Paul Stanfil, Linda Stanfil, Erika Hubert, Jodi Wicks, Josh Wicks, R & R Robinson, Bill Dougherty, Linda & Alan Baracco, Denise Kmetz, Nancy Dougherty, David defroster, Nello Olivo, Danica Olivo, Hope Leja

### I. CALL TO ORDER

- Chair, Greg Boeger, called the meeting to order at 6:36 p.m.

### II. APPROVAL OF AGENDA

***It was moved by Mr. Neilsen, and seconded by Mr. Draper, to approve the Agenda of June 9, 2014 as submitted.***

- Chair, Greg Boeger, called for a voice vote for approval of the Agenda of June 9, 2014

**AYES:** Bacchi, Smith, Walker, Boeger, Neilsen, Mansfield, Draper  
**NOES:** None  
**ABSENT:** None

### III. APPROVAL OF MINUTES

- Minutes of May 14, 2014

***It was moved by Mr. Bacchi, and seconded by Mr. Smith, to approve the Minutes of May 14, 2014 as submitted.***

- Chair, Greg Boeger, called for a voice vote for approval of the Minutes of May 14, 2014

**AYES:** Bacchi, Smith, Walker, Boeger, Mansfield, Neilsen, Draper  
**NOES:** None  
**ABSTAIN:** None

### IV. PUBLIC FORUM- No comments were received

- V. **V14-0003; BALDIVID POOL AG SETBACK, Assessor's Parcel Number 070-131-36 & 070-131-57** Planning Services has requested a review and recommendation by the Agricultural Commission for a request to reduce an agricultural setback for the installation of a swimming pool, located on a 12 acre parcel off of Carlson Drive in the Shingle Springs area. The subject parcel is located adjacent to a parcel with Exclusive Agricultural (AE) zoning. The applicant is requesting a reduction in setback from 200 feet to 100 feet from the AE zoned parcel to the south. Shingle Springs area, District IV.

#### **Staff Recommendation:**

Staff recommends APPROVAL of V 14-0003, Chris Baldivid's request for Administrative Relief of an Agricultural Setback for the installation of a swimming pool, to be placed on APN 070-131-57, approximately 100 feet from the southern property line, as there are man-made features that create a buffer between the proposed pool site and the agriculturally zoned parcel to the south, and there are no other suitable building sites due to existing infrastructure (i.e. drainage lines, septic tank, leach lines) and placement of the house.

Staff also recommends that the applicant comply with Resolution No. 079-2007 Exhibit A of the Board of Supervisors pertaining to the adoption of the Criteria and Procedures for Administrative Relief from Agricultural Setbacks. Section B.5 requires the following action by the applicant: In all cases, if a reduction in the agricultural setback is granted for a non-compatible use/structure, prior to the issuance of a building permit, a Notice of Restriction must be recorded identifying that the non-compatible use/structure is

constructed within an agricultural setback and that the owner of the parcel granted the reduction in the agricultural setback acknowledges and accepts responsibility for the risks associated with building a non-compatible use/structure within the setback.

*Staff also recommends that the applicant comply with Resolution No. 079-2007 Exhibit A of the Board of Supervisors pertaining to the adoption of the Criteria and Procedures for Administrative Relief from Agricultural Setbacks. Section B.5 requires the following action by the applicant: In all cases, if a reduction in the agricultural setback is granted for a non-compatible use/structure, prior to the issuance of a building permit, a Notice of Restriction must be recorded identifying that the non-compatible use/structure is constructed within an agricultural setback and that the owner of the parcel granted the reduction in the agricultural setback acknowledges and accepts responsibility for the risks associated with building a non-compatible use/structure within the setback.*

*Policy 8.1.3.2 – Agriculturally incompatible uses adjacent to agricultural zoned land outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger.*

*Findings required for agricultural setback relief:*

*The Agricultural Commission may approve a reduction of up to one hundred percent (100%) of the special agricultural setback (not less than 30 feet from the agriculturally zoned parcel) when it can be demonstrated that a natural or man-made barrier or buffer already exists such as, but not limited to, topography, roads, wetlands, streams, utility 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 County development regulations;*
- 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;*
- 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.*
- 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.*

The applicant was not present.

Roger Trout, from Development Services, was present and agreed with staff's recommendations.

***It was moved by Mr. Smith and seconded by Mr. Neilsen to recommend APPROVAL of V 14-0003, Chris Baldivid's request for Administrative Relief of an Agricultural Setback for the installation of a swimming pool, to be placed on APN 070-131-57, approximately 100 feet from the southern property line, as there are man-made features that create a buffer between the proposed pool site and the agriculturally zoned parcel to the south, and there are no other suitable building sites due to existing infrastructure (i.e. drainage lines, septic tank, leach lines) and placement of the house. Section B.5 requires the following action by the applicant: In all cases, if a reduction in the agricultural setback is granted for a non-compatible use/structure, prior to the issuance of a building permit, a Notice of Restriction must be recorded identifying that the non-compatible use/structure is constructed within an agricultural setback and that the owner of the parcel granted the reduction in the agricultural setback acknowledges and accepts responsibility for the risks associated with building a non-compatible use/structure within the setback.***

***Motion passed***

**AYES:** Smith, Walker, Mansfield, Neilsen, Bacchi, Draper, Boeger  
**NOES:** None  
**ABSENT:** None

- VI. S-08-0012-R; RANCHO OLIVO VINEYARDS (Nello Olivo/Nello Olivo J Jr. Co Tr/Larry A Patterson):** A special use permit revision to add wine tasting and events to an existing vineyard and wine production facility. The applicant is proposing 18 events a year with a maximum of 250 people at any one time to take place Friday through Sunday from 11:00a.m. to 9:00p.m. The tasting room would be by invitation only Wednesday through Sunday from 11:00a.m. to 5:00p.m.\* The property, identified by Assessor's Parcel Number 109-090-07-1, consists of 21 acres, and is located on the south side of Rancho Road 500 feet south of the intersection with Lariat Drive, in Shingle Springs area, District II

***\*Replaced with amended request received for revision 6/5/14:  
S08-0012-R***

***Revised Project Description***

***18 total events per year consisting of:***

***5 events with a total of 250 people at any one time***

**8 events with a total of 125 people at any one time**  
**5 events with a total of 75 people at any one time**  
**Events to take place Friday through Sunday from 11 am to 9 pm.**

**Wine tasting by appointment only Thursday through Monday from 11 am to 7 pm. A maximum of 9 appointments per day.**

*Please note: Item previously heard on August 13, 2008 for Special Use Permit approval.*

*It was moved by Mr. Pratt and seconded by Mr. Heflin to recommend APPROVAL of S 08-0012 Rancho Olivo Vineyards with the condition that wholesale distribution could take place but no other on-site sales or commercial wine tasting events, and with such, the required findings can be made for General Plan Policy 8.1.4.1:*

- A. The use will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities;*
- B. The use 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 use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands*

**AND** *the required findings can be made for General Plan Policy 8.2.2.2:*

- A. The use will not substantially detract from agricultural production in the surrounding area; and*
- B. The use is compatible with and will not have a significant adverse impact on adjacent or nearby neighborhoods beyond that allowed by the Right to Farm Ordinance and other applicable law.*

**Motion passed.**

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

**NOES:** None

**ABSENT:** Bacchi, Boeger

### Staff Recommendation:

Chris Flores gave her report with a recommendation of a TENTATIVE APPROVAL of S 08-0012R, the request for a Special Use Permit revision to allow wine tasting (by appointment only) and events on a 21 acre parcel (APN 109-090-07) with an existing 8 acre vineyard and wine production facility as the use is consistent with El Dorado County General Plan Policy 10.1.6.1 and the findings can be made for General Plan Policy 8.1.4.1.

### Staff Report:

- Property Address: 4331 Rancho Road, Cameron Park
- Assessor's Parcel Number: 109-090-07
- Parcel Acreage: Approximately 21 acres
- Agricultural District: No; Community Region: No
- Land Use Designation: Low Density Residential (LDR); Surrounding Land Use Designations are LDR
- Zoning: Residential Estate Five and Ten Acre (RE-5 & RE-10); Surrounding parcels have RE-5 and Planned Agricultural Twenty Acre (PA-20) zoning
- Soil Types:

- Auburn Very Rocky Silt Loam 2 to 30% Slopes (AxD) – Proposed Soil of Local Importance for El Dorado County Vineyards
- Rescue Sandy Loam 2 to 9% Slopes (ReB) – Prime Farmland
- Rescue Clay Clayey Variant (Rk) – Statewide Important Farmland
- Approximate Elevation of Parcel: 1320 feet

A site visit was conducted on May 22, 2014 to meet with the applicant and review the application. The 21 acre parcel is adjacent to agriculturally zoned land with a lake, and ranchettes approximately 5 acres in size. Highway 50, commercial and industrial lands are to the north and there are industrial lands to the east. The subject parcel is part of Cameron Estates CSD and access to the parcel is through the subdivision.

The subject parcel has an 8 acre producing vineyard, a single-family residence, a winery, and a converted stable/barn used for family gatherings and events. Red grapes, grown on the property, are currently crushed and processed at a winery in Fair Play. The applicant is asking the County to revise his Special Use Permit to allow private wine tasting (by appointment only), wine club membership events with approximately 80-125 people and special events, such as weddings and fundraising events for charities. Per General Plan Policy 8.1.4.1 (which is a policy in the Agricultural and Forestry Element, to ensure that a discretionary development application would not have a negative impact on an agricultural operation or parcel with agricultural zoning), staff has determined that the request would not have a negative impact on the agriculturally zoned parcels to the south, as they are residential in nature and do not have an existing agricultural operation. Staff has also determined that the applicant's proposal would not be detrimental to the existing agricultural operation on the subject parcel. The applicant would not have to remove any grape vines to accommodate the proposal. Per General Plan Policy 10.1.6.1, a County objective is to support businesses that encourage and promote tourism through winery activities.

Relevant General Plan Policies:

Policy 8.1.4.1 (Agriculture and Forestry Element) – 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 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.

Policy 10.1.6.1 (Economic Development Element) – The County shall encourage expansion of the types of local industries that promote tourism including but not limited to Christmas tree farms, wineries, outdoor sports facilities, Apple Hill and other agricultural-related activities, the County Fairground, bed and breakfast inns, and ranch marketing activities.

Commissioner Discussion:

Mr. Walker asked about the bonding of the Winery with regard to allowing a tasting room; Mr. Smith clarified the permits required from TTB, ABC and according to our Winery Ordinance. Chair Boeger asked Roger Trout for clarification and he explained that this is not in an Ag District, nor was the zoning for Ag but the current zoning would allow tasting with a special use permit. This case will be up for discretionary review by the Planning Commission to approve, deny or condition the special use permit. Mr. Smith questioned staff about the production of the wine, staff stated the applicant said the white is being produced on site and the reds are being processed in Fair Play with the majority of the grapes at the vineyard being red. Mr. Trout addressed Mr. Bacchi's question regarding access to the winery. In most cases you would have Ag zoning, county road access, parcel size and you would be able to practice this type of business "by right" as stated in the winery ordinance. Mr. Trout mentioned that the reason the applicant was applying for the revision to their special use permit today was due to the conditions that were granted on their special use permit in 2008 did not cover any on site sales or commercial wine tasting events.

*Agricultural Commission's recommendation from August 2008: with the recommendation of S 08-0012 Rancho Olivo Vineyards with the condition that wholesale distribution could take place but no other on-site sales or commercial wine tasting events, and with such, the required findings were made for General Plan Policy 8.1.4.1:*

- A. The use will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities;*
- B. The use 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 use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands*

*AND the required findings can be made for General Plan Policy 8.2.2.2:*

- A. The use will not substantially detract from agricultural production in the surrounding area; and*
- B. The use is compatible with and will not have a significant adverse impact on adjacent or nearby neighborhoods beyond that allowed by the Right to Farm Ordinance and other applicable law.*

Chair Boeger addressed the attendees with instructions for speakers to address the “Agricultural issues” only as the Agricultural Commission is an advisory body to and for the Board of Supervisors and Planning Commission on all matters pertaining to agriculture. The Agricultural Commission reviews and makes recommendations only on the agricultural element of the project.

Chair Boeger opened the podium for the applicant to speak. Danica Olivo expressed her concern due to the circumstances and requested to hold her comments until after the rest of the attendees addressed the Commission.

Numerous comments were received addressing the number of events that the winery is currently holding at the site. Unsafe road travel as roads are not county maintained and many mishaps have occurred. Neighbors complained to the El Dorado County Planning Department of the violations of the current special use permit. The Planning Department agreed that violations were occurring and could result in a revocation of the permit. Mr. Trout addressed the issues of violating a use permit. The violator is given a few options, 1) stop violating your permit, cease and desist operations, 2) take your permit to Planning Commission for revocation hearings (two hearings are conducted and the outcome can be appealed to the Board of Supervisors) and 3) apply for a revision to your use permit. This is the action the applicant selected and we are in the process of hearing. The next steps for the Planning Commission will be to address the non-agricultural General Plan elements; economics, public safety, land use compatibility, traffic/transportation, and public services/fire departments. The Planning staff will be trying to identify if the proposed activity is consistent with the General Plan. Staff will also look at the Zoning Plan and other planning laws. The Planning Commission will make the final decision; however an appeal can be filed by the applicant or the neighbors. Mr. Bacchi commented that since this board had made a recommendation in 2008 it appeared there have been many complaints.

Danica and Nello Olivo returned to the podium to address issues brought up during the discussion and asked for approval of their revision to their special use permit.

Chair Boeger brought the item back to the board after allowing two additional public comments that will be addressed by the Planning Commission.

***It was moved by Mr. Bacchi to recommend denial of this special use permit and to follow the recommendation that was adopted on August 13, 2008, and seconded by Mr. Neilsen.***

**AYES:** Bacchi, Neilsen  
**NOES:** Smith, Mansfield, Walker, Boeger  
**ABSTAIN:** Draper

***First motion did not pass***



***It was moved by Mr. Smith that the Agricultural Commission is able to make findings consistent with sections B and C of General Plan Policy 8.1.4.1, however we are not able to make findings consistent with section A of General Plan Policy 8.1.4.1. In light of the recorded conflicts and violations the Commission is expressing concern with the amount of events requested by the applicant in this special use revision. The item was seconded by Mr. Draper.***

**AYES:** Bacchi, Neilsen, Smith, Mansfield, Walker, Draper, Boeger  
**NOES:** None  
**ABSTAIN:** None

***Policy 8.1.4.1 (Agriculture and Forestry Element) – 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 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.***

**VII. LEGISLATION AND REGULATORY ISSUES – Charlene Carveth**

**VIII. CORRESPONDENCE and PLANNING REQUESTS – None**

**IX. OTHER BUSINESS – Charlene Carveth**

- USDA AMS Christmas Tree Promotional Board
- USDA Press Release, New Pilot Program Offers Coverage for Fruits and Vegetables and Diversified Farms
- Vehicle Electric Charging Station Grants- California Energy Commission & Red Hawk Casino Indian Gaming Commission grants to expand electric vehicle charging station infrastructure in El Dorado County.

**X. ADJOURNMENT 8:38pm**

**APPROVED: Greg Boeger, Chair  
DATE: 7/9/14**

