

Kathye Russell
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October 11, 2007

El Dorado County Planning Commission
2850 Fairlane Court
Placerville, CA 95667

Re: Request for Future Agenda Item:
Exemption of Community Regions/Rural Centers from Agriculture Buffers

Honorable Planning Commission Members:

I am asking that you agendaize an issue that I believe is ripe for a General Plan Amendment: the requirement for a minimum 10-acre parcel size when created adjacent to agriculturally zoned lands.

According to **Policy 8.1.3.1** of the 2004 EDC General Plan, the Agriculture and Forestry Element states:

“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. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels”.

In working with the 2004 General Plan for a few years, it has now become clear that Policy 8.1.3.1 conflicts with the intent of various sections of that Plan that seek to encourage development in appropriate areas such as Community Regions and Rural Centers:

OBJECTIVE 2.1.1 - LAND USE ELEMENT: COMMUNITY REGIONS

Purpose: *The urban limit line establishes a line on the General Plan land use maps demarcating where the urban and suburban land uses will be developed. The Community Region boundaries as depicted on the General Plan land use map shall be the established urban limit line.*

The stated intent of this Objective is to provide opportunities that allow for continued population growth and economic expansion while preserving the character and extent of existing rural centers and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life and economic health of the County.

October 11, 2007 – Page 2

Planning Commission Request for Agenda Item:

Exemption from Policy 8.1.3.1 of the 2004 EDC General Plan,

OBJECTIVE 2.1.2 - LAND USE ELEMENT: RURAL CENTERS

Purpose: *The urban limit line establishes a line on the General Plan land use maps demarcating where the urban and semi-urban land uses will be developed. The Rural Center boundaries as depicted on the General Plan land use map shall be the established urban limit line.*

The stated intent of this Objective is to recognize existing defined places as centers within the Rural Regions which provide a focus of activity and provides goods and services to the surrounding areas.

The result of implementation of Policy 8.1.3.1 Ag Buffers has been to effectively down zone many properties based on any and all agricultural overlays and zoning – not just to Agricultural Districts as once envisioned. A further consequence of this policy implementation is that when a parcel owner seeks to convert to agriculture via rezone or by entering into a Williamson Act contract, all lands adjacent to that parcel are then down zoned as well.

Clearly the General Plan creators envisioned the Community Regions and Rural Centers as locations that would support local and rural development at levels not sustainable by 10-acre minimum parcel sizes in these areas. To try to do so would require “big-box” projects that would be incompatible with rural communities’ needs or desires. In fact, the motive for creating Community Regions and Rural Centers was to allow for some densities (for example, farm worker housing) and commercial projects (for example, community services) intended to meet the agricultural and rural communities’ needs. The Plan envisioned eliminating the need for at least some number of vehicle trips to more urbanized areas where such services are more readily available.

A viable solution to the negative impacts encountered by implementing Policy 8.1.3.1 is to simply exempt lands from the 10-acre minimum parcel size that are adjacent to agricultural lands if those lands are located within a Community Region or Rural Center.

Please consider agendaizing this issue to address the need for a General Plan Amendment and to provide staff direction as soon as possible, so all affected and interested parties might consider this request and provide input.

Sincerely,

Kathye Russell



Still Finding Gold In El Dorado County

0700115 PM 12:57

RECEIVED
PLANNING DEPARTMENT

October 8, 2007

El Dorado County Planning Commission
2850 Fairlane Court
Placerville, CA 95667

Re: Community Regions/Rural Centers and Agricultural Buffers

The Joint Chambers Commission of El Dorado County would like to express our concern regarding Agriculture Buffers.

It is our understanding that the intent of the General Plan Land Use Element encourages Community Regions and Rural Centers and we would like to reiterate our support for those purposes.

We would recommend that there be a reconsideration of any provisions that inhibit the ability of the Community Regions and Rural Centers to achieve their purpose, such as the 10-acre minimum parcel size when created adjacent to agriculturally zoned lands. It does appear that Policy 8.1.3.1 conflicts with the intent of various sections of that Plan that seeks to encourage development in appropriate areas such as Community Regions and Rural Centers.

Thank you, for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Laurel Brent-Bumb".

Laurel Brent-Bumb, CEO

On behalf of;

El Dorado County Chamber of Commerce
Shingle Springs/Cameron Park Chamber El Dorado Hills Chamber

EL DORADO COUNTY CHAMBER OF COMMERCE

542 Main Street, Placerville, California 95667

(530) 621-5885 (800) 457-6279 Fax (530) 642-1624

1. Community regions (CR) and rural centers(RC) should not have the same criteria. Community regions are residential development serving while rural centers are for ag oriented development per the general plan.
2. Consider community regions as they are presently configured.
 - a. When new development occurs next to ag designated land both within the boundaries of the CR
 - b. When residential development is in the CR and the ag land borders the CR and adjacent to the development
 - c. All CR should not be treated the same. Those with actively farmed land and good ag land within and adjoining should have different standards than others. Consider no change from 8.1.3.1 or at most a method of administrative relief could be established if development is considered.
3. Consider what happens when the CR is expanded into or next to prime ag land or an ag district. Whatever changes are made should include this scenario because it will happen.
4. Rural centers are ag oriented regions and should not have the ag buffer requirements changed. At most administrative relief could be developed so each project is considered on an individual basis.
5. Should there be administrative relief on the buffering and if so how can it be achieved? If administrative relief is developed it should include some mitigation if a development causes loss of ag land. This is called for in 8.1.3.4. Question is how would this protect ag land that is already protected.
6. No reduction of the buffering requirement should allowed whether in or out of a CR or RC in any situation where development is being considered next to actively commercial farmed land and grazing land nor within or next to ag districts. Of course the latter should not happen because it is not intended that residential development should occur in rural lands or ag districts,
7. Oak woodlands in the residential development and abutting the ag land shall not be removed. Can act as buffer.

John MacCready
Planning Commissioner

~ A Work in Progress ~
April 12, 2008

Review of the El Dorado County 2004 General Plan Agricultural Element

For Information/Comments:

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A Work in Progress 4-12-08
Introduction & Executive Summary
Agricultural Policies of El Dorado County 2004 General Plan

Researching current El Dorado County (EDC) zoned and general plan (GP) designated "agricultural" lands and policies is difficult, because terms used to define specific zoning, land-use designations and GP policies have been used inconsistently, resulting in verbal and actual conflicts. State and federal labels, thresholds and standards otherwise applicable in a regulatory sense, are not always consistent with those used in the GP or in interpretation of the GP and its numerous goals, policies and objectives.

2004 GP Goal 8.1 is the fundamental goal related to EDC agriculture land conservation and states: "*Long-term conservation and use of existing and potential agricultural lands within the County and limiting the intrusion of incompatible uses into agricultural lands".*

In defining and identifying "agriculture lands" within EDC, one must understand the *variety* of definitions of state and federal agencies *as compared to ones specific to El Dorado County*. Federal and statewide agricultural terms and standards must be compared and contrasted with EDC local designations.

"**Agricultural Lands**" are defined in the EDC GP as lands that meet specific criteria **and** are adopted by the Board of Supervisors (BOS) as Agricultural Lands. The 2004 GP identified those lands shown on **Exhibit A** as Agricultural Lands, by designating them "AL" in the GP Land Use Map. Generally these lands were designated AL because they have active Williamson Act Contracts or are within Agricultural Districts.

"**Potential agricultural lands**" are lands not designated as "AL" on the GP land use map, but meet any of the criteria listed below. If the BOS determines that these lands *qualify* to be Agricultural Lands - by meeting the criteria - then the BOS may determine that the lands are Agricultural Lands):

- A) Prime, Statewide Important or Unique Farmlands as mapped by the Department of Conservation (DOC) Farmland Mapping & Monitoring Program (FMMP), and shown on **Exhibit B** (Glossary p. 378, GP p. 16, Policy 8.1.1.8-B);
- B) Lands with characteristics of choice agricultural lands that have the capability of crop production, primarily based on locally designated "choice soils" as shown on **Exhibits C, I, J, K, L** (Glossary p.378, GP p. 16, Policies 8.1.1.5, 8.1.1.8-B).
- C) Grazing lands generally 40 acres or greater that have historically been used for commercial grazing and are currently capable of sustaining commercial grazing of livestock. Lands designated non-agricultural in the 1996 Land Use Map are not eligible. Only Williamson Act grazing lands within the approximate 200,000+/- acres of grasslands in EDC have been identified as AL in the GP. (Glossary p. 378, GP Text p. 16, Policies 8.1.1.8-C, 8.1.2.2.) Policy 8.1.2.3 "encourages 'AL' designation" for BOS-determined grazing lands).
- D) Land of sufficient size under cultivation for commercial crop production (Glossary: "currently producing crops", GP p. 16 AL, Policy 8.1.1.8-C "under cultivation for commercial crop production").
- E) Applications for Williamson Act or Farm land Security Zone Contracts not already designated AL. (GP p.16, Policies 8.1.1.8 A, 8.1.1.6 (zone AE).

"**Use of land for agricultural purposes**" is defined in the Glossary at page 378 as including, "farming. Horticulture, pasturage, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce secondary to that of normal agricultural activities." GP Objective 8.2.2.2 and related policies describe and protect agricultural uses on Agricultural Lands, including pesticides and animal husbandry.

GP Land Use Designations, Agricultural Lands and Agricultural Zoning

Agricultural and non-agricultural interests appear to have differing opinions as to the relationship of Agricultural Lands to GP Land Use Designations. The perceived opinion of agriculture is illustrated by **Exhibit D** and basically sees Rural Region lands as primarily agricultural, and believes Agricultural Lands may be in any Land Use Designation if the lands have:

- A) Vegetation capable of supporting the grazing of livestock;
- B) "Choice soil" as designated by EDC;
- C) Been designated by EDC as Farmlands of Local Importance;
- D) Existing Ag zoning.

Exhibit E maintains the same criteria as shown on **Exhibit D**, but overlays LDR and higher intensity land uses (AP, C, HDR, I, MDR, MFR, R&D) over the criteria, to indicate these are non-agricultural lands, except for existing Williamson Act contracts or, potentially, existing croplands in production. Lands planned for the highest intensity land uses were planned for "urban" or non-agricultural uses. Table 5.2-5 found at EIR 5.2-26, analyzed the impact that medium- or high-density agricultural land conversion has on each GP alternative (EC, NP, RC, 1996). For each alternative, the study assumed, "For the purposes of this analysis, land with medium or high conversion potential is designated to be land defined in the GP for non-agricultural land uses: HDR, MDR, LDR, MFR, C, TR, RD, AP and PF". This analysis is consistent with Policy 8.1.2.2 (grazing land criteria) and Policy 8.1.1.5 (crop lands zoned agriculture) which state that grazing lands do not qualify as Agricultural Lands (AL) if they are located within an Urban or Non-agricultural Land Use Designation as shown on the 1996 General Plan Land Use Map. While LDR is reviewed at length in this report, it is noted that LDR is defined in the GP as residential and as a *transition into* agricultural designations and the 10-acre maximum parcel size for LDR contrasts with the 40-acre minimums for qualified grazing lands, and, generally, 20- acre minimums for zoning croplands. **While LDR and higher intensity land uses may support compatible secondary agricultural uses, these land use designations are not agricultural.**

Archaic agricultural zoning does not qualify zoned lands as Agricultural Lands. These zonings predate the GP and GP procedure for the BOS to adopt Agricultural Lands. **Exhibit F** shows zoning v. land use designations. **Pending the zoning ordinance and map update, interim guidelines should establish that for purposes of interpreting GP agricultural policy, zoning is trumped by non-agricultural and urban land use designations.**

Standards for Identification and Mitigation of Agricultural Land

While it is for the BOS to interpret what is meant by such GP requirements or terms as "commercially sustainable grazing of livestock grazing" or "non-agricultural land use designations", certain standards are set by the GP. Policy 8.1.3.4 directs use of the LESA land assessment model in re-zone applications requesting conversion from agricultural lands to non-agricultural lands. **It is unlikely that conversion of either Agricultural Land or Potential Agricultural Land in EDC would be deemed a significant effect as indicated by the following:**

A) **Regarding Prime Farmlands**, DOC responds to the query, "*How much farmland in EDC is designated Prime Statewide Important or Unique Farmlands?*" by reporting the approximately 5,000 acres mapped on **Exhibit B**. California and federal agencies report the following ***as applicable to EDC:***

Prime Farmland:	<u>770 acres</u>	(State = 5.1 million acres)
Statewide Important:	<u>843 acres</u>	(State = 2.7 million acres)
Unique Farmland:	<u>3,783 acres</u>	(State = 1.2 million acres)

TOTAL: **EDC= 5,396 acres** **(State = 9.0 million acres)**

B) **Regarding croplands** there are around 5,000+/- acres of actual producing croplands in EDC (GP EIR Table 5.2-3) as compared to the 50,000+/- acres in Agricultural Districts. In addition, lands identified with "choice soils", *which is a unique EDC term, e.g.: not Prime or Statewide Important*, with related locally defined Farmlands of Local Importance, provide a substantial reserve of potential croplands.

C) **Regarding loss of grazing land**, EDC livestock production contributes \$8 million to California's \$3.2 billion livestock industry. California has 16 million acres of grazing lands mapped by DOC with an additional 12 million acres in federal grazing allotments. These lands provide forage to approximately 5 million cattle and 700,000 lambs. A livestock county such as Tulare reports 615,000 head of cattle, 15,000 lambs and 233,000 hogs and pigs. Merced has 300,000 livestock. EDC reports 7,500 cattle, 2,700 goats and 200,000 acres of grasslands.

D) **Regarding historical loss of agricultural land**, there has been an approximate 2% decline in DOC-mapped potential grazing lands in EDC over 20-plus years. The Sierra Business Council notes, "The two agricultural land tracking mechanisms exhibit some obvious deviations. For example, while the FMMP shows El Dorado losing more than 2,500 acres, the Census of Agriculture shows an increase of 15,036 acres of land in farms, as well as 972 acres in orchards for El Dorado County during the same time period (1992-2002)."

EDC has adopted a local land assessment model termed SEAL to determine whether lands qualify for Agricultural Districts or Williamson Act preserves (Policy 8.1.1.4). When applied, the SEAL test results in more lands qualifying as Agricultural Lands than using LESA - the USDA/DOC model.

Agri-Tourism

The genius of the EDC agricultural community is how it has been reinvented to survive over the years. During the 1850's over 5,000+/- acres of vineyards supplied the gold fields. Vineyards were again stimulated after prohibition, only to disappear during the war years, until their resurgence in the 1970's. Likewise, the 3,500 acres of pears decimated by blight in the 1950's have been transformed through strong local leadership into Apple Hill. Tourists now flock to Apple Hill and the county's notable wine areas to spend money while enjoying the local rural atmosphere, preserved in large part by the agricultural community. This report treats such issues as the Winery Ordinance, Right to Market Ordinance, and land use issues within Agricultural Districts, as issues for the agricultural community to address, and makes no attempt to address those herein.

Defining the Role of the Agricultural Commission in the Land Use Process

The Board of Supervisors should clarify whether Agricultural Commission hearings are directory and whether mandatory hearings before **any industry** body should be required. Also, whether required Ag Commission input on agricultural matters could be in the form of advisory policy statements and criteria based checklists.

Options for BOS Action: Without GP Amendments

The Board of Supervisors (BOS) has broad discretion to interpret GP Policies consistent with GP objectives. To maintain a "good neighbor policy" between agricultural and non-agricultural property owners, the BOS should address, interpret and clarify Agricultural Element policy issues. The BOS may consider the following options:

- 1) Affirm the primacy of the GP Land Use Designations. LDR and higher intensity land use designations are not Agricultural Land designations, but may support compatible secondary agricultural uses. Exceptions are existing Williamson Act contract lands and commercial croplands *with BOS approval*. Adopt Interim Guidelines establishing primacy of land use designations over existing historical zoning, and consider whether setbacks are required from archaic agricultural zoning - if the zoning is within an urban or non-agricultural land use designation.
- 2) Ensure that any proposed Zoning Ordinance comply with the GP requirements. For instance, the recently proposed text for Agricultural Zoning (AG) would qualify lands "that have either been historically used for grazing *or* that have the potential for viable commercial grazing operations." This conflicts with the GP requirements for qualifying grazing lands as Agricultural Lands (GP Glossary, Policy 8.1.2.2) which reads: "...have historically been used for commercial grazing of livestock *and* are currently capable of sustaining commercial grazing of livestock." Additionally, LDR and higher intensity land uses have proposed "agricultural uses" (Glossary page 378 "Agriculture", GP Objective 8.2.2) that may intrude on the primary non-agricultural land use.
- 3) Assess the realistic potential for growth in both agricultural production and agri-tourism, to justify expansion and protection of Agricultural Lands beyond those designated "AL" by the General Plan, and those lands that may be recognized for protection by State and Federal agricultural agencies.
- 4) Review the "threshold of significance" both for conversion of Ag Lands using statewide standards to comply with Policy 8.1 3.4, and to identify EDC's potential Agricultural Lands.
- 5) Identify lands "suitable for sustained grazing", as those Williamson Act grazing lands **not** in rollout, to comply with Policy 8.1.2.1.
- 6) Consider whether Policy 8.1.3.1 was intended to apply to protect archaic agricultural zoning or to restrict parcel size, within Community Regions or Rural Centers, considering that lands in these areas are intended for highest density land uses not limited by parcel size. The Draft Relief Findings Criteria developed by Agricultural Department Staff is a reasoned approach to resolution of Policy 8.1.3.1 issues. A similar consensus building approach would be most effective in resolving other issues presented by this report
- 7) Define the role of the Agricultural Commission in the land use process.

A Work in Progress as of April 12, 2008
Comprehensive Review
EDC General Plan Agricultural Policy

Summary of Selected GP Text and Agricultural Policies

Agricultural Land (AL) land use designation is applied to lands described in Policy 8.1.1.8. (GP Text page 16).

Agricultural Lands are defined in GP Glossary (GP Text page 378) as:

- Prime, Statewide Important and Unique Farmlands;
- Local Important – producing or capable of producing crops ;
- Grazing lands – lands historically used for grazing, currently capable of sustaining commercial grazing of livestock, 40-160 acres and larger that the BOS concludes should continue to be used for grazing.

- 1) **8.1.1.1** creates **Agricultural Districts** for actual and potential croplands;
- 2) **8.1.1.2** provides six-point criteria for establishing Ag Districts.
- 4) 3) **8.1.1.4** The EDC “Procedure for Evaluating the Suitability of Land for Agriculture” will be used to determine if lands qualify for Agricultural Districts and Williamson Act. (Note – “SEAL” test is a local [EDC] test that is more inclusive of agricultural lands as compared to the USDA/DOC LESA test). **8.1.1.5** states: Parcels 20 acres or larger with choice soils shall be zoned agriculture *unless* the lands are designated urban or non-agricultural on the 1996 Land Use Map *or* the BOS determines otherwise. *Agriculture Commission input will be solicited and considered.*
- 5) **8.1.1.6** Williamson Act Contract lands shall be zoned Exclusive Agriculture (“AE”).
- 6) **8.1.1.7** requires a suitability review by Ag Commission to incorporate lands into Agriculture Districts.
- 7) **8.1.1.8** defines what lands *may* be classified AL – if the BOS approves. These are: a) Williamson Act lands; b) Prime Farmlands, Statewide Important Farmlands, Unique Farmlands – and lands with “choice soils” (See Exhibit E) lands under cultivation with crop production and qualified grazing lands (See Glossary and 8.1.2.2.).
- 8) **8.1.2.1** states “*Agricultural Commission shall identify lands suitable for sustained grazing purposes*” for which the BOS will **consider** incentive programs.
- 9) **8.1.2.2** defines what grazing lands qualify or *may qualify* to become Agricultural Lands – unless the BOS determines the land should be a nonagricultural use - other than lands designated urban or nonagricultural on the 1996 Land Use Map. *Before taking any actions to create parcels of less than 40 acres in areas subject to this policy the BOS and/or Planning Commission shall solicit and consider input from the Agricultural Commission.*
- 10) **8.1.3.1** provides that agriculturally zoned lands shall be buffered from increases in density by requiring newly created adjacent parcels to be at least 10 acres;
- 11) **8.1.3.2** requires setbacks for agriculturally zoned lands from Agriculturally incompatible uses. GP requires Administrative relief;
- 12) **8.1.3.4** requires a threshold of significance be established for loss of Agricultural Land by the Agricultural and Planning Departments.
- 13) **8.1.3.5** If a project involves a parcel 10 acres or greater and is not designated urban or nonagricultural on the 1996 Land Use Map and is **identified as having an existing or potential agricultural use**, *the Ag commission must consider and provide recommendations on agricultural use and whether the request will diminish or impair the existing or potential use.*
- 14) **8.1.4.1 and 8.1.4.2** states that the *Ag Commission shall review and offer recommendations* on all discretionary permits involving **lands zoned for, or designated, agriculture, or lands adjacent to such lands.**

Exhibit G summarizes the Agricultural 8.1 Policies and related measures.

I.

Defining and Identifying "Agricultural Lands" in El Dorado County

Recap of GP Meaning of Agricultural Lands, Potential Agricultural Lands and Agricultural Uses

"**Agricultural Lands**" as defined in the EDC GP, are lands that meet specific criteria **and** are adopted by the Board of Supervisors (BOS) as Agricultural Lands (AL). The 2004 GP identified those lands shown on **Exhibit A** as Agricultural Lands by designating them "AL" in the GP Land Use Map. Generally, these lands were designated AL because they have active Williamson Act Contracts or are within Agricultural Districts.

"**Potential Agricultural Lands**" are properties not designated as AL in the GP land use map, but that meet any of the following criteria. If the BOS determines these properties do qualify to be designated as Agricultural Lands by meeting the criteria below, then the BOS may, at the discretion of the BOS, designate the lands to be Agricultural Lands. **Exhibit H** is a flow chart that illustrates the GP process for identifying property that may qualify to be Agricultural Lands via the BOS process of adopting Potential Agricultural Lands as Agricultural Lands through a range of land use actions that may follow. Note: the BOS must go through the adoption process (**Exhibit H**) before BOS designation as Agricultural Lands. Below are the lands that may be eligible for adoption by the BOS as Agricultural Lands and subsequently designated with an agricultural land use designation or zoned agricultural:

- 1) Prime, Statewide Important or Unique Farmlands as mapped by the Department of Conservation's (DOC) Farmland Mapping & Monitoring Program (FMMP) and shown on **Exhibit B** (Glossary p.378, GP p.16, Policy 8.1.1.8-B);
- 2) Lands with characteristics of choice agricultural lands (locally designated "choice soils" or locally designated Farmlands of Local Importance) as shown on **Exhibit C**, that have the capability of crop production. (Glossary p.378, GP p.16, Policies 8.1.1.5, 8.1.1.8-B). There is an issue as to whether these lands must be 20-acre minimums (Policy 8.1.1.5).
- 3) Grazing lands generally 40 acres or greater that have historically been used for commercial grazing and are currently capable of sustaining commercial grazing of livestock. Lands designated non-agricultural in the 1996 Land Use Map are not eligible. Only Williamson Act grazing lands within the approximate 200,000 acres of grasslands in EDC have been identified. (Glossary: p. 378, GP Text p.16, Policies 8.1.1.8-D, 8.1.2.2, 8.1.2.3 "encourage AL designation" for BOS-determined grazing lands).
- 4) Land of sufficient size, under cultivation for commercial crop production (Glossary: "currently producing crops", GP p.16 AL, Policy 8.1.1.8-C "under cultivation for commercial crop production").
- 5) Applications for Williamson Act or Farmland Security Zone Contracts on lands not already designated AL. (GP p.16, Policies 8.1.1.8-A, 8.1.1.6 [zone AE].)

"**Use of land for agricultural purposes**" is defined in the Glossary at page 378 as including, "farming, horticulture, pasturage, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce secondary to that of normal agricultural activities." GP Objective 8.2.2.2 and related Policies describe and protect agricultural uses on Agricultural Lands, including pesticides and animal husbandry.

Statewide and EDC Designations for Soils and Farmlands

A review of EDC agricultural policy must start with a discussion of the relationship of soils to "farmlands". El Dorado County soils were mapped in 1974 in a cooperative project between the USDA and UC Ag Experiment Station. The resulting "Soil Survey of El Dorado Area, California", including mapping, is the definitive guide to EDC soils. Soils were rated using the Storie Index Guide which rates the general suitability of soil for agriculture in six categories: Grade 1 soils (index rating 80-100) are prime; Grade 2 soils (index rating 60-80) are moderately well suited for agriculture; Grade 3 soils (index rating 40-60) indicates fair suitability; Grade 4, 5 and 6 soils (index rating under 40) are of poor suitability.

Of the approximately 150 Storie Index soil classifications in EDC there are no soils with an index rating of 80-100 and there are 10 soils rated between 60 and 80. Nine soil mapping units (AfB, AfB2, ArB, CmB, HgB, HhC, LaB, ReB and SbB) meet the DOC criteria for soils for Prime Farmland, and 11 soil mapping units (AsC, BhC, DfB, HgC, HrC,

PgB, Rk, SbC, ScC, SgC and WaB) are classified by DOC as suitable soils for Farmlands of Statewide Importance. Prime and Statewide Important Farmlands in EDC are shown on **Exhibit B**.

As compared to Prime and Statewide Important soil types which are universally classified, the “**choice soils**” shown on **Exhibit I** are only considered “choice” in EDC. Attached as **Exhibit C** is a map that shows all choice soils in EDC (those classified as Prime, Statewide Important and those soils shown on **Exhibit I** which are only “choice” in EDC). **Exhibit J** is a detail map of the soil types. **Exhibit K** is a map showing the location of soils with a Storie Index of 60-80, including those soils classified as Prime and Statewide Important by DOC. In EDC, “choice soils” is an inclusive term that *may* place lands having the *soils* shown on **Exhibit I** (not Prime or Statewide Important soils) into the same category as Prime, Statewide and Unique actual *farmlands*. When **Exhibit J** is compared to **Exhibit E**, the lack of “choice soils” along the areas designated in red or salmon is notable. **Exhibits C, I and J** show “choice soils” and their relationship to locally designated “Farmlands of Local Importance”. **Exhibit L** shows the relationship between the choice soils and the Williamson Act lands and Agricultural Districts.

Recognizing that lands having “choice soils” may not be capable of producing crops for such reasons as lack of water, various tests have been developed to evaluate the suitability of lands for agricultural use. EDC has created “The Procedure for Evaluating the Suitability of Land for Agricultural Use” (“SEAL”). This Procedure is used in determining whether a parcel qualifies as Williamson Act land or as an Agricultural District. This “Procedure” is also used to evaluate a parcel for agricultural *potential* using a scale of 0 to 100 points, upon evaluation of each of five categories: 1) Soils (choice); 2) Climate; 3) Water; 4) Land Use; and 5) Parcel Size.

The locally developed SEAL compares to “The Land Evaluation and Site Assessment” (LESA) point system based approach developed by USDA to rate the relative importance of agricultural land resources based upon specific measurable features. A California LESA model was developed with DOC assistance, for statewide use in California to provide lead agencies with a uniform methodology to ensure that potentially significant effects on the agricultural environment are quantitatively and consistently considered in the CEQA process. GP Policy 8.1.1.4 requires the more liberal local SEAL Procedure be used for evaluating the suitability of land for inclusion in Agricultural Districts or Williamson Act contracts. GP Policy 8.1.3.4 uses the LESA system for determining the threshold of significance under CEQA for conversion of agricultural lands.

Application of these tests finds the locally developed SEAL method to be more inclusive than LESA. In other words, the local SEAL test is more likely to find lands with locally designated “choice soils” may be termed potential agricultural lands.

Soils are only one component of farmlands. The California Department of Conservation (DOC) administers the Farmland Mapping and Monitoring Program (FMMP) which produces maps and data for California lands. The FMMP maps and inventories *Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance*, and grazing lands. The criteria for these categories are discussed in the following section.

Exhibit B shows EDC Prime, Statewide Important and Unique Farmlands as mapped by DOC.

EDC General Plan Defined Agricultural Lands

Glossary

The EDC GP Glossary at page 378, along with later referenced GP Policies, defines EDC “**Agricultural Lands**”. The Glossary copies the USDA/DOC definitions for Prime, Statewide Important and Unique Farmlands. **“Farmlands of Local Importance” and “Grazing Lands” are defined locally by the GP.**

“Agricultural Lands” Refers to eight classifications of land mapped by the U.S. Department of Agriculture Soil Conservation Service. The five agricultural classifications defined below, except Grazing Land, do not include public lands for which there is an adopted policy preventing agricultural use.

1. **Prime Farmland.** Land which has the best combination of physical and chemical characteristics for the production of crops....Prime Farmland must have been used for the production of irrigated crops within the last three years.

2. **Farmland of Statewide Importance.** Land other than Prime Farmland, which has a good combination of physical and chemical characteristics for the production of crops. It must have been used for the production of irrigated crops within the last three years.
3. **Unique Farmland.** Land which does not meet the criteria for Prime Farmland or Farmland of Statewide Importance that is currently used for the production of specific high economic value crops. It has the special combination of soil quality, location, growing season and moisture supply needed to produce sustained high quality or high yields of a specific crop, when treated and managed according to current farming methods. Examples of such crops may include oranges, olives, avocados, rice, grapes, and cut flowers.
4. **Farmland of Local Importance.** Land other than Prime Farmland, Farmland of Statewide Importance or Unique Farmland that is either currently producing crops, or that has the capability of production (*i.e. generally lands with soils shown on Exhibit C.* This land may be important to the local economy due to its productivity, and again, is identified by EDC and subsequently mapped by DOC shown on **Exhibit C**). The majority of lands designated as Farmlands of Local Importance in EDC are not in active agricultural production.
5. **Grazing Lands.** Lands which have historically been used for commercial grazing of livestock which are currently capable of sustaining commercial grazing of livestock and generally comprise parcels of 40 to 160 acres in size or larger and which the Board of Supervisors has concluded should continue to be used for grazing.

GP Policy 8.1.2.2 and Glossary Define Grazing Lands That May Qualify As Agricultural Lands

Lands identified as Grazing in the California FMMP maps are broadly defined by the DOC as "***lands on which the existing vegetation is suited to the grazing of livestock***" (See **Exhibit D** which includes these DOC-mapped lands). This DOC classification is much more inclusive than the EDC GP requirement for potential Grazing Land to become Agricultural Lands. This broad FMMP classification includes around 28 million acres of private, state and federal lands.

The EDC GP requires that for potential grazing lands to qualify to be classified as Agricultural Land, they must first meet the GP requirements found in the Glossary and GP Policy 8.1.4.2. These requirements are listed below with the Glossary definition first, then as modified by Policy 8.1.2.2 italicized in bold:

- a) Historically been used for commercial grazing of livestock (*no change from Glossary*);
- b) Currently capable of sustaining commercial grazing of livestock (*no change from Glossary*);
- c) Generally comprise parcels of 40 to 160 acres in size or larger ("*protected with a minimum of 40 acres unless such lands already have smaller parcels*" is in addition to the Glossary);
- d) Lands the BOS has found should continue to be used for grazing ("*or the BOS determines that economic, social or other considerations justify the creation of smaller parcels for development or other non-agricultural uses*" is in addition to the glossary);
- e) **"Lands that were not assigned urban or other nonagricultural uses in the Land Use Map for the 1996 GP"** is in addition to Glossary.

BOS Should Interpret Requirements for Grazing Land to Qualify as Agricultural Lands

To assist the BOS in making determinations as to whether *potential* grazing lands are Agricultural Lands, and to ensure equal treatment to landowners, the BOS should set standards, with the assistance of the Agriculture Commission, to determine what grazing lands are eligible to be designated as Agricultural Lands. Standards should address:

- a) What is meant by "historically been used for commercial grazing of livestock"? E.g.: what is a bona fide commercial grazing operation as compared to a hobby or home consumption grazing? Historical does not necessarily mean the property was grazing land in the distant past. Prime, Statewide Important and Unique Farmlands all have a requirement of agricultural use in the *recent* past. Using the recent, rather than the distant past, appears to be more consistent with the objective of determining commercial

sustainability. Does leasing land for a nominal sum, motivated more by co-operation between neighbors or grass control, count as a "historical commercial operation"?

- b) What is the standard to determine if lands are "currently capable of sustaining commercial grazing of livestock?" Should "Grazing Land" be capable of sustaining a certain number of "grazing units?"

A "Grazing Unit" is defined on an animal-unit-month (AUM) basis, which is one cow or cow-calf pair feeding for 1 month (NASS, 2005). Should there be any relationship to grazing fees on public lands administered by the Bureau of Land Management (BLM) of the U.S. Department of the Interior, and the Forest Service (FS) of the U.S. Department of Agriculture (USDA)? Or, should there be an amount of feed the land is able to generate as non-irrigated grazing land before being designated "Grazing Land"? Does "commercial grazing" mean a full time commercial activity or include a part time or hobby activity? There may also be an issue as to whether IRS "hobby" regulations should be utilized. Studies to consider commercial viability of grazing lands have been prepared by various groups, including the UC IHMP program (See IHRMP # 89) and the Sierra Business Council (SBC). SBC concluded, "The large ranches are the only size class to make money in terms of net return to ranch business, total income over total expenses and cash flow". The Coastal Commission requires that grazing land must produce food and fiber and which has an annual carrying capacity equivalent to at least one animal per acre, as defined by the USDA.

- c) Determine what lands were assigned "urban" or other non-agricultural uses in the Land Use Map for the 1996 GP, since these lands are not eligible to be designated Agricultural Land.

Potential Croplands Eligible to be Agricultural Lands in El Dorado County

Croplands *may* become Agricultural Lands if they meet any of the following criteria and are adopted by the BOS as Agricultural Lands:

- a) Prime, Statewide Important or Unique Farmlands as mapped by the Department of Conservation (DOC) FMMP and shown on **Exhibit B** (Glossary p. 378, GP p.16, Policy 8.1.1.8-B);
- b) Lands with characteristics of choice agricultural lands (locally designated "choice soils" or locally designated Farmlands of Local Importance) as shown on **Exhibits C, I, J, K**, that have the capability of crop production; (Glossary p.378, GP p.16, Policies 8.1.1.4, 8.1.1.5, 8.1.1.8-B). Policy 8.1.1.5 states: Parcels 20 acres or larger with choice soils shall be zoned agriculture unless the lands are designated urban or non agricultural on the 1996 Land Use Map or the BOS determines otherwise.
- c) Land of sufficient size, under cultivation for commercial crop production, (Glossary, "currently producing crops", GP p.16 AL, Policy 8.1.1.8-C "under cultivation for commercial crop production").
- d) Applications for Williamson Act or Farm land Security Zone Contracts, for croplands not already designated AL. (GP p.16, Policies 8.1.1.8-A, 8.1.1.6 [zoned AE] Policy 8.1.1.4).

GP Policy 8.1.1.8 Limits AL Land Use Designation to BOS Adopted Agricultural Lands

GP Policy 8.1.1.8 limits the Agricultural Lands (AL) land use designation to those lands described in Policy 8.1.1.8 which are of sufficient size, meet any of the following criteria, and the BOS approves the lands as Agricultural Lands:

1. Under Williamson Act or Farmland Security Zone Contract; (**Exhibit A**)
2. Contains the characteristics of choice agricultural land (i.e. choice agricultural soils,) (**Exhibits C, I, J, K**);
3. Contain Prime, Statewide Importance, Unique or Locally Important Farmland; (**Exhibits B**)
4. Are under cultivation for commercial crop production (generally **Exhibit B**);
5. Grazing land (see criteria in Policy 8.1.2.2 and Glossary) (GP - Williamson Act grazing (**Exhibit A and D**))
6. In the County's Rural Region (i.e. not in Community Regions) or Ag Dept determines is suitable for ag production.

II. Agricultural Lands and GP Land Use Designations

“**Agricultural Lands**” are defined in the EDC GP as those lands that meet the above specific criteria for either grazing lands or croplands and are adopted by the Board of Supervisors (BOS) as Agricultural Lands. The only lands adopted by the BOS as Agricultural Lands are shown on **Exhibit A**. Generally, these lands were designated Agricultural Lands because they have active Williamson Act Contracts or are within Agricultural Districts.

GP Land Use Designations and Zoning: While all general plan elements carry equal weight legally, the land use element is the most visible and frequently used, since it identifies lands for use as high intensity Community Regions to low intensity Natural Resource areas. Zoning ordinances are subordinate to, and must be consistent with, the GP land use designations. Various issues have developed regarding the relationship between the Land Use Element and Agricultural Policies.

Agricultural Land Use Designations are for lands primarily agriculture and where nonagricultural activities that intrudes on the agricultural use should be discouraged. Agricultural uses, as defined in the GP, are what would be expected in an agricultural land use designation and would be consistent with an agricultural land use designation.

Non-agricultural land use designations are for lands primarily non-agricultural, but may have secondary compatible agricultural activities. However, secondary agricultural activity that intrudes on the primary residential use of land within a residential land use designation should be discouraged or regulated to ensure conformity.

Agricultural Land Use Designations Compatible with Agricultural Zoning

GP Policy 2.2.1.2 reads: “To provide for an appropriate range of land use types and densities within the County, the following General Plan land use designations are established and defined...”

Agricultural Lands (AL): This designation is applied to lands described in Policy 8.1.1.8 which reads, “Lands assigned the AL designation shall be of sufficient size to sustain agricultural use and should possess one or more of the following characteristics:”

1. Under Williamson Act or Farmland Security Zone Contract; (**Exhibit A**)
2. Contains the characteristics of choice agricultural land (i.e. choice agricultural soils,) (**Exhibits C, I, J, K**);
3. Contain Prime, Statewide Importance, Unique or Locally Important Farmland; (**Exhibits B**)
4. Are under cultivation for commercial crop production (generally within **Exhibit B**);
5. Grazing land (see criteria in Policy 8.1.2.2 and Glossary) (GP - Williamson Act grazing (**Exhibit A**),
6. In the County’s Rural Region (i.e. not in Community Regions) or the Ag Dept determines is suitable for ag production.

Literally, the complete range of agricultural uses is encompassed within Policy 8.1.1.8 (actual and potential cropland and grazing lands). It could be read that any lands that meet the qualifications for Agricultural Lands as outlined above and found to be Agricultural Lands by BOS should only be designated AL. However, Rural Residential (RR), despite being a residential land use (GP Glossary, page 398), allows agricultural uses: “This land use designation establishes areas for residential and agricultural development.” (GP p.16). Although RR lands were not designated AL, the GP designates the RR land use designation as appropriate for agricultural zoning. Likewise, the Natural Resource (NR) land use designation lists agriculture as a compatible use where agriculture zoning would be appropriate. AL, RR and NR are appropriate land use designations for Agricultural Lands to support the full range of agricultural uses.

Non-agricultural Land Use Designations

The 1996 General Plan showed Agricultural Districts but did not include an Agricultural Lands (AL) land use designation. The AL designation was introduced in the Environmentally Constrained Alternative analyzed in the 2004 GP EIR. Read literally, lands eligible to be Agricultural Lands and adopted by the BOS as Agricultural Lands, should be designated AL (GP pg. 16, Policy 8.1.1.8, Policy 8.1.2.3). However, the GP indicates RR and NR, along with AL, are appropriate land use designations for Agricultural Lands and agricultural zoning. This leads to the question: What land use designations are not appropriate for Agricultural Lands?

GP Policies specifically state that **grazing lands and certain croplands may not be designated Agricultural Lands if within a non-agricultural land use designation**. GP Policies 8.1.1.5 (20+ acres with choice soils are potential agricultural lands), 8.1.2.2 (requirements for grazing lands to be considered for Agricultural Land), 8.1.3.5 (10 acres or greater with agricultural use must be reviewed for existing or potential use) do not apply in lands **“assigned urban or other non-agricultural uses in the 1996 GP Land Use Map”**. Likewise, they would not apply in lands designated for non-agricultural uses in the 2004 GP.

This policy limitation requires a review of the 1996 Land Use Map. The actual 1996 Land Use Map consisted of 18 Panels that together comprised the 1996 Land Use Map adopted by the BOS on January 23, 1996 as Resolution No. 10-96. The 2004 General Plan 1996 Alternative Land Use Map attached to the 2004 GP EIR as Exhibit 3-4 is substantially equal to the 1996 Land Use Map and is attached to this report as **Exhibit M**. The distinguishing feature between the 1996 maps and the 2004 Land Use Map is the 1996 maps show the Agricultural Districts, but do not have an Agricultural Lands (AL) land use designation. History aside, the limitation in the 2004 GP that grazing lands and lands with choice soils over 20 acres assigned urban or other non-agricultural uses in the 1996 GP Land Use Map, may not be designated as Agricultural Lands, directly raises two issues:

- a) Whether lands in the Community Regions were “Urban” and therefore disqualified as AL either in the 1996 Land Use Map or the 2004 GP;
- b) Whether Low Density Residential (LDR) was a non-agricultural land use in the 1996 Land Use Map or the 2004 GP.

Were Community Regions and Rural Centers “Urban” in the 1996 GP Land Use Map or Non-agricultural in the 2004 GP?

Both the 1996 GP and Land Use Map and the current GP and Land Use Map, show the Community Regions as urban: ***“The Community Region boundaries as depicted on the GP land use map shall be the established urban limit line”*** (GP Page 11). By definition, grazing lands in urban areas or crop lands described in Policy 8.1.1.5 are not eligible to be classified as Agricultural Lands.

Was “Low Density Residential (LDR)” Non-agricultural in the 1996 Land Use Map or Non-agricultural in the 2004 General Plan?

If LDR was a non-agricultural use in either the 1996 Land Use Map or 2004 GP, then potential grazing land described in Policy 8.1.2.2, or potential crop lands defined in Policy 8.1.1.5 within LDR, are not eligible to be Agricultural Lands. Factors that address whether LDR was non-agricultural in the 1996 or 2004 GP include the fact that LDR allows a 10 acre maximum parcel size, while grazing lands must be a minimum of 40 acres, and potential croplands a minimum of 20 acres, to qualify as Agricultural Lands (Policy 8.1.1.5). Following are additional factors:

- 1) The LDR land use designation adopted in the 1996 GP is the same as the 2004 Plan, both of which struck proposed agricultural use language. The only mention of agriculture in the GP Text defining LDR lands is that LDR “shall provide a transition from Community Regions and Rural Centers *into* the agricultural, timber and more rural areas of the County.”

The 1996 General Plan considered and rejected the following strikethrough language which would have allowed agricultural use in the GP text defining LDR: “This land use designation establishes areas for single family residential development in a rural setting ~~and enables agricultural Farm Management activities~~ ~~....Typical uses shall include agricultural support structures, crop production, and the raising and grazing of domestic animals....”~~

- 2) The GP text for LDR, which does not provide for agricultural development, compares to the Rural Residential (RR) land use which reads, “This land use designation establishes areas for residential and agricultural development... This category is appropriate for “choice soils”.

- 3) Table 5.2-5 found at EIR 5.2-26 analyzes the impact that Medium or High agricultural land conversion has on each GP alternative (EC, NP, RC, 1996). For each alternative, the study assumes, **“For the purposes of this analysis, land with medium or high conversion potential is designated to be land defined in the GP for non-agricultural land uses: HDR, MDR, LDR, MFR, C, TR, RD, AP and PF”**. Discussions in the GP EIR make the following references to this analysis:
- a) The No Project Alternative discussion considers LDR to be a non-agricultural land use. The EIR at 5.2-27 reads, 15% of the land would be designated for use with medium or high conversion potential and 85% would be designated for low-intensity rural uses (i.e. Rural Residential, Natural Resources). LDR may be an acceptable buffer for agricultural lands (EIR 5.2-29).
 - b) The Roadway Constrained Alternative at EIR 5.2-37 also refers to Table 5.2-5 and adopts those definitions of non-agricultural land uses: “The definitions of land uses with medium or high conversion potential and land suitable for agriculture are described in the table.” Also, at 5.2-38, “No minimum parcel size is identified for viable grazing operations under the RC Alternative, but a typical minimum parcel size for these uses in the county is 20-40 acres. At this range of parcel sizes, LDR is not an appropriate land use designation for, or adjacent to grazing operation.” At various places the RC Alternative mentions that LDR text includes “small agricultural operations” though this was not included in the final text (EIR 5.12-40), “LDR of 5-10 acres is defined as allowing “small agricultural operation (not included in GP text), whereas grazing requires large parcel sizes for a viable operation.”
 - c) The Environmentally Constrained Alternative introduced the concept of “agricultural lands” and found “no acreage designated AL would be located in areas with medium or high conversion potential. (See EIR Table 5.2-5 which indicates, “land with medium or high conversion potential is designated to be land defined in the GP for non-agricultural land uses: **HDR, MDR, LDR, MFR, C, TR, RD, AP and PF**” This is confirmed at 5.2-44: “uses appropriate for rural designations (including agricultural use) would be located only in areas appropriate for low intensity uses.”
- 4) The GP includes various tables and matrixes. Generally, matrixes and diagrams are intended as guidelines to explain GP text, unless the GP indicates charts or diagrams are mandatory. Relevant GP Tables include:
- a) Table 2-4 shows Ag Zones as being consistent with LDR. However, GP Policy 2.2.2.4 explains: “Where approval of the GP has created inconsistencies with existing zoning, lower intensity zoning, in accordance with Table 2-4, may remain in effect until such time as adequate infrastructure is available to accommodate a higher density/intensity land use.
 - b) GP Table HO-25 indicates Zone Districts consistent with LDR are RE-5, RE-10, MP and SA-10. SA-10 requires “choice soils” or is active agriculture.
 - c) Since the zoning ordinances were to be drafted after the newly adopted Land Use designations, and there is no GP language limiting the power of the BOS to develop zoning ordinances consistent with the goals and objectives of the GP, it appears the consistency matrix was intended as a guideline.
 - d) The EIR discussion of the Land Use Element notes LDR has the potential to conflict with adjacent agricultural uses:

“Under all four equal weight alternatives, the LDR designation is intended as a transitional use between urban/suburban and rural (i.e. agricultural, timber) areas. The primary use of these 5 to 10 acre parcels is single family residential development in a rural setting.....In evaluating the compatibility of LDR with adjacent designations primarily intended for active agricultural and timber management activities, (i.e. NR, RR, AL and the Ag District Overlay), several sources of potential conflict emerge...”

Summary of Land Use Designation Discussion

Exhibit H illustrates the procedure to be used by the BOS in both designating lands as Agricultural Land and then approving land use actions:

- 1) Determine whether the lands qualify to be Agricultural Lands;
- 2) If the lands qualify or are eligible then BOS approves or reject classification of the lands as Agricultural Lands;
- 3) If approved as Agricultural Lands, then BOS takes appropriate action, including:
 - a. Designating lands as AL or other agricultural land designation;
 - b. Adding lands to Agricultural Districts;
 - c. Zone lands as agricultural;
 - d. Approve Williamson Act contract and zone AE.

Lands planned for greater intensity than LDR (HDR, MDR, MFR, C, TR, RD, AP, I and PF) were not planned as Agricultural Lands. Both the GP and common sense indicate LDR is not an agricultural land use as noted by a local planner: "Ranchettes are too large to mow, but too small to sow". Any agricultural activities on these lands are secondary and must be of a character that does not intrude on the primary residential land use.

Lands Zoned Agricultural Prior to 2004 General Plan are not Agricultural Lands

As shown on **Exhibit F** there is archaic agricultural zoning throughout virtually every GP land use designation. Since the County has not conformed existing zoning to the 2004 Land Use Map, there are agricultural zoned lands found in both agricultural and nonagricultural land use designations. The GP did not find these archaic agricultural zoned lands were Agricultural Lands. They may or may not even be *Potential Agricultural Land*. The only lands adopted by the BOS as Agricultural Lands in the 2004 GP are shown on Exhibit A. The GP does not provide that archaic agricultural zoning qualifies lands as Agricultural Lands. The general plan is the charter to which the zoning ordinance must conform. The tail does not wag the dog. Pending adoption of a zoning ordinance and updated zoning map, it would be more appropriate to limit agricultural review of a project to projects within an agricultural land use designation rather than whether the parcel has archaic agricultural zoning.

III.

General Plan Policy Re: Buffers and Setbacks

Judge Ohanesian discussed the background of El Dorado County Agricultural Land setbacks at page 17 of her Decision, as follows:

*"The court in its 1999 Ruling found that the County's rejection of a mitigation measure calling for 20 acre minimum parcel size and adjacent to grazing lands violated CEQA by failing to provide facts or reasoned analysis in support of the conclusion that the measure was infeasible. The current EIR also rejects a 20 acre minimum lot size for parcels adjacent to grazing land and substitutes a 10 acre minimum. Petitioners contend this is without any factual analysis and therefore violates CEQA. However, in addition to a 10 acre minimum parcel size, the new EIR proposed and the County adopted, additional mitigation measures. Such measures would require a minimum 200 foot setback, allow the county to require a greater setback if necessary based on site-specific conditions, and prohibit the creation of new parcels adjacent to **agricultural lands** unless the size of the parcel is large enough to allow for an adequate setback (SAR 2:1660, 1664). The County discussed these additional measures in the EIR (SAR 44:18642-44), and it found them to be more effective than a blanket 20 acre minimum parcel size. (SAR 1:1222)."*

Policy 8.1.3.1 provides, "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 any such lands." Policy 8.1.3.1 requires 10 acre parcels as a buffer from increased densities.

The BOS should interpret whether this policy was intended to apply to:

1) Buffering of archaic agricultural zoned lands in land uses designated urban or non-agricultural in the 2004 GP. As discussed above and illustrated by **Exhibit A**, the only lands adopted by the 2004 GP Land Use Map as Agricultural Lands are those lands designated AL. Other lands to be adopted as Agricultural Lands must follow the procedure illustrated in the flow chart illustrated as **Exhibit H**. Policy 8.1.3.1 should only apply to agricultural zoning adopted after the 2004 GP, consistent with GP requirements. Requiring buffering for archaic zoning found within urban and non-agricultural land use designations, is inconsistent with California's planning law as well as the General Plan.

2) Restrict parcel size of lands within Community Regions or Rural Centers that are adjacent to agricultural zoned lands. The stated rationale for Policy 8.1.3.1 is to buffer agriculturally zoned lands from increases in density on adjacent lands. However, lands within Community Regions and Rural Centers are planned for the highest density and these high intensity land uses are not limited by parcel size. For instance, HDR lands allow 5-24 units per acre, irrespective of whether the parcel size is one acre or 10 acres

On April 9, 2008 the Agricultural Department Staff presented for Ag Commission review, a Draft Relief Findings Criteria for General Plan Policy 8.1.3, with examples as to how the criteria could be applied. Staff should be commended for this effort. This reasoned approach may be applied to resolution of other issues presented by this report.

Policy 8.1.3.2 provides, "Agriculturally incompatible uses adjacent to agriculturally zoned lands shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands. The implementing ordinance shall contain provisions for Administrative Relief to these setbacks where appropriate, and may impose larger setbacks where needed." Again, the BOS should interpret whether lands with archaic agricultural zoning that have *not* been designated Agricultural Lands by the GP or the BOS, should require buffering.

Furthermore, the focus on "zoning" instead of land use designation results in "protection" of lands not in need of protection, while failing to protect and buffer lands containing existing agricultural operations. For example, the Agricultural Commission recently recommended denial of a project on a site designated HDR, because the subject property and *the adjacent Union Mine High School site retain PA-20 zoning*. The staff report recommended that the HDR project not be permitted to proceed *until such time as the Union Mine High School site is rezoned to a non-agricultural use*. Conversely, a hypothetical mobile home park could be approved immediately adjacent to an existing vineyard or other agricultural operation, if that agricultural operation is located on land zoned RE-10, or other non-agricultural zoning, even on AL lands within an Ag District. In that case, no minimum parcel size, buffer or setback would be required, and the project might not even be subject to review by the Agricultural Commission.

IV.

Mitigation for Conversion of Potential or Actual Agricultural Lands

Policy 8.1.3.4 directs consideration of a threshold of significance to be used in re-zone applications requesting conversion from agricultural lands to non-agricultural lands. Using LESA, it is unlikely that conversion of either Agricultural Land or *Potential* Agricultural Land in EDC would be deemed a significant effect, as indicated by the following:

Distribution of DOC-Reported Agricultural Croplands in Region

The most recent Department of Conservation (DOC) Farmlands Mapping and Monitoring Program (FMMP) regional mapping identifies:

	<u>EDC</u>	<u>Placer</u>	<u>Sacramento</u>	<u>Amador</u>	<u>San Joaquin</u>	<u>California</u>
<u>Prime</u>	779	9,236	110,278	3,610	412,550	5,000,000
<u>Statewide</u>						
<u>Importance</u>	843	5,509	56,141	1,717	91,222	2,700,000
<u>Unique</u>	3,782	23,283	15,188	3,596	943	1,300,000
<u>Sub-Total</u>	<u>5,404</u>	<u>38,028</u>	<u>181,607</u>	<u>8,923</u>	<u>504,715</u>	<u>9,000,000</u>

EDC Producing Croplands

Table 5.2-3 of the GP EIR identifies 3,203 acres of land in agricultural production in El Dorado County. The 2006 EDC Agriculture Department crop report shows 3,494 acres of crops. These crops apparently make up most of the "unique" or actual crop production category of 3,782 acres. EDC reported crops include:

<u>Crop</u>	<u>2004 GP</u>	<u>2006 Crop Report</u>	<u>California</u>
Grapes	1,639 acres	2,058 acres	800,000 + acres
Apples	534	847	26,000
Hay		268	
Pears	248	125	20,000
Walnuts	194	219	
Cherry	80	90	

Timberlands are counted as a crop for EDC agricultural crop production, and EDC reports 636,000 acres of timberlands (timberlands are the lands among the 864,000 acres of EDC forestlands capable of growing 20 cubic feet per year per acre of harvestable wood).

Potential Cropland

Exhibit C maps potential croplands and Farmlands of Local Importance. Comparing the approximate 5,000+/- acres of producing croplands to the already designated 50,000+/- acres of Agricultural Lands in Agricultural Districts and at least another 50,000+/- acres of choice soils, the conversion of potential crop lands would not be significant.

Grazing Lands

California has 16 million acres of grazing lands mapped by DOC, with an additional 12 million acres in federal grazing allotments. These lands provide forage to approximately 5 million cattle and 700,000 lambs. A livestock county such as Tulare reports 615,000 head of cattle, 15,000 lambs and 233,000 hogs and pigs. Merced has 300,000 livestock. EDC reports 7,500 cattle, 2,700 goats and 200,000 acres of grasslands. EDC livestock production contributes \$8 million to California's \$3.2 billion livestock industry, which ranges from \$514 million from Tulare County, to \$30 million from Sacramento County, and \$13 million from Placer County. There has been an approximate 2% decline in DOC-mapped potential grazing lands in EDC over 20-plus years. The Sierra Business Council notes, "The two agricultural land tracking mechanisms exhibit some obvious deviations. For example, while the DOC FMMP shows El Dorado losing more than 2,500 acres, the Census of Agriculture shows an increase of 15,036 acres of EDC land in farms, as well as 972 acres in orchards for El Dorado County during the same time period (1992-2002)."

LESA/SEAL

The California LESA model, rather than the more liberal EDC SEAL procedure, should be identified as the methodology to be used in El Dorado County, to establish whether the conversion of agricultural lands is significant under CEQA.

Conclusions Regarding Mitigation

Given the relative poor quality of soils in EDC as compared to the rest of the state, it is unlikely that the CAL LESA model would return a determination of significance under CEQA except where a project would be proposed to convert any important part of the 5,000 +/- acres of EDC actual croplands designated Prime, Statewide Important, Unique or lying within an Agricultural District. Mitigation for loss of these actual croplands may be appropriate for mitigation at the discretion of the BOS. Conversion of potential Crop Lands based on "choice soils" not designated Prime, Statewide Important or Unique and not growing crops would not likely present a CEQA issue requiring mitigation. Considering that there are approximately 5,000 acres of actual crop lands and 50,000 acres of potential croplands in the Agricultural Districts, the conversion of lands containing locally designated "choice" soils within areas designated for non-agricultural development would not be considered significant under CEQA. Much of the discussion of mitigation or protection of grazing lands or lands with choice soils not producing crops should more properly be considered an open space issue.

V.

EDC GP Open Space, Agricultural and Forestry Element

While the GP contains policies for urban development, other sections describe strategies to recognize and preserve areas for open space and natural resources.

El Dorado County is most identified by an abundance of natural resources and open space. Over 850,000 acres of EDC's 1,100,000 acres, are forest lands, including 636,000 acres of harvestable timberlands, and 558,000 acres of National Forest. Aquatic resources range from Lake Tahoe to rivers providing both water and recreation.

Open space is a desired community goal found in every GP Element, from aesthetic considerations in the Community Regions through maintenance of the rural character inherent in agricultural land uses. While the Agricultural Element necessarily adds to the open space of the county by maintaining rural character, the focus of the Element is on agricultural productivity. **The GP does not treat "grazing land" as a euphemism for open space.** The term "grazing land" is limited in the GP Agricultural Element to mean lands actually grazed for profit, and the BOS "has concluded should continue to be used for grazing. Such GP requirements as "capable of sustaining commercial grazing of livestock" are consistent with treating qualified grazing lands as Agricultural Lands. Likewise, crop lands zoned with agricultural zoning should be at least 20 acres and capable of commercial crop production.

Rather than trying to accomplish open space goals through agricultural production policies, the BOS might reconsider open space policies, if needed. For example, the BOS could consider whether to initiate incentive-based programs to encourage retention of grazing lands both for their contribution to the agricultural economy and their contribution to open space. To comply with Policy 8.1.2.1, consideration could be given to identifying lands "suitable for sustained grazing", such as those Williamson Act grazing lands not in rollout.

As for protecting grasslands, if selected grasslands are identified in the INRMP as important for habitat connectivity, then these grasslands may be designated for protection as part of that program.

VI.

GP and the EDC Agriculture Commission

Created in 1967 by the Board of Supervisors, the Agricultural Commission (AC) acts in an advisory capacity to the Board and the Planning Commission on all matters related to agriculture. Although the AC was involved in all aspects of the Agricultural Element of the GP, a number of policies in the GP Agricultural Element address AC involvement.

Policy 8.1.1.5: Parcels 20 acres or larger with choice soils shall be zoned agriculture *unless* the lands are designated urban or non-agricultural on the 1996 Land Use Map, *or* the BOS determines otherwise. Agriculture Commission input will be solicited and considered.

Policy 8.1.2.1: Agricultural Commission shall identify lands suitable for sustained grazing purposes for which the BOS will consider incentive programs.

Policy 8.1.2.2 defines what grazing lands are *eligible* to become Agricultural Lands – unless the BOS determines the land should be a non-agricultural use - other than lands designated urban or non-agricultural on the 1996 Land Use Map. Before taking any actions to create parcels of less than 40 acres in areas subject to this policy the BOS and/or Planning Commission shall solicit and consider input from the Agricultural Commission.

Policy 8.1.3.5: If a project involves a parcel 10 acres or greater, not designated urban or non-agricultural on the 1996 Land Use Map, and **identified** as having an **existing or potential** agricultural use, the Ag commission must consider and provide recommendations on agricultural use and whether the request will diminish or impair the existing or potential user.

Policy 8.1.4.1 & 8.1.4.2: *Ag Commission shall review and offer recommendations on all discretionary permits involving lands zoned for or designated agriculture or lands adjacent to such lands.*

The BOS is granted broad discretion in *interpreting* GP Policies, and thus the BOS should clarify the role of the AC and whether the terms "shall" and "must" (as set forth in Policies 8.1.3.5, 8.1.4.1 and 8.4.2) mandate the AC to conduct "hearings", or issue findings prior to BOS action. Such an interpretation of AC authority would appear to be inconsistent with the nature of the AC and established law.

The legal test to determine whether actions are mandated or directory is whether AC review is essential to accomplishing the principal purpose of the GP language, which is to ensure *input* from agriculture before BOS action. For example, one court noted, "A time limitation for the court's action in a matter subject to its determination is not mandatory, (regardless of the mandatory nature of the language, i.e. 'shall'), unless a consequence or penalty is provided for failure to do the act within the time commanded." "[T]he 'directory' or 'mandatory' designation does not refer to whether a particular statutory requirement is 'permissive' or 'obligatory', but instead simply denotes whether the failure to comply with a particular procedural step will or will not have the effect of invalidating the governmental action to which the procedural requirement relates." As Chief Justice Gibson explained in Pulcifer v. County of Alameda "There is no simple, mechanical test for determining whether a provision should be given 'directory' or 'mandatory' effect."

"In order to determine whether a particular statutory provision . . . is mandatory or directory, the court, as in all cases of statutory construction and interpretation, must ascertain the legislative intent. In the absence of express language, the intent must be gathered from the terms of the statute construed as a whole, from the nature and character of the act to be done, and from the consequences which would follow the doing or failure to do the particular act at the required time. When the object is to subserve some public purpose, the provision may be held directory or mandatory as will best accomplish that purpose" [citation].

Factors to consider to determine if Ag Commission action is a mandatory part of the planning process include:

- a) The EDC Ag Commission is an advisory, industry group.
- b) Would AC participation in the planning process be met by simply allowing an *opportunity* for AC input into the planning process?
- c) Does the AC comply with Conflict of Interest disclosure and financial disclosure requirements?
- d) Is due process served with the opportunity for ag input as provided in all BOS legislative and adjudicatory proceedings? (AC participation should be directory. BOS action would not be invalidated if the AC did not comment on an action, as long as there was an opportunity to comment.)
- e) The BOS has broad discretion in interpreting GP Policies and setting policy. The BOS may utilize any reasonable means of ensuring AC input, including the establishment of standards (in lieu of separate ad hoc proceedings) in determining whether project lands are Agricultural Lands.

The minimum requirement of due process is that any hearing before any group should at least present the *appearance* of impartiality. The BOS should review whether it is appropriate to give the appearance that the AC is conducting an impartial hearing - by providing county counsel and planning staff to AC hearings. If an applicant is required to either participate in an AC hearing, the applicant is entitled to a fair procedure which includes the right to impartial adjudicators. An example of impartial adjudicators is the EDC Housing Commission, which is comprised of four industry representatives and four tenant representatives. In every project there is input from agencies ranging from Environmental Health, DOT, Fish and Game, EID (GPUD), PG&E along with special interest groups ranging from the Building Industry Association (BIA) to the Sierra Club. In addition, the general public along with neighbors may provide input on individual projects. It may be more appropriate for the AC to serve primarily as a policy advisory body, to assist the BOS in setting policy and guidelines as above discussed in defining grazing lands and determining such standards as "choice soils". These standards could be included in the information provided the BOS. The AC may review and comment on any pending application without a "hearing" and findings. EDC should not provide for an applicant to participate in a "hearing" before a predisposed tribunal.

VII.

Options for Board of Supervisors Action: Without GP Amendments

The Board of Supervisors (BOS) has broad discretion to interpret GP Policies consistent with GP objectives. To maintain a "good neighbor policy" between agricultural and non-agricultural property owners, the BOS should address, interpret and clarify Agricultural Element Policy issues. The BOS may consider the following options:

- 1) Establish the lands planned for the higher intensity uses in Exhibit E as non-agricultural lands. Any agricultural activities on these lands (HDR, MDR, LDR, MFR, C, I, AP, RD, TR, PR) are secondary and must be of a character that does not intrude on the primary use. LDR and higher intensity land use designations are not Agricultural Land designations, but may support compatible secondary agricultural uses. Community Regions and Rural Centers are designated urban and non-agricultural.
- 2) Affirm AL as the primary land use designation for BOS-designated Agricultural Lands. Other land use designations allowing a full range of agricultural activities and agricultural zoning are NR and RR. Although RR is a residential land use designation (Glossary, page 398), qualified RR lands adopted as Agricultural Lands may be zoned agricultural.
- 3) Establish that lands with archaic agricultural zoning are not equivalent to "Agricultural Lands" and do not trigger agricultural setbacks or buffers. Interim guidelines could recognize agricultural zoning within AL, NR, RR land use designations, pending adoption of the zoning ordinance and zoning map update. Ensure the zoning ordinance and zoning map updates conform to the GP.
- 4) Establish and review standards for *potential* croplands and grazing lands and limits regarding what EDC parcels may be viewed as *potential* agricultural land. This discussion should include addressing such issues as: "choice soils"; "Farmlands of Local Importance"; SEAL v. LESA; "commercial grazing of livestock."
- 5) To comply with Policy 8.1.2.1, consider identifying lands "suitable for sustained grazing", as those Williamson Act lands not in rollout.
- 6) Policy 8.1.3.4 provides for the establishment of a threshold of significance for loss of agricultural land based on the California LESA model. To avoid unnecessary expense and, in order to streamline processing, conduct a LESA model analysis only when certain established criteria are present, such as: a.) agricultural water; b.) located within Agricultural District; c.) Within or adjacent to AL lands currently under cultivation. Lands designated for urban or other non-agricultural land uses are exempt from the LESA modeling requirements.
- 7) Define the role of the Agricultural Commission in the land use process. Consider whether the Agricultural Commission should adopt a standardized recommendation or checklist concerning certain type of projects. Where a project meets the criteria, the Agricultural Commission may complete the checklist or standardized recommendation and forward to the Planning Commission without a hearing. Discussion by the Agricultural Commission of the item may occur at a public meeting with any discretionary permits included on the regular agenda. Any applicant that wants to be heard can request an opportunity to be heard at the public meeting. This procedure would avoid the need or requirement an applicant appear before an industry body that does not even purport to be impartial.
- 8) Consider whether Policy 8.1.3.1 was intended to apply to protect archaic agricultural zoning or to restrict parcel size, within Community Regions or Rural Centers, considering that lands in these areas are intended for highest density land uses not limited by parcel size. For example, HDR allows 240 units whether on one ten acre parcel or ten parcels of one acre. The Draft Relief Findings Criteria developed by Agricultural Department Staff is a reasoned approach to resolution of Policy 8.1.3.1 issues. A similar consensus building approach would be most effective in resolving other issues presented by this report

EDC General Plan Agricultural Policy Report

Exhibit List

- A Williamson Act, Agricultural Districts, and Lands Designated AL in the GP
- B Prime, Statewide Important and Unique Farmlands as Mapped by Dept of Conservation (DOC)
- C Choice Soils per EDC: Including California's Prime Farmland, Farmland of Statewide Importance, and Unique Farmland, along with EDC-designated Farmlands of Local Importance Map
- D Potential or Actual Agricultural Lands Without Land Use Designations Map
- E Potential or Actual Agricultural Lands With Land Use Designations Map
- F Land Use v. Existing Agricultural Zoning
- G GP Agricultural/Forestry Element 8.1 with Related Measures and Timeframes (Diagram)
- H Illustration of General Plan Process for BOS Adoption of Agricultural Lands (Flow Chart)
- I EDC-Designated "Choice Soils" Not Meeting Criteria as Prime or Statewide Importance (List)
- J Choice Soils Detail Map
- K Storie Index of 60-80 Soils Map
- L Choice Soils with Williamson Act Lands and Agricultural Districts Map
- M 1996 GP Land Use Map

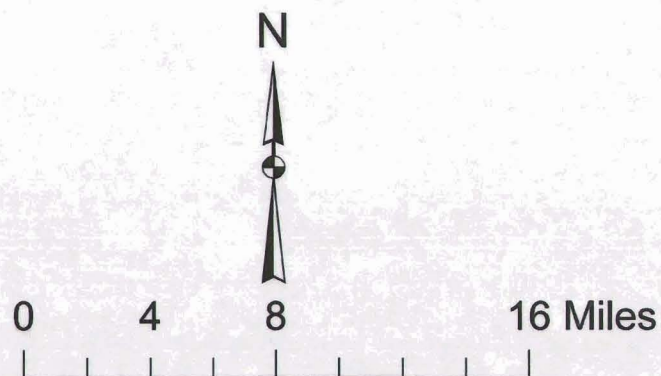
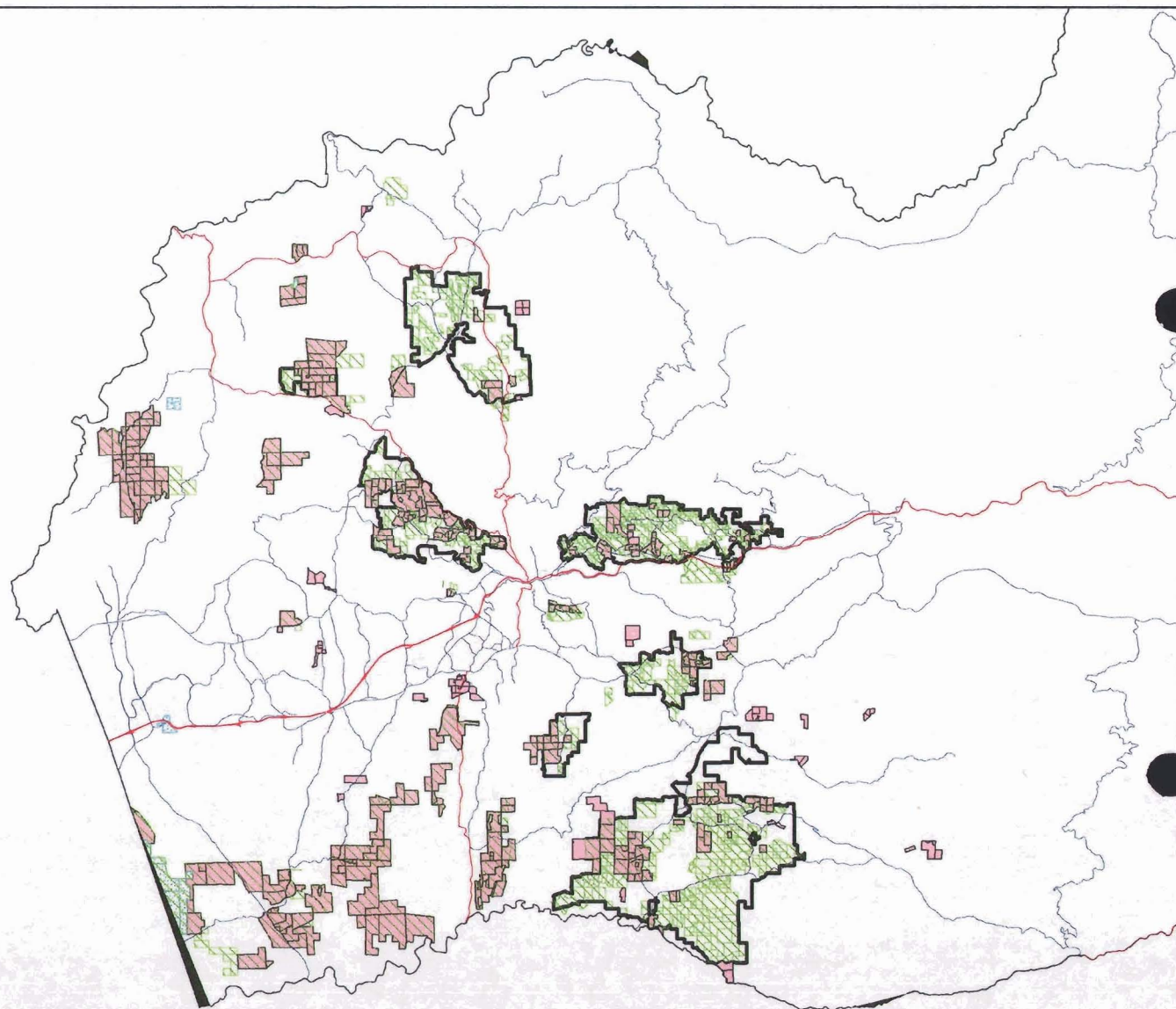
EL DORADO COUNTY

WILLIAMSON ACT CONTRACT
AGRICULTURAL DISTRICTS
GENERAL PLAN AGRICULTURAL LANDS

Legend

STREET CLASSIFICATION

- HWY
- MAJOR
- COUNTY LINE
- AGRICULTURAL LANDS
- WAC NON -RENEWAL
- WILLIAMSON ACT CONTRACT
- AGRICULTURAL DISTRICTS



INFORMATION SHOWN ON THIS MAP HAS BEEN COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO ACCURACY OF THIS INFORMATION.

EXHIBIT A

EL DORADO COUNTY

Prime, Statewide Important and Unique Farmlands
as Mapped by Department of Conservation

Legend

STREET CLASSIFICATION

— HWY

— MAJOR

— COUNTY LINE

EL DORADO FARMLAND - 2008

P PRIME FARMLAND

S FARMLAND OF STATEWIDE IMPORTANCE

U UNIQUE FARMLAND



0 4 8 16 Miles

THIS MAP HAS
FROM THE FARMLAND AND MAPPING PROGRAM OF THE
CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION

EXHIBIT B

EL DORADO COUNTY IMPORTANT FARMLAND

CHOICE SOILS
(EDC Defined Term)

Legend

STREET CLASSIFICATION

- HWY
- MAJOR
- COUNTY LINE

EL DORADO FARMLAND - 2006

- P PRIME FARMLAND
- S FARMLAND OF STATEWIDE IMPORTANCE
- U UNIQUE FARMLAND
- L FARMLAND OF LOCAL IMPORTANCE (EDC Defined Term)

CHOICE SOILS



0 4 8 16 Miles

INFORMATION SHOWN ON THIS MAP HAS BEEN COMPILED
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CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION
OF LAND RESOURCE PROTECTION, 2006

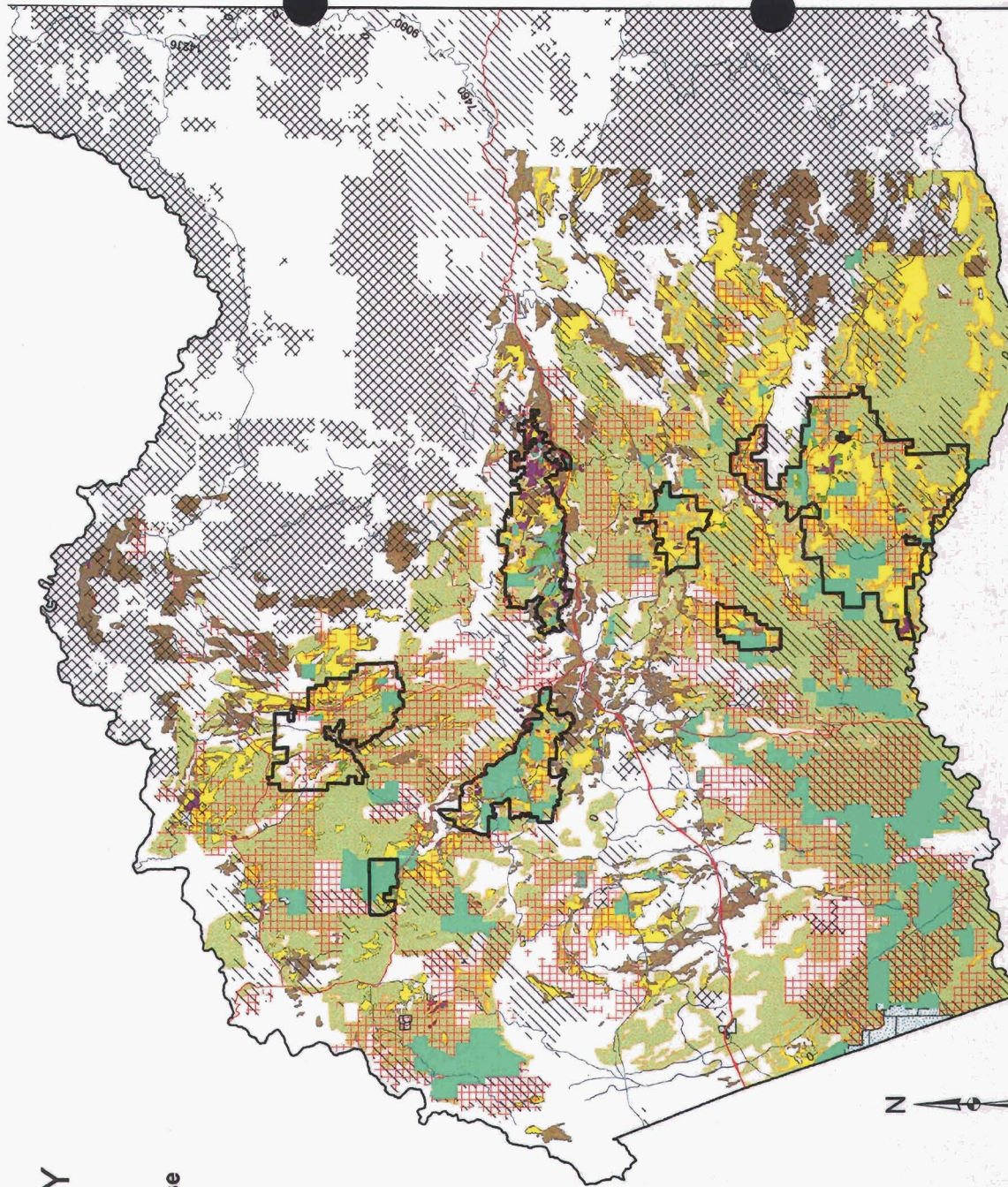
EXHIBIT C

EL DORADO COUNTY

POTENTIAL OR ACTUAL AGRICULTURAL LAND

Without Land Use Designations Except Rural Residential Land Use

- Legend**
- STREET CLASSIFICATION**
- HWY
 - MAJOR
 - COUNTY LINE
 - Rural Residential Land Use
 - AGRICULTURAL DISTRICTS
 - WILLIAMSON ACT CONTRACT
 - WAC NON-RENEWAL
- Zone Designations**
- A
 - R2A
 - R3A
 - RA-160
 - RA-20
 - RA-40
 - RA-80
 - G VEGETATION SUITABLE FOR LIVESTOCK GRAZING
 - L FARMLAND OF LOCAL IMPORTANCE
 - P PRIME FARMLAND
 - S FARMLAND OF STATEWIDE IMPORTANCE
 - U UNIQUE FARMLAND
 - CHOICE SOILS



INFORMATION SHOWN ON THIS MAP HAS BEEN COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO THE ACCURACY OF THIS INFORMATION.

EXHIBIT D

EL DORADO COUNTY POTENTIAL OR ACTUAL AGRICULTURAL LAND WITH LAND USE DESIGNATIONS

Legend

STREET CLASSIFICATION

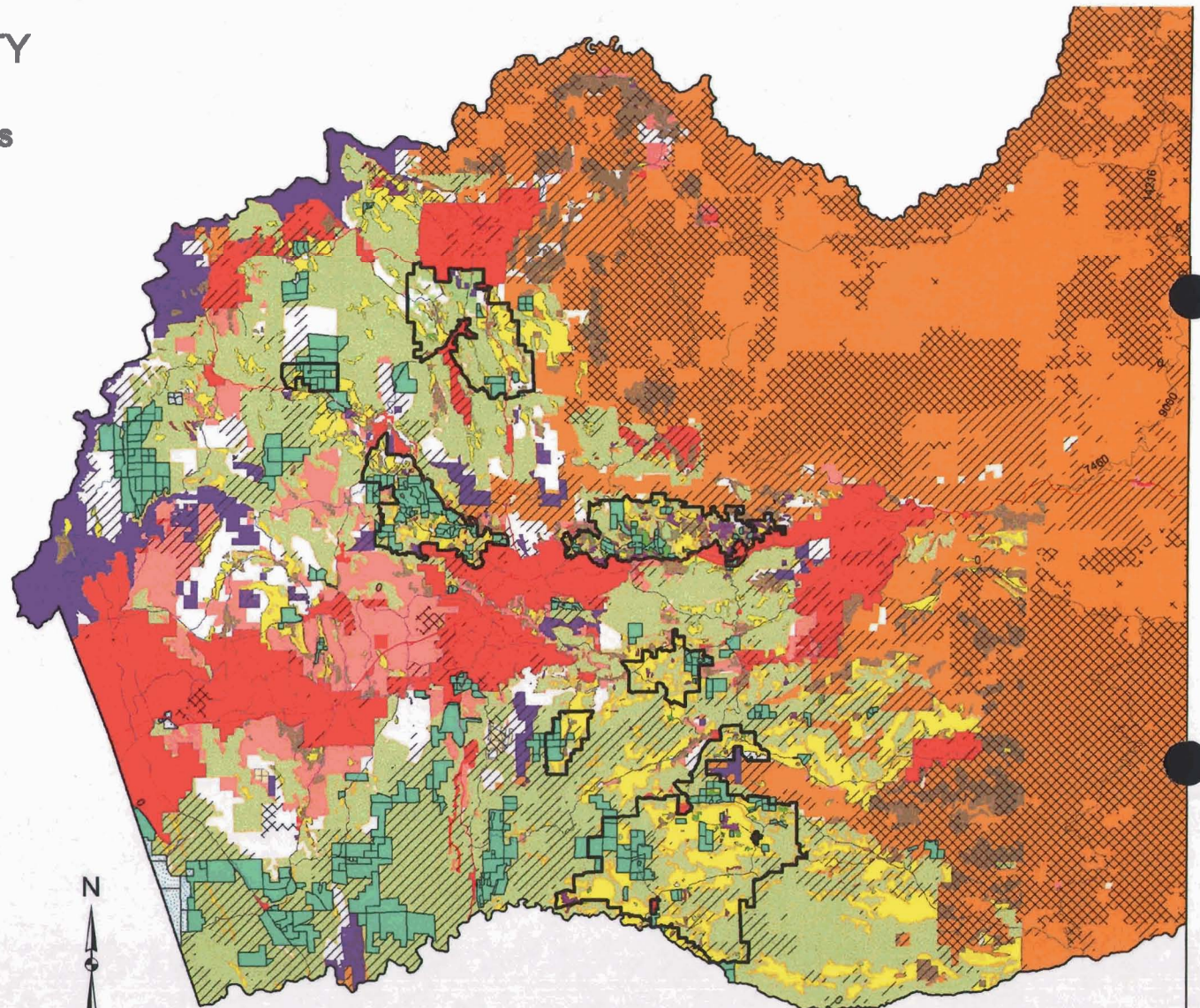
- HWY
- MAJOR
- COUNTY LINE
- AGRICULTURAL DISTRICTS
- WILLIAMSON ACT CONTRACT
- WAC NON -RENEWAL

Zone Designations

- XXX A
- /// R2A
- /// R3A
- /// RA-160
- /// RA-20
- /// RA-40
- /// RA-80
- G VEGETATION SUITABLE FOR LIVESTOCK GRAZING
- L FARMLAND OF LOCAL IMPORTANCE
- P PRIME FARMLAND
- S FARMLAND OF STATEWIDE IMPORTANCE
- U UNIQUE FARMLAND
- CHOICE SOILS

LAND USE DESIGNATIONS

- AL
- AP
- C
- HDR
- I
- LDR
- MDR
- MFR
- NR
- OS
- PF
- R&D



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EXHIBIT E

EL DORADO COUNTY

LAND USE vs EXISTING AGRICULTURAL ZONING

Legend

STREET CLASSIFICATION

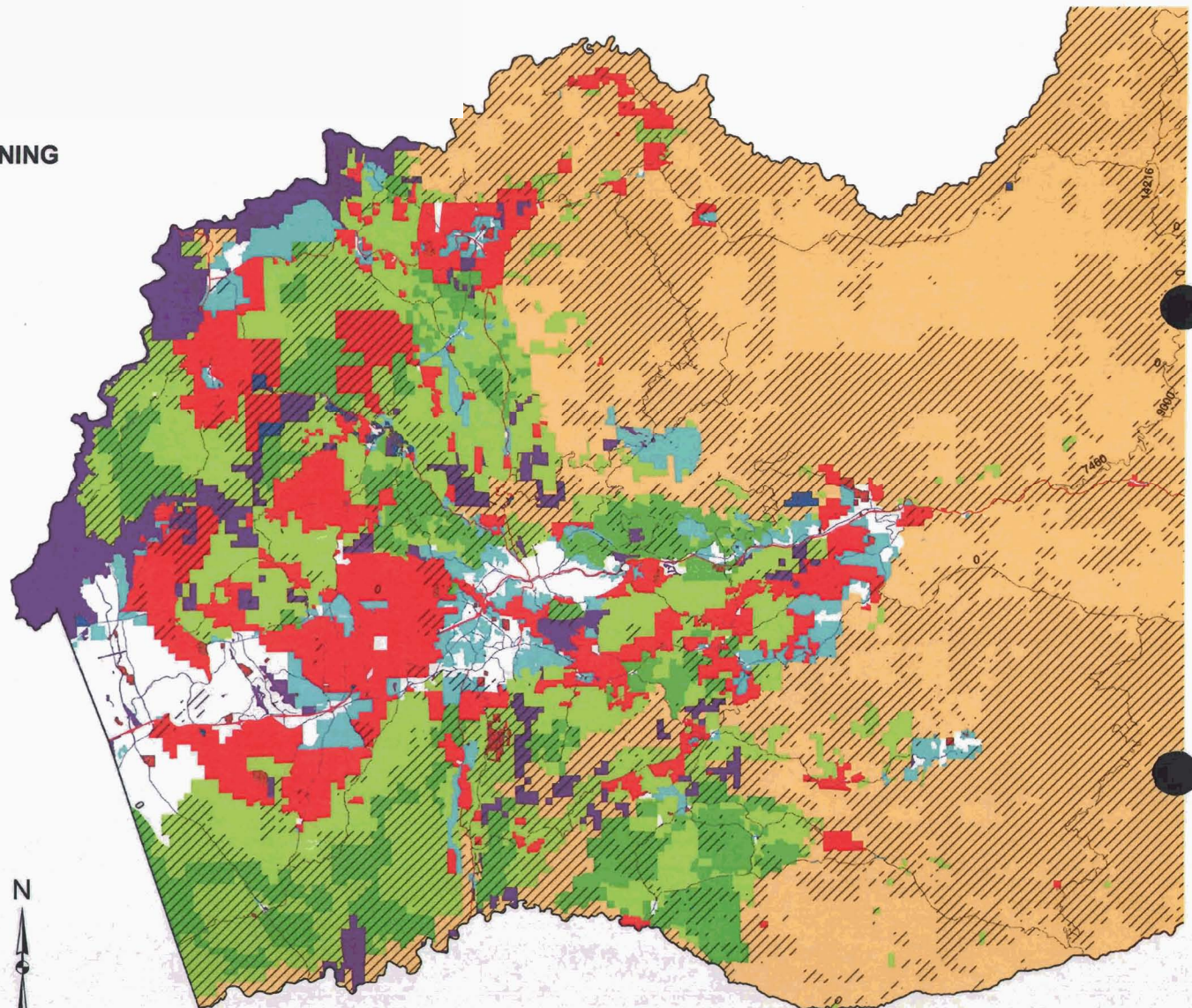
- HWY
- MAJOR
- COUNTY LINE

LAND USE DESIGNATIONS

- AL
- LDR
- MDR
- NR
- OS
- PF
- RR
- TR

EXISTING AG ZONING

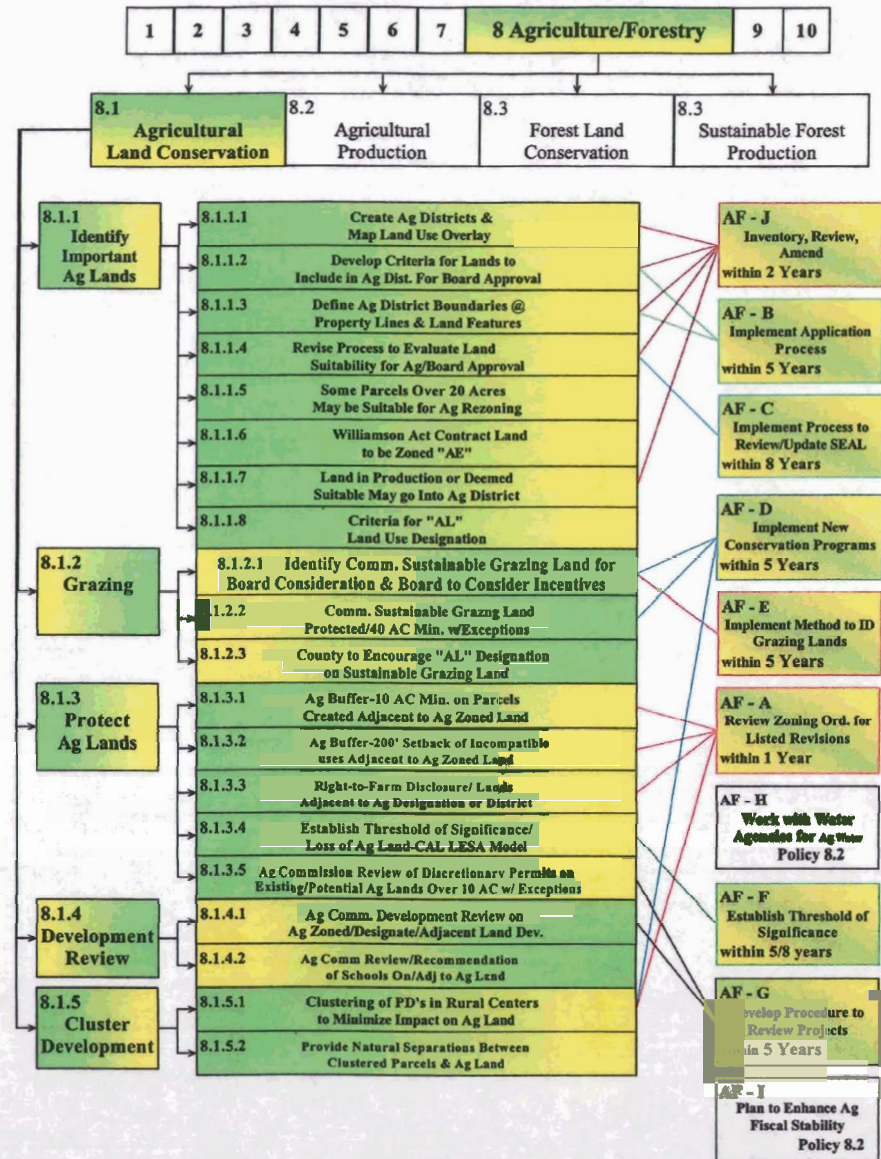
- A
- AE
- RA-160
- RA-20
- RA-40
- RA-80



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EXHIBIT F

GENERAL PLAN ELEMENTS

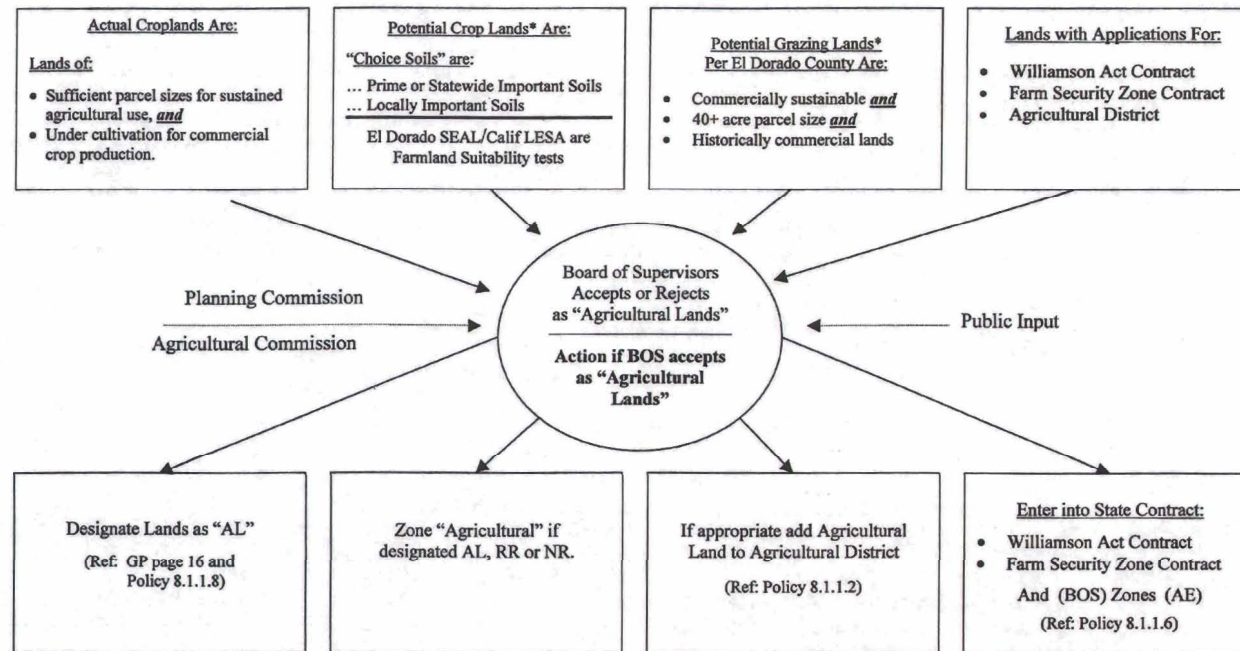


IMPLEMENTATION MEASURES to be completed following adoption of the 2004 General Plan

EXHIBIT G

EXHIBIT H

IDENTIFICATION of AGRICULTURAL LANDS and APPROPRIATE LAND USE ACTION ¹



* 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.

EXHIBIT H

EXHIBIT I

EDC Designated Choice Soils that do not meet Criteria for Prime, Statewide Important

Soils Type	Description	(slopes)	Storie Index	Capability Class
AfC	Aiken Loam	(3-9%)	65	IIIe-1(22)
AfC2	Aiken Loam eroded	(9-15%)	58	IIIe-1(22)
AfD	Aiken Loam	(15-30%)	57	IVe-1(22)
AgD	Aiken Cobbly Loam	(3-30%)	51	IVe-1(22)
ArC	Auberry Coarse Sandy Loam	(9-15%)	42	IVe-1(18)
ArD	Auberry Coarse Sandy Loam	(15-30%)	39	Vle-1(18)
BhD	Boomer Gravelly Loam	(15-30%)	37	IVe-1(18)
BpC	Boomer Sites Loam	(9-15%)	48	IIIe-1(22)
BpD	Boomer Sites Loam	(15-30%)	43	IVe-1(22)
CkD	Cohasset Sandy Loam	(15-30%)	53	IVe-2(22)
CmC	Cohasset Loam	(9-15%)	73	IIIe-1(22)
CmD	Cohasset Loam	(15-30%)	64	IVe-1(22)
CoC	Cohasset Cobbly Loam	(3-15%)	58	IIIe-1(22)
CoE	Cohasset Cobbly Loam	(3-50%)	36	Vle-1(22)
DfC	Diamond Springs Fine Sandy Loam	(9-15%)	45	IVe-1(22)
DfD	Diamond Springs Fine Sandy Loam	(15-30%)	39	Vle-1(22)
DmD	Diamond Springs Gravelly Loam	(9-30%)	38	IVe-1(22)
HgD	Holland Course Sandy Loam	(15-30%)	51	Vle-1(22)
JrC	Josephine Gravelly Loam	(9-15%)	58	IIIe-1(22)
JrD	Josephine Gravelly Loam	(15-30%)	52	IVe-1(22)
JrC	Josephine Silt Loam	(5-15%)	65	IIIe-1(22)
JrD	Josephine Silt Loam	(15-30%)	57	IVe-1(22)
JvD	Josephine-Mariposa Gravelly Loam	(15-30%)	42	IVe-1(22)
MaD	Mariposa Gravelly Loam	(3-30%)	27	IVe-8(22)
MrC	Musick Sandy Loam	(9-15%)	61	IVe-1(22)
MrD	Musick Sandy Loam	(15-30%)	54	Vle-1(22)
MsC	Musick Rocky Sandy Loam	(9-15%)	45	Vle-1(22)
ReC	Rescue Sandy Loam	(9-15%)	45	IVe-1(18)
SbD	Shaver Coarse Sandy Loam	(15-30%)	46	Vle-1(22)
SfC2	Sierra Sandy Loam	(9-15%)	55	IVe-1(18)
SfD2	Sierra Sandy Loam	(15-30%)	49	Vle-1(18)
SkC	Sites Loam	(9-15%)	65	IIIe-1(22)
SkD	Sites Loam	(15-30%)	57	IVe-1(22)
SkE	Sites Loam	(30-50%)	30	Vle-1(22)
SsC	Sites Clay Loam	(9-15%)	55	IIIe-1(22)
SsD	Sites Clay Loam	(15-30%)	48	IVe-1(22)
SsE	Sites Clay Loam	(30-50%)	26	Vle-1(22)
SuC	Sobrante Clay Loam	(3-15%)	48	IIIe-8(18)
SuD	Sobrante Clay Loam	(15-30%)	43	IVe-8(18)

EXHIBIT I

EL DORADO COUNTY IMPORTANT FARMLAND

CHOICE SOILS

Legend

STREET CLASSIFICATION

HWY

MAJOR

COUNTY LINE

EL DORADO FARMLAND - 2006

P PRIME FARMLAND

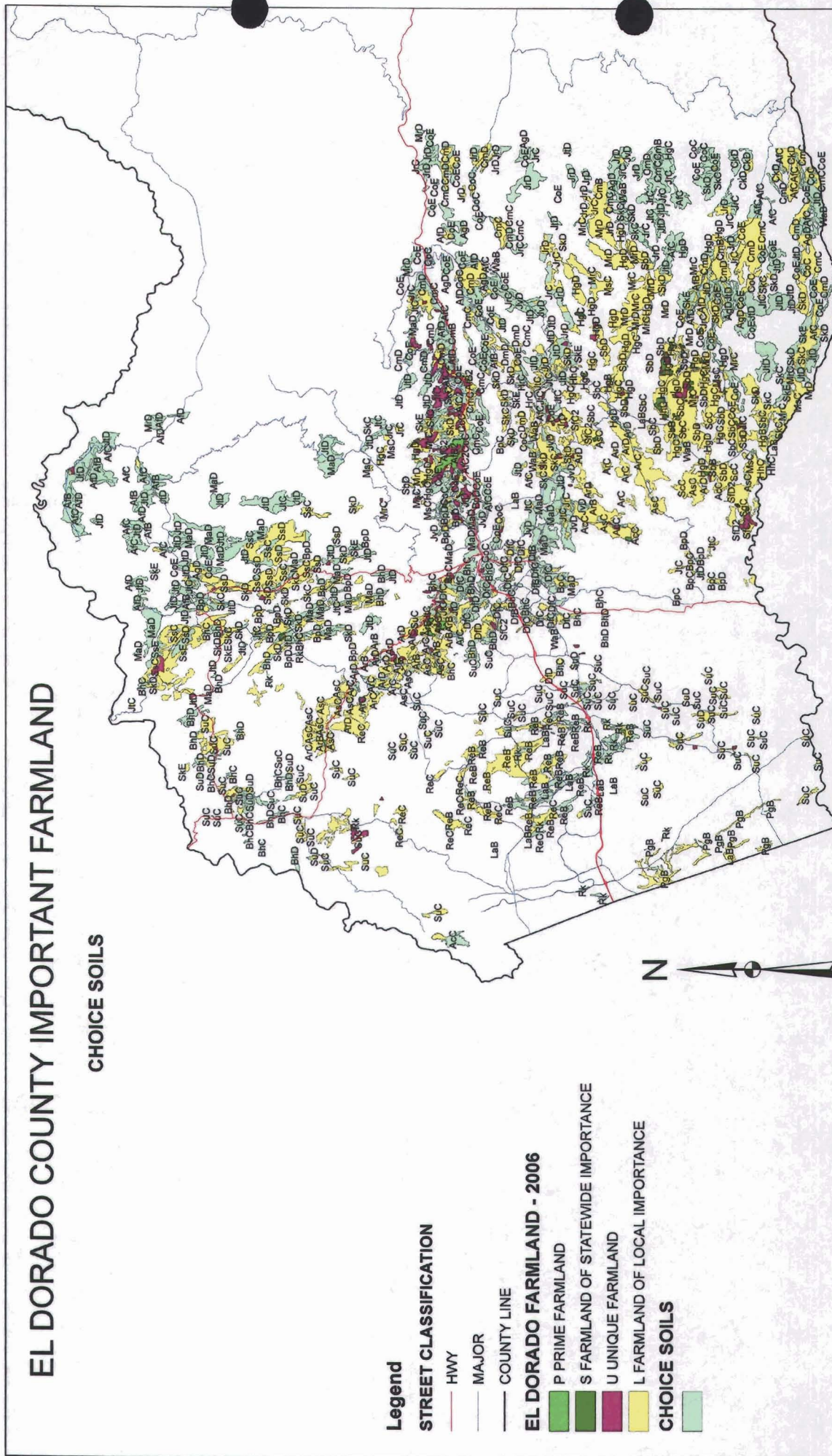
S FARMLAND OF STATEWIDE IMPORTANCE

U UNIQUE FARMLAND

L FARMLAND OF LOCAL IMPORTANCE

CHOICE SOILS

CHOICE SOILS



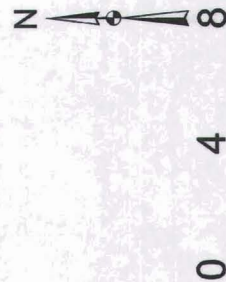
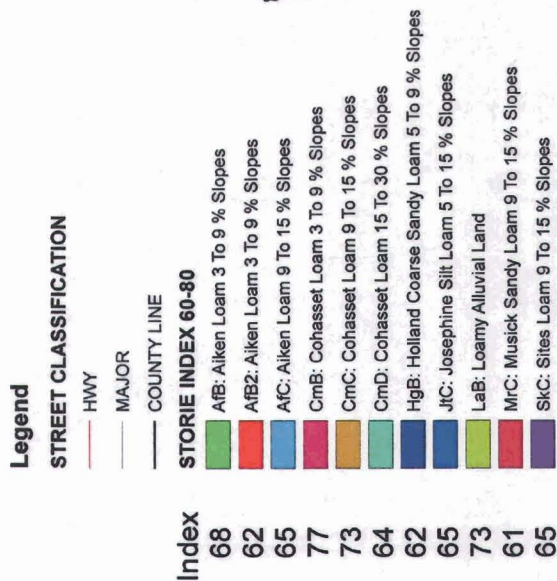
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EXHIBIT J

EL DORADO COUNTY

STORIE INDEX 60-80



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EXHIBIT K

EL DORADO COUNTY IMPORTANT FARMLAND

CHOICE SOILS

Legend

STREET CLASSIFICATION

- HWY
- MAJOR
- COUNTY LINE

EL DORADO FARMLAND - 2006

- P PRIME FARMLAND
- S FARMLAND OF STATEWIDE IMPORTANCE
- U UNIQUE FARMLAND
- L FARMLAND OF LOCAL IMPORTANCE

CHOICE SOILS

- WILLIAMSON ACT CONTRACT
- AGRICULTURAL DISTRICTS



0 4 8 16 Miles

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EXHIBIT L

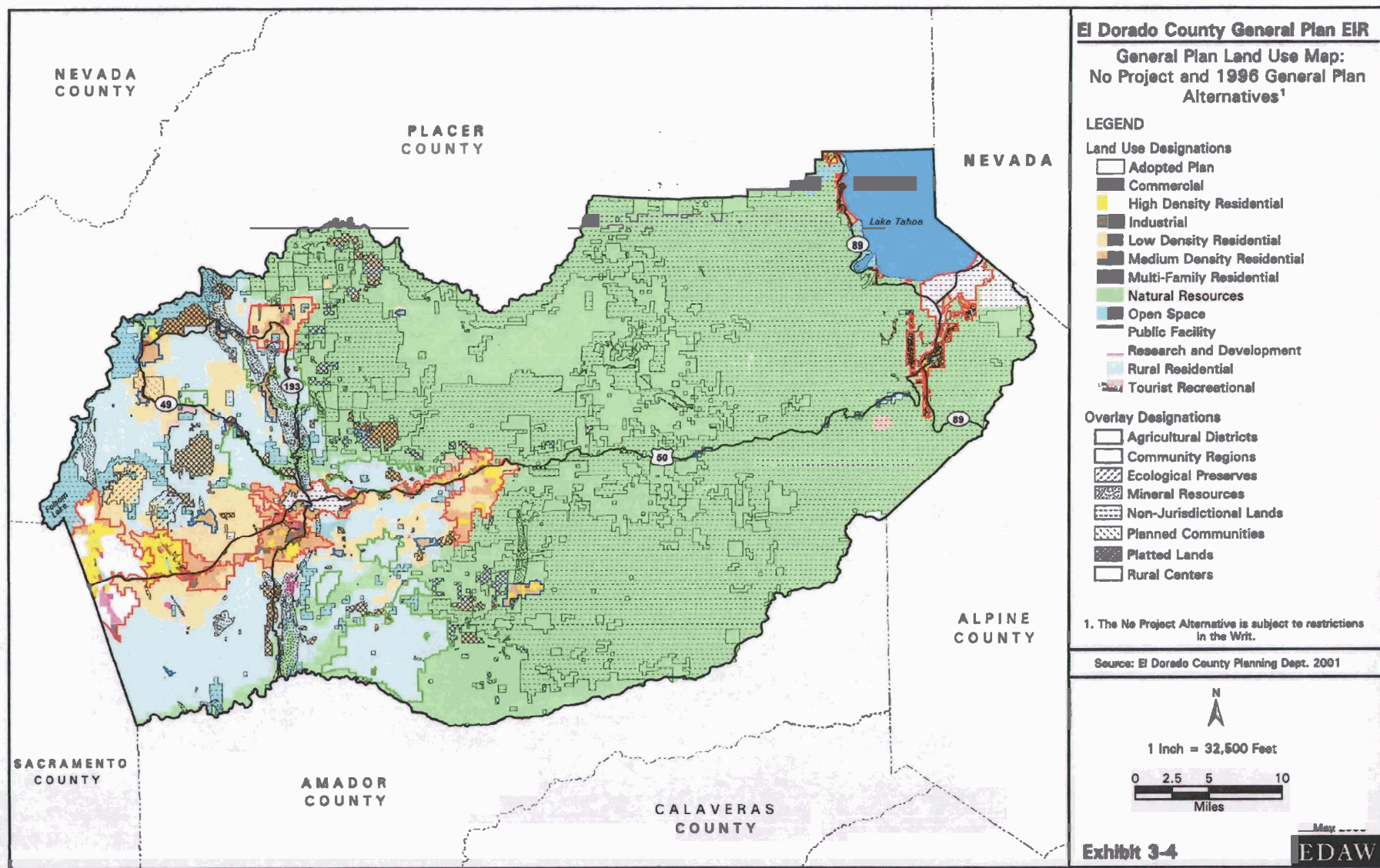
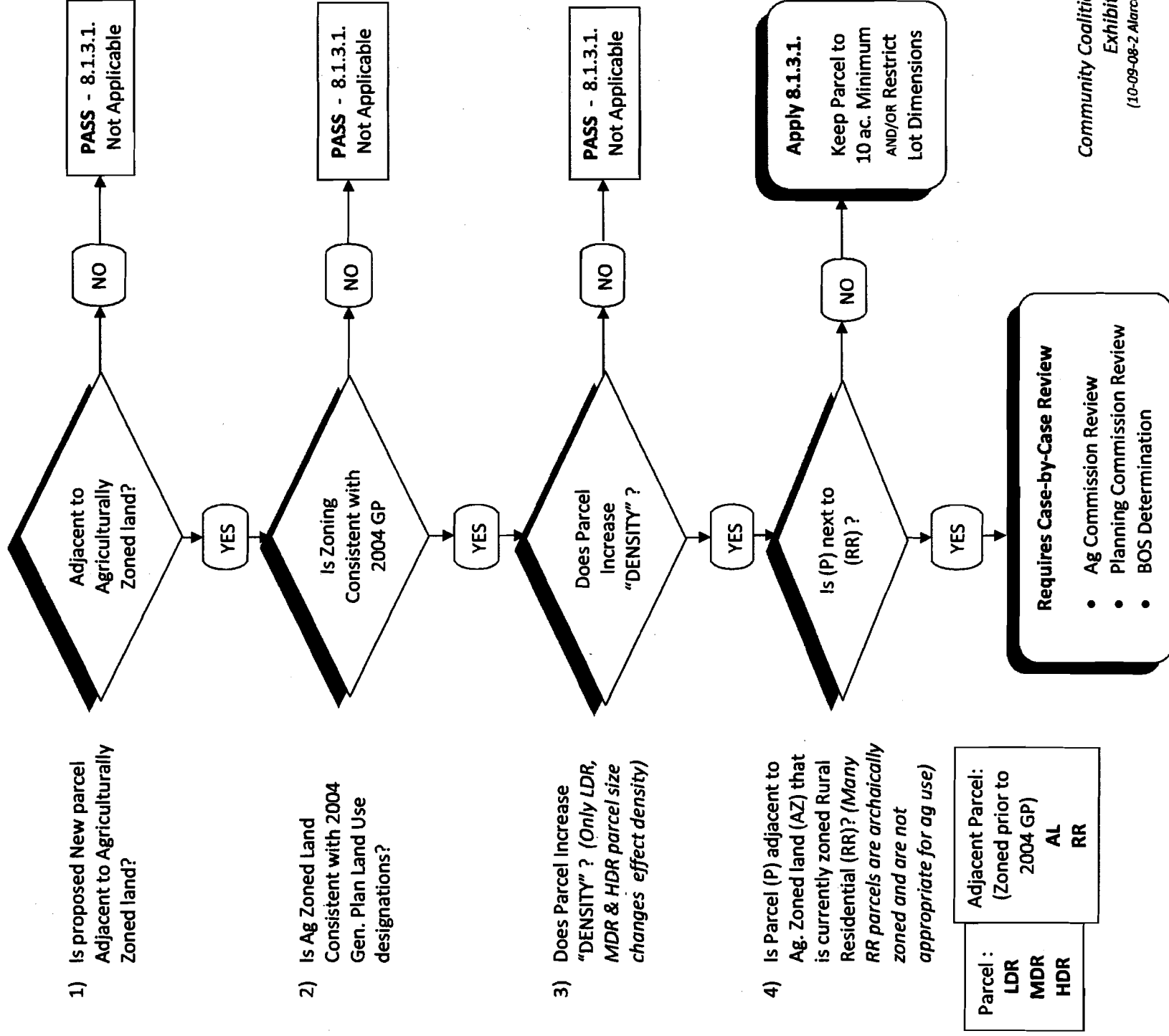


EXHIBIT M

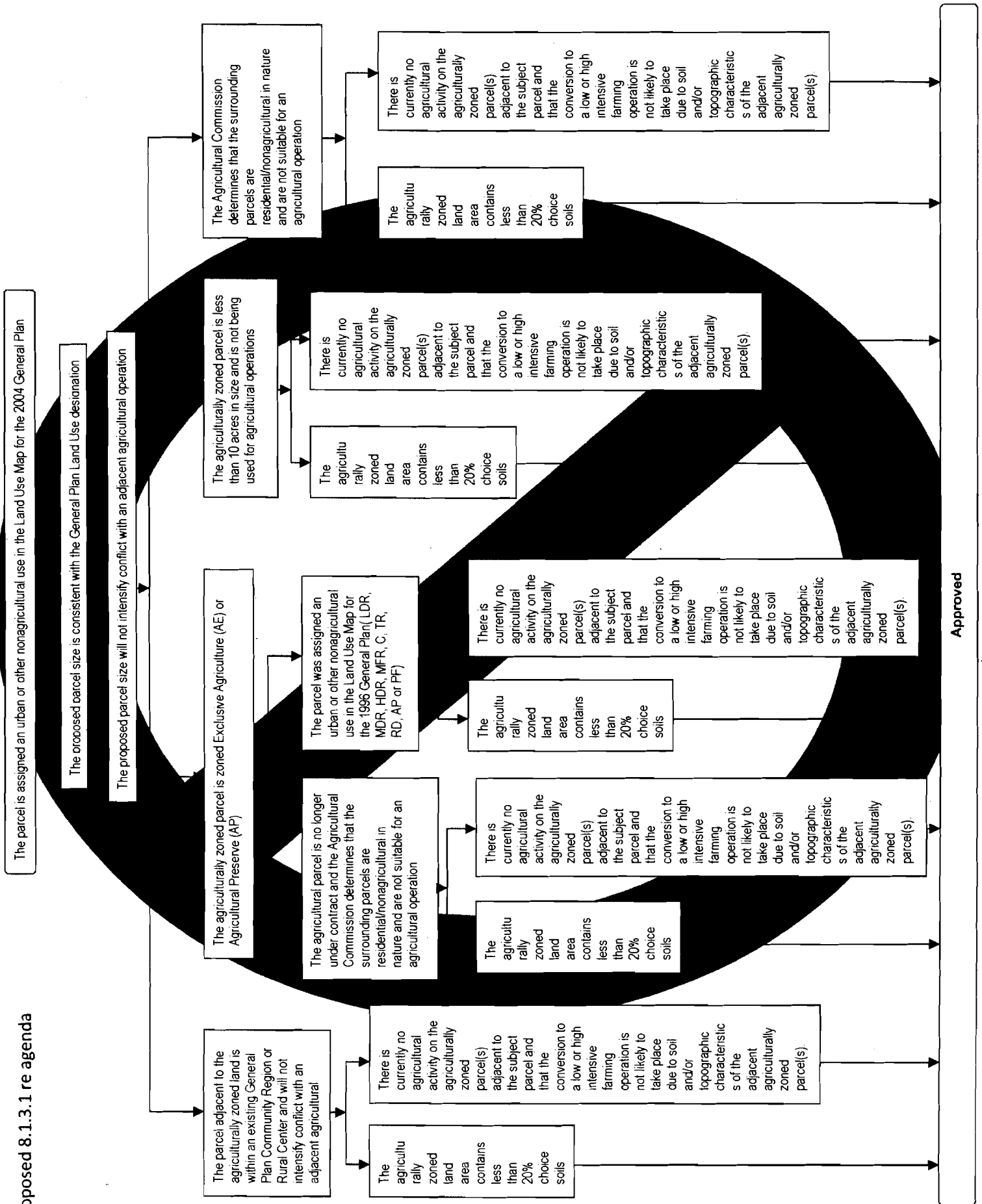
public handout
PC 10/9/08
#92

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. ..."



Proposed 8.1.3.1 re agenda



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.1 COMMISSION WOULD NOT HAVE REVIEWED FOR 8.1.3.1 since AZ IS GP non-agricultural LDR.**

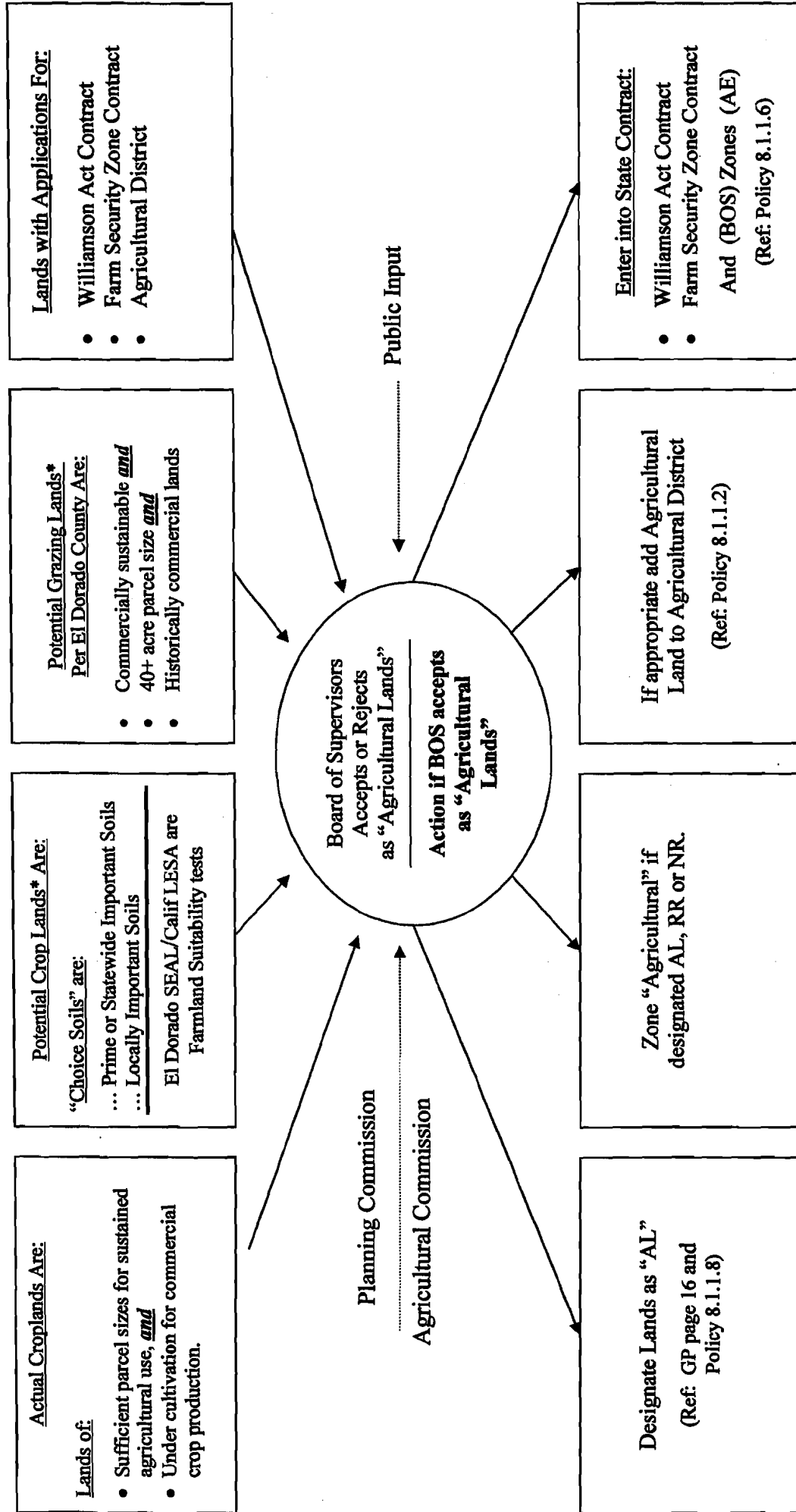
8.1.3.1 may apply

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 ACTION 1



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.
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

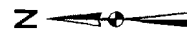
RURAL CENTERS
PLATTED LANDS

LAND USE DESIGNATION

LDR
MDR

AGRICULTURAL DISTRICTS

WILLIAMSON ACT CONTRACT



INFORMATION SHOWN ON THIS MAP HAS BEEN COMPILED FROM UNVERIFIED PUBLIC AND PRIVATE SOURCES AND IS ILLUSTRATIVE ONLY. NO REPRESENTATION IS MADE AS TO THE ACCURACY OF THIS INFORMATION.

MAP PREPARED BY
GENE E. THORNE & Associates, Inc.
CONSULTING ENGINEERS • PLANNERS • SURVEYORS

Public Hearing
PC 10/9/68

