



AGRICULTURAL COMMISSION

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Greg Boeger, Chair – Agricultural Processing Industry
Lloyd Walker, Vice -Chair – Other Agricultural Interest
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

AGENDA

February 11, 2009; 6:30pm

Board of Supervisors Meeting Room

330 Fair Lane - Building A, Placerville, California

Public testimony will be received on each agenda item as it is called. The applicant is allocated 10 minutes to speak; individual comments are limited to 3 minutes; and individuals representing a group are allocated 5 minutes.

Items not on the agenda may be addressed by the general public during Public Forum. Comments are limited to 3 minutes per person. The Commission reserves the right to waive said rules by a majority vote. Public Forum is for comments only. No action will be taken on these items unless they are scheduled on a future agenda.

To ensure timely delivery to the Agricultural Commission, written information from the public must be received by the Agriculture Department by the last Thursday prior to the meeting. The Agriculture Department cannot guarantee that any FAX or mail received the day of the meeting will be delivered to the Commission prior to action on the subject matter.

All Agricultural Commission meetings are tape recorded. Anyone wishing to purchase a recorded tape of an Agricultural Commission meeting may do so under the California Public Records Act process for \$5.00 per tape by contacting the Agriculture Department after action has been taken.

Written minutes of the Agricultural Commission can be accessed at <http://www.co.el-dorado.ca.us/ag/commissionagenda.html> or by contacting the Agriculture Department utilizing the California Public Records Act request process.

Pursuant to Government Code §54954.2, any person with a disability who requires a modification or accommodation in order to participate in this public meeting is to contact the Agriculture Department by 4:00pm the day of the meeting.

NOTICE: All Agricultural Commission Administrative Relief decisions pertaining to AGRICULTURAL SETBACKS may file an application with the Board of Supervisors within 10 days of the decision. Such applications shall be made to the Development Services Department.

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- January 14, 2009 Minutes

IV. PUBLIC FORUM

V. Brown Act Synopsis - Paula Frantz, County Counsel

VI. Ranch Marketing/Winery Ordinance update and discussion

VII. Z08-04/TM08-1466/Black Hawk Estates/Bruce Wirtanen – Planning Services is requesting a re-review of this application which was previously heard at the May 14, 2008 Agricultural Commission meeting. A second parcel, APN 078-200-70, has been added to the rezone request. The request for APN 078-200-70 is a rezone from AE to RE-5 but would not be part of the map. The Agricultural Commission recommended denial of the tentative map based on the project proposing 5 acre lots adjacent to agricultural zoning which was not

consistent with General Plan policy 8.1.3.1. Of the two adjacent agriculturally zoned lots, APN 078-200-70 is now included in the rezone request and APN 078-200-69 is five acres in size, is located in a Rural Center, and does not contain an agricultural land use designation.

Staff Recommendation: Recommend APPROVAL of Z 08-0004, the rezone of APN 078-200-70 from AE to RE-5, 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.*

(Depending on Board of Supervisors action at their February 3, 2009 meeting, staff may be able to make additional recommendations on TM 08-1466 if General Plan Policy 8.1.3.1 is further clarified.)

APN: 078-200-70
Area: Blackhawk Lane/Pleasant Valley
Planner: Aaron Mount

VIII. Clayton G. & Ed Stetson – requesting administrative relief from agricultural setbacks for a future single-family dwelling to be located 30 feet from the west, south, and east property lines on the south portion of the property and a future second dwelling to be located 30 feet from the west property line on the north portion of the property. The subject parcel is adjacent to Residential Agricultural (RA-20 & RA-40), Planned Agricultural (PA-20), and Timberland Preserve (TPZ) zoned land, within the General Plan land use designation of Natural Resources (NR) and therefore subject to special agricultural setbacks in accordance with the Interim Interpretive Guidelines adopted June 22, 2006. The proposed primary and secondary dwellings do 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.

Staff Recommendation: Recommend DENIAL of the request for administrative relief from the 200 foot agricultural setbacks, regarding two single-family residences, as none of 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 requirements of the General Plan or other County development regulations;*
- b) The proposed non-compatible structures is located on the property to reasonably minimize the potential negative impact on the adjacent agricultural land; and*
- c) Based on the site characteristics of the subject parcel and the adjacent agricultural zoned land including, but not limited to, topography and location of agricultural improvements, etc, the Commission determines that the location of the proposed non-compatible structure would reasonably minimize potential negative impacts on agricultural use; and*
- d) There is currently no agricultural activity on the agriculturally zoned parcels*

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 parcels or because the General Plan Land Use Designation of the surrounding or adjacent parcels is not agricultural.

*Additionally, the 30 foot requested setback, adjacent to the TPZ zoned land (southern portion of the property), cannot not be granted by the Agricultural Commission. General Plan Policy 8.4.1.2 states: "A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps. **The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet.**" (Emphasis added)*

(NOTE: BOS Resolution No. 079-2007 EXHIBIT A, Section A states: "If the requested reduction cannot meet the administrative criteria...an application may be made to the Board of Supervisors for administrative relief, such relief may be granted by the Board of Supervisors upon determination by the Board taking all relevant facts into consideration that the public interest is served by the granting of the relief. Such application shall be made to the Development Services Department and a recommendation made to the Board of Supervisors.")

APN: 041-950-10
Area: Sunday Ridge/Somerset
Planner: Kristin Davis

- IX.** Z 08-0017/ P 08-0002 – Young Rezone and Parcel Map (Stephen R. Young/ Carlton Engineering, Inc.): A request for a tentative parcel map to create two 20 acre parcels on a 40 acre site and a consistency rezone from Estate Residential Districts (RE-10) to Residential Agricultural-20 Districts (RA-20). Also a request for a Waiver of Design and Improvement Standards Manual, Volume II, Section 3 Street A12 "a dead-end street connecting to a county or state maintained street may exceed 500 feet in length, but not more than 2,640 feet, and only when geographical features restrict a street extension and the street will not serve more than 24 existing or potential parcels." The applicant is proposing deed restrictions on each of the newly created parcels to limit them to one residence each. The property, identified by Assessor's Parcel Number 099-170-87, consists of 40.12 acres, and is located on the north side of Bycroft Road approximately 1,000 feet east of the intersection with Springer Road, in the Pleasant Valley area.

Staff Recommendation: Recommend APPROVAL of Z 08-0017, to rezone APN 099-170-87 from RE-10 to RA-20, as agricultural zoning is consistent with the parcel's land use designation of AL and the Agricultural District overlay.

Recommend DENIAL of P 08-0002 as findings for General Plan Policy 8.1.4.1 cannot be made. It is staff's analysis that even though the parcels are proposed to be twenty acres in size, the proposed dimensions:

- A) Could intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and*
- C) Could significantly reduce or destroy the buffering effect of existing large parcel*

sizes adjacent to agricultural lands.

Additionally, the proposed parcels do not have the same length to width ratio as other parcels, as required by General Plan Policy 8.1.3.1, AND the proposed parcel boundaries will unequally divide the choice soils, which could diminish or impair the potential agricultural use of the parcels.

APN: 099-170-87
Area: Byecroft Road/Pleasant Valley
Planner: Thomas Lloyd

- X.** Z 08-0018/P 08-0003 – Gutierrez Rezone and Parcel Map (Daniel Charles Gutierrez/Carlton Engineering, Inc.): A request for a tentative parcel map to create two lots of 20 and 20.7 acres from a 40.7 acre parcel and a consistency rezone from Estate Residential Districts (RE-10) to Residential Agricultural-20 Districts (RA-20). Also a request for a Waiver of Design and Improvement Standards Manual, Volume II, Section 3 Street A12 “dead-end street connecting to a county or state maintained street may exceed 500 feet in length, but not more than 2,640 feet, and only when geographical features restrict a street extension and the street will not serve more than 24 existing or potential parcels.” The applicant is proposing deed restrictions on each of the newly created parcels to limit them to one residence each. The property, identified by Assessor’s Parcel Number 099-170-88, consists of 40.70 acres, and is located on the south and north sides of Byecroft Road at the intersection with Springer Road, in the Pleasant Valley area.

Staff Recommendation: Recommend APPROVAL of Z 08-0018, to rezone APN 099-170-88 from RE-10 to RA-20, as agricultural zoning is consistent with the parcel’s land use designation of AL and the Agricultural District overlay.

Recommend DENIAL of P 08-0003 as findings for General Plan Policy 8.1.4.1 cannot be made. It is staff’s analysis that even though the parcels are proposed to be twenty acres in size, the proposed dimensions:

- A) Could intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and*
- C) Could significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.*

Additionally, the proposed parcels do not have the same length to width ratio as other parcels, as required by General Plan Policy 8.1.3.1.

APN: 099-170-88
Area: Byecroft Road/Pleasant Valley
Planner: Thomas Lloyd

- XI.** S 08-0026 – Chateau Davell Winery – Vernon, Eric, Emily and Davell Hays: A request for a special use permit for an expanded home occupation to allow a winery. The project will not

result in construction or grading. No employees or on-site retail sales. The property, identified by Assessor's Parcel Number 091-170-21, consists of 12.54 acres, and is located on the west side of Big Canyon Road, approximately 0.5 miles south of the intersection with French Creek Road, in the Shingle Springs area.

Staff Recommendation: Staff has analyzed the proposed Home Occupation and determined that the business will not change the residential character of the parcel nor will it adversely affect the other uses permitted in a residential area. Staff therefore recommends APPROVAL of S 08-0026 based on uses allowed with a Special Use Permit on RE-10 zoned property, as stated in El Dorado County Zoning Ordinance Section 17.70.100 subsections A. & G., which includes "The packing and processing of agricultural or wood products and the necessary buildings and structures required therefore where the nature of the product is changed" and "Home occupations not listed in subsection C of Section 17.70.090 which require special consideration such as the use of power tools, accessory building, noise, and will not change the residential character of the premises or adversely affect the other uses permitted in a residential area".

APN: 091-170-21
Area: Big Canyon Road/Shingle Springs
Planner: Patricia Kelly

XII. LEGISLATIVE ISSUES

XIII. CORRESPONDENCE

- Mary Harris Nugent – letter of intention to operate under the Williamson Land Act for the Albert Harris Ranch

XIV. OTHER BUSINESS

- El Dorado County Board of Supervisors approval of Williamson Act Contract 08-0001 and adopted Resolution 336-2008 establishing Agricultural Preserve No. 319 – Paul and Alice Clary
- El Dorado County Board of Supervisors approval of Williamson Act Contracts 08-0002, 08-0003, 08-2006 and adopted Resolution 337-2008 establishing Agricultural Preserve No. 66, Resolution 338-2008 establishing Agricultural Preserve No. 320, and Resolution 339-2008 establishing Agricultural Preserve No. 229 – Gael and Joan H. Barsotti
- Williamson Act & Farmland Security Zone Contracts – Agricultural Data Survey for Calendar Year 2008

XV. ADJOURNMENT