



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
Currently vacant – Livestock Industry

MINUTES

June 9, 2010
6:30 P.M.

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

Members Present: Bacchi, Boeger, Draper, Mansfield
Members Absent: Smith, Walker
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
Peter Maurer, Development Services/Planning Department
Others Present: Dwayne Fisher, Joyce McCamman

I. CALL TO ORDER

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

II. APPROVAL OF AGENDA

Bill Stephans requested to add an item regarding grazing lands which was discussed by the Board of Supervisors and June 8, 2010 and also a brief update on the recruitment for the Ag Commissioner/Sealer position.

It was moved by Mr. Bacchi and seconded by Mr. Mansfield to Approve the Agenda with the requested additions.

Chair Boeger called for a Voice Vote of Approval of the Agenda.

Motion passed

AYES: Bacchi, Draper, Mansfield, Boeger

NOES: None

ABSENT: Smith, Walker

III. APPROVAL OF MINUTES

- Minutes of May 12, 2010

It was moved by Mr. Draper and seconded by Mr. Mansfield to Approve the Minutes of May 12, 2010 as submitted.

Motion passed

AYES: Bacchi, Draper, Mansfield, Boeger

NOES: None

ABSENT: Smith, Walker

IV. PUBLIC FORUM

- No comments were received

V. ZONING UPDATE (Agricultural and Forestry Zones)

Peter Maurer provided an update to the Commission on the draft Zoning Ordinance. He suggested a special workshop be set for August to allow time for the Ag Commission to review the Ag and Forestry sections and identify policy issues that may be of concern. For example, in the Zoning Code should we allow residences to be built on TPZ zoned land? The Planning Commission will also be reviewing the draft to identify a list of policy issues. Concerns will then be addressed in a draft and presented to the Board of Supervisors. Development Services would like the Board to make the policy issue decisions. At that point in time, fine-tuned changes will be made, which will then become the draft Zoning Code. The Final Draft of the Zoning Code will go through an Environmental Review process and further public review where the public and special interest groups will still be able to comment and suggest changes. Development Services hopes to get the Draft Zoning Code back in front of the Board, by the end of the year, for final adoption. The current work, however, is to identify any potential policy issues and Mr. Maurer stressed the need for the Board to make those decisions, *not* staff.

Currently, Planning staff is reorganizing the Zoning Ordinance. The current document was written, in the most part, in the 1960's, and has been amended through the years. There are inconsistencies and it is often difficult to use. A Planning trend, over the last ten or fifteen years, has been to create a matrix of Use Types that are somewhat flexible. Planning Staff has created a matrix with the various zones and use types and is looking at certain uses and where they should be allowed, and if they should be allowed by right or by some kind of permit, with a reference to the specific standard in the Zoning Code. The categories have been grouped into Residential, Agriculture, Resource, Commercial, Industrial zones and a Miscellaneous zone. Chapter 17.21, of the ordinance (the Ag and Resource Code), was provided to the Commission members along with Article 4, (the Specific Use Regulations); something that was taken from various parts of the current code and greatly expanded. Mr. Maurer explained that with the current ordinance there are a various number of uses, including Ranch Marketing, Wineries, Cell Towers, Home Occupations etc, that all have very specific standards and are scattered throughout the code. These uses have now been bundled together in Article 4 of the Draft Zoning Ordinance and cross-referenced by the Use Matrices. It is hoped that this simplified system will be easier to use.

Copies of Article 8, (the Glossary and Definitions section of the Draft Zoning Ordinance)

was also provided for the Commission's review. Mr. Maurer explained that staff is endeavoring to define the terminology and uses by re-organizing them in a form that is logical, and user friendly.

Planning Staff is also working to bring Zoning into conformance with the General Plan. Part of this process is looking at where the General Plan Land Use Designations and current Zoning are not consistent. For example, if something is designated Natural Resource, with a forty-acre minimum parcel size, but is currently zoned RE-5, with a five acre minimum parcel size, this is an obvious inconsistency and a zoning change would be needed. Likewise, the reverse could be true. There are other instances, in the County, where a parcel is designated Commercial but has a Residential zoning. In some cases, they will be rezoning these parcels to Commercial and in other cases, because the infrastructure is not necessarily there, Residential Use will still be permitted as a holding zone.

Peter Maurer explained that staff has consolidated some of the Agricultural zones. For example, the PA (Planned Agricultural) zone will replace the SA (Select Agricultural) zone, as the allowed uses were the same. PA-10 will replace SA-10 zones. The main directive is: "If it's not broken...don't fix it." The TPZ (Timber Production Zone) will remain the same. The RA (Residential Agricultural) zones have been changed to RL (Rural Land) because there are often people who move into the country then complain that the Ag, Timber or Mining uses "ruin the neighborhood." These lands are *not* a neighborhood, these are the resource lands (Rural Lands) of the county with an industry that relies on their use and need to be enhanced and protected. It is hoped that the name change will provide a deeper understanding that these areas are not really residential zones but rural areas. A house can be built on these lands but it will be understood that there should be no complaints if a neighbor starts up his tractor early in the morning. Staff is also working to better identify Ag land in comparison to rural or remote land. There has been conflict in the past, regarding RA zoned lands generally being considered, across the board, as Ag land. One of the exercises that staff will be doing in the future is trying to identify the RA zoned lands that are agricultural versus residential.

One policy in the General Plan requires staff to identify Ag Grazing lands and come up with a zoning scheme that will protect and conserve them for on-going ranching and grazing operations. This work has not been completed at this time, but the zoning code will include (AG) as a "holding place."

Discussion took place regarding overlay designations and zoning codes and how they affect each other. Mr. Maurer reiterated that as part of the zoning code update, zoning should be consistent with any overlays and land use designations, applied to the parcels.

Peter Maurer spoke of a newly created zoning called Forest Resource (FR). This will represent the forested land that is not in a Timber Production Zone (TPZ). It will primarily be applied above 3,000 feet, on good timberland, and will allow residential use. The zoning name will reiterate the importance of the forest resource and emphasize timber production as the primary use. Most of the National Forest will be zoned FR.

It was decided to allow the Commission a couple months to review the Zoning Ordinance to

address any concerns or make suggestions before a special workshop takes place in August.

VI. Dwayne Fisher – Requesting Administrative Relief from agricultural setbacks for a proposed single family residence (modular home) to be located no less than 78 feet from the southeast property line, adjacent to agriculturally zoned (RA-20) land.

Pursuant to the administrative relief criteria and procedures adopted by the Board of Supervisors on April 17, 2007, the applicant does not qualify for Development Services Director approval, and Agricultural Commission review shall be required, as described in Section A, Subsection 4. (District 2)

Staff reported on the site visit. The parcel is ten acres in size and zoned RA-20 (Residential Agriculture – Twenty Acre) with a Natural Resource (NR) land use designation. The adjoining parcels to the east, south and west are also zoned RA-20, are ten acres in size and have an NR land use designation. There are no apparent agricultural activities occurring on the parcels to the south, east, or west. The soil types on the parcel consist of SkD (Sites Loam 15 to 30% slopes), a Class IV “Choice” soil; and MrD (Musick Sandy Loam 15 to 30% Slopes), a Class VI “Choice” soil. The parcel is located at an approximate elevation of 3200 feet. It is not located within the Grizzly Flat Rural Center or an Agricultural District.

Commission Member Draper pointed out that the parcel to the southeast appears to have been harvested for timber so there is agricultural activity on that parcel which is directly adjacent to the requested reduction in setback. Also, the aerial appears to show other places on the parcel that may be used as a building site, especially the area that already has a shed in place.

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 other 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 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 or because the General Plan Land Use Designation of the surrounding or adjacent parcels is not agricultural (e.g. Light/Medium/High Density Residential).

Dwayne Fisher was present for explanation of the project. He explained that he chose the site for the modular as it is the highest point of the property, has the best view, passed a perc test for a septic and leach field, would not require any tree removals, and has power and a water source (well) nearby. He also spoke of the resale value.

The parcel owner to the southeast expressed her concerns and provided a letter of opposition.

The Commission discussed the proposed project in detail, but was unable to make three of the four required findings.

It was moved by Mr. Draper and seconded by Mr. Mansfield to recommend DENIAL of Dwayne Fisher's request for administrative relief of agricultural setbacks as the Agricultural Commission cannot make the findings as required by Resolution No. 079-2007 and adopted by the Board of Supervisors on April 17, 2007.

Motion passed.

AYES: Bacchi, Draper, Mansfield, Boeger

NOES: None

ABSENT: Smith, Walker

Bill Stephans stated that an appeal of the Ag Commission's decision to deny the request can be made to the Board of Supervisors within 10 days and is processed through the Development Services Department.

VII. BLA 10-0015 – Boundary Line Adjustment on Williamson Act Contract # 202 (John White): requesting a lot line adjustment to move an interior boundary of APN 093-090-03, part of Williamson Act Contract #202, located on the north side of Happy Valley Road in the Somerset area. (District 2)

Staff reported that the applicant has applied for a boundary line adjustment that would affect three of his parcels within Ag Preserve # 202 (APN 093-090-03, -06, and -10). The parcel's are located off of Happy Valley Road, and consists of approximately 201 acres. The reason cited for the boundary line adjustment is to exclude the existing vineyard from APN 093-090-03. At the completion of the boundary line adjustment, 7.9 acres would be removed from APN 093-090-03 and absorbed by APN's 093-090-06 and 093-090-10.

Relevant Government Code:

California Government Code Section 51257.(a) states to facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term for as least as long as the unexpired term of the rescinded contract, but for not less than 10 years.

FINDING: *Williamson Act Contract # 202 is not subject to a Notice of Non-Renewal. At the conclusion of the boundary line adjustment, the contract would continue to be in force and effect for a period of at least 10 years.*

- (2) There is no net decrease in the amount of the acreage restricted.

FINDING: *The total acreage, of the three parcels, affected by the boundary line adjustment, is currently 201.64 acres. The total acreage, after the boundary line adjustment, would remain the same.*

- (3) At least 90 percent of the land under the former contract remains under the new contract.

FINDING: *100 percent of the land under contract would remain under contract.*

- (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.

FINDING: *Consistent with Section 51222, all three parcels would be larger than 40 acres, after the boundary line adjustment. Parcels are presumed to be large enough to sustain their agricultural use if they are greater than 10 acres, in the case of prime farmland, and 40 acres in the case of non-prime farmland.*

- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.

FINDING: *The parcels, in their current configuration, are being used for agricultural production. The removal of the vineyard acreage (7.9 acres) from APN 093-090-03, should not affect the long-term productivity of the parcels under contract.*

- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

FINDING: *The parcels would continue to remain restricted by the Williamson Act Contract and used for agricultural productivity. As such, the boundary line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.*

- (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.

FINDING: *The three parcels affected by the boundary line adjustment would continue to exist after the boundary line adjustment and would be more consistent with El Dorado County's General Plan and Zoning Ordinance. APN 093-090-06 is currently 39.23 acres with an NR land use designation. After the boundary line adjustment, the parcel would be over 40 acres and consistent with its land use. The parcel configurations would generally stay the same.*

The applicant was not present for comment.

It was moved by Mr. Bacchi and seconded by Mr. Draper to recommend APPROVAL of BLA 10-0015, as the findings for Government Code Section 51257 (a) can be made, the parcel continues to meet the minimum requirements for the Williamson Act Contract and the findings for General Plan Policy 8.1.4.1 can be made; 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.***

Motion passed

AYES: Bacchi, Draper, Mansfield, Boeger

NOES: None

ABSENT: Smith, Walker

VIII. NOMINATION OF TWO AG COMMISSION MEMBERS FOR INDUSTRY REVIEW PANEL: Gary Ward – Relinquishment of Ag Commission Member position

Chair Boeger recommended Mr. Bacchi and Mr. Walker to participate in the process of

selecting a new member to represent the Livestock Industry on the Commission. He also suggested that Mr. Draper act as an alternate. Mr. Bacchi and Mr. Draper agreed to be on the review panel as recommended. Mr. Walker was absent but will be contacted by staff for his availability.

It was moved by Mr. Boeger and seconded by Mr. Mansfield to nominate Mr. Bacchi and Mr. Walker as Ag Commission Member Representatives on the Industry Review Panel to select an Ag Commission member to represent the Livestock Industry, with Mr. Draper as an alternate.

Chair Boeger called for a voice vote of approval.

Motion passed

AYES: Bacchi, Draper, Mansfield, Boeger

NOES: None

ABSENT: Smith, Walker

IX. JULY AG COMMISSION MEETING – Request for Cancellation

Due to certain circumstances, staff expressed the need to cancel the July 14, 2010 meeting. The Commission member agreed that no meeting would be held July, 2010.

X. FUTURE BUSINESS

- Ranch Marketing Ordinance – The draft ordinance is almost complete for review.
- Winery Ordinance Review – This item will be scheduled for review within the next 6 months.

XI. LEGISLATIVE ISSUES

- AB 1721 (Swanson) – This bill did not move out of the Assembly. It is dead for this year, but may be resurrected next legislative session.
- AB 2595 (Huffman) – This bill passed out of the Assembly and is now on the Senate side. The Ag Commissioners voted to oppose this bill at the Spring Conference. A letter was sent to the author expressing the Ag Commissioner's concerns however; it may be too late to stop this poorly conceived piece of legislation.

XII. CORRESPONDENCE

- None

XIII. OTHER BUSINESS

- Bill Draper – Sustainable Forest Action Coalition update
- S 80-0153-R – Pioneer Bible Church Expansion/Jarrold Holliday – Commissioner

concurrence to the request to expand the parking lot

- Grazing and rangelands were discussed at the June 8, 2010 Board of Supervisors meeting. Supervisor Briggs had requested that these items be presented so that the Board can understand the important benefits these lands offer to the county. The presentations were very informative and well received.
- Six applications have been received by the County for the Agricultural Commissioner/Sealer position. Out of the six applications, 4 were considered to have the appropriate licenses and qualifications.

XIV. ADJOURNMENT

- Chair, Greg Boeger, adjourned the meeting at 8:03 p.m.

APPROVED: Greg Boeger, Chair

Date: August 11, 2010