



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

July 12, 2017

6:30 P.M.

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

Members Present: Boeger, Neilsen, Draper, Walker, Bacchi, Bolster

Ex-Officio Members Present: Charlene Carveth

Media Members Present: None

Staff Members Present: Myrna Tow, Clerk to the Agricultural Commission
LeeAnne Mila, Agriculture Department
Evan Mattes, Planning Department
Aaron Mount, Planning 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 July 12, 2017

ACTION ITEMS

II. Item # 17-0761 APPROVAL OF MINUTES of June 14, 2017

Chair Boeger called for a voice vote for approval to approve the Minutes of June 14, 2017 as submitted.

Motion passed

AYES: Walker, Draper, Neilsen, Boeger, Bolster, Bacchi

NOES: None

ABSENT: Mansfield

III. PUBLIC FORUM- Liz Ryan of Oakstone Winery asked the Commission a question regarding her zoning as it incorrect. She will contact the Ag Department and the Building Department.

III. ITEM #17-0754 Subject: Siller Brothers Rezone Project File No. Z17-0002

During the Agricultural Commission's regularly scheduled meeting held on July 12, 2017 a request to review a new Rezone for four parcels ranging in size from 590 acres to six acres, APNs 062-071-08, 062-061-14, 062-061-16 and 062-061-17.

The applicants are requesting the following:

Z17-0002 is based on the following project description: Rezone for four parcels ranging in size from 590 acres to six acres, APNs 062-071-08, 062-061-14, 062-061-16 and 062-061-17. The parcels have a zoning designation of Forest Resource 160-Acres (FR-160) and Rural Lands 40-Acres (RL-40) and a General Plan Designation of Natural Resource (NR). The proposed rezone would change the zoning designation of all parcels to Timber Production Zone (TPZ). The parcels are located in the Georgetown area. District IV Michael Ranalli

Parcel Description:

- Parcel Number and Acreage: 062-071-08, 062-061-14, 062-061-016, 062-061-17
- Agricultural District: No
- Land Use Designation: NR – Natural Resources
- Zoning: 062-071-08 – RL -40, Rural Land 40 Acres
- Zoning: 062-061-14, 062-061-16, 062-061-17 – FR-160, Forest Resource 160 Acre

Discussion:

A site visit was conducted on June 30, 2017, to assess compliance with all relevant policies in regard to the proposed zoning change. Findings are below.

Relevant Policies:

General Plan Policies:

General Plan Policy 2.2.1.2 – This project is consistent with this General Plan Policy regarding land use designations. Rezoning of these parcels to Timber Production Zone is consistent with the land use designation of Natural Resources.

Natural Resource (NR): The purpose of the Natural Resource (NR) designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting/processing of those resources including water resources development from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. The important natural resources of the County include forested areas, mineral resources, important watershed, lakes and ponds, river corridors, grazing lands, and areas where the encroachment of development would compromise these natural resource values. Land under both public and private ownership that contain these resources, including wilderness areas and other lands managed for resource values and multiple use, are included in this category. This designation shall be applied to those lands which are 40 acres or larger in size and contain one or more important natural resource. Compatible uses on private land may include agriculture, rangeland, forestry, wildlife management, recreation, water resources development, and support single-family dwellings. The maximum allowable density for this designation is one dwelling unit per 160 acres or larger outside the National Forest Service lands and within “timber production” areas and one dwelling unit per 40 acres within river canyons outside of the

“timber production” areas. This designation is considered appropriate only in the Rural Regions. Isolated parcels outside the National Forest Service lands and below 3,000 feet elevation may be exempt from the one dwelling unit per 160 acre parcel size. If it is determined that such lands are unsuitable for “timber production,” one dwelling unit per 40 acres maximum density can be considered. Any modifications of this land use designation shall require one of the following findings: (1) No important natural resource exists on the property; or (2) If a project is proposed, it will significantly enhance the long-term production and preservation of the on-site resources through the application of development strategies such as fuels management plans, timber management plans, self imposed setbacks buffers, and open space. *Land Use Element El Dorado County General Plan*

Page 18 (Amended December 2015) July 2004

General Plan Policy 8.3.1.3 – This project is consistent with this General Plan Policy. The County Agricultural Commission shall assess lands to determine their suitability for timber production. Lands considered suitable for timber production shall be based on the following criteria:

A. Lands designated Natural Resource (NR) on the General Plan land use map or lands zoned Timber Production Zone (TPZ);

These parcels are designated Natural Resource (NR) on the General Plan land use map

B. Soils identified as El Dorado County “choice” timber production soils which shall consist of soils found on Timber Site Classifications I, II, or III as defined in the California Forest Handbook and the Soil Survey of El Dorado Area issued April 1974 by the USDA Soil Conservation Service and the U.S. Forest Service;

These lands have been designate as Class I timber lands

C. Lands used for commercial forestry/timber production;

These lands are being used for commercial timber production

D. Lands that possess topographical and other features that make them suitable for timber production;

The lands possess topographical and other features well suited for timber production. The project applicant acquired and began to commercially harvest these properties during the 1960’s and 1970’s. The project sites have a historic cutting cycle of about 20 to 25 years, with the last harvest occurring in the early 2000’s on the parcel identified by Assessor Parcel Number (APN) 062-071-08 in the Georgetown area. This cycle of cutting is anticipated to continue into

the foreseeable future so as to secure adequate regeneration, prevent over stocking and encourage growth rates.

E. Low development densities in vicinity.

The parcels identified as Assessor Parcel Numbers, 062-061-16, 062-061-14 and 062-061-17 are surrounded on all sides by similarly sized parcels zoned TPZ and FR-160. The parcel identified as APN 062-071-08 is surrounded by smaller large lot parcels, zoned FR-160, TPC, RL-160, RL-40 and RL-20 to the east and south. To the west are smaller parcels zoned Residential Estate 10-Acres (RE-10) and RE-5. TO the north there continues to be smaller RE-5 parcels and one Single-Unite Residential Parcel (R1), which consists of a mobile home park, located approximately 230 feet from the subject property line. The rezone to TPZ would create an applicable setback of 50 feet on parcels within the Georgetown Rural Center. As the project proposes no change in the current land uses of the parcels the project would be consistent with the heavily forested rural nature of the parcels within the project vicinity.

Zoning Policies:

130.21 – This project is consistent with this chapter of the zoning ordinance.

The subject parcels are currently zoned Forest Resource 160-Acres (FR-160) and Rural Lands 40-Acres (RL-40) and would be rezoned to Timber Production Zone (TPZ) with approval of the project. The project has been analyzed in accordance with Zoning Ordinance Section 130.21.030 (Development Standards) for minimum lot size, widths and building setbacks.

Properties zoned TPZ have a minimum lot size of 160 acres, with a minimum lot frontage of 200 feet. The project sites range in size from six to 590 acres. The six acre parcel and 40 acre parcel are currently zoned FR-160 and are located within the 590 acre sized parcel. As such these parcels are being analyzed cumulatively. The project would conform with the development standards of the TPZ zoning designation.

Timber Production (TPZ). The TPZ, Timber Production Zone, is applied to identify and regulate lands subject to the Forest Taxation Reform Act of 1976 (California Government Code Section 51110, et seq.). Criteria for establishing a TPZ is located in Section **130.40.350** (Timber Production Zone: Criteria, Regulations, and Zone Change Requirements).

130.40.350 – D.1, D.2, D.3 and E. This project is consistent with this chapter of the zoning ordinance

Timber Production Zone: Criteria, Regulations, and Zone Change Requirements

D. TPZ Rezone Application Requirements. In addition to the requirements set forth in Chapter 130.63 (Amendments and Zone Changes), the following is required as part of any zone change to TPZ:

1. Timber Production Assessment. Based on General Plan Policy 8.3.1.3, the **Ag Commission** shall assess property to determine its suitability for timber production. Their decision as to suitability shall be based, in part, on the following findings:

a. Property is identified as meeting Timber Site Classifications I, II, or III, as defined in the *California Forest Handbook* and the *Soil Survey of El Dorado Area* issued April 1974 by the USDA Soil Conservation Service and the U.S. Forest Service;

The timberlands included in the rezone application have been identified as timber site Class 1 in previous timber harvest plans. The properties are capable of growing an volume of wood fiber of at least 15 cubic feet per acre” as defined in California Government Code 51104(f)

b. Property is being used for commercial forestry/timber production;

The included timberlands are currently being managed by a team of Registered Professional Foresters which are employed directly by the owner. The past and current management objective is the sustained yield of commercial forest products.

c. Property possesses topographical and other features that makes it suitable for timber production;

The topography, soil composition, and climate associated with these timberlands makes them well suited for commercial forest management.

d. No conflict exists with adjacent high density development.

No known compatible use conflicts currently exist. This is a rural forested area east of Georgetown. The land use designation for this area in the General Plan is Natural Resources (NR).

2. Forest Management Plan. A forest management plan for the property shall be submitted that has been prepared or approved by a Registered Professional Forester, as defined in Article 8 (Glossary: See “Qualified Professional: Registered Professional Forester”). Prior to approval of the zone change application, the forest management plan shall be reviewed and approved by the Ag Commission. The forest management plan shall include, at a minimum, a discussion and recommendation on each of the following:

a. Commercial harvesting, a history of past operations, and recommendations for the

future;

The subject parcels have been under the ownership of the Siller family for more than 40 years. The Siller family and Siller Brothers Inc. have been involved in the California timber industry since the 1940's. The current owners and managers are second and third generation family members. The forest management of these timberlands is intertwined with the overall management of their entire timberlands ownership which is approximately 20,000 acres. Most of the Company's timberlands are located in Butte, Yuba, and Plumas Counties.

Commercial harvesting of the Buckeye and Quintette properties occurred when they were first acquired in the 1960's and 1970's. A commercial harvest last occurred on the Quintette property in the late 1990's. The timberlands near Buckeye were last harvested in the early 2000's. Thus, these timberlands have a historic cutting cycle of about 20 to 25 years. This pattern should continue into the foreseeable future in order to secure adequate regeneration, prevent over stocking and encourage growth rates.

b. Provisions for legal and physical access to the property so commercial operations can be carried out;

There are no identified legal or physical access issues associated with the subject properties. All properties are accessed via private roads owned by Siller Brothers Inc. Wentworth Springs Road, an El Dorado County maintained road traversed the southwest portion of the 590 acre Quintette parcel.

c. A reasonable attempt to locate the boundaries of the property and attempts to protect the property against trespass;

The property lines have been identified in the past, at the time of prior timber harvests. The owner's Forestry Staff reviews the property lines periodically in attempt to discover and prevent trespass.

d. Disease or insect control work;

The owner's Forestry Staff periodically performs a reconnaissance survey of the properties in order to detect potential insect and/or disease problems. If significant problems are detected, then a salvage harvesting operation and/or other silviculture treatment is implemented as necessary. Most insect and/or disease problems can be prevented by conducting periodic harvests which provide stocking control and improve overall forest health.

e. Thinning slash disposal, pruning, and other appropriate silvicultural work;

The owner's Forestry Staff evaluates the properties for various silvicultural treatments during periodic field reconnaissance tips. If thinning, pruning or other treatments are needed, then a recommendation is developed and made to the owner. These recommendations typically shorten or lengthen the time between periodic commercial harvests and/or stand treatments. Slash treatments are normally evaluated and prescribed in conjunction with the preparation of timber harvest plans.

f. A fire protection plan including a fuels management program;

No formal fire protection plan has been developed for these properties. The need for forest fuels treatment is normally evaluated and prescribed in conjunction with preparation of timber harvest plans. Past fuels treatments have been in compliance with State regulations. Company employees and contractors participating in timber harvesting or other forest management activities are required to comply with all governmental regulations related to fire prevention.

g. Erosion control on existing roads and skid trails along with maintenance of existing roads

Erosion control on skid trails and logging roads is accomplished at the time of harvesting and is in compliance with standards established by the California Forest Practice Rules. The maintenance of the private gated main access roads is performed as necessary. These roads receive minimal vehicle traffic.

h. Planting of a significant portion of the understocked areas of the land.

These timberlands currently meet the stocking standards established by the California Forest Practice Rules and California Public Resources Code 4561.

3. The property shall currently meet the timber stocking standards as set forth in the California Public Resources Code Section 4561 and the forest practice rules adopted by the State Board of Forestry for the district in which the property is located. As an alternative, the owner shall sign an agreement with the Board to meet the timber stocking standards and forest practice rules by the fifth anniversary of the signing of said agreement. After the zone change to TPZ is approved, failure to meet the state's timber stocking standards and forest practice rules within the five year time period will provide the Board grounds for rescinding the zone change of the property.

These timberlands currently meet the stocking standards established by the California Forest Practice Rules and California Public Resources Code 4561.

E. Continued Eligibility. The property owner shall continuously comply with at least six of the criteria in the forest management plan required under Subsection D.2 (Forest

Management Plan) above, in order to continue to be eligible for the TPZ classification.
***Specific Use Regulations Title 130 - Article 4 El Dorado County Zoning Ordinance
(Adopted 12/15/2015) Page 239***

Staff Recommendation:

The proposed rezone would change current zoning of the properties from Forest Resource 160-Acres (FR-160) and Rural Lands 40-Acres to Timber Production Zone (TPZ), which is consistent with the Natural Resource General Plan Land Use Designation. No physical change or impacts would be associated with the rezone. Staff has determined that the proposed project is consistent with the TPZ zone, as well as other applicable El Dorado County Zoning Ordinance requirements and General Plan policies and recommends support of the rezone.

Chair Boeger addressed the public for comment; Applicant's representative Richard Frye was available for questions.

It was moved by Mr. Bacchi and seconded by Mr. Bolster to recommend APPROVAL of Staff's recommendation of applicants request for rezoning four parcels ranging in size from 590 acres to six acres to Timber Production Zone (TPZ)., APNs 062-071-08, 062-061-14, 062-061-16 and 062-061-17. The parcels have a zoning designation of Forest Resource 160-Acres (FR-160) and Rural Lands 40-Acres (RL-40) and a General Plan Designation of Natural Resource (NR), which is consistent with the Natural Resource General Plan Land Use Designation.

Motion passed

AYES: Neilsen, Draper, Walker, Bacchi, Bolster, Boeger

NOES: None

ABSENT: Mansfield

**IV. 17-0643 Subject: ADM17-0035/Linares Administrative Relief from
Agricultural Setback Assessor's Parcel Number: 085-450-14**

During the Agricultural Commission's regularly scheduled meeting held on June 14, 2017 a request to review a request for administrative relief from the agricultural setback for Assessor's Parcel Number: 085-450-14 was heard by the Commission. This item was continued to July 12, 2017 for verification of slope and property line clarification. During the regularly scheduled meeting held on July 12, 2017 the Commission reviewed the request for Linares Administrative Relief from Agricultural Setback Assessor's Parcel Number: 085-450-14, for construction of a single family residence. According to the applicant, the proposed building site is approximately 50 feet from the property line of the adjacent PA-20 zoned parcels to the south (APNs: 085-470-03 and 085-470-04). The applicant's parcel, identified by APN 085-450-14, consists of 10.24 acres and is located on Kellygreen St. (Supervisor District 3).

Planning Services is requesting review of a request for administrative relief from the agricultural setback for the above referenced project.

Note: Applicant's request stated a relief request of a total of 150 feet (Required 200 foot setback minus the proposed 50 foot building setback from the property line).

Parcel Description:

- Parcel Number and Acreage: 085-450-14, 10.24 Acres
- Agricultural District: Yes
- Land Use Designation: RR – Rural Residential
- Zoning: RL-10, Rural Lands – 10 Acres
- Soil Type:
 - Choice Soils
 - HgD – Holland Coarse Sandy Loam 15 to 30 Percent Slopes

Discussion:

A site visit was conducted on June 1, 2017 to determine the potential location of the single family residence. The building site is approximately 50 feet from the property line of the adjacent PA-20 zoned parcels to the south (APN: 085-470-03 and 085-470-04).

Staff Recommendation:

Staff recommends APPROVAL of applicants request for administrative relief of an agricultural setback, allowing the single family residence to be located no less than 50 feet from the parcels to the south (APNs: 085-470-03 and 085-470-04), as staff believes that three of the four 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;*

The topography of the property severely limits the available building sites.

- b) *The proposed non-compatible structure will be located on the property to reasonably minimize the potential negative impact on adjacent agriculturally zoned land;*

The topography of the property and the adjacent agricultural properties provides a natural buffer.

- 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*

The proposed location of the single family home has been located to minimize potential negative impacts. There are several factors that support placement of the house in this location. The topography of the parcel and the topography of the adjacent agriculturally zoned properties provide a natural buffer. The exposure on these properties is north facing, potentially limiting crop production. APN: 085-470-03 is bisected by Greenbrook road, further limiting crop production potential. APN: 085-470-04 has no choice soils.

- 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 Linares commented and assisted on questions regarding the slope map provided, adding that the all neighbors had agreed to a new survey of the property. Aaron Mount from Planning Department gave an overview of the project pertaining to the Surveyor's recorded document from 2001 for Property line clarification.

Note: Public comment was heard on June 14, 2017; many neighbors commented on the property lines as there was a difference of opinion. Commissioner Bacchi inquired about a slope map that would allow a more detailed picture of the property. It was determined that the Commissioners would like more information and a motion was made to continue this item to July 12, 2017 A recording of the entire meeting is available at the Ag Commission office.

It was moved by Mr. Draper and seconded by Mr. Bacchi to recommend APPROVAL of Staff's recommendation of applicants request for administrative relief of an agricultural setback, allowing the single family residence to be located no less than 50 feet from the parcels to the south (APNs: 085-470-03 and 085-470-04), as staff believes that three of the four 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.

Motion passed

AYES: Neilsen, Draper, Walker, Bacchi, Boeger

NOES: None

ABSENT: Mansfield

ABSTAIN: Bolster

UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth

V: ADJOURNMENT 7:20 pm

APPROVED: _____ DATE: 08/9/17
Greg Boeger, Chair