



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

October 17, 2012

6:30 P.M.

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

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

Members Absent: Mansfield

Ex-Officio Members Present: Charlene Carveth

Media Members Present: None

Staff Members Present: Chris Flores, Senior Agricultural Biologist
Myrna Tow, Clerk to the Agricultural Commission
Peter Mauer, Development Services

Others Present: Rob Allen, Cori Cronk, Garry Gates, Gary Gould, Richard Kimberlin, Martin King, Arcadio Kozycz, Patsy Miller, Sandra Nomer, Eric Saylor, Alex Thomson, George Visman, Jerry Visman, Martin Young

I. CALL TO ORDER

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

II. APPROVAL OF AGENDA

Chair, Greg Boeger, called for a voice vote for approval of the Agenda of October 17, 2012.

Motion passed

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

NOES: None

ABSENT: Mansfield

III. APPROVAL OF MINUTES

It was moved by Mr. Walker, and seconded by Mr. Neilsen, to approve the Minutes of September 12, 2012 as submitted.

Chair, Greg Boeger, called for a voice vote for approval of the Minutes of September 12, 2012.

Motion passed

AYES: Neilsen, Smith, Walker, Boeger, Bacchi
NOES: None
ABSTAINED: Draper (absent from 9/12/12 meeting)
ABSENT: Mansfield

IV. PUBLIC FORUM

No comments were received

- V. Request for Agricultural Commission Review of a special use permit; S 12-0013 Kozycz Family Home (Kozycz, Arcadio; Blessen & Associates; Allen, Robert) and agricultural setback relief application** to allow the re-building of a demolished residence within a Timber Production Zone (TPZ) District, to be placed 130 feet south of an adjoining TPZ parcel. The property, identified by Assessor's Parcel Number 041-0031-36, consists of 86 acres, and is located on the south side of Grizzly Flat Road, approximately 0.6 miles east of the intersection with Caldor Road, in the Grizzly Flat area (District 2).

Chris Flores presented her staff report. The subject parcel is zoned Timber Production Zone (TPZ) with surrounding zonings of TPZ, Residential Agricultural Twenty-Acre and Residential Estate Five-Acre. The land use designation is Natural Resource (NR) with surrounding designations of NR and Medium Density Residential. The soils, on the subject parcel, include Holland, Josephine, Mariposa, Musick, Shaver and Sites. These soils are included in the Woodland Suitability Group 2; a high site quality for timber production. The parcel is located at an elevation between 3,000 and 3,400 feet.

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; - *Due to the location of the proposed single family dwelling, the proposed use will not be detrimental to the subject parcel or adjacent parcels for long-term forest resource production.*

B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities; - *The proposed dwelling location is adjacent to Grizzly Flat Road and directly west of the Steely Fork of the Consumnes River.*

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; - *The proposed dwelling will not create an island effect.*

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; - *The proposed dwelling will not hinder timber production and harvesting access to water and public roads or 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”.- *The proposed dwelling will not affect the size of the parcel or adjacent parcel sizes.*

El Dorado County’s Zoning Ordinance, Section 17.44.050 lists criteria for residential development in a Timber Production Zone District. The code section states: “Residential use of timberland is in general inconsistent with growing and harvesting of timber. However, it is recognized that in certain situations such as intensively managed minimum size acreages, nurseries, etc., in private ownership, living quarters and outbuildings are necessary in connection with the management and protection of the property. Therefore, by recommendation of the agricultural commission acknowledging that three consecutive years of intensive management of his lands have been shown by the landowner, the zoning administrator may grant a special use permit for construction of one owner or caretaker occupied single-family detached dwelling or mobile home on an approved foundation. The following criteria will aid the agricultural commission in determining what constitutes intensive management and must be in any case considered in granting a special use permit for a residence.”

Where a landowner has:

1. A timber inventory of his stand – *submitted by Gary Gould, Registered Professional Forester (RPF), and dated April 30, 2012;*
2. Conducted commercial harvesting operations – *Commercial harvesting operations were conducted under Timber Harvest Plans (THP) #4-93-94/ELD-39 in 1993 and THP #4-81-110/ELD-43 in 1981 per Robert W. Allen, RPF;*
3. Provided legal and physical access to his property so commercial operations can be carried out – *per Robert W. Allen, RPF, existing road systems are maintained for fire access;*
4. Made a reasonable effort to locate the boundaries of the property and has attempted to protect his property against trespass – *per Robert W. Allen, RPF, the property has recently been surveyed and all corners found or set;*
5. Conducted disease or insect control work – *salvage work has been conducted by the property owner who owns a portable sawmill per Robert W. Allen, RPF;*
6. Performed thinnings, slash disposal, pruning and other appropriate silvicultural work – *see #5 above;*
7. Developed a fire protection system or has a functioning fire protection plan – *per Robert W. Allen, RPF, the existing road system is maintained for fire access, the property owner grants access to the river for fire crews to use in local fire*

- protection efforts, and a portion of the property, bordering Grizzly Flat Road, was treated by the El Dorado Fire Safe Council through a fuels reduction project;*
8. Provided for erosion control on existing roads and skid trails and has maintained existing roads – *per Robert W. Allen, RPF, there are no erosion or sediment issues on existing roads seen during recent timber inventory;* and
 9. Planted a significant portion of the understocked areas of his parcel – *per Robert W. Allen, RPF, understocked areas were replanted after last timber harvest and current inventory shows no need of restocking at this time.*

The California Timberland Productivity Act of 1982, Section 51104 (h)(6) refers to the compatibility of timberland and residential uses. "...A residence or other structure necessary for the management of land zoned as timberland production" is considered a "compatible use" if it "...does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber..." – *The proposed single family dwelling will not detract from the use of the property for growing and harvesting timber. The owner will be able to better manage the timber by living on-site.*

Photos of the proposed site in relation to Grizzly Flat Road, the adjacent TPZ parcel and of the subject parcel, in general, were shown to the Agricultural Commission. Grizzly Flat Road and an electric utility easement are between the proposed single-family dwelling site and the TPZ parcel to the north. The applicant is requesting an agricultural setback relief to allow the house to be built one hundred and thirty (130) feet from the adjoining TPZ parcel. The Agricultural Commission may approve a reduction of up to one hundred percent (100%) of the special agricultural setback 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.

Commission Member Bacchi, Commission Member Draper, and Chair Boeger made comments in reference to the original cabin. Mr. Draper mentioned that he was told that the original cabin was in use when the parcel became TPZ. Chair Boeger stated that he did not have any issues with the proposed location of the single family residence or the agricultural setback relief request. They agreed that the request to rebuild a home on the original home site seemed appropriate and would not negatively affect timber production or harvesting on the subject parcel or surrounding parcels.

The applicant and applicant's agent, Gary Gould, were available for questions.

It was moved by Mr. Neilsen and seconded by Mr. Bacchi to recommend APPROVAL of S12-0013 to allow the building of a single family residence with a footprint square footage of 952 feet and a total square footage of 1,190 square feet on APN 041-031-36, as the residential dwelling will not inhibit or negatively affect the growing or harvesting of timber on the subject parcel or surrounding parcels, the findings have been met for General Plan Policy 8.4.2.1 and the criteria for residential use in a TPZ District, have been met in accordance with Section 17.44.050 of the El Dorado County Zoning Ordinance AND a motion was made to recommend APPROVAL of the request for administrative relief of agricultural setbacks to allow the single-family dwelling to be placed one hundred and thirty (130) feet from the TPZ parcel to the north, as several

man-made barriers exist between the proposed building site and the TPZ parcel to the north, including Grizzly Flat Road and an electric utility easement.

Motion passed

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

NOES: None

ABSENT: Mansfield

- VI. S 12-0014 Infinite Life Retreat Bed & Breakfast (Nomer, Sandra):** Request for Agricultural Commission Review of a Special Use Permit for the operation of a bed and breakfast inn consisting of 3 rooms within an existing single family dwelling and 3 rooms within a second residential dwelling. The owner will reside on-site and will operate the inn. Independent contractors may be utilized as required for grounds maintenance and maid services. The proposal includes day retreats, classes, and seminars to be limited to 20 participants including guests of the B&B. Events (retreats, classes, seminars, etc.) would be limited to two times per month for a total of 24 events per year. The project would utilize existing structures and improvements and no new construction is proposed. The property, identified by Assessor's Parcel Number 046-630-55, consists of approximately 10 acres, is directly west of two parcels with Agricultural Land (AL) Land Use Designations, and is located on the east side of Windlestraw Road, 1000 feet south of the intersection with Oak Hill Road, in the Oak Hill area (District 2).

Chris Flores presented her staff report. The subject parcel is located at 6171 Windlestraw Road. The parcel is approximately ten acres and is zoned Estate Residential Ten-Acre (RE-10). The surrounding parcels are also zoned RE-10. The subject parcel has a land use designation of Rural Residential (RR). Surrounding land use designations are RR and Agricultural Land (AL). The subject parcel is located within the Oak Hill Agricultural District and has "Choice" agricultural soils. The parcel is located at approximately 2,000 feet elevation.

General Plan Policy 8.1.4.1 requires the Agricultural Commission to review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and make recommendations to the reviewing authority. A determination by the reviewing authority must be made that 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.

General Plan Policy 10.1.6.1 states, "The County shall encourage expansion of the types of local industries that promote tourism including but not limited to Christmas tree farms, wineries, outdoor sports facilities, Apple Hill and other agricultural-related activities, the County Fairgrounds, bed and breakfast inns, and ranch marketing activities."

Staff showed photos of the subject parcel and the adjacent parcels with AL land use designations. The subject parcel has a lake between the proposed B&B structures and the AL parcels. There is no apparent commercial agriculture occurring on the AL parcels currently.

The applicant was in the audience and available for questions.

Comments and letters were submitted by the general public in reference to impacts on traffic and Windlestraw Road. Chair Boeger reiterated that the Agricultural Commission's purview is to look at the proposed project in relation to impacts on agriculture.

Commission Member Bacchi asked Commission Member Walker, who had recused himself, what kind of agricultural operations were in the Oak Hill Agricultural District. Mr. Walker responded that there are vineyards, orchards and livestock grazing operations.

It was moved by Mr. Draper and seconded by Mr. Smith to recommend APPROVAL of S12-0014, the request for a special use permit for a two-unit bed and breakfast, utilizing a portion of an existing residence and a secondary residence, as the use is consistent with El Dorado County General Plan Policy 10.1.6.1. and the findings can be made for 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; 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, Neilsen, Boeger, Draper, Smith

NOES: None

ABSENT: Mansfield

RECUSED: Walker

VII. Z 12-0005; Request for Agricultural Commission Review of a rezone request from One-Acre Residential (R1A) to Planned Agricultural (PA); (Thomson, Alex; Prouty Jr., Daryl L.; Thomson, Lynne Prouty; Parlin, Jo Ellen). The property consists of 24.68 acres and is located on the south side of Green Valley Road, approximately 300 feet east of the intersection with Vista Lane, in the Placerville area (District 4).

Chris Flores presented her staff report. The subject parcel is located between Green Valley Road and Missouri Flat Road at 7000 Green Valley Road. The subject parcel is zoned R1A and has surrounding zoning of R1A, Residential Estate Ten-Acre (RE-10) and Exclusive Agricultural (AE). The subject parcel's land use designation (LUD) is Low Density Residential (LDR) with surrounding LUD's of LDR, Medium Density Residential

(MDR) and Agricultural Land (AL). The subject parcel is located on the northern boundary of the El Dorado/Diamond Springs Community Region. The parcel has approximately fifty percent (50%) “Choice” agricultural soils and is located at an elevation of approximately 1,600 feet.

According to the El Dorado County Zoning Ordinance Section 17.36.110, the purpose of the PA district is, “...to provide for the orderly development and protection of lands having sufficient space and conditions compatible to horticulture, husbandry and other agricultural pursuits and to promote and encourage these pursuits by providing additional opportunities for the sale, packing, processing, and other related activities which tend to increase their economic viability...”

Section 17.36.150 of the Zoning Ordinance lists criteria for establishing a PA zone and shall be based upon one or more of the following three criteria:

The Capability of land for Agricultural Production shall be evaluated, using the “Soil Survey of El Dorado Area, California”. *-The subject parcel is approximately 50% Sierra Sandy Loam 9 to 15% Slopes which is a Choice agricultural soil and considered a “Unique Soil of Local Importance”. Through the “Procedure for Evaluating the Suitability of Land for Agricultural Use”, the parcel scored 85 points (A cumulative score of 60 points or more in all 5 categories signifies that a parcel or segment has a good agricultural capability).*

Present Land Use: lands that do not meet the Choice soil criteria above, but are being actively used agriculturally will be considered for agricultural zoning when the land in question meets three of the four criteria for the establishment of an agricultural preserve. Additionally, when lands do not qualify as agricultural under capability criteria 1, or the above, they may be zoned agricultural if recommended by the Agricultural Commission. *- As the subject parcel meets the “Capability of land for Agricultural production” criteria above, Criteria B does not apply. However, the following still apply: (1) The property has a potential to, and has historically contributed to the agricultural welfare of the County; (2) The property scores higher than 80 (85 points) on the County Procedure for Evaluating the Suitability of Land for Agricultural Use; and (3) The property is, at the time of application, engaged in crop production.*

Location of the Parcel in Relation to Surrounding Land Use: Land that is within an agricultural area or adjacent to agriculturally zoned lands may be recommended for agricultural zoning. A buffer area as established by Section 17.06.150 will be required. The development of new agricultural enterprise structures or uses shall be located 100 feet from any non-compatible use (i.e. residential structures, swimming pools, etc.). *- The subject parcel has two Agricultural Preserves adjoining its northern boundary. Ag Preserve # 244 is 20 acres and active. Ag Preserve # 245 is 26.82 acres and has applied for a non-renewal with a final year of 2018. Both parcels are zoned Exclusive Agricultural and have Land Use Designations of Agricultural Land (AL).*

Section 17.06.150.B. of the Zoning Ordinance – Special setbacks for agricultural protection (Revised in November of 2010) states “Where new timberland or agricultural

land is created subsequent to the adoption of this ordinance outside of agricultural districts designated in the general plan the special setbacks established in subsection A shall not apply except on parcels subdivided after the establishment of the agricultural or timber zoning.”

General Plan Policy 8.1.4.1 requires the Agricultural Commission to review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and make recommendations to the reviewing authority. A determination by the reviewing authority must be made that 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.

Staff showed photos of the subject parcel and the adjacent parcels. The AE zoned parcels to the north are in Williamson Act Contracts and have irrigated pasture for grazing. The subject parcel has been historically used for agriculture and continues to be farmed.

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

A neighbor, John Olsen, stated he was in support of the applicant’s request but voiced concerns about the “Right to Farm” that goes along with the agricultural zoning and had concerns about possible future owners of the property and what would be allowed to occur without recourse. Concerns about pesticide use were raised. Agricultural Commissioner, Charlene Carveth, stated that pesticide use is regulated by the County Agriculture Department and independent of the zoning, pesticides are not allowed to drift off-site.

Discussion ensued about possible zoning choices and which zones would fit the applicant’s plans for the parcel. It was decided that the Planned Agricultural Zone was the best choice at this time.

It was moved by Mr. Smith and seconded by Mr. Bacchi to recommend APPROVAL of Z 12-0005; a request to rezone Assessor’s Parcel Number 325-080-16 from One-Acre Residential (RIA) to Planned Agricultural (PA) zone as the property is approximately 25 acres, has approximately 50% Choice agricultural soils, is currently being farmed and has historically been used for agricultural purposes, the parcel scored 85 points with “The Procedure for Evaluating the Suitability of Land for Agricultural Use”, the rezone would not create new setback requirements for adjacent existing parcels, the Planned Agricultural zone district is consistent with the parcel’s underlying Land Use Designation of Low Density Residential per General Plan Table 2-4, and the findings for General Plan Policy 8.1.4.1 can be made. The proposed rezone:

- 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, Neilsen, Boeger, Smith

NOES: Walker

ABSENT: Mansfield

VIII. Request for Agricultural Commission Review of Agricultural Setback Relief Application (Visman, George); APN 048-160-23. A request for Agricultural Commission review of an Agricultural Setback Relief application for the expansion of a historical single-family dwelling constructed 81.2 feet from the north eastern property line, adjacent to agriculturally zoned (SA-10) land. The property, identified by Assessor's Parcel Number 048-160-23, consists of 31 acres, and is located on the north side of Carson Road in the Placerville area (District 3).

Chris Flores presented her staff report. The subject is 31.11 acres in size and zoned Exclusive Agricultural (AE) with an Agricultural Land (AL) land use designation. The soil type, on the parcel consists of Aiken Loam, designated by the Department of Conservation as "Prime Farmland". The parcel is within the Camino/Fruitridge Agricultural District. The majority of the parcel is planted in apples.

The Agricultural Commission may approve a reduction of up to one hundred percent (100%) of the special agricultural setback 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. There exists, between the single-family dwelling and the cropland on the agriculturally zoned parcel to the northeast, several man-made barriers, including a commercial building (The Fudge Factory), a road and utility easement, and a bus parking area.

The applicant and the applicant's agent were available for questions. The applicant's agent, Garry Gates, mentioned that the road between the residence and the ag zoned parcel was a road easement.

It was moved by Mr. Neilsen and seconded by Mr. Draper to recommend APPROVAL of George Visman's request for administrative relief of an agricultural setback, for the single family residence that is located 81.2 feet from the north property line, as several man-made barriers exist between the residential structure and the cropland on the adjoining SA-10 zoned parcel, including a commercial building, a road, a bus parking lot and an electric utility easement.

The Agricultural Commission 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.

Motion passed

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

NOES: None

ABSENT: Mansfield

IX. Discussion and Recommendation regarding the Agricultural Commission By-Laws

It was moved by Mr. Smith and seconded by Mr. Neilsen to recommend ADOPTION of the Agricultural Commission By-Laws with the condition that the term “officers”, throughout the document, be changed to “members”.

Motion passed

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

NOES: None

ABSENT: Mansfield

X. LEGISLATION AND REGULATORY ISSUES – Charlene Carveth

- AB 1616-Cottage Food Law; Governor signed

XI. CORRESPONDENCE and PLANNING REQUESTS – None

XII. OTHER BUSINESS

- Zoning Update – Chris Flores
- SACOG – Charlene Carveth

XIII. ADJOURNMENT

- Chair, Greg Boeger, adjourned the meeting at 8:00 pm.

Approved: Greg Boeger, Chair

Date: December 12, 2012