



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

October 14, 2009

6:30 P.M.

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

Members Present: Bacchi, Boeger, Draper, Mansfield, Smith

Members Absent: Walker, Ward

Ex-Officio Members Present: William J. Stephans, Ag Commissioner/Sealer

Staff Members Present: Chris Flores, Agricultural Biologist
Nancy Applegarth, Clerk to the Agricultural Commission

Peter Maurer, Development Services/Planning

Others Present: Bill Bacchi, Art Marinaccio, Jim Mault, Mike Ranalli

I. CALL TO ORDER

Chair Boeger called the meeting to order at 6:32 PM.

II. APPROVAL OF AGENDA

Bill Stephans requested an addition to Item X. Other Business, to remind the Commission members that as of January 2010, a Livestock Industry position will be open and the participation of two Ag Commission members will be needed for the interview panel.

Chris Flores requested an addition to Item VII. Ag Districts, to include two contested parcels to the Coloma Agricultural District, APN's 074-050-33 and 074-050-34

Chair Boeger asked for a voice vote for approval of the agenda with the two requested additions.

Motion passed

AYES: Bacchi, Draper, Mansfield, Smith, Boeger

NOES: None

ABSENT: Walker, Ward

III. APPROVAL OF MINUTES

- Minutes of September 9, 2009

It was moved by Mr. Smith and seconded by Mr. Draper to Approve the Minutes of September 9, 2009.

Motion passed

AYES: Bacchi, Draper, Mansfield, Smith, Boeger

NOES: None

ABSENT: Walker, Ward

IV. PUBLIC FORUM

- No comments were received

- V. S 01-0034-R – Toogood Estate Winery (Paul Toogood):** A request for a revision to an approved special use permit (S01-0034). The revision would allow the construction of a single family residence, barn and accessory structures. The property, identified by Assessor's Parcel Number 094-010-73, consists of 40 acres, and is located on the south side of Fairplay Road approximately 1.8 miles east of the intersection with Fairplay Road and E16 (Mt. Aukum Road), in the Fair Play area. (District 2)

Staff reported on the site visit. The parcel consists of 40 acres and has over 10 acres of vineyard. The parcel is in the Fairplay-Somerset Ag District, has a Land Use Designation of Agricultural Lands (AL) and is zoned Planned Agricultural Forty Acre (PA-40). The soil types from greatest to least amount are HgD – Holland Coarse Sandy Loam 15 to 30% Slopes, SbD – Shaver Coarse Sandy Loam 15 to 30% Slopes, and HgC – Holland Coarse Sandy Loam 9 to 15% Slopes. The average elevation of the parcel is 2200 feet and the winery is accessed from a non-County maintained road.

In accordance with El Dorado County's Winery Ordinance, because this property is accessed by a non-County maintained road, if the applicant did not have a special use permit, certain uses would be allowed "by right" and additional winery and tasting facilities on the property would be subject to the review and approval of a Site Plan Review by the Development Services Director, following a recommendation by the Agricultural Commission. To staff, it appears that all of the proposed development and activities listed in Paul Toogood's application for a revision to his current Special Use Permit, are items that would be allowed "by right" in the winery ordinance..

Bill Stephans stated that staff tried to craft a recommendation to cover either a Site Plan Review or a Special Use Permit Revision. If it is found later that a Special Use Permit Revision is not necessary, staff did not feel it would be appropriate for the applicant to return back to the Commission for a recommendation concerning a Site Plan Review. This recommendation allows flexibility, in the future, if a revision is not necessary.

Peter Maurer, Planning Services, explained that a Use Permit covers *all* uses, including those

that would normally be allowed “by right.” The Use Permit supersedes the “by right” uses on an applicant’s property. Planning is still debating the issue in relation to the new Winery Ordinance. Planning staff are currently waiting for County Counsel to give their opinion on this issue.

Bill Stephans stated that the one item on the parcel that may require a Special Use Permit would be the signage, as there is currently more than one sign on the property. The Winery Ordinance adopted earlier this year, allows for only one unlighted on-site sign not to exceed 32 square feet on either sign face. These signs were covered by the property’s original Special Use Permit.

The applicant was not present.

Art Marinaccio spoke about the need to develop a Minor Use Permit as discussed early-on in the Winery Ordinance process. He spoke in favor of a stream-lined permitting process.

It was moved by Mr. Smith and seconded by Mr. Mansfield to recommend APPROVAL of S 01-0034-R, Paul Toogood’s request for a revision to his current Special Use Permit, if it is determined that a revision to the Special Use Permit is required AND APPROVAL of the proposed future developments on the parcel, if a Site Plan Review is found to be necessary, as staff has conducted a site visit and a site plan review and found that the proposed future buildings will not require the removal of existing vineyards and are so located as to not impact future agricultural operations, all proposed changes are in conformance with the current Winery Ordinance, 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.*

Motion passed.

AYES: Bacchi, Draper, Mansfield, Smith, Boeger

NOES: None

ABSENT: Walker, Ward

- VI. SPR 09-0009 Skinner Winery, (Michael Skinner/Jim D. Mault) Site Plan Review:** The request is for a 12,972 square foot winery production area, a 2,430 square foot covered crush pad, and a 1,568 square foot retail and tasting room. The project would also include landscaping, exterior lighting, signage and an on-site parking area. Because the winery will be accessed via a privately maintained road, a Site Plan Review is required with a recommendation from the Agricultural Commission. The property is located on the west side of Fairplay Road one mile south of the intersection with Perry Creek Road in the Fair

Play area. (District 2)

Mr. Mansfield recused himself from this item stating he has a business relationship with the owners of the property.

Staff reported on the site visit. The parcel consists of 67.58 acres with approximately 19.5 acres in vineyard, per Bryan Rahn, Vineyard Manager. The property is in the Fairplay-Somerset Ag District, has a Land Use Designation of Agricultural Land (AL) and is zoned, Planned Agricultural Twenty Acre (PA-20). The soil types from greatest amount to least amount are HgC – Holland Coarse Sandy Loam 9 to 15% Slopes, Non-Choice, MrC – Musick Sandy Loam 9 to 15% Slopes, and MrD – Musick Sandy Loam 15 to 30% slopes. The average elevation of the parcel is 2600 feet.

Planning Services has requested a review and recommendation of SPR 09-0009 by the Agricultural Commission consistent with Section 17.14.200.E.5.a of the Winery Ordinance. Although the parcel is zoned PA-20, 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 (Seven Up Bar Ranch Road) and as such, is subject to a Site Plan Review following a recommendation by the Agricultural Commission.

To be constructed: (1) A 12,972 square foot winery/production building with a 2,430 square foot covered crush pad, to be located 52 feet to 62 feet north of Seven Up Bar Ranch Road and west of the existing residence. (2) A 1,568 square foot tasting room, to be located 418 feet north of the winery/production building. (3) An access road and parking area.

Approximately 2 acres of existing vineyard may be removed to accommodate the project parameters. The access to the new winery building and tasting room will be approximately 1300 feet from Fairplay Road on Seven Up Bar Ranch Road (a privately maintained gravel road). Seven Up Bar Ranch Bed and Breakfast is located at the end of Seven Up Bar Ranch Road and is currently the only other parcel using the road for access.

Bill Stephans stated that the owner of this parcel owns another vineyard at another location, so they not only have the vineyard acreage in Fair Play; they have additional vineyard acreage that may be processed and crushed at this location as well. Under the current Winery Ordinance, parcels of 40 acres or larger allow up to a 60,000 square foot winery building by right. The proposed winery building and crush pad total 15,402 square feet which is well within the current Winery Ordinance guidelines.

Mr. Smith asked staff if the existing building on the property was a residence. Staff replied that from a distance it looks like a house but they were not sure as they did not go beyond the locked gate. Jim Mault, Snowline Construction Company, representing Michael Skinner, explained that there is an existing studio/residence on the property which was permitted ten years ago, with an attached shop.

Mr. Smith, referring to the proposed project, stated that this would not create the largest winery in Fair Play but would certainly create the largest tasting room in the area. Referring

to the request for a 1,568 square foot retail and tasting room, Mr. Smith mentioned that the danger in constructing something this large was that it could facilitate the temptation to branch out into things that are not necessarily wine-related. He questioned the need for so much space and asked if this area would also be used as storage for the wine.

Jim Mault answered that the tasting room building is designed to have a basement with the lower level open to a veranda with a view of the Fair Play area. The basement will contain wine storage, (like a wine library) and a dumbwaiter for transferring wine to the tasting room. It may also include a private tasting area. The public tasting area will be on the main level. The footprint of the building is only 28 feet by 28 feet with a partially surrounding deck. The maximum production of the winery will be approximately 10,000 cases. Mr. Mault stated that the additional vineyard property, Bill Stephans referred to, was planted a few years ago and is not producing a substantial crop yet.

It was moved by Mr. Bacchi and seconded by Mr. Smith to recommend APPROVAL of SPR 09-0009, Michael Skinner's request for a winery/tasting room, as the project is secondary and subordinate to the agricultural use and will have no significant adverse effect on agricultural production on the subject parcel or surrounding properties 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.*

Motion passed.

AYES: Draper, Smith, Bacchi, Boeger

NOES: None

RECUSED: Mansfield

ABSENT: Walker, Ward

VII. Ag District Review

Bill Stephans gave a brief overview of the General Plan Policies which require staff to analyze the Ag Districts. On June 30, 2009 the Board adopted a five-year plan with a twelve month scope which included direction for Ag staff to update the Ag Districts.

Pleasant Valley

Staff Recommendation: Staff recommends the following Assessor's Parcel Numbers (27) be **added** to the Pleasant Valley Ag District:

046-022-11, 046-270-17, 078-230-32, 078-240-16, 078-240-17, 078-240-23, 078-240-24, 078-240-30, 078-240-31, 078-240-37, 093-050-03, 093-050-06, 093-050-12, 093-050-21, 093-050-22, 093-050-30, 093-050-36, 093-050-43, 093-050-46, 093-050-48, 093-050-50, 093-050-51, 093-050-53, 093-050-54, 093-050-56, 093-050-62, 093-050-63

Staff Recommendation: Staff recommends the following Assessor's Parcel Number (1) be **removed** from the Pleasant Valley Ag District:

046-250-20

Contested Parcel already included in the Pleasant Valley Ag District: 099-110-20 (Gutenberger)

During the September Agricultural Commission meeting, there was a request to see a map of the property at the corner of Pleasant Valley Road and Bucks Bar Road. A portion of the property has a Commercial Land Use Designation. There was discussion regarding the compatibility of the Commercial LUD within the Pleasant Valley Agricultural District and whether the Commercial section should remain in the district. Bill Stephans provided a map to the Commission members showing the Gutenberger property, its size and where it is located in relation to the Pleasant Valley Ag District. As it is on the edge of the Ag District, the Commercial portion of the parcel could be removed from the Ag District without negatively affecting surrounding parcels. The Commercial portion, of the Gutenberger property, is surrounded by an Agricultural Land (AL) Land Use Designation which would act as a buffer to surrounding parcels. Mr. Stephans also stated that all of the identified parcels were re-noticed for this meeting and that to his knowledge no one has contested staff's recommendations. No notices were returned to the department as undeliverable.

Art Marinaccio, representing Gilbert Gutenberger, said that Mr. Gutenberger would like it noted on the record that he may want to have the Commercial section of his property removed from the Pleasant Valley Ag District.

It was moved by Mr. Smith and seconded by Mr. Draper to recommend incorporation of all the uncontested parcels into the Pleasant Valley Agricultural District; to recommend removal of APN 046-250-20 and that a recommendation be deferred on the Commercially designated portion of the Gutenberger parcel until a later date.

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

Coloma

Staff Recommendation: *Staff recommends the following Assessor's Parcel Numbers (15) be added to the Coloma Ag District:*

074-050-28, 074-050-13, 074-050-33, 074-050-11, 105-010-06, 105-010-65, 105-010-66, 105-050-14, 074-050-27, 074-050-34, 074-050-08, 105-010-41, 105-010-64, 105-050-19, 880-374-81

Contested Parcels: 105-010-64, 105-010-65, 105-010-66, 074-050-33, 074-050-34, 105-050-14, *880-374-81

*880-374-81 - a small parcel owned by the Bureau of Land Management. Staff questions whether or not it should be included into the Ag District if the surrounding parcels are not.

Mr. Bacchi recused himself as he owns several parcels identified to be added to the District.

Maps of the current Coloma Ag District, with the proposed additions, were shown to the Commission Members and audience. Aerials of the proposed parcels were shown, as well as the proposed Ag District minus the contested parcels. A PowerPoint slide, showing the Suitability of Land Review scores for all proposed additions, was shown and discussed. Only five of the 15 parcels scored higher than 60 points due to low scores in the soils category. It was noted that "Choice" agricultural soils are not needed for good grazing land.

Bill Bacchi stated that he would like his parcels to remain outside of the Ag District (APN's 074-050-33, -34, 105-010-64, -65, and -66) because his family is currently in the process of estate planning and analyzing the best uses of the parcels. Some portions of the land may support a vineyard or orchard but currently is being grazed. The land has an Agricultural Lands (AL) Land Use designation (20 acre minimum parcel) which is the same parcel size as the Ag District. If it makes sense in the future, a portion of the parcels may be added to the Ag District after analysis. In either case, a General Plan amendment would be required to either change the AL land use designation or add/delete a parcel from an Ag District.

Chuck Bacchi requested that one of his parcels (APN 105-050-14), situated between the American River and Highway 49, be removed from consideration. This parcel has been heavily mined for gravel and is currently being used to support the rafting industry. He stated that he had no other issues with the other parcels recommended to be added.

Mike Ranalli asked a question regarding the Suitability of Land Review for the parcels in Williamson Act Contract (WAC). He asked how the parcels qualified for the WAC when they scored below the 60 point benchmark because of soils. Bill Stephans explained that the Suitability of Land Review is only one evaluation tool. The Board of Supervisors have adopted minimum criteria for entering into a WAC for High Intensive farming operations (orchards, vineyards, etc.) and Low Intensive farming operations (i.e. grazing). For any WAC, an agricultural operation must be in place and meet the minimum criteria adopted by the Board of Supervisors.

It was moved by Mr. Mansfield and seconded by Mr. Smith to recommend incorporation of all uncontested parcels into the Coloma Agricultural District, deferring a

recommendation regarding all contested parcels until a later date.

AYES: Draper, Mansfield, Smith, Boeger

NOES: None

RECUSED: Bacchi

ABSENT: Walker, Ward

VIII. LEGISLATIVE ISSUES

- AB 443 (Gagliani) – Apple Pests: Pest & disease prevention – vetoed by Governor
- AB 905 (Assembly Ag Committee) – signed by Governor
- SB 715 (Wolk) – remained in House of Origin, it may be resurrected next year.

IX. CORRESPONDENCE

- None received

X. OTHER BUSINESS

- The term of one of the Livestock Industry positions is set to expire in January 2010. Bill Stephans stated that the Commission will need to select two members to sit on the interview panel which is tentatively scheduled for December 7, 2009. Notices will be published in the paper and also mailed to the agricultural associations. The selection of the Commission representatives will be on the next meeting agenda.
- REMINDER: Due to Veteran's Day which is a holiday, the next Ag Commission meeting will be held on the third Wednesday of the month, November 18th.
- Bill Draper – Sustainable Forest Action Coalition update. Mr. Draper stated that AB 1066 was signed by the Governor.
- Pettus, Keith – The BOS voted to non-renew WAC # 259. Notices were sent to the owner and the Department of Conservation.

XI. ADJOURNMENT

- The meeting adjourned at 7:42 PM

APPROVED: Greg Boeger, Chair

Date: November 18, 2009