



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
Tom Heflin, Fruit and Nut Farming Industry
Dave Pratt – Fruit and Nut Farming Industry
Gary Ward – Livestock Industry

MINUTES

November 12, 2008

6:30 P.M.

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

- Members Present:** Bacchi, Boeger, Draper, Heflin, Pratt, Walker, Ward*
**(Mr. Ward arrived during Item VII.)*
- Members Absent:** None
- 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, Development Services/Planning Director
Pierre Rivas, Development Services/Senior Planner
- Others Present:** Paul Bush, Randy & Jenah Calvin, Tom & Julie Carter, Bill Center, Marion France, John Greco, David Irons, Bob Leidigh, Frank & Pat Matagrano, Jr., Rick & Donna Meixner, Michael & Colleen Ranalli, Stan & Beverly Rosenblatt, David Russell, Roy & Marilyn Rutz, John Smith, Tim Willson, Valerie Zentner

I. CALL TO ORDER

II. APPROVAL OF AGENDA

It was moved by Mr. Walker and seconded by Mr. Heflin to APPROVE the agenda.

Motion passed.

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

NOES: None

ABSENT: Ward

III. APPROVAL OF MINUTES

Minutes of November 5, 2008 Special Meeting

Finalized Minutes will be available for the December 10, 2008 meeting

IV. PUBLIC FORUM

No comments were received

V. Ranch Marketing/Winery Ordinance update and discussion.

Bill Stephans stated that at the November 5, 2008, Special Meeting, the Commission had requested Roger Trout to make a few changes to the Draft Winery Ordinance. The changes were made as requested.

Roger Trout reviewed all the requested changes from the Special Agricultural Commission meeting of November 5th and asked that the new version of the draft be recommended for their approval.

Bill Stephans added that one change still needed to be made, as suggested by Valerie Zentner. The last column of the color matrix concerning AP zoning, CUP was inadvertently omitted from the third row and will be added in.

It was moved by Mr. Walker and seconded by Mr. Pratt to submit the Draft Winery Ordinance to the Planning Commission and Board of Supervisors with the endorsement of the Agricultural Commission for ADOPTION.

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

NOES: None

ABSENT: Ward

Chair Boeger thanked Roger Trout, Bill Stephans and all those who worked on the Winery Ordinance.

The Commission asked staff for an update on Ranch Marketing.

Bill Stephans explained that recent focus had been on the completion of the Winery Ordinance, however, at the last meeting the sub-committee was happy with the direction the Ranch Marketing draft was taking and it was hoped to be finalized after the completion of Winery Ordinance.

The Commission directed staff to agendize the Ranch Marketing draft ordinance for review at the next meeting on December 10, 2008 in order to begin the processing of this document for completion.

VI. V 08-0013 – Holly’s Hill Winery Variance (Thomas N. Cooper/Anova Architect, Charlie Downs): A variance request to allow the expansion of an existing winery building by allowing a reduced front yard setback of five feet for the installation of required water storage tanks for compliance with fire regulations, and 35 feet for the expansion of the building proper. These reductions are from the 50 feet required pursuant to 17.14.190.D.2.A. The property, identified by Assessor’s Parcel Number 078-240-21, consists of 10.82 acres, and is located on the west side of Leisure Lane approximately 1.8 miles southwest of the intersection with Pleasant Valley Road, in the Pleasant Valley area. (District 2)

Staff reported on the site visit. The application is for a setback variance of 35 feet for an addition to the existing winery building, which was built 50 feet from the northern property

line. The setback is against APN 078-250-21, an RA-20 parcel of over 16 acres. Directly adjacent to the property line, on the RA-20 parcel, is a horse paddock. An existing water storage tank is located between the RA-20 parcel and the proposed winery addition. If the proposed addition to the winery building is approved, fire regulations will require the installation of additional water storage tanks. The applicants have requested a reduced front yard setback of five feet for these required tanks. Staff has determined that the setback would not have a significant impact on the neighboring parcel to the north, as the tanks would be adjacent to the horse paddock.

Bill Stephans said he wanted to make it perfectly clear that Ag staff are not making the findings required for a variance approval pursuant to the El Dorado County Code Section 17.22.630. We have cited that section because we feel the findings can be made based on the information that was provided. The ultimate decision for those findings would be up to Planning Staff. As to our responsibility, staff has determined that the variance can be recommended for approval based on the findings required for General Plan Policy 8.1.4.1.

Pierre Rivas added that he feels the variance findings can be made. He pointed out that the water tanks in that zone district would be required to have a 30' setback, and the winery expansion would have to maintain a 50' setback. The applicant is requesting a reduction of 35'.

David Irons, representing the applicant, Thomas Cooper, was available to answer any questions or concerns.

No one spoke in opposition of the setback variance request.

It was moved by Mr. Pratt and seconded by Mr. Heflin to recommend APPROVAL of V 08-0013, as the findings can be made for General Plan Policy 8.1.4.1., which states the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities;***
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and***
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.***

Further, it is the Commission's opinion, based on the site visit analysis, the minimal impacts of the addition and the information in the application, the findings required for a variance pursuant to El Dorado County Code 17.22.630 can be made:

- A. There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant;***
- B. The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building, allowed for other land in the vicinity and the same zone;***

- C. The variance is the minimum necessary for the reasonable use of the land or building; and*
D. The variance is in conformity with the intent of this article and not detrimental to the public health, safety and welfare, or injurious to the neighborhood.

Motion passed.

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

- VII.** Z 08-0013 & P 08-0016 Lands End Ranch-Ranalli Parcel Map (Michael & Colleen Ranalli/Carlton Engineering, Inc.): A request to rezone from Residential Agricultural-40 Districts (RA-40) to Residential Agricultural-20 Districts (RA-20) and Estate Residential (RE-10) Districts, and a parcel map to create four lots ranging in size from 12 acres to 48.6 acres. The property, identified by Assessor's Parcel Number 105-100-08, consists of 96.6 acres, and is located on the north side of Peterson Lane approximately 3+/- miles west of the intersection with Lotus Road, in the Lotus area.

As a point of disclosure, Mr. Bacchi stated that his family owns property across the river from this parcel as well as a parcel within this gated community.

Bill Draper recused himself from this application as he has performed work for the Ranalli's.

Staff reported on the site visit. The Lands End Ranch is located at the end of Peterson Lane, off of Bassi Road in the Lotus area. The American River surrounds the 96.6 acre parcel to the west, north, and east. Peterson Lane is a privately maintained single-lane road. The parcel is currently zoned RA-40 (Residential Agriculture, Forty Acre), and has a Land Use Designation of RR (Rural Residential). A parcel split creating two parcels of over 40 acres each, would be consistent with the current zoning and General Plan Land Use Designation.

- Proposed Parcel 1 = 24.0 acres with an RA-20 zoning
- Proposed Parcel 2 = 48.6 acres with an RA-40 zoning
- Proposed Parcel 3 = 12.0 acres with an RE-10 zoning
- Proposed Parcel 4 = 12.0 acres with an RE-10 zoning

Directly south of proposed parcel #1 is an 80.91 acre parcel with a 15 plus acre vineyard and over an acre of olive trees. The parcel is in the process of becoming an Agricultural Preserve.

To the southeast and across the river from proposed parcel #4 is a 98 acre Exclusive Agricultural (AE) zoned parcel (WAC #91).

To the west and across the river from Lands End Ranch is a 141.6 acre AE/Open Space parcel owned by the Bureau of Land Management.

Relevant General Plan Policies:

Policy 8.1.4.1: before granting approval of request to create 4 parcels from the 96.6 acre parcel, the Agricultural Commission must find that:

- A. the proposal will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities;
- B. the proposal will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affect; and
- C. the proposal will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

After an analysis of surrounding properties, it is staff's opinion that the proposal to create 4 new parcels may increase or add new conflicts between adjacent agricultural operations and proposed residential uses AND the proposal may significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

It is also staff's opinion that if the project is approved, the smaller parcels will result in an "island" of residential parcels surrounded by large agriculturally zoned properties. This residential intrusion and any improvements to the road will induce substantial population growth in the area either directly by doubling the construction of new residences or indirectly through the improvement/extension of the road through a secondary access point. An approval of this project will exert pressure to subdivide the larger agricultural parcels into smaller residential developments.

Bill Stephans mentioned two letters that had been received in regards to Lands End Ranch from Snodgrass Agricultural Consulting and a letter of opposition submitted by Bill Center. Copies of both were available for review to each of the Commission members.

Chair Boeger stated that he had received a phone call from Ron Mansfield, who manages a vineyard on the neighboring property next to the subject parcel, stating he agreed with staff recommendations for denial of the project.

Pierre Rivas added that Planning staff was also leaning towards recommending denial of the application to the Planning Commission for a variety of reasons. In addition to the incompatibility with surrounding agricultural operations, along with the remoteness of the parcel and the inability to provide a secondary access, staff would not be supporting a rezone to intensify the residential development potential at this time.

Michael Ranalli was present for further explanation of the project. He stated that they did understand the Agricultural and Forestry Element of the General Plan and take it very seriously. Their request to create 3 additional parcels was not made lightly. When he began the process they did not intend to have lots so small, but a number of circumstances brought them to this point. They feel that the two small lots being proposed as part of this plan, when factoring in the setback from the river, and the steep topography that exists on those two parcels, are not ideal for agricultural use. The other parcels are ideally suited for agricultural use as demonstrated by his neighbor's vineyard. He explained that they do have an active plan for a vineyard on those parcels. The Ranalli's thought the other proposed RE-10 parcels (12 acre lots) would be more suitable for a home site. He asked the Commission to take these factors under consideration when making their recommendations. He handed out a map with an overlay of the vineyard plan to the Commission.

Bill Snodgrass spoke in agreement with staff's recommendation for denial of the project and referred to his letter previously submitted to the Commission to offer further explanation.

He expressed concerns that the parcel is surrounded by the Coloma, Gold Hill and Garden Valley Ag Districts, Ag Preserves to the north and southwest, two Ag preserves abutting the parcel, parcels with Choice Soils (AsC and ArD), vineyards, and grazing lands actively being utilized for cow and calf operations. He also spoke of zoning issues that may develop if the parcel and rezone request was approved.

Bill Center, owner of Camp Lotus, referred to a letter he wrote to the Planner on the project, Thomas Lloyd, regarding the proposed Lands End Ranch. Copies were provided to the Commission for their review. He feels rezoning this property would be a precedent-setting reversal to a desirable and valued trend in the area's agricultural land use and would ignore the fact that the current infrastructure is woefully inadequate for increased residential density.

Rick Meixner said his property was connected to the applicant's parcel by one 40 acre parcel. The entire area is zoned RA-40. He questioned the design of the parcel map. Planning staff has told him that once the infrastructure is in (widening and improvements to the narrow road), it will make development easier and less expensive for all the other property owners to subdivide their parcels. He is against the division of larger parcels into smaller parcels in this area.

A neighboring parcel owner said he moved to the Coloma area because of the agricultural atmosphere. He has lived in other locations where agriculture has been pushed out of the areas because of development and thought that Coloma was the last place this would happen. He asked that it be kept agriculture.

Valerie Zentner, El Dorado County Farm Bureau, stated that spot zoning would have significant impacts to agricultural lands. She advised that the area should be looked at as a whole and the encroachment of residential development in the area should not be allowed.

It was moved by Mr. Pratt and seconded by Mr. Heflin to recommend Denial of Z 08-0013 & P08-0016, as the findings can NOT be made for General Plan Policy 8.1.4.1, which states the proposed use;

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities;***
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and***
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.***

Additionally, the Commission recommends that the parcel not be rezoned and that it continues to be zoned RA-40. If a parcel split is approved (whether 2 or 4 parcels), the Commission strongly recommends that pursuant to General Plan Policy 8.1.3.2, all 200 foot agricultural setbacks be recorded on the final parcel map.

Motion passed.

AYES: Bacchi, Pratt, Heflin, Walker, Boeger

NOES: None

ABSENT: None

ABSTAIN: Ward

RECUSED: Draper

- VIII.** WAC 06-0015 – Roy & Marilyn Rutz, current owners of certain real property in El Dorado County, identified by assessor’s parcel number 088-020-82, consisting of 11.65 acres, and as party to the encumbering Williamson Act Contract #313, which also includes parcels 088-020-72, 088-020-79 and 088-020-81 totaling 307.5 acres, are serving written notice of non-renewal of parcel number 088-020-82, pursuant to terms and conditions specified in section 5 of said contract. (*Note: Assessor’s Parcel Number: 088-020-82 – acreage listed as 10.650*)

Staff reported on the site visit. The applicants have requested to non-renew parcel number 088-020-82 (a 10.650 acre parcel, located on the south side of Garden Valley Road, directly across from Hackomiller Road, in the Garden Valley area). This small parcel is part of WAC #313 which also consists of 3 larger parcels, totaling 307.51 acres. The non-renewal of the 10 acre parcel would not have an effect on the remaining parcels within WAC #313. The parcel is separated from the larger parcels by Garden Valley Road, has a very steep topography, is unfenced, and covered in trees. The larger, remaining parcels are all adjoining, are fenced for cattle, and are being grazed. APN’s 088-020-79, 088-020-72, and 088-020-81 totaling 296.86 acres continues to meet the minimum criteria for an Agricultural Preserve as adopted by the El Dorado County Board of Supervisors for Low Intensive Farming operations.

Staff note: as Roy and Marilyn Rutz are requesting that APN 088-020-82 be non-renewed from WAC #313, it is staffs understanding that the parcel would still be restricted from development until it has completely rolled out of the contract (2019) and at that time, a new contract with the remaining parcels would be required.

Roy Rutz stated that he had submitted a letter to the Board of Supervisors, containing a number of reasons for the request and evidence supporting the non-impact of this particular parcel. He agreed with staff’s recommendations.

It was moved by Mr. Bacchi and seconded by Mr. Walker to recommend the partial NON-RENEWAL of APN 088-020-82 from WAC #313 as the roll-out of this parcel does not have a negative impact on the three remaining parcels in the Williamson Act Contract. The Commission notes that the approval of the non-renewal will not allow a residence to be built on the property until the rollout is complete.

Motion passed.

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

- IX.** Stanford C. & Beverly M. Rosenblatt – requesting administrative relief from agricultural setbacks for a proposed single family residence to be located within a building envelope no less than 30 feet from the north property line, adjacent to land designated as Natural

Resources (NR) in the 2004 General Plan. (District 2)

Staff reported on the site visit. The subject parcel consists of 3.14 acres, is zoned RE-10 (Residential Estate, 10-Acre), has a Low Density Residential Land Use Designation, is not in an Agricultural District, and has limited building sites due to its shape, size, existing utility easements, existing setbacks and topography. The NR property to the north belongs to the US Forest Service, is zoned RA-80 (Residential Agricultural – 80 Acres) and drops off steeply to the American River Canyon below.

Bill Stephans added that on analysis staff reviewed the site map which shows a 30' setback from the northern property boundary but the building envelope may allow an increase to this setback because the southern property is zoned RE. The setback from the southern boundary is larger than the northern setback. This is the reason why staff recommended Conditional Approval because the non-compatible use (residence) is proposed to be constructed closer to the Ag property than to the southern property which is RE-10 with a mandatory 30 foot setback. The recommendation is for the applicants to maximize the setback from the northern property if possible and minimize the setback to the southern property which would then allow the findings to be made.

Stanford Rosenblatt gave a brief history and reasons for buying property in El Dorado County. They purchased property with a “God-like” view for their retirement home. In October of this year he was informed by the surveyor’s office of a 200’ agricultural setback from the northern property line and gave him the “shocking” statement that the property might be unbuildable. The Rosenblatt’s were unable to find any mention of a setback issue in the paperwork provided by their realtor although, at the time of purchase, the seller and the realtor discussed the 30’ setbacks on the north and south side of the property which would allow approximately 100’ for them to build their home and maintain the view. It is their hope that other prospective buyers do not have to suffer the same type of situation.

Mr. Draper said that although he sympathized with the Rosenblatt’s and their dilemma, he feels it would be unconscionable to grant a 30’ setback on such a steep slope against Forest Service Land, which has the potential for logging, and controlled burning.

The Commission mentioned that it is their understanding that no parcel can be deemed unbuildable because of a setback.

Bill Stephans concurred that a parcel could not be made undevelopable by the setback, which was why staff recommended a conditional approval by maximizing the setback on the north, as much as possible. He reminded the Commission, they had made a recommendation and the Board adopted in 2005, a mandatory disclosure statement on every property sale within El Dorado County that requires notice to the buyer that the county recognizes the Right to Farm and that there may be special agricultural setbacks on properties adjacent to Ag zoned lands.

The possible building site was discussed. Bill Stephans stated that even though the garage is the closest part of the structure to the Forest Service land, the garage is attached to the house and therefore considered a non-compatible structure. But as the garage is not a living space, the house plans are configured well.

The Commission mentioned that if parcel splits are allowed in inappropriate locations, there will always be problems that develop, such as this 3 acre parcel with RE-10 zoning.

Mr. Rosenblatt, referring to the comments regarding potential timber harvesting, offered the Commission an aerial map which showed a very large pipe, approximately eight feet in diameter, running along the hill in the area of the river canyon. He said he could not imagine this area being feasible for timber production because of the pipeline and the steepness of the area.

It was moved by Mr. Pratt and seconded by Mr. Bacchi to recommend CONDITIONAL APPROVAL of Stan and Beverly Rosenblatt's request for administrative relief from a 200 foot agricultural setback, if the house is located at the maximum setback achievable from the northern property line and at the minimum achievable setback from the southern property line within the identified building envelope then the following findings can be made:

- a) ***No suitable building site exists on the subject parcel except within the required setback due, but not limited to, compliance with other requirement of the General Plan; (or other county development regulations)***
- c) ***Based on the site characteristics of the subject parcel and the adjacent agricultural zoned land including topography, the commission determines that the location of the proposed non-compatible structure would reasonably minimize potential negative impacts on agricultural or timber production use; and;***
- d) ***There is currently no agricultural activity on the agriculturally zoned parcel adjacent to the subject parcel and the Commission determines that the conversion to a low or high intensive farming operation is not likely to take place due to the soil and/or topographic characteristics of the adjacent agriculturally zoned parcel.***

The Commission also recommends that the applicant comply with Resolution No. 079-2007 Exhibit A of the Board of Supervisors pertaining to the adoption of the Criteria and Procedures for Administrative Relief from Agricultural Setback. Section B.5 requires the following action by the applicant: In all cases, if a reduction in the agricultural setback is granted for a non-compatible use/structure, prior to the issuance of a building permit, a Notice of Restriction must be recorded identifying that the non-compatible use/structure is constructed within an agricultural setback and that the owner of the parcel granted the reduction in the agricultural setback acknowledges and accepts responsibility for the risks associated with building a non-compatible use/structure within the setback.

Motion passed.

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

Mr. Draper encouraged the Rosenblatt's to contact the County Fire Department to discuss construction standards and requirements.

X. Discussion of General Plan Policy 8.1.3.1 – Special Meeting of November 5, 2008

The Commission had asked that their recommended changes to the draft criteria of General Plan Policy 8.1.3.1 be itemized for discussion at this meeting. One of the streamlining suggestions was regarding parcel requests in General Plan Land Use Designations of Adopted Plan (AP). These applications could be approved by the Development Services Director with concurrence by the Ag Commissioner without an Agricultural Commission hearing. Also, after further review, staff recommends that parcels designated and zoned as Open Space and a minimum of 200' wide also be included as not requiring Agricultural Commission review and recommendation. This would be protecting Ag lands by acting as a buffer to residential uses. Staff could possibly make additional recommendations as a conditional for approval regarding increased setbacks, etc. This would be a discretionary act so conditions could be placed on approval of those parcel splits.

Staff also noted that the last section, 2(b) mentions the 1996 General Plan and should be updated to the 2004 General Plan. Also, (I) Industrial was added to the Land Use Designations.

The Commission agreed with the additional, recommended changes made by staff.

It was moved by Mr. Pratt and seconded by Mr. Walker to recommend the ADOPTION of the proposed criteria to allow the analysis of the creation of less than 10 acre buffer parcels adjacent to agriculturally zoned lands pursuant to General Plan Policy 8.1.3.1.

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

NOES: None

ABSENT: None

Motion passed.

XI. LEGISLATIVE ISSUES

Discussion of State and County budget issues and reductions in staff

XII. CORRESPONDENCE

- None received

XIII. OTHER BUSINESS

- Site Plan Review SPR 02-0008R2; (Fenton Herriott Vineyards)

- Site Plan Review SPR 08-0019; Robert Clarke
- Review request for a partial roll-out for Agriculture Preserve #7 submitted by Jeanne Hunter-Call
- Agricultural Commissioner's recommendation for Approval of Williamson Act Contract #229 – Barsotti
- Williamson Act Notice of Non-Renewal; 10 year roll-out – Karen Feathers
- Tentative Parcel Map Application P08-0030/Harris Parcel Map

XIV. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:10 p.m.

APPROVED: Greg Boeger, Chair

Date: December 10, 2008