



AGRICULTURAL COMMISSION

311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX
eldcag@co.el-dorado.ca.us

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

MINUTES

January 14, 2009
6:30 P.M.

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

- Members Present:** Boeger, Bacchi, Draper, Pratt, Walker, Ward
- Members Absent:** None
- Ex-Officio Members Present:** William J. Stephans, Ag Commissioner/Sealer
- Staff Members Present:** Chris Flores, Agricultural Biologist/Standards Inspector
Nancy Applegarth, Clerk to the Agricultural Commission

Pierre Rivas, Development Services/Planning
Jason Hade, Development Services/Planning
Rommel Pabalinas, Development Services/Planning
- Others Present:** Wendy Cirimele, Don Lahey, Art Marinaccio, Carol Neu, Katherine Tuttle

I. CALL TO ORDER

II. RE-APPOINTMENT OF AGRICULTURAL COMMISSION MEMBERS, DAVE PRATT AND LLOYD WALKER BY THE EL DORADO COUNTY BOARD OF SUPERVISORS

Congratulations were expressed to Dave Pratt and Lloyd Walker for their re-appointment to the Agricultural Commission by the El Dorado County Board of Supervisors.

III. ELECTION OF 2009 CHAIR AND VICE-CHAIR

It was moved by Mr. Ward and seconded by Mr. Draper to recommend that Greg Boeger and Lloyd Walker retain their current titles as Chair and Vice-Chair on the Commission.

Motion passed.

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

IV. APPROVAL OF AGENDA

Bill Stephans stated that Tom Heflin had submitted a letter of resignation from the Agricultural Commission. (*copies were available to the Commission members*) Mr. Heflin was recently appointed to the Planning Commission, leaving his Member position on the Agricultural Commission vacant. Since Mr. Heflin was appointed to the Planning Commission on January 6th, it was requested to discuss the Agricultural Commission's two representatives for the Industry Review Panel for filling the vacancy under Item XIV. Other Business. Referring to Item VII. Brown Act Synopsis, Paula Frantz, County Counsel, Bill Stephans stated that Paula Frantz was unable to attend but will give a synopsis of the Brown Act at the February, 11, 2009 meeting of the Commission.

It was moved by Mr. Draper and seconded by Mr. Pratt to add an item under Other Business to discuss/assign two Agricultural Commission members to sit on the Industry Review Panel; to re-agendize the Brown Act Synopsis for the February meeting and to Approve the Agenda with the requested changes.

Motion passed.

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

NOES: None

ABSENT: None

V. APPROVAL OF MINUTES

- Minutes of December 10, 2008

It was moved by Mr. Pratt and seconded by Mr. Walker to Approve the Minutes of December 10, 2008

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

NOES: None

ABSENT: None

VI. PUBLIC FORUM

- No comments were received

VII. Brown Act Synopsis – Paula Frantz, County Counsel

Re-agendized for February 11, 2009

VIII. Ranch Marketing/Winery Ordinance update and discussion

Bill Stephans informed the Commission that he has received requests from several associations for the latest draft of the Ranch Marketing Ordinance. He has sent the draft, as requested. He also has handed out the draft color matrix which summarizes the seven-page document. The matrix provides a snap-shot view of

what is currently proposed in the ordinance. Copies were also given to the members attending a recent Farm Trail Association meeting. The color matrix of the current and draft ordinance was provided to the Agricultural Commission members and Planning staff.

Discussion took place regarding AE and AP zoned land under WAC and how the matrix depicts the allowed uses. Bill Stephans explained that the way the draft Ranch Marketing Ordinance is currently written, if the Board of Supervisors deems a use, non-compatible on WAC lands, a Conditional Use Permit would be required. These areas are colored with a gray background in the matrix.

Referring to the language of the Draft Ranch Marketing Ordinance, Commission Member Bacchi asked about the possibility of including grazing land in section B.3. Bill Stephans explained that the section does not include grazing because minimum crop acreage, allowing ranch marketing uses, is identified in General Plan Policy 8.2.4.4 as five acres of permanent agricultural crop or ten acres of annual agricultural crop and grazing land is usually identified through the livestock grazing on the land and not the grazing land itself. For grazing land to be included in the Ranch Marketing Ordinance, it needs to be determined the amount of "livestock" that can be considered a commercial crop. Mr. Bacchi stated that the grazing land is considered the "crop" and as such, should be listed in the ordinance. He also mentioned historical homesteads that could be possible demonstration farms.

Pierre Rivas stated that there were various types of animals, other than cattle, raised in the county such as llamas, sheep, chickens, etc. that should also be included in the discussion.

Art Marinaccio stated that the main idea behind Ranch Marketing and those types of activities is to keep agriculture economically viable. He feels that the process of what is allowed on grazing lands can not be resolved until the grazing lands are clearly identified and defined by the Board of Supervisors. Although none of El Dorado County's grazing lands would qualify under the LESA model, as cited by the General Plan, he recommended that the ranching industry urge the Board of Supervisors to identify important grazing lands for retention.

Mr. Bacchi stated that sometimes Ranch Marketing relates to the opportunities and interests of the individual. For example, if a person owns twenty acres and has a great desire to raise animals or grow certain types of crops, it is the initiative of the individual to perform a Ranch Marketing operation. He feels it is entirely an individualistic kind of endeavor.

It was suggested that the members representing the cattle industry work on draft language to submit to Planning staff.

A timeframe for input on the Draft Ranch Marketing Ordinance was discussed. Bill Stephans told the Commission that although he would like the affected industry's

comments prior to more detailed discussions by the Commission, it is not absolutely necessary to continue the discussions. In an effort to keep the ordinance on track, Dave Pratt requested that the draft Ranch Marketing Ordinance be placed on the February agenda for detailed discussions.

Bill Stephans reminded the Commission that the Winery Ordinance and General Plan Policy 8.1.3.1 will be heard at the El Dorado County Board of Supervisors meeting on February 3, 2009.

IX. Williamson Act Contract Survey

Bill Stephans stated that staff will be mailing a survey in the next couple of weeks to all land owners in a Williamson Act Contract. The need for updated information arose from the joint meeting, last year, with the Planning Commission, Ag Commission and the Department of Conservation. Data from the surveys will be used to ensure that requirements for the contracts are being met.

- X.** Albert Harris Ranch/Stephanie Jeanne Call Cline – requesting non-renewal of parcel 051-430-22 which consists of 2.9 acres and parcel 051-430-28 which consists of 43.97 acres of Agricultural Preserve #7 which includes the following Assessors Parcel Numbers: 051-430-18, 051-430-20, 051-430-22, 051-430-25, 051-430-27, and 051-430-28. (District 3)

Chris Flores reported on the site visit. The subject parcels are located on the east side of the Ag Preserve and are accessed from Cedar Ravine Road. There are no current agricultural operations on the parcels and the topography is steep, except for an area on the northwest corner of the larger parcel. The remaining parcels of Ag Preserve #7 are all adjoining, and are accessed off of Harris Court. The remaining parcels APN'S 051-430-25, 051-480-18, 051-430-20, and 051-430-27, total – 112.78 acres.

Staff note: when the non-renewal of parcels 051-430-22 and -28 begin, the existing parcels in Agricultural Preserve #7 will be required to rescind and re-enter into a new contract, if the minimum criteria for a Williamson Act Contract are met. Staff will track the remaining parcels to ensure they meet the minimum requirements. If agricultural improvements are not completed, staff will be recommending non-renewal of the contract in August or early September.

It was moved by Mr. Bacchi and seconded by Mr. Walker to recommend APPROVAL of the partial NON-RENEWAL of APN'S 051-430-22 and 051-430-28 from WAC #7 as the roll-out of these parcels will not have a negative impact on the four remaining parcels in the Williamson Act Contract. The Commission finds and directs that the approval of the non-renewal will not allow a residence to be built on the properties until the roll-out is complete. When the non-renewal of parcels 051-430-22 and -28 begin, the existing parcels in Agricultural Preserve #7 will be required to rescind and re-enter into

a new contract, if the minimum criteria for a Williamson Act Contract are met.

Motion passed.

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

NOES: None

ABSENT: None

- XI.** P 08-0034 – Neu Parcel Map (Dennis & Carolyn Neu/Wendy Cirimele/Gene E. Thorne & Associates, Inc.): requesting a Tentative Parcel Map to create two (2) 20.88 acre parcels from a 41.76 acre parcel identified by two (2) Assessor's Parcel Numbers, 048-050-19 and 048-050-27. Also, the applicant is requesting to reduce the required 200-foot agricultural setback from the existing home on proposed parcel 1 to approximately 145 feet. The parcel has a General Plan designation of Agricultural Lands with the Agricultural Districts overlay, and is currently zoned Select Agricultural (SA-10). This property is located on the south side of Fruitridge Road approximately 500 feet west of the intersection with Hassler Road, in the Camino area. (District 3)

Mr. Draper recused himself from this item.

Staff reported on the site visit of December 16, 2008. The application consists of a parcel split and Administrative Relief from a 200 foot Agricultural Setback resulting from a proposed parcel split which would create two 20.88 acre parcels from the existing 41.76 acre parcel. Due to the configuration of the proposed new parcel, the existing house on the property would be 145 feet from the new northern property line. The subject parcel is located within the Camino/Fruitridge Ag District, has SA-10 (Select Agriculture, Ten Acre) zoning, and a land use designation of AL. The proposed 20.88 acre parcels are consistent with the land use designation and General Plan Policy 2.2.2.2 pertaining to the Agricultural District overlay which allows one residential dwelling per 20 acres. The proposed acreage sizes are also consistent with the SA-10 zoning, which requires a minimum parcel size of 10 acres. The narrow section of proposed Parcel 2, where the access to Parcel 2 originates, is 150 feet wide. Per El Dorado County Zoning Ordinance, Section 17.36.050, the minimum parcel width in an agricultural district is one hundred and fifty feet. Therefore, the proposed property line that the agricultural setback will be against could not be moved further from the existing house.

Wendy Cirimele and representatives were available for questions and further explanation of the project. She explained that it is her hope to own property on her parent's land, to live in close proximity and to continue to work on their Christmas tree farm.

Two letters, supporting the project, were provided for the Commission Member's review.

It was moved by Mr. Walker and seconded by Mr. Pratt to recommend APPROVAL OF P 08-0034 because it is consistent with General Plan Policy 2.2.2.2 (minimum 20 acre parcel), and all the findings can be made for General Plan Policy 8.1.4.1, which requires 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.***

If P-08-0034 is APPROVED, the Agricultural Commission also recommends APPROVAL of Wendy Cirimele's request for administrative relief from a 200 foot agricultural setback, allowing a setback of 145 feet from the proposed northern property line, for an existing single family residence, as the following findings can be made:

- a) No suitable building site exists on the subject parcel except within the required setback due, but not limited to, compliance with other requirements of the General Plan or other County development regulations;***
- b) The proposed non-compatible structure is located on the property to reasonable minimize the potential negative impact on the adjacent agricultural land; 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 structure would reasonably minimize potential negative impacts on agricultural use.***

The Commission 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, 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 having a non-compatible use/structure within the setback.

Motion passed.

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

XII. LEGISLATIVE ISSUES

Bill Stephans gave an update on the proposed deletion of Williamson Act Subvention funds which would amount to a reduction to the County of approximately \$42,000 to \$45,000. Mr. Bacchi asked about the proposed regulations regarding septic systems. He requested that a discussion with possible action be placed on the February meeting regarding these regulations. In his opinion, they will have a very serious impact to agricultural operations and rural areas.

XIII. CORRESPONDENCE

- a. Waiver of fees for partial roll-out of Ag Preserve – requested by Roy and Marilyn Rutz – letter to Larry Appel, Development Services/Planning

XIV. OTHER BUSINESS

- Revised – Boundary Line Application – 08-0057 (Naygrow/Varozza Trucking)
- El Dorado County Board of Supervisors adoption of Resolution 314-2008 establishing Williamson Act Contract WAC 08-0005, Agricultural Preserve 318 and Ordinance 4800 rezoning Assessor's Parcel Number 105-100-11-100 from Residential Agricultural-40 (RA-40) to Agricultural Preserve (AP) zone – Frank and Patricia Matagrano, Jr.
- El Dorado County Board of Supervisors approval and certification of the Notice of Non-Renewal for Agricultural Preserve #277 – Jeanette Chevalier
- Agricultural Commission meeting schedule – recommended change for the November 11, 2009 meeting as this date falls on the Veteran's Day holiday. It was agreed that the November meeting should be held one week later, November 18, 2009.
- Agricultural Commission member position vacancy. Pursuant to Section 4(a) of the Agricultural Commission Bylaws, adopted by the Board of Supervisors on 8/31/04, "*an independent review panel will be established to review and screen applications and make recommendations for the appointment to the Agricultural Commission when a vacancy occurs.*"

It was moved by Chair Boeger and seconded by Mr. Ward to appoint Mr.

Draper and Mr. Walker as the Agricultural Commission's representatives on the Industry Review Panel for the vacant Fruit & Nut Industry member position.

Motion passed.

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

NOES: None

ABSENT: None

XV. ADJOURNMENT

There being no further business the meeting was adjourned at 7:40 p.m.

APPROVED: Greg Boeger, Chair

Date: February 11, 2009