



# AGRICULTURAL COMMISSION

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

Greg Boeger, Chair – Agricultural Processing Industry  
Lloyd Walker, Vice-chair – Other Agricultural Interests  
Chuck Bacchi – Livestock Industry  
Bill Draper, Forestry/Related Industries  
Tom Heflin, Fruit and Nut Farming Industry  
Dave Pratt – Fruit and Nut Farming Industry  
Gary Ward – Livestock Industry

## MINUTES SPECIAL MEETING

November 5, 2008  
6:30 P.M.

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

**Members Present:** Boeger, Bacchi, Heflin, Pratt, Walker, Ward

**Members Absent:** Draper

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

**Staff Members Present:** Chris Flores, Agricultural Biologist/Standards Inspector  
Nancy Applegarth, Clerk to the Ag Commission  
Roger Trout, Developments Services Director  
Peter Maurer, Developments Services/Planning

**Others Present:** Chris Alarcon, Paul Bush, Gary Gould, Bob & Barbara Leidigh, Art Marinaccio, John Smith, Bill Snodgrass, Valerie Zentner

### I. CALL TO ORDER

### II. APPROVAL OF AGENDA

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

### III. APPROVAL OF MINUTES

#### Minutes of October 8, 2008

Mr. Heflin asked that the Minutes of October 8, 2008 be amended to incorporate comments pertaining to discussion of the economic effects of the Draft Winery Ordinance. Staff will be amending the Minutes of October 8, 2008 as requested.

*It was moved by Mr. Heflin and seconded by Mr. Walker to Approve the Minutes of October 8, 2008 with the requested additional comments under the discussion of the Draft Winery Ordinance.*

*Motion passed.*

**AYES:** Bacchi, Pratt, Heflin, Walker, Boeger

**ABSTAIN:** Ward  
**ABSENT:** Draper

#### IV. PUBLIC FORUM

- No comments were received

#### V. DISCUSSION OF GENERAL PLAN POLICY 8.1.3.1

During the October 9, 2008 Planning Commission meeting, direction was given to staff to review the Agricultural Commission's recommended *Criteria for the Consideration of a Reduction of Minimum Parcel Size Agricultural Buffer Requirement of Policy 8.1.3.1* to determine if additional streamlining of the process would be supported by the Agricultural Commission. Staff was directed by the Planning Commission to possibly identify appropriate minimum thresholds to allow the Planning Director with the concurrence of the Agricultural Commissioner to allow reduced parcel sizes adjacent to agriculturally zoned parcels without an Agricultural Commission hearing.

Bill Stephans explained the reasoning for the requested criteria under consideration. A memo regarding General Plan Policy 8.1.3.1 containing the drafted criteria had been mailed to each Ag Commission member for their review. Planning Commission members requested that the application process be streamlined. Staff had drafted a General Plan amendment and criteria which the Ag Commission had recommended for approval, to be used as a tool to analyze the appropriateness of the creation of a parcel less than 10 acres adjacent to Ag zoned land. Although streamlining the process is always the goal for a successful program, General Plan Policy 8.1.4.1 requires the Ag Commission hear items that could impact agriculturally zoned lands. It is staff's opinion that the creation of a parcel less than 10 acres adjacent to ag lands can have a significant impact so streamlining the process by limiting the Ag Commission's hearing requirements may not be consistent with General Plan Policy 8.1.4.1. Chris Flores provided a detailed analysis of the parcels in Community Regions and Rural Center. Based on the General Plan, Cameron Park, Camino, Pollock Pines, El Dorado Hills, El Dorado, Diamond Springs, Placerville and Shingle Springs are all in Community Regions. Staff estimates that out of a total 42,563 parcels there are a total of 96 parcels that could be affected by General Plan Policy 8.1.3.1 based on Land Use Designation, zoning and parcel size. This equates to approximately .23% of all the parcels in those Community Regions. Bill Stephans stressed that the 96 parcels *could* be affected by General Plan Policy 8.1.3.1. The criteria that staff has put forward will, and at the very least, allow staff and the Ag Commission to analyze specific requests for the creation of a smaller parcel and to make informed recommendations as to whether a smaller parcel size is appropriate. Staff estimates there are 5,751 parcels in El Dorado County Rural Centers and out of all of those parcels, approximately 62 may be affected by General Plan Policy 8.1.3.1. This is approximately 1.1% of the parcel total within those Rural Centers. Again, it is staff's opinion that the criteria would give an applicant the ability to request a smaller parcel. Currently, if everything is correctly submitted, it usually takes approximately six months, at a minimum, to approve a fairly simple parcel split in El Dorado County. The Ag Commission hears applications for parcel splits very early in the process. It is staff's opinion that while we are considering these applications, Planning staff would be working on a parallel track on any

number of requirements/issues concerning the parcel split application. It was discussed at the Planning Commission hearing that this seems to be a long, drawn-out process that is often slowed further by the Ag Commission. Bill Stephans stated that to his knowledge, the Ag Commission has never been the reason for a delay of a project approval. When the department receives an application from Planning, we make every effort to hear the item at the next scheduled Ag Commission meeting. If the criteria are adopted by the Board, the Ag Commission would still give a *recommendation* to approve/deny the parcel split or to recommend another parcel size that might be more appropriate. As the parcel split is analyzed by staff, additional conditions could be identified and proposed, such as requiring a 200 foot setback or only building a non compatible structure in a specified building envelope to limit the impacts on the agriculturally zoned lands. Conditions like this might be used to create smaller parcels in certain areas by making the setback a condition for approval of the parcel split. This type of review/analysis appears to be the purpose of General Plan Policy 8.1.4.1.

Bill Stephans said that in his opinion, one type of parcel split application that may not require an Ag Commission review and recommendation is a request that has an Approved Plan (AP) Land Use Designation. If the Commission agrees, these requests could be approved by the Development Services Director with concurrence by the Agricultural Commissioner. There have been a few projects that have come forward over the past several years which were already approved by the Board of Supervisors a number of years ago, that were adjacent to Ag land. The application process could be streamlined by allowing an approval of this type.

Chair Boeger asked that in addition to Exhibit A (Criteria), could this exception be incorporated into the criteria. Bill Stephans stated that this exception could be added to the draft similar to the language incorporated into the adopted Ag Setback Administrative Relief criteria (General Plan Policy 8.1.3.2) which states that with approval of the Development Services Director and Ag Commissioner concurrence, a setback of up to 75%, may be approved. The language could be tailored to allow only an "X" amount percentage of the 10 acre parcel as may be appropriate.

Peter Maurer was present for questions. He stated that Planning staff will be going back to the Planning Commission in December on this issue and will be taking the Ag Commission recommendations to them for an agricultural perspective.

The Commission asked if Peter Maurer concurred with the work Ag staff had compiled regarding Community Regions and Rural Centers and the amount of parcels that may be affected.

Peter Maurer stated that as the same GIS system would be used by both departments, he did not doubt that the information was accurate. There have been a handful of very obvious situations where the 10 acre buffer did not seem to apply with no remedy for relief. The proposed criteria are a solution to address these unique situations. He feels that some of the recommendations made by the Ag Commission and others will work, depending on the level

of review the Commission feels is appropriate. But considering all the policies as a whole, any project, unless amendments are made to General Plan Policy 8.1.4.1, still must be heard by the Ag Commission if it is adjacent to Ag land.

Chair Boeger questioned Peter Maurer regarding General Plan Policy 8.1.3.1 which actually states that it is "Agriculturally zoned lands" however; another proposal submitted to the Planning Commission primarily uses the GP Land Use Designation as the main factor and not the parcel zoning. He asked if a project is considered by how it is zoned. Mr. Maurer said that it was his understanding that the submitted proposal would refer to the GP Land Use Designation as opposed to the zoning. In his opinion for this to occur, both General Plan policies would need to be amended to remove the phrase "agriculturally zoned lands" and replace it with the desired Land Use Designation.

The Commission questioned whether or not this approach would be ignoring the parcel zoning in El Dorado County. Mr. Maurer replied that Planning is currently working to bring the zoning into compliance with the General Plan. He also explained that the GP Land Use Designations are broad use categories and within those use categories there are several different zone districts that further specify more detailed uses/restrictions. He gave the example of, Rural Residential (RR) which allows Ag zoning. In the General Plan, Table 2-4 shows what zones are compatible/consistent with the Land Use Designations. The larger Rural Residential Lands have a very broad scope of the type of allowed uses; resource-based uses, Ag uses and residential uses. Some of the Agricultural lands could be missed just by looking at the Ag Districts and the Ag designated parcels.

The Commission asked if there was a plan and a timeframe for the zoning in the county to be updated for GP consistency and what would happen after it is completed. Roger Trout stated that Planning staff is currently working on the rezoning with plans to complete the project at the end of 2009 (approximate timeframe only). The county will also be concurrently going through the zoning ordinance update process. The text and the maps will be updated for consistency with the General Plan.

Mr. Pratt asked about incorrectly zoned RE parcels and how they would be rezoned to a more appropriate zone. Roger Trout answered that he has consistently stated that he will not have the answer to that question until they reach that point in the zoning ordinance process because there are currently too many unknown factors to determine what their zoning will be.

Chair Boeger opened the meeting to take comments from the public.

Art Marinaccio expressed his opinion that what really needs to be asked at this point in time is, "Can these zoning issues be fixed with a policy interpretation or will it take a major General Plan Amendment?" He believes that no one has thought about a General Plan amendment to address this issue and that no one has even considered whether a General Plan amendment is necessary. He is convinced that a policy discussion would fix this issue because the law is very clear...zoning does not control the General Plan's designation

control, but that is not what the General Plan says, so if the Board of Supervisors chooses to make a policy interpretation, perhaps they could do it. He feels the archaic zoning, in many instances, are far too out-of-date to be interesting. He stated that it could be said that projects have not been delayed but there are large projects that have not been able to be processed at all. He gave the example and history of Dave Zweck's property in Shingle Springs which was heard by the Ag Commission in the early 1990's. Art Marinaccio's opinion is that Ag zoning is not consistent with the Community Region and his preference is to say that the Ag policies do not apply in these regions. He feels any impacts to Ag will be dealt with under CEQA. In his opinion this is a huge problem that needs to be fixed.

Peter Maurer stated that he was unclear regarding Art Marinaccio's description of the process leading up to this point as staff has been working on a General Plan amendment that was initiated by the Planning Commission some time ago. The question is now "What should the amendment say and how should the language of this policy be changed to address the issues?"

Bill Stephans reminded the Commission about their previous motion to recommend that General Plan Policy 8.1.3.1 be amended to contain an authority statement which would allow the use of specific criteria to analyze the creation of less than 10 acre parcels adjacent to Ag zoned lands. The other option the Commission did not support was to place the criteria in the General Plan because it would be much harder to make adoptive changes when additional issues arise in the future. Based on the specific and clear language of the policy, it was felt that the best way to address this issue was through a GP amendment. The Ag Commission recommended GP amendment and criteria were forwarded to the Planning Commission for discussion. The main discussion at the Planning Commission was regarding the proposed criteria and not the proposed draft GP amendment.

Valerie Zentner, El Dorado County Farm Bureau, agreed, and that in her opinion, the policy should be changed by a General Plan Amendment because the language is very clear in the policy which does not allow it to be interpreted any differently. She is concerned as there are at least four proposed actions currently in various stages that seek to reduce or eliminate Ag protection policies. By proposing the various changes, she is concerned about doing spot amendments here and there without doing a comprehensive study. Policy 8.1.4.1 will still require projects to come before the Ag Commission for any discretionary development applications on Ag land or adjacent to Ag lands. She stated that buffering is only one tool and mentioned General Plan Policy 8.1.1.5 that cites buffers and the Right-to-Farm ordinance as basic protections for Ag land. Ms. Zentner spoke of the "willingness to be good neighbors" and look at alternatives but she really wants to make sure that the Ag Commissioner or the Ag Commission has the necessary tools to review projects that may have an impact adjacent to agricultural land. The General Plan anticipated that there would be incompatibilities if the Ag Commission did not have this type of reviewing/recommendation discretion and she believes that is why it is written into the document. She asked that the Commission proceed with caution.

Sue Taylor was next to speak. She served on an Ad Hoc Committee regarding the permit process and now has several concerns. There are some local residents hoping to implement a Mixed-Use amendment which will intensify the density of units that can be constructed in a mixed development within a Community Region. After seeing what happens with this type of development, she has requested the Planning Commission re-designate Camino and

Pollock Pines from a Community Region to a Rural Center. Both Camino and Pollock Pines are identified as the same classification as El Dorado Hills. She presented maps to the Ag Commission members showing the boundary lines surrounding both communities. She feels there are Planned Developments happening in the county and, because they have not been addressed globally, they are being addressed project by project with some of the cumulative issues being ignored. She believes there are many established areas that should have transition zones between the different types of uses. She also expressed concerns that the authority to protect agricultural properties might be taken away from the Ag Commission and decisions possibly made behind closed doors without public input.

Chair Boeger asked Planning staff about the distinctions between Community Regions and Rural Centers and how those distinctions might affect the Ag Commission's analysis.

Peter Maurer stated that Community Regions are typically where urban and suburban land uses are proposed to be developed. Whereas Rural Centers are where the General Plan envisions urban and semi-urban land uses are proposed to be developed. The Community Regions allow a higher density while Rural Centers are typically the smaller communities in outlying areas. In his opinion, it would take a General Plan amendment to initiate this of map change for Camino and Pollock Pines. He stated that the mixed development proposal is different than the re-designation of Camino and Pollock Pines which has not been initiated through a General Plan Amendment.

Chris Alarcon spoke in agreement with Valerie Zentner's statements regarding buffering. It is his opinion that buffers are to be a protection for agriculture, but the issue is buffers that are being applied to projects/parcels that are not agriculture. He gave the example of the development of Union Mine High School, which is still zoned as agriculture, as one of the problems that should be addressed, not taking buffer protections taken away from Agriculture.

The Commission asked staff questions regarding the handout -Exhibit A draft criteria and the copy of the developer's submittals which diagramed their proposed streamlined process of General Plan Policies 8.1.3.1. Would this be competing with the criteria that were recommended by the Ag Commission and was it the only proposal to be considered by the Planning Commission?

Bill Stephans answered that it is a competing alternative proposal which was only handed out at the Planning Commission meeting October 9<sup>th</sup>. We provided it to the Ag Commission for additional information and consideration. Staff believes the Ag Commission's recommendations allow staff the ability to analyze the appropriateness of the creation of a smaller parcel with the benefit of still protecting agriculture.

Regarding the alternative proposal, it was asked if this was a General Plan amendment. Bill Stephans replied that in his opinion, it was a policy interpretation of the General Plan without an amendment to the General Plan. Again, General Plan Policy 8.1.3.1 does not contain an authority statement to allow the creation of any parcels less than 10 acres adjacent to agriculturally zoned land. The goal is to allow, at least, an analysis of the creation of a parcel that may be less than 10 acres by placing the authority statement within the General Plan, through an amendment. Once the General Plan amendment is approved, adopt the criteria the Ag Commission had proposed and recommended.

Mr. Pratt expressed concerns regarding treating all Community Regions the same. He feels that anytime there is an interface with Ag districts in the Community Region, there will be

conflict. In his opinion, treating the Camino and Pollock Pines communities the same as El Dorado Hills does not seem appropriate so either there is a set of standards where development is occurring such as those used in El Dorado Hills or Cameron Park, or they should come up with a broader set of standards that allows for the Commission to continue to require the hearing process that is currently in place. He gave further explanation as to why he believes the proposed criteria should be adopted. The current language in the policy is very specific in that it does not allow the creation of any parcel less than 10 acres adjacent to Ag zoned lands. The recommended General Plan amendment gives the Commission the flexibility to recommend smaller parcels when appropriate. The “one size fits all” approach of the alternate proposal will not protect ag currently operating within the county adjacent to Community Regions.

Other members of the Commission concurred with Mr. Pratt’s comments, stating their desire to review projects as needed.

There was discussion of areas within Adopted Plans (AP) as these properties have been approved for development by the 2004 El Dorado County General Plan. It is staff’s opinion that the Agricultural Commission does not need to hear these projects within the AP designation. Members of the Commission agreed with staff’s assessment.

*It was moved by Mr. Pratt and seconded by Mr. Heflin to again forward to the Planning Commission, the recommended General Plan amendment for General Plan Policy 8.1.3.1, as previously submitted, and Exhibit A, the criteria for consideration for reduction, which shall include additional language to address parcel requests in General Plan Land Use Designations of AP (Adopted Plans) as an exception listed in the criteria not required to be heard by the Agricultural Commission. Also, the supporting data analyses of the number of parcels potentially affected by Policy 8.1.3.1 in Community Regions and Rural Centers should be included as part of the documentation forwarded to the Planning Commission.*

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

## **VI. DISCUSSION OF DRAFT WINERY ORDINANCE – September 8, 2008**

Bill Stephans gave a brief review of past discussions regarding the Winery Ordinance. At the October 8, 2008 Agricultural Commission meeting staff was directed to schedule a Special Meeting for further discussion of this topic. The date of November 5, 2008, allowed time for the draft to be reviewed by the El Dorado Winery Association and the Fairplay Winery Association. At the last Agricultural Commission meeting, only minor issues were identified. The Winery Ordinance will be heard at the Planning Commission again on November 13, 2008, and the next meeting of the Agricultural Commission will be November 12, 2008. If the public or the Ag Commission requests any amendments at this meeting, they will be incorporated into a letter that will be submitted to the Planning Commission.

Roger Trout stated that Planning also gave a brief update to the Board of Supervisors on October 21, 2008. There were only a couple minor changes requested at this meeting which will be incorporated into the Winery Ordinance. He stated that he would like to officially

incorporate the color matrix into the Winery Ordinance, replacing section B.2 with the matrix as it is easier to read and does not change the intent of the document.

Several Commission members complimented Roger Trout on the easier to read drafted Winery Ordinance and his work on the project.

Chair Boeger opened the meeting to public comment.

Paul Bush, representing the El Dorado Winery Association, stated that during their meeting on November 3, 2008 after discussion and going through the draft Winery Ordinance again, the members present, voted their unanimous support. This association believes that although it is not a perfect document, it is a reasonable compromise for continued growth of agriculture and wineries in El Dorado County. Paul Bush personally thinks that Section B is very clear and well-written. He requests that both the written Section B and the color matrix be included in the document.

John Smith, representing the Fairplay Winery Association, stated that they also met on November 3, 2008 to consider the ordinance. During the association's discussions many misconceptions were clarified especially regarding marketing events. At the end of this discussion, the association members present voted unanimously to support the draft Winery Ordinance.

Bill Snodgrass gave a brief history of the Winery Ordinance, saying the process began in January, 2001, to aid the growing wine industry in El Dorado County. He stated that from the beginning, the purpose of the ordinance was drafted not to allow for more activities, only to make the requirements more restrictive and clear. He complimented Bill Stephans, and the Agriculture and Wine Industries for the pro-active work that has been done.

Valerie Zentner had comments regarding the proposed mitigation measures in the initial study. She referred to Appendix D, the criteria used for wineries that are visible from a county maintained road. The aesthetics values might be of concern if built along a scenic corridor and the design should not be overly restrictive when it is *not* built in a scenic corridor, which has other, higher values. She spoke of biological resources that may be restricting winery and vineyard uses in Important Biological Corridors. The Plant and Wildlife Technical Advisory Committee and the Stakeholders Advisory Committee will be developing the Integrated Natural Resources Management Plan to better define important biological corridors and how to apply these policies in the General Plan. Ms. Zentner said she is not suggesting that there will not be an impact, but it may be premature to apply these restrictions on any private property use in the Important Biological Corridors. Limiting property uses must be based on sound science. She requested that this be deferred until the INRMP committee has developed a process with science to back it up.

Roger Trout replied that the proposed aesthetics mitigation measures were under situations where there were larger wineries exceeding 10,000 square feet of floor area visible from a county maintained road. This mitigation measure was based on an analysis of the potential

for having an unknown number of larger facilities going into the wrong place, at the wrong time. The 10,000 square foot number sounded reasonable, so there may be some flexibility to further clarify the mitigation measure as long it maintains the same intent. It was hoped to reach an easy, enforceable threshold so if a winery were to be built under 10,000 square feet in view of a public road, it would be allowed without going through a design review process.

In response to Valerie Zentner's comments regarding Biological Resources in the General Plan, Roger Trout stated that the Important Biological Corridors (IBC's) policy required additional land use limitations for development projects. Some of the tools to do this are increasing permit requirements, increasing tree retention or increasing stream setbacks. Using these concepts in the initial study as potential mitigation measures for wineries in the IBC's again allows the Board flexibility to adopt an ordinance through an MND. As far as he is aware, not many of IBC's overlap Ag areas, but there are a few. It is in those circumstances where these additional biological resource issues may require further mitigation.

The Commission asked if the IBC policy would treat new projects differently than existing projects. Roger Trout replied that the same grandfathering rule would apply. The language would read that if a proposed project was located in an IBC, then additional mitigation would be required either through the CEQA process or through a Conditional Use Permit. It would not be a "By Right" condition.

The Commission asked about the minimum lot size of 20 acres and the maximum of 2.5 acres. If an individual owned 200 acres would it still be a maximum of 2.5 acres for winery buildings and accessory uses? Roger Trout stated that yes, 2.5 acres is the maximum allowable acreage for any parcel size without a use permit.

Art Marinaccio, referring to the first column in the color matrix showing the allowance of projects over 20 acres outside of the Ag districts, basically feels that anytime you have any of these types of uses that are in residentially zoned areas a Use Permit is appropriate, at least a minor Use Permit that addresses the noise. The idea that somebody could have a 40 or 50 acre piece of land in the middle of five acre residential parcels and have concerts By Right without a Use Permit does not make sense and needs to be dealt with somewhere in this process. He also feels that the new zoning codes will not fix this problem. He disagreed that the ordinance should be held up due to biological issues such as the IBC's, stating that there is no other way to read the General Plan. Policy 7.4.1.6 in the General Plan specifically requires all development projects involving discretionary review be designed to avoid disturbance or fragmentation of important habitats.

Bill Stephans stated that the draft ordinance does address Mr. Marinaccio's statements in regards to putting in a winery adjacent to residential properties. Section D.2 specifically requires a use permit when a winery is proposed adjacent to MFR, HDR, MDR and LDR land use designations.

Bob Leidigh spoke about how he received his Special Use Permit. He asked Planning staff

about micro-wineries and the purpose of the draft ordinance section. He asked if he would migrate into that class overtime or was this section added only for future wineries. Roger Trout answered that it would apply to future wineries. Bob Leidigh referred to section D.10 (c) specifically not including electronic, fax and phone orders for wine. He feels that those types of sales ought to be clearly permitted and the current language does not appear to allow these types of sales. Although it permit's a micro-winery on five acres where there is a sufficient amount of crop land and grapes, the setbacks in E2 seem to make this very difficult if the micro-winery is outside a general Plan Ag District, then there is a minimum requirement of 200 feet. He explained that he has 200 feet to the east, west, and north but not on the south side. It is very hard to get 200 feet in all directions on a five acre parcel. He also mentioned that there are a couple provisions in the development standards that should not be applied to micro-wineries but as the ordinance is structured it could be interpreted in that way.

Roger Trout stated that electronic, fax and phone orders are allowed and that they will be added to the ordinance. The main concerns with a micro-winery are to not allow direct sales/tasting on site. The concern regarding development standards applying to micro-wineries was addressed in Section E.0. The Development Standards section state that these standards are the minimum requirements for all wineries and accessory uses in Section C which exempts the D section (micro-wineries).

Bob Leidigh acknowledged this point of clarification and suggested a clarification be included regarding Building Size in Table A, by moving it to the micro-winery section and removing it from Table E. It is his hope that other micro-winery owners, like himself, might be able to migrate into this, and overtime there would not be any, home-occupation situations. He has concerns for those who may follow in his footsteps, under this new ordinance with regards to those provisions.

Chris Alarcon spoke in regards to building size. He suggested that a straight ratio of land size to building size would eliminate the stepped approach listed in the table.

Valerie Zentner reminded the Commission of General Plan Policy 7.4.2.9 regarding Land Use and Important Biological Corridors. It states that "restrictions will not apply to the extent that the Agricultural practices do not interfere with the purposes of the IBC overlay." She feels that this has not yet occurred and may be a product of the IMRMP process. She disagrees that the IBC's do not occur in Ag areas. There are also exemption entitlements in the General Plan language that have not been incorporated.

The Commission asked if anything had been added to the Winery Ordinance regarding an economic analysis of the impacts of the ordinance.

Roger Trout said that General Plan Policy 10.1.2.5 speaks about the effect on business, with statements on economic effects and taking implications. After hearing all the comments, he would like the ordinance to contain the continued allowance for wineries to operate and grow. This ordinance will be more restrictive than the current ordinance, but with two

winery associations giving their approval, he feels he can make the statement that there will be no significant economic impacts to winery development in the county.

Dave Pratt agreed that the ordinance is more restrictive and because of that, it will have an impact because of these additional restrictions.

Roger Trout said that this ordinance is more restrictive in some areas but now there are clearer uses allowed by right. The smaller wineries, the simpler business plans, are allowed by right in particular zones that are clearly identified, with larger wineries and wineries in the other zones that simply apply for a use permit, they are not prohibited. The use permit process does have an economic impact side to it although once a use permit is granted, more surety is granted for the project which runs with the parcels, making the parcel more valuable. In his opinion, use permits for proposed larger facilities will not be a deterrent to developing wineries or winery operations. The reverse of this ordinance is to have an ordinance that requires a use permit for everything but that approach may not be as palatable.

Dave Pratt feels that the draft Winery Ordinance is more restrictive than those in other counties, so in his opinion there has to be an economic impact. His concern is that if someone wanted to build a winery in El Dorado County these restrictions might deter them and force them to other counties which may be more appealing through their less restrictive ordinances.

Roger Trout said that he planned to articulate this impact but the point is that it is a General Plan Policy and he is required to demonstrate consistency with the policy. If the Commission feels this ordinance will have a negative impact on the industry, then this ordinance would not be consistent with the General Plan. He believes those types of economic impacts from this ordinance are pure speculation. In his experience, the cost of the land would be a primary reason for choosing to build somewhere other than El Dorado County, not the restrictions in the ordinance.

Dave Pratt expressed another concern regarding the existing vineyard operations that are outside of Ag Districts. If they were allowed to do some things By Right under the old ordinance for the past 10-15 years, or are zoned RE, they are impacted by the ordinance in some way. With the outcome of the new zoning ordinance, which will be defined at a future point, there should be some form of amnesty program that should be associated to help those operators that may have been impacted by this. His feeling is there are at least 40% of the vineyard operators outside of the Ag Districts, such as in the Garden Valley Divide area. If someone has invested into a vineyard operation and wishes to go into the wine business, or sell to someone who wants to go into this type of business, (internal growth – not all new development) by being outside an Ag District, if they were not zoned AE, PA or SA they would be forced into a use permit process. He feels there would be an impact on these types of vineyard operations.

Roger Trout replied that when those questions are asked, Planning staff gives the applicants

their options. They can go through the use permit process, rezone their property or they can add to their property to increase the acreage. There are multiply options under the old and new draft Winery Ordinances. In his opinion, there will not be a significant change yet there are fine-tuned provisions to require Special Use Permits. He feels there is no profound flaw in the ordinance or the necessary findings that need to be made under the Economic Element of the General Plan that this ordinance is somehow detrimental to the industry. If all that needs to be done is a rezone, or a use permit, this is not a significant burden to get project proponents to where they want to go. This ordinance makes it easier to rezone to Agriculture because there have been parameters placed on the uses that are not in the current ordinance.

Chair Boeger asked for any further recommendations or motions from the Commission.

Roger Trout suggested that he and Bill Stephans meet and put together the few changes that need to be added to the ordinance before the November 12, 2008 meeting of the Agricultural Commission. At that time, if the Commission agrees with the amendments, the Commission can give their final approval. They could then be taken to the Planning Commission meeting on the following day, November 13, 2008.

The Commission noted the following changes to be made:

- The Color Matrix be added to the ordinance and retain section B2
- The maximum micro-winery size be removed from Table A and moved to Section D
- Phone, fax, telecommunication devices (electronic orders) be added to the section D.10.c
- Section D5 – change 5 acres to one acre and add “fruit crops”

Roger Trout added the following:

- Add “special” in front of events in section D.7.
- E5(a) – change fire department to fire districts

Chair Boeger mentioned an email received from Dave Bolster regarding “other fruit wines.”

Roger Trout said that he was not clear what this addition would do to the CEQA analysis. It may be a minor change but at this time it has not been analyzed. He feels that if this draft Winery Ordinance is adopted there might still be some changes that will be addressed within the next six months with this change being included.

***It was moved by Mr. Pratt and seconded by Mr. Walker to make the suggested changes and bring the draft Winery Ordinance back for approval at the November 12, 2008 meeting of the Agricultural Commission.***

***Motion passed.***

**AYES:** Bacchi, Pratt, Heflin, Walker, Ward, Boeger

**NOES:** None  
**ABSENT:** Draper

Mr. Walker spoke on behalf of the Commission to give kudos to Roger Trout, Paul Bush and John Smith. He thanked them for their perseverance, saying it was greatly appreciated by the Commission and the Ag industry at large. He said it shows that everyone can work together to reach a common goal.

Chair Boeger agreed with Mr. Walker's comments and thanked Roger Trout for crafting a very clear, easy to read ordinance which he feels allowed for a quicker resolution of the issues.

Paul Bush recognized and thanked Valerie Zentner, Dave Pratt and the many people from Planning and Ag who deserve recognition for their work.

## **VII. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:37 p.m., by Chair Boeger.

**APPROVED:** Greg Boeger, Chair

**Date:** December 10, 2008