



# 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 12, 2012

6:30 P.M.

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

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

**Members Absent:** Draper

**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:** Gloria Tong

### 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 September 12, 2012.

*Motion passed*

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

**NOES:** None

**ABSENT:** Mansfield, Draper

### III. APPROVAL OF MINUTES

*It was moved by Mr. Smith, and seconded by Mr. Walker, to approve the Minutes of May 9, 2012 as submitted.*

Chair, Greg Boeger, called for a voice vote for approval of the Minutes of May 9, 2012.

***Motion passed***

**AYES:** Neilsen, Smith, Walker, Boeger  
**NOES:** None  
**ABSTAINED:** Bacchi (absent from 5/9/12 meeting)  
**ABSENT:** Mansfield, Draper

**\*Note:** Mr. Mansfield arrived after these two motions were passed.

**IV. PUBLIC FORUM**

No comments were received

- V. Request for Agricultural Commission Review of a new Williamson Act Contract for WAC 12-0002 and WAC 12-0003 – Dan Varozza.** In accordance with Board of Supervisors Policy C-12, a new Williamson Act Contract for a partition is being requested for Assessor's Parcel Number 087-021-30, a 226 acre parcel, from Agricultural Preserve No. 36. The applicant wishes to establish a new contract in order to build a home on the parcel. The parcel is located on the south side of Memory Lane  $\frac{3}{4}$  miles east of the intersection with South Shingle Road in the Latrobe area. The existing Williamson Act Contract, Ag Preserve #36, would be amended to reflect the change. (District 2)

Chris Flores presented her staff report. All of the parcels are currently part of Agricultural Preserve # 36. The parcels are located off of Memory Lane in the Latrobe area. The current Land Use Designation of the parcels is Agricultural Lands (AL). The current zoning of the parcels is Exclusive Agricultural (AE). The soil types consist of Auburn and Sobrante soils; important forage producing soils for rangeland. The approximate elevation of the parcels is 600 to 800 feet. Ms. Flores described the county criteria for a low intensive agricultural operation. The minimum acreage required is fifty (50) contiguous acres that are fenced to contain livestock. The minimum capital outlay required is ten thousand dollars (\$10,000). The minimum annual gross income from the agricultural operation is two thousand dollars (\$2,000). Ms. Flores stated that the subject parcel, APN 087-021-30, meets the minimum criteria for a low intensive agricultural operation and the remaining parcels in Agricultural Preserve 36 meet the criteria as well.

Ms. Flores also stated that 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.

Gloria Tong, an owner of one of the remaining parcels, was in support of the applicant's request. She asked why the remaining parcel owners were required to sign a notarized document if they were remaining in contract? Peter Maurer, of Planning Services, stated that County Council has advised Planning Services that all of the other property owners

must sign the notarized document, as the total acreage and boundary description will be changing for Agricultural Preserve number 36.

***It was moved by Mr. Nielsen and seconded by Mr. Bacchi to recommend APPROVAL of WAC 12-002 and WAC 12-003 as the parcel, APN 087-021-30-100, meets the minimum criteria for a low intensive agricultural operation in Williamson Act Contract:***

- 1) Acreage of parcel exceeds the minimum requirement of 50 acres at over 226 acres.***
- 2) Capital outlay exceeds the minimum requirement of \$10,000 at over \$130,000.***
- 3) Gross income exceeds the minimum requirement of \$2,000/year at \$2,226.***

***And... APPROVAL of WAC 12-0003 as the remaining parcels, APN's 087-021-20, -27, -28, -42, 087-040-35, -89, -91, 087-123-01, 091-020-07, -21, 091-030-21, 091-040-14, 091-140-01, -03, 091-200-13, and -14, continue to meet the minimum criteria for a low intensive agricultural operation in Williamson Act Contract:***

- 1) Acreage of parcels exceeds the minimum requirement of 50 acres at over 1,800 acres.***
- 2) Capital outlay exceeds the minimum requirement of \$10,000.***
- 3) Gross income exceeds the minimum requirement of \$2,000/year.***

***Motion passed***

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

**NOES:** None

**ABSENT:** Draper

- VI. S04-0001R Oakstone Winery (Smith, John and Susan): Commission Member John Smith recused himself for the discussion of this item.** Request for Agricultural Commission Review of a Special Use Permit revision to add additional uses to the existing approved winery facility. The requested uses include public wine tasting, the sale of wine on-site to the public, marketing activities, picnic areas and retail sales. The property, identified by Assessor's Parcel Number 095-080-56, consists of 21 acres, and is located on the south side of Irish Acres Road .2 miles west of the intersection with Slug Gulch Road, in the Fair Play area. (District 2)

Chris Flores presented her staff report. The subject parcel is located at 6470 Irish Acres Road in the Fair Play area. The parcel is twenty-one (21) acres and has over five (5) acres of planted wine grapes. The parcel is located within the Fair Play/Somerset Agricultural District and has a land use designation of Rural Residential (RR). The parcel's zoning is Agricultural Preserve (AP) as it is in Williamson Act Contract Number 293. The subject parcel's soil types consist of Holland Very Rocky Coarse Sandy Loam 15 to 50% Slopes, Holland Coarse Sandy Loam 9 to 15% Slopes (Statewide Important Farmland), and Holland Rocky Coarse Sandy Loam 5 to 15% Slopes (Prime Farmland). The average elevation of the parcel is 2,200 feet. Ms. Flores also stated that the winery is accessed from a non-county maintained road and that the applicants had paid to have the private road paved from the county maintained road, Slug Gulch, to the winery entrance.

Ms. Flores described the specific requests of the applicants. The applicants are requesting that the following uses be added to Special Use Permit S04-0001:

- i) Public wine tasting in accordance with 17.14.200.C.2.a – “Tasting facilities shall be clearly related, and subordinate to the primary operation of the bonded winery as a production facility. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vented, cellared or bottled at the winery. Snack foods that are consumed during wine tasting are allowed.”
- ii) The sale of wine, on-site, to the public in accordance with 17.14.200.C.2.b – “Retail sales of wine fruit products shall be limited to those produced, vented, cellared or bottled by the winery operator or grown on the winery lot, or custom crushed at another facility for the winery operator, subject to the provisions of an ABC Type 2 Winegrower’s license. (The ABC Type 2 Winegrower’s license requires that at least 50 percent of the wine sold be produced by the winery).”
- iii) Marketing activities in accordance with 17.14.200.C.2.c – “Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility’s products. Activities of a marketing event may include, but are not limited to, live music, catered food, food prepared on premises, winemaker dinners, releases, library wines, discontinued sales, “bottle-your-own”, and similar activities, including amplified outdoor music subject to the County noise ordinance but may not include concerts or events which include more than one facility, or events sponsored by or for the benefit of an organization other than the facility.”
- iv) Picnic areas in accordance with 17.14.200.C.8 – “Picnic areas shall be subordinate to the winery and tasting room.”
- v) Retail sales in accordance with 17.14.200.C.9 – “Retail sales of merchandise, art, prepackaged food items properly labeled in accordance with the California Health and Safety Code shall only be allowed within the tasting facilities and shall not be under any circumstances located in a separate structure. Sales of non-wine merchandise shall be subordinate to the wine sales.”

Ms. Flores stated that the following required development standards, as defined in 17.14.200.E, have been met by the applicants:

- i) The project site has an established commercial vineyard of over 5 acres of wine grapes that are being properly maintained and are producing a commercial crop.
- ii) The existing winery building is setback a minimum of 50 feet from all property lines.
- iii) Permanent parking spaces have been delineated, as well as an ADA compliant parking space, on an asphalt surface.
- iv) As the project site is located off of a non-county maintained roadway, the applicants recently had the private road paved from the county maintained road, Slug Gulch, to the winery entrance/exit. The private road was previously graveled from the county

maintained road.

The applicant's request does not require expansion of the existing winery building, nor does it require the removal of any existing grape vines. The requested uses are secondary and subordinate to the agricultural production of the subject parcel and further promote the agricultural industry of El Dorado County.

Peter Maurer added that the applicants were required to apply for a Special Use Permit due to their zoning of "Agricultural Preserve" (AP).

*It was moved by Mr. Walker and seconded by Mr. Neilsen to recommend APPROVAL of S04-0001R for Oakstone Winery, John and Susan Smith's request for a tasting room and additional uses, as the project is secondary and subordinate to the agricultural use and will have no significant adverse effect on agricultural production on the subject parcel or surrounding properties and is therefore compatible with the Williamson Act Contract, all proposed uses are in conformance with the current Winery Ordinance, and all of 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, Walker, Neilsen, Boeger, Mansfield

**NOES:** None

**ABSENT:** Draper

**ABSTAINED:** Smith

**VII. Targeted General Plan Amendment/Zoning Ordinance Update – Chris Flores and Valerie Zentner**

Chris Flores and Valerie Zentner, from the Farm Bureau, presented the most recent changes that have been made to the Proposed Zoning Code. The proposed Animal Raising and Keeping section was distributed and discussed. Changes to the Winery Ordinance and Ranch Marketing Ordinance were discussed and the fact that the two ordinances were being brought into conformity with each other where feasible. The addition of an Agricultural Lodging Matrix in the Lodging Section was shown. The issue of non-conforming uses was discussed and it was stated that the issue has not been resolved and that it still needs to be flushed out.

**VIII. Review of Agricultural Commission By-laws – Charlene Carveth**

Clarification and clean-up language was discussed including additional language describing "stipend".

*It was moved by Mr. Smith and seconded by Mr. Walker that the Agricultural Commission By-Laws be revised (including grammatical and wording changes) and specifically, under 3.E. Stipend, the by-laws shall be changed to read, "All members of the Commission, excepting the ex-officio secretary, shall be reimbursed in accordance with the Resolution adopted by the Board of Supervisors".*

*Motion passed*

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

**NOES:** None

**ABSENT:** Draper

**IX. LEGISLATION AND REGULATORY ISSUES – Charlene Carveth**

- AB 1625-Transition to Organics Act-passed and sent to Governor
- AB 2680-Williamson Act Lot Line Adjustments-signed by Governor
- AB 1616-Food Safety-cottage food operations-passed and sent to Governor
- AB 1492-Forest Resource Management-signed by Governor
- AB 511-Aeronautics: Meteorological Towers-signed by Governor

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

- Ag Commissioner Concurrence of Agricultural Setback Relief – Paul Toogood
- Temporary Use Permit for Girard Winery “Bastille Day”
- Ag Commissioner Concurrence of Agricultural Setback Relief – Pat Woodruff
- Temporary Use Permit for Oakstone Winery

**XI. OTHER BUSINESS – Charlene Carveth**

- 2011 El Dorado and Alpine Counties Crop Report
- USDA Rural Development Presentation Update
- Disaster Relief Update-El Dorado is contiguous to two different designations-USDA#S3351 (Alpine County) and #S3283 (State of Nevada)
- USFS Placerville Nursery proposed Solar Energy and Greenhouse project

**XII. ADJOURNMENT**

- Chair, Greg Boeger, adjourned the meeting at 8:13 pm.

**APPROVED:** Greg Boeger, Chair

**DATE:** October 17, 2012