

## FROM THE PLANNING COMMISSION MINUTES OF SEPTEMBER 26, 2013

### 9. REZONE (Public Hearing)

b. **Z12-0005/Thomson** submitted by ALEX THOMSON to rezone from One-Acre Residential (R1A) to Planned Agriculture (PA). The property, identified by Assessor's Parcel Number 325-080-16, consisting of 27.68 acres, is located on the south side of Green Valley Road, approximately 300 feet east of the intersection with Vista Lane, in the Placerville Periphery area, Supervisorial District 4. [*Project Planner: Aaron Mount*] (Negative Declaration prepared)\*

Peter Maurer presented the item with a recommendation to the Board of Supervisors for approval.

Chair Pratt voiced concern on Planned Agriculture zoning being within a Community Region.

Aaron Mount stated that an adjacent neighbor is concerned on Ranch Marketing activities and the Right-to-Farm Ordinance if this rezone was approved.

Commissioner Mathews inquired why a Special Use Permit was not being used since the concern is the potential use in the future and how to mitigate.

Alex Thomson/applicant made the following comments:

- Has been working with adjacent neighbor to mitigate concerns on scenic view, odor, and noise;
- Most of the shared boundary line is a wetlands area and is agreeable to limiting use in that 100 foot shared area;
- The intended proposed use would be a downgraded impact to the neighbor; and
- It's important to them to maintain a scenic view as they will have a produce stand on the property.

John Olson/adjacent property owner made the following comments:

- Concerned on long-term ramifications on rezone and not necessarily with Mr. Thomson's vision of the use of the land;
- If there was a new property owner, concerned on the uses that would be allowed by right and if the Right-to-Farm applied, then they would have no recourse on uses they would consider a nuisance; and
- Not opposed to project as long as they can condition/control it somehow.

Valerie Zentner/El Dorado County Farm Bureau made the following comments:

- Would like to see the land returned to its historical use of agriculture;
- Suggested having a deed restriction until there was a solution;
- No Special Use Permits for agricultural operations;
- Need to find a resolution so that the applicant would be allowed to sell off of his land;  
and
- Doesn't see a policy problem with the property being located in a Community Region as this type of agricultural use is the trend for those types of areas.

Nathanial Wilson/neighbor supported the rezone and would like to see the open space stay.

Chair Pratt closed public comment.

Mr. Maurer stated that the main concern is what might happen in the future. He explained that if there was no rezone, a hog farm, which was one of the concerns identified, could be allowed by right. He stated that given the location and size, it is likely that the proposed use would remain in the future.

County Counsel David Livingston explained that although there may be options available, given the analysis conducted on the environmental document, action could not be taken that day if they went that route.

Commissioner Stewart made the following comments:

- Wants to find a solution for applicant but needs to address the concern of future use and suggested multi-zoning;
- Would like to see a continuance in order for staff to research other options and analyze its affects to the environmental document; and
- Fully supports agriculture.

Commissioner Heflin made the following comments:

- Wants to preserve the agricultural right;
- Suggested moving forward with staff's recommendation as no one knows what the other options may be;
- Understands neighbor's concerns, but this is a very unique case; and
- Supports agriculture.

Commissioner Mathews made the following comments:

- Likes the agricultural part;
- Only solution is outside the Commission's control in which the applicant and neighbor create their own CC&Rs; and
- Suggested continuing the item to allow the applicant and neighbor to discuss creating an agreement that would resolve future concerns.

Commissioner Shinault liked the idea of open space and restricting any potential development in that area.

Chair Pratt made the following comments:

- One option is to consider different zoning districts;
- Ideal zoning for this doesn't exist now but is proposed in the Zoning Ordinance Update;
- This is a transitional area regardless if it is within a Community Region; and
- Needs to be flagged for review in the Zoning Ordinance Update.

There was no further discussion.

**Motion #1**

**Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (3-2), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve Rezone application Z12-0005 based on the Findings as presented.**

**AYES: Shinault, Heflin, Pratt**

**NOES: Stewart, Mathews**

**Motion #2**

**Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (5-0), to direct staff to bring this specific site to the attention of the Long-Range Planning Division for consideration of appropriate zoning to address the identified concerns with the comprehensive Zoning Ordinance Update.**

**AYES: Stewart, Mathews, Shinault, Pratt, Heflin**

**NOES: None**