



AGRICULTURAL COMMISSION

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Greg Boeger, Chair – Agricultural Processing Industry
David Bolster Vice-chair – Fruit and Nut Farming Industry
Chuck Bacchi – Livestock Industry
Bill Draper – Forestry Related Industries
Ron Mansfield – Fruit and Nut Farming Industry
Tim Neilsen, Livestock Industry
Lloyd Walker – Other Agricultural Industries

MINUTES

April 10, 2019
6:30 P.M.

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

Members Present: Walker, Bacchi, Neilsen, Mansfield, Draper, Bolster, Boeger
Ex-Officio Members Present: Charlene Carveth, Agricultural Commissioner
Media Members Present: None
Staff Members Present: Myrna Tow, Clerk to the Agricultural Commission
LeeAnne Mila, Agriculture Department

I. CALL TO ORDER

- Chair, Greg Boeger, called the meeting to order at 6:30 p.m. and asked for a voice vote for approval of the Agenda of April 10, 2019.

Motion passed:

AYES: Walker, Mansfield, Boeger, Neilsen, Draper, Bolster
NOES: None
ABSENT: Bacchi (Late)
ABSTAIN: None

ACTION ITEMS

II. Item # 19-0405 APPROVAL OF MINUTES of January 9, 2019

Chair Boeger called for a voice vote for approval to approve the Minutes of January 9, 2019 as submitted.

Motion passed:

AYES: Walker, Mansfield, Boeger, Neilsen, Bolster, Draper
NOES: None
ABSENT: Bacchi (Late)
ABSTAIN: None

III. PUBLIC FORUM – None

**IV. Item # 19-0590 ADM18-0262/Andrew & Stephanie Maltbie
Administrative Relief from Agricultural Setback Assessor's Parcel
Number: 043-470-03**

During the Agricultural Commission's regularly scheduled meeting held on April 10, 2019 the Commission reviewed the following request from Planning:

Planning Request and Project Description:

Planning Services is requesting review for administrative relief from the agricultural setback for the above referenced project. This request is to allow for the expansion/construction of additional living space. The project would convert an existing attached garage to living space, add a small carport in front of this conversion, and expand the existing house with living space to the north, northeast and east, adding small covered patios to the west and south of this portion of the expansion, and adding a garage. The existing single family dwelling was built circa 1954.

The applicant's parcel, identified by APN 043-470-03, has a General Plan Designation of Agricultural Lands, Agricultural District Overlay (AL-A), is zoned Planned Agriculture (PA-20) but consists of only 2.64 acres. Its address is 2374 Cable Road, in the Camino Area Thorn Road. (Supervisor District: 3).

Unique to this request for agricultural setback relief is that virtually all the areas to which the expansion of living space (a non-compatible use to the adjacent agricultural zoning/use(s)) is proposed, is within a required agricultural setback of 200' from agricultural zoning to the west through the south east (Planned Agriculture, Twenty Acres (PA-20)). Although the subject parcel has Cable road along its southern property line, technically a separation of adjacency, agricultural lands, and potentially a 200' agricultural setback exist across Cable Road to the south, southeast (Also PA-20 zoning), The car port and the garage are not, non-compatible to agricultural and are accordingly not subject to agricultural setbacks. The applicant has indicated that they currently have no intention of converting the carport and/or the garage to non-compatible uses in the future.

Accordingly, the applicant is requesting agricultural setback relief from all property lines. Along the western property line, the reduction would be 161' to proposed setback of 39'. Along the north east, east, southeastern property line(s) the reduction would range from 70'-88'; the resultant setbacks becoming 130' to 88'. Along the Cable Road (southern property line), should the proposed reductions be approved, the "new residence" would be located approximately 106' from Cable Road/southern property line.

The adjacent agricultural zoned parcels have APNs of 043-470-21, 043-470-39 from the west through the east, south east. APNs 043-440-59, 043-440-64 and 043-440-63 have agricultural zoning across Cable Road to the southeast through the south. All of these agricultural parcels are zoned Planned Agriculture, Twenty Acres (PA-20).

Parcel Description:

- Parcel Number and Acreage: 043-470-03, 2.64 Acres

- Agricultural District: Yes
- Land Use Designation: AL = Agricultural Lands
- Zoning: PA-20 (Planned Agriculture, 20 Acres).
- Soil Type: All Choice Soils

Discussion:

A site visit was conducted on March 6, 2019 to review the expansion/construction of additional living space

Staff Recommendation:

Staff recommends APPROVAL of the Tuso/Maltbie request to allow for the expansion/construction of additional living space from an existing house,(utilizing the requested setbacks), as staff believes the findings that the Agricultural Commission is required to make by Resolution No. 079-2007 and adopted by the Board of Supervisors on April 17, 2007, can be made:

- a) *No suitable building site exists on the subject parcel except within the required setback due, but not limited to, compliance with other requirements of the General Plan or other County development regulations;*
 - a. ***The entire parcel is within the 200 foot setback. There are no new building sites being requested.***
- b) *The proposed non-compatible structure will be located on the property to reasonably minimize the potential negative impact on adjacent agriculturally zoned land;*
 - a. ***The existing structure being requested for conversion is a single dwelling home with an attached garage. The request is to increase the footprint. No additional building sites are being requested. The existing living structure was built in 1954.***
- c) *Based on the site characteristics of the subject parcel and the adjacent agriculturally zoned land including, but not limited to, topography and location of agricultural improvements, etc., the Commission determines that the location of the proposed non-compatible structure would reasonably minimize potential negative impacts on agricultural or timber production use; and*
 - a. ***The utilization of the current single family dwelling will minimize the impacts on adjacent agriculture.***
- d) *There is currently no agricultural activity on the agriculturally zoned parcel adjacent to the subject parcel and the Commission determines that the conversion to a low or high intensive farming operation is not likely to take place due to the soil and/or topographic characteristics of the adjacent agriculturally zoned parcel or because the General Plan*

Land Use Designation of the surrounding or adjacent parcels is not agricultural (e.g. Light/Medium/High Density Residential).

Staff also recommends that the applicant comply with Resolution No. 079-2007 Exhibit A of the Board of Supervisors pertaining to the adoption of the Criteria and Procedures for Administrative Relief from Agricultural Setbacks. Section B.5 requires the following action by the applicant: In all cases, if a reduction in the agricultural setback is granted for a non-compatible use/structure, prior to the issuance of a building permit, a Notice of Restriction must be recorded identifying that the non-compatible use/structure is constructed within an agricultural setback and that the owner of the parcel granted the reduction in the agricultural setback acknowledges and accepts responsibility for the risks associated with building a non-compatible use/structure within the setback.

If the Agricultural Commission cannot make the required findings in Resolution No. 079-2007, an application may be made to the Board of Supervisors for administrative relief. Such relief may be granted by the Board of Supervisors upon a determination by the Board taking all relevant facts into consideration that the public interest is served by the granting of the relief. Such applications shall be made to the Development Services Department and a recommendation made to the Board of Supervisors.

Chair Boeger addressed the public for comment; the applicant did not wish to address the Commission but was available for any questions.

It was moved by Commissioner Bolster and seconded by Commissioner Walker to recommend APPROVAL of staff's recommendations as stated above for the Maltbie's request for relief from the agricultural setback to allow for the expansion/construction of additional living space with setbacks as stated above. The proposed building site is adjacent to agricultural zoned parcels with APNs of 043-470-21, 043-470-39 from the west through the east, south east. APNs 043-440-59, 043-440-64 and 043-440-63 have agricultural zoning across Cable Road to the southeast through the south. All of these agricultural parcels are zoned Planned Agricultural, Twenty Acres (PA-20).The Ag Commission believes the findings required by Resolution No. 079-2007 and adopted by the Board of Supervisors on April 17, 2007, can be made.

Motion passed:

***AYES: Walker, Mansfield, Boeger, Neilsen, Bolster, Draper
NOES: None
ABSENT: Bacchi (Late)
ABSTAIN: None***

V. Item # 19-0591 Major Zoning Ordinance Amendment Project Proposed Zoning Ordinance Major Amendments - Agricultural Related Items (File No. OR17-0002)

During the Agricultural Commission's regularly scheduled meeting held on April 10, 2019, a

presentation by Planning Services for Zoning Ordinance Major Amendments was reviewed with Anne Novotny presenting.

EXECUTIVE SUMMARY

The El Dorado County Planning and Building Department, Planning Services Division, Long Range Planning Unit has initiated the Zoning Ordinance Major Amendments project to address issues identified during implementation of the comprehensive Zoning Ordinance Update adopted by the Board of Supervisors on December 15, 2015. The proposed project includes modifications to existing land uses, additional or expanded land uses including agricultural related land uses, improvements to planning permit processing including general review procedures, modifications to public noticing, and several parcel specific rezones.

The specific agricultural related text amendments include modifications to Ranch Marketing Uses for Agricultural Grazing Lands and Full Service Winery Facilities. Additionally, there are two parcel specific rezones that will correct documented mapping errors involving agriculturally zoned lands within the Mount Aukum and Placerville area. Staff has prepared the proposed agricultural related zoning amendments for consideration and is requesting a formal recommendation from the Agricultural Commission. This recommendation will then be forwarded to the Planning Commission and, subsequently; final action to be taken by the Board of Supervisors.

BACKGROUND / HISTORY

On December 15, 2015, the Board of Supervisors (Board) adopted a comprehensive Zoning Ordinance Update (ZOU) and directed staff to return to the Planning Commission and Board to report on implementation of the ordinance. From January 2016 through June 2017, staff compiled a list of proposed minor and major amendments to the Zoning Ordinance and Zoning Map to address issues identified during implementation of the ZOU.

On September 12, 2017, the Board adopted two Resolutions of Intention (ROIs) to initiate the proposed amendments to Title 130 (Zoning Ordinance): ROI 139-2017 for the Minor Amendments and ROI 140-2017, Legistar File 17-0901 for the Major Amendments (Exhibit A).

On March 14, 2018, the Agricultural Commission held a public hearing regarding agricultural related items of the Minor Zoning Ordinance Amendments and forwarded a recommendation of approval to the Planning Commission. At this hearing, the Agricultural Commission was informed about the upcoming agricultural related items of the Zoning Ordinance Major Amendments project which at the time included the following: 1) expansion of winery uses for specified zones within General Plan Agricultural Districts; 2) expansion of ranch marketing uses for livestock grazing operations; and 3) adding "Aviaries, Commercial" to animal raising as an allowed use by Conditional Use Permit in Residential, One to Three Acres (R1A, R2A, R3A), and Residential, Estate (RE) zones. (Refer to the County's online agenda calendar:

<https://eldorado.legistar.com/Calendar.aspx>, Board of Supervisors Agenda Date: 9/12/2017, Item 21, File No. 17-0901, Executed Resolution 140-2017, Exhibit A, Line Item No. 4, 5, and 7).

On June 28, 2018, the Planning Commission held a public hearing on the Zoning Ordinance Minor Amendments and Minor Revisions to the Zoning Map and approved staff's recommended actions to forward to the Board.

On August 14, 2018, the Board adopted the Title 130 Zoning Ordinance Minor Amendment (Ordinance No. 5090) and a separate rezone ordinance (Ordinance No. 5088) to correct 11 parcel-specific errors on the adopted Zoning Map. The Title 130 Zoning Ordinance Minor Amendment became effective on September 13, 2018.

On January 24, 2019, staff conducted a Planning Commission public workshop for information purposes only, regarding the proposed Zoning Ordinance Major Amendments project. Staff presented an outline of the components of the project for purposes of soliciting early community engagement and direction from the Planning Commission.

PROPOSED PROJECT

The Zoning Ordinance Major Amendments project includes modifications to both the text and Zoning Map. The proposed text amendments involve the following land uses: distilleries; professional and medical offices; vehicle sales and rentals; self storage (mini-storage); drive through facilities; winery: full service facilities in the Commercial, General zone; aviaries; and mobile services. The agricultural related land use items include expanding ranch marketing uses for agricultural grazing lands and expansion of full service wineries. Additionally, modifications are proposed to planning permit processing and public noticing procedures including the following: general review procedures; public notice requirements and procedures; home occupation limitations; child care facilities; and temporary use permits.

There are also several proposed rezones that will correct documented mapping errors and include the following areas: Somerset (one parcel); Greenwood (four parcels); Meeks Bay Area (12 parcels); Mount Aukum (one parcel); and Placerville (two parcels).

Agricultural-Related Components of the Proposed Zoning Ordinance Major Amendments

The proposed Zoning Ordinance Major Amendments includes modifications to several agricultural related land uses and rezones of agricultural lands that will correct documented mapping errors. Since staff presented the components of the project to the Agricultural Commission in March of 2018, staff has determined that the allowance of aviaries is more appropriately a land use amendment and does not fall under the purview of the Agricultural Commission. Each agricultural amendment is identified in subsequent sections of the staff report.

Ranch Marketing Uses for Agricultural Grazing Lands

Currently, the Zoning Ordinance allows commercial activities on agricultural lands which are accessory to an agricultural operation. Such commercial activities includes the following: processing; packaging; sale of agricultural products; bake shop; dining facility; handicrafts; food stand and chuck wagon; and special events. Currently, this land use is allowed only in the Agricultural Grazing (AG) zone. The proposed zoning amendment will allow ranch marketing uses in all agricultural zones including: Agricultural Grazing (AG), Limited Agricultural (LA), and Planned Agricultural (PA). At the Planning Commission public workshop on January 24, 2019, this proposed amendment did not receive any comments by the Planning Commission or the public. The full text of the proposed agricultural-related amendments is included in the staff report (Exhibit B).

Wineries: Full Service Facilities

Currently, the Zoning Ordinance defines a winery as a “facility producing and bottling wine for sale”. Full service facilities are defined as “those facilities used for production, bottling, wine tasting, and retail sales of wine and other incidental goods”. A full service winery use is currently allowed by Conditional Use Permit (CUP) in the Limited Agricultural (LA) zone if located on property totaling 10 acres or greater. The proposed amendment would allow the full service winery uses by right in the LA zone, if 10 acres or greater and within General Plan Agricultural Districts and would allow full service winery uses by CUP in the LA zone, if 10 acres or greater and out of Agricultural Districts.

At the Planning Commission public workshop on January 24, 2019, one commissioner requested that staff consider the allowance to apply to property of 20 acres or greater, instead of 10 acres, and within General Plan Agricultural Districts. Staff has researched the list of active wineries within El Dorado County and has determined that there are approximately 107 active wineries (Exhibit C). Out of the 107 active wineries, 57 wineries were identified through business licensing information and acreages were derived for said wineries. Out of 57 wineries, a total of 27 wineries or 47 percent are 20 acres or less in size. The small data sample demonstrates that a large percentage of existing wineries all throughout El Dorado County are 20 acres or less in size. Given the high number of existing wineries under 20 acres in size, staff does not recommend modifying the Wineries Allowed Uses Matrix by increasing the acreage threshold from 10 to 20 acres. Increasing the threshold to 20 acres could potentially result in many non-conforming wineries based upon their existing acreage.

Agricultural Lands Rezones

Staff has identified the following parcel specific rezones involving agricultural zoned lands to correct documented mapping errors of the Zoning Map.

Mount Aukum Area (one parcel)

Assessor Parcel Number (APN): 095-160-15 is approximately 13.17± acres in size, currently zoned Limited Agricultural – 10 acres (LA-10) and designated as Rural Residential (RR) in the General Plan. Several years ago, the former property owner had requested a rezone through the Ag Opt-In process and the County agreed to rezone the property to Planned Agricultural – 10 acres (PA-10). However, this rezone was omitted in error. On February 12, 2019, El Dorado County received a letter from the current property owner describing their involvement with the rezoning of this property (Exhibit D). At the Planning Commission public workshop of January 24, 2019, the Commission did not have any comments regarding this rezone. The current property owner attended the public workshop and offered support for the rezone. Planning staff is recommending that this parcel be rezoned from LA-10 to PA-10 (Exhibit E).

Placerville Area (two parcels)

Assessor Parcel Numbers (APNs): 084-200-57 and 084-200-12 are approximately 42 acres in size, currently zoned Limited Agricultural – 10 acres (LA-10) and designated as Rural Residential (RR) in the General Plan. Several years ago, the property owner had requested a rezone through the Ag Opt-In process and while the County agreed to rezone the property to Planned Agricultural – 10 (PA-10). However, this rezone was omitted in error. Staff was not aware of these incorrectly zoned properties until after the Planning Commission public workshop of January 24, 2019. The current property owner contacted planning staff after the public workshop and provided the necessary documentation indicating that the property is currently incorrectly zoned (Exhibit F). Planning staff is recommending that this property be rezoned from LA-10 to PA-10 (Exhibit G).

Chair Boeger addressed the public for comment; The two land owners of the proposed zoning changes both commented they were in agreement of the Amendment.

It was moved by Commissioner Walker and seconded by Commissioner Bolster to recommend APPROVAL of Planning Staff’s recommendation of the agricultural-related Zoning Ordinance Major Amendments as presented.

Motion passed:

AYES: Walker, Neilsen, Draper, Bolster, Mansfield, Boeger
NOES: None
ABSENT: Bacchi (Late)
ABSTAIN: None

VI. Item # 19-0592 AT&T Tower, Gold Hill/Coloma (Project File No. CUP18-0007)

During the Agricultural Commission’s regularly scheduled meeting held on April 10, 2019 the Commission reviewed the following request from Planning:

Planning Request and Project Description:

Planning Services is processing the attached application for a new Conditional Use Permit and requests the project be placed on the earliest available Agricultural Commission Agenda for advisory review and comment. The applicant is requesting the following:

Conditional Use Permit CUP18-0007 Project description: A request for a Conditional Use Permit for the construction and operation of a new wireless communication facility located on the north central portion a 50.0 acre parcel, APN 089-010-75. The parcel has a General Plan Land Use Designation of Agricultural Lands (AL) and a zoning designation of Agricultural Grazing, 40-Acre (AG-40). The project would authorize the construction of a 115-foot high broadleaf wireless communication facility, enclosed walk-in equipment shelter and emergency backup generator contained within a fenced 50-foot x 50-foot leased area. The project site is located on the north side of Thompson Hill Road approximately 1,500 feet north of the intersection with Los Robles Road in the Gold Hill/Coloma area.

The following General Plan Policy directs Commission guidance:

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.

Parcel Description:

- Parcel Number and Acreage: 048-090-04, 52.24 Acres
- Agricultural District: Yes
- Land Use Designation:AL = Agricultural Lands
- Zoning: AG-40 – Agricultural Grazing, 40 Acres
- Soil Type: Choice-
 - Aubery coarse sandy loam, 5 to 9 percent slopes
 - Auberry rocky coarse sandy loam, 5 to 15 percent slopes

Chair Boeger addressed the public for comment; the applicant, AT&T Maria Kim was available for questions and brought a sample of the Broadleaf Tower.

It was moved by Commissioner Neilsen and seconded by Commissioner Draper

to recommend APPROVAL of a Special Use Permit for the proposed cell phone tower location based on the placement not having an impact on Agriculture on the subjects parcel and the adjacent area. The Ag Commission believes the findings required by Policy 8.1.4.1 A as listed above can be made.

Motion passed:

AYES: Walker, Mansfield, Boeger, Neilsen, Bolster, Draper
NOES: None
ABSENT: None
ABSTAIN: Bacchi

VII. Item # 19-0593 AT&T CAF Lotus Project File No. CUP18-0014

During the Agricultural Commission's regularly scheduled meeting held on April 10, 2019 the Commission reviewed the following request from Planning:

Planning Request and Project Description:

CUP18-0014 is based on the following project description: Conditional Use Permit located on a 161.03 acre parcel, APN 104-090-13. The parcel has a General Plan designation of Rural Residential (RR) and a zoning designation of Rural Lands 40-Acre (RL-40). The Conditional Use Permit proposes the construction and operation of a new communication facility located directly south of an adjacent Agricultural Grazing (AG) zoned parcel. The project would result in the construction of a 120 foot monopine tower located on a 40 foot by 45 foot compound with a 20kw AC Diesel Generator with 92 Gallon Belly Tank. The project site is located on the west side of Coffey Lane approximately 1,300 feet northwest of the intersection with East El Largo Drive in the Lotus area. (District IV)

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:

- D. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- E. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- F. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Parcel Description:

- Parcel Number and Acreage: 104-090-13, 161.03 Acres
- Agricultural District: No
- Land Use Designation: RR = Rural Lands
- Zoning: RL-40 – Rural Lands, 40 Acres
- Soil Type: No Choice Soils

Chair Boeger addressed the public for comment; AT&T Jared Kearsley was available for questions. One member of the public addressed the Commission expressing concerns over the road being maintained. Chair Boeger mentioned that he could address this issue with the Planning Department as this Commission was addressing the Agricultural issues only. Jared mentioned that AT&T was responsible to leave the road in the same condition at completion of the three month project.

It was moved by Commissioner Draper and seconded by Commissioner Walker to recommend APPROVAL of a Special Use Permit for the proposed cell phone tower location based on the placement not having an impact on Agriculture on the subjects parcel and the adjacent area. The Ag Commission believes the findings required by Policy 8.1.4.1 A as listed above can be made.

Motion passed:

AYES: Walker, Mansfield, Boeger, Neilsen, Bolster, Bacchi, Draper
NOES: None
ABSENT: None
ABSTAIN: None

VIII. Item # 19-0594 AT&T CAF South Placerville Project File No. CUP18-0013

During the Agricultural Commission's regularly scheduled meeting held on April 10, 2019 the Commission reviewed the following request from Planning:

CUP18-0013 is based on the following project description: Conditional Use Permit located on a 10.16 acre parcel, APN 096-120-72. The parcel has a General Plan designation of Rural Residential (RR) and a zoning designation of Rural Lands 10-Acre (RL-10). The Conditional Use Permit proposes the construction and operation of a new communication facility located directly south of an adjacent Timber Production Zone (TPZ) parcel. The project would result in the construction of a 145 foot monopine tower located on a 40 foot by 45 foot compound with a 20kw AC Diesel Generator with 92 Gallon Belly Tank. The project site is located on the north side of Jim Hill Road approximately 2,400 feet west of the intersection with Fort Jim Road in the Placerville area.

The following General Plan Policy directs Commission guidance:

Policy 8.4.2.1 The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

130.40.350 - Timber Production Zone: Criteria, Regulations, and Zone Change Requirements G. Required Findings to Support Residential, Recreational and Other Non-Timber Uses.

Certain uses within the TPZ may be compatible with growing and harvesting timber in certain circumstances, and may be allowed by Conditional Use Permit. When approving a Conditional Use Permit, as allowed in Table 130.21.020 (Agriculture, Rural Lands and Resource Zone Districts Use Matrix) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title, for compatible, nontimber related uses, the review authority shall consider the recommendations of the Ag Commission and shall make the following findings:

1. The proposed use is compatible with and will not detract from the land's ability to produce timber;
2. Fire protection and public safety concerns have been adequately met, including the ability to provide adequate public access, emergency ingress and egress, and sufficient water supply and sewage disposal facilities;
3. The proposed use will not adversely impact the area's watershed, wildlife, and other natural resources.

Parcel Description:

- Parcel Number and Acreage: 096-120-72, 10.16 Acres
- Agricultural District: No
- Land Use Designation: RR = Rural Residential

- Zoning: RL-10, Rural Lands – 10 acres
- Soil Type: No Choice Soils

Chair Boeger addressed the public for comment; the applicant, AT&T Jared Kearsley was available for questions.

It was moved by Commissioner Bolster and seconded by Commissioner Neilsen to recommend APPROVAL of a Special Use Permit for the proposed cell phone tower location based on the placement not having an impact on Agriculture/TPZ on the subject parcel and the adjacent area. The Ag Commission believes the findings required by the Zoning Ordinance 130.40.350 (Timber Production Zone: Criteria, Regulations, and Zone Change Requirements G. Required Findings to Support Residential, Recreational and Other Non-Timber Uses) as listed above can be made.

Motion passed:

- AYES:** Walker, Mansfield, Boeger, Neilsen, Bolster, Bacchi, Draper
- NOES:** None
- ABSENT:** None
- ABSTAIN:** None

IX. Item #18-1916 Subject: Conservation Easement Priorities This item was discussed and was continued *from March 13, 2019 to see a mock write up for the Ag Commission to review. The following is the Mock write up discussed.*

Conservation Easement Criteria discussion

PARCEL SIZE	10 ACRES	20 ACRES	50 ACRES	100 ACRES	OTHER
		Minimum size if horticultural uses or Ag land that meets Williamson Act criteria	Minimum if Grazing land or Grazing land that meets Williamson Act criteria		If easement made up of multiple parcels, could be other acreage

Yolo County: Adequate size. Requires a 1:1 ratio of acres of Ag land preserved for each acre of Ag Land converted to urban use. Use in-lieu fee or purchase of conservation easement by the developer to do the mitigation.

Stanislaus County: Requires Land Use Designation of Agriculture, zoned Ag, minimum parcel size of 20 acres. Also requires a 1:1 mitigation ratio.

San Joaquin County: Requires Land Use Designation of Agriculture and be zoned for agricultural uses. Also requires a 1:1 mitigation ratio.

City of Hughson: Requires Land Use Designation of Agriculture and be zoned Ag, minimum parcel size of 20 acres. Requires a 2:1 mitigation ratio.

PARCELS			
	IN AN AG DISTRICT	OUT OF AN AG DISTRICT	BOTH
	Horticultural and/or Grazing land	Grazing land, Horticultural on case by case basis	Definitely Grazing lands

No District overlays noted in sampled jurisdictions.

SOILS				
	PRIME FARMLAND	FARMLAND OF	UNIQUE & SOILS OF	OTHER SOILS

		STATEWIDE IMPORTANCE	LOCAL IMPORTANCE	
	Important but not as relevant here	Important	Definitely this or better for Horticultural lands	This or better for Grazing lands

Yolo County: Class of soil for the mitigation land shall be comparable to, or better than, the land to be converted.

Stanislaus County: Mitigation land shall be equal or better soil quality than the agricultural land to be converted.

San Joaquin County: Mitigation land should be of comparable or better soil quality than the agricultural land to be converted.

City of Hughson: Preservation land shall be of equal or better soil quality than the agricultural land being converted.

WATER AVAILABILITY			
	EID	DITCH	WELLS
Water availability of any of these means are good	Good	Good	Good

All jurisdictions surveyed required an adequate water supply to support the agricultural use of the land.

URBAN PRESSURES				
	PROXIMITY TO SCHOOLS	NEAR CITY SPHERE OF INFLUENCE	NEARBY PARCELS SUBDIVIDED IN LAST 5	ADJACENT PARCELS REZONED IN LAST 5

			YEARS	YEARS
	Currently a big problem for long term viability with the way laws and regs are developing	Could be good way to protect Ag lands in the Ag District next to sphere of influence	Depends on the situation	Depends on the situation. Good if rezone was to an Ag zone

Yolo County: To qualify for farmland mitigation, a property cannot have a house on it that is less than 25 years old. Property must be viable for continues agricultural use. Mitigation land shall be located within 2 mile radius of the land subject to conversion (some exemptions). Intent is to work in coordinated fashion with the habitat conservation objectives of the Yolo County Joint Powers Authority habitat management program.

Stanislaus County: Mitigation lands shall be located outside a LAFCO adopted Sphere of Influence of a city.

San Joaquin County: The program shall be coordinated with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

City of Hughson: The agricultural preservation land must be located at least one-half mile outside a LAFCO adopted Sphere of Influence of a city.

(Most jurisdictions do not allow “stacking” of different types of conservation easements on the same agricultural parcel).

SUSTAINABILITY				
	PROFITABLE INCOME	CAPITAL OUTLAY	% OF PARCEL BEING UTILIZED	ENVIRONMENTAL SENSITIVITIES

	Important to sustain true farm and ranch operations, not hobby farms. But if ideal farmland may want to look at it.	Vet through Ag Commission	Vet through Ag Commission	On developed farm/ranch land really up to the owner if looking to do additional species protections. Grant funds tending to go in this direction.
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See notes in previous section.

Conservation Easement Priorities, follow up from Board of Supervisors Meeting 11/20/18 Item # 18-1425 (Continued from 12/12/18) (Continued from 1/9/19)

Department of Agriculture requesting the Agricultural Commission set a list of priorities for the newly established Conservation Easement Program:

1. Develop an Agricultural Conservation Easement program utilizing outside private organizations to hold funds, set up agricultural conservation easements and monitor and enforce the easements to minimize County staff costs.
2. Direct staff to prepare a program and resolution to bring back to the Board.

FUNDING: Voluntary easement donations by property owners requesting General Plan amendments or rezones from agricultural to non-agricultural zones, voluntary donations, grants.

DISCUSSION / BACKGROUND

The General Plan lists multiple objectives for the conservation and protection of grazing lands and other agricultural lands. Policy 8.2.4.1 states “Programs shall be developed that provide tax benefits and enhance competitive capabilities of farms and ranches thereby ensuring long-term conservation, enhancement, and expansion of viable agricultural lands. Examples of programs include but are not limited to, the following”:

- A. Support and allow private organizations to utilize conservation easements or other appropriate techniques to voluntarily restrict land to agricultural uses only.
- B. Continued use of Williamson Act Contracts (agricultural preserves).
- C. Formation of land trusts to preserve agricultural lands.
- D. Make available voluntary purchase or transfer of development rights from agricultural areas to appropriate non-agricultural areas.

El Dorado County has established various protections for agricultural lands such as; the General Plan Agricultural District overlay with minimum parcel sizes, the Agricultural Zones, Right to Farm, Ranch Marketing, Wineries, and Agricultural Preserves (Williamson Act) sections of the Zoning Ordinance. Even with these protections the California Department of Conservation's Farmland Mapping and Monitoring Program continues to show conversions of farm and grazing lands to urban uses in the county.

Urban development next to agricultural lands indirectly reduces the agricultural potential of remaining farms by increasing the potential for urban and agricultural conflicts. These conflicts can also reduce the current and future uses of the surrounding land for agricultural purposes.

The County's agricultural lands are currently facing two key development pressures. One is the pending retirements of many of the existing farmers and how the farm land will be handed down to family members and secondly, the subdivision of former grazing lands next to existing ranches.

Agricultural Conservation Easements

An Agricultural Conservation Easement program is another tool that can protect farm and grazing lands. The program involves the voluntary purchase or donation of development rights from willing landowners to public agencies or nonprofit organizations such as a land trust. The easement can be tailored to meet conservation objectives and allows farming/ranching to continue. It is a deed restriction that runs with the land in perpetuity. Easement prices are established by an appraiser with the expertise to segregate the value of the development rights. Voluntary funds collected from property owners or developers requesting General Plan Amendments can be held in a trust by the public agency or transferred to a nonprofit like the Community Foundation. The funds would be held until a willing seller with property that meets the County's conservation objectives (number of acres, adequate water supply, soils, etc.) is available. The public agency or land trust would monitor and enforce the restrictions set forth in the easement agreement.

Agricultural Conservation Easement benefits include:

- Keeping families on their farms by easing the intergenerational transfer of property,
- Keeping land in farming or ranching uses
- Increased access to capital for agricultural uses by property owners
- Undeveloped grazing lands cost less in public services
- Can contribute to watershed or oak woodland protections

This item was continued from March 13, 2019 to see a mock write up for the Ag Commission to review. The following is the Mock write up discussed.

El Dorado County Agricultural Conservation Easement Program Program Guidelines

Purpose.

The purpose of the Agricultural Conservation Easement Program (ACEP) is to implement the agricultural land conservation policies contained in the County of El Dorado General Plan related to Agricultural Land Conservation. The ACEP will aid in mitigating the loss of agricultural land resulting from residential development in the unincorporated areas of the county. The ACEP is designed to utilize agricultural conservation easements granted in perpetuity as a means of minimizing the loss of agricultural land.

Applicability.

These guidelines shall be applied by the County of El Dorado Agricultural Commission to review agricultural lands for consistency with the County's Agricultural Mitigation Land Strategy.

Definitions.

- (a) **Agricultural land.** Those land areas of unincorporated County of El Dorado, regardless of current zoning, that are either currently used for agricultural purposes or that are substantially undeveloped and capable of agricultural production.
- (b) **Agricultural use.** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry; and related accessory uses for packing, treating, or storing of produce or animal products that are secondary to normal agricultural activities.
- (c) **Agricultural mitigation land.** Agricultural land encumbered by an agricultural conservation easement or other agricultural conservation mechanism acceptable to the County.
- (d) **Agricultural Conservation Easement.** An easement over agricultural land for the purpose of restricting its use to agriculture consistent with these guidelines. Agricultural conservation easements acquired in accordance with these guidelines shall be established in perpetuity.
- (e) **Land Trust.** A nonprofit public benefit 501(c)(3) corporation or other appropriate legal entity operating in the County of El Dorado for the purpose of conserving and protecting land in agriculture.

Eligible Lands.

Land shall meet all of the following criteria in sections (a) through (e), below to qualify as agricultural mitigation lands:

- (a) Agricultural conservation easements resulting from this program shall be acquired from willing sellers only
- (b) **Parcel size.** The parcel is of adequate size, configuration and location to be viable for continued agricultural use. 20 acres minimum size for horticultural crops or 50 acres minimum size for grazing land or any parcel that meets the high intensive or low intensive farming operation criteria for county Williamson Act Contracts. Multiple parcels less than the minimum net acres listed above, that are adjacent to each other, can be merged to meet the minimum size requirement.
- (c) **Soil Quality.** The agricultural mitigation land shall be of comparable or better soil quality than the agricultural land whose use is being converted to non-agricultural use. Priority for horticultural crops will be given to lands with soils of unique and local importance or better in quality.
- (d) **Water Supply.** The agricultural mitigation land shall have an adequate water supply to support the agricultural use of the land. *The water rights on the agricultural mitigation land shall be protected in the farmland conservation easement.*
- (e) **Long term agricultural viability.** Other criteria that could affect the long term viability of the agricultural land. This could include such items as proximity to schools, proximity to residential uses, annual crop production, percent of parcel being utilized for agriculture, etc.
- (f) **Location.** The agricultural mitigation land shall be located in the unincorporated areas of the County of El Dorado.

Ineligible Lands.

The property is ineligible to serve as agricultural mitigation land if any of the circumstances below apply:

- (a) The property is currently under public ownership and will remain so in the future.
- (b) The property is subject to physical conditions that legally or practicably prevent converting the property to a non-agricultural use.
- (c) The property could not be developed for agricultural purposes due to other land development restrictions, such as wetland restrictions, endangered species, etc.

Minimum Conservation Requirements

- (a) All Agricultural Conservation Easements, or other agricultural conservation mechanisms shall be implemented through a legal instrument acceptable to

- County Counsel and the qualifying entity, such as a Land Trust, will receive the easement, and signed by all owners with an interest in the mitigation land.
- (b) The qualifying entity shall prohibit any uses or activities which substantially impair or diminish the agricultural productivity of the mitigation land, or that are otherwise inconsistent with the conservation purposes of this mitigation program. The existing water rights shall be protected and be retained with the agricultural mitigation land.
 - (c) The qualifying entity shall prohibit new residential and /or commercial development on the agricultural mitigation land that is not directly needed for agricultural production, regardless of existing zoning.
 - (d) Interests in agricultural mitigation land shall be held in trust by a qualifying entity in perpetuity. Except as provided in subsection (e) of this section, the qualifying entity shall not sell, lease, or convey any interest in agricultural mitigation land which it shall acquire.
 - (e) The conservation easement, or other conservation mechanism recorded pursuant to this program, can only be terminated by judicial proceedings. Termination shall not be effective until the proceeds from the sale of the public's interest in the agricultural mitigation land is received and used or otherwise dedicated to acquire interests in other agricultural mitigation land in the County of El Dorado.
 - (f) If any qualifying entity owning an interest in agricultural mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall pass to another qualifying entity.
 - (g) The qualifying entity, such as a Land Trust, shall monitor all lands and easements acquired in accordance with these guidelines and shall review and monitor the implementation of all management and maintenance plans for these lands and easement areas. It shall also enforce compliance with the terms of the conservation easement.

Chair Boeger recommended Agricultural Commissioner Carveth proceed with contacting the county with the "work in progress" and determining if this should be an Ordinance/Resolution and will bring it back to the Commission for future discussion.

X. UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth

Correspondence and Other Business – Charlene had one item that she requested a full review and not a conceptual review due to the adjacent Ag-40 parcels. Memo sent to Planning: PA 17-0003 – Villa Cielo Conceptual Review, APN 069-040-43 and 102-160-03 Based upon the Pre-Application information sent to the department for review on a General Plan Amendment from Rural Residential (RR) to Low Density Residential (LDR), Zone Change from Rural Lands-10 Acre (RL-10) to Estate Residential-5 Acre/Planned Development (RE-5/PD) and Open Space/Planned Development Tentative subdivision map creating: 23 two acre residential parcels, I request the project be forwarded to the Agricultural Commission for review due to the potential impacts to the AG-40 parcels to the south of the project that are currently in Agricultural Preserve Contracts.

XI. ADJOURNMENT 7:55 pm

APPROVED: _____ **DATE: 05/8/19**
Greg Boeger, Chair