



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

September 10, 2008

6:30 P.M.

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

Members Present: Boeger, Bacchi, Draper, Pratt,* Walker
(*absent for Items I-III)

Members Absent: Heflin, Ward

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

Staff Members Present:
Chris Flores, Ag Biologist/Standards Inspector
Nancy Applegarth, Clerk to the Commission

Pierre Rivas, Development Services/Planning

Others Present: Ralph & Marilyn Erwin, Guy Herriott, Tom & Jerdy
Marshall, Jim Price, Cindy Shaffer, Connie Shirey, John
Smith, Barbara Smiley

I. CALL TO ORDER

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

II. APPROVAL OF AGENDA

Bill Stephans informed the Commission that staff had provided an agenda addendum of an item that was received after the agenda was closed: 08-0047 – Boundary Line Adjustment (Thomas & Holly Cooper). The engineer on the project, David Waddell, emailed staff a request to pull this item.

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

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

III. APPROVAL OF MINUTES

Minutes of July 9, 2008

It was moved by Mr. Walker and seconded by Mr. Bacchi to APPROVE the Minutes of July 9, 2008.

Motion passed.

AYES: Bacchi, Draper, Walker, Boeger

NOES: None

ABSENT: Heflin, Ward, Pratt

Minutes of the August 13, 2008 meeting – approval was continued to the October 8, 2008 meeting due to lack of quorum for the approval of the minutes

IV. PUBLIC FORUM

Pierre Rivas informed the Commission that WAC 08-01, Paul & Alice Clary, was scheduled to be heard at the Planning Commission meeting the next day, September 11, 2008, however, due to a received written complaint, the item has been pulled off calendar.

In order for this application to be approved by January 1, 2009, Bill Stephans stated that staff will work with Code Enforcement to help the owners get the property in a Williamson Act Contract, and see that the non-compliances are abated and in compliance.

V. Ranch Marketing/Winery Ordinance Update

Bill Stephans stated that Roger Trout, Development Services/Planning Department, tentatively has a proposed item on the Board of Supervisors agenda, October 23, 2008, regarding the final proposed draft of the Winery Ordinance which includes the Initial Study.

It looks as though all proposed mitigation measures are minor in nature. It appears that the proposed draft could be adopted with a Mitigated Negative Declaration. Roger Trout will be looking for direction from the Board at the October 23rd meeting to use the September 8, 2008, version of the Winery Ordinance as may be amended by the Board as a project description, and to use the attached Initial Study as a basis for a Mitigated Negative Declaration. If minimal changes are requested by the Board, Ag & Planning Commissions, the public and the various associations then it might be possible to adopt the ordinance by the end of the year. The Ranch Marketing Ordinance will also be finalized soon.

- VI. Z 08-0021, PD 08-0012 & TM 08-1472 – Indian Creek Ranch (Echo Lane Investors, LLC/Carlton Engineering, Inc.):** A request to rezone from Residential 3-Acre Minimum (R3) and Agriculture (A) to Estate Residential 5-Acre Planned Development (RE-5-PD) and Single Family 3-Acre Planned Development (R3-A-PD). A development plan and a tentative subdivision map to create 74 single family residential lots ranging in size from 1.00 to 2.53 acres, 11 open space lots, and one remaining lot. The property, identified by Assessor's Parcel Numbers 327-050-02, 327-060-03, -04, -07 & -08, 327-070-55 & 56 and 327-080-04, consists of 177.81 acres, and is located on the north side of Echo Lane approximately 2,000 feet west of the intersection with El Dorado Road in the Placerville area. (District 3)

Chris Flores reported on her site visit. The applicant would like to create a sub-division/Planned Development and is requesting a re-zone of five Agricultural (A) zoned parcels to RE-5-PD (Residential Estate – Five Acre) and R3A (Single-Family Three-Acre) zoning. Adjacent to and west of the proposed sub-division/Planned Development, are five Agricultural zoned parcels. There are no apparent agricultural operations occurring on the Ag zoned parcels adjacent to the proposed development, the terrain is fairly rugged and the Land Use Designation of the Ag zoned parcels is Low Density Residential (LDR). Parcel number 327-060-08 is a long narrow 6 acre parcel, approximately 100 feet wide, adjacent to the Ag zoned parcels to the west and is proposed as open space. Its current zoning is (A) with a proposed re-zone to RE-5-PD. The parcel was given a Certificate of Compliance from El Dorado County in 2007 and was apparently created in the 1930's. Parcel 327-060-08, as open space, will create a 100 foot buffer between possible agriculturally incompatible uses (residential housing, swimming pools, etc.) on proposed lots 1, 43, and 44 and the agriculturally zoned land to the west.

Dave Pratt stated that his residence is near this project but no Agriculture is involved.

Pierre Rivas pointed out that the parcel has been historically zoned for Agriculture. The entire area is designated Low Density Residential which is primarily for larger five and ten acre Estate Residential land uses. Planning staff does not see any future planned Agriculture in the area.

Mr. Bacchi questioned Chris Flores about fencing, livestock, corrals or buildings on the property. She stated that there was no Agriculture seen on the property, however, the property was once used as a quarter horse ranch. There are old stables, arenas and barns.

The Commission asked Pierre Rivas if the Planned Development allows the reduction in the size of the lots. Mr. Rivas explained that this application is being processed as a Planned Development so the applicant submits a development plan that allows for that flexibility in creating Open Space and the clustering of parcels so they fall below the minimum zoning requirement. It was considered by Planning staff whether or not a General Plan Amendment should have accompanied the application to move the Community Region concept area to encompass this property because of the lot sizes. Staff went before the Planning Commission with this project. The Commission recommended that a PD application would waive the minimum zoning requirements and provide greater flexibility.

Mr. Bacchi stated that he was not comfortable with putting a High Density subdivision into a rural area, as the high density may continue to spread. Pierre Rivas stated that this is considered a Medium Density Residential range.

Cindy Shaffer, a member of the family-owned property, gave further explanation of the project. She said the staff recommendation is consistent with what they are proposing.

Tom Marshall, spoke on behalf of several of his neighbors, who are supportive of the project. They believe Cindy Shaffer has developed a good plan for the property and it will

only improve the area.

It was moved by Mr. Pratt and seconded by Mr. Walker to recommend CONDITIONAL APPROVAL of Z 08-0021, PD 08-0012, & TM 08-1472, (Indian Creek Ranch) if APN 327-060-08 is zoned open space without the ability to be developed unless the agriculturally zoned parcels are rezoned to something other than agriculture, then 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***

Motion passed.

AYES: Draper, Bacchi, Pratt, Walker, Boeger

NOES: None

ABSENT: Heflin, Ward

- VII.** A 08-0011, Z 08-0022 & P 08-0024 – Fairchild General Plan Amendment (Kenneth Scott Fairchild/Jeff Crovitz): A request for a general plan amendment to remove the Agricultural District overlay from the subject site, expand the Fairplay rural center boundary to include the project site, and change the land use designation on the proposed residential parcels from Rural Residential (RR) to Low Density Residential (LDR) and from Rural Residential (RR) to Commercial (C) for the proposed commercial parcel, a total of three parcels are proposed. A rezone to change proposed parcel three from Estate Residential Five-Acre (RE-5) to Commercial-Planned Development (C-PD), proposed parcels one and two would retain current zoning of Estate Residential Five-Acre (RE-5), and a tentative parcel map to create three parcels ranging in size from five to ten acres. Proposed parcel three would be for a commercial use while proposed parcels one and two would be for residential use. The property, identified by Assessor's Parcel Number 094-080-04, consists of 23.00 acres, and is located on the south side of Perry Creek Road approximately 0.3 miles east of the intersection with Fairplay Road, in the Fairplay area. (District 2)

Staff reported on the site visit. The pre-application was heard by the Commission on November 14, 2007. At that time, the Agricultural Commission gave the following suggestions to the applicant, regarding agricultural issues:

- A rural Center assessment of the Fairplay area should be completed, and
- The proposed 10-acre parcel should be maintained to buffer and protect the adjacent agricultural land

The parcel is approximately 23 acres, is zoned RE-5, has a Land Use Designation of Rural

Residential (RR) and is located in the Fairplay/Somerset Agricultural District. The parcel also surrounds the Fairplay Cemetery and contains choice soils. This application is for a General Plan Amendment to: 1) remove the parcel from the Fairplay Somerset Agricultural District; 2) expand the Fairplay Rural Center boundaries to include the subject parcel, and 3) change the Land Use Designation of the parcel from RR (Rural Residential) to LDR (Low Density Residential) and C (Commercial). The application is also for a tentative parcel map to create 3 parcels and a re-zone of Proposed Lot 3:

- Proposed Lot 1 would consist of 5 acres and would maintain its RE-5 (Estate Residential Five-Acre) zoning.
- Proposed Lot 2 would consist of 10 acres, would be adjacent to the agriculturally zoned parcel and would maintain its RE-5 zoning.
- Proposed Lot 3 would consist of 7.66 acres and would be re-zoned from RE-5 to C-PD (Commercial-Planned Development).
- The proposed project is in compliance with the Agricultural Element of the General Plan.

Bill Stephans reminded the Commission that when this application was originally heard on November 14, 2007, there was discussion of the Fairplay Cemetery and the possibility that there may be graves outside the cemetery. Referring to a wall map, he pointed out that by using ground penetrating radar; it was found that there are five possible graves outside the boundary line. The cemetery administrator is planning to propose that they increase the ground penetrating radar from the original ten feet from the boundary line to thirty feet outside of the boundary line.

Jeff Crovitz, representing the applicant, stated that he believes this property was over looked during the General Plan process in terms of how it was zoned and gave further explanation of the project. He will be proposing a “no build” setback of thirty feet from the cemetery boundary line with no ground disturbing activities. He has received an initial list of conditions from the Cemetery Association which they will be discussing at a technical meeting next week.

Several neighbors expressed their concerns of the project. There are possible Indian artifacts that need to be protected, the development will bring an increase in traffic and congestion, may cause a lack of water, and questioned how more commercial development could possibly help their area. One person spoke of family members who are buried in the Fairplay Cemetery and the need to protect this property and the property surrounding it.

There was discussion of the Rural Center expansion and the proposal of removing the Ag District overlay. The proposed 10 acre parcel will be adjacent to ag lands. If this parcel is incorporated into the rural center then there is the possibility that the parcel could be split into 5 acre parcels since the proposal is to retain the RE-5 zoning. There was discussion to rezone this parcel to RE-10 or to not incorporate it into the rural center since the rural center is where growth is directed in the General Plan. Some members of the Commission felt that by including this parcel in the rural center, it could be used as an argument to further

subdivide the parcel thus placing the AE land in jeopardy. After deliberations it was thought by the majority of the Commission that the protections to agriculture would be minimal if these actions were taken since future applications could request a rezone, smaller parcels or both. Discussion also involved the required 200 foot agricultural setback which could help limit the impacts to agriculture if a reduction in the setback was not allowed. The setback may be the best way to agricultural protection if this project is approved.

It was moved by Mr. Walker and seconded by Mr. Draper to recommend CONDITIONAL APPROVAL of A 08-0011, Z 08-0022, & P 08-0024, (Kenneth Scott Fairchild/Jeff Crovitz), if the 200' agricultural setback is recorded on the final parcel map for the proposed 10 acre parcel (Lot 2 on the tentative map), then the findings can be made for General Plan Policy 8.1.4.1, which states the proposed changes;

- 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: Draper, Walker, Boeger

NOES: Bacchi, Pratt

ABSENT: Heflin, Ward

- VIII.** SPR02-0008R (2), Fenton Herriott Vineyard, second revision to an approved Site Plan Review application. The applicant is requesting to reduce the square footage of the wine storage, tasting room, kitchen and event center. Also requested is the construction of a 3,500 square-foot building for wine production and storage, a 1,110 square foot open pavilion, the removal of the public pool verbiage, removing the 500-case per acre planted limit, and the re-wording of the amplified music restriction to allow it to levels specified by the General Plan Noise element. The application is being distributed to the Commission for review in reference to General Plan Policy 8.1.4.1. (District 3)

Staff reported on the site visit. On October 12, 2005, the Agricultural Commission heard a request to revise approved Site Plan Review 02-0008, to add a public tasting room, barrel room and work area to an existing accessory building and add a water storage tank. The Ag Commission recommended approval of the revisions. The Planning Department approved the Site Plan Review Revision based on the Ag Commission recommendation, with an Approval stamp dated October 31, 2005. The current application is to reduce the approved square footage for the tasting room, kitchen, winery, and outdoor event area. The applicants are also requesting the following changes to SPR 02-0008R:

- The removal of Condition #8 (limiting the number of produced cases to 500 per acre

of vineyard owned).

- The re-wording of Condition #15 (allowing indoor amplified music to levels specified by the General Plan Noise Element).
- The re-wording of Condition #16 (allowing outdoor amplified music to levels specified by the General Plan Noise Element).
- The removal of Condition #18 (referring to a public swimming pool).

Guy Herriott was available for questions.

Bill Stephans informed the Commission that a part-time neighbor to the project had called late Tuesday afternoon to express his concerns regarding the amplified music. The neighbor was calling from the Bay area and had requested that ag staff write his concerns and submit them to the Commission on his behalf since he did not have access to a FAX machine and that a mailed letter would not reach the Commission on time. Staff informed him that we would voice his concerns but were uncomfortable writing and submitting them on his behalf.

It was moved by Mr. Bacchi and seconded by Mr. Pratt to recommend APPROVAL of SPR 02-0008R, 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***

Motion passed.

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

IX. LEGISLATIVE ISSUES

Bill Stephans stated that, the Governor threatened to veto any bills reaching his desk until the state budget has been adopted. As the September 30, 2008 deadline for his signature is quickly approaching it is unknown what will happen to any proposed legislation. Assembly Member Wolk has authored a bill that would make it mandatory to disclose to buyers of property the right to farm in California. We had passed a similar requirement 4 years ago.

X. CORRESPONDENCE.

- Richard & Betty Creason – letter regarding Paul & Alice Cleary (Williamson Act Contract)

XI. OTHER BUSINESS

- Agricultural and Resource Districts Draft(Zoning Ordinance – Chapter 17.21)
- McCarty, Robert – Agricultural Commissioner concurrence
- Planning staff recommendation on P 06-43 & Z 06-40/Susan Marcyan
- Planning Department – Resolution of Intention No. 2008-01

XII. ADJOURMENT

There being no further business, the meeting was adjourned at 8:34 p.m.

APPROVED: Greg Boeger, Chair

Date: October 8, 2008