



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

MINUTES

February 13, 2008

6:30 P.M.

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

Members Present: Boeger, Bacchi, Draper, Heflin, Pratt, Walker

Members Absent: Ward

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

Staff Members Present: Steve Burton, Assistant Agriculture Commissioner/Sealer
Chris Flores, Ag Biologist/Standards Inspector
Myrna Tow, Administrative Technician

Paula Frantz, County Counsel
Gina Hunter, Development Services/Planning

Others Present: Helga Conte, Craig Dighero, Pat Ghiglieri, Art Marinachio,
Mike McDougal, Linnea Morenco, Edward Nelson,
Michael Nuss, Jerry & Bette O'Haver, John Rashlar

I. CALL TO ORDER

The meeting was called to order at 6:35 p.m. by Greg Boeger, Chair.

II. APPROVAL OF AGENDA

Bill Stephans requested that Item IX., Carson Creek El Dorado, LLC be discussed as the first agenda item after Public Forum.

It was moved by Mr. Bacchi and seconded by Mr. Heflin to approve the Agenda with the requested change. Motion passed.

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

NOES: None

ABSENT: Ward

III. APPROVAL OF MINUTES

It was moved by Mr. Walker and seconded by Mr. Heflin to Approve the Minutes of January 9, 2008. Motion passed.

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

NOES: None

ABSENT: Ward

IV. PUBLIC FORUM

Art Marinachio spoke of his hopes that the Commission members would be available to discuss a broad range of Agricultural topics at the February 19, 2008 Special Meeting.

Linnea Morenco distributed to each Commission member a copy of a letter along with her request for information she believes is necessary to consider regarding the definitions of, and criteria for, historical grazing, commercial grazing, suitable, sustainable and viable grazing land and Agriculture. Ms. Morenco also asked that the Commission do what they can to promote Agri-tourism and include grazing land as an agriculture activity that qualifies for accessory uses "by right".

V. Ranch Marketing/Winery Ordinance Update

The Ranch Marketing sub-committee met earlier in the day and are moving forward with crafting a draft Ranch Marketing ordinance using the same format as the draft Winery Ordinance. Instead of using large, unwieldy paragraphs in the ordinance, the new format identifies several accessory use categories that are either "by right" or by a permit process. This format is easier to understand and use. The draft Ranch Marketing ordinance may be rolled into the overall rewrite of the ordinance code as opposed to tying it to the Winery Ordinance EIR.

The Notice of Preparation (NOP) has been released by Planning for the Winery Ordinance Environmental Impact Report. Beginning February 20, 2008 and ending March 20, 2008 the department will be receiving responses during the thirty-day review period. A scoping meeting will be held on March 13, 2008 and a draft EIR will be offered at that time.

The Winery Ordinance sub-committee has continued to meet to craft a low impact draft ordinance. They have reviewed the draft ordinance to ensure nothing was missed as a collective group and to discuss any potential conflicts with the wording. A change in direction on the ordinance may be necessary to address contracted lands based on information that will be provided by the Department of Conservation. In general, it is now the understanding that the "by right" uses on contracted lands are very limited and that most accessory uses must be by Special Use permit. This basic direction has been put into the current draft of the Winery Ordinance and great progress has been made in drafting an ordinance with fewer impacts. It was stated that Roger Trout, Development Services/Planning has done an excellent job coordinating this project.

VI. Oak Woodlands Management Update

The Commission members were given a draft copy of the final Oak Woodland Management Plan for their review and information. The Planning Commission will conduct a public hearing on March 13, 2008, to discuss the final draft. The intention is to recommend to the Board of Supervisors to adopt the plan through a negative declaration.

VII. Discussion & recommendation regarding the Agricultural Commission By-laws

(Attachment A) and Chapter 2.18 of the El Dorado County Code (Attachment B) draft amendments, regarding the Ex-Officio, Registered Professional Forester.

The Ag Commission By-laws were amended four years ago to include a registered Professional Forester (RPF) as an ex-officio member. Bill Draper held this position but is now serving as a member of the Agricultural Commission so at present there appears to be no need to have another RPF as an ex-officio member to act as a consultant on forestry issues to the Agricultural Commission. Bill Stephans made changes to the By-Laws (Attachment A) and the county ordinance (Attachment B) so that there is an option if an RPF is *not* a member of the Commission, then an RPF could be an ex-officio member. Both attachments will be sent to the El Dorado County Board of Supervisors for adoption.

It was moved by Mr. Pratt and seconded by Mr. Walker to accept staff recommendation for the draft changes to the By-Laws and Chapter 2.18 of the County Ordinance 2.18.030 Ex Officio Members. "A Registered Professional Forester shall only be an ex officio member whenever the Forest and Related Industries representative is not a Registered Professional Forester." Motion passed.

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

NOES: None

ABSENT: Ward

VIII. Affordable Housing/Agricultural Worker Housing – Presentation by Peter Maurer, Development Services/Planning [this item was moved to March 12, 2008 meeting by request of Mr. Maurer]

IX. Carson Creek El Dorado, LLC - Carson Creek Phase 2 and unit 1 Tentative Subdivision map. The proposed project specifically consists of the following request: 1) Large-Lot Tentative Subdivision Map (Phase 0) of a 553 acre site creating 24 lots for financing and phasing purposes, ranging from 0.5 acres to 150 acres in size; 2) Small-Lot Tentative Subdivision Map (Carson Creek Phase 2, Unit 1) of Large Lots 3-7 (Village 8) and Lots 1 and 2 (Village 6B) from 95.2 acre site to create a Class 1 residential subdivision encompassing a total of 302 residential lots ranging from 4,725 square feet to 14,850 square feet, 18 landscape lots, four open space lots, two private in-tract road lots, and one utility lot (pump station); 3) Minor Amendment to the Carson Creek Specific Plan consisting of the following modifications: A) Re-alignment of major residential collector (Caron Crossing Drive); B) Increase of Right-of-Way for residential collector (Carson Crossing Drive) from 60' to 80'; 4) A request for Design Waiver(s) of the following El Dorado County Design and Improvement Standard manual (DISM) road standards: A) Construction of Carson Crossing Drive encroachment onto Golden Foothill Parkway based on Standard Plan 103E without the 100' tapers; and B) Construction of all proposed encroachments onto Carson Crossing Drive based on Standard Plan 103D without the 100' tapers. (District 2)

Paula Frantz, County Counsel, stated that this property was subject to a Development Agreement and Specific Plan with the density of residential parcels having already been

established in 1998 by an agreement between the county and the applicant. The project was approved under the 1996 General Plan. She recommended the Commission look at the current request for any new modifications of the project as they relate to Agriculture which may not have been previously considered on the original application.

Mike McDougal, representative of the project, explained the project went through the entitlement process in July of 1996. The fencing along the agricultural grazing lands was a condition which was resolved at that time. Phase I of the development is called the Four Seasons, consisting of 460 homes that have already been built. The current application is in regards to Phase II of the project, and consists of 302 homes moving toward the full build-out of the Carson Creek Specific Plan which is a total of 1700 units.

It was moved by Mr. Pratt and seconded by Mr. Heflin to recommend APPROVAL of Carson Creek El Dorado, LLC Carson Creek Phase 2 and unit 1 Tentative Subdivision map because the proposed project is in the El Dorado Hills Community Region; the General Plan Land Use designation is Adopted Plan and the proposed project is consistent with the Development Agreement and Specific Plan.

AYES: Draper, Pratt, Heflin, Walker, Boeger

ABSTAIN: Bacchi

NOES: None

ABSENT: Ward

- X.** P 74-0360 C – Nuss Map Amendment (Michael John Nuss/David Waddell): A parcel map correction requesting the removal of a portion of the twenty-five foot wide non-exclusive road and PUE and the ten foot wide access easement delineated on the subject parcel map to bring a non-conforming structure within the easement into compliance. The property, identified by Assessor's Parcel Number 101-141-82-1, consists of 2.11 acres, and is located on the north and east sides of Elkhorn Mill Road approximately 700 feet northeast of the intersection with Pony Express Trail, in the Pollock Pines area. (District 2)

Bill Stephans stated that an analysis of the project did not identify any issues or impacts to the adjoining TPZ parcel so therefore, staff is recommending approval of the project.

Michael Nuss was present for questions and review of the project.

It was moved by Mr. Pratt and seconded by Mr. Draper to recommend APPROVAL of P 74-0360 C – Nuss Map correction removing a portion of the twenty-five foot wide non-exclusive road and Public Utilities Easement and the parcel map delineation of the ten foot wide access easement to bring a non-conforming structure within the easement into compliance because, as required by General Plan policy 8.4.2.1, the following findings can be made: a) The proposed use will not be detrimental to that parcel or to adjacent parcels for long term forest resource production value or conflict with forest resource production in that general area; b) The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities; c) The proposed use will not create an island effect wherein timber production lands

located between the project site and other non-timber production lands are negatively affected; d) The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and e) The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands to the north. Staff recommends noting there is a potential incompatible structure located on the property and that any future remodeling or additions to the incompatible structure may require Agricultural Commission review.

AYES: Draper, Bacchi, Pratt, Walker, Boeger

NOES: None

ABSTAIN: Heflin

ABSENT: Ward

- XI.** P 07-0051 – O’Haver Parcel Map (Jerry and Bette O’Haver/Gene E. Thorne Engineering): A request for a parcel map to create two (2) lots, ranging in size from 10.06 acres to 10.16 acres from a 20.12 acre site. The property, identified by Assessor’s Parcel Number 079-270-06-01, consists of 20.12 acres, and is located on the south side of Pleasant Valley Road approximately 2 miles east of the intersection with Mt. Aukum Road, in the Pleasant Valley area. (District 2)

Chris Flores gave the following site report. Due to the RA-20 (Residential Agriculture – 20 Acre) parcel to the west and in compliance with General Plan Policies 8.1.3.2, this parcel split request must be heard by the Agricultural Commission. Zoning to the north of the subject parcel ranges from R2A (Residential – 2 Acre) to RE-5 (Estate Residential Five Acre) parcels. Zoning to the south of the subject consists of 4, RE-10 (Estate Residential Ten Acre) parcels. General Plan Policy 8.1.3.1 states that “Agriculturally zoned lands...shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.” The requested parcel split is in compliance with General Plan Policy 8.1.3.1, as the parcel adjacent to the agriculturally zoned property will be 10.06 acres and will have the same width to length ratio as the ten acre parcels to the south.

Kathy Russell, Gene Thorne & Associates, agreed with staff’s recommended approval however she explained that the home on the property already is in the 200’ setback and as such, staff’s recommendation to record the 200’ setback on the parcel adjacent to the RA-20 zoned property could be an issue.

Gina Hunter, Development Services/Planning, agreed that a problem would occur if the 200’ Agricultural Setback was recorded on the map, or as a condition, as this would result in not being able to grant Administrative Relief unless it went back to Planning as a map correction.

Bill Stephans agreed to remove this requirement from the recommendation.

It was moved by Mr. Walker and seconded by Mr. Heflin to recommend APPROVAL of

P 07-0051 – O’Haver request for a parcel map to create two (2) lots, ranging in size from 10.06 acres to 10.16 acres because it complies with General Plan policy 8.1.4.1 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.

AYES: Walker, Heflin, Pratt Bacchi, Boeger

NOES: None

ABSTAIN: Draper

ABSENT: Ward

- XII.** Craig & Kimberly Dighero requesting Administrative Relief from Agricultural Setbacks for the proposed single-family residence to be located 30 feet from the east property line. The subject parcel is adjacent to Residential Agricultural (RA-40) zoned land and therefore subject to special agricultural setbacks in accordance with the Interim Interpretive Guidelines adopted June 22, 2006. The proposed single-family residence does not meet the requirements for the Development Services Director to allow up to a 50 and/or a 75 percent setback reduction and therefore requires the Agricultural Commission review for administrative relief. (District 3)

Chris Flores gave the following site report: The subject parcel is zoned RA-40, is not in an agricultural district, has non-choice soils, is wooded and has limited building sites due to its topography. The parcel’s shape and surrounding agricultural setbacks has extremely limited the allowable building site location to a small triangular area in the southern central portion of the property, which may not be buildable due to the existing topography. There also appeared to be no agricultural operations on the agriculturally zoned parcel adjacent to this building location.

Craig Dighero was present for questions and review of the project. He explained they had limited building sites available due to the extreme slope of the property.

It was moved by Mr. Bacchi and seconded by Mr. Pratt to recommend APPROVAL of Craig & Kimberly Dighero request for Administrative Relief from Agricultural Setbacks for the proposed single-family residence to be located no less than 30 feet from the east property line based on the following findings: a) no suitable building site exists on the subject parcel except within the required setback; b) the proposed non-compatible use/structure is located on the property to reasonably minimize the potential negative impact on the adjacent agricultural land; c) based on the site characteristics of the subject parcel and the adjacent agricultural zoned land, the Commission has determined that the location of the proposed non-compatible use/structure would reasonably minimize potential negative impacts on agricultural or timber production use; d) there is currently no agricultural activity on the agriculturally zoned parcel(s) adjacent to the subject parcel and the Commission has determined 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. Staff 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 Setbacks. 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.

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

NOES: None

ABSENT: Ward

XIII. LEGISLATIVE ISSUES

- The final day to submit legislative bills is February 22, 2008. Printing of the bills and their availability will be after this date. As the bills pertaining to agriculture become available, they will be reviewed for impacts.

XIV. CORRESPONDENCE

- Darrin and Amy Yost request for administrative relief from an agricultural setback, to allow a proposed addition to an existing single-family dwelling to be built no less than 150' from the south property line. Concurrence with the Development Services Director decision was submitted due to this parcel meeting one of the six findings contained in Resolution No. 079-2007 – Exhibit A - Criteria and Procedures for Administrative Relief from Agricultural Setbacks Section B.2(a) – the subject parcel is 5 acres or less.

XV. OTHER BUSINESS

P 07-0024 – James and Charlene Williams (Patterson Development) request for a tentative parcel map to create three (3) lots ranging in size from 5.031 acres to 7.36 acres from an existing 17.49 acre parcel. General Plan Policy 8.1.3.1 requires that no parcel shall be created less than 10 acres adjacent to agriculturally zoned lands. This parcel is located adjacent to agriculturally zoned land and therefore, the request to split the parcel into three smaller parcels is inconsistent with this policy. It was noted that this item should have come before the Agricultural Commission prior to approval (General Plan Policy 8.1.4.1) but was received by staff after it had already been approved by the Zoning Administrator.

XVI. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:15 p.m.

APPROVED: Greg Boeger, Chair

Date: March 12, 2008