



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

July 9, 2008

6:30 P.M.

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

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

Members Absent: Heflin, Ward

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

Staff Members Present: Nancy Applegarth, Clerk to the Ag Commission
Chris Flores, Ag Biologist/Standards Inspector
Pierre Rivas, Development Services/Planning

Others Present: Michael Barsotti, Kirk Bone, Sandy Bross, Ian Bulloch,
Janis Davidson, Laura Lehman, Linnea Marenco, Brian
Pelley, Bill Snodgrass, Ashley Rome, Becky Rome,
B.J. Rome

I. CALL TO ORDER

The meeting was called to order at 6:34 p.m. by Greg Boeger, Chair

II. APPROVAL OF AGENDA

It was moved by Mr. Walker and seconded by Mr. Pratt to APPROVE the Agenda. Motion passed.

AYES: Bacchi, Draper, Pratt, Walker, Boeger

NOES: None

ABSENT: Heflin, Ward

II. APPROVAL OF MINUTES

Minutes of June 11, 2008

It was moved by Mr. Walker and seconded by Mr. Draper to APPROVE the Minutes of June 11, 2008. Motion passed.

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

IV. PUBLIC FORUM

- *No comments were received*

V. Ranch Marketing/Winery Ordinance Update

Bill Stephans reported that at the July 1st Board of Supervisors meeting, a motion was passed to incorporate the September 11, 2007 draft version into the same format as the March 17, 2008 draft Low Impact Winery Ordinance. The motion also included the Board's desire to be able to adopt the ordinance through a Mitigated Negative Declaration (MND). A ranch marketing ordinance meeting is scheduled for July 15th and another winery ordinance meeting is scheduled for July 16th. The Board of Supervisors has asked for completion of both ordinances by the end of this year.

VI. Agricultural Housing – Discussion of criteria

At the June 11, 2008 Commission meeting, there was a request for staff to draft criteria and guidelines in order to help analyze future Ag Worker Housing applications. After considering comments offered by Commission members, reviewing state law, and various other sources, two sets of criteria were created for consideration. One set of criteria was drafted for Agricultural zoned parcels A, SA-10, PA, AE & AP (not in Williamson Act Contracts) and another set of criteria for parcels zoned AE & AP in (Williamson Act Contracts.)

It was decided, by the Commission, to review the criteria for discussion with possible action at the August 13, 2008 Agricultural Commission meeting.

VII. WAC 08-0002 & WAC 08-0003 – Barsotti Williamson Act Contract (Gael Barsotti/Bill Snodgrass): A request to revise an existing Agricultural Preserve and create two separate Agricultural Preserves. The applicant is also requesting a Boundary Line Adjustment (BLA 07-0070). The property, identified by Assessor's Parcel Numbers 085-030-14 & 085-540-70, consists of 40.00 acres, and is located on the east side of Hidden Valley Lane approximately 0.25 miles north of the intersection with North Canyon Road, in the Camino area. (District 3)

Staff reported on the site visit. The parcels are currently zoned AE and are in the Camino/Fruitridge Agricultural District. The BLA 07-0070 would add 3.718 acres (APN 085-540-70) to APN 085-030-14, creating a parcel of 40 acres, to be split in half, creating two parcels of 20.02 acres and 20.00 acres. BLA 07-0070 must conform to Government Code Sec 51257, as the land is under a Williamson Act Contract. For the completion of the BLA, the following 7 findings, from Gov. Code Sec 51257, must be made:

1. As new contracts are required, the new contracts will enforceably restrict the adjusted boundaries of the parcel for an initial term not less than 10 years.
2. There is no net decrease in the amount of acreage being restricted; in fact, there will be more acreage under the new contracts.
3. At least 90 percent of the land under the former contract will remain under the new contracts; 100 percent of the land under the former contract will be included in the new contracts.
4. After the boundary line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.
5. The boundary line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract.
6. The boundary line adjustment will not result in the removal of adjacent land from agricultural use.
7. The boundary line adjustment will not result in a greater number of developable parcels, or an adjusted lot that is inconsistent with the General Plan.

After a thorough analysis of the BLA, it is staff's opinion that all seven findings can be made.

Staff reported that WAC 08-0002 contains a 15 acre apple orchard and exceeds the required criteria: 1) Capital Outlay exceeds the required \$45,000 at \$323,046; 2) Minimum acreage exceeds the required 20 acres at 20.02 acres; and 3) Gross income exceeds the required \$13,500 at \$75,825. WAC 08-0003 contains a 1 acre apple orchard and a 2.5 acre vineyard (to be expanded), and meets the required criteria: 1) Capital Outlay exceeds the required \$45,000 at \$377,246; 2) Minimum acreage meets the required 20 acres at 20 acres; and 3) Gross income exceeds the required \$13,500 at \$17,502.

Bill Snodgrass gave further explanation of the project and was available for questions.

It was moved by Mr. Walker and seconded by Mr. Bacchi to recommend APPROVAL of Gael Barsotti/Bill Snodgrass request -- BLA 07-0070 as the Board of Supervisors will be able to make the following findings, pursuant to Government Code Section 51257:

- 1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term or at least as long as the unexpired term of the rescinded contract or contracts, 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 or contracts remains under the new contract or contracts.***
- 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 or contracts.***
- 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 to the adjustment, or an adjusted lot that is inconsistent with the general plan.*

Concurrently with the completion of the BLA, the Agricultural Commission recommends APPROVAL of WAC 08-0002 as the minimum criteria for a high intensive agricultural operation has been exceeded:

- 1) *Capital outlay exceeds the minimum requirement of \$45,000 at \$323,046.*
- 2) *Acreage of parcel exceeds the minimum requirement of 20 acres at 20.02 (acreage of crops is 15 acres).*
- 3) *Gross income exceeds the minimum requirement of \$13,500/year at \$75,825.*

Concurrently, with the completion of the BLA, the Agricultural Commission recommends APPROVAL of WAC 08-0003 as the minimum criteria for a high intensive agricultural operation has been met or exceeded:

- 1) *Capital outlay exceeds the minimum requirement of \$45,000 at \$377,246.*
- 2) *Acreage of parcel meets the minimum requirement of 20 acres at 20 acres (acreage of crops is 3.5 acres).*
- 3) *Gross income exceeds the minimum requirement of \$13,500/year at \$17,502.*

Motion Passed.

AYES: Bacchi, Draper, Pratt, Walker, Boeger

NOES: None

ABSENT: Heflin, Ward

- VIII. SPR 08-0014 - Ian Bulloch:** A request for administrative relief from agricultural setbacks for a proposed second residence to be located 150 feet from the northeasterly property line and 50 feet from the east property line and for the proposed replacement of a single-family residence to be located 85 feet from the northwesterly property line and 50 feet from the west property line. The subject parcel is adjacent to Residential Agricultural (RA-40 & RA-80) zoned land and therefore subject to special agricultural setbacks in accordance with the Interim Interpretive Guidelines adopted June 22, 2006.

Staff gave details of the site visit. The application is for Administrative Relief from 200 foot agricultural setbacks from the RA-40 (Residential Agriculture-40 Acre) parcels to the east and west, and the RA-80 (Residential Agriculture-80 Acre) parcel to the north. The applicant is requesting a reduction in setbacks for the construction of a new home and a granny flat. The subject parcel is zoned RA-40, has a Land Use Designation of Natural Resource, is not in an Agricultural District, has non-choice soils, and has very limited building sites due to the steep topography of the parcel. The owner of the property would like to build a granny flat in the northeast corner of his property, to live in, while he is building his permanent residence in the location of an existing mobile home. The mobile

home is currently closer to the western property line than the proposed new residence will be. There are no apparent agricultural operations on any of the properties adjacent to the subject parcel.

Ian Bulloch was present for questions and explanation of his project. He plans to build a new structure where a current mobile home now stands. He will build a granny flat and live in it while building the larger home. The topography of the land does not allow any other suitable building sites.

Bill Michaels, neighbor to the subject property owner, objected to the application because of privacy concerns.

Pierre Rivas stated that the agricultural setbacks are for the protection of agriculture and not for privacy related concerns.

It was moved by Mr. Pratt and seconded by Mr. Walker to recommend APPROVAL of Ian Bulloch's request for administrative relief from the 200 foot agricultural setbacks, by allowing a minimum setback of 150 feet from the northeasterly property line and 50 feet from the east property line for the proposed granny flat, and 85 feet from the northwesterly property line and 50 feet from the west property line for the replacement of a single family residence, as the following findings are made by the Commission:

- A) The proposed non-compatible structure is located on the property to reasonably minimize any potential negative impacts on the adjacent agriculturally zoned land;*
- B) Based on the site characteristics of the subject parcel and the adjacent agriculturally zoned land including topography, the Commission determines that the location of the proposed non-compatible structure would reasonably minimize potential negative impacts on agricultural use; and*
- C) 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.*

The applicant must 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: Draper, Pratt, Walker, Bacchi, Boeger

NOES: None

ABSENT: Heflin, Ward

- IX. SPR 08-0015 - Janis Davidson:** A request for administrative relief from agricultural setbacks for the location of a temporary hardship mobile home, as well as the expansion of an existing residence. Both of these structures are in place without prior approval by County Development Services. The request for relief is a step in the effort towards getting these structures permitted. The subject parcel is adjacent to Exclusive Agricultural (AE) zoned land and therefore subject to special agricultural setbacks in accordance with the Interim Interpretive Guidelines adopted June 22, 2006.

Staff reported on the site visit. The application is for Administrative Relief from a 200 foot Agricultural Setback from the AE (Exclusive Agriculture) parcel to the southeast and the AE parcel to the south. The applicant is requesting a 112 foot setback from the southeasterly property line for an existing hardship mobile home, and a 129 foot setback from the south property line for an existing addition to an existing single-family residence. The subject parcel is zoned RE-10 (Estate Residential, 10 Acre), and has a Land Use Designation of RR (Rural Residential). The parcel was purchased in 2005 with the existing house and mobile home. Due to the shape of the parcel (which has a width to length ratio of greater than 1 to 3), sites for non-compatible uses are very limited. The applicant raises llamas for pack animals. The llamas graze the areas between the non-compatible uses (the house and mobile home) and the AE parcels to the south and southeast. The applicant stated that there are cattle on the parcel to the south, owned by Perry King, and that they see them periodically.

The AE parcel to the southeast (Penobscot Ranch), is bordered by the applicants driveway. The area on the AE parcel, adjacent to the property line, is covered in blackberries, trees and shrubs, and is not currently being grazed. The road could be considered as a buffer to reduce the need for a 200 foot agricultural setback.

Janis Davidson explained that a disabled relative is currently living in the mobile home on her property. He also helps take care of her livestock. There was an addition to the home in 1973 which was done without a permit. In correcting this issue she was told about the agricultural setback for the temporary mobile home and the need to bring it into compliance. She presented a letter of support written by a neighbor, Perry King.

The owner of the adjacent southeast parcel, Linnea Morenco, objected to the application. She told of the work recently done to clear her parcel which is next to Janis Davidson's temporary mobile home. She expressed concerns of future problems that may occur if they receive complaints about their agricultural pursuits and improvements to their property for grazing.

Brian Pelley, co-owner of the subject property, offered further detail of the application. He stated their only goal is to get the proper permits as required by the county, and do not plan to further encroach into the agricultural setback to the neighbor's property. Both the

house/addition and the hardship mobile home have existed at their present locations since the early to mid 1970's.

Another neighbor gave further history of the area, stating that the property was originally part of the Lehman Ranch many years ago. She testified that the TMA was installed at its present location in the 1970's.

Pierre Rivas reminded the Commission to concentrate on the appropriateness of the setback issue only, as the applicants are entitled to a TMA if they meet the minimum criteria.

Motion #1: It was moved by Mr. Draper and seconded by Mr. Pratt to DENY Janis Davidson's request for administrative relief from agricultural setbacks for the Temporary Hardship Mobile Home location and APPROVE the request for administrative relief from agricultural setbacks for the existing residence location.

Motion Failed.

AYES: Draper

NOES: Bacchi, Walker, Pratt, Boeger

ABSENT: Heflin, Ward

There was further discussion regarding the sloping topography and the long, narrow shape of the property which limited the possibilities where the TMA could be located.

Motion #2: It was moved by Mr. Bacchi and seconded by Mr. Walker to recommend APPROVAL of Janis Davidson's request for administrative relief from the 200 foot agricultural setbacks, allowing a minimum setback of 112 feet from the southeasterly property line for the existing temporary mobile home and no less than 129 feet from the south property line for the existing addition to the single-family residence, as the following findings are made by the Agricultural Commission:

- 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 non-compatible structures are located on the property to reasonably minimize any potential negative impacts on the adjacent agriculturally zoned land; and***
- C) Based on the site characteristics of the subject parcel and the adjacent agriculturally zoned land including topography, the Commission determines that the location of the non-compatible structures would reasonably minimize potential negative impacts on agricultural use.***

The applicant must 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 building permit being finalized, 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, Walker, Boeger

NOES: Draper

ABSENT: Heflin, Ward

- X. AO8-0008 – Rome Valley General Plan Amendment (BJ Rome):** A request for a General Plan Amendment to change the land use designation from RR (Rural Residential) to RR-A (Rural Residential-Agricultural). See also SPR 08-0009. General Plan Amendment into the Agricultural District would allow proposed wine facility in SPR 08-0009 by eliminating 200 foot setbacks otherwise imposed on the parcel from residential uses. The property, identified by Assessor's Parcel Number 088-170-32, consists of 17.47 acres, and is located on the southwest side of Traverse Creek Road at the intersection with Spanish Flat Road, in the Garden Valley area. (District 4)

Staff reported on the site visit. The parcel consists of approximately 17.465 acres, is zoned AE (Exclusive Agricultural), is in a Williamson Act Contract #268, has a Land Use Designation of Rural Residential and is adjacent to the garden Valley Agricultural District. The parcel consists of both choice and non-choice soils. The applicant has applied for a General Plan Amendment to be included in the Garden Valley Agricultural District, which is directly north of the subject parcel. General Plan Policy 8.1.1.1 states that "*Agricultural Districts*" shall be created and maintained for the purposes of conserving, protecting, and encouraging the agricultural use of important agricultural lands and associated activities throughout the county;...and encouraging the expansion of agricultural activities and production... General Plan Policy 8.1.1.2 states that *Agricultural Districts shall be based on the following criteria: A) Lands currently under Williamson Act contract; B) Soils identified as El Dorado County "choice" agricultural soil...; C) Lands under cultivation for commercial crop production; D) Lands that possess topographical and other features that make them suitable for agricultural production; E) Low development densities; and F) A determination by the Board of Supervisors that the affected land should be preserved for agricultural production rather than other uses.* It is staff's opinion that the subject parcel meets A through E of the above criteria. General Plan Policy 8.1.1.4 states that *The Procedure for Evaluating the Suitability of land for Agriculture shall be used for evaluating the suitability of agricultural lands in Agricultural Districts and Williamson Act Contract lands (agricultural preserves).* Staff evaluated the subject parcel using *The Procedure for Evaluating the Suitability of Land for Agriculture.* The total score was calculated as 57 points (60 points or more signifies a parcel with good agricultural capability). The score was decreased due to the non-choice soils on the property. Wine grapes do not require choice soils to be healthy and productive. As the parcel has more than 9 acres of wine grapes, over

½ acre of apple trees, and newly planted conifers to be used as Christmas trees in the future, AND is in a Williamson Act Contract, it is staff's opinion that the parcel qualifies as land suitable for agriculture. General Plan Policy 8.1.1.7 states that *All agricultural lands in active production or determined by the Agricultural Commission to be suitable for production shall be incorporated into an Agricultural District following suitability review.* The General Plan Amendment request to be included in the Garden Valley Agricultural District will reduce the agricultural structure setback requirement from 200 feet to 50 feet. The applicant is proposing to add a two-story winery and tasting room to the parcel. Planning requests the Agricultural Commission's recommendation on General Plan Policies 8.1.3.5 and 8.1.4.1.

Pierre Rivas stated he believed there was an oversight when the agricultural district boundaries were established in the early to mid 1990's and that the subject property should have been included as part of the Agricultural District.

A neighbor expressed his concerns over his lack of privacy if the applicant was granted a 50' setback instead of the 200' setback to build the two-story winery. Commission Member Pratt pointed out that the area of the parcel directly adjacent to the neighbor's property is planted in vineyard and that although there are no absolute guarantees, most agriculturalists would not remove a vineyard to build a winery.

For clarification, Bill Stephans stated that the applicant was not requesting a 50 foot setback but if the property was included into an Agricultural District then the setback would be 50 feet. BJ Rome stated that she was only trying to correct an oversight that was done thirteen years ago. Additionally, she described her wish to leave a legacy.

It was moved by Mr. Walker and seconded by Mr. Pratt to recommend APPROVAL of BJ Rome's request for a General Plan Amendment to change the Land Use Designation of parcel 088-170-32, from RR (Rural Residential) to RR-A (Rural Residential-Agricultural) because the following findings in General Plan Policy 8.1.4.1 can be made :

- 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 affected; and***
- C) The proposal will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.***

To further conserve and protect agricultural land, the Commission recommends APPROVAL of BJ Rome's request for the parcel to be incorporated into the adjoining Garden Valley Agricultural District because the parcel is currently in a Williamson Act contract, has choice soils, is zoned AE, has over nine acres of wine grapes being managed for commercial production, and meets 5 of the 6 criteria in General Plan

Policy 8.1.1.2: Agricultural Districts shall be based on the following criteria:

- A) Lands currently under Williamson Act contract;***
- B) Soils identified as El Dorado County “choice” agricultural soil...;***
- C) Lands under cultivation for commercial crop production;***
- D) Lands that possess topographical and other features that make them suitable for agricultural production; and***
- E) Low development densities.***

Based on staff analysis using “The Procedure for Evaluating the Suitability of Land for Agriculture” the Commission finds the parcel suitable for agricultural production pursuant to General Plan Policy 8.1.1.7.

Motion Passed.

AYES: Walker, Draper, Bacchi, Pratt, Boeger

NOES: None

ABSENT: Heflin, Ward

- XI. Z 08-0020 – Fulp TPZ Cancellation/Rezoning (Randolph Gordon Fulp):** A request for an immediate rezone of a Five Acre (TPZ) Timberland Production Zone parcel to RE-5 (Estate Residential Five-Acre). The property, identified by Assessor’s Parcel Number 098-160-44, consists of 5.31 acres, and is located on the south side of Pleasant Valley Road approximately ¼ mile east of the intersection with Oak Hill Road, in the Oak Hill area. (District 3).

Staff reported on the site visit. The property has a Land Use Designation of Medium Density Residential (MDR), is surrounded by One-Acre Residential (RIA) and Estate Residential Five-Acre (RE-5) zoned parcels, and is in the Oak Hill Rural Center. Included in the application to immediately cancel the TPZ and rezone APN 098-160-44, is a letter from Registered Professional Forester, Bill Draper, dated April 21, 2008. Mr. Draper states in his letter that the property does not currently have a viable Christmas Tree operation, nor would the property be able to sustain a commercial Christmas Tree farm due to the limited acreage.

The property is located in a residential area and is accessed by a narrow private road.

Bill Draper recused himself from hearing this item and immediately sat in the audience.

Pierre Rivas stated that this property would be the first rollout/cancellation of TPZ property in the county since the program first started.

Randolph Fulp explained that his father previously owned the property. When the TPZ first went into effect, there was an A, B, & C list for the timber industries. To his recollection, the smaller parcels or Christmas Farms were on the B or C lists.

Bill Draper, as a member of the public, reported that he had visited the property several months ago. At one time it could have been a viable Christmas Tree farm but as it has not

been worked for several years, and due to the location and size, in his opinion as a Registered Professional Forester, it is not, and could not be, a viable economical operation.

It was moved by Mr. Pratt and seconded by Mr. Bacchi to recommend APPROVAL of Randolph Fulp's request to immediately rezone APN 098-160-44, a five-acre Timberland Production Zone (TPZ) parcel to an Estate Residential Five-Acre (RE-5) parcel as all the required findings (1) through (3) of Public Resources Code Section 4621.2 can be found:

- 1) The conversion would be in the public interest.***
- 2) The conversion would not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned as timberland preserve and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed;***
- 3) The soils, slopes, and watershed conditions would be suitable for the uses proposed if the conversion were approved.***

Additionally, General Plan Policy 8.3.1.3 requires the Agricultural Commission to assess lands to determine their suitability for timber production. Through staff's analysis, this parcel is not suitable for timber production and does not meet the following criteria, required to be used to determine the suitability of timber production lands:

- A) Lands designated Natural Resource (NR) on the General Plan land use map or lands zoned Timber Production Zone (TPZ);***
- C) Lands used for commercial forestry/timber production;***
- D) Lands that possess other features that make them suitable for timber production;***
and
- E) Low development densities in vicinity.***

Furthermore, the surrounding parcels have a General Plan Land Use Designation of Low Density Residential (LDR) and Medium Density Residential (MDR) and the five acre TPZ parcel does not meet the minimum 40 acre requirement for lands that are located below 3,000 feet.

Motion Passed.

AYES: Walker, Bacchi, Pratt, Boeger

NOES: None

RECUSED: Draper

ABSENT: Heflin, Ward

- XII. P 08-0023 – Verzello Parcel map (Mother Lode Orchards LLC/Lebeck Young Engineering):** A parcel map request to create 3 lots ranging in size from 20 acres to 21

acres. The property, identified by Assessor's Parcel Number 100-060-02, consists of 61.24 acres, and is located on the north side of North Canyon Road approximately 400 feet west of the intersection with Larsen Road, in the Camino area. (District 3)

Staff reported on the site visit. The application is for the creation of 3 lots from a 61.24 acre parcel. Current zoning is SA-10 (Select Agriculture, 10 Acre), Land Use is AL (Agricultural Lands), the property is in the Camino/Fruitridge Agricultural District, and has both choice and non-choice soils. Lot 1 (proposed acreage = 21.21) borders North Canyon Road and includes the sales barn, bakery and gift shop, and an existing residence. Existing crops include Christmas trees, apples and wine grapes. Lot 2 (proposed acreage = 20.01) encompasses the northwest portion of the property with existing crops of apples, peaches and asian pears. Lot 3 (proposed acreage = 20.01 acres) encompasses the northeast portion of the property with existing crops of peaches and apples. The relevant General Plan Policies are as follows: Policy 2.2.2.2 B: requires a minimum residential parcel size for lands containing choice soils within an Agricultural District to be 20 acres: project in compliance. Policy 8.1.3.1: requires minimum 10 acre parcel size: project in compliance. Policy 8.1.3.5: requires Agricultural Commission recommendation on the agricultural use or potential of the parcels and whether this request will diminish or impair the existing or potential use. Policy 8.1.4.1: before granting approval of request to create 3 parcels from the 61.24 acre property, 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 affected; and c.) the proposal will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Bob Verzello, a partial owner of the property, was present to answer questions. He stated they have been in production since they purchased the property approximately two years ago.

A neighbor to the east of the subject parcel expressed his concerns that when new lots are created there will be problems of access. He stated that if a permanent access is constructed, he hopes the overlay for school buses does not affect the crops that they own and problems with spraying due to the bus routes. He stated that they have a connecting, deeded easement through the parcel for a pipeline. He wants to limit the impact by putting the easement to the side where all the houses are so it does not have potential overlay on houses that are not there.

Pierre Rivas stated that the applicant would have to show, through use of a parcel map, legal access to all three parcels.

Bill Stephans stated that since it appears the road access will be private and not publicly maintained, school bus routes should not be affected which will not add any additional

conditions to the Restricted Materials Pesticide Permits issued by the Department of Agriculture.

It was moved by Mr. Draper and seconded by Mr. Walker to recommend APPROVAL of the Verzello request, because the proposed parcel acreages are consistent with General Plan Policy 2.2.2.2 and the requirements of SA-10 (Select Agriculture Ten-Acre) zoning.

The Agricultural Commission finds that pursuant to General Plan Policy 8.1.4.1. 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.*

Motion Passed.

AYES: Pratt, Walker, Draper, Boeger

NOES: None

ABSTAIN: Bacchi

ABSENT: None

- XIII. TMA 08-0013 - Hartwick, Titus:** A request to place one temporary mobile home for agricultural employee housing on Assessor's Parcel Number 078-280-14. Planning Services is requesting written approval from the agricultural commission that the site and activity on the above subject property satisfies three of the four criteria established by the county to qualify as an agricultural preserve in order to approve and process the Temporary Mobile Home Application (TMA 08-0013) and Building Application number which is yet to be applied for. Currently the above mentioned parcel is located within a Williamson Act Contract (WAC 93-0008; Agricultural Preserve #225). The additional parcels located within the Williamson Act Contract are Assessor's Parcel Numbers 048-090-04 and 078-280-16. (District 2)

Staff reported on the site visit. The Hartwick's purchased their 41 acre parcel in 2005. The parcel is part of Williamson Act contract #225. There are three parcels within this contract; 1) the Hartwick's parcel, 2) a 41 acre parcel along Pleasant Valley Road owned by Paul and Maggie Bush, and 3) a 52 acre parcel on High Hill Road in Camino, owned by Richard and Leslie Bush. Madrona Vineyards is on the 52 acre parcel in Camino. There is 32 acres of wine grapes on the parcel. The criteria for a high intensive agricultural operation, has been met. The Hartwick's are unable to build a home on their property as the 52 acre parcel in Camino has a home on it, and there is only one home allowed per Williamson Act contract. The Harwick's plan on farming their land and enter into their own Williamson Act contract, within the next two years. They would like

to be able to live in a temporary mobile home, on their property, to pursue their agricultural endeavors. The proposed site for the temporary mobile home is not within an agricultural setback.

Jennie Hartwick read a letter on behalf of herself and husband, Titus Hartwick, which expressed their future agricultural pursuits and goals for their property.

It was moved by Mr. Pratt and seconded by Mr. Draper to recommend APPROVAL of the Hartwick's application to place a temporary mobile home on parcel 078-280-14, to facilitate agricultural pursuits on the parcel. The applicants shall submit to the Department of Agriculture, a work plan, including timelines, within thirty days, which will be reviewed at the August 13, 2008 meeting. Within one year of the approval of this TMA application, staff will report back to the Agricultural Commission regarding the progress of the Hartwick's agricultural operation.

Motion Passed.

AYES: Bacchi, Draper, Pratt, Walker, Boeger

NOES: None

ABSENT: Heflin, Ward

XIV. GOV 08-0003 - Rescue Union School District: A request for a finding of General Plan consistency, pursuant to Government Code Section 65402(a), for the proposed parcels. The School District intends to purchase the subject property for a new school site. While the parcels are zoned Planned Commercial (CP), the site is adjacent to properties zoned Agricultural (A). The application is being sent for Commission review and recommendation pursuant to General Plan Objective 8.1.4.2.

Staff reported on the site visit. The proposed school site is not in an agricultural district, is zoned Planned Commercial and is in the Serrano El Dorado Hills Adopted Plan. The parcel to the southeast is zoned Agricultural, but the 11.57 acre parcel is in the Bass Lake Hills Adopted Plan and does not have any apparent agriculture on it at this time. The Ag zoned parcel has a single family residence, a barn, and horses. To the east of the Ag zoned parcel is a sub-division.

Pierre Rivas stated that the reason the application was before the Commission for comment and review was that the lands to the south of the property are zoned Agriculture. The Bass Lake Hill Specific Plan was adopted November 7, 1995 and it designates this property for High Density Residential development. The area is developing consistent with the plan. There is no planned Agriculture for the property.

Carol Falen, a representative from the Law Office of Bill Wright, representing the Rescue Union School District, was present for questions.

It was moved by Mr. Walker and seconded by Mr. Bacchi to recommend APPROVAL of Rescue Union School District request for the purchase of parcels 123-040-07 and -09, off of Bass Lake Rd. because it is consistent with the Agricultural and Forestry Element of

the General Plan, specifically policy 8.1.4.1. as 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.*

Furthermore, the Land Use Designation, of the adjacent Ag zoned parcel, is AP (Adopted Plan), which provides for the development of the area, by encouraging in-fill and urbanization in the general vicinity.

Motion Passed.

AYES: Bacchi, Draper, Pratt, Walker, Boeger

NOES: None

ABSENT: Heflin, Ward

XV. Pleasant Valley Harvest – (John Mosbacher) annual review as requested by the Commission at the July 11, 2007 meeting

Staff submitted photographs to the Commission members regarding a recent site visit to the property. The previous problem with deer deprivation has been corrected. Berries have been planted and are growing well. A seepage problem from the EID ditch appears to have been fixed by lining the ditch which has allowed the agricultural lands to dry. Trees that have died have been removed and have been replanted. Several areas on the property have been cleared using goats. Staff will continue to monitor the project to check on the Agricultural pursuits that are planned for the future.

XVI. LEGISLATIVE ISSUES

- Bill Stephans reported that several bills pertaining to Agriculture have moved from one house to the other and are in committees. No amendments have been made to and of the bills we are currently tracking.

XVII. CORRESPONDENCE

- No Report

XVIII. OTHER BUSINESS

- El Dorado County Board of Supervisors – Notice of Non-Renewal for Agricultural

Preserve No. 11 (APNs 093-032-37, 38, 62, 63, & 72) – Richard & Betty Creason

- 08-0024 Boundary Line Adjustment Application – Sweeney Land Surveying
- 08-0025 Boundary Line Adjustment Application – Sweeney Land Surveying

XIX. ADJOURNMENT

There being no further business, Chair Boeger adjourned the meeting at 9:15 p.m.

APPROVED: Greg Boeger, Chair

Date: September 10, 2008

