



# 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*  
*Ron Mansfield – Fruit and Nut Farming Industry*  
*Tim Neilsen, Livestock Industry*  
*John Smith – Fruit and Nut Farming Industry*

## MINUTES

August 14, 2013

6:30 P.M.

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

**Members Present:** Bacchi, Boeger, Smith, Walker, Mansfield, Neilsen

**Members Absent:** Draper

**Ex-Officio Members Present:** Charlene Carveth, Agricultural Commissioner

**Media Members Present:** None

**Staff Members Present:** LeeAnne Mila, Deputy Agricultural Commissioner  
Roger Trout, Community Development/Planning  
Chris Flores, Sr. Agricultural Biologist  
Myrna Tow, Clerk to the Agricultural Commission  
Shawna Purvines, Community Development/Planning  
Dave Defanti, Community Development Agency

**Others Present:** Mike Tanner, Elke Schlosser, Kathleen Newell, Denise McAdam, Susan Hobbs, Michael Ranalli, Maryanne Argyres, Valerie Zentner

### I. CALL TO ORDER

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

### II. APPROVAL OF AGENDA

*It was moved by Mr. Smith, and seconded by Mr. Walker, to approve the Agenda of August 14, 2013 as submitted.*

- Chair, Greg Boeger, called for a voice vote for approval of the Agenda of August 14, 2013

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

### III. APPROVAL OF MINUTES

*It was moved by Mr. Neilsen, and seconded by Mr. Walker, to approve the Minutes of April 10, 2013 as submitted.*

- Chair, Greg Boeger, called for a voice vote for approval of the Minutes of April 10, 2013.

**AYES:** Smith, Walker, Boeger, Bacchi, Mansfield, Neilsen

**NOES:** None

**ABSENT:** Draper

### IV. PUBLIC FORUM

Valerie Zentner addressed the Ag Commission members on behalf of the Farm Bureau and Water Quality Group with an update regarding the Ground Water Regulations with the next phase of the Irrigated Lands Regulatory Program. There will be an administrative draft released regarding the Ground Water Pilot Program in late August and a workshop is scheduled at the Colusa County Fairgrounds on Oct. 30, 2013 and then the tentative draft will be released in December with adoption in March of 2014.

- V. **TMA 03-09 (Rorden, Rich and Christine) APN 093-210-12** – The owners of the subject parcel are applying for a renewal of their temporary mobile home under the agricultural employee allowance. This application requires Agricultural Commission review pursuant to Section 17.52.030.D of the El Dorado County Zoning Code. The property, identified by Assessor's Parcel Number 093-210-12 consists of 20 acres and is located on the west side of Meyers Lane, approximately 450 feet south of Grizzly Flat Road, in the Somerset area. (District 2)

During the Agricultural Commission's regularly scheduled meeting held on August 14, 2013, the following discussion and motion occurred regarding review of Rich and Christine Rorden, owners of Cantiga Wineworks, LLC and the subject parcel, APN 093-210-12-100, located at 5980 Meyers Ln, in Somerset, have applied for a two year renewal of their temporary hardship permit that allows them to reside, on site, in agricultural employee housing. Their permit was originally approved by the Agricultural Commission on April 9, 2003. The most recent renewal of the permit occurred in February of 2011. The subject parcel is 20 acres in size, has Planned Agricultural (PA-20) zoning, a Rural Residential (RR) land use designation and is located in the Fairplay/Somerset AG District.

#### El Dorado County Zoning Ordinance:

Section 17.52.030 of the El Dorado County Zoning Ordinance allows, in addition to permanent residential dwellings, mobile homes for housing agricultural employees and their immediate families, for a limited period of time; provided that the Agricultural Commission advises in writing that the site and the activity satisfies three of the four criteria established by the County for an Ag Preserve (Williamson Act Contract). The Zoning Ordinance defines Agricultural Employees as those persons hired to carry on agricultural pursuits on the premises.

Section 17.36.140 defines uses requiring a special use permit on Planned Agricultural zoning. Item K requires the special use permit for single-family residential dwellings

used for agricultural labor housing, and only when the parcel is over 10 acres and satisfies the criteria for a Williamson Act Contract with a favorable recommendation from the Agricultural Commission.

Williamson Act Contract Criteria (for high intensive agriculture):

1. Minimum capital outlay shall equal \$45,000 – According to information submitted by the Rordens, they have spent over \$150,000 in capital improvements (the parcel has over 5 acres of wine grapes in production and a 2,000 + square foot winery building)
2. Parcel size shall be a minimum of 20 acres – APN 093-210-12 is 20 acres in size.
3. The annual gross income shall be \$13,500 – According to information submitted by the Rordens, the gross annual value of the grapes grown on the property is approximately \$21,000.

Staff Recommendation:

Staff recommends that Rich and Christine Rorden's request for a renewal of their temporary ag employee housing (TMA 03-09) be APPROVED as their parcel and agricultural operation meets the minimum criteria established by the County for a high intensive ag operation in a Williamson Act Contract AND Development Services will approve this renewal based on the approval of the Agricultural Commission (see attached letter dated June 17, 2013).

The applicants were present for questions and there were none.

Roger Trout, from Development Services, was present and agreed with staff's recommendations.

*It was moved by Mr. Smith and seconded by Mr. Bacchi to recommend APPROVAL of Richard and Christine Rorden's request for a two year renewal of their temporary hardship permit that allows them to reside, on site, in agricultural employee housing. Their permit was originally approved by the Agricultural Commission on April 9, 2003. The most recent renewal of the permit occurred in February of 2011. The subject parcel is 20 acres in size, has Planned Agricultural (PA-20) zoning, a Rural Residential (RR) land use designation and is located in the Fairplay/Somerset AG District.*

***Motion passed***

**AYES: Smith, Walker, Mansfield, Neilsen, Bacchi, Boeger**

**NOES: None**

**ABSENT: Draper**

**VI. WAC 13-0001 (Hobbs, Susan Diane) APN 088-020-72 – A request for establishment of a Williamson Act Contract. The property, identified by Assessor's Parcel Number 088-**

020-72, consists of 101.48 acres and is located on the east side of Hackomiller Road, approximately ¼ mile north of the intersection with Garden Valley Road, in the Garden Valley area. (District 4)

During the Agricultural Commission's regularly scheduled meeting held on August 14, 2013, the following discussion and motion occurred regarding review of **WAC 13-0001 (Hobbs, Susan Diane) APN 088-020-72** – A request for establishment of a Williamson Act Contract. The property, identified by Assessor's Parcel Number 088-020-72, consists of 101.48 acres and is located on the east side of Hackomiller Road, approximately ¼ mile north of the intersection with Garden Valley Road, in the Garden Valley area. (District 4)

Parcel Description:

- Parcel is located off of Hackomiller Rd., in the Garden Valley Area.
- Acreage = 101 acres
- The parcel is currently in Ag Preserve #322 and is in a roll-out status
- Current Land Use Designation of AL (Agricultural Lands)
- Current zoning of AE (Exclusive Agricultural)
- Soil types consist of Boomer, Mariposa and Josephine soils; soils supportive of woodlands and grasslands.
- Approximate elevation of parcel is 2200 feet.

Williamson Act Contract Criteria for a Low Intensive Farming Operation per the County of El Dorado:

1. Minimum Acreage – fifty (50) contiguous acres that are fenced to contain livestock. – *Subject parcel is 101 acres and fenced and cross-fenced with 5-strand barbed wire fencing to contain cattle.*
2. Capital Outlay - \$10,000 – *Capital outlay improvements to the property were for fencing costs and are reported at \$17,842.00.*
3. Minimum Annual Gross Income - \$2,000 – *Annual gross income reported is \$2520.00 for grazing lease.*

Government Code Section 51222 states, “The Legislature further declares that it is in the public interest for local officials and landowners to retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.

Staff Recommendation:

*Staff recommends APPROVAL of WAC 13-0001 as the parcel, APN 088-020-72-100, meets the minimum criteria for a low intensive agricultural operation in Williamson Act Contract and is consistent with Government Code Section 51222.*

The applicants were present for questions and there were none.

Roger Trout, from Development Services, was present and agreed with staff's recommendations.

*It was moved by Mr. Neilsen and seconded by Mr. Bacchi to recommend APPROVAL of Susan Hobbs request for establishment of a Williamson Act Contract as the minimum criteria for the low intensive Williamson Act Contracts has been met.*

*Motion passed*

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

**VII. WAC 13-0002 & BLA 13-0025 (Surfside Hawaii, Inc; Clarke) APNs 087-021-37 and 087-021-38** – Request for a Boundary Line Adjustment for the two subject parcels and establishment of a Williamson Act Contract for the 98-acre resultant parcel (APN 087-021-37). The two parcels are located on the north and south sides of Memory Lane approximately 1,300 feet east of the intersection with South Shingle Road in the Latrobe area. (District 2)

- During the Agricultural Commission's regularly scheduled meeting held on August 14, 2013, the following discussion and motion occurred regarding review of **WAC 13-0002 & BLA 13-0025 (Surfside Hawaii, Inc; Clarke) APNs 087-021-37 and 087-021-38** Request for a Boundary Line Adjustment for the two subject parcels and establishment of a Williamson Act Contract for the 98-acre resultant parcel (APN 087-021-37). The two parcels are located on the north and south sides of Memory Lane approximately 1,300 feet east of the intersection with South Shingle Road in the Latrobe area. (District 2)

Parcel Description:

- Application is for a boundary line adjustment between 2 existing parcels; APN 087-021-37 consists of 78 acres and APN 087-021-38 consists of 44.4 acres. The resulting parcels, APN 087-021-37 would consist of 98 acres and APN 087-021-38 would consist of 20 acres. The parcel number 087-021-38, consisting of 44.4 acres, is currently in Williamson Act Contract # 242 and is in the process of roll-out. The applicant, along with the boundary line adjustment process, has applied for a new Williamson Act Contract for parcel number 087-021-37, which would result in an increased amount of acreage in the agricultural preserve.
- Parcel Descriptions:

Both subject parcels have Exclusive Agricultural (AE) zoning and Agricultural Land (AL) land use designations. The parcels have Auburn Very Rocky Silt Loam soils,

are located at an approximate elevation of 1000 feet and are not in an Agricultural District.

- Explanation of proposal:

- Existing:

- APN 087-021-37 = 78 acres. Zoning = AE; LUD = AL
    - APN 087-021-38 = 44.4 acres. Zoning = AE; LUD = AL. WAC # 242

- Proposed:

- APN 087-021-37 = 98 acres. WAC 13-0002
    - APN 087-021-38 = 20 acres.
- BLA 13-0025 must conform to Government Code Section 51257, as APN 087-021-38 is in an active Williamson Act Contract (roll-out was just initiated in 2013). The code section states, “(a) 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 parcels for an initial term for 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 acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
  - 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.”
- Government Code Section 51222 states, “The Legislature further declares that it is in the public interest for local officials and landowners to retain agricultural lands which

are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.

- Williamson Act Contract Criteria for a High Intensive Farming Operation per the County of El Dorado:
  4. Minimum Acreage – twenty (20) contiguous acres. – Proposed *subject parcel (APN 087-021-37) would consist of 98 acres and is fenced for cattle grazing and would have a 12 acre established vineyard.*
  5. Capital Outlay - \$45,000 – *Capital outlay improvements to the property are reported at \$180,000 (vineyard expenses) plus fencing costs.*
  6. Minimum Annual Gross Income - \$13,500 – *Annual gross income reported is \$50,000 for wine grape production and \$1,200 for a grazing lease.*

Staff Recommendation: *Staff recommends APPROVAL of BLA 13-0025 and WAC 13-0002 as the minimum Williamson Act Contract criteria for a high intensive agricultural operation can be met and the findings for Government Code Section 51257 can be met. The applicant proposes to increase the amount of acreage in the Agricultural Preserve by 54 acres.*

The applicant was present for questions and explained his project plans and his intent on keeping the land in Williamson Act.

Roger Trout, from Development Services, was present and agreed with staff's recommendations.

*It was moved by Mr. Walker and seconded by Mr. Smith to recommend APPROVAL of Surfside Hawaii, Inc. request for boundary line adjustment with establishment of a Williamson Act Contract as the minimum criteria for the high intensive Williamson Act Contracts has been met.*

*Motion passed*

**AYES:** Smith, Walker, Mansfield, Neilsen, Bacchi, Boeger

**NOES:** None

**ABSENT:** Draper

- VIII. V 13-0002 Request for Relief from Agricultural Setbacks (Tanner, Michael) APN 046-052-21** – The owner of the subject parcel is requesting administrative relief from agricultural setbacks for a proposed single family residence to be located no less than 50 feet from the east property line and no less than 94 feet from the northwest property line. The parcel, identified by Assessor's Parcel Number 046-052-21, consists of 13.88 acres and is located on the south side of Sandridge Road, in the Placerville area. (District 2)

During the Agricultural Commission's regularly scheduled meeting held on August 14, 2013, the following discussion and motion occurred regarding review of **V 13-0002 Request for Relief from Agricultural Setbacks (Tanner, Michael) APN 046-052-21** – The owner of the subject parcel is requesting administrative relief from agricultural setbacks for a proposed single family residence to be located no less than 50 feet from the east property line and no less than 94 feet from the northwest property line. The parcel, identified by Assessor's Parcel Number 046-052-21, consists of 13.88 acres and is located on the south side of Sandridge Road, in the Placerville area. (District 2)

Application is for Administrative Relief from two 200 foot agricultural setbacks; measured 52 feet from a parcel zoned Exclusive Agricultural (AE) to the east, and 94 ½ feet from a parcel zoned Residential Agricultural Forty-Acre (RA-40) to the west. The applicant is requesting setback relief for a single-family residence to be located on an existing building pad with nearby power and water.

Parcel Information:

- The subject parcel is 13.88 acres in size and is zoned RE-10 (Estate Residential – Ten Acre).
- The subject parcel and all surrounding parcels, have land use designations of Rural Residential (RR).
- There are no apparent high intensive agricultural activities occurring on the parcels to the east or west. The applicant stated that animals graze on the property to the west, periodically.
- The soil types, on the parcel and surrounding parcels, consist of Mariposa-Josephine Very Rocky Loams 50-70% slopes and Ahwahnee Very Rocky Coarse Sandy Loam 30-50% slopes.
- The parcel elevation is approximately at 2000 feet.
- The parcel is not within an Agricultural District and the adjacent AE zoned parcel is not in a current Williamson Act Contract.

Findings required for agricultural setback relief:

The Agricultural Commission may approve a reduction of up to one hundred percent (100%) of the special agricultural setback (not less than 30 feet from the agriculturally zoned parcel) when it can be demonstrated that a natural or man-made barrier or buffer already exists such as, but not limited to, topography, roads, wetlands, streams, utility easements, swales, etc., that would reduce the need for such a setback, or the Commission finds that three of four of the following exists:

- 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



County development regulations;

- b) The proposed non-compatible use/structure is located on the property to reasonably minimize the potential negative impact on the adjacent agricultural or TPZ zoned land;
- c) Based on the site characteristics of the subject parcel and the adjacent agricultural or TPZ 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 use/structure would reasonably minimize potential negative impacts on agricultural or timber production use.
- d) There is currently no agricultural activity on the agriculturally zoned parcel(s) adjacent to the subject parcel and the Commission 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 parcel(s) or because the General Plan Land Use Designation of the surrounding or adjacent parcels is not agricultural

Discussion:

The proposed building site, shown on the enclosed map, is close to Sandridge Road and was already established as a cleared area with existing water and power. The location can be seen on the 2011 aerial (included in the packet) in the northeast corner of the property. The proposed building site appears to be one of the only level areas on the parcel. If the applicant is required to build outside of the agricultural setbacks, oak trees will have to be removed, slope will be a factor, and a new road will have to be constructed to access the site.

The area between the proposed building site (an attached garage) and the RA-40 zoned parcel to the west is buffered by a slope between the two properties, a utility easement (PG&E) and Sandridge Road. The area between the proposed building site and the AE zoned parcel to the east does not have any man-made or natural buffers or barriers.

The subject parcel and all surrounding parcels are proposed to be rezoned Rural Lands (RL) when the new zoning code is adopted, although properties with existing agricultural zoning will be given the opportunity to state their zoning preference (residential or agricultural).

Staff Recommendation:

Staff recommends APPROVAL of Michael Tanner's request for Administrative Relief of Agricultural Setbacks for a single-family residential dwelling to be placed on APN 046-052-21, approximately 94 feet from the northwest property line and 50 feet from the eastern property line, as there are natural and man-made buffers to the northwest and other General Plan policies or county development standards may prohibit the development of a site outside of the agricultural setbacks, due to but not limited to slope, oak woodland coverage and natural waterways.

Staff also recommends that the applicant comply with Resolution No. 079-2007 Exhibit A of the Board of Supervisors pertaining to the adoption of the Criteria and Procedures for Administrative Relief from Agricultural Setbacks. Section B.5 requires the following action by the applicant: In all cases, if a reduction in the agricultural setback is granted for a non-compatible use/structure, prior to the issuance of a building permit, a Notice of Restriction must be recorded identifying that the non-compatible use/structure is constructed within an agricultural setback and that the owner of the parcel granted the reduction in the agricultural setback acknowledges and accepts responsibility for the risks associated with building a non-compatible use/structure within the setback.

The applicant was present and gave the Agricultural Commission a brief history of the property and the reasoning for the request.

Roger Trout, from Development Services, was present and agreed with staff's recommendations.

*It was moved by Mr. Smith and seconded by Mr. Neilsen to recommend APPROVAL of Michael Tanner's request for Administrative Relief of Agricultural Setbacks for a single-family residential dwelling to be placed on APN 046-052-21, in addition to Section B.5 recording requirements being followed by the applicant. 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: Smith, Walker, Mansfield, Neilsen, Bacchi, Boeger**

**NOES: None**

**ABSENT: Draper**

**IX. El Dorado County's Draft Sign Ordinance – Discussion and recommendation**

**X. LEGISLATION AND REGULATORY ISSUES- Charlene Carveth**

- **Congressional Forum on Proposed Endangered Species Listing and Habitat Designation**

**XI. CORRESPONDENCE and PLANNING REQUESTS – Charlene Carveth**

**XII. OTHER BUSINESS – Charlene Carveth**

- **Flyer- Protect Local Growers Campaign**

- **UCCE Oaks of the Central Sierra's Care and Prevention**
- **El Dorado County Ordinance OR13-0002/Medical Marijuana Outdoor Cultivation**

**XIII. ADJOURNMENT**

**APPROVED: Greg Boeger, Chair**

**DATE: November 13, 2013**