



# 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  
Tim Neilsen – Livestock Industry  
John Smith – Fruit and Nut Farming Industry

## MINUTES

October 13, 2010

6:30 P.M.

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

**Members Present:** Bacchi, Boeger, Draper, Neilsen, Smith, Walker

**Members Absent:** Mansfield

**Ex-Officio Members Present:** Juli Jensen, Ag Commissioner/Sealer

**Staff Members Present:** Chris Flores, Senior Agricultural Biologist  
Nancy Applegarth, Clerk to the Agricultural Commission  
Peter Maurer, Development Services/Planning Department

**Others Present:** Maryann Argyres, Jim Brockmeyer, Christa Campbell, Ginny Curran, Tracy Eden-Bishop, Edward Gardella, Tom Heflin, D. Keppler, Joel Korotkin, Don Lahey, LaVerne Moore, Neil Moore, Gary Pogue, Joyce Pogue, Diane Sharf, Andrew Spencer, Kirk Taylor, Jennie Varozza, Wayne Varozza, John Zentner, Valerie Zentner

### I. CALL TO ORDER

Chair Boeger called the meeting to order at 6:34 p.m.

### II. APPROVAL OF AGENDA

*Chair Boeger recommended moving Item X. Draft Ranch Marketing Ordinance Review, before Item IX. Draft Zoning Ordinance Review due to the number of individuals in the audience who were in attendance for the Ranch Marketing item. The amended Agenda was approved.*

*Motion passed*

**AYES:** Bacchi, Boeger, Draper, Neilsen, Smith, Walker

**NOES:** None

**ABSENT:** Mansfield

### III. APPROVAL OF MINUTES

- Minutes of September 8, 2010

*It was moved by Mr. Smith and seconded by Mr. Walker to Approve the Minutes of September 8, 2010, as submitted.*

***Motion passed***

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

**IV. PUBLIC FORUM**

- No comments were received

**V. EL DORADO COUNTY WATER AGENCY – Request for Agricultural Commission to consider El Dorado County Water Agency Irrigation Management Program eligibility criteria**

Tracy Eden-Bishop, P.E. Water Resources Engineer, representing the El Dorado County Water Agency, gave an overview of the IMS Program. The EDCWA Board approved support for the IMS Program in 2000 – to assist growers with conservation of agricultural water usage. Funding has been provided, for soil monitoring and reporting services, since 2001. There are 774 acres of cultivated land serviced – 689 acres of grapes, 71 acres of orchard and 14 acres of olives/vegetables. The annual budget for this program is \$75,000. In 2010 the eligibility requirements were changed, requiring a minimum 5 acres of commercially viable crop. Ms. Eden-Bishop asked the Commission Members for their input on the new criteria.

Mr. Bacchi asked Ms. Eden-Bishop why the 5 acre minimum was now a requirement. She explained that they were trying to improve the program with measurable criteria and it was suggested by a group of their professional consultants.

Juli Jensen informed the Commission Members that El Dorado County has 51 commercial wine grape growers, with one to four acre vineyards, and 15 commercial peach and nectarine growers with one to four acre orchards, making El Dorado County unique due to the large amount of small commercial growers.

Mr. Walker asked how many participating growers fall into the one to four acre category covered by the EDCWA. It was explained that there are six to seven growers, approximately 5% of the total participants.

Chair Boeger asked, how many growers could be given service with a budget of \$75,000. Ms. Eden-Bishop explained that they are currently servicing approximately 140 sites. It is hoped to expand this amount but they do have a limited budget.

John Zentner, President of the El Dorado County Grape Growers Association, and Treasurer of the El Dorado County Ag Water Quality Management Corporation, supplied further information. The State and the Regional Water Quality Control Board have defined a grower as “Commercial” if only one peach is sold off of his property. The growers who

have less than five acres, involved in irrigated agriculture, must enroll in the Water Quality Control Program. Mr. Zentner urged the Commission to take this into consideration. Out of approximately 330 members, the average irrigated operation size is 10 acres. There are a large number of growers that have less than 5 acres. One policy that has been established in the Best Management Practices pilot program is to urge or ask people if they participate in the IMS program and he explained that they are taking credit for those that do enroll, as insuring water quality because there isn't any run-off or over irrigation, etc.

Kirk Taylor stated that EID's 5 acre minimum for the AMI accounts was based on federal statistics of what constituted a minimum acreage for viable agriculture. But in his operation, the most profitable crop is on a half acre. He explained that this crop also requires more irrigation than some of his other crops.

Jim Brockmeyer, consultant to the EDCWA, read an email from a grape grower in Pilot Hill, who has less than 5 acres of grapes, and depends on the IMS Program and the agency's weekly readings to control their irrigation rates. The use of these readings has allowed this grower to save water and money.

Valerie Zentner, President, El Dorado County Farm Bureau, reminded the Commission that during the process of drafting the Winery Ordinance, a section was added for Micro-Wineries, for those who wanted to process their own grapes from their one-acre plus vineyards. She recommended that if the minimum acreage remains 5 acres, that the term, "adjacent" be used instead of "contiguous." She feels there are a lot of vineyards that are scattered about on singular parcels that may be near each other but not necessarily touching and she would not like to see these vineyards eliminated from the program.

Chair Boeger agreed with Valerie Zentner's comments.

Mr. Smith stated that he has used the IMS program after planting a new vineyard, to collect data for 1 to 3 years. He feels that growers should be able to use this information for a few years, based on the amount of rainfall and the type of winter it has been, and should have a pretty good idea of how much water to use in a vineyard each summer.

Chair Boeger felt that the program's budget should dictate how many sites could be served.

Mr. Draper questioned the fairness of allowing the existing program participants, who have less than 5 acres, to remain in the program while turning away commercially viable new applicants.

Tracy Eden-Bishop stated that there was a one-acre grower that applied this year and they were unable to accept him.

Mr. Smith added that , under the agency's current budget, if all the sites are not being utilized then what EDCWA might consider is allowing people with as little as one acre to come into the program until such time as the budget exceeds the allowable number of sites. The subsidy amount could also be reduced to allow a larger number of participants.

Mr. Bacchi asked if the acreage criteria is the correct criteria. He asked if the criteria should be based on the micro-climates that are present in this county. He said there was earlier testimony of someone saying it would be nice to have some of these sites in the west part of the county. He suggested that maybe the criteria should be the location of the parcel. He also didn't think that 5 acres should be the minimum crop size as testimony was heard that a commercially viable crop can be grown on less than 5 acres.

Discussion took place regarding the 5 acre minimum requirement for ranch marketing activities. Mr. Maurer stated that this is an arbitrary number that seemed to be a reasonable threshold to allow additional commercial activities on an agricultural site. It is a threshold that has been established by the County and seems to be accepted but would not necessarily apply in this case.

Mr. Smith suggested the agency look at this on an annual basis and until the budget is exceeded, he felt it would not be appropriate to limit the number of acres. He stated that a one-acre minimum is a reasonable number.

Mr. Walker added that he leans toward the one-acre proposal. He stated that setting the minimum acreage at one acre would probably accommodate most of the growers.

Kirk Taylor stated that in El Dorado County just about anything can be grown and although there is a lot of talk about grapes there are a lot of growers experimenting with other crops. Another thing that might be considered is not so much the minimum acres but the number of sites based on topography and soil types.

Mr. Walker spoke about his experience using the data from the IMS program offered by EID which he has been on since 1975. He feels the data he has received has been very valuable in the irrigation management of his vineyard.

Chair Boeger ended the discussion by advising EDCWA to look at their objectives and the overall goals the agency is trying to achieve.

**VI. SUNFIELD DEVELOPMENT, LLC – Scheiber Ranch Tentative Parcel Map, to create two lots ranging in size from 20.2 acres to 273.79 acres located south of Mother Lode Drive and east of French Creek Road in the Shingle Springs area. The subject property is approximately 300 acres in size, currently occupied with a residence, and fronts along French Creek Road in its entirety. The property was a part of a larger tract of land under Agricultural Preserve No. 17. This portion of the agricultural preserve rolled out in September 2006. (District II)**

Staff reported on the site visit. The property is located within the Shingle Springs Community Region and consists of 286.60 acres. The Land Use Designation is Low Density Residential. The Surrounding Land Use Designations are Medium Density Residential (MDR), Low Density Residential (LDR) and Rural Residential (RR). The zoning is Exclusive Agricultural (AE); no longer in a Williamson Act Contract (rolled-out in 2006). The Surrounding Zonings are Planned Development (PD), Single-Family Two Acre (R2A), Estate Residential Five-Acre (RE-5) and Estate Residential Ten-Acre (RE-10). The Soil Types are AxD – Auburn Very Rocky Silt Loan, 2 to 30% Slopes and AwD – Auburn Silt

Loam, (A soil type recognized on February 10, 2010, by the Agricultural Commission, as a Soil of Local Importance for El Dorado County Vineyards). The Auburn series produces good forage for grazing. The approximate elevation is 1200 to 1500 feet.

Mr. Smith asked if there is currently agriculture on the property. Staff explained that it is being used for cattle grazing.

Mr. Bacchi noted that Sheiber Ranch is a historic cattle ranch and has provided good grazing land but because of the Community Region location, the historical aspect cannot really be addressed by the Agricultural Commission.

Mr. Maurer reiterated that the Community Regions have been identified for future urban development.

*It was moved by Mr. Walker and seconded by Mr. Smith to recommend APPROVAL of Sunfield Development, LLC's request for a tentative parcel map, creating one parcel of 273.79 acres and one remaining parcel containing the homestead at 20.2 acres as the findings for General Plan Policy 8.1.4.1 can be made...the proposed parcel map:*

- A. Will not intensify existing conflicts or add new conflicts to adjacent residential areas 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.*

**AYES:** Bacchi, Draper, Smith, Walker, Neilsen, Boeger

**NOES:** None

**ABSENT:** Mansfield

**VII. SPR 10-0009 – MASTROSERIO TASTING ROOM** (Ruggero C. Mastroserio/Phil Pacca/Joe Young, Engineer): A site plan review request for a proposed winery/tasting room to be located in a 936 square foot structure. The winery/tasting room would be accessed by a non-county maintained road. The property, identified by Assessor's parcel Number 094-130-16, consists of 10.22 acres, and is located on the north side of Fairplay Road approximately 1.68 miles east of the intersection with Mount Aukum Road, in the Somerset area. (District II)

Staff reported that the property is located within the Fair Play/Somerset Ag District. The parcel's Land Use Designation is Agricultural Lands (AL) and its zoning is Residential Estate – 10 acre (RE-10). The parcel has the following soil types; HgD – Holland Coarse Sandy Loam, 15 to 30% slopes (Soil of Local Importance) and SbC – Shaver Coarse Sandy Loam, 9 to 15% Slopes (Statewide Important Farmland). The elevation of the property is approximately 2200 feet.

Planning Services has requested a review and recommendation of SPR 10-0009 by the

Agricultural Commission consistent with Section 17.14.200E.5.a of the Winery Ordinance. Although the parcel is zoned RE-10, is larger than 10 acres with over 5 acres of planted grapes, and is in an Agricultural District, the property is accessed by a non-County maintained road (Granite Springs Road) and as such, is subject to a Site Plan Review following a recommendation by the Agricultural Commission.

An existing 936 square foot barn is to be converted into a winery and tasting room. The access to the new winery and tasting room will be approximately 400 feet from Fairplay Road on Granite springs Road (A privately maintained paved road). At least three other parcels (one being Granite Springs Winery) uses the road for access.

There was discussion regarding some of the County's wineries with tasting rooms, in general. Mr. Boeger mentioned that there are "winery/tasting facilities" on parcels that are not actually producing wine on-site. The grapes are being crushed off-site and the wine is being made off-site and then brought back to the tasting room to be sold. Chris Flores read from the Winery Ordinance that a winery is a facility bonded through the Alcohol, Tobacco Tax and Trade Bureau and must have a current California ABC Type 2 Winegrower's License. She also read that "...tasting facilities shall be clearly related, and subordinate to the primary operation of the bonded winery as a production facility." Mr. Maurer stated that at some point during the planning process, the required documentation would be requested of the applicant. Mr. Smith supported Mr. Boeger's comments, stating that there are a number of facilities that exist in the County that are permitted as wineries but do not produce any wine on site. Chair Boeger added that he did not want to single-out Mr. Masteroserio, as he feels there will be production at his facility, but currently there are no supporting documents that the winery will have the required bonding and licenses. Chair Boeger said he had no problem with recommending approval of this application with the provision that wine must be produced on site in accordance with the Winery Ordinance.

***It was moved by Mr. Smith and seconded by Mr. Bacchi to recommend APPROVAL of SPR 10-0009, Ruggero Mastroserio's request for a winery/tasting room, as the project is secondary and subordinate to the agricultural use, will have no significant adverse effect on agricultural production on the subject parcel or surrounding properties, will enhance the economic viability of the agricultural operation 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; 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.***

***In addition, the Commission stressed that the primary purpose of this facility should be the production of wine from grapes grown on site.***

***Motion passed***

**AYES:** Bacchi, Draper, Smith, Walker, Neilsen, Boeger

**NOES:** None

**ABSENT:** Mansfield

**VIII. WAC 10-0002, WAC 10-0003, Z 10-0004 & BLA 08-0057 – VAROZZA/BRANDON RANCH (Varozza Trucking Inc. CA Corp/Dan Naygrow/Wayne Swart):** A request to rezone from Residential Agricultural-80 Districts (RA-80) to Exclusive Agricultural Districts (AE), a consistency zone change as the parcel is within a Williamson Act contract and the establishment of two new Williamson Act Contracts as the result of property reconfiguration under BLA 08-0057. The new contracts would replace the existing Agricultural Preserve #64. The property, identified by Assessor's Parcel Numbers 091-030-47, -48 & -49 consists of 476.58 acres, and is located at the end of Bonetti Road approximately one mile east of the intersection with Brandon Road, in the Latrobe area. (District II)

Staff reported that all of the subject parcels are currently part of Ag Preserve #64. The current Land Use Designation is Agricultural Lands (AL) and the current zoning is AE (Exclusive Agricultural) and RA-80 (Residential Agricultural – 80 Districts). The soil types consist of Auburn and Sobrante soils; important forage producing soils for rangeland. The approximate elevation of the parcels is 600 to 800 feet.

**Project Description:**

The Boundary Line Adjustment:

1. Will increase acreage of APN 091-030-47 from 152 acres to 240 acres,
2. Will increase acreage of APN 091-030-48 from 159 acres to 180 acres, and
3. Will decrease acreage of APN 091-030-49 from 165 acres to 53 acres

WAC 10-0002:

1. Will encompass APN 091-030-47 and part of 091-030-48 equaling approximately 235 to 240 acres.
2. Property is being used for grazing.
3. Capital outlay reported: new fencing (\$15,000), new corral (\$6,000), land clearing and road improvement costs (\$13,000)
4. Current gross annual income reported: \$15,000

WAC 10-0003:

1. Will encompass APNs 091-030-48 and -49 equaling approximately 233 acres.
2. Property is being used for grazing.
3. Capital outlay reported: fencing and corrals (\$20,000), land clearing and road improvements (\$10,500)
4. Current gross annual income reported: \$23,000

The Rezone:

1. The rezone is for consistency purposes to remove a section of RA-80

(Residential Agricultural – 80 Districts) zoning from the southeast corner of APN 091-030-47 and change it to AE (Exclusive Agricultural)

**BLA Findings:**

BLA 08-0057 must conform to **Government Code Section 51257**, as APN's 091-030-47, -48, and -49 are in an active Williamson Act Contract. The code section states, "(a) 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 or contracts would enforceably restrict the adjusted boundaries of the parcels for an initial term for 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 acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- 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."

**Government Code Section 51222** states, "The Legislature further declares that it is in the public interest for local officials and landowners to retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.

**Williamson Act Contract Criteria for a Low Intensive Farming Operation:**

1. Minimum Acreage – fifty (50) contiguous acres that are fenced to contain livestock.
2. Capital Outlay - \$10,000
3. Minimum Annual Gross Income - \$2,000



The representative for the applicant did not have any additional information to add.

***It was moved by Mr. Bacchi and seconded by Mr. Neilsen to recommend APPROVAL of WAC 10-0002 as the parcels continue to meet the minimum criteria for a low intensive agricultural operation in Williamson Act Contract:***

- 1) Acreage of parcel exceeds the minimum requirement of 50 acres at over 235 acres.***
- 2) Capital outlay exceeds the minimum requirement of \$10,000 at over \$34,000.***
- 3) Gross income exceeds the minimum requirement of \$2,000/year at \$15,000.***

***The Commission recommends APPROVAL of WAC 10-0003 as the parcels continue to meet the minimum criteria for a low intensive agricultural operation in Williamson Act Contract:***

- 1) Acreage of parcel exceeds the minimum requirement of 50 acres at over 233 acres.***
- 2) Capital outlay exceeds the minimum requirement of \$10,000 at over \$35,000.***
- 3) Gross income exceeds the minimum requirement of \$2,000/year at \$23,000.***

***The Commission recommends APPROVAL of BLA 08-0057, as the findings for Government Code Section 51257 (a) can be made if the original contract is rescinded and new contracts are simultaneously entered into:***

- 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.***
- 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 remains under the new 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.***
- 5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.***
- 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 the adjustment, or an adjusted lot that is inconsistent with the General Plan.***

***The Commission recommends APPROVAL of Z 10-0004 as it is consistent with the property entering into a new Williamson Act Contract and the findings for General Plan Policy 8.1.4.1 can be made. The proposed rezone:***

- 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, Smith, Walker, Neilsen, Boeger

**NOES:** None

**ABSENT:** Mansfield

**IX. DRAFT RANCH MARKETING ORDINANCE REVIEW** – Continued from the September 8, 2010 meeting (Item X. on the agenda was moved to Item IX. at the request of Chair Boeger)

Peter Maurer led the discussion. He stated that the Draft Ranch Marketing Ordinance has been added to the Draft Zoning Ordinance as a component of Article 4. He explained that it is not much different than the existing code. Some of the issues and terminology have been clarified. The biggest issue staff has encountered is regarding “eating establishments” and how to draw the line between what is a bake shop, full-size restaurant or prepared-food stand. Mr. Maurer feels that clarification has been made on this issue. Mr. Maurer explained that the heart of the Ranch Marketing Ordinance, are those other extra, value added activities that promote the region and the individual ranch. The specific provisions are listed to show what someone can do and the standards they would need to meet. There have also been some provisions provided for Christmas Tree farms and the limited Ranch Marketing activities that are associated with the Christmas season selling period.

Mr. Draper asked about a definition in the draft regarding Bake Shops and a specific reference to apples. Mr. Maurer responded that he had removed the word, “apple” and replaced it with “produce”.

Mr. Smith asked about “Arts and Crafts.” He noticed that “items mass produced by others” are excluded. He said it has been his experience that those might dominate the actual arts and crafts that are sold during Apple Hill season. He questioned if it was worth putting this into the draft, knowing that it would be violated and impossible to police.

Mr. Maurer said that it was certainly the intent of the last Ranch Marketing Ordinance, to get away from the commercial sale of sunglasses and trinkets. He said hopefully this will be more or less “self-policing”. Having the language in the Ordinance gives staff the ability to keep someone from abusing ranch marketing.

Christa Campbell, President, Apple Hill Growers Association, said she would just like to address Mr. Smith’s concern regarding “Arts and Crafts.” She stated that having “items mass produced by others” in the ordinance allows the ranch owners to self-police. She feels this is something in writing they can show a vendor, knowing the County will back them up. She gave her thanks to Planning staff.

Valerie Zentner, President, El Dorado County Farm Bureau, said that “Permanent Signage”

has not been addressed. There are provisions for temporary signs but nothing for permanent signs. She wasn't sure if this was an oversight. Also, in the definition of the "Ranch Marketing Area", there is language about "land planted in crops or orchard". She feels that the word "orchard" is not needed as it is a permanent crop. In the definition of "Minimum Crop Area" the language which talks about "...plant spacing, pruning and pest control" should have the word "predator" included. She mentioned there was talk about "Farm Stays" being allowed as part of Ranch Marketing but she did not see it in the draft, however, the Draft Zoning Ordinance Glossary has a definition for "Ranch Style Lodging" as a type of lodging. She stressed the need for this type of lodging in El Dorado County. And lastly, Ms. Zentner emphasized the need for ranch marketing allowances on actual "ranches".

Mr. Maurer responded to Ms. Zentner's comments. Permanent signage is addressed under the specific zone's development standards, so it wouldn't need to be duplicated in the Ranch Marketing Ordinance. Predators are considered a pest so they would be one in the same. Farm Stays still need further consideration but Mr. Maurer agreed that their inclusion in the Ordinance is important. He also mentioned that the livestock operators and ranchers should be accommodated within the Ranch Marketing Ordinance.

Juli Jensen suggested that agricultural setbacks be mentioned in the Ranch Marketing Ordinance under Development Standards, as a reminder that they exist. Mr. Maurer agreed that a cross reference to the section that addresses agricultural setbacks could be included.

Mr. Bacchi supported the idea of ranch marketing activities for actual ranches. Activities such as recreation tours, horseback riding, hiking, and fishing, etc. could help the large landowner as well as benefit the public. Special events, such as rodeos or weddings, could also be beneficial. The current Ranch Marketing Ordinance does not have language inclusive of grazing lands. Mr. Bacchi said that he did not wish to slow down the process, but he would like to see something in the current ordinance because he believes the grazing district idea is a long way down the road.

Mr. Maurer was supportive of the idea and stated he would welcome any suggestions from Mr. Bacchi or anyone else from the industry. Mr. Maurer reminded the Commission that the reason ranch marketing came about was to try and help supplement the farmer's income in order to help protect the farms financially. Grazing lands are at the greatest risk from development pressures. If the rancher cannot make a living on his land, the land is sold and subdivided. Diversification of uses may allow ranchers to stay on their land, longer. Mr. Maurer said that it might be a good idea to have a special section in the Ranch Marketing Ordinance for grazing lands, similar to the Christmas Tree section. He stated that he would give Mr. Bacchi's thoughts further consideration as to how to include them into the ordinance and asked that anyone who had specific ideas on the subject, send him an email or contact Ag Department staff.

**X. DRAFT ZONING ORDINANCE REVIEW** – Continued from the September 8, 2010 meeting

- Chapter 17.21 – Agricultural and Resource Zones
- Article 4 – Specific Use Regulations

- Chapter 17.22 - Commercial Zones
- Article 8 – Glossary

Mr. Maurer told the Commission that he had incorporated many of their ideas into the Draft Zoning Ordinance after last month's discussion. He mentioned that during this review process, there will be plenty of opportunities to modify the Zoning Ordinance and provide additional comments.

Mr. Walker expressed a concern that he and Commission Member Mansfield had regarding the change from Residential Agricultural zoning to Rural Lands zoning and the loss of agricultural protections associated with that change.

Mr. Maurer replied that this is one of the policy issues that will be taken to the Board of Supervisors. He has been working on the issue with Chris Flores who has been analyzing the RA zoned parcels, especially within the Agricultural Districts. As staff goes through the mapping aspect there will be an opportunity to consider if something zoned "X" should be zoned "Y" instead. The Ag Commission motion that was made during the September meeting will be forwarded to the Board of Supervisors.

Valerie Zentner encouraged the Commission to give further study to the Specific Use Regulations (Article 4) and the Glossary (Article 8). She suggested that the Ag Commission's feedback would be very valuable to Mr. Maurer due to the variety of specialties the Commission provides. She emphasized looking at the zoning language in regards to the Rural Centers, the new definitions in the glossary, asking if they protect and promote new concepts in agriculture.

Mr. Bacchi asked Ms. Zentner if she felt that "Ranch Style Lodging", as defined in the glossary, such as farm-stays, should be addressed within the Ranch Marketing Ordinance.

Ms. Zentner replied that at one time, farm-stays were included in the Draft Ranch Marketing Ordinance, but somewhere along the way, they were omitted. She said there are a lot of people in the Ag Districts and Rural Regions that would like to have the opportunity to take advantage of farm-stays. She said currently, the County would treat farm-stays as Bed and Breakfasts, which they were never intended to be. Many people would like the ability to promote agri-tourism from their homes and be able to generate some extra revenue. She reiterated that although Ranch Style Lodging has been defined, it has not been added to the Draft Zoning Ordinance, at this time.

Mr. Maurer added that farm-stays could be listed in Article 2 (Chapter 17.21) as a permitted use in certain zones, and then further defined in Article 4 (Specific Use Regulations).

Mr. Draper mentioned a couple of discrepancies within the glossary and Mr. Maurer noted his comments/suggestions.

## **XI. FUTURE BUSINESS**

- San Stino Pre-Application (Conceptual Review)

Chris Flores stated that the Sheiber Ranch development project was in a pre-application stage and was being brought before the Board of Supervisors for their feedback. The project proposes the development of the Sheiber Ranch and two parcels to the north, with 800 to 1200 units being built.

Mr. Draper asked if anyone was keeping track of the loss of agricultural lands to development and if a threshold of significance had been met.

Ms. Flores responded that she had been keeping track of agricultural lands converted to developments, on a spreadsheet, but that no formal process had been developed. General Plan Policy 8.1.3.4 requires that a threshold of significance for loss of agricultural land be developed by the Agricultural Department and the Planning Department, using the California LESA system. Ms. Flores mentioned that the California LESA system is not appropriate for use in El Dorado County and that the County would have to create its own specific LESA system.

Mr. Maurer suggested that if mitigating for the loss of agricultural land and/or developing the threshold of significance for the loss, is important to the Commission, they could make the request to the Board of Supervisors when Development Services submits their 12-month plan for next year.

## **XII. LEGISLATIVE ISSUES**

- AB 1963 – Chaptered

Cholinesterase testing results for pesticide applicators will now be forwarded from the private labs performing the testing to Department of Pesticide Regulations (DPR). DPR may share this information with OEHHA, and the State Department of Public Health for surveillance, investigation, environmental assessment and other issues.

- AB 2122 – Chaptered

Requires any regulations dealing with continuing education for any pesticide application or license to include specific minimum course requirements and requires DPR to act within 15 days to approve or reject the education courses.

- AB 2612 – Chaptered

Existing law requires first sellers of any agricultural or structural pesticide product packed in a rigid, non-refillable, high-density polyethylene (HDPE) container of 55 gallons or more to establish a recycling program or demonstrate participation in a recycling program that is certified by an accredited third party. This bill removes the third party certification. This bill makes minor changes and contains clean-up language to the California Organic Products Act of 2003. This bill also makes some changes to definitions and requirements of operations related to rendering.

- SB 1159 – Vetoed (Healthy Schools Act of 2010)

Existing law requires DPR to promote and facilitate the voluntary adoption of IPM by school districts. This bill would have required all school sites to adopt an IPM program as established, administered, and enforced by DPR. It would also have increased the mill assessment on all pesticides sold in California to pay for this program.

- AB 2595 – Sent to inactive file (dead)

Existing regulation requires the producer of an agricultural commodity obtain an operator identification number from the Agricultural Commissioner prior to the purchase and use of pesticides in the production of that commodity. This bill would have codified that requirement and required the Agricultural Commissioner to withhold that operator identification number if the operator of the property is found to be in violation of specified water quality requirements.

- AB 2530 – Chaptered

This bill will allow counties to voluntarily implement new (Williamson Act) contracts that are 10% shorter in return for a reduction in the landowner's property tax relief under certain county financial situations.

- SB 1176 – Chaptered

Existing law requires the pound keeper or other pound officer to immediately notify the Secretary of Food and Agriculture upon the impounding of any bovine animal, horse, mule or burro. This bill would include a public animal control agency or shelter among those to which this provision applies. The bill would provide that a city, county, or city and county that establishes or has established laws, ordinances, or regulations regarding estrays may opt to follow those laws, ordinances, or regulations instead of state laws in the handling of estrays that are not bovine animals in accordance with the applicable laws, ordinances, or regulations of the city, county, or city and county.

### **XIII. CORRESPONDENCE**

- None received

### **XIV. OTHER BUSINESS**

- None

### **XV. ADJOURNMENT**

Chair Boeger adjourned the meeting at 8:45 p.m.

**APPROVED:** Greg Boeger

**Date:** November 10, 2010