



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

September 14, 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

Peter Maurer, Development Services/Planning
Pierre Rivas, Development Services/Planning

Lynn Wunderlich, University of CA Cooperative Extension

Others Present: Cathleen and Jack Altmeyer, Bill Bacchi, Ted Berchard, Judy Collinsworth, Allen Courtney, Alfonso P. Elena, Bridget Heifner, Mark Herr, John Lane, Ed Purcel, John Ramos, Michael Ranalli, Kathye Russell, Jerry Visman, Loren and Barbara Winje

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. 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 July 13, 2011

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

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

Motion passed

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

IV. PUBLIC FORUM

Jim Ramos, President, El Dorado Home Winemakers, informed the Commission regarding awards received by members of this group, at the 2011 CA State Fair. In recognition of this achievement, the El Dorado County Board of Supervisors approved a proclamation that states, "September 2011 Wine & Wine Grape Month" in El Dorado County, recognizing the achievements of the Home and Commercial Wine Makers and Wine Grape Growers. The proclamation is currently available for viewing in the Agricultural Department/UCCE lobby.

V. El Dorado County & Georgetown Divide Natural Resource Conservation District – A scheduled presentation by Danny Marquis, District Conservationist, was not given – he was unable to attend the meeting.

VI. Alfonso P. Elena (Jose Wine Caves) – request for administrative relief from agricultural setbacks for a proposed winery building to be located no less than 69 feet from the west property line, adjacent to agriculturally zoned (RA-20) land.

Pursuant to Sections 17.14.200.E.2 (b) and 17.14.200.E.2 (c) of the Winery Ordinance, wineries, including tasting facilities and outdoor use areas, located outside a General Plan Agricultural District, shall maintain a 200 foot setback from all property lines unless administrative relief is granted by the Agricultural Commission. If approved, the proposed winery building would be located at a minimum of 200 feet from the north, east and south property lines, and no less than 69 feet from the west property line. (District 4)

Chris Flores gave a description of the project. The subject parcel is 40 acres in size, has a Rural Residential Land Use Designation and is not in an Ag District. There are over 5 acres of wine grapes. The existing building was permitted as an Ag barn but the applicant would like to convert it to a winery and tasting room.

Zoning Ordinance Requirements:

The Winery Ordinance, Section 17.14.200.E.2.b requires a 200 foot setback from all property lines, for all wineries and accessory uses, outside of an Agricultural District, regardless of the adjacent zoning. Subsection 5.2.c states, "The 200 foot setback in Subsection E.2.b may be reduced to no less than 50 feet by the Agricultural Commission approval of "Administrative Relief" based on forms and criteria established by the Agricultural Commission and subject to fees adopted by the Board of Supervisors."

- The Resolution adopting the criteria and procedures for Administrative Relief from Agricultural Setbacks relates to incompatible uses adjacent to agriculturally zoned lands. A winery/tasting room and accessory uses are not incompatible to agricultural zoning, which this relief is being sought against.

Relevant General Plan Policies:

General Plan Policy 8.1.3.5 states, "On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

General Plan Policy 8.1.4.1 states, “The County Agricultural Commission shall 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 shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority 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.

Alfonso P. Elena was present for review of the project.

It was moved by Mr. Neilsen and seconded by Mr. Mansfield to recommend APPROVAL of Alfonso Elena’s request for Administrative Relief of a 200 foot setback for a winery/tasting room to be placed on APN 088-440-13, approximately 69 feet from the parcel to the west (zoned RA-20), as the winery/tasting room would not be incompatible with the adjacent agriculturally zoned parcel, and the findings for General Plan Policy 8.1.4.1 can be made.

Motion passed

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

VII. S 10-0011 David Girard Vineyards (David Girard): A special use permit request to allow the use of the project area for up to 100 events per year, including live music, charitable events, weddings, etc., for up to 320 guests. The hours of operation would be 9:00 a.m. to 10:00 p.m. The property, identified by Assessor’s Parcel numbers 089-030-23, and 24 consists of 61.52 acres, and is located on the east side of Cold Springs Road at the intersection with Thompson Hill Road, in the Gold Hill area. (District 4)

Ron Mansfield recused himself from this item.

Chris Flores provided a staff report for this application. The parcel is in Ag Preserve number 294, has Exclusive Agricultural (AE) zoning and a land use designation of Agricultural Land (AL). The subject parcel has a winery, tasting room and tent structure for special events. Maps were provided to show the location of the proposed events. Some events would take place in the proposed event center, to be located on the AE zoned parcel. Other events are proposed to take place at the outdoor amphitheater area, located on an adjacent RE-10 zoned parcel. The parcels have an Agricultural Land land use designation and have a variety of soils that are prime farmland, statewide important farmland and unique soils of local importance. The El Dorado County Winery Ordinance Section 17.14.200 (C)(3)(a & b), limits the number of Special Events to 48 days per calendar year with a capacity limit of 250 persons at one time.

Relevant El Dorado County General Plan Policies:

Policy 8.1.3.5 – On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use or potential of that parcel and whether the request will diminish or

impair the existing or potential use prior to any discretionary permit being approved.

Policy 8.1.4.1 – The County Agricultural Commission shall 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 shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority 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

The California Land Conservation Act:

California Government Code Section 51238.1 (a) states, “Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:

- (1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
- (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
- (3) The use will not result in the significant removal of adjacent contracted land from agricultural or open space use.”

Judy Collinsworth, Event Manager, for David Girard Vineyards, stated that they are proposing additional use of the facility. The events would be located on the same space used as events held in the past five years. The new facility would enable them to hold year-round events. Currently, they are limited to events occurring May through October. The ability to host major events at their facility increases tourism in the Gold Hill area.

Chair Boeger asked what proportion of events would be held in each location; the outdoor amphitheater vs. the tent structure/event center.

Judy Collinsworth answered that they hoped to hold approximately 48 events in the new structure but would also continue to have about the same number of outdoor events, such as weddings, in the amphitheater site. (It was mentioned later in the discussion that weddings were usually held outside and the reception held in the tent structure.) They hope to continue to have six concerts each year in the outdoor amphitheater. Ms. Collinsworth said that noise complaints have been received by David Girard, mostly due to the voice of the DJ, but it is hoped that with the new structure, the noise would be more contained. She explained that in the past they have allowed large 10-piece bands, but to help comply with noise complaints, a decision was recently made, to allow only a 6-piece band maximum.

Mr. Smith mentioned that as the proposal was written, the request is to allow every one of the 100 events, to allow live music, for up to 320 guests, from 9:00 a.m. to 10 p.m. He asked Ms.

Collinsworth if this was correct.

Judy Collinsworth answered that this was how the application was written but was not how it was intended.

In response to a question by the Commission, Pierre Rivas addressed the issue of merging the parcels, as had been suggested in a past letter to the applicant and provided to the Ag Commission members. The parcel that contains the amphitheater is currently used, but the use is not legally permitted. If the County does not receive a formal complaint, no enforcement action is pursued. The Planning Department will be recommending as part of this Special Use Permit application: a Boundary Line Adjustment, Rezone, and an amendment to the existing Williamson Act Contract, to bring the uses into conformance with the Winery Ordinance. All accessory uses, to the winery operation, must take place on the parcel that has the winery. They cannot have them on an RE-10 piece of property. Planning would propose to condition the project, by requiring a Boundary Line Adjustment, to take that portion of the property containing the amphitheater and merge it with the winery agricultural parcel.

Several neighbors to David Girard Vineyards spoke of their opposition to the proposed project. The major complaint was of noise from the events held in the amphitheater. All agreed that David Girard had personally taken their complaints under consideration but the problems have not been resolved to their satisfaction. In addition to the protests of high volume of music, there are concerns regarding the increase in traffic on Cold Springs Road and all were opposed to the proposed increase in the number of events and number of guests attending.

Mr. Walker mentioned that noise complaints were not under the Ag Commission's purview but asked Pierre Rivas what happens when there are violations to the Noise Ordinance.

Pierre Rivas answered that under the current Winery Ordinance a winery may have amplified music but the owner must adhere to the current General Plan noise standards. When complaints are received the owner must submit a noise study that shows they are able to meet the standards. David Girard had a noise study conducted for this project, but Planning has a concern that there has been a change in the location of where they originally planned to have the amplified music. Currently, there are two issues. There is nothing from the applicant requesting the use of amplified music in the site it is now occurring and the piece of property is currently zoned RE-10 which requires a Boundary Line Adjustment, a rezone, and Williamson Act amendment. After several questions about this, Mr. Rivas explained that Planning Services has been working with the applicant, but Mr. Girard does not desire to go through this process at this time.

Allen Courtney, Board Chairman for David Girard Vineyards and manager of their strategic planning process, added that one of the fundamental issues they need to overcome in their location is the generation of visitors/customers to the winery. The proposed development of the building that will replace the tent is hoped to mitigate the sound issues. Mr. Courtney explained that they plan to invest millions of dollars in building the structure, but to get the structure to pay for itself they will need to get utilization from it. This is why, in part, they are asking for the Special Use Permit, which will allow for the construction and make it less intrusive to the neighbors.

The Commission discussed their concerns regarding setting a precedence, in this case, that would allow the use of an adjoining parcel next to a winery for holding events.

A motion was made by Mr. Smith and seconded by Mr. Draper that the Commission is unable to make a recommendation regarding the Special Use Permit request until David Girard Vineyards comes into compliance with both El Dorado County's Zoning and Winery Ordinance.

Motion passed.

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

NOES: None

RECUSED: Mansfield

VIII. AGRICULTURAL WORKSHOP PLANNING

Agricultural Commissioner, Juli Jensen, gave a powerpoint presentation regarding an Ag Workshop, tentatively scheduled for October 24, 2011. In response to concern expressed by the Board of Supervisors regarding the 2010 Crop Report showing a decrease in ag production, a motion was made to direct the Chief Administrative Officer to work with the Ag Commission, and University of CA Cooperative Extension (UCCE) to schedule a joint meeting/workshop with the Board of Supervisors prior to the September budget hearings. Ms. Jensen met with various ag representatives to determine issues that might be appropriate for the ag workshop. In order to get the widest possible stakeholder input, a survey regarding the identified issues was sent out September 2, 2011 to 576 El Dorado Ag Growers. As of this week there were 107 replies to the survey.

Ag Issue	% of Respondents that felt that this issue was either important or very important
The Irrigated Lands Regulatory Program – finding ways to reduce costs/monitoring requirements for participants in this regulatory program	77%
The Williamson Act and finding ways to incentivize remaining in farming if this Act disappears.	76%
Finding ways to allow for economic development for agriculture such as:	
<i>Farm-stays</i>	53%
<i>Ranch marketing on grazing land</i>	52%
<i>Allowing for agricultural support services in ag areas (farm stores, equipment sales & repair, restaurants, lodging, & other businesses that support our agricultural endeavors)</i>	85%
<i>Zoning that provides for agricultural employee housing</i>	69%
Better signage directing visitors to our agricultural production areas	75%
Support for broadband throughout the County of El Dorado	64%
Expansion of the agricultural districts (providing ag protections to more parcels)	75%
Getting a USDA mobile slaughterhouse in El Dorado County (allowing for more sales of locally produced meats)	54%

Juli Jensen said that in summary, the survey indicated that the issues that had been identified as important to El Dorado agriculture were important to the survey respondents and therefore we are on the right track as to what issues to address in the Ag Workshop. Ms. Jensen also presented slides showing the comments made by respondents and noted that some of the issues of concern are ones that county government does not have control over and are unable to address in an effective manner but the comments are still valuable in that they give insight into what is important to ag producers in El Dorado County.

Mr. Boeger opened up the discussion to the public. John Lane, the President of a local internet provider, Cal.net, asked the Ag Commission Members what he could do for the agricultural community. He spoke of getting broadband service out to the Coloma, Garden Valley, Mt. Aukum and Pollock Pines areas and offering a minimum of 1.5 Mbps of service to their customers. Mr. Lane stated that the company has received its FCC license and is working on providing services to El Dorado County.

The Agricultural Commission members stated that they would like staff to continue their planning of the workshop but that they would like to review the presentations that would be made at the workshop prior to the workshop. Ms. Jensen agreed to continue work and review presentations prior to the workshop.

IX. GENERAL PLAN AMENDMENT/ZONING - UPDATE

The latest revisions to the Draft Zoning Ordinance and proposed changes were presented by Chris Flores and Peter Maurer. A proposed “Ag Support Zone” was discussed versus “Ag Support Uses” that would require differing permitting processes within agricultural zoning. The purpose behind allowing agricultural support services would be to increase economic development within the agricultural industry in the County. The Ag Commission was given a matrix of proposed uses that would be supportive of agriculture.

The removal of the proposed Rural Lands (RL) zone out of the Agricultural and Resource Zones section of the Draft Zoning Ordinance, and into the Residential zoning section of the Ordinance, was discussed. Chris Flores stated why the Ag Subcommittee of the Regulatory Reform group was supportive of moving the zone out of the Ag section. Peter Maurer stated why the Planning Department is supportive of keeping the zone where it is. Chris Flores also added that she will be analyzing existing RA parcels to determine if there is currently agricultural operations on them, and looking at their underlying Land Use designations, parcel sizes, etc. to determine if they should maintain an agricultural zoning. The Agricultural Commission was supportive of this exercise.

A discussion pursued regarding the Winery Ordinance and proposed zoning and how they would fit into the ordinance (i.e. Agricultural Grazing (AG) and Limited Agriculture (LA) zones). Also, the “Land Use Compatibility Limitations” section was discussed and changes to Section G.2. “Development Standards-Setbacks” was discussed.

Chris Flores announced that the Agriculture Subcommittee would be meeting with Peter Maurer and Lillian MacLeod of Development Services the following day to further discuss the items within the Zoning Ordinance that affect agriculture.

X. LEGISLATION AND REGULATORY ISSUES

- None at this time

XI. CORRESPONDENCE

- None received

XII. OTHER BUSINESS

- Sacramento Regional Food Hub – an informational handout provided to the Commission members

XIII. ADJOURNMENT

- Chair Boeger adjourned the meeting at 9:33 p.m.

APPROVED: Greg Boeger, Chair

Date: November 9, 2011