
**AGRICULTURAL COMMISSION AND PLANNING COMMISSION
WORKSHOP
MINUTES
February 19; 9:00am
Board of Supervisors Meeting Room
330 Fair Lane - Building A, Placerville, California**

I. CALL TO ORDER

Meeting called to order at 9:07 a.m. Present: Agricultural Commissioners Lloyd Walker, Gary Ward, Bill Draper, Dave Pratt, Chuck Bacchi, and Tom Hefflin; Planning Commissioners Alan Tolhurst, John Mac Cready, Dave Machado, and John Knight; Paula F. Frantz, County Counsel; and Jo Ann Brillisour, Clerk to the Planning Commission, morning session; Nancy Applegarth, Administrative Secretary, afternoon session.

II. APPROVAL OF AGENDA

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER PRATT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED.

III. PUBLIC FORUM - None

IV. AGRICULTURAL PROTECTIONS

A. CREATION OF PARCELS ADJACENT TO AGRICULTURALLY ZONED LANDS

The adopted General Plan requires that any newly created parcel adjacent to agriculturally zoned lands be a minimum of 10 acres. This policy does not exclude or exempt Community Regions or Rural Centers from the required minimum 10 acre buffer. Should these buffer requirements apply in Community Regions and Rural Centers?

Pertinent General Plan Objectives and Policies:

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. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

Chair Walker explained the purpose of the workshop. The Commissions will break for lunch around 11:30 a.m. The Williamson Act Contract workshop will begin at 1:00 p.m. If anyone has questions during the afternoon workshop, please submit them in writing to the appropriate Commission so they can be researched and answered. Chair Tolhurst commented there will be

no action taken today. Issues that are discussed will be taken back to the respective Commission.

Bill Stephans said their department has identified five policies to be discussed today. He informed those present that Steve Burton, Assistant Agricultural Commissioner, passed away this past weekend.

Policy 8.1.3.1 – There are no exceptions for Rural Centers or Community Regions.

Art Marinaccio spoke about the inconsistency between this policy and the Rural Centers and Community Regions. He believes the zoning applied to parcels needs to be brought into consistency with the land use designations. If that is not done there needs to be a policy or statement applying to ten-acre minimums adjacent to Rural Centers and Community Regions. He feels a simple General Plan amendment stating agricultural policies do not apply in Rural Centers or Community Regions is what should be done. Mr. Marinaccio spoke about the Blue Print project.

Valerie Zetner, Farm Bureau, stated this policy was intended to provide buffers. Until the zoning is updated we will continue to have this problem. She wants to make sure the County looks at a comprehensive view. There is no rezoning done to properties that roll out from the Williamson Act. Perhaps we should start looking at doing that.

Cindy Schaffer said the zoning inconsistency is the major problem. There has not been a comprehensive zoning update in 20 years. We are trying to use old zoning maps to implement the General Plan. She does not believe we need to do a General Plan amendment for Policy 8.1.3.1. We should adopt some interim guidelines. We need to take a look at properties with agricultural zoning to see if they are appropriately zoned.

Peter Maurer said the Commission has adopted a Resolution of Intention to amend Policy 8.1.3.1. It is clear there are competing interests, i.e., economic development, buffers for agricultural production, etc. There is no question we have to bring our zoning into compliance with the General Plan. Staff is currently working on the update of the Zoning Ordinance and zoning maps. We need to look at balancing the needs.

Mr. Stephans showed some power point pictures of several Rural Centers.

Mr. Maurer stated there could be an interpretation that this policy applies to residential uses, and commercial uses do not create the same type of conflict as residential uses.

Commissioner Machado asked if staff looked at agricultural properties in Rural Centers and Community Regions. Mr. Stephans answered that they were going to look into that side of the issue but did not have sufficient time.

Referring to Policy 8.1.4.2, Mr. Stephans commented the General Plan does require them to look at the citing of schools.

Commissioner Knight said problems seem to occur when we try to apply agricultural policies outside agricultural districts. He asked if we could look at an interpretation that the policy does not apply in Rural Centers or Community Regions. Paula Frantz, County Counsel, said staff can only go so far with interpretations. Whether it was intended or not, these policies were adopted based on zoning and General Plan designations.

Commissioner Bacchi said there is a lot of agricultural use outside of agricultural districts. If you just have a blanket interpretation, you affect a lot of agricultural lands.

Commissioner Mac Cready feels a change does not fit all areas. The Community Regions are different and should have different policies.

Commissioner Pratt stated growth is inevitable. There needs to be something for inside and outside the Community Regions. He agrees there are agricultural uses that occur outside of Agricultural Districts.

Commissioner Ward commented there are a lot of areas that are rural but not in an Agricultural District. Mr. Stephans stated there are criteria for grazing lands. The criteria almost meet the Department of Conservation maps.

OBJECTIVE 2.1.1: COMMUNITY REGIONS

Purpose: The urban limit line establishes a line on the General Plan land use maps demarcating where the urban and suburban land uses will be developed. The Community Region boundaries as depicted on the General Plan land use map shall be the established urban limit line.

Provide opportunities that allow for continued population growth and economic expansion while preserving the character and extent of existing rural centers and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life and economic health of the County.

Policy 2.1.1.1 The Communities within the County are identified as: Camino/Pollock Pines, El Dorado Hills, Cameron Park, El Dorado, Diamond Springs, Shingle Springs and the City of Placerville and immediate surroundings.

OBJECTIVE 2.1.2: RURAL CENTERS

Purpose: The urban limit line establishes a line on the General Plan land use maps demarcating where urban and semi-urban land uses will be developed. The Rural Center boundaries as depicted on the General Plan land use map shall be the established urban limit line.

Recognize existing defined places as centers within the Rural Regions which provide a focus of activity and provides goods and services to the surrounding areas.

Policy 2.1.2.1 The Rural Centers within the County are identified as: Coloma, Cool, Fairplay,

Garden Valley, Greenwood, Georgetown, Grey's Corner, Grizzly Flat, Kelsey, Kyburz, Latrobe, Little Norway, Lotus, Mosquito, Mount Ralston, Mt. Aukum, Nashville, Oak Hill, Philips, Pilot Hill, Pleasant Valley, Quintette, Rescue, Somerset, Strawberry and Chrome Ridge.

- 1.) Discussion of proposed amendment to Policy 8.1.3.1 to exempt lands within Community Regions and Rural Centers from minimum parcel size requirements.
- 2.) Minimum parcel sizes to meet agricultural setback standards (*Policy 8.2.2.5 New parcels adjacent to parcels zoned for agriculture shall not be created unless the size of the parcel is large enough to allow for an adequate setback from the surrounding agricultural parcels for any incompatible uses.*)
- 3.) Different application of buffering requirements inside or outside of General Plan Agricultural Districts.
- 4.) Different application of buffering requirements within Community Regions and Rural Centers.
- 5.) A General Plan amendment to allow an Administrative Relief process with certain findings to allow a reduction in the 10 acre buffering requirements within Community Regions and Rural Centers.

Under #5 in Policy 2.1.2.1, Chair Tolhurst stated it mentions a General Plan amendment for administrative relief to allow the reduction of the ten-acre buffer. That would provide relief that individuals have identified, but a General Plan amendment is still required. Commissioner Knight asked what we would want to include in a General Plan amendment. Mr. Maurer stated relief provisions could apply to ministerial type actions, but there would be a more formal process for discretionary projects.

Commissioner Hefflin said there is a difference between Rural Centers and Community Regions. We will be in trouble if they are treated the same.

Commissioner Mac Cready stated there are some agricultural operations in Community Regions, and they still need to be protected. Commissioner Pratt commented there are different issues between grazing and growing areas. Perhaps we need to look at not the footage but the type of buffering. We need to have a balanced approach. You do not only look at where agriculture is appropriate but where development is appropriate.

Chair Walker stated staff from the Agricultural Department and Development Services should take a look at the issues discussed today.

Chair Tolhurst commented the problems occur when you have an Agricultural District adjacent to a Community Region. The question arises as to where the 200-foot setback goes. Mr. Stephans said if the agricultural entity wants to plant up to the line, it is their responsibility not to intrude on the adjoining property. Chair Tolhurst spoke about conservation easements adjacent to agricultural lands. Mr. Stephans said if the easement is on the agricultural land, they are reimbursed for taking that land out of agricultural production; the same with development. Chair Tolhurst would rather see it in agricultural production than an easement if it is good agricultural land.

Commissioner Hefflin stated we actually do not know where all the problem areas are. Mr. Stephans concurred. There are some areas where there are not that many problems.

Mr. Maurer stated staff will bring back more detailed information for the Commissions.

B. LOSS OF AGRICULTURAL LANDS

The loss of agricultural lands to development was identified as a potentially significant impact unless mitigated in the General Plan EIR.

Policy 8.1.3.4 A threshold of significance for loss of agricultural land shall be established by the Agriculture Department and the Planning Department, with opportunity for public comment before adoption, to be used in rezone applications requesting conversion of agricultural lands to non-agricultural lands, based on the California LESA system. For projects found to have a significant impact, mitigation shall include 1:1 replacement or conservation for loss of agricultural land in active production and/or 1:1 replacement or conservation for land identified as suitable for agricultural production. A monitoring program should be established to be overseen by the Agricultural Department.

- 1.) Discussion of impacts of General Plan land use designations as they relate to agricultural lands.
- 2.) Discussion of replacement or conservation programs for the loss of agricultural lands
- 3.) Discussion of acreage fee for nonagricultural development of agricultural lands.

Kathy Russell previously requested a General Plan amendment. Some of the problems from agricultural operations do apply to commercial areas in Rural Centers, i.e., gas stations, senior centers, etc. She feels grazing should be taken as a separate item.

Art Marinaccio said we need to look at lands that have a real agricultural potential and not those that might have a potential.

Chris, resident of Placerville, stated the General Plan is clear. Agriculture is for low density. Development is for high density. You do not have to make up a threshold statement. It is in the first sentence of Policy 8.1.3.4 under the LESA System.

Valerie Zetner believes the statement about one-to-one replacement for agricultural lands is in the Findings of Fact. We need to protect agricultural lands in the future. We need to identify what is significant and what is suitable. Until that is identified we cannot come up with a policy that makes sense.

Mr. Marinaccio read the definition of grazing lands out of the Glossary, which he stated is very specific.

Mrs. Schaffer stated under Policy 8.1.3.4, the LESA System is a state-wide model. There is a

level of significance in the LESA System. Mr. Stephans commented the LESA System is project specific. We need something that is County-wide.

Commissioner Pratt asked how LAFCO works into the situation. Ms. Frantz stated you can go to LAFCO when you want to annex into a service district. The loss of agricultural land is considered when looking at annexations.

V. GRAZING LAND PROTECTIONS

The General Plan requires the Agricultural Commission to identify suitable lands for sustained grazing.

Policy 8.1.2.1 The County Agricultural Commission shall identify lands suitable for sustained grazing purposes which the Commission believes should be managed as grazing lands. Once such lands have been identified by the Commission, the Board of Supervisors shall determine whether to initiate incentive based programs to retain such lands as productive grazing units.

- 1.) Discussion and input regarding what criteria could be used to identify lands suitable for sustained grazing.
- 2.) Discussion and input regarding County Ordinance Chapter 6.36 which has identified grazing lands within El Dorado County (See attached).

The General Plan requires protection of lands within Rural Regions that have historically been used for commercial grazing if they can be demonstrated to be suitable for grazing and if they were not assigned urban or other nonagricultural uses in the Land Use Map for the 1996 General Plan.

Policy 8.1.2.2 Some lands within Rural Regions have historically been used for commercial grazing of livestock and are currently capable of sustaining commercial grazing of livestock. If they can be demonstrated to be suitable land for grazing, and if they were not assigned urban or other nonagricultural uses in the Land Use Map for the 1996 General Plan, those lands shall be protected with a minimum of 40 acres unless such lands already have smaller parcels or the Board of Supervisors determines that economic, social, or other considerations justify the creation of smaller parcels for development or other nonagricultural uses. Where 40-acre minimum parcel sizes are maintained, planned developments may be considered which are consistent with the underlying land use designation. Before taking any actions to create parcels of less than 40 acres in areas subject to this policy, the Board of Supervisors and/or Planning Commission shall solicit and consider input from the Agricultural Commission.

- 1.) Discussion regarding what constitutes “historic” use.
- 2.) Discussion regarding what constitutes “not assigned urban or other nonagricultural uses” in the Land Use Map for the 1996 General Plan.
- 3.) Discussion regarding what constitutes being “consistent with the underlying land use designation” to be considered for a planned development.
- 4.) Discussion of using the Department of Conservation Important Farmland map from 1984 to establish historical grazing land.

Commissioner Ward spoke about grazing and Williamson Act Contracts. Leased property would show historical use of the land for grazing. You have to ask if the parcel is large enough for grazing, 80 acres or larger. The income also has to be considered. Commissioner Machado is not sure grazing meets the Williamson Act criteria. He mentioned three recent applications where he did not believe the required criteria had been met.

Chair Walker asked that staff take the discussion received today back before the Agricultural Commission and Planning Commission. Chair Tolhurst would prefer the Planning Commission discuss the issues after the Agricultural Commission has discussed them so the Planning Commission can be aware of the Agricultural Commissions comments.

The Commissions took a lunch break.

AGRICULTURAL COMMISSION AND PLANNING COMMISSION

DEPARTMENT OF CONSERVATION

WILLIAMSON ACT WORKSHOP

MINUTES

February 19, 2008

Board of Supervisors Meeting Room

1:00 to 4:00pm

Agricultural Commission Members Present: Bacchi, Draper, Heflin, Pratt, Walker, Ward

Agricultural Commission Members Absent: Boeger

Planning Commission Members Present: Knight, MacCready, Machado, Tolhurst

Planning Commission Members Absent: Mathews

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

Staff Members Present: Nancy Applegarth, Clerk to the Ag Commission
Charlene Carveth, Sr. Ag Biologist/Standards Inspector
Chris Flores, Ag Biologist/Standards Inspector
LeeAnne Mila, Sr. Ag Biologist/Standards Inspector

Larry Appel, Development Services/Planning
Pierre Rivas, Development Services/Planning

Others Present: Chris Alarcon, Sherri Lum Alarcon, Greg Baiocchi, Michael Barsotti, Dick Bush, Paul Bush, Sheila Bush, Linda Cardanini, Richard & Betty Creason, Robert D'Agostini, Ed & Mary Ann Dante, Robyn Delfino, Denny Dobbas, Jim Dobbas, Everett & Jackie Fox, Thaleia Georgiades, Dennis Look, Richard Moran, Ray Nutting, Pat O'Halloran, Dave Olivarez, Chris Pittenger, Kathye Russell, Cindy Shaffer, Kirk Taylor, Gloria Varozza, Linda Westwood, Louis Wunshchel, Valeri Zentner

I. WILLIAMSON ACT OVERVIEW

Mr. Walker, Chair Pro-Tem, for the Agricultural Commission, thanked the audience and staff for their attendance and stated that if anyone had questions regarding information received during both the morning and afternoon sessions, they would need to be put them in writing and address them to either, the Agricultural Commission, the Planning Department or the California Department of Conservation so a formal answer may be provided.

Dennis O’Bryant, Program Manager for the Williamson Act, Department of Conservation’s Division of Land Resource Protection, introduced the staff, Adele Lagomarsino, Tom Tandoc, Mike Krug and Robert Shun. He thanked both the Agricultural and Planning Commission members for inviting them to present their information on the Williamson Act.

The Williamson Act falls under the California Land Conservation Act.

- It is an enforceable restriction – per the State Constitution.
- It is a voluntary initial ten year contract, which renews annually.
- It is locally administered by participating counties and cities.
- Agricultural Preserves and Williamson Act Contracts are two separate things.

Intent of the Williamson Act –

- Preservation of the limited supply of agricultural land is necessary
- Discouragement of premature and unnecessary conversion of Ag land to urban use is in the public interest
- Agricultural lands have important open space aspects, and should be kept in production.

In 1966 California voters passed an initiative that amended the State Constitution which states, “Land that is an enforceably restricted to an Agricultural Use, or Open Space use is entitled to taxation in line with its restricted use.”

The California State Legislature puts more support into the Williamson Act in 1971 by use of Subventions – payments back to local governments for forgone tax revenues.

II. COMPATIBLE USE

Purposes of the Williamson Act -

- Preservation of a maximum amount of limited supply of agricultural land is needed
- Discouragement of the premature and unnecessary conversion of agricultural land is a benefit to state
- Agricultural lands have a value as open space in an urbanizing society.

Compatible Uses Defined –

- Gas, electric, water, communication, Ag laborer housing facilities

Principles of Compatibility (Sec. 51238.1)

- Not significantly compromise Ag capability on parcel or other contracted lands

- Not displace or impair Ag on parcel or contracted parcels unless – related directly to production of commercial Ag- harvesting, processing, shipping
- Not result in significant removal of adjacent contracted land

A question was asked if the compatible use also referred to cell towers. DOC staff explained that if the tower was built with use of more than a few acres the contract may need cancellation.

A question was asked regarding the difference between a solar power facility being used to power a dairy versus a house being built on the property – would the house be an incompatible use? Staff answered that the house would have to be an Ag Use.

III. CANCELLATION PROCEDURES

Cancellation is allowed in “extraordinary situations” only – per Supreme Court, initiated only by the landowner, or it is not an immediate cancellation. Lax cancellation procedures defeat the intent of the Legislature to reduce the taxes on agricultural land in return for long-term binding commitments.

Required findings:

- Cancellation is consistent with the purposes of the Williamson Act and/or
- Cancellation is in the Public Interest *(check the contract – some contracts require both findings)

In most cases it is either or. One thing to note, when the petition comes to the Board it needs to be specific enough to make those cancellation findings.

Consistency Findings:

- 1) Notice of non-renewal filed
 - 2) Removal of adjacent land from agricultural use is not likely
 - 3) Alternative use is consistent with the General Plan
 - 4) Will not result in discontinuous urban development
 - 5) No proximate non-contracted land available
- *MUST provide substantial supporting evidence

Mr. Bacchi stated that to his knowledge there has never been a cancellation in El Dorado County. He asked, “How many cancellations statewide do you see per year?” Dennis O’Bryant stated there were about 3,500 acres last year. The idea is that because it is a restrictive contract situation, they want to encourage people to think very seriously about how they get out, and when they get out of the contract. A person would want to create an analytical route of evidence towards those findings as the Board of Supervisors need to rely on them, as they go forward in making a public record if they allow a cancellation.

Any landowner within a mile of any Williamson Act Contract in the county can sue.

Referring to finding #2, it was asked if someone were to decide to roll-out of a Williamson Act Contract, or make a filing, could the County decide it is not a good idea because it puts pressure on the neighboring parcels? DOC staff confirmed that this could happen but it would not be so much the county making the decision but it would be a lack of evidence to show that the landowner is not going to immediately drop out of Ag use. It was mentioned that this is only in regards to cancellation which can go into effect immediately as opposed to roll-out.

IV. CANCELLATION VALUATION

Formal Review –

SB 1820 became effective as of January 1, 2004. What does it do?

The Assessor makes a determination of current fair market value and notification to landowner and Department of Conservation. It provides procedures for a formal review by the Assessor upon request of the landowner or DOC. Also, allows recovery of reasonable costs of review from cancellation fee and is the only allowable method of appealing a valuation.

V. SUBDIVISION & LOT-LINE ADJUSTMENTS

The Local Board or Council is required to make seven findings when the Lot Line Adjustment is done on Williamson Act Contracted land pursuant to subdivision (d) of Section 66412 – no maps were required under the Subdivision Map Act

VI. SUBVENTION AUDITS

About 70% of the counties have been audited since the late 1980s. Previously, audits were conducted by DOF, now DOC. Butte, Humboldt, Sonoma, Alameda, Shasta and Calaveras Counties have been audited. Good administration and fiduciary responsibility ensure the continuance of the Act.

The purpose and audit process was explained. Common issues were discussed such as nonprime and prime land. A project is considered prime if it has an income of \$200 gross per acre.

A question was asked regarding the distinction between prime and nonprime. DOC staff explained that there is basically no difference between the two in many areas, however, there are a few things where it will have a bearing as to whether it is prime or nonprime, such as if you start to sub-divide, then there is an impact. Compatible Uses for grazing is not quite as restrictive and there is a bit more flexibility. It does not make a difference if it is prime or nonprime in most cases. DOC is really saying, “Do you have an Ag Use

and what is the Use? Is it a prime use (which is typically growing something) or non-prime use? (which is typically grazing land.)

It was pointed out by a Planning Commission member that El Dorado County regulations require a ten acre standard based on prime soils and that is different than the use for animal grazing versus a soil type.

DOC staff said that back when the state started making these decisions the standard was ten acres. This was a presumptive minimum they generally looked at statewide. Some areas of the code still require that it is viable – just because you have a ten-acre prime parcel, you still have to have an Ag Use to do certain things. An important factor is that the contracts have to state that the landowner agrees, during the duration of the contract, they will use the property for an Ag Use. If the property is not used for Ag then there is no compliance with the Williamson Act Contract.

It was stated that some thought, as the Oak Woodlands Management Plan was being finalized, there would be some Williamson Act parcels that would want to offer up a conservation easement for the protection of the oaks. Also, it is assumed that cattle could graze under the oaks. DOC staff said this would not be considered a problem.

It was discussed that possibly the Oak Woodlands conservation easement should be taken out of Ag (Williamson Act) and put into Open Space.

Recommendations –

Ensure there is a trained, knowledgeable staff, have better coordination between planning department, assessor's office, public works, LAFCO, etc. Clearly identify WA parcels:

- Parcel maps
- Permitting requests
- Subdivision or LLA requests

Contact information:

Contact DOC for assistance: DLPR: (916) 324-0850

Email: dlpr@conservation.ca.gov

Website: www.conservation.ca.gov/dlpr

Legal: (916) 323-6733

Meeting was adjourned at 3:43 p.m. by Mr. Walker.