



# 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

December 8, 2010

6:30 P.M.

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

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

**Members Absent:** None

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

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

Pierre Rivas, Development Services/Planning Department

**Others Present:** Russell Case, Judy Collinsworth, Larry and Bridget Heifner, Chris Meride, Ed Purcell, Sandy Ramey, J. Snyder, Loren and Barbara Winje

### I. CALL TO ORDER

- Chair Boeger called the meeting to order at 6:32 p.m.

### II. APPROVAL OF AGENDA

- Chris Flores requested that Item V., David Girard Vineyards, be continued off-calendar due to new information staff received on November 7, 2010. Changes have been made to the Special Use application. A new application will be submitted from the Planning Department with a possible request for a Boundary Line Adjustment.

Juli Jensen requested that Item IX, Legislation regarding Senate Bill 863 be continued to the January 12, 2010 meeting. This bill would allow counties, if qualified, to recoup some of their property tax losses. The Ag Commission requested some figures of the projected savings to El Dorado County; however, the Assessor's office has not been able to provide the information at this time.

*It was moved by Mr. Neilsen and seconded by Mr. Bacchi to Approve the Agenda with the requested changes.*

*Chair Boeger called for a voice vote for Approval of the Agenda.*

*Motion passed*

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

**NOES:** None

**III. APPROVAL OF MINUTES**

- Minutes of November 10, 2010

*It was moved by Mr. Draper and seconded by Mr. Walker to Approve the Minutes of November 10, 2010 as submitted.*

*Motion passed*

*\*Clerk's note: the motion and vote were taken before the meeting was adjourned as it was inadvertently omitted during the hearing of the item.*

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

**NOES:** None

**IV. PUBLIC FORUM**

- No comments

**V. S 10-0011 – David Girard Vineyards (David Girard/Anova Architects, Charles Downs):**

- A special use permit request for a 6,000 square foot Viticulture Galleria event building to replace a tent structure. The special use permit request seeks use of the property for unlimited events 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 089-030-08, -23, -24 and -25 consists of 85.0 acres, and is located on the east side of Cold Springs Road approximately 1.5 miles north of Gold Hill Road, in the Gold Hill area. (District 4)

Chair Boeger allowed for Public Comment but none was received due to the continuance of this item.

*It was moved by Mr. Draper and seconded by Mr. Smith to continue Item V. off calendar as requested by Chris Flores due to new information received regarding a change in this application.*

*Motion passed*

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

**NOES:** None

**VI. Williamson Act Contract Initiation of Non-Renewal APN 100-050-03**

- El Dorado County would like to initiate a non-renewal of APN 100-050-03. The parcel is a 0.87 acre left-over from Ag Preserve number 47, which originally consisted of over 71,000 acres under the ownership of Michigan-California Lumber Company. All of the other parcels, under WAC 47 have rolled-out. The parcel has Exclusive Agricultural zoning, a Natural Resource General Plan Land Use Designation and is not located within an Agricultural District. The parcel does not meet the minimum criteria required for a Williamson Act contract in El Dorado County. (District 3)

Chris Flores explained that this property is off of Cable Road, it is not in an Ag District, and has a Natural Resource Land Use Designation. It is a 0.87 acre parcel which was overlooked when the property was rolled-out of the original Williamson Act Contract. The owner of the property, who is now living out-of-state, was contacted but did not know why this parcel was omitted from the roll-out.

Pierre Rivas concurred with Chris Flores and said that the property was inadvertently left off of any non-renewals and until there was official action to rezone the parcel it remained AE and remained under contract.

*It was moved by Mr. Bacchi and seconded by Mr. Smith to recommend APPROVAL of the non-renewal of APN 100-050-03, Ag Preserve # 47, as the 0.87 acre parcel does not meet El Dorado County's Williamson Act Contract criteria.*

*Motion passed*

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

**NOES:** None

**VII. TIMBER PRODUCTION ZONE (TPZ) – continued from November 10, 2010**

- Juli Jensen gave a brief background of this item. The Ag Commission had discussed whether or not a residence is allowed “by right” on a TPZ property. She contacted Counsel for the State Department of Forestry and was told that they do not issue interpretations of the law. Humboldt County Planning Department Counsel, Carolyn Ruth, was contacted and stated that their county currently allows for a residence and a second residence on TPZ to forty acres but they are trying to change it back to a Special Use Permit requirement. She recommended that we keep it the way we have it because they are having a difficult time placing more restrictions on the procedure. El Dorado County Counsel was also consulted and the following information was received:

Government Code Section 51104 states that there is a presumption that residences needed for the management of timberland are consistent with being in a TPZ. Section 51104 allows for uses other than those listed to be found compatible, if the

use "does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber." Section 51111 provides that counties may develop an ordinance setting forth other compatible uses.

The County adopted its TPZ ordinance in Section 17.44 et. seq. Section 17.44.050 provides that:

A. 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 a mobile home on an approved foundation.

B. 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.

C. Where a landowner has:

1. A timber inventory of his stand;
2. Conducted commercial harvesting operations;
3. Provided legal and physical access to his property so commercial operations can be carried out;
4. Made a reasonable effort to locate the boundaries of the property and has attempted to protect his property against trespass;
5. Conducted disease or insect control work;
6. Performed thinnings, slash disposal, pruning and other appropriate silvicultural work;
7. Developed a fire protection system or has a functioning fire protection plan;
8. Provided for erosion control on existing roads and skid trails and has maintained existing roads;
9. Planted a significant portion of the understocked areas of his parcel. (Ord. 3153 §1, 1981: prior code §9432(E))

Thus, our ordinance finds that residences generally are inconsistent with timber production. We could, conceivably, consistent with Section 51111, develop a new ordinance that found residences to be a compatible use, but we would need evidence that the houses would not "significantly detract" or "inhibit" the growing of timber. This would probably require a significant CEQA analysis, and would probably require that the county place limitations on the size and location of the houses (eg. not in the middle of the trees, or not requiring additional roads that would take out a significant number of trees). I do not see any way that a change that made houses "ministerial" without clear development standards minimizing the loss of trees would be defensible under Section 51104."

Juli Jensen had also spoken with Paula Frantz, El Dorado County Counsel, who said that her interpretation was the same as the Ag Commission; that a residence on TPZ was allowed if necessary for the management of the property.

Pierre Rivas concurred with the above statements and criteria of numbers 1-9.

*It was moved by Mr. Smith and seconded by Mr. Draper to recommend that El Dorado County continue with the requirement of a Special Use Permit for a dwelling on TPZ zoned land as listed in the Draft Zoning Ordinance.*

*Motion passed*

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

**NOES:** None

## **VIII. FUTURE BUSINESS**

- Juli Jensen read her letter to the Board of Supervisors recommending the re-appointment of Chuck Bacchi, Livestock Industry, and Ron Mansfield, Fruit and Nut Farming Industry to a four-year term on the Ag Commission beginning January 2011 – December 2014.

Chair Boeger congratulated both members on their re-appointments.

## **IX. LEGISLATIVE ISSUES**

- SB 863 – continued to January 12, 2011

## **X. CORRESPONDENCE**

- Juli Jensen mentioned a previous information sheet she had provided from the SACOG Rural Urban Connection Strategy regarding their request for the Ag Commission to support their strategy. She encouraged the members to attend their Regional Forum on Friday, December 10, 2010.

Pierre Rivas also strongly recommended that the Commission members attend the Forum which will take place at the Sacramento Convention Center.

**XI. OTHER BUSINESS**

- None

**XII. ADJOURNMENT**

- Chair Boeger adjourned the meeting at 7:55 p.m.