



AGRICULTURAL COMMISSION


311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX
eldcaq@co.el-dorado.ca.us

Greg Boeger, Chair – Agricultural Processing Industry
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Chuck Bacchi – Livestock Industry
Tom Heflin – Fruit and Nut Farming Industry
David Pratt – Fruit and Nut Farming Industry
Lloyd Walker – Other Agricultural Interests
Gary Ward – Livestock Industry

MEMORANDUM

DATE: November 21, 2007

TO: Jason Hade, Planner

FROM: John Winner, Chair Pro Tem 

SUBJECT: A 07-0007, Z 07-0016, PD 07-0012 & TM-1441 – Thomas E. Shinn & Linda Lou Fine, Thaleia B. Georgiades, Frank J. Pronesti & Joanne H. Diamond, (Rancho Cortina Properties/TSD Engineering)

During the Agricultural Commission's regularly scheduled meeting held on November 14, 2007 the following discussion and motion occurred regarding A 07-0007, Z 07-0016, PD 07-0012 & TM-1441 – Thomas E. Shinn & Linda Lou Fine, Thaleia B. Georgiades, Frank J. Pronesti & Joanne H. Diamond, (Rancho Cortina Properties/TSD Engineering) a request to amend the general plan land use designation for parcel number 331-620-10 from HDR (High Density Residential) to LDR (Low Density Residential). A zone change for parcels numbered 331-620-23 from R1 (Single Family), RE-10 (Estate Residential Ten-Acre) and RA-20 (Residential Agricultural Twenty Acres) to R1-PD (Single Family Residence-Planned Development; 331-620-13 from R1 (Single Family Residence), RE-5 (Estate Residential Five-Acre), RE-10 Estate Residential Ten-Acre) and RA-20 (Residential Agricultural Twenty-Acre) to R1A-PD (Single Family One- Acre Residence – Planned Development. A planned development and tentative subdivision map creating 146 lots ranging in size from 13,500 square feet to 2.48 acres with approximately 70 acres of open space including a pond, Slate Creek and walking trails. The property, identified by Assessor's Parcel Numbers 319-260-89, 331-070-01, 331-620-04, -05, -10, -13, -18 and 331-620-23, consists of 192.7 acres, and is located on the south side of Mother Lode Drive and east of the intersection with Kingvale Road, in the El Dorado area.(District 3)

Chair, Boeger recused himself from this item as he currently leases the vineyard on the adjacent Agricultural Preserve property - APN 090-260-01. He asked Mr. Winner to act as Chair Pro Tem while the Commission heard this application request.

Staff gave a report on the site visit. The applicant proposes to create a sub-division/Planned Development and therefore is requesting to re-zone and amend the General Plan Land Use Designations of the parcels. The application also requests 3 lot splits. Parcel 331-620-10 consists of 10 acres and is shown on the tentative sub-division map as a proposed split into two, five-acre parcels. This parcel is located adjacent to, and north of, AE zoned parcel 090-260-01. General Plan Policy 8.1.3.1 states that "... Williamson Act contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres

for any parcel created adjacent to such lands.” General Plan Policy 8.1.3.2 states that “Agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands.” Parcel 331-620-30 (referred to as 331-620-23 in the application) and parcel 331-620-13, have a partial zoning of Residential Agriculture – 20 acre (RA-20) and a Land Use Designation of Rural Residential (RR). The two parcels combined equal approximately 131 acres. Parcel 331-620-13 and parcel 331-620-05 are currently supporting cattle grazing. General Plan Policy 8.1.2.2 states that lands capable of supporting commercial grazing of livestock shall be protected with a minimum of 40 acres.

Staff believes that the primary issue for the Commission is the proposed split of the 10 acre parcel which partially abuts the Williamson Act property and whether or not the proposed split is consistent with the General Plan policies that protect agriculture. The other issues are the expansion of the Community Region boundaries and the rezoning of the RA-20 parcels.

Relating to the 10-acre parcel split, Bill Stephans stated that under the Agriculture and Forestry Element of the General Plan, Policy 8.2.2.5 might also apply to this request as it states, “New parcels adjacent to parcels zoned for agriculture shall not be created unless the size of the parcel is large enough to allow for an adequate setback from the surrounding agricultural parcels for any incompatible uses.” If it is a five-acre parcel, currently the Administrative Relief guidelines adopted by the Board of Supervisors, allows a reduction in setback by the Development Services Director because it would be a five-acre parcel.

Planning Services staff explained to the Commission that if the expansion of the Community Region is not approved by the Board of Supervisors, the whole project would be denied because the project is contingent on that major change. The Record of Survey included in the Commission’s information packets shows that the current Community Region boundaries follow the old boundary lines of the parcels prior to a series of approved and recorded boundary line adjustments. The boundary appears to follow the old parcel line of Tract 6 which was outside of the Community Region the adopted General Plan.

Camille Courtney, representing the applicants, gave a Power Point presentation to clarify the application request. The slides detailed the split of the RE-5 zoned 10-acre property (referred to as the Georgiades parcel) and also the expansion of the Community Region boundary line. Approximately 300 feet of the parcel borders the Ag Preserve. The existing residence is approximately 535 feet away from the AE parcel (Ritchie parcel APN 090-260-011). The new parcel is proposed to be located to the east of the existing parcel; therefore, in Ms. Courtney’s opinion, the proposed split will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities. The request to move the Community Region boundary line was described by the applicant as a request to correct an error. In 1998 the EDC Board of Supervisors approved a General Plan Amendment and related zone change to include all property on the Shinn Ranch (both above and below the community region line). In her opinion the line, as drawn, was an error, which should be corrected.

Peter Maurer explained that in 1998 the County approved a project that changed some original Land Use Designations to Medium Density, Rural Region to accommodate a

proposed golf course with a portion of High Density Residential to be located in the middle of the proposed project. He speculated that that since a golf course could be in a Rural Region, the boundary did not need to be changed, or it may have been simply overlooked. The Planning Commission has already recommended Approval of this application although the Ag Commission should have heard it prior to their recommended approval pursuant to General Plan Policy 8.1.4.1. and the fact that a parcel in the project is adjacent to AE zoned land that contains an active vineyard operation.

Marty Morris, a member of the public representing her parents who have property adjoining one of the subject parcels which borders the project on two sides, expressed her concerns. The back portion of their property is unimproved and heavily wooded. She believes they face a fire liability from the six houses being proposed along their property line. She requested relief in the form of an Ag Setback and the construction of a concrete wall. She also stated their objection to the rezoning of APN 331-070-01 which borders their property to the north as the applicants had previously stated to the Planning Commission that the property was being donated to a Federal Conservation Easement and that the ten acres will be Open Space forever. She questioned that if this is true, how could it be rezoned as High Density Residential. She then requested the Ag Commission to deny the rezoning of this parcel to insure the continued habitat and wildlife that resides there.

Peter Maurer explained that the portion of the project site, referred to by Ms. Morris, would be left as Open Space as part of the Planned Development and if it is approved, the Development Plan is locked in. No other project could be approved without going through the public hearing process to modify the project. The entire site is being rezoned to accommodate the proposed density. The Planned Development utilizes clustering and open space so that portion of the project is required to be Open Space if approved by the Board.

Thalia Georgiades explained that her parcel only partially adjoins the Ag Preserve parcel. In her opinion, the new 5 acre parcel she is proposing to create would not be adjacent to the Ag parcel. It would be within the Community Region. Because she has retained the RE-5 zoning, she believed she would be able to split her property into two five-acre parcels. She has lived next to the vineyard and does not see a compatibility issue. Regarding the Community Region boundary, when the Shinn Ranch project was approved in 1998 a higher density land use (MDR) was located outside the Community Region boundary.

Another neighbor expressed his concerns and concurred with Ms. Morris.

Art Marinaccio gave a brief history of the project and stated he believes that moving the Community Region boundary Line would only be correcting a mistake.

Greg Boeger, as a member of the public, stated that he has leased the Ritchie property since 1993 which was one of the first vineyards in the County, along with the Walker vineyard planted in the 1960's. He explained that the undeveloped portion of the AE parcel next to the RE-5 property probably contains good soil for grapes and has a potential for a future vineyard site. He would not want to preclude the possibility of that part of the property being developed as a vineyard. He asked if a granny flat could be built on a five-acre parcel. Staff confirmed that this would be possible. Mr. Boeger suggested that this could be an issue if

the property is split because a potential new owner could build a granny flat closer to the Ag Preserve and if it is five-acres and in a Community Region, the 200' setback could be reduced.

Bill Stephans concurred with Mr. Boeger's assessment in that the Board adopted certain criteria that allow the Development Services Director to reduce the Agricultural setback by up to 75% (50 foot setback) on either a five-acre parcel or if it is in a Community Region.

Mr. Boeger also expressed concerns that there is a six inch water main line through the project property. Although the project may be using another main line, he often has to frost protect the entire twenty acre vineyard which may result in the water capacity being diminished if the project is approved.

Referring to the water issue, Ms. Courtney stated that they will be required to build a whole new water system, looping the water off Mother Lode, which will not be using the existing water line.

Ms. Georgiades clarified that the water line, referred to by Mr. Boeger, was a private line installed to service the vineyard. The Shinn Ranch has two dedicated high capacity meters.

In his opinion, Bill Stephans stated that GP policy 8.1.3.1 still applies because the current ten-acre parcel is proposed to be split into two 5 acre parcels which will create one 5 acre parcel partially adjacent the AE property. General Plan policy 8.1.3.1 states "Agriculturally zoned land including Williamson Act Contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands." There are no policies he is aware of that reduces the buffer requirements even if the project is in a Community Region. The split creates a five-acre parcel adjacent to Ag land. A 200 foot setback applies.

Motion #1: It was moved by Mr. Walker and seconded by Mr. Pratt, to recommend APPROVAL of the extension of the Community Region boundary line as proposed by the applicants. Motion passed.

AYES: Pratt, Walker, Heflin, Bacchi, Winner
NOES: None
ABSTAIN: Boeger
ABSENT: Ward

Motion #2: It was moved by Mr. Pratt and seconded by Mr. Walker, to recommend DENIAL of splitting parcel number 331-620-10 from a 10 acre parcel to two 5 acre parcels as it is adjacent to active Ag Preserve # 50. General Plan Policy 8.1.3.1 requires a 10 acre minimum parcel size adjacent to Williamson Act Contract parcels. General Plan Policy 8.1.3.2 requires a 200 foot setback adjacent to agriculturally zoned lands and should apply to this parcel as well. The Commission also recommends a 200' setback be recorded on the parcel map to permanently protect Ag Preserve 50. Motion passed.

AYES: Heflin, Pratt, Walker, Winner
NOES: Bacchi
ABSTAIN: Boeger
ABSENT: Ward

Motion #3: It was moved by Mr. Pratt and seconded by Mr. Walker to recommend APPROVAL of the rezone of parcels APN: 331-620-30 (referred to as 331-620-23 in the application) and APN: 331-620-13 from RA-20 to R1-PD and RIA-PD/R1PD respectively, as these parcels are in a Community Region and the findings can be made for General Plan Policy 8.1.4.1., a) The proposed rezone will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and b) The proposed rezone 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) The proposed rezone will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to Williamson Act parcels. General Plan Policy 8.1.3.2 requires a 200 foot setback adjacent to agriculturally zoned lands and should apply to these parcels if they are adjacent to agriculturally zoned lands. Motion passed.

AYES: Bacchi, Pratt, Walker, Heflin, Winner
NOES: None
ABSTAIN: Boeger
ABSENT: Ward

If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

JW:na

cc: Camille H. Courtney/Rancho Cortina Properties
Casey Feickert/TSD Engineering