



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
Tom Heflin, Fruit and Nut/Farming Industry
Dave Pratt, Fruit and Nut/Farming Industry
Gary Ward – Livestock Industry

AGENDA

July 9, 2008; 6:30 pm

Board of Supervisors Meeting Room

330 Fair Lane - Building A, Placerville, California

Public testimony will be received on each agenda item as it is called. The applicant is allocated 10 minutes to speak; individual comments are limited to 3 minutes; and individuals representing a group are allocated 5 minutes.

Items not on the agenda may be addressed by the general public during Public Forum. Comments are limited to 3 minutes per person. The Commission reserves the right to waive said rules by a majority vote. Public Forum is for comments only. No action will be taken on these items unless they are scheduled on a future agenda.

To ensure timely delivery to the Agricultural Commission, written information from the public must be received by the Agriculture Department by the last Thursday prior to the meeting. The Agriculture Department cannot guarantee that any FAX or mail received the day of the meeting will be delivered to the Commission prior to action on the subject matter.

All Agricultural Commission meetings are tape recorded. Anyone wishing to purchase a recorded tape of an Agricultural Commission meeting may do so under the California Public Records Act process for \$5.00 per tape by contacting the Agriculture Department after action has been taken.

Written minutes of the Agricultural Commission can be accessed at <http://www.co.el-dorado.ca.us/ag/commissionagenda.html> or by contacting the Agriculture Department utilizing the California Public Records Act request process.

Pursuant to Government Code §54954.2, any person with a disability who requires a modification or accommodation in order to participate in this public meeting is to contact the Agriculture Department by 4:00pm the day of the meeting.

NOTICE: All Agricultural Commission Administrative Relief decisions pertaining to AGRICULTURAL SETBACKS may file an application to appeal to the Board of Supervisors within 10 days of the decision. Such applications shall be made to the Development Services Department.

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- Minutes of June 11, 2008

IV. PUBLIC FORUM

V. Ranch Marketing/Winery Ordinance Update

VI. Agricultural Housing – Discussion of criteria

VII. WAC 08-0002 & WAC 08-0003 – Barsotti Williamson Act Contract (Gael Barsotti/Bill Snodgrass): A request to revise an existing Agricultural Preserve and create two separate Agricultural Preserves. The applicant is also requesting a Boundary Line Adjustment (BLA 07-0070). The property, identified by Assessor's Parcel Numbers 085-030-14 & 085-540-70, consists of 40.00 acres, and is located on the east side of Hidden Valley Lane approximately 0.25 miles north of the intersection with North Canyon Road, in the Camino area. (District 3)

Staff Recommendation: Recommend APPROVAL of BLA 07-0070 as the Board of Supervisors will be able to make the following findings, pursuant to Government Code Section 51257:

- 1) *The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term or at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.*
- 2) *There is no net decrease in the amount of the acreage restricted.*
- 3) *At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.*
- 4) *After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.*
- 5) *The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.*
- 6) *The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.*
- 7) *The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.*

Staff recommends APPROVAL of WAC 08-0002 as the minimum criteria for a high intensive agricultural operation has been exceeded:

- 1) *Capital outlay exceeds the minimum requirement of \$45,000 at \$323,046.*
- 2) *Acreage of parcel exceeds the minimum requirement of 20 acres at 20.02 (acreage of crops is 15 acres).*
- 3) *Gross income exceeds the minimum requirement of \$13,500/year at \$75,825.*

Staff recommends APPROVAL of WAC 08-0003 as the minimum criteria for a high intensive agricultural operation has been met or exceeded:

- 1) *Capital outlay exceeds the minimum requirement of \$45,000 at \$377,246.*
- 2) *Acreage of parcel meets the minimum requirement of 20 acres at 20 acres (acreage of crops is 3.5 acres).*
- 3) *Gross income exceeds the minimum requirement of \$13,500/year at \$17,502.*

APN: 085-030-14 & 085-540-70
Area: Hidden Valley Lane/Camino
Planner: Aaron Mount

- VIII.** SPR 08-0014 - Ian Bulloch: A request for administrative relief from agricultural setbacks for a proposed second residence to be located 150 feet from the northeasterly property line and 50 feet from the east property line and for the proposed replacement of a single-family residence to be located 85 feet from the northwesterly property line and 50 feet from the

west property line. The subject parcel is adjacent to Residential Agricultural (RA-40 & RA-80) zoned land and therefore subject to special agricultural setbacks in accordance with the interim Interpretive Guidelines adopted June 22, 2006.

Staff Recommendation: Recommend APPROVAL of Ian Bulloch's request for administrative relief from 200 foot agricultural setback, allowing a setback of 150 feet from the northeasterly property line and 50 feet from the east property line for the proposed granny flat, and 85 feet from the northwesterly property line and 50 feet from the west property line for the replacement of a single family residence, as the following findings can be made:

- A. The proposed non-compatible structure is located on the property to reasonably minimize any potential negative impacts on the adjacent agriculturally zoned land;*
- B. Based on the site characteristics of the subject parcel and the adjacent agriculturally zoned land including topography, the Commission determines that the location of the proposed non-compatible structure would reasonably minimize potential negative impacts on agricultural use; and*
- 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 use/structures would reasonably minimize potential negative impacts on agricultural or timber production use*

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 Setback. 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.

APN: 046-071-33
Area: Freshwater Lane/El Dorado
Planner: Kristin Davis

- IX.** SPR 08-0015 - Janis Davidson: A request for administrative relief from agricultural setbacks for the location of a temporary hardship mobile home, as well as the expansion of an existing residence. Both of these structures are in place without prior approval by County Development Services. The request for relief is a step in the effort towards getting these structures permitted. The subject parcel is adjacent to Exclusive Agricultural (AE) zoned land and therefore subject to special agricultural setbacks in accordance with the Interim Interpretive Guidelines adopted June 22, 2006.

Staff Recommendation: Recommend APPROVAL of Janis Davidson's request for administrative relief from 200 foot agricultural setbacks, allowing a setback of 112

feet from the southeasterly property line for the existing temporary mobile home and 129 feet from the south property line for the existing addition to the single-family residence, as the following findings can be made:

- A. The non-compatible structures are located on the property to reasonably minimize any potential negative impacts on the adjacent agriculturally zoned land;*
- B. Based on the site characteristics of the subject parcel and the adjacent agriculturally zoned land including topography, the Commission determines that the location of the non-compatible structures would reasonably minimize potential negative impacts on agricultural use; and*
- 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 non-compatible structures would reasonably minimize potential negative impacts on agricultural or timber production use.*

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 building permit being finalized, 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.

APN: 074-110-51
Area: Brush n' Rocks/Cool
Planner: Ellen Van Dyke

- X.** AO8-0008 – Rome Valley General Plan Amendment (B.J. Rome): A request for a General Plan Amendment to change the land use designation from RR (Rural Residential) to RR-A (Rural Residential-Agricultural). See also SPR 08-0009. General Plan Amendment into Agricultural District would allow proposed wine facility in SPR 08-0009 by eliminating 200 foot setbacks otherwise imposed on the parcel from residential uses. The property, identified by Assessor's Parcel Number 088-170-32, consists of 17.47 acres, and is located on the southwest side of Traverse Creek Road at the intersection with Spanish Flat Road, in the Garden Valley area. (District 4)

Staff Recommendation: Recommend APPROVAL of BJ Rome's request for a General Plan Amendment to change the Land Use Designation of parcel 088-170-32, from RR (Rural Residential) to RR-A (Rural Residential-Agricultural) because the following findings in General Plan Policy 8.1.4.1 can be made:

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

To further conserve and protect agricultural land, staff recommends APPROVAL of the applicant's request for the parcel to be incorporated into the adjoining Garden Valley Agricultural District because the parcel is currently in a Williamson Act contract, has choice soils, is zoned AE, has over nine acres of wine grapes being managed for commercial production, and meets 5 of the 6 criteria in General Plan Policy 8.1.1.2: Agricultural Districts shall be based on the following criteria:

- A. Lands currently under Williamson Act contract;*
- B. Soils identified as El Dorado County "choice" agricultural soil...;*
- C. Lands under cultivation for commercial crop production;*
- D. Lands that possess topographical and other features that make them suitable for agricultural production; and*
- E. Low development densities.*

Based on staff analysis using "The Procedure for Evaluating the Suitability of Land for Agriculture", staff finds the parcel suitable for agricultural production pursuant to General Plan Policy 8.1.1.7.

APN: 088-170-32
Area: Traverse Creek Road/Garden Valley
Planner: Thomas Lloyd

- XI.** Z 08-0020 – Fulp TPZ Cancellation/Rezoning (Randolph Gordon Fulp): A request for an immediate rezone of a Five Acre (TPZ) Timberland Production Zone parcel to RE-5 (Estate Residential Five-Acre). The property, identified by Assessor's Parcel Number 098-160-44, consists of 5.31 acres, and is located on the south side of Pleasant Valley Road approximately ¼ mile east of the intersection with Oak Hill Road, in the Oak Hill area. (District 3)

Staff Recommendation: Recommend APPROVAL of Randolph Fulp's request to immediately rezone APN 098-160-44, a five-acre Timberland Production Zone (TPZ) parcel to an Estate Residential Five-Acre (RE-5) parcel as all the required findings (1) through (3) of Public Resources Code Section 4621.2 can be found:

- (1) The conversion would be in the public interest.*
- (2) The conversion would not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned as timberland preserve and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.*
- (3) The soils, slopes, and watershed conditions would be suitable for the uses proposed if the conversion were approved.*

Additionally, General Plan Policy 8.3.1.3 requires the Agricultural Commission

to assess lands to determine their suitability for timber production. Through staff's analysis, this parcel is not suitable for timber production and does not meet the following criteria, required to be used to determine the suitability of timber production lands:

- A) Lands designated Natural Resource (NR) on the General Plan land use map or lands zoned Timber Production Zone (TPZ);*
- C) Lands used for commercial forestry/timber production;*
- D) Lands that possess other features that make them suitable for timber production; and*
- E) Low development densities in vicinity.*

Furthermore, the surrounding parcels have a General Plan Land Use Designation of Low Density Residential (LDR) and Medium Density Residential (MDR) and the five acre TPZ parcel does not meet the minimum 40 acre requirement for lands that are located below 3,000 feet.

APN: 098-160-44
Area: Pleasant Valley Road/Oak Hill
Planner: Aaron Mount

- XII.** P 08-0023 – Verzello Parcel map (Mother Lode Orchards LLC/Lebeck Young Engineering):
A parcel map request to create 3 lots ranging in size from 20 acres to 21 acres. The property, identified by Assessor's Parcel Number 100-060-02, consists of 61.24 acres, and is located on the north side of North Canyon Road approximately 400 feet west of the intersection with Larsen Road, in the Camino area. (District 3)

Staff Recommendation: Based on staff's analysis, the proposed parcel acreages are consistent with General Plan Policy 2.2.2.2 and the requirements of SA-10 (Select Agriculture Ten-Acre) zoning. In order to recommend approval of the parcel map request to create three lots, ranging in size from 20 acres to 21 acres, the Agricultural Commission must make the following findings, pursuant to General Plan Policy 8.1.4.1. The proposed use:

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

Staff cannot make the first finding because testimony at the hearing may or may not identify additional conflicts.

APN: 100-060-02
Area: North Canyon Road/Camino
Planner: Thomas Lloyd

- XIII.** TMA 08-0013 - Hartwick, Titus: A request to place one temporary mobile home for

agricultural employee housing on Assessor's Parcel Number 078-280-14. Planning Services is requesting written approval from the agricultural commission that the site and activity on the above subject property satisfies three of the four criteria established by the county to qualify as an agricultural preserve in order to approve and process the Temporary Mobile Home Application (TMA 08-0013) and Building Application number which is yet to be applied for. Currently the above mentioned parcel is located within a Williamson Act Contract (WAC 93-0008; Agricultural Preserve #225). The additional parcels located within the Williamson Act Contract are Assessor's Parcel Numbers 048-090-04 and 078-280-16. (District 2)

Staff Recommendation: Recommend APPROVAL of the Hartwick's application to place a temporary mobile home on parcel 078-280-14, to facilitate agricultural pursuits on the parcel. Within one year of the approval of this TMA application, staff will report back to the Agricultural Commission regarding the progress of the Hartwick's agricultural operation.

APN: 078-280-14
Area: Bodega Way/Pleasant Valley
Planner: Mark Millard

- XIV.** GOV 08-0003 - Rescue Union School District: A request for a finding of General Plan consistency, pursuant to Government Code Section 65402(a), for the proposed parcels. The School District intends to purchase the subject property for a new school site. While the parcels are zoned Planned Commercial (CP), the site is adjacent to properties zoned Agricultural (A). The application is being sent for Commission review and recommendation pursuant to General Plan Objective 8.1.4.2.

Staff Recommendation: Staff analysis of the Rescue Union School District's intended purchase of parcels 123-040-07 and -09, off of Bass Lake Rd., is consistent with the Agricultural and Forestry Element of the General Plan, specifically policy 8.1.4.1...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.*

Furthermore, the Land Use Designation, of the adjacent Ag zoned parcel, is AP (Adopted Plan), which provides for the development of the area, by encouraging in-fill and urbanization in the general vicinity.

APN: 123-040-07 & 123-040-09
Area: Serrano Parkway/El Dorado Hills
Planner: Thomas Lloyd

- XV.** Pleasant Valley Harvest – (John Mosbacher): Annual review as requested by the Commission at the July 11, 2007 meeting

XVI. LEGISLATIVE UPDATE

- Legislative update

XVII. CORRESPONDENCE

XVIII. OTHER BUSINESS

- El Dorado County Board of Supervisors – Notice of Non-Renewal for Agricultural Preserve No. 11 (APNs 093-032-37, 38, 62, 63, & 72) – Richard & Betty Creason
- 08-0024 Boundary Line Adjustment Application – Sweeney Land Surveying
- 08-0025 Boundary Line Adjustment Application – Sweeney Land Surveying

XIX. ADJOURNMENT