



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

July 13, 2011

6:30 P.M.

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

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

Ex-Officio Members Present: Juli Jensen, Ag Commissioner/Sealer

Staff Members Present: Chris Flores, Senior Agricultural Biologist
Nancy Applegarth, Clerk to the Agricultural Commission

Roger Trout, Director, Development Services/Planning

Others Present: Ed Akin, Maryann Argyres, Bill Bacchi, Jim Davies, Margie Muff, Kathye Russell, Cedric Twight, Wendy West, Valerie Zentner

I. CALL TO ORDER

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

II. APPROVAL OF AGENDA

Chair, Boeger asked if there were any changes or additions to the agenda.

It was moved by Mr. Neilsen and seconded by Mr. Walker to approve the Agenda as submitted.

Chair Boeger called for a voice vote for approval of the Agenda.

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

NOES: None

III. APPROVAL OF MINUTES

- Minutes of April 13, 2011

It was moved by Mr. Draper and seconded by Mr. Neilsen to approve the Minutes of April 13, 2011 as submitted.

Motion passed

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

NOES: None

ABSTAIN: Mansfield

IV. PUBLIC FORUM

- No comments offered

V. University of California Cooperative Extension (UCCE) – presentation by Wendy West, Natural Resources Program Representative, to inform the Commission regarding a regional approach proposed July 2011, combining the counties of El Dorado, Amador, Calaveras and Tuolumne. This reorganization is proposed to produce the following outcome:

- Reduce administration and build stronger programs
- Maximize Efficiencies – eliminate redundancy of administration, budgeting
- and other tasks that are duplicated at the county and UC levels
- Pool resources – combine resources to provide stronger program support and be more competitive for new university positions
- Increase resiliency to fluctuating budgets – stabilize funding to continue the highest quality programs and increase the resources focused on programs

As of today, July 13, 2011, Amador County has not given final approval of the proposed multi-county partnership.

**(clerk's note: this item was heard by the Commission after Item VIII.)*

VI. Russell & Joy Wynn – Requesting administrative relief from agricultural setbacks to allow a (replacement) temporary mobile home no less than 175 feet from the north property line, adjacent to agriculturally zoned (SA-10) land. Pursuant to the administrative relief criteria and procedures adopted by the Board of Supervisors on April 17, 2007, the applicant does not qualify for Development Services Director approval, and Agricultural Commission review shall be required. (District 2)

Chris Flores reported on the site visit of June 28, 2011. The applicants were requesting setback relief of 175 feet for a replacement temporary/hardship modular home to be located on an existing building pad with nearby septic, power and water. The subject parcel is 10 acres in size and is zoned RE-10 (Estate Residential –Ten Acre) and all surrounding parcels have land use designations of Rural Residential (RR). There were no apparent high intensive agricultural activities occurring on the parcel to the north. The applicant stated that cattle graze on the property periodically. The soil type, on the parcel, consists of Arc: Auberry Coarse Sandy Loam, 9 to 15% slopes (Capability Class IV), a soil of local importance. The parcel elevation is between 2100 and 2200 feet and is not within an Agricultural District.

Chris Flores also provided the findings 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 of 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...

A natural AND man-made barrier exists between the agriculturally zoned parcel and the proposed location of the temporary/hardship modular home. The proposed site is buffered by a hillside AND Sandridge Road.

It was moved by Mr. Walker and seconded by Mr. Bacchi to recommend APPROVAL of Russell and Joy Wynn's request for Administrative Relief of Agricultural Setbacks for a temporary/hardship modular home to be placed on APN 046-380-24, approximately 175 feet from a parcel to the north with agricultural zoning, due to the existence of natural and man-made buffers.

The 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, Draper, Mansfield, Neilsen, Smith, Walker, Boeger

NOES: None

VII. BLA 11-0020 & BLA 11-0021 Mary Ellen Lucas (Trustee) – Floyd A. Tyler and Helen F. Tyler Revocable Trust, Alan Divers (agent) – Request for a Boundary Line Adjustment to better fit property to the road alignments and easements and to create harvest zones and to meet the terms of a court order property distribution.

Chris Flores provided a staff report on the subject property. The approximate acreage is 491 acres, the current zoning is Timberland Production Zone (TPZ), and the adjacent parcel zoning includes TPZ, Residential Agricultural – 160 acre (RA-160), Residential Agricultural – 40 acre (RA-40), Residential Agricultural – 20 acre (RA-20), Estate Residential – 5 acre (RE-5), Single-Family Three-Acre (R3A), and One-Family Residential (R1). The current Land Use Designation is Natural Resource (NR). The adjacent Land Use Designations include Natural Resource (NR), Medium Density Residential (MDR), High Density Residential (HDR) and Public Facilities (PF). The elevation of the subject property is 4000 feet. The majority of the soil types on this site consist of Cohasset, Josephine, and Sites Loam soils. These soils belong to the Woodland Suitability Group 1; the most productive soil classification for growing trees. Commercial coniferous species, at the site, consist of Ponderosa pine, Sugar pine, Douglas fir, Incense cedar and White fir.

Relevant General Plan Policies that affect this parcel:

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

Policy 8.3.2.2. Timber production lands within areas designated Natural Resource and generally above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger, except where smaller parcels already exist, in order to ensure the viability of long-term operations and to maximize economic feasibility for timber production or otherwise meet the parcel size requirements of the Natural Resource designation.

Policy 8.4.1.2. A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps.

Relevant State Government Code:

Section 51119.5 Size of parcels zoned as timberland production lands. Parcels zoned as timberland production under this chapter may not be divided into parcels containing less than 160 acres unless the original owner prepares a joint timber management plan prepared or approved as to content by a registered professional forester for the parcels to be created. The joint timber management plan shall provide for the management and harvesting of timber by the original and any subsequent owners, and shall be recorded with the county recorder as a deed restriction on all newly created parcels. The deed restriction shall run with the land rather than with the owners, and shall remain in force for a period of not less than 10 years from the date division is approved by the board or council. The division shall be approved only by a four-fifths vote of the full board or council, and only after recording of the deed restriction.

Staff conducted a site visit on June 14, 2011 with Forester Jim Davies. Mr. Davies submitted a copy of the most current Timber Harvest Plan for a portion of the site, covering the northeast section, and consisting of approximately 107 acres. The entire site has been used for timber production and has been harvested for over 30 years. Parcels 6, 7, 8 and 9 can be accessed via Sciaroni Road. Parcels 1, 3, 4 and 5 can be accessed via Zollars Homestead Road which connects Eagle Hill Road to Sciaroni Road.

Alan Divers was present for questions and review of the project.

It was moved by Mr. Neilsen and seconded by Mr. Draper to recommend APPROVAL of BLA 11-0020 and BLA 11-0021, as long as the new parcel lines do not interfere with access to timber production areas or hinder future timber harvesting. The Commission also recommends that the 200 foot setbacks, required by General Plan Policy 8.4.1.2, be delineated on any newly created parcel maps.

Motion passed.

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

NOES: None

VIII. VINEYARD SOILS

On May 12, 2011, Ag Department staff met with staff from the Resource Conservation District and a State Soil Scientist from the Natural Resource Conservation Service (NRCS), to discuss the recommendation made by the Agricultural Commission on February 10, 2010, regarding soils important to vineyard production. Sid Davis, Assistant State Soil Scientist from NRCS, created a list of soils based on the vineyard soils identified by the Ag Department, and proposed that certain soils, not already classified as El Dorado County Choice Soils, be added to the Ag Commission's recommendation. The soils list created by Mr. Davis, have properties similar to the soils proposed by Ag Department staff. Staff recommends that the following soil types be added to the list of soils proposed as "Soils of Local Importance for El Dorado County vineyards," AID, AmD, AnB, AuD, BkD, CIE, CrE, DgE, McE, MtE, PeD, ReD, RgE2, ShD, SrE, and SwD. With the addition of these soil types, the Ag Commission's recommendation will be more comprehensive.

It was moved by Mr. Smith and seconded by Mr. Mansfield to recommend the addition of AID, AmD, AnB, AuD, BkD, CIE, CrE, DgE, McE, MtE, PeD, ReD, RgE2, ShD, SrE, and SwD as "Soils of Local Importance for El Dorado County Vineyards."

Motion passed.

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

NOES: None

IX. GENERAL PLAN AMENDMENT/ZONING

Valerie Zentner, Executive Director, El Dorado County Farm Bureau, informed the Commission of proposed changes to the General Plan pertaining to agriculture. Also discussed were proposed zone changes. The goal is to bring some of the language into consistency.

Zone Designation Proposed Changes:

- **AE** - Exclusive Agricultural (*in contract*) → **PA** - Planned Agriculture (if high intensive ag operation) or **AG** - Agricultural Grazing (if low intensive ag operation)
- **AP** - Agricultural Preserve (*in contract*) → **LA** - Limited Agricultural (new zone)
- **AE & AP** - Exclusive Agricultural & Agricultural Preserve (*not in contract*) → recommend parcel owner receives a choice of zoning based on the parcel's land use designation and other criteria.
- **RA** - Residential Agricultural (*in Ag District*) → **PA** or **LA**
- **RA** (*outside of Ag District*) → recommend parcel owner receive choice of zoning based on review process and present land use designation (currently changed to **RL** - Rural Lands (new zone))
- **RA** - (*If Natural Resource & above 3000' elevation*) → **FR** - Forest Resource (new zone)

- **SA-10** – Select Agricultural (*proposed to be deleted*) → **PA**

Mr. Walker asked how a parcel would be zoned if it had both a high intensive ag operation and ag grazing on the same parcel.

Chris Flores suggested that this type of property would most likely be zoned PA (Planned Agriculture) because grazing would also be allowed on Planned Ag. She said this would be brought to the attention of the Planning Department.

Chair Boeger mentioned that an owner of this type of property may encounter potential problems if they wanted to expand their operation to another parcel.

Mr. Walker suggested that however the AE contract is written the zoning should be compatible.

Chris Flores stated that AE and AP parcels that are not in contract (which are often referred to as “archaic”) should get a choice of zoning based on land use designation, surrounding land uses and their parcel size. She said at this time, those parcels were to be rezoned RL (Rural Lands), which would not have the Right to Farm and buffering protections.

Roger Trout, said that lands within an Ag District, would be treated differently than those not in an Ag District, so there are some variables there.

Chair Boeger expressed his concern that this might not be best, to have an owner of these types of parcels, be allowed to designate their zone without going through a review process. He feels it should go through the Ag Commission and Planning Commission to make sure it is consistent with the General Plan.

Mr. Trout agreed that there should be some additional logic put into the draft zoning maps for this designation other than just what the land owner wants because there is a need for continuity with zones. He mentioned that there would be several public hearings for those with concerns.

Referring to Mr. Trout’s earlier comment, Mr. Draper said that depending whether someone was in an Ag District or out, would possibly dictate how the zoning would be reviewed. He said the Commission had made some recommendations to change the Ag District boundaries. He asked if the zoning update would progress simultaneously with the possible Ag District expansion or prior to.

Mr. Trout answered that when staff presents their recommendations to the Board of Supervisors on July 25, 2011, the BOS would need to decide how to proceed. He said the General Plan would come first and the zone changes would follow.

Cedric Twight, Sierra Pacific Industries, a member of the Economic Development Advisory Committee (EDAC), informed the Commission that a “white paper” will be submitted to the

Board of Supervisors on July 25, 2011 regarding residences “by right” on Timber Production Zone (TPZ) property with proposed changes to the draft zoning ordinance. Also, commercial uses on TPZ parcels will be considered.

Mr. Draper stated his position regarding residences “by right” on TPZ. If a structure has certain qualifications, particularly on acreage size and management of the property, in some form other than what has been seen in the current guidelines, he could be supportive of a new proposal but could not support a “blanket” residences “by right” proposal.

Chair Boeger agreed with Mr. Draper’s comments. He said as a public policy issue for the County, there would be several issues that would need to be addressed. If residences were allowed in the timbered areas and forest lands, there would be a need for schools, transportation, etc. He sees this as a practical issue that would need to be considered at a County level.

Bill Bacchi expressed his disappointment with the opinions that a person could not build a cabin on their own 160 acres. He feels the Commission is out of their purview when expressing their personal opinions on this subject.

Chuck Bacchi explained that the Commission is working under the County ordinances and General Plan and base their decisions accordingly. He said there are restrictions that need to be considered.

Roger Trout spoke about procedure. He said at this stage, staff is trying to decide what to recommend to the BOS, to include in a project description of the zoning code. It will then go to a CA Environmental Quality Act (CEQA) review. The CEQA review would, hopefully, identify if there are any environmental impacts associated with the proposal; the change in the code such as to the service districts and how these impacts would be mitigated.

Mr. Trout’s observation is that it is a change in the code. He said he did not know when the TPZ was originally established as it is written. It has always allowed residences by a Special Use Permit, which is not saying someone cannot build a residence on 160 acres; they just need to go through a process. He said if the BOS decides that some type of Administrative permit would be sufficient, as opposed to a Special Use Permit, it may make it more efficient to go through this type of procedure and staff could be supportive of this process.

Kathye Russell said she had been working with the EDAC committee and appreciated Cedric Twight coming before the Commission as, she feels, he represents what the committee is trying to do on EDAC, which is not to do things behind closed doors but to try to be very open about what the group represents and in the way they are proceeding. She said this group was charged with regulatory reform. She said when Mr. Twight brought his proposal to EDAC, it was to give clearer understanding that when there is a house on a property it does not mean that the property is destroyed. He made the argument that there is a lot of timber that was being produced because people were there, fell in love with the land and

were on site to work and harvest it. She said someone had mentioned to her, several five-acre parcels that were being groomed for harvest because the owners simply cared for them. She said she wanted to add this perspective to the discussion because it does flow into many

of the different areas they are working on.

Chris Flores continued the discussion with the idea of an Ag Commercial zone. The Regulatory Reform group has discussed allowing commercial and industrial uses out in the rural lands. The idea is being proposed as a General Plan Amendment for the BOS to consider. There is a need for commercial businesses that support the agri-business and agri-tourism industry in the County. An Ag Commercial zone would support a lodging facility or restaurant in the middle of the wine regions. The zone would support farm equipment repair centers, retail nurseries, co-op wineries, etc. The zone would allow for the opportunity if it arose.

Mr. Smith asked if there was any example of this type of request.

Chris Flores said she had an inquiry from someone who wanted to build a tasting room on a property that did not have a vineyard but had a frontage road with a great spot for this type of facility, but could not do so, unless they planted five acres of grapes.

Valerie Zentner also spoke regarding Ag Commercial uses. She explained that staff is trying to create a pathway for future agriculture, not the old agriculture model. It is hoped that El Dorado County will be agri-tourism and destination based. Several changes are needed to achieve this goal. Staff's suggested changes for Ag Commercial uses would be allowed in Rural Centers and the Ag Districts.

Chris Flores added that staff is not wanting to rezone properties; only trying to create a zone that allows opportunity. Changing to an Ag Commercial zone would be allowed on a case-by-case basis. Definitive guidelines would be set for this particular zone.

Mr. Bacchi said that one of the problems faced with agricultural recreation possibilities is "who goes first?" There needs to be a critical mass to attract enough people to give everyone a reasonable chance for success, for example, Apple Hill. Creating this type of possibility in other areas of the county would be difficult and he feels that encouraging a critical mass in other areas of the county would be beneficial.

Chair Boeger mentioned an earlier comment by John Smith in regards to competing ag operations. He said it should be allowed if it were a non-competing operation, something necessary such as a restaurant but not something such as a winery from out-of-the-area that would like to set-up a tasting room in an already developed area. He said he can see potential problems with putting commercial zoning out in the middle of rural areas. Chair Boeger's concern is ag products coming in from other regions and taking advantage of the tourism already developed.

Valerie Zentner replied that this is where criteria would come into play, in defining where these types of operations could occur and what could occur away from a Rural Center that would be appropriate. She agreed with Chair Boeger's comments and said staff needs to differentiate between what is directed to the Rural Center and what is allowed in the rest of the district.

John Smith stated that allowing ag operations that support the current activities and support

the existing agri-tourism, many people have worked a long time to develop, rather than those that compete, would be a good direction to take.

Chris Flores and the Commission discussed Animal Raising and Keeping – Planning Services has added a sentence to the Draft Zoning Ordinance that states, “The slaughtering of fowl or animals is not permitted in any of the residential zones.” This section does not exist in the current zoning ordinance and would prevent anyone on an RE-5 or RE-10 zoned parcel from having their own homegrown meat or fowl slaughtered, independent of their parcel size. Ms. Flores pointed out that there are 40 acre Residential Estate-5 Acre zoned parcels that would not be allowed to have the mobile meat slaughtering business slaughter home raised beef for their own consumption. The insertion of this policy within the new zoning ordinance could limit 4-H projects, FFA projects, and those El Dorado County residents who just want to raise their own food. Roger Trout preferred to not make any changes. The Ag Commission decided not to make a recommendation as they felt the code section was not within their purview.

Chris Flores spoke regarding the Right to Farm Ordinance. Staff has suggested the following proposal to define agricultural land within the ordinance, “Lands which are zoned PA (Planned Agricultural), Ag (Agricultural Grazing), LA (Limited Agriculture), FR (Forest Resource), and TPZ (Timberland Production Zone) *or lands located within an Agricultural District or parcels with an Agricultural Land (AL) General Plan land use designation.*” (Italicized - added to Planning’s definition).

Mr. Smith said he liked this proposal because there is a lot of RE land in the Ag Districts where grapes are grown and these people should be entitled to the same protection that the ag zoned lands have. The members agreed with this comment.

Chris Flores spoke of a proposed addition to the Ranch Marketing section of the Ranch Marketing Ordinance - *Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal)*. *The provisions of the Subsection apply only to cattle grazing operations and are not in addition to other uses permitted by this Section. The following ranch marketing provisions shall provide a ranch atmosphere and natural environment for events and activities defined in this ordinance and shall be permitted on land zoned Agricultural Grazing (AG) consisting of a single parcel or contiguous parcels totaling a minimum of 160 acres under the same ownership: 1) Food serving facilities, 2) Use of existing permanent structures and/or temporary structures, 3) Fishing, hunting, horseback riding, hiking, 4) Round-ups, and rodeos, etc., 5) Camping, 6) Retail sales in compliance with Subsection F.4., 7) Other uses found compatible with the grazing operation and 8) Special Events as defined in Subsection F.5.*

Staff suggesting the following as a marker only:

Ranch Marketing Provisions for Small Livestock Operations – Reserved section

Ranch Marketing Provisions for Flower Farms – Reserved section

The V6 Ranch in San Luis Obispo County was discussed as an example of Ranch Marketing on grazing lands.

Valerie Zentner spoke about Zoning Codes – Specific Use (.400 Wineries – Proposed revisions). Wine caves were discussed.

Mr. Walker expressed appreciation to Chris Flores (and all involved) for the work on the General Plan Amendments and Zoning Ordinance. He thanked them on behalf of the Commission.

It was moved by Mr. Walker, and seconded by Mr. Neilsen, to support staff's proposed zoning changes, support the idea of allowing ag supportive commercial enterprises in the ag areas of the County, to support the changes to the Right to Farm Ordinance, to support the idea of allowing ranch marketing activities on grazing land, and remain silent with no recommendation on the staff's proposed changes to the Animal Raising and Keeping section of the ordinance as the Commission feels that it is not in their purview.

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

NOES: None

X. LEGISLATION AND REGULATORY ISSUES

Juli Jensen asked the Commission to review a draft letter which she wrote on the Commission's behalf, in support of the efforts of the California Department of Food and Agriculture (CDFA) to develop an environmental impact report (EIR) for its statewide pest prevention and management program.

It was moved by Mr. Smith and seconded by Mr. Neilsen to submit the letter to Governor Jerry Brown to support CDFA in developing an Environmental Impact report (EIR) for their statewide pest prevention and management program if approved by the Board of Supervisors.

**clerk's note: this letter will be on the Board of Supervisors' agenda July 26, 2011.*

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

NOES: None

XI. CORRESPONDENCE

- None received

XII. OTHER BUSINESS

- El Dorado Irrigation (EID) – Cost-of-Services Study Workshop (a hand-out was provided with the date of the workshop)

XIII. ADJOURNMENT

- Chair Boeger adjourned the meeting at 9:25 p.m.

APPROVED: Greg Boeger, Chair

Date: September 14, 2011