



AGRICULTURAL COMMISSION

311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX

eldcaq@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
Ron Mansfield – Fruit and Nut Farming Industry
John Smith – Fruit and Nut Farming Industry
Gary Ward – Livestock Industry

MINUTES

March 10, 2010

6:30 P.M.

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

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

Members Absent: Ward

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

Staff Members Present: Charlene Carveth, Deputy Ag Commissioner/Sealer
Chris Flores, Senior Agricultural Biologist
Nancy Applegarth, Clerk to the Agricultural Commission

Peter Maurer, Development Services/Planning

Others Present: Ed Akin, Bill Bacchi, Art Marinaccio, Mike Ranalli, Tim Tate, Sue Taylor, Rich Wade

I. CALL TO ORDER

Chair Boeger called the meeting to order at 6:30 p.m.

II. APPROVAL OF AGENDA

John Smith asked to add one administrative item to Item XIII. Other Business.

Chris Flores requested a change to Item VIII. Ag District Review for the subtraction of the last four parcel numbers listed under *Parcels to be Omitted* as they are not currently in an Ag District.

Chair Boeger called for a voice vote for Approval of the Agenda with the requested changes.

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

III. APPROVAL OF MINUTES

- Minutes of February 10, 2010

It was moved by Mr. Smith and seconded by Mr. Walker to Approve the Minutes as submitted.

AYES: Draper, Mansfield, Smith, Walker, Boeger

NOES: None

ABSTAIN: Bacchi

ABSENT: Ward

IV. PUBLIC FORUM

- No comments received

V. RANCH MARKETING

Bill Stephans stated that he has been working with Peter Maurer on the draft of the Ranch Marketing Ordinance and has recently submitted several definitions of certain items for Mr. Maurer's review.

Peter Maurer said that Bill Stephans and the Ranch Marketing Committee have done a great job on the draft which may allow it to be incorporated into the rewrite of the Zoning Ordinance. He feels it is approximately 80% complete at this time. However, certain items, such as signage, will be set aside until the document as a whole, is headed toward completion.

Bill Stephans added that once a good working document has been completed, they will meet with the committee for their final input on the draft before bringing it back to the Ag Commission for their final review and recommendations to the Development Services staff.

- VI. S 09-0005 – Hulett TPZ Residence (Michael & Kelly Hulett):** A revision to S 09-0005 (a special use permit application for a 1,600 square foot caretaker residence on a parcel within the Timberland Preserve Zone District). In addition to the caretaker residence the applicants would like to build a 1,600 square foot agricultural building. Additionally, the project site contains an existing 120 square foot tool shed. The property, identified by Assessor's Parcel Number 011-100-11, consists of 40.00 acres, and is located on the north side of 11N386 approximately six miles east of the intersection with Ice House Road and Weber Mill Road in the Kyburz area. (District 2)

On April 8, 2009, the Agricultural Commission recommended Approval of S 09-0005, a special use permit to allow a 1,600 square foot caretaker cottage on APN 011-100-11. The Hulett's have revised their application and would like to construct a 1,600 square foot agricultural structure, along with the caretaker cottage.

Staff reported on the site visit. The subject parcel is zoned TPZ (Timberland Preserve Zone), has a land use designation of NR (Natural Resource), elevation is approximately 5000 feet

and the parcel soils consist of Chaix Corse Sandy Loam, 30 to 75% slopes and Crozier-Cohasset Loams, 5 to 30% Slopes (both are considered timber production soils). The applicants have a Forest Management Plan and have been managing their property according to the plan, including removal of fire damaged trees, clearing of brush, and replanting of timber.

General Plan Policy 8.4.2.1 states, "The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority...the approving authority shall make the following findings:

- 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."

General Plan Policy 8.3.1.1. states, "Lands suitable for timber production which are designated Natural Resource (NR) on the General Plan land use map and zoned timber Production Zone (TPZ) or Forest Resource (FR) are to be maintained for the purposes of protecting and encouraging the production of timber and associated activities."

El Dorado County Zoning Ordinance, Section 17.44.040 Uses requiring a special use permit in a TPZ District:

- A. Commercial mineral resources removal and processing when not incidental to timber Production and harvesting
- B. ***Permanent structure for the processing and packaging of agricultural and timber products and the necessary support facilities required therefore;***
- C. Gas and oil wells and/or exploration therefore;
- D. Other sign sizes and applicable general provisions as itemized in Chapters 17.14.17.16 and 17.18;
- E. Heliports and their accessory uses and structures;
- F. Such additional uses which in the opinion of the Planning Commission are compatible with the production and harvesting of timber. Comments shall be solicited from the agricultural commission

Peter Maurer said that from a Development Services/Planning Department perspective, the

applicants might consider rezoning the property as there appears to be no justification for either a residence or an agricultural building of this size on TPZ property.

Michael Hulett stated that they have worked on the property intensively this past year and feels it is impractical to bring equipment back and forth. They would like to build an enclosed structure large enough to store their equipment to keep it out of the weather. Mr. Hulett stated that a 1,600 square foot structure would allow him to conduct repair work on his equipment but added that he was willing to consider a smaller structure if it was recommended by the Commission.

A question was asked about how the applicants arrived at the square footage needed for their equipment.

Mr. Hulett explained that he has a 3,200 square foot shop on another property he owns, so taking this into consideration, he feels that half of that square footage would house the equipment he needs to maintain his parcel.

It was asked what type of improvements had been made on the property.

Mr. Hulett stated that they have improved some of the roads on the property, by getting them ready to put road base down, as this meets the requirement of putting in a caretakers' cottage and have also put in a 5,000 gallon water storage system at the top of the property (both the road and water tank are fire department requirement). They have been thinning and clearing the dead trees that were left standing after the last fire swept through the area and they have been working on weed abatement. They have plans to fence the forty acres in the spring. They planted 13,000 trees on the first planting (not all survived) and have done a second planting with another one planned for the end of this year. The Hulett's are not harvesting timber at this time and Christmas tree production has not been a total success.

After careful consideration by the Commission, Mr. Smith stated that there was a shared impression that, in terms of the intended use of the current zoning for timber production, the applicant's request for a 1,600 square foot agricultural building does not necessarily further enhance timber management activities, the primary intended use of TPZ zoned land and explained that the building would take up a substantial amount of potential production area. He said it almost seems like a structure of this size is designed for things other than timber production and feels a request for a more reasonably sized structure might generate more support.

After lengthy discussions regarding the appropriate size of the structure, it was moved by Mr. Bacchi and seconded by Mr. Walker to recommend APPROVAL of the construction of an agricultural building not to exceed 500 square feet, on parcel number 011-100-11. A 500 square foot agricultural structure is a more appropriate size for the management of the land and would be "compatible" – would not significantly detract from the use of the property or inhibit the growing and harvesting of timber, as stated in the California Timberland Productivity Act of 1982, Section 51104.(h)(6). By limiting the size of the agricultural structure to no greater than 500 square feet, the findings for General Plan Policy 8.4.2.1 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.”*

Motion passed.

AYES: Bacchi, Draper, Mansfield, Smith, Walker, Boeger

NOES: None

ABSENT: Ward

- VII. Z09-0011/WAC09-0002/BLA09-0038 – Rossi Ag Preserve and BLA (Randy Rossi/Bob Olson):** A request for a zone change for portions of the Assessor Parcel Numbers 093-040-58 and 093-040-59 from Residential Agricultural-20 Districts (RA-20) to Exclusive Agricultural Districts (AE) related to BLA 09-0038 and WAC09-0002 which is a lot line adjustment expanding the exterior boundary of Agricultural Preserve #298. The property, identified by Assessor’s Parcel Numbers 093-040-58, 093-040-59 and 093-040-46, consists of 40.0 acres, and is located on the north side of Grizzly Flat Road approximately 3.9 miles east of the intersection with Mt. Aukum Road, in the Somerset area. (District 2)

Staff gave the following report:

The applicant’s property, located off of Grizzly Flat Road, has Exclusive Agriculture (AE) zoning, is in a Williamson Act Contract (#298), and has a General Plan Land Use Designation of Natural Resource (NR). The applicant’s driveway goes through two other properties (APN: 093-040-58 and -59) and is currently considered a non-County maintained road. In accordance with the El Dorado County Winery Ordinance Section 17.14.200 (E)(5)(b), the applicant would be required to obtain a Special Use Permit for a winery, as the property is not in an Agricultural District and is accessed by a non-County maintained road. The applicant proposes to obtain, by the BLA application, the portions of the neighboring properties that his driveway extends through (approximately 3 acres), add the 3 acres to his existing Williamson Act Contract, and change the zoning of the 3 acres from RA-20 to AE.

California Government Code Section 51257 (a) states: to facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract would enforceably restrict the adjusted boundaries of the parcel for

an initial term for as least as long as the unexpired term of the rescinded contract, but for not less than 10 years.

- (2) There is no net decrease in the amount of the acreage restricted.
- (3) At least 90 percent of the land under the former contract remains under the new contract.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior the adjustment, or an adjusted lot that is inconsistent with the General Plan.

The applicant has over five acres of grapevines and has constructed a wine cave.

The agent for the applicant was present and available for questions but had no additional information to add to the request.

It was moved by Mr. Smith and seconded by Mr. Draper to recommend APPROVAL of Z 09-0011, WAC 09-0002 & BLA 09-0038, as the findings for Government Code Section 51257 (a) can be made if the original contract is rescinded and a new contract is simultaneously entered into:

- (1) The new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term for as least as long as the unexpired term of the rescinded contract, but for not less than 10 years.***
- (2) There is no net decrease in the amount of the acreage restricted.***
- (3) At least 90 percent of the land under the former contract remains under the new contract.***
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.***
- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.***
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use,***
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior the adjustment, or an adjusted lot that is inconsistent with the General Plan.***

The parcel continues to meet the minimum requirements for the Williamson Act Contract and the findings for General Plan Policy 8.1.4.1 can be made. The proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and***

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

Motion passed.

AYES: Bacchi, Draper, Mansfield, Smith, Walker, Boeger

NOES: None

ABSENT: Ward

VIII. AG DISTRICT REVIEW – Fair Play – Somerset

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

As stated at the beginning of the meeting, the following parcels were removed from the list of parcels being considered for omission as they are not currently in an Ag District: 095-011-17, 095-011-18, 095-011-19, 095-011-33

Several maps were provided to define the following parcels which are in the *southern* portion of the Fair Play - Somerset area. The northern parcels will be reviewed at a later date due to the large number of parcels.

Staff noted that four of the parcels, being considered for inclusion into the agricultural district, have land use designations of Low Density Residential (LDR), although all four parcels are over 20 acres in size. Discussion took place whether or not the LDR parcels should be considered for addition. It was noted that the Agricultural Department had not received any correspondence from the owners of the parcels. Chair Boeger asked that Mr. Smith (and other members if possible) tour this area and report back to the Commission with their findings regarding the LDR parcels. Commission Member Smith stated that he would take a look at the parcels, off of Slug Gulch Road, to make a better determination of their suitability for agriculture.

Tim Tate, representing Sierra Pacific Industries, asked that several parcels, owned by SPI and listed for inclusion into the Ag District, be held for consideration at a later date as these parcels are part of negotiations with a lease holder at this time. He agreed to put his request into writing to define the Assessor's Parcel Numbers and forward it to staff.

Rich Wade, also representing Sierra Pacific Industries, expressed concerns about the rating system used when considering parcels that may be included or omitted into an Ag District

and asked that he personally be able to review the rating system. He also expressed concerns regarding possible restrictions on SPI properties.

Chair Boeger explained that the Commission was only reviewing the parcels in this area and

that the final decision would not be made for some time. He suggested the SPI representatives stay in contact with staff for further evaluation of any parcels under their purview.

Several members of the public offered positive comments about the work being done in regards to the Ag Districts and thanked the staff and Commission.

***Recommendation:** The Agricultural Commission is recommending the following Assessor's Parcel Numbers (68) be considered for addition to the Fair Play -Somerset Ag District:*

041-011-01, 040-011-07, 041-191-04, 046-052-66, 046-071-21, 046-090-78, 046-740-01, 046-740-02, 095-011-21, 095-011-22, 095-011-23, 095-011-24, 095-011-27, 095-011-28, 095-011-29, 095-011-30, 095-011-31, 095-011-32, 095-011-39, 095-011-41, 095-011-42, 095-011-43, 095-011-46, 095-011-47, 095-011-64, 095-011-65, 095-011-66, 095-011-67, 095-021-22, 095-021-23, 095-021-24, 095-030-06, 095-030-26, 095-030-28, 095-030-34, 095-030-36, 095-040-26, 095-040-30, 095-040-33, 095-040-37, 095-050-37, 095-050-39, 095-060-01, 095-070-02, 095-070-26, 095-190-01, 095-190-03, 095-190-18, 095-190-19, 095-190-20, 095-190-21, 095-280-01, 095-280-02, 095-280-03, 095-280-04, 095-280-05, 095-280-06, 095-280-07, 095-280-08, 095-280-10, 095-280-11, 095-280-12, 095-280-13, 095-280-14, 095-280-16, 095-280-17, 095-280-18, 095-280-19

***Recommendation:** The Agricultural Commission is recommending the following Assessor's Parcel Numbers (71) be considered for omission from the Fair Play-Somerset Ag District:*

046-520-28, 046-840-01, 046-840-02, 046-840-03, 046-840-04, 046-840-05, 046-840-06, 046-840-07, 046-840-08, 046-840-09, 046-840-10, 046-840-11, 046-840-12, 046-840-13, 046-840-14, 046-840-15, 046-840-16, 046-840-17, 046-840-18, 046-840-19, 046-840-20, 046-840-21, 046-840-22, 046-840-23, 046-840-24, 046-840-25, 046-840-26, 046-840-27, 046-840-28, 046-840-29, 046-840-30, 046-840-31, 046-840-32, 046-840-33, 046-840-34, 046-840-35, 046-840-36, 046-840-37, 046-840-38, 046-840-39, 046-840-40, 046-840-41, 046-840-42, 046-840-43, 046-840-44, 046-840-45, 046-840-47, 046-840-48, 046-840-49, 046-840-50, 046-840-51, 046-840-52, 046-840-53, 046-840-54, 046-840-55, 046-840-56, 046-840-57, 046-840-58, 046-840-59, 046-840-60, 046-840-61, 046-840-62, 046-840-63, 046-840-64, 046-840-65, 046-840-66, 046-840-67, 046-840-68, 046-840-70, 094-080-03, 094-080-04, (~~095-011-17, 095-011-18, 095-011-19, 095-011-33~~)

Being held for consideration at a later date:

All SPI owned parcels (APN's 040-011-35, 040-011-36, 041-960-08, 095-011-40, 095-011-81, 095-011-82, 095-011-80, 095-030-33, 095-030-44, 095-030-45) and the four parcels with land use designations of LDR (APN's 041-960-01, 041-960-03, 095-100-21, and 095-100-32)

It was moved by Mr. Smith and seconded by Mr. Bacchi to recommend for inclusion into the Fair Play Ag District those parcels that have been recommended with the exception of the Low Density Residential (LDR) parcels discussed, and the SPI parcels mentioned and recommend for omission those parcels listed above with the exception of the last four

parcel numbers.

Motion passed.

AYES: Bacchi, Draper, Mansfield, Smith, Walker, Boeger

NOES: None

ABSENT: Ward

IX. SUITABILITY OF LAND CATEGORY I CHART

Staff provided two sample drafts of the *Suitability of Land, Soil Capability and Characteristics* chart with changes suggested by the Ag Commission at the February 10, 2010 meeting. After questions and further information from the staff, Draft II was chosen with only minor amendments to be made.

Bill Stephans suggested that staff use the current Suitability of Land chart and the Draft II chart to score parcels being considered for inclusion into the Fair Play – Somerset Agricultural District, to evaluate the differences in the scoring and report back to the Commission. This suggestion was agreeable to the Commission members.

X. FUTURE BUSINESS/ISSUES

- Zoning Ordinance Update – Relating to agriculture

Chris Flores had provided, to the Agricultural Commission members, copies of the draft zoning ordinance that is available on the Planning Department's website. She included the Ag Zoning, Residential Zoning, TPZ sections, Agricultural Support Services, Animal Raising and Keeping, and Commercial Caretaker and Agricultural Employee Housing.

Peter Maurer stated that the Zoning Ordinance draft is approximately 60% completed and will be put out for public review in the next few weeks. Currently, Planning staff is working with the Economic Advisory Committee reviewing it piece by piece.

They will be working with special interest groups on the sections that will affect them. He suggested that within the next few weeks he could provide an overview of the ordinance, what is proposed, and how it is different from the current ordinance.

Mr. Walker mentioned some wording in the Agricultural Preserves and Zoning section that states, "In addition to a primary dwelling, one secondary dwelling may be allowed within a Preserve by Site Plan Review approval in compliance with Section 17.52.050..." He asked staff if this is different from the current Zoning Ordinance; two residents on one WAC parcel.

Mr. Maurer explained that there is a bit of a conflict with differing State laws. One says that **any** lot that allows for a single family residence shall allow for a secondary dwelling unit such as a caretaker cottage or granny flat. The Williamson Act

Contract requirements allow for only one residence per Preserve. Mr. Maurer stated that a secondary dwelling unit could be allowed on an Agricultural Preserve if it does not adversely affect the Williamson Act Contract and the agricultural operation. The change in this section would accommodate property owners in Williamson Act Contracts who have requested a second dwelling.

Chair Boeger questioned if this would limit the size of a second dwelling to 1,200 square feet. .

Mr. Maurer said it would need to be determined if the size was appropriate for the use. Agricultural employee housing may allow a larger size. Some of these issues still need to be clarified. Questions also were raised regarding the location of the second residence and if it had to be on the same parcel.

Bill Stephans stated that after talking to the Department of Conservation about this issue, it is his understanding that they do not want a house to be built on another parcel with the ability to split that parcel off from the Ag Preserve and sell it.

Art Marinaccio stated the importance of matching the Zoning Ordinance with the mapping. He feels that this would allow for a much better picture of what should be allowed within certain areas. He also expressed concerns about the Zoning Ordinance Glossary.

Mr. Maurer stated that Planning will be adjusting the maps as part of the zoning update process and as the document is reviewed, including the Glossary, necessary revisions will be made.

Bill Stephans suggested a workshop be scheduled for further discussion of this topic.

- Winery Ordinance – Staff request

Chris Flores reminded the Commission that one year after the Winery Ordinance was adopted it was to come back to them for review. Recently, there have been a couple projects affected by the ordinance. She suggested the Commission look at some of the sections of the ordinance and agendaize this topic at the next meeting.

XI. LEGISLATION

Bill Stephans, who serves on a Legislative Committee for the Ag Commissioners, informed the Commission that there are 60 plus bills they are watching. The majority of these are “spot bills” which language has not been presented; they are a holding bill with their intent not known at this time. Mr. Stephans will be tracking these bills and will keep the Commission advised of any changes.

XII. CORRESPONDENCE

- None received

XIII. OTHER BUSINESS

- Bill Draper – Sustainable Forest Action Coalition update regarding the Camino Mill closure

The SFAC is currently trying to become more active with the Legislature and in the Federal Congressional arena. They will be participating in the Cap-to-Cap tour this year and they have been supporting some Federal legislation to try to curtail the harassment type lawsuits against the Forest Service on environmental issues.

- John Smith – Resolution declaring appreciation for William J. Stephans tenure as El Dorado County’s Agricultural Commissioner and Sealer of Weights and Measures. Mr. Stephans was given a signed Resolution by the Agricultural Commission.
- Sacramento Bee article – Road to Recovery: Local foods spice up economic picture

XIV. ADJOURNMENT

- The meeting adjourned at 8:45 p.m.

APPROVED: Greg Boeger, Chair

Date: April 14, 2010