

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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MEMORANDUM

DATE: December 1, 2008
TO: Planning Commission
FROM: Monique Wilber, Sr. Planner
SUBJECT: Policy 8.1.3.1 General Plan Amendment (A08-0002) and Criteria Resolution

As directed by the Planning Commission on October 9, 2008, Agricultural Department staff returned to the Agricultural Commission for input to determine if the decision-making process for developable land adjacent to agricultural land could be streamlined. Development Services Department is bringing the Agricultural Commission's recommendations back to the Planning Commission for review and direction.

Recommended Action:

1. Forward a recommendation to the Board of Supervisors to adopt the proposed amendment to General Plan Policy 8.1.3.1 and attached revised Criteria Resolution (Attachments 1 and 2) as recommended by the Agricultural Commission.

Background:

The Agricultural Commission, at their November 5, 2008 meeting, moved to again forward to the Planning Commission, the recommended General Plan amendment for General Plan Policy 8.1.3.1, as previously submitted, and Exhibit A, the criteria for consideration for reduction, which shall include additional language to address parcel requests in General Plan Land Use Designations of AP (Adopted Plans) as an exception listed in the criteria not required to be heard by the Agricultural Commission. Also, the supporting data analyses of the number of parcels potentially affected by Policy 8.1.3.1 in Community Regions and Rural Centers should be included as part of the documentation forwarded to the Planning Commission (see Attachments 3, 6-13).

The Agricultural Commission, at their November 12, 2008 meeting, moved to recommend to the Planning Commission the adoption of the proposed criteria (refer to Attachment 2) to allow the analysis of the creation of less than 10 acre buffer parcels adjacent to agriculturally zoned lands pursuant to General Plan Policy 8.1.3.1 (see Attachment 4).

Also, for your consideration, Supervisor Sweeney has initiated a Board agenda item (file number 08-1696) requesting Board review for clarification and implementation of General Plan Policies 8.1.3.1 and 8.1.3.2 to be heard at the Board meeting of December 9, 2008 (see Attachment 14).

Written public comments, provided by the “Community Coalition,” are attached as Attachment 15.

Discussion:

After the continuance by the Planning Commission, the Agricultural Department staff took this item back to the Agricultural Commission. Their presentation included a detailed analysis of parcels in Community Regions which illustrated that out of a total of 42,563 parcels there are a total of 96 parcels that could be affected by General Plan Policy 8.1.3.1 based on Land Use Designation, zoning, and parcel size. This equates to approximately .23% of all the parcels in Community Regions. There are 5,751 parcels in Rural Centers and approximately 62 may be affected by Policy 8.1.3.1, which is about 1.1% of the parcel total within Rural Centers.

The criteria put forward by staff and recommended by the Ag Commission will allow staff and the Ag Commission to analyze specific requests for the creation of a smaller parcel and to make informed recommendations as to whether a smaller parcel size is appropriate. This type of review and analysis appears to be the purpose of General Plan 8.1.4.1. Unless amendments are made to General Plan Policy 8.1.4.1, projects still must be heard by the Ag Commission if the project is adjacent to Ag land. The proposed criteria are a solution to unique situations where the 10 acre buffer does not seem to apply with no remedy for relief. The proposed criteria have been amended to allow a streamlined process in which the Development Services Director, subject to the concurrence of the Agricultural Commissioner, may approve the creation of a parcel no less than 5 acres with an Approved Plan (AP) Land Use designation or is created as open space to buffer ag-zoned lands.

Ag Commission members concurred that the proposed criteria be adopted because the current language in the policy is very specific in that it does not allow the creation of any parcel less than 10 acres adjacent to Ag zoned lands. The recommended General Plan Amendment gives the Ag Commission the flexibility to recommend smaller parcels when appropriate. The “one size fits all” approach of the Community Coalition’s alternate proposal will not protect Ag currently operating within the Rural Regions of the county and adjacent to Community Regions.

Attachments: Attachment 1 – Staff/Agricultural Commission Recommended Policy 8.1.3.1
General Plan Amendment
Attachment 2 – Criteria Resolution
Attachment 3 – Ag Commission November 5, 2008 Meeting Minutes
Attachment 4 – Ag Commission November 12, 2008 Motion
Attachment 5 – El Dorado County Community Regions/Policy 8.1.3.1 Statistics
Attachment 6 – El Dorado County Rural Centers/Policy 8.1.3.1 Statistics
Attachment 7 – Cameron Park CR/8.1.3.1 Map
Attachment 8 – Camino-Pollock Pines CR/8.1.3.1 Map
Attachment 9 – El Dorado Hills CR/8.1.3.1 Map
Attachment 10 – El Dorado-Diamond Springs CR/8.1.3.1 Map
Attachment 11 – Placerville CR/8.1.3.1 Map
Attachment 12 – Shingle Springs CR/8.1.3.1 Map
Attachment 13 – GPA A 08-0002 (Policy 8.1.3.1) Planning Examples
Attachment 14 – Supervisor Sweeney BOS Agenda Item December 9, 2008
Attachment 15 – Community Coalition Written Comments/Alternate Proposal
presented at October 9, 2008 Planning Commission Meeting

Staff/Agricultural Commission Recommended General Plan Policy 8.1.3.1 Amendment

The proposed amendment would provide flexibility for the decision makers on a subdivision to determine if buffers limiting the parcel size to something larger than otherwise permitted by the land use designation are necessary. The proposed amendment is as follows:

Policy 8.1.3.1 Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in residential density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. A parcel size of less than 10 acres may be considered, if the approving authority finds the parcel meets certain criteria and/or findings that are recommended by the County Agricultural Commission and adopted by resolution of the Board of Supervisors. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.



RESOLUTION NO.
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS, the 2004 General Plan establishes as Goal 8.1 the long-term conservation of existing and potential agricultural land and limiting the intrusion of incompatible uses, and

WHEREAS, the 2004 General Plan establishes as Objective 8.1.3 the protection of agricultural land from adjacent incompatible land uses, and

WHEREAS, Policy 8.1.3.1 has been amended to provide the tools to analyze requests for smaller parcels adjacent to agriculturally zoned lands to allow greater flexibility on the part of the approving authority, when appropriate to find that some agriculturally-zoned lands do not have the potential for agricultural use or are assigned a non-agricultural land use in the 2004 General Plan, and

WHEREAS, some lands exist within Community Regions and Rural Centers that are planned for more intensive land use but are presently zoned for agricultural uses or are adjacent to agriculturally zoned parcels, and

WHEREAS, the amendment to Policy 8.1.3.1 provides for criteria to be established by which the Agricultural Commission and the approving authority for development projects may determine that a proposed development project will not impact existing or potential agricultural land,

NOW THEREFORE, BE IT RESOLVED that the El Dorado County Board of Supervisors adopts Criteria for the Consideration of a Reduction of Minimum Parcel Size Agricultural Buffer Requirement of Policy 8.1.3.1 as further identified on Exhibit A.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the _____ day of _____, 200__, by the following vote of said Board:

Attest:
Suzanne Allen de Sanchez
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE: _____

Attest: SUZANNE ALLEN DE SANCHEZ, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____

Exhibit A
Criteria for the Consideration of a Reduction of Minimum Parcel Size Agricultural Buffer
Requirement of Policy 8.1.3.1

A. Pursuant to the 2004 General Plan Policy 8.1.3.1, the Development Services Director may approve the creation of a parcel(s) no less than 5 acres, subject to the concurrence of the Agricultural Commissioner, if the proposed parcel:

1. Has an Approved Plan (AP) Land Use designation, provided that the proposed parcel building envelop is situated in a manner that would reasonably minimize the potential negative impact(s) on the adjacent agricultural land, or
2. Is created as open space to buffer agriculturally-zoned lands. Open space parcels created for this purpose are not required to maintain the samelength to width ratio of other (developable) parcels, but shall be a minimum width of 200 feet adjacent to the agriculturally zoned land.

If the Development Services Director, with the concurrence of the Agricultural Commissioner, cannot approve the creation of a parcel no less than 5 acres under A.1 or A.2 above, the County Agricultural Commission may consider recommending to the approving authority the creation of a parcel(s) less than 10 acres adjacent to agriculturally zoned lands when the Commission finds that either criteria B or C of the following exists:

B. The project meets 1, 2 and (either a or b of) 3 of the following criteria:

1. The parcel is assigned an urban or other nonagricultural use in the Land Use Map for the 2004 General Plan; and
2. The proposed parcel size is consistent with the General Plan Land Use designation; and
3. The proposed parcel size will not intensify conflict with an adjacent agricultural operation; plus one of the following criteria:
 - a. The agriculturally zoned land contains less than 20% choice soils; or
 - b. There is currently no agricultural activity on the agriculturally zoned parcel(s) adjacent to the subject parcel and that the conversion to a low or high intensive farming operation is not likely to take place due to soil and/or topographic characteristics of the adjacent agriculturally zoned parcel(s).

C. The project meets at least one of the following criteria:

1. The parcel adjacent to the agriculturally zoned land is within an existing General Plan Community Region or Rural Center and will not intensify conflict with an adjacent agricultural operation; or
2. The agriculturally zoned parcel is zoned Exclusive Agriculture (AE) or Agricultural Preserve (AP); and
 - a. The agricultural parcel is no longer under contract and the Agricultural Commission determines that the surrounding parcels are residential/nonagricultural in nature and are not suitable for an agricultural operation; or
 - b. The parcel was assigned an urban or other nonagricultural use in the Land Use Map for the 1996 General Plan(LDR, MDR, HDR, MFR, C, TR, RD, I, AP or PF); or
3. The agriculturally zoned parcel is less than 10 acres in size and is not being used for agricultural operations; or

4. The Agricultural Commission determines that the surrounding parcels are residential/nonagricultural in nature and are not suitable for an agricultural operation.
5. The 10 acre agricultural buffer on the subject parcel results from the approval of a new Williamson Act or Farmland Security Zone contract when the parcel or parcels included in the contract application are rezoned from residential to agricultural zoning.



AGRICULTURAL COMMISSION

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Lloyd Walker, Vice-chair – Other Agricultural Interests
Chuck Bacchi – Livestock Industry
Bill Draper, Forestry /Related Industries
Tom Heflin – Fruit and Nut Farming Industry
David Pratt – Fruit and Nut Farming Industry
Gary Ward, Livestock Industry

MEMORANDUM

DATE: November 25, 2008

TO: Monique Wilber, Development Services/Planning

FROM: Greg Boeger, Chair

SUBJECT: GENERAL PLAN POLICY 8.1.3.1

During the Agricultural Commission's Special Meeting held on November 5, 2008, the following discussion and motion occurred regarding General Plan Policy 8.1.3.1:

During the October 9, 2008 Planning Commission meeting, direction was given to staff to review the Agricultural Commission's recommended ***Criteria for the Consideration of a Reduction of the Minimum Parcel Size Agricultural Buffer Requirement of Policy 8.1.3.1*** to determine if additional streamlining of the process would be supported by the Agricultural Commission. Staff was directed by the Planning Commission to possibly identify appropriate minimum thresholds to allow the Planning Director with the concurrence of the Agricultural Commissioner to allow reduced parcel sizes adjacent to agriculturally zoned parcels without an Agricultural Commission hearing.

Bill Stephans explained the reasoning for the requested criteria under consideration. A memo regarding General Plan Policy 8.1.3.1 containing the drafted criteria had been mailed to each Ag Commission member for their review. Planning Commission members requested that the application process be streamlined. Staff had drafted a General Plan amendment and criteria which the Ag Commission had recommended for approval, to be used as a tool to analyze the appropriateness of the creation of a parcel less than 10 acres adjacent to Ag zoned land. Although streamlining the process is always the goal for a successful program, General Plan Policy 8.1.4.1 requires the Ag Commission hear items that could impact agriculturally zoned lands. It is staff's opinion that the creation of a parcel less than 10 acres adjacent to ag lands can have a significant impact so streamlining the process by limiting the Ag Commission's hearing requirements may not be consistent with General Plan Policy 8.1.4.1. Chris Flores provided a detailed analysis of the parcels in Community Regions and Rural Center. Based on the General Plan, Cameron Park, Camino, Pollock Pines, El Dorado Hills, El Dorado, Diamond Springs, Placerville and Shingle Springs are all in Community Regions. Staff estimates that out of a total 42,563 parcels there are a total of 96 parcels that could be affected by General Plan Policy 8.1.3.1 based on Land Use Designation, zoning and parcel size. This equates to approximately .23% of all the parcels in those Community Regions. Bill Stephans stressed that the 96 parcels *could* be affected by General Plan Policy 8.1.3.1. The criteria that staff has put forward will, and at the very least, allow staff and the Ag Commission to analyze specific requests for the creation of a smaller parcel and to make informed recommendations as to whether a smaller parcel size is appropriate. Staff estimates there are 5,751 parcels in El Dorado County Rural Centers and out of all of those parcels, approximately 62 may be affected by General Plan Policy 8.1.3.1. This is approximately 1.1% of the parcel total within those Rural Centers. Again, it is staff's opinion that the criteria would give an applicant the ability to request a smaller parcel. Currently, if everything is correctly submitted, it usually takes approximately six months, at a

minimum, to approve a fairly simple parcel split in El Dorado County. The Ag Commission hears applications for parcel splits very early in the process. It is staff's opinion that while we are considering these applications, Planning staff would be working on a parallel track on any number of requirements/issues concerning the parcel split application. It was discussed at the Planning Commission hearing that this seems to be a long, drawn-out process that is often slowed further by the Ag Commission. Bill Stephans stated that to his knowledge, the Ag Commission has never been the reason for a delay of a project approval. When the department receives an application from Planning, we make every effort to hear the item at the next scheduled Ag Commission meeting. If the criteria are adopted by the Board, the Ag Commission would still give a *recommendation* to approve/deny the parcel split or to recommend another parcel size that might be more appropriate. As the parcel split is analyzed by staff, additional conditions could be identified and proposed, such as requiring a 200 foot setback or only building a non compatible structure in a specified building envelop to limit the impacts on the agriculturally zoned lands. Conditions like this might be used to create smaller parcels in certain areas by making the setback a condition for approval of the parcel split. This type of review/analysis appears to be the purpose of General Plan Policy 8.1.4.1.

Bill Stephans said that in his opinion, one type of parcel split application that may not require an Ag Commission review and recommendation is a request that has an Approved Plan (AP) Land Use Designation. If the Commission agrees, these requests could be approved by the Development Services Director with concurrence by the Agricultural Commissioner. There have been a few projects that have come forward over the past several years which were already approved by the Board of Supervisors a number of years ago, that were adjacent to Ag land. The application process could be streamlined by allowing an approval of this type.

Chair Boeger asked that in addition to Exhibit A (Criteria), could this exception be incorporated into the criteria. Bill Stephans stated that this exception could be added to the draft similar to the language incorporated into the adopted Ag Setback Administrative Relief criteria (General Plan Policy 8.1.3.2) which states that with approval of the Development Services Director and Ag Commissioner concurrence, a setback of up to 75%, may be approved. The language could be tailored to allow only an "X" amount percentage of the 10 acre parcel as may be appropriate.

Peter Maurer was present for questions. He stated that Planning staff will be going back to the Planning Commission in December on this issue and will be taking the Ag Commission recommendations to them for an agricultural perspective.

The Commission asked if Peter Maurer concurred with the work Ag staff had compiled regarding Community Regions and Rural Centers and the amount of parcels that may be affected.

Peter Maurer stated that as the same GIS system would be used by both departments, he did not doubt that the information was accurate. There have been a handful of very obvious situations where the 10 acre buffer did not seem to apply with no remedy for relief. The proposed criteria are a solution to address these unique situations. He feels that some of the recommendations made by the Ag Commission and others will work, depending on the level of review the Commission feels is appropriate. But considering all the policies as a whole, any project, unless amendments are made to General Plan Policy 8.1.4.1, still must be heard by the Ag Commission if it is adjacent to Ag land.

Chair Boeger questioned Peter Maurer regarding General Plan Policy 8.1.3.1 which actually states that it is "Agriculturally zoned lands" however; another proposal submitted to the Planning Commission primarily uses the GP Land Use Designation as the main factor and not the parcel zoning. He asked if a project is considered by how it is zoned. Mr. Maurer said that it was his understanding that the submitted proposal would refer to the GP Land Use Designation as opposed to the zoning. In his opinion for this to occur, both General Plan policies would need to be amended to remove the phrase "agriculturally zoned lands" and replace it with the desired Land Use Designation.

The Commission questioned whether or not this approach would be ignoring the parcel zoning in El Dorado County. Mr. Maurer replied that Planning is currently working to bring the zoning into compliance with the General Plan. He also explained that the GP Land Use Designations are broad use categories and within those use categories there are several different zone districts that further specify more detailed uses/restrictions. He gave the example of, Rural Residential (RR) which allows Ag zoning. In the General Plan, Table 2-4 shows what zones are compatible/consistent with the Land Use Designations. The larger Rural Residential Lands have a very broad scope of the type of allowed uses; resource-based uses, Ag uses and residential uses. Some of the Agricultural lands could be missed just by looking at the Ag Districts and the Ag designated parcels.

The Commission asked if there was a plan and a timeframe for the zoning in the county to be updated for GP consistency and what would happen after it is completed. Roger Trout stated that Planning staff is currently working on the rezoning with plans to complete the project at the end of 2009 (approximate timeframe only). The county will also be concurrently going through the zoning ordinance update process. The text and the maps will be updated for consistency with the General Plan.

Mr. Pratt asked about incorrectly zoned RE parcels and how they would be rezoned to a more appropriate zone. Roger Trout answered that he has consistently stated that he will not have the answer to that question until they reach that point in the zoning ordinance process because there are currently too many unknown factors to determine what their zoning will be.

Chair Boeger opened the meeting to take comments from the public.

Art Marinaccio expressed his opinion that what really needs to be asked at this point in time is, "Can these zoning issues be fixed with a policy interpretation or will it take a major General Plan Amendment?" He believes that no one has thought about a General Plan amendment to address this issue and that no one has even considered whether a General Plan amendment is necessary. He is convinced that a policy discussion would fix this issue because the law is very clear...zoning does not control the General Plan's designation control, but that is not what the General Plan says, so if the Board of Supervisors chooses to make a policy interpretation, perhaps they could do it. He feels the archaic zoning, in many instances, are far too out-of-date to be interesting. He stated that it could be said that projects have not been delayed but there are large projects that have not been able to be processed at all. He gave the example and history of Dave Zweck's property in Shingle Springs which was heard by the Ag Commission in the early 1990's. Art Marinaccio's opinion is that Ag zoning is not consistent with the Community Region and his preference is to say that the Ag policies do not apply in these regions. He feels any impacts to Ag will be dealt with under CEQA. In his opinion this is a huge problem that needs to be fixed.

Peter Maurer stated that he was unclear regarding Art Marinaccio's description of the process leading up to this point as staff has been working on a General Plan amendment that was initiated by the Planning Commission some time ago. The question is now "What should the amendment say and how should the language of this policy be changed to address the issues?"

Bill Stephans reminded the Commission about their previous motion to recommend that General Plan Policy 8.1.3.1 be amended to contain an authority statement which would allow the use of specific criteria to analyze the creation of less than 10 acre parcels adjacent to Ag zoned lands. The other option the Commission did not support was to place the criteria in the General Plan because it would be much harder to make adoptive changes when additional issues arise in the future. Based on the specific and clear language of the policy, it was felt that the best way to address this issue was through a GP amendment. The Ag Commission recommended GP amendment and criteria were forwarded to the Planning Commission for discussion. The main discussion at the Planning Commission was regarding the proposed criteria and not the proposed draft GP amendment.

Valerie Zentner, El Dorado County Farm Bureau, agreed, and that in her opinion, the policy should

be changed by a General Plan Amendment because the language is very clear in the policy which does not allow it to be interpreted any differently. She is concerned as there are at least four proposed actions currently in various stages that seek to reduce or eliminate Ag protection policies. By proposing the various changes, she is concerned about doing spot amendments here and there without doing a comprehensive study. Policy 8.1.4.1 will still require projects to come before the Ag Commission for any discretionary development applications on Ag land or adjacent to Ag lands. She stated that buffering is only one tool and mentioned General Plan Policy 8.1.1.5 that cites buffers and the Right-to-Farm ordinance as basic protections for Ag land. Ms. Zentner spoke of the "willingness to be good neighbors" and look at alternatives but she really wants to make sure that the Ag Commissioner or the Ag Commission has the necessary tools to review projects that may have an impact adjacent to agricultural land. The General Plan anticipated that there would be incompatibilities if the Ag Commission did not have this type of reviewing/recommendation discretion and she believes that is why it is written into the document. She asked that the Commission proceed with caution.

Sue Taylor was next to speak. She served on an Ad Hoc Committee regarding the permit process and now has several concerns. There are some local residents hoping to implement a Mixed-Use amendment which will intensify the density of units that can be constructed in a mixed development within a Community Region. After seeing what happens with this type of development, she has requested the Planning Commission re-designate Camino and Pollock Pines from a Community Region to a Rural Center. Both Camino and Pollock Pines are identified as the same classification as El Dorado Hills. She presented maps to the Ag Commission members showing the boundary lines surrounding both communities. She feels there are Planned Developments happening in the county and, because they have not been addressed globally, they are being addressed project by project with some of the cumulative issues being ignored. She believes there are many established areas that should have transition zones between the different types of uses. She also expressed concerns that the authority to protect agricultural properties might be taken away from the Ag Commission and decisions possibly made behind closed doors without public input.

Chair Boeger asked Planning staff about the distinctions between Community Regions and Rural Centers and how those distinctions might affect the Ag Commission's analysis.

Peter Maurer stated that Community Regions are typically where urban and suburban land uses are proposed to be developed. Whereas Rural Centers are where the General Plan envisions urban and semi-urban land uses are proposed to be developed. The Community Regions allow a higher density while Rural Centers are typically the smaller communities in outlying areas. In his opinion, it would take a General Plan amendment to initiate this of map change for Camino and Pollock Pines. He stated that the mixed development proposal is different than the re-designation of Camino and Pollock Pines which has not been initiated through a General Plan Amendment.

Chris Alarcon spoke in agreement with Valerie Zentner's statements regarding buffering.

It is his opinion that buffers are to be a protection for agriculture, but the issue is buffers that are being applied to projects/parcels that are not agriculture. He gave the example of the development of Union Mine High School, which is still zoned as agriculture, as one of the problems that should be addressed, not taking buffer protections taken away from Agriculture.

The Commission asked staff questions regarding the handout -Exhibit A draft criteria and the copy of the developer's submittals which diagramed their proposed streamlined process of General Plan Policies 8.1.3.1. Would this be competing with the criteria that were recommended by the Ag Commission and was it the only proposal to be considered by the Planning Commission?

Bill Stephans answered that it is a competing alternative proposal which was only handed out at the Planning Commission meeting October 9th. We provided it to the Ag Commission for additional information and consideration. Staff believes the Ag Commission's recommendations allow staff the ability to analyze the appropriateness of the creation of a smaller parcel with the benefit of still protecting agriculture.

Regarding the alternative proposal, it was asked if this was a General Plan amendment. Bill Stephans replied that in his opinion, it was a policy interpretation of the General Plan without an amendment to the General Plan. Again, General Plan Policy 8.1.3.1 does not contain an authority statement to

allow the creation of any parcels less than 10 acres adjacent to agriculturally zoned land. The goal is to allow, at least, an analysis of the creation of a parcel that may be less than 10 acres by placing the authority statement within the General Plan, through an amendment. Once the General Plan amendment is approved, adopt the criteria the Ag Commission had proposed and recommended.

Mr. Pratt expressed concerns regarding treating all Community Regions the same. He feels that anytime there is an interface with Ag districts in the Community Region, there will be conflict. In his opinion, treating the Camino and Pollock Pines communities the same as El Dorado Hills does not seem appropriate so either there is a set of standards where development is occurring such as those used in El Dorado Hills or Cameron Park, or they should come up with a broader set of standards that allows for the Commission to continue to require the hearing process that is currently in place. He gave further explanation as to why he believes the proposed criteria should be adopted. The current language in the policy is very specific in that it does not allow the creation of any parcel less than 10 acres adjacent to Ag zoned lands. The recommended General Plan amendment gives the Commission the flexibility to recommend smaller parcels when appropriate. The "one size fits all" approach of the alternate proposal will not protect Ag currently operating within the county adjacent to Community Regions.

Other members of the Commission concurred with Mr. Pratt's comments, stating their desire to review projects as needed.

There was discussion of areas within Adopted Plans (AP) as these properties have been approved for development by the 2004 El Dorado County General Plan. It is staff's opinion that the Agricultural Commission does not need to hear these projects within the AP designation. Members of the Commission agreed with staff's assessment.

It was moved by Mr. Pratt and seconded by Mr. Heflin to again forward to the Planning Commission, the recommended General Plan amendment for General Plan Policy 8.1.3.1, as previously submitted, and Exhibit A, the criteria for consideration for reduction, which shall include additional language to address parcel requests in General Plan Land Use Designations of AP (Adopted Plans) as an exception listed in the criteria not required to be heard by the Agricultural Commission. Also, the supporting data analyses of the number of parcels potentially affected by Policy 8.1.3.1 in Community Regions and Rural Centers should be included as part of the documentation forwarded to the Planning Commission.

Motion passed.

AYES: Bacchi, Pratt, Heflin, Walker, Ward, Boeger

NOES: None

ABSENT Draper

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

GB:na

cc: Char Tim, Clerk to the Planning Commission



AGRICULTURAL COMMISSION

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Gary Ward, Livestock Industry

MEMORANDUM

DATE: November 25, 2008
TO: Monique Wilber, Development Services/Planning
FROM: Greg Boeger, Chair

SUBJECT: GENERAL PLAN POLICY 8.1.3.1 – MOTION OF NOVEMBER 12, 2008

During the Agricultural Commission's regularly scheduled meeting held on November 12, 2008, the following discussion and motion occurred regarding the Draft Winery Ordinance:

The Commission had asked that their recommended changes to the draft criteria of General Plan Policy 8.1.3.1 be itemized for discussion at this meeting. One of the streamlining suggestions was regarding parcel requests in General Plan Land Use Designations of Adopted Plan (AP). These applications could be approved by the Development Services Director with concurrence by the Ag Commissioner without an Agricultural Commission hearing. Also, after further review, staff recommends that parcels designated and zoned as Open Space and a minimum of 200' wide also be included as not requiring Agricultural Commission review and recommendation. This would be protecting Ag lands by acting as a buffer to residential uses. Staff could possibly make additional recommendations as a conditional for approval regarding increased setbacks, etc. This would be a discretionary act so conditions could be placed on approval of those parcel splits.

Staff also noted that the last section, 2(b) mentions the 1996 General Plan and should be updated to the 2004 General Plan. Also, (I) Industrial was added to the Land Use Designations.

The Commission agreed with the additional, recommended changes made by staff.

It was moved by Mr. Pratt and seconded by Mr. Walker to recommend the ADOPTION of the proposed criteria to allow the analysis of the creation of less than 10 acre buffer parcels adjacent to agriculturally zoned lands pursuant to General Plan Policy 8.1.3.1.

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

Motion passed.

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

GB:na

cc: Char Tim, Clerk to the Planning Commission

El Dorado County Community Regions

Community Region Name	# of Parcels Affected by 8131	# of Parcels W/in the Community Region	Percentage of Parcels Affected by GP 8131
Cameron Park	2	7605	0.03%
Camino/Pollock Pines	51	6145	0.83%
El Dorado Hills	7	15949	0.04%
El Dorado/Diamond Springs	30	4911	0.61%
Placerville	5	6237	0.08%
Shingle Springs	1	1716	0.06%
Total:	96	42563	0.23%

*Note: Numbers above were derived from GPS parcel data, Community Region data, zoning and land use data, from the El Dorado County Surveyor's server.

November 2008
El Dorado County Department of Agriculture

El Dorado County Rural Centers

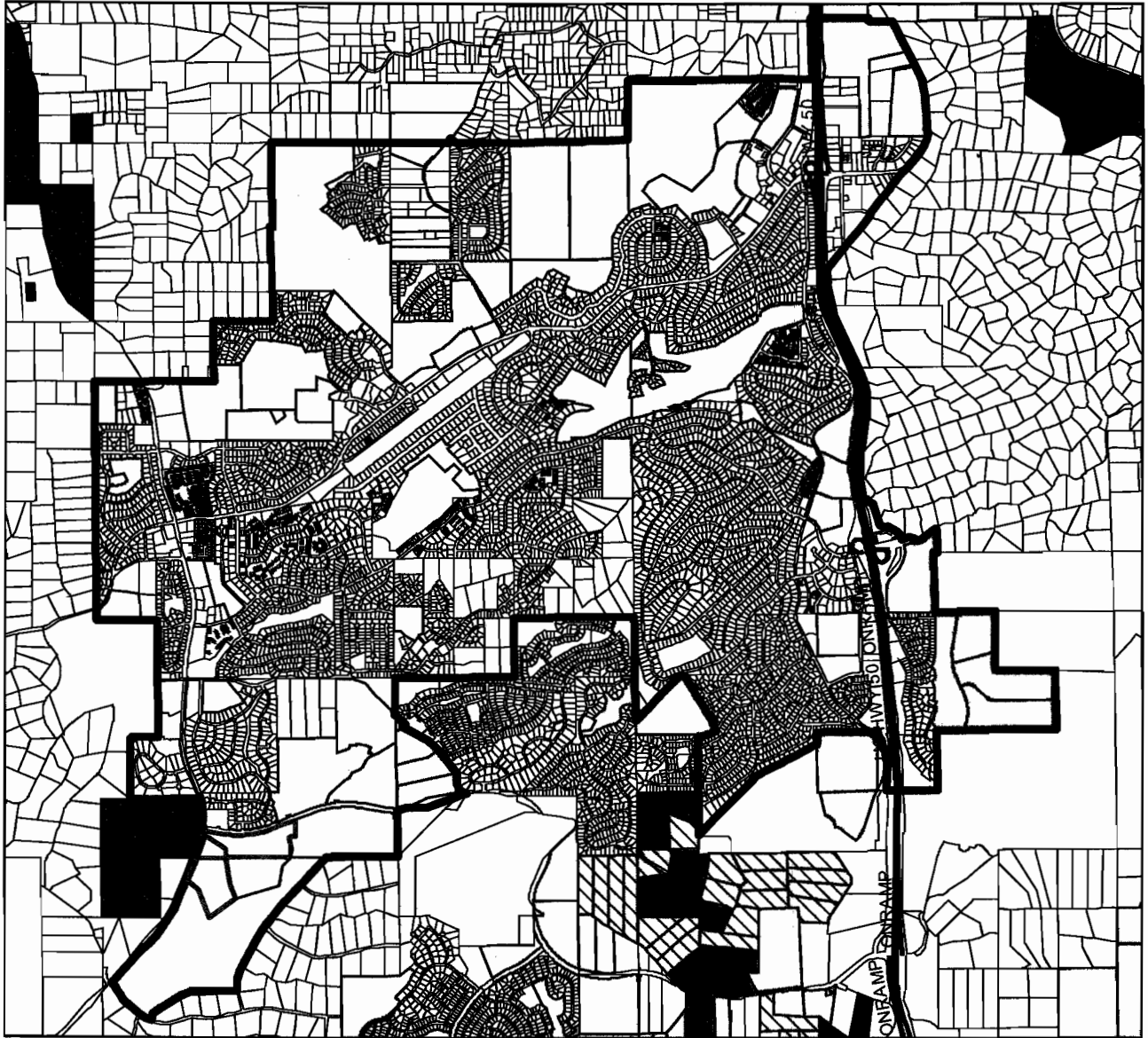
Rural Center Name	# of Parcels Affected by 8131	# of Parcels W/in the Rural Center	Percentage of Parcels Affected by GP 8131
Chrome Ridge	0	26	0.0%
Coloma	0	128	0.0%
Cool	2	675	0.3%
Fairplay	0	52	0.0%
Garden Valley	0	363	0.0%
Georgetown	41	1249	3.3%
Greenwood	0	81	0.0%
Grey's Corner	0	17	0.0%
Grizzly Flat	13	1248	1.0%
Kelsey	0	72	0.0%
Kyburz	0	275	0.0%
Latrobe	0	28	0.0%
Little Norway	0	50	0.0%
Lotus	0	67	0.0%
Mosquito	0	46	0.0%
Mount Ralston	0	169	0.0%
Mt. Aukum	0	16	0.0%
Nashville	2	48	4.2%
Oak Hill	0	81	0.0%
Phillips	0	164	0.0%
Pilot Hill	0	90	0.0%
Pleasant Valley	1	147	0.7%
Quintette	0	57	0.0%
Rescue	2	399	0.5%
Somerset	0	20	0.0%
Strawberry	1	183	0.5%
Totals:	62	5751	1.1%

*Note: Numbers above were derived from GPS parcel data, Rural Center data, zoning and land use data, from the El Dorado County Surveyor's server.




November, 2008
El Dorado County Department of Agriculture

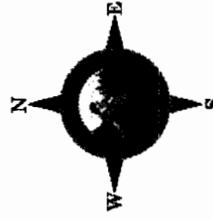
CAMERON PARK COMMUNITY REGION

*There are only two parcels, 10 acres or larger, within the Cameron Park Community Region, that could be affected by GP Policy 8.1.3.1



Legend

-  Cameron Park
-  Ag Zoned Lands
-  Parcels - 10 Acres or Larger



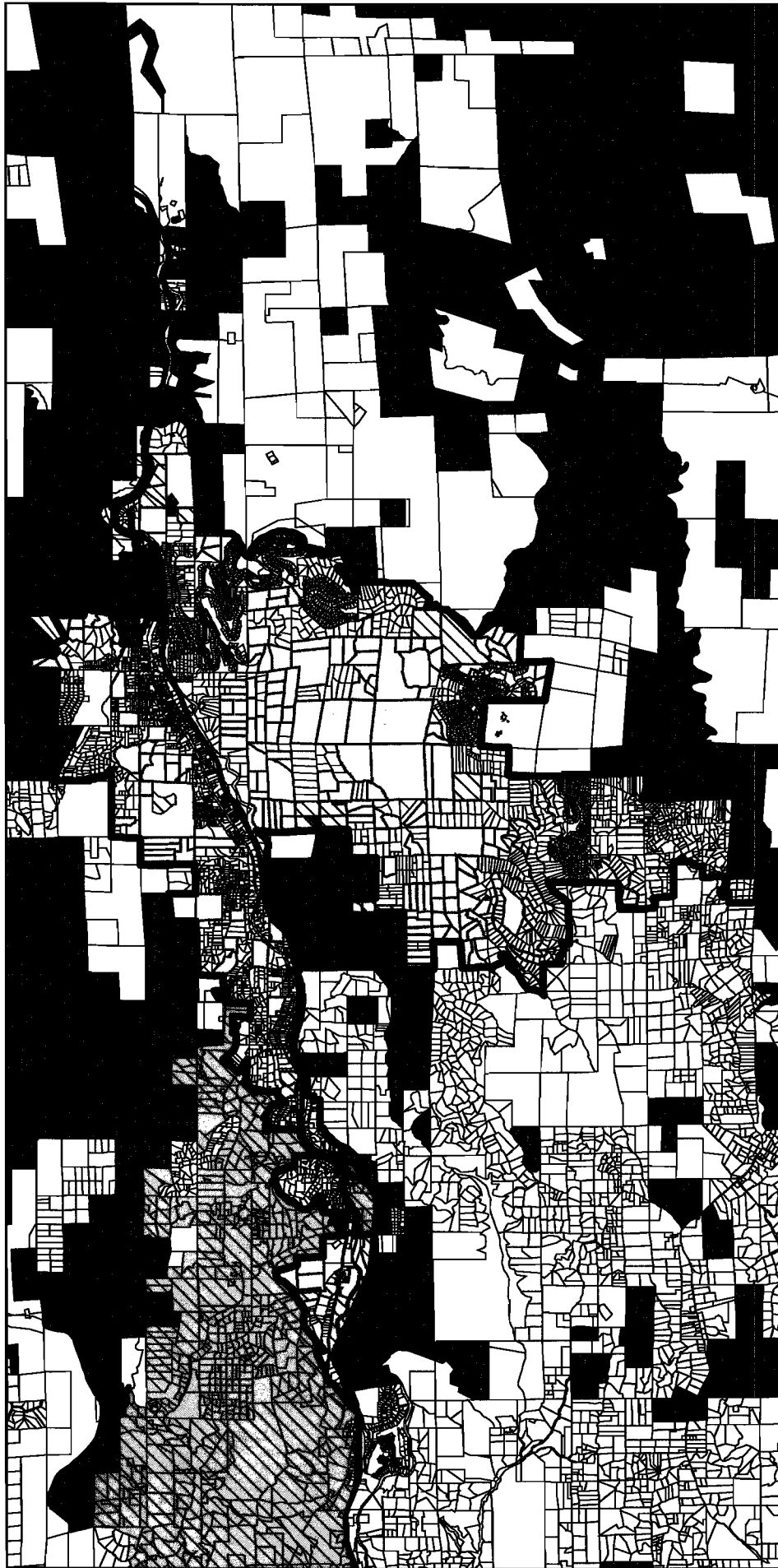
DISCLAIMER

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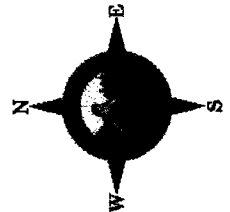
MAP PREPARED BY: CHRIS FLORES
DATE: OCTOBER 31, 2008.

EL DORADO COUNTY AGRICULTURE DEPARTMENT
PHONE (530) 621-5520 FAX (530) 626-4756

CAMINO/POLLOCK PINES COMMUNITY REGION



0 0.5 1 2 3 4 Miles



DISCLAIMER

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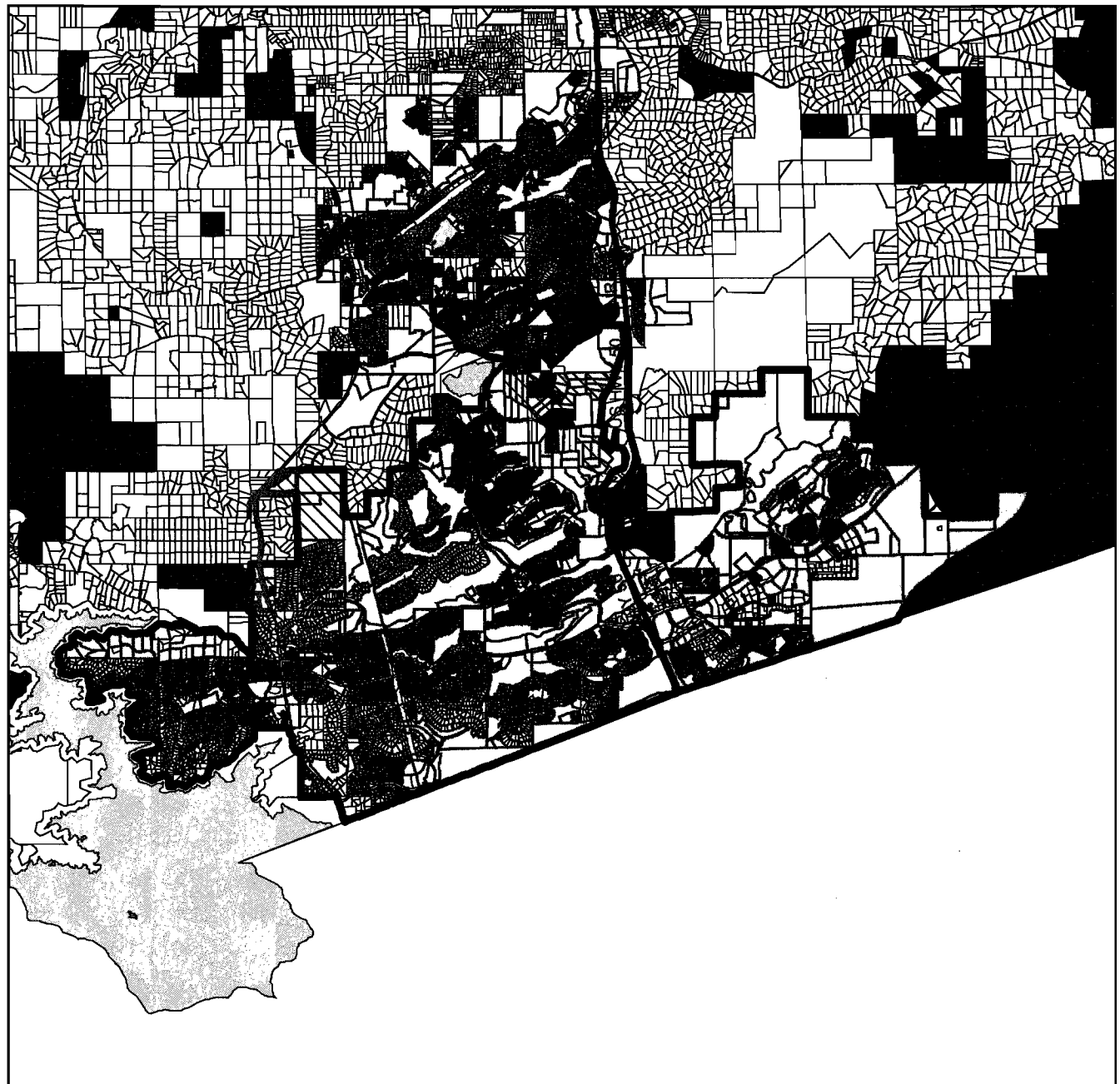
MAP PREPARED BY: CHRIS FLORES
DATE: NOVEMBER 3, 2006

EL DORADO COUNTY AGRICULTURE DEPARTMENT
PHONE (530) 621-6520 FAX (530) 626-4756

Legend	
	Community Region
	Ag Zoned Lands
	Parcels - 10 Acres or Larger
	Camino/Fruitridge Ag District

*There are 51 parcels, 10 acres or larger, within the Camino/Pollock Pines Community Region, that could be affected by GP Policy 8.1.3.1

EL DORADO HILLS COMMUNITY REGION



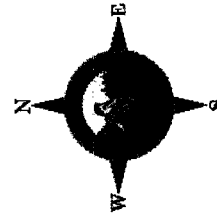
*There are 7 parcels,
10 acres or larger, within
the El Dorado Hills Community
Region, that could be affected
by GP Policy 8.1.3.1

Legend

Ag Zoned Lands

Parcels - 10 Acres or Larger

ElDoradoHills



DISCLAIMER

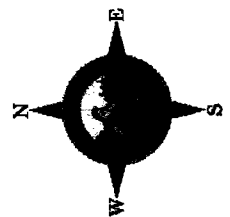
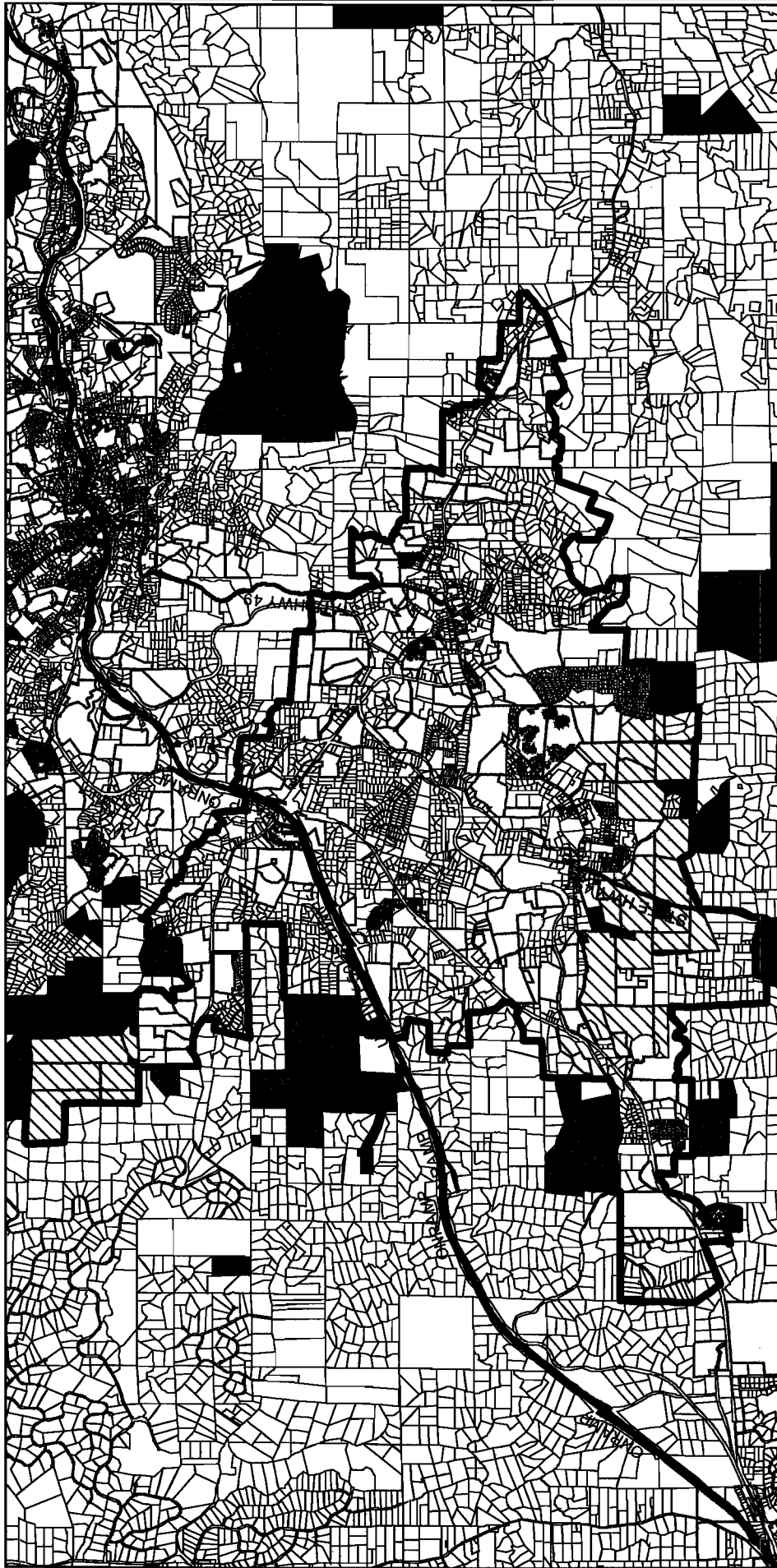
THIS DEPICTION WAS COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO ACCURACY OF THIS INFORMATION. PARCEL BOUNDARIES ARE PARTICULARLY UNRELIABLE. USERS MAKE USE OF THIS DEPICTION AT THEIR OWN RISK.

MAP PREPARED BY: CHRIS FLORES

DATE: NOVEMBER 5, 2008

EL DORADO COUNTY AGRICULTURE DEPARTMENT
PHONE (530) 821-5520 FAX (530) 826-4755

EL DORADO/DIAMOND SPRINGS COMMUNITY REGION



DISCLAIMER

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MAP PREPARED BY: CHRIS FLORES

DATE: NOVEMBER 5, 2008.

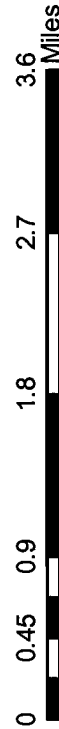
EL DORADO COUNTY AGRICULTURE DEPARTMENT
PHONE (530) 821-5520 FAX (530) 826-4756

Legend

Ag Zoned Lands

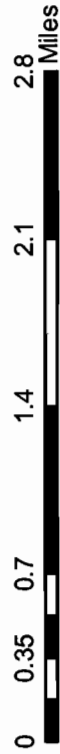
Parcels - 10 Acres or Larger

ElDorado_DiamondSprings







*There are 30 parcels, 10 acres or larger, within the El Dorado/Diamond Springs Community Region, that could be affected by GP Policy 8.1.3.1

PLACERVILLE COMMUNITY REGION



Legend

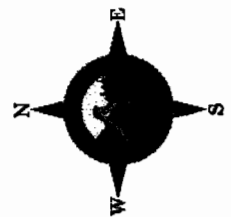
-  Ag Zoned Lands
-  Parcels - 10 Acres or Larger
-  Camino/Fruitridge Ag District
-  Placerville

DISCLAIMER

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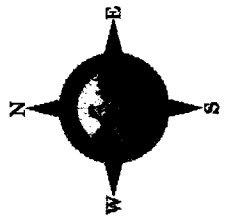
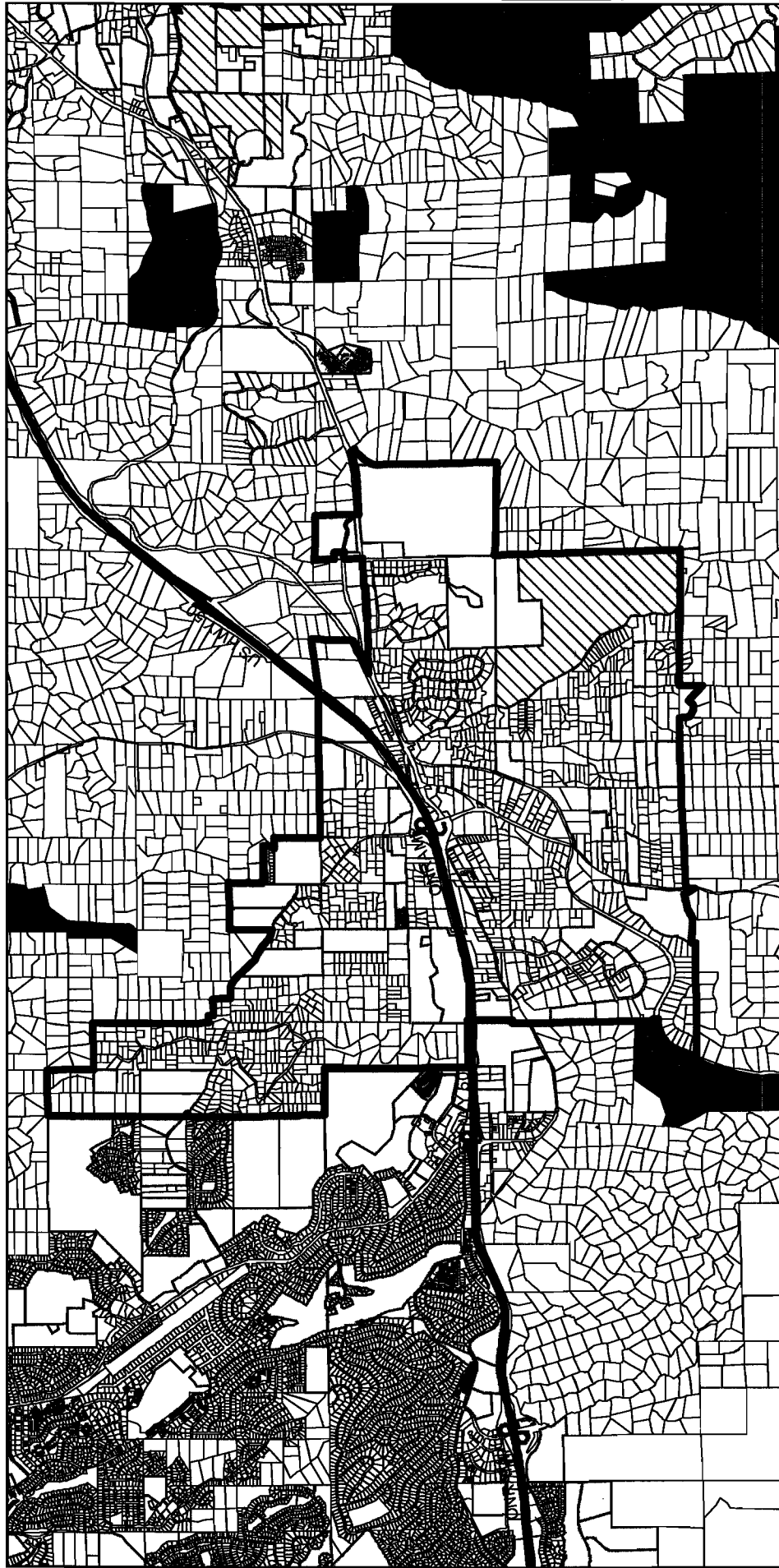
MAP PREPARED BY: CHRIS FLORES
DATE: NOVEMBER 3, 2008

EL DORADO COUNTY AGRICULTURE DEPARTMENT
PHONE (530) 621-5520 FAX (530) 626-4756



*There are 5 parcels, 10 acres or larger, within the Placerville Community Region, that could be affected by GP Policy 8.1.3.1

SHINGLE SPRINGS COMMUNITY REGION






DISCLAIMER

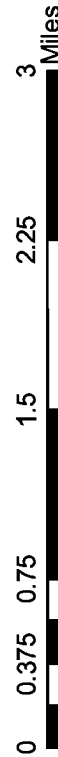
THIS DEPICTION WAS COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES. SHINGLE SPRINGS AGRICULTURE DEPARTMENT MAKES NO REPRESENTATION AS TO THE ACCURACY OF THIS INFORMATION. PARCEL BOUNDARIES ARE PARTICULARLY UNRELIABLE. USERS MAKE USE OF THIS DEPICTION AT THEIR OWN RISK.

MAP PREPARED BY: CHRIS FLORES
DATE: NOVEMBER 5, 2008.

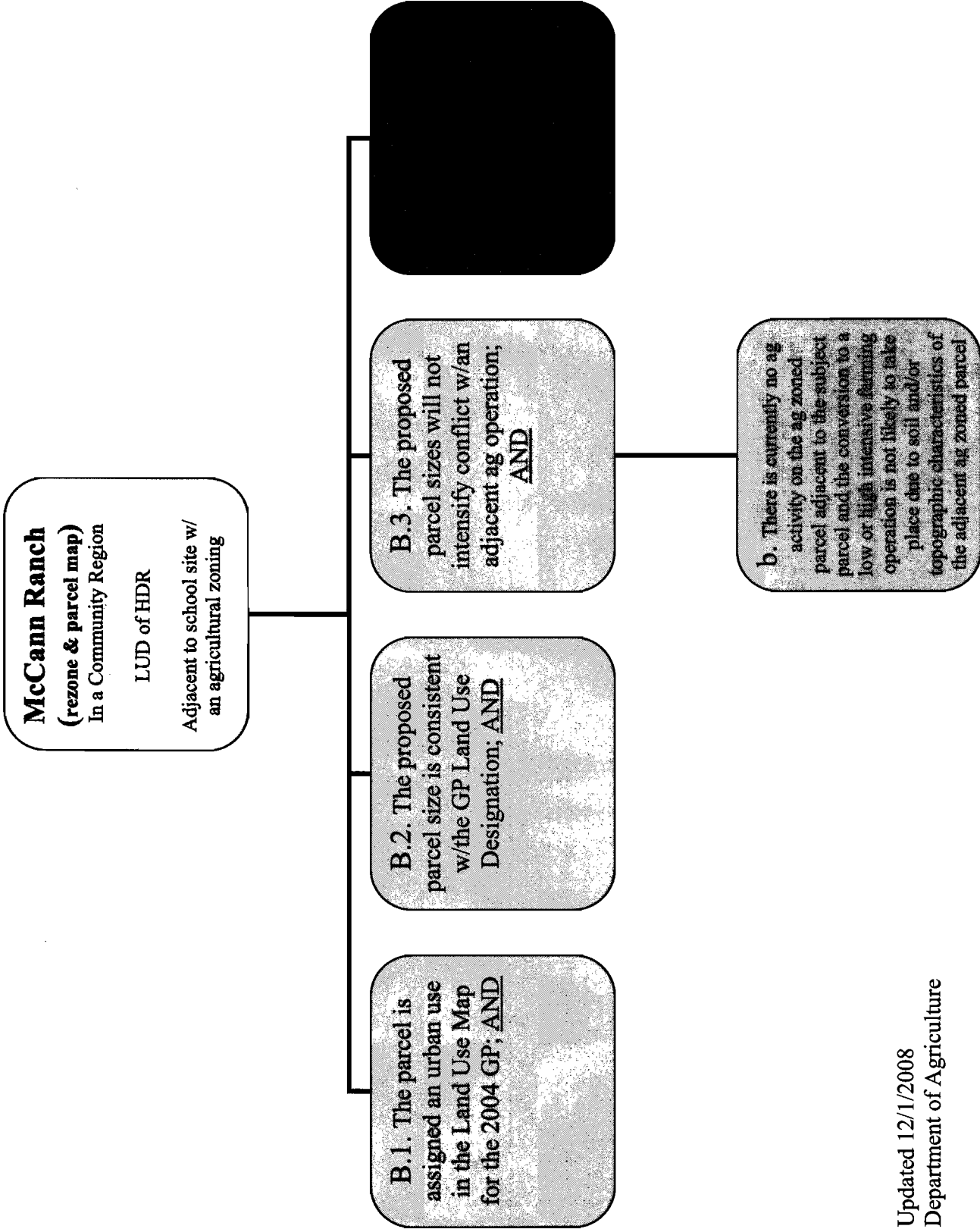
EL DORADO COUNTY AGRICULTURE DEPARTMENT
PHONE (530) 621-5520 FAX (530) 626-4756

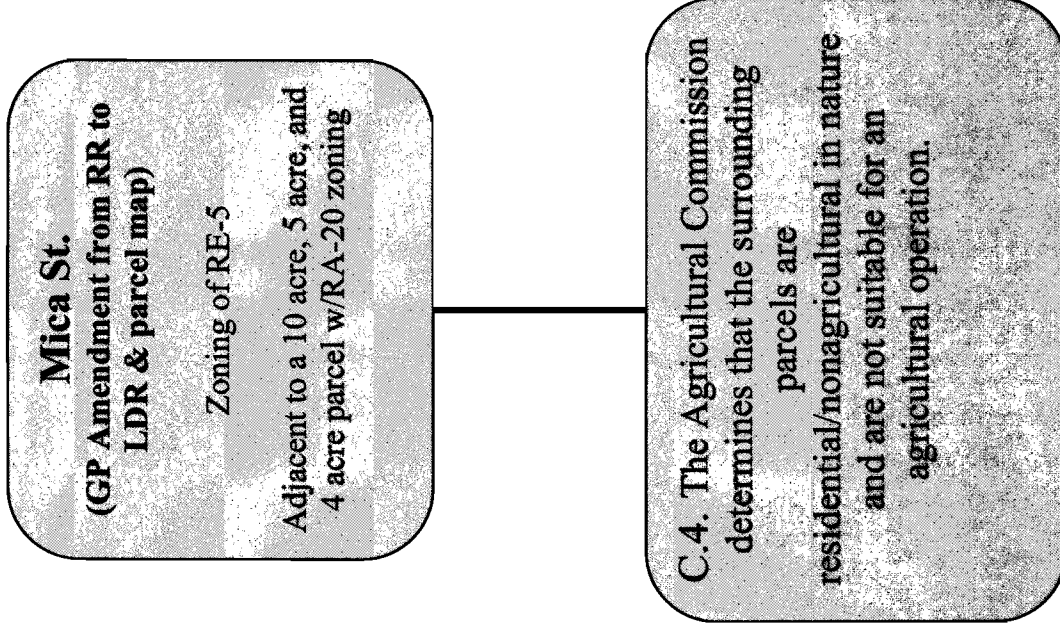
Legend

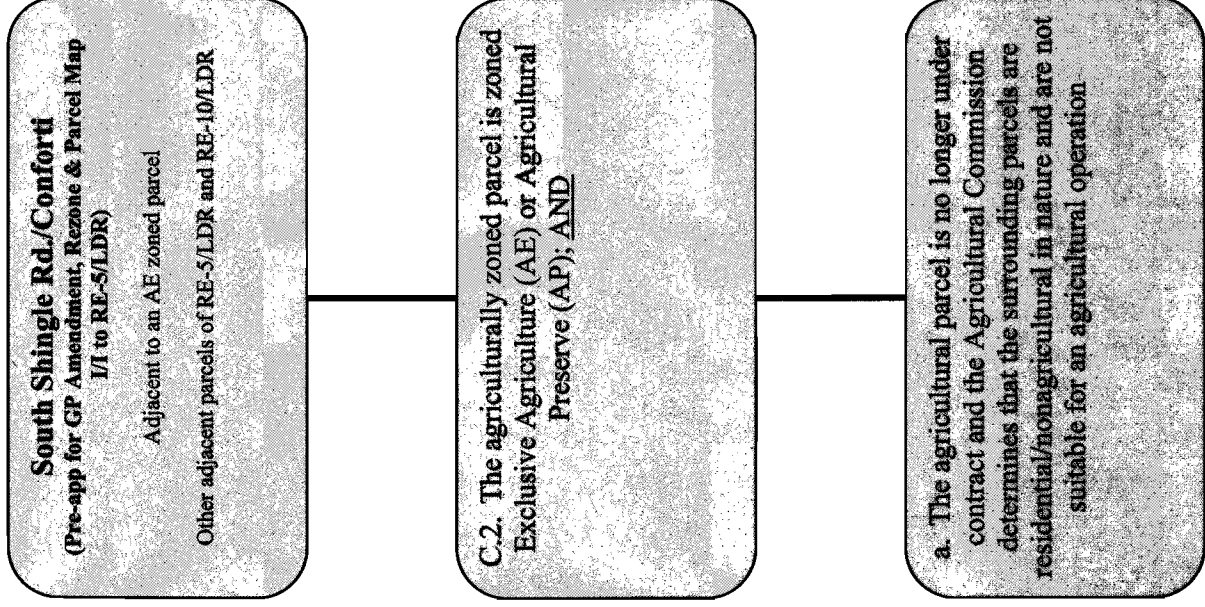
-  Ag Zoned Lands
-  Parcels - 10 Acres or Larger
-  ShingleSprings

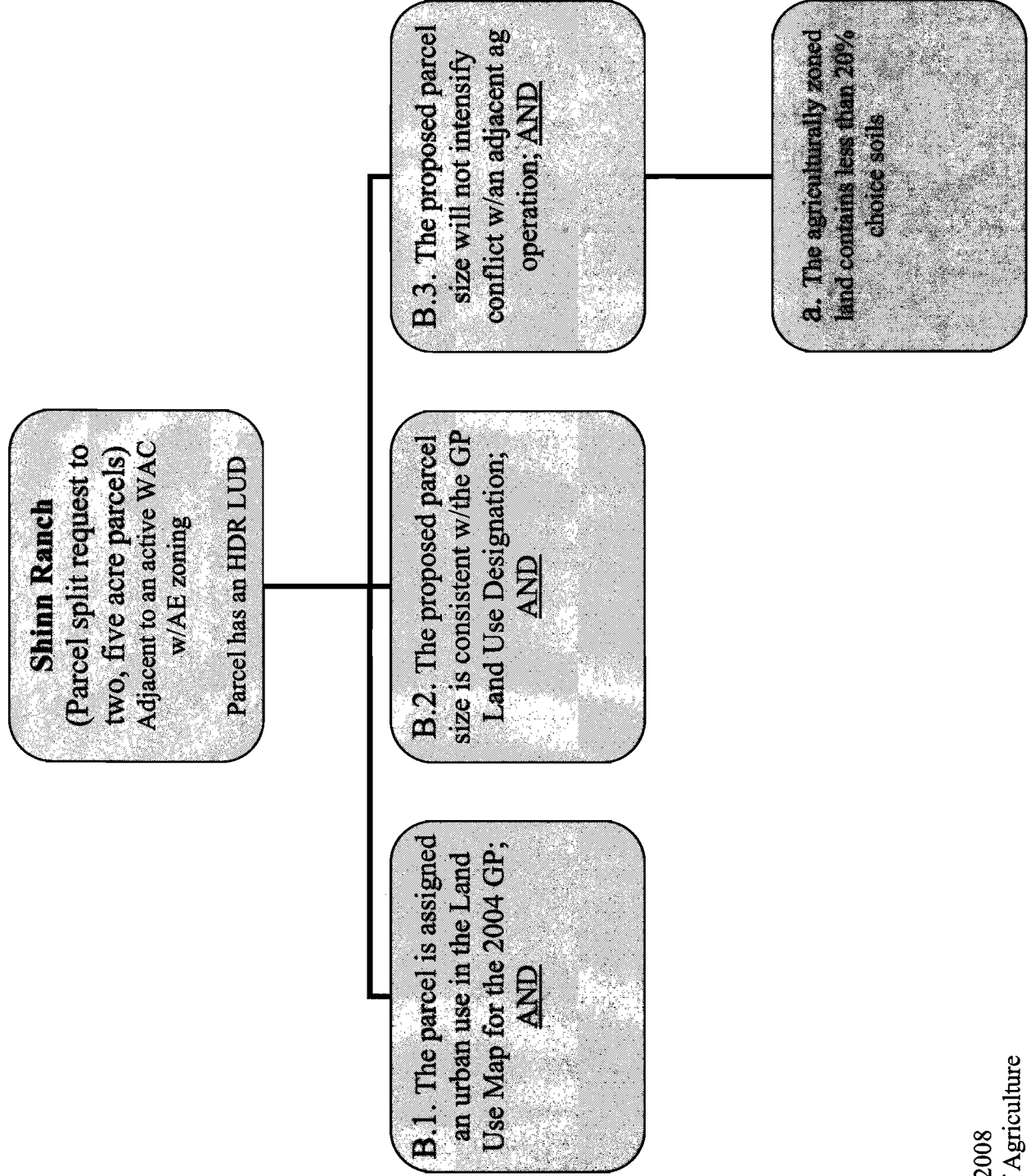


*There is one parcel, 10 acres or larger, within the Cameron Park/Shingle Springs Community Regions, that could be affected by GP Policy 8.1.3.1











El Dorado County

330 Fair Lane, Bldg A.
Placerville, California
530 621-5390
FAX 622-3645
co.el-dorado.ca.us/bos

Master Report

File Number: 08-1696

*File ID: 08-1696	Agenda Type:	Status: Draft
Version: 1	Reference:	Gov Body: Board Of Supervisors
Department: Board Of Supervisors		Created: 11/04/2008
Agenda Title:		Final Action:
Title: Supervisor Sweeney requesting Board review for clarification and implementation General Plan Policies 8.1.3.1 and 8.1.3.2		

Notes:

Agenda Date: 12/09/2008

Agenda Number:

Enactment Date:

Enactment Number:

Hearing Date:

Next Meeting Date:

Sponsors:

Attachments: Exhibit A att'd 12-1-08.pdf

Same:

Contact: Supervisor Sweeney X5652

Approval History

Version	Date	Approver	Action

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File 08-1696

Supervisor Sweeney requesting Board review for clarification and implementation
General Plan Policies 8.1.3.1 and 8.1.3.2

Background:

For more than a year, the Agricultural Commission, Planning Commission, and sometimes the Board have wrestled with policies that were meant to protect agricultural operations but which have instead served to frustrate implementation of the land uses designated in the General Plan. The primary cause of the problem is that the zoning ordinance and maps have not been updated to conform to the General Plan land use designations, and this effort will not be completed for at least another year. Consequently, I believe this Board should intervene and provide direction to staff concerning implementation of two of these policies.

Supervisor Sweeney recommending the Board direct staff that General Plan Policies 8.1.3.1 and 8.1.3.2, shall be implemented as follows:

- 1) General Plan Policies 8.1.3.1 and 8.1.3.2 do not apply where adjacent agriculturally-zoned parcel was assigned an urban or other non-agricultural land use in the Land Use Map for the 2004 General Plan (MFR, HDR, MDR, LDR, C, R&D, I, TR, AP or PF).

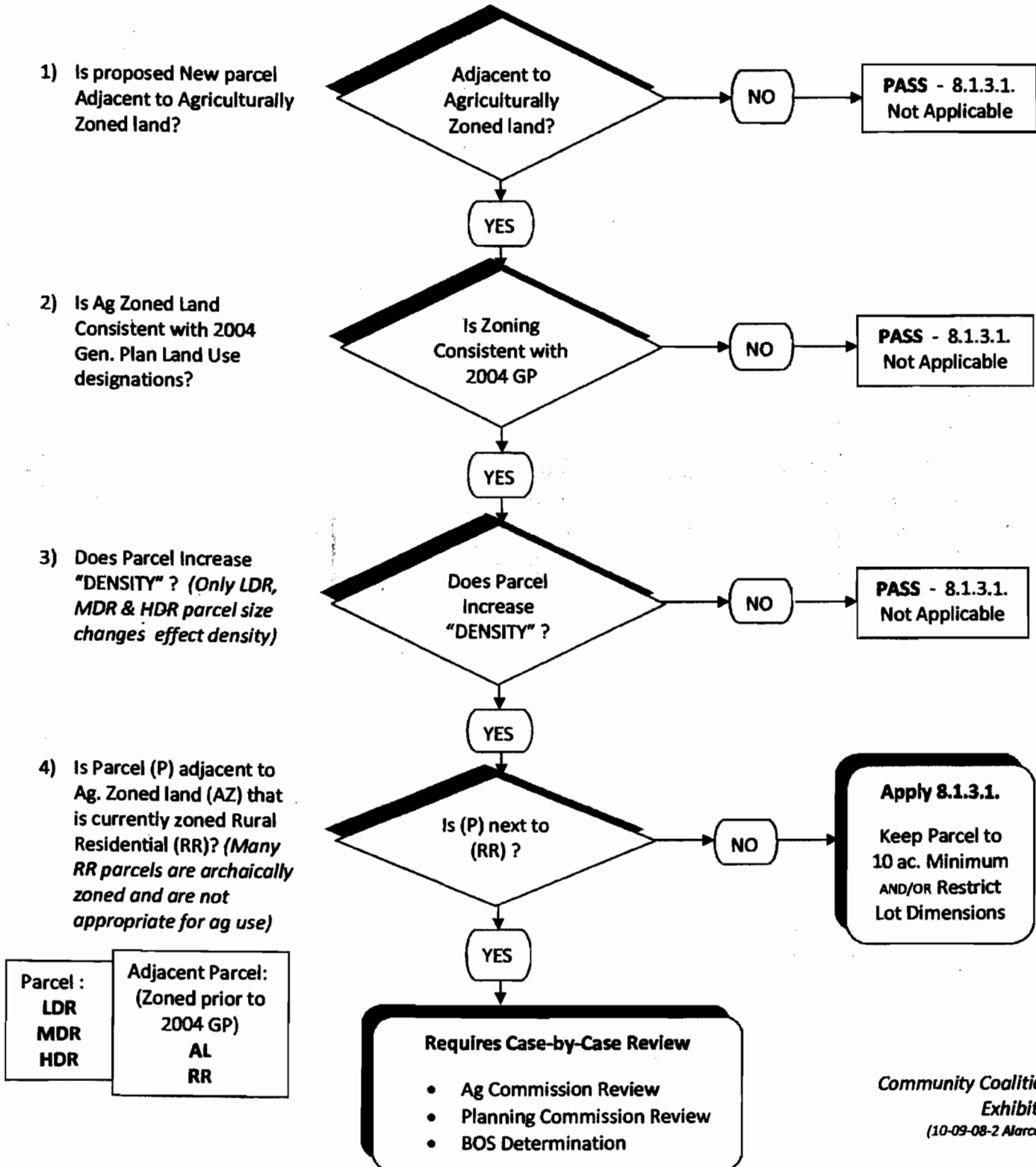
Projects located adjacent to agriculturally-zoned parcels meeting the above criteria will not be subject to review by the Agricultural Commission, unless the proposed project is within or adjacent to an Agricultural District, adjacent to an existing commercial agricultural operation, or adjacent to land currently under a Williamson Act contract where a Notice of Non-Renewal has not been filed.

- 2) Open space parcels may be created to buffer agriculturally-zoned lands. Open space parcels created for this purpose are not required to maintain the same length to width ratio of other (developable) parcels.
- 3) This policy direction shall remain in effect until the County has completed the comprehensive update of the Zoning Ordinance, including revisions to the zoning maps or when Policy 8.1.3.1 is amended.

public handout
PC 10/9/08
#2

Streamlined Processing of 8.1.3.1 Polices

"Agriculturally zoned lands 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. ..."



Community Coalition
Exhibit B
(10-09-08-2 Alarcon)

The parcel is assigned an urban or other nonagricultural use in the Land Use Map for the 2004 General Plan



8.1.3.1 does not apply

Union Mine School. Union Mine High School is AZ (since early 60's when landowner sold to school district) and GP HDR or Public Facility (PF). Commission decides until the AZ is rezoned to conform to GP that Policy 8.1.3.1 applies. In other words, we must reach an illogical conclusion by rezoning the school to conform to land use. **INTERIM - COMMISSION WOULD NOT REVIEW for 8.1.3.1 SINCE AZ IS NOT GP AL,RR,NR. GP nonagricultural land use trumps archaic ag zoning.**

Clarksville 10 acre office project P is GP C with AZ GP RD on one side and Clarksville Cemetery on the other has AZ zoning. 8.1.3.1 was not applied since 100,000 square feet of office use interpreted as not adverse to adjacent AZ even though no limitation in Policy 8.1.3.1 and 100,000 square feet should result in 1000 people per day with resultant traffic trips. **COMMISSION WOULD NOT REVIEW for 8.1.3.1 SINCE AZ IS NOT GP AL, RR, NR. GP nonagricultural land use trumps archaic ag zoning. No need for "interpretation" that 8.1.3.1 does not apply to adjacent commercial parcels.**

Clarksville Church AZ is GP RD with church project GP C dividing approx. 14 acres into 4 parcels. Policy 8.1.3.1 not applied. Planning notes as oversight. **COMMISSION WOULD NOT REVIEW for 8.1.3.1 SINCE AZ IS NOT GP AL, RR, NR again non-agricultural land use trumps archaic zoning.**

Zweck AZ in Community Region general planned LDR but zoned AE so 8.1.3.1 applied. 10 acre parcels required to buffer AZ AE in CR. Grazing is the agricultural activity. **COMMISSION WOULD NOT REVIEW for 8.1.3.1 SINCE AZ IS NOT WITHIN A NON-AGRICULTURAL LAND USE.**

40 acres near Dixon Ranch. Appears P is GP LDR and AZ is GP LDR with AE archaic zoning. Commission enforces Policy although all agree not agricultural. **COMMISSION WOULD NOT HAVE REVIEWED FOR 8.1.3.1 Since AZ is in LDR, a non-agricultural land use.**

Jeff Ramona 2006 action - AZ zoned AE and GP LDR. P is GP MDR. Commission does not apply Policy 8.1.3.1 with land in CR. Commission decided on 8.1.4.1 and did not make 8.1.3.1 findings. **COMMISSION WOULD NOT HAVE REVIEWED FOR 8.1.3.1 since AZ IS GP non-agricultural LDR.**

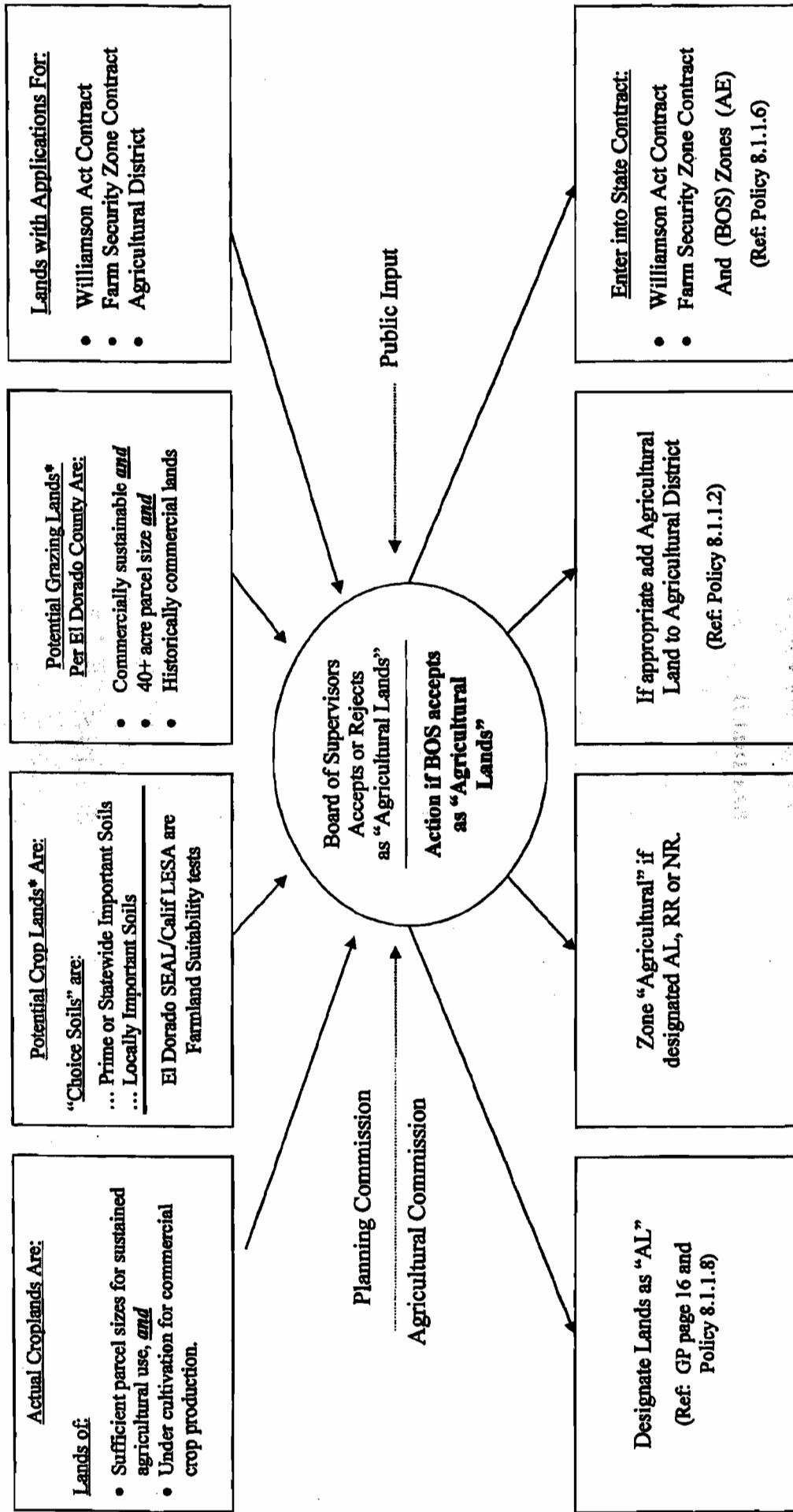
8.1.3.1 may apply

Living Care. AZ is 20 acre RA-20 in Ag District and no current ag activity. P is MDR in CR. .24 acre parcel between AZ and P disregarded "since it is owned in fee title by the County for a roadway easement." Policy 8.1.3.1 applied. Applicant argued GP must be read comprehensively to reconcile intent of high density for CR and buffers for AZ. Staff cited Cinnebar case by arguing 8.1.3.1 proscription is "fundamental, mandatory and specific that protects AZ from density increase and as such any project next to AZ must comply with Policy 8.1.3.1 " **POLICY 8.1.3.1 MAY APPLY IF AZ IN RR MEETS THE GP CRITERIA FOR agricultural lands..**

Micah near Crystal Blvd. P is 20 acre RR parcel seeking GP amendment to LDR and 4 parcel map. The AZ parcels are less than 20 acre residential parcels zoned RA-20 in non-choice soils residential area with steep lots. Not sure, but assume, AZ is RR. RA-20 was used when wanted to limit to 20 acre minimums. Denial of project due to Policy 8.1.3.1 because Ag Commission has no discretion in applying Policy 8.1.3.1. There has been continuing dispute as to whether RA-20 is agricultural since designed to limit parcel sizes on constrained lands. **POLICY 8.1.3.1 MAY APPLY IF AZ IN RR MEETS THE GP CRITERIA FOR agricultural lands.**

EXHIBIT H

IDENTIFICATION of AGRICULTURAL LANDS and APPROPRIATE LAND USE ACTION¹



Public handout -
PC 10/9/08
#9a

* Not assigned urban or other non-agricultural uses in the land use map for the 1996 General Plan.

¹ Agricultural lands as defined per General Plan page 16, policy 8.1.1.5, policy 8.1.1.8, policy 8.1.2.2 and glossary page 378.

EL DORADO COUNTY

REVISED 8.1.3.1 INTERIM GUIDELINES

Legend

STREET CLASSIFICATION

— HWY

— MAJOR

EXISTING AG ZONING

A

AE

RA-160

RA-20

RA-40

RA-80

COMMUNITY REGIONS

RURAL CENTERS

PLATTED LANDS

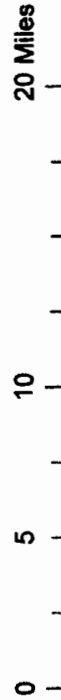
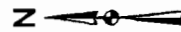
LAND USE DESIGNATION

LDR

MDR

AGRICULTURAL DISTRICTS

WILLIAMSON ACT CONTRACT



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MAP PREPARED BY
GENE E. THORNE
A. Associates, Inc.

Public Hearing
PC 10/9/88

