



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
John Smith – Fruit and Nut Farming Industry
Gary Ward – Livestock Industry

MINUTES

April 14, 2010
6:30 P.M.

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

Members Present: Bacchi, Boeger, Draper, Mansfield, Smith, Walker
Members Absent: Ward
Ex-Officio Members Present: William J. Stephans, Ag Commissioner/Sealer
Staff Members Present: Charlene Carveth, Deputy Ag Commissioner/Sealer
Chris Flores, Senior Agricultural Biologist
Nancy Applegarth, Clerk to the Agricultural Commission
Others Present: Mark Annis, Tom Bub, David Heeren, Mary Heeren,
Michael Kuhl, Evonne Norgire, Art Marinaccio, Barbara
Rasmussen, Richard Rasmussen, Patricia Shopero, John
Stelzmler, John Woods, Norma Woods

I. CALL TO ORDER

Chair Boeger called the meeting to order at 6:30 p.m.

II. APPROVAL OF AGENDA

It was moved by Mr. Bacchi and seconded by Mr. Draper to Approve the Agenda as submitted.

Chair Boeger called for a voice vote to Approve the Agenda.

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

III. APPROVAL OF MINUTES

- Minutes of March 10, 2010

It was moved by Mr. Walker and seconded by Mr. Smith to Approve the Minutes as submitted.

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

IV. PUBLIC FORUM

- No comments received

V. RANCH MARKETING

Bill Stephans stated that there have been no recent meetings for discussion of the Ranch Marketing Ordinance.

VI. Z 09-0003 & TM 09-1488 – Breeden Estates – Leoni Road Subdivision (Christine Brown/Carlton Engineering, Inc.): A request to rezone from Residential-Agricultural-40 Districts (RA-40) to Estate Residential Five-Acre Zone Districts (RE-5) and a tentative subdivision map to create 12 lots ranging in size from 5 acres to 12 acres. The property identified by Assessor's parcel number 041-040-15, consists of 75.7 acres, and is located on the east side of Parkside Drive approximately 165 feet south of the intersection with Winding Way and Winding Way Court, in the Grizzly Flat area. (District 2)

Bill Draper recused himself from this item as he was the Registered Professional Forester who prepared the Wildland Fire Safe Plan for the project.

Staff reported on the site visit. The property consists of 75.7 acres, is not in an Ag District and is in the Grizzly Flat Rural Center. The Land Use Designation is Medium Density Residential (MDR). This land use designation establishes areas suitable for detached single-family residences with larger lot sizes which enable limited agricultural land management activities. This designation is applied where the character of an area is single-family residences; where the absence or reduced level of infrastructure including roads, water lines, and sewer lines does not justify higher densities; where the topography poses a constraint to higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers. The surrounding land use consists of High-Density Residential (HDR), Medium-Density Residential (MDR) and Natural Resource (NR). The parcel's current zoning is Residential Agricultural 40-Acre (RA-40). The adjacent zonings consist of One-Family Residential (R1), Residential Agricultural Forty-Acre (RA-40), and Agricultural. The approximate elevation is: 4,000 feet. The parcel's soil types are:

- CrE – Crozier Cobbly Loam, 9 to 50% Slopes (Class VI)
- JrD* – Josephine Gravelly Loam, 15 to 30% Slopes (Class IV – Soil of Local Importance)
- JsE – Josephine Very Rocky Loam, 15 to 50% Slopes (Class VI)
- MrC* – Musick Sandy Loam, 9 to 15% Slopes (Class IV – Soil of Local Importance)
- MtE – Musick Very Rocky Sandy Loam, 15 to 50% Slopes (Class VI)
- SdE – Shaver Very Rocky Coarse Sandy Loam, 15 to 50% Slopes (Class VI)

* El Dorado County Choice Agricultural Soils

Relevant General Plan Policies:

Note: Due to the interpretation of General Plan Policies 8.1.3.1 and 8.1.3.2 by the Board of Supervisors, these policies will not apply to this project, as the parcels are located within a Rural Center, were assigned the Medium Density Residential land use designation in the 2004 General Plan, and there is not a current agricultural operation on the agriculturally zoned parcels to the south and southeast.

Policy 8.1.4.1: 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.

A family member, representing the applicant, had no additional comments.

Bill Draper, speaking as a Registered Professional Forester, stated that he had prepared the Fire Safe Plan for this project and feels that staff's recommendation for the two lots is prudent as there is National Forest on the east and southeast corners of the property and in order to maintain the appropriate buffer the rezone for lots 9 and 10 to RE-10 (Estate Residential Ten-Acre) would be logical.

It was moved by Mr. Smith and seconded by Mr. Walker to recommend APPROVAL of Z 09-0003, and TM 09-1488 as General Plan policies 8.1.3.1 and 8.1.3.2, as interpreted by the Board of Supervisors, do not apply to this project; the parcels were given a land use designation of Medium Density Residential and were included in the Grizzly Flat Rural Center in the 2004 General Plan, the proposed project is consistent with the parcel's land use designation, and all of the findings can be made for 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.***

Furthermore, the Commission recommends that to be consistent with the proposed parcel sizes, Lot 9 and Lot 10 be rezoned to Estate Residential Ten-Acre (RE-10).

Motion passed.

AYES: Bacchi, Mansfield, Smith, Walker, Boeger

NOES: None
RECUSED: Draper
ABSENT: Ward

- VII. WAC10-0001 – Kuhl/Santillo/Rudd** (Michael Kuhl, Jeanine Santillo, Jack Rudd): New Williamson Act Contract required by the approval and certification of the Notice of Non-Renewal for a portion of Agricultural Preserve No. 172 identified by Assessor's parcel number 087-021-57 on May 13, 2008. The subject 178.75-acre parcel is the second parcel of that original preserve and is identified by Assessor's Parcel Number 087-021-58. It is located on the west side of South Shingle Road approximately 1.3 miles north of the intersection with Latrobe Road in the Latrobe area. (District 2)

Staff reported on the site visit. The property is over 178 acres and is located on South Shingle Road in the Latrobe area. The parcel is currently zoned AE, has a Land Use Designation of Agricultural Land (AL) and is part of Ag Preserve number 172. The applicant's have applied for a separate Williamson Act Contract for the 178 acres. Agricultural improvements to the property include: five-strand barbed wire fencing and corrals (verified during site visit), barns and outbuildings (verified during site visit), wells (per application), electric power (verified during site visit), and gravel and dirt roads throughout property (verified during site visit). Improvements exceed the minimum \$10,000 capital outlay requirement. Annual gross income is stated at \$3,500.00 (per application), which exceeds the minimum \$2,000.00 for low intensive farming (grazing). The applicant leases land for cattle grazing. Cattle were on the property at the time of the site visit.

Mr. Bacchi commented that he was glad the property is being maintained as grazing land.

Michael Kuhl was present for questions and review of the project but had no comment.

It was moved by Mr. Bacchi and seconded by Mr. Draper to recommend APPROVAL of WAC 10-0001 as APN 087-021-58 meets the minimum criteria for a low intensive agricultural operation:

- 1) *The capital outlay exceeds the minimum requirement of \$10,000 at \$21,750,*
- 2) *The acreage of the parcel exceeds the minimum requirement of 50 acres at 178 acres, and,*
- 3) *The gross income exceeds the minimum requirement of \$2000/year at \$3,500/year.*

Motion passed.

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

- VIII. S 09-0024 – Petra Winery** (Mark A. Annis): A request to allow a reduction in setback for a

winery to be located under an existing residential structure. The house is located approximately 50 feet from the southwest property line, 100 feet from the northwest property line (Deer Valley Road) and 75 feet from the north property line (along Deer Oaks Drive). The setbacks would be a condition of the Special Use Permit. Section 17.14.200(E)(2) of the El Dorado County Winery Ordinance requires a 200 foot setback for all wineries located outside of an Agricultural District. The 200 foot setback may be reduced to no less than 50 feet on a positive recommendation by the Agricultural Commission. (District 4)

Staff reported on the site: APN 102-210-16 is located in a rural area off of Deer Valley Road. The parcel is 10 acres in size and has over 5 acres of vineyard. The property is not in an Agricultural District. The land use designation is Rural Residential (RR) and the current zoning is Estate Residential Ten-Acre (RE-10). Rural Residential land use is defined in the General Plan as an area established for residential and agricultural development. Typical uses include single-family residences, agricultural support structures and a full range of agricultural production uses. This land use is appropriate only in rural regions of the County. The purpose of the RE-10 zoning is to provide for the orderly development of land having sufficient space and natural conditions compatible to residential and accessory agricultural and horticultural pursuits and to provide for the protection from encroachment of unrelated uses (Zoning Ordinance 17.70.070). The parcel is located in a rural area with an elevation of approximately 1,200 feet and soil type of RfC: Rescue Very Stony Sandy Loam, with 3 to 15% Slopes (a soil type recognized by the Agricultural Commission as a "Soil of Local Importance to El Dorado County Vineyards).

A reduction in setback for winery operations which will be housed under an existing single-family residence is being requested as part of a Special Use Permit. After meeting with the applicant, staff suggests two setback options:

Option 1: Applicant receives a reduction in setback for the processing of his grapes, to be conducted next to and under his existing single-family residence (approximately 50 feet from the southwest property line, 100 feet from the northwest property line (Deer Valley Rd) and 140 feet from the north property line (Deer Oaks Dr).

Option 2: Applicant uses existing barn as winery building, and receives a reduction in setback to process his grapes and store his wine. The existing barn is located approximately 230 feet from the southwest property line, 260 feet from the northwest property line (Deer Valley Rd) and 130 feet from the north property line (Deer Oaks Dr).

Relevant Zoning Ordinance: Section 17.14.200 El Dorado County Winery Ordinance Section E.2.b. & c. (Setbacks: The following setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas: (b.) Outside a General Plan Agricultural District a minimum of 200 feet from all property lines (c.) The 200 foot setback in Subsection E.2.b. may be reduced to no less than 50 feet by the Agricultural Commission approval of "Administrative Relief" based on forms and criteria established by the Agricultural Commission and subject to fees adopted by the Board of Supervisors.)

Referring to a photo in Staff's report, Commission Member Smith noted that the applicant

was using a substantial 2,600 liter press. Mark Annis, the applicant, stated that it makes his wine production easier than his previous smaller press. Mr. Annis told the Commission members that although he was willing to consider both setback options proposed by staff, he would prefer to conduct his winery operations at his house, due to the cost of moving the operation (the barn would need to be insulated, electricity would have to be installed and a concrete slab would have to be poured). He mentioned that a neighbor had sent in a letter of opposition to the location of the winery. Mr. Annis stated that prior to his application for a Special Use Permit, he was unaware of any complaints regarding his agricultural operation (he has been harvesting grapes and making his own wine for over two years). Mr. Annis also stated that he has support from the majority of his neighbors and pointed out that his house would act as a buffer from the noise of the press.

Evonne Norgire, who also resides on this property, explained that they were simply looking for an adjustment in the setback. She pointed out that with a winery this size, the production days are limited to only a few days per year. She said they do not have plans for a tasting room nor public access at this point and may never have one. She reminded the Commission that the property is in a rural agricultural area and they are engaged in an agricultural venture. She feels they are minimizing production just by the nature of the size of the parcel. It will be a small winery with a limited production and asked the Commission to please take this under consideration.

It was mentioned that five acres of grapes is considered a winery and theoretically a winery could crush three or four hundred tons of grapes. There was concern raised by some Commission members that if the setback was reduced to allow production at the house, there may be increased impact on the neighbors if the applicants were allowed to process an unlimited amount of grapes or custom crush for others.

Bill Stephans added that the Winery Ordinance would require an amendment to the Special Use Permit, if the operation grows beyond the specifications approved by Planning.

Mr. Bacchi empathized with the applicant, stating that he had been in a similar position at one time, starting a business with very little capital. He mentioned that the applicant has a basement for wine storage and an existing crush pad, and by requiring him to move his operation out to the barn would add a considerable amount of up-front costs.

John Stelzmilller stated that although he attended the meeting for another item, he supports the request for a reduction in setback because El Dorado County needs small businesses to succeed.

Discussion took place as to which option would best be suited for the applicant. If the setback reduction was approved for the winery co-located with the residence, limitations on case production could be made part of the Special Use Permit to further reduce impacts. To allow the applicant to consider which option may be best, the following motion was made:

It was moved by Mr. Smith and seconded by Mr. Bacchi to recommend the following:

Option 1: Applicant receives a reduction in setback for the processing of his grapes, to be conducted next to and under his existing single-family residence (approximately 50 feet from the southwest property line, 100 feet from the northwest property line (Deer Valley Rd) and 140 feet from the north property line (Deer Oaks Dr) with a maximum limit of 2,500 cases of wine produced per year, or

Option 2: Applicant uses the existing barn as a winery building, and receives a reduction in setback of 130 feet from the north property line (Deer Oaks Drive), to process his grapes and store his wine, with no limitation on case production.

Motion passed.

AYES: Bacchi, Draper, Mansfield, Smith, Walker, Boeger

NOES: None

ABSENT: Ward

IX. AG DISTRICT REVIEW – Fair Play – Somerset (North)

Charlene Carveth gave an introduction and brief overview of the General Plan Policies which require staff to analyze and amend the Ag Districts. On June 30, 2009 the Board of Supervisors adopted a five-year plan with a twelve month scope which included direction for Ag Department staff and Planning staff to analyze and update the Ag Districts.

Chris Flores gave a detailed review of an area (south of Sly Park Road and east of Mt. Aukum Road) that is being analyzed as a possible addition to the Fair Play – Somerset Ag District. She used a Power Point presentation to explain the Suitability of Land Procedure, showed detailed maps of the area and recommended the following Assessor's Parcel Numbers (259) be ***considered for addition*** to the Fair Play-Somerset Ag District:

078-200-50, 078-200-51, 078-210-10, 078-210-11, 078-210-12, 078-210-13, 078-210-14, 078-210-15, 078-210-20, 079-010-08, 079-010-09, 079-010-10, 079-010-11, 079-010-12, 079-010-13, 079-010-14, 079-010-17, 079-010-20, 079-010-21, 079-010-22, 079-010-28, 079-010-50, 079-010-51, 079-010-52, 079-010-55, 079-010-56, 079-010-57, 079-010-76, 079-010-77, 079-010-78, 079-010-79, 079-010-80, 079-190-01, 079-190-02, 079-190-03, 079-190-04, 079-190-05, 079-190-06, 079-190-08, 079-190-09, 079-190-11, 079-190-12, 079-190-13, 079-190-14, 079-190-15, 079-190-21, 079-190-22, 079-190-24, 079-190-28, 079-190-29, 079-190-30, 079-190-32, 079-190-33, 079-190-34, 079-190-35, 079-190-40, 079-190-41, 079-270-06, 079-270-07, 079-270-08, 079-270-09, 079-270-10, 079-270-11, 079-270-12, 079-270-21, 079-280-01, 079-280-02, 079-280-03, 079-280-04, 093-010-01, 093-021-01, 093-021-02, 093-021-03, 093-021-04, 093-021-05, 093-021-06, 093-021-07, 093-021-08, 093-021-09, 093-021-10, 093-021-11, 093-021-12, 093-021-13, 093-021-14, 093-021-15, 093-021-16, 093-021-17, 093-021-18, 093-021-19, 093-021-20, 093-021-21, 093-021-22, 093-021-23, 093-021-24, 093-021-25, 093-021-26, 093-021-27, 093-021-28, 093-021-29, 093-021-30, 093-021-34, 093-021-35, 093-021-36, 093-021-37, 093-021-38, 093-021-41, 093-021-42, 093-021-43, 093-021-44, 093-021-45, 093-021-46, 093-021-47, 093-021-48, 093-021-49, 093-021-51, 093-021-52, 093-021-53, 093-021-54, 093-021-55,

093-021-56, 093-021-57, 093-021-62, 093-021-63, 093-021-64, 093-021-69, 093-021-70, 093-021-71, 093-021-72, 093-021-73, 093-032-18, 093-032-19, 093-032-20, 093-032-22, 093-040-01, 093-040-19, 093-040-39, 093-040-43, 093-040-45, 093-040-46, 093-040-58, 093-060-15, 093-060-52, 093-070-54, 093-070-55, 093-080-07, 093-080-08, 093-080-10, 093-080-15, 093-080-16, 093-090-02, 093-090-03, 093-090-05, 093-090-06, 093-090-10, 093-090-11, 093-090-12, 093-100-02, 093-100-03, 093-100-04, 093-100-05, 093-100-06, 093-100-07, 093-100-10, 093-100-11, 093-100-12, 093-100-14, 093-100-15, 093-100-16, 093-100-17, 093-100-18, 093-100-19, 093-100-23, 093-100-24, 093-100-25, 093-100-26, 093-100-27, 093-100-28, 093-110-02, 093-110-03, 093-110-07, 093-110-09, 093-110-10, 093-110-11, 093-110-30, 093-110-51, 093-110-52, 093-110-56, 093-110-57, 093-220-27, 093-220-28, 093-220-41, 093-220-52, 093-220-53, 093-230-01, 093-230-02, 093-230-03, 093-230-04, 093-230-09, 093-230-10, 093-230-11, 093-230-12, 093-230-13, 093-230-15, 093-230-17, 093-230-18, 093-230-20, 093-230-21, 093-230-22, 093-230-23, 093-230-25, 093-230-26, 093-230-27, 093-230-28, 093-230-29, 093-240-05, 093-240-06, 093-240-07, 093-240-08, 093-240-09, 093-240-10, 093-240-11, 093-240-12, 093-240-13, 093-240-14, 093-240-20, 093-240-21, 093-240-22, 093-240-23, 093-240-24, 093-240-28, 093-240-29, 093-240-30, 093-240-31, 093-240-32, 093-240-33, 093-240-34, 093-240-35, 093-240-36, 093-240-37, 093-240-38, 093-250-01, 093-250-02, 093-250-03, 093-250-22, 093-250-23, 093-270-01, 093-270-03, 093-270-04, 093-270-34, 093-270-54, 093-270-67, 093-270-84, 093-310-01, 093-310-15, 093-310-16, 093-310-17, 093-310-23, 093-310-24, 093-310-25.

Art Marinaccio stated that he feels that this is one Ag District that will not happen. He feels that people are in support of the Ag District to prevent neighboring residential projects. He said the Ag Commission purpose has to be agricultural to place an Ag District overlay on lands. The vast majority of this area is timberlands and zoned NR (Natural Resource) because they have a natural resource. He read a portion of the Natural Resource definition from the General Plan. "...Any modifications of this land use designations shall require one of the following findings: (1) No important natural resource exists on the property; or (2) If a project is proposed, it will significantly enhance the long-term production and preservation of the on-site resources through the application of development strategies such as fuels management plans, timber management plans, self imposed setback buffers, and open space." It is his opinion that the areas that are RR that are residential, five acre and ten acre parcels, need to be excluded as there needs to be an agricultural purpose.

Bill Stephans noted that the General Plan Natural Resource description also states, "...Compatible uses on private land may include **agriculture, rangeland** (emphasis added), forestry, wildlife management, recreation, water resources development, and support single-family dwellings".

Two gentlemen questioned the impact it would have on their property if their parcels were included into the Ag District.

John Stelzmilller asked if there would be an ag setback requirement placed on his parcels if they were placed in an Ag District. Staff explained that setbacks are associated with parcel zoning and an Ag District overlay would not change the underlying zoning.

Mr. Stelzmilller requested that his parcels 093-021-71 and 093-021-72 not be included in the Fair Play - Somerset Ag District as they have a Rural Residential land use and that his

intention is to develop the parcels. Staff asked that this request be submitted in writing for clarification purposes.

Norma Woods stated that her property consists of a mountain that is zoned RE-10 with a radio tower on the top. She asked that her parcel, 093-250-23, be excluded from the Fair Play – Somerset Ag District.

Chair Boeger stated that if there were any further questions they could be addressed by contacting Ag Department staff.

It was moved by Mr. Smith and seconded by Mr. Walker to recommend incorporation of all uncontested parcels into the Fair Play-Somerset (North) Agricultural District; contested parcels will be decided upon at a later date.

Contested Parcels: 093-021-71, 093-021-72, and 093-250-23

AYES: Bacchi, Draper, Mansfield, Smith, Walker, Boeger

NOES: None

ABSENT: Ward

X. SUITABILITY OF LAND CATEGORY I CHART

Chris Flores has changed the wording slightly to include, “Parcels with mixed soil classifications or types shall be evaluated on the choice soils present and averaged provided that choice soils constitute 30% or more of the parcel.” Also added, “For those parcels that contain less than 30% choice soils, all of the soil types will be given a point value and averaged.”

The Ag Commission directed Ag Department staff to follow up with County Counsel regarding the procedure for the recommended changes and to include the “Soils of Local Importance to El Dorado County Vineyards.”

XI. WINERY ORDINANCE – One year review

Staff provided a list of items with issues that may need to be addressed in the Winery Ordinance. Bill Stephans suggested that Ag Department staff meet with Planning staff regarding the Winery Ordinance and then bring it back to the Ag Commission for discussion and possible recommendations.

XII. FUTURE BUSINESS/ISSUES

Zoning Ordinance Update – Relating to Agriculture – Bill Stephans suggested that a workshop with the Planning Commission be set. Ag Department staff will be meeting with Planning staff at the end of April and will bring back some dates and times to the Ag Commission at the next meeting (May 12th).

XIII. LEGISLATIVE ISSUES

- AB 1721 (Swanson) – this bill would provide, subject to exceptions, that restricted materials shall not be applied by specified methods for purposes of commercial agriculture, as defined, or a state agricultural pest eradication or control program within ½ mile of a school safety zone, as defined and that other pesticides shall not be applied by specified methods for purposes of commercial agriculture or a state agricultural pest eradication or control program within ¼ mile of a school safety zone, as defined.
- AB 2595 (Huffman) – This bill would codify requirements and would provide, with a specified exception, that, on and after January 1, 2012, as a condition of issuing an operator identification number for pesticide use, the County Agricultural Commissioner shall verify that the operator has been issued either waste discharge requirements or a waiver, as specified. By imposing new requirements on County Agricultural Commissioners, this bill would impose a state-mandated local program.

XIV. CORRESPONDENCE

- Request for Agricultural Commissioner Concurrence of Ag Setback Relief
Rick and Susan Paulline – APN 043-480-100

XV. OTHER BUSINESS

- Bill Draper – Sustainable Forest Action Coalition (SFAC) update regarding the Camino Mill closure. He provided copies of a letter to Jim Branham, Executive Officer, Sierra Nevada Conservancy, regarding the Sustainable Sierra Nevada Initiative and a letter thanking Senator Dianne Feinstein for her tireless effort in bringing the Tahoe Restoration Act to a reality. The letter requested several reasons that a trailer be added to the TRA to expand this very important action. Mr. Draper also provided the SFAC Action Plan.

XVI. ADJOURNMENT

- The meeting adjourned at 9:03 p.m.

APPROVED: Greg Boeger, Chairman

Date: May 12, 2010