



AGRICULTURAL COMMISSION

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

MINUTES

April 11, 2018

6:30 P.M.

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

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

Ex-Officio Members Present: Charlene Carveth

Media Members Present: None

Staff Members Present: Roger Trout, Planning Department
Issac Wolf, Planning Department
Myrna Tow, Clerk to the Agricultural Commission
LeeAnne Mila, Agriculture Department

I. CALL TO ORDER

- Chair, Greg Boeger, called the meeting to order at 6:30 p.m. and asked for a voice vote for approval of the Agenda of April 11, 2018. One change was noted to add Apiary Discussion/Animal Raising and Keeping by Charlene Carveth

Motion passed

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

NOES: None

ABSENT: Mansfield

ACTION ITEMS

II. Item # 18----- APPROVAL OF MINUTES of April 11, 2018

Chair Boeger called for a voice vote for approval to approve the Minutes of April 11, 2018 as submitted.

Motion passed

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

NOES: None

ABSENT: Mansfield

III. PUBLIC FORUM – None (One member of the public did bring up an issue about the Flags and he was re-directed to the County Chief Administrators Office.

IV. Item # 18-0587 Oakstone Winery Revision to an existing Conditional Use Permit Project File No. S04-0001 R-2.

During the Agricultural Commission's regularly scheduled meeting held on April 11, 2018 a request from Planning Services to review a revision to an existing Conditional Use Permit. This request is to modify conditions of approval to S04-0001R to remove limitations on annual case production, increase days of tasting room operation from 4 to 6, modify production hours from 9 AM to 5 PM to 8 AM to 5 PM and to reconfigure existing parking space design for more efficiency and spaces. The parcel has a General Plan designation of Rural Residential (RR) and a zoning designation of Limited Agriculture, 20 Acres (LA-20). No new units or parcels are proposed. The applicant's parcel, identified by APN 095-080-56 consists of 20.818 acres and is located at 6470 Irish Acres Rd, Fair Play. (Supervisor District: 2).

The following General Plan Policy directs Commission guidance:

Policy 8.1.4.1 The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

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

Parcel Description:

- Parcel Number and Acreage: 095-080-56, 20.8 Acres
- Agricultural District: Yes
- Land Use Designation: RR – Rural Residential.
- Zoning: LA-20 – Limited Agricultural Lands – 20 Acres
- Soil Type: Choice soils
 - HgC – Holland Coarse Sandy Loam, 9 to 15 percent slopes

Discussion:

A site visit was conducted on March 29, 2018. This request is only to amend the Conditional Use Permit to remove limitations on annual case production, increase days of tasting room operation from 4 to 6, modify production hours to 8am to 5pm. and to reconfigure existing parking space design. The applicant is going to utilize an existing building for winery operations and no additional structures or development is proposed at

this time. The vineyard at approximately 6.0 acres in size is well cared for and commercially viable.

Staff Recommendation:

Staff recommends support of the request by the applicant for the modifications to conditional use permit S04-0001R.

Chair Boeger addressed the public for comment; the applicant was present and addressed the Commission.

It was moved by Commissioner Walker and seconded by Commissioner Neilsen to recommend APPROVAL of Staff's recommendation of the Oakstone Winery request for modifications to conditional use permit S04-0001R.

Motion passed:

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

- V. Item # 18-0588 Jobbins Winery Minor Use Permit Project File No. S18-0004**
During the Agricultural Commission's regularly scheduled meeting held on April 11, 2018 a request from Planning Services to review a Minor Use Permit for a 17.14 acre parcel, APN 094-080-13. The parcel has a General Plan designation of Rural Residential (RR) and a zoning designation of Rural Lands 10-Acre (RL-10). The minor use permit proposes the operation of a new winery within an agricultural district. The project would result in the construction of four structures (single family dwelling, guest house, wine producing building and a tasting room) as well as a parking lot and septic system. The project site is located on the north side of Idlewild Road at the intersection with Perry Creek Road in Fair Play area. (Supervisor District 2).

The following General Plan Policy directs Commission guidance:

Policy 8.1.4.1 The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- D. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- E. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and

- F. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Parcel Description:

- Parcel Number and Acreage: 094-080-13, 17.14 Acres
- Agricultural District: Yes
- Land Use Designation: RR – Rural Residential.
- Zoning: RL-10 – Rural Lands – 10 Acres
- Soil Type: All soils are choice

Discussion:

A site visit was conducted on March 15, 2018. The vines are on order and have not been planted yet due to greenwood issues. The proposed vineyard is approximately 5.1 acres in planted size, with a resulting 7 acres of total fenced area. 4641 total wine grape plants have been ordered and due to the fact they are green wood plants they are hardening up at the nursery and will be planted in May or June of 2018. A site visit will be conducted by the Dept. of Agriculture to verify that the 5.0 acres of grapevines have been planted as is needed by the Winery Ordinance.

Staff Recommendation:

Staff recommends support of the request by the applicant for a minor use permit for construction of a new winery with an onsite tasting room.

Chair Boeger addressed the public for comment; the applicant was present and addressed the Commission and referred any vineyard questions to his vineyard manager Troy Wickham. Mr. Wickham explained the grapes were not in the ground yet and would be inspected by the Department of Agriculture as soon as they are planted to comply with the Winery Ordinance. Additional public comments were received and referred to the Planning Department.

It was moved by Commissioner Bacchi and seconded by Commissioner Draper to recommend APPROVAL of Staff's recommendation of support of the Jobbins Winery minor use permit with a condition that staff verify the planting and maintaining of the vineyard until production occurs.

Motion passed:

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

**VI. Item # 18-0589 Marcelais Mine Winery Conditional Use Permit
Project File No. S18-0003**

During the Agricultural Commission's regularly scheduled meeting held on April 11, 2018 a request from Planning Services to review a Conditional Use Permit for a 40 acre parcel, APN 090-250-34. The parcel has a General Plan designation of Rural Residential (RR) and a zoning designation of Rural Land Ten-Acre (RL-10). The conditional use permit proposes the operation of a new microwinery within an existing structure. The project site is located on the south side of Motherlode Road, 0.6 miles south of the intersection with Motherlode Road in the El Dorado area. (Supervisor District 2)

The following General Plan Policy directs Commission guidance:

Policy 8.1.4.1 The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

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

Parcel Description:

- Parcel Number and Acreage: 090-250-34, 40.00 Acres
- Agricultural District: No
- Land Use Designation: RR – Rural Residential.
- Zoning: RL-10 – Rural Lands – 10 Acres
- Soil Type: No choice soils

Discussion:

A site visit was conducted on April 2, 2018. The applicant is going to utilize an existing building for winery operations and no additional structures or development is proposed at this time. The vineyard at approximately 5.0 acres in size is well cared for and commercially viable.

Staff Recommendation:

Staff recommends support of the request by the applicant for a conditional use permit, for a winery with no on-site sales or tasting room.

Chair Boeger addressed the public for comment; the applicant was present and addressed the Commission.

It was moved by Commissioner Neilsen and seconded by Commissioner Bolster to recommend APPROVAL of Staff's recommendation of support of the Marcelais Mine Winery Conditional Use Permit Project File No. S18-0003 with no on-site sales or tasting room.

Motion passed:

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

VII. Item # 18-0590 ADM18-0073/Meschi Administrative Relief from Agricultural Setback Assessor's Parcel Number: 099-180-04

During the Agricultural Commission's regularly scheduled meeting held on April 11, 2018 a request from Planning Services to review and give approval for administrative relief from the agricultural setback for the above referenced project. This request is for the construction of a single family residence. According to the applicant, the proposed building site is approximately 75 feet from the property line of the adjacent LA-10 zoned parcel to the east (APNs: 099-160-21). The applicant's parcel, identified by APN 099-180-04, consists of 5.004 acres and is located on Kincade Drive. (Supervisor District 2).

Parcel Description:

- Parcel Number and Acreage: 099-180-04, 5.004 Acres
- Agricultural District: Yes
- Land Use Designation: Rural Residential
- Zoning: RL-10 (Rural Lands, 10 Acres), with LA-10 (Limited Agriculture, 10 Acres) on the eastern property border.
- Soil Type: All Choice Soils

Discussion:

A site visit was conducted on March 29, 2018 to assess the placement of the proposed structure.

Staff Findings:

Staff recommends APPROVAL of the Meschi request for administrative relief of an agricultural setback, allowing for placement of a single family dwelling, no less than 75 feet from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-

10) to the east (APN: 099-160-21)., as staff believes that three of the four findings that the Agricultural Commission is required to make by Resolution No. 079-2007 and adopted by the Board of Supervisors on April 17, 2007, can be made:

- a) *No suitable building site exists on the subject parcel except within the required setback due, but not limited to, compliance with other requirements of the General Plan or other County development regulations;*

The parcel has challenging topography and seasonal drainages on the northwest side of the parcel, outside of the setback, that present challenges for the placement of the single family home and the associated septic system. There are also large oak trees that would need to be removed in the area outside of the setback.

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

The proposed non-compatible structure is located on the property to utilize the road as an additional buffer from the LA-10 zoned property to the east.

- c) *Based on the site characteristics of the subject parcel and the adjacent agriculturally zoned land including, but not limited to, topography and location of agricultural improvements, etc., the Commission determines that the location of the proposed non-compatible structure would reasonably minimize potential negative impacts on agricultural or timber production use; and*

The proposed location for the single family dwelling will have potential negative impacts minimized by the up-sloping topography which buffers the adjacent LA-10. The road also provides an additional buffer as well as another topographical slope. The LA-10 parcel has developed areas adjacent to this area that include the driveway to a dwelling on the parcel, potentially limiting the amount of agriculture adjacent to the road.

- d) *There is currently no agricultural activity on the agriculturally zoned parcel adjacent to the subject parcel and the Commission determines that the conversion to a low or high intensive farming operation is not likely to take place due to the soil and/or topographic characteristics of the adjacent agriculturally zoned parcel or because the General Plan Land Use Designation of the surrounding or adjacent parcels is not agricultural (e.g. Light/Medium/High Density Residential).*

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

Restriction must be recorded identifying that the non-compatible use/structure is constructed within an agricultural setback and that the owner of the parcel granted the reduction in the agricultural setback acknowledges and accepts responsibility for the risks associated with building a non-compatible use/structure within the setback.

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

Chair Boeger addressed the public for comment; the applicant was present and addressed the Commission. Two neighbors addressed the Commission to state they were in support of the project.

It was moved by Commissioner Bolster and seconded by Commissioner Walker to recommend APPROVAL of Staff's recommendation of the of the Meschi request for administrative relief of an agricultural setback, allowing for placement of a single family dwelling, no less than 75 feet from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the east (APN: 099-160-21), as staff believes that three of the four findings of Resolution No. 079-2007 can be made.

Motion passed:

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

VIII. Item # 18-0428 Proposed 2017 Minor Zoning Ordinance Amendments (File No. OR17-0001)

During the Agricultural Commission's regularly scheduled meeting held on April 11, 2018, a presentation by Planning Services for Proposed 2017 Minor Zoning Ordinance Amendments was reviewed with Roger Trout.

Discussion / Background

Since adoption of the 2015 Zoning Ordinance Update (ZO Update) in December 2015, Planning staff have identified a list of minor amendments to the Zoning Ordinance to correct errors, clarify language, correct references, and consolidate/renumber previously adopted zoning regulations not included in the 2015 ZO Update (Project File No. OR 17-0001). Several of these proposed minor amendments include agricultural-related components.

Several major amendments, including a few agricultural-related items, were also identified that could be considered by the Board of Supervisors (Board) as part of a separate update effort (Project File No. OR 17-0002).

On September 12, 2017, the Board directed staff to begin the process of making these amendments and authorized work under two separate Resolutions of Intention (ROIs): ROI 139-2017 for the minor amendments and ROI 140-2017 for the major amendments. (Refer to the County's online agenda calendar: <https://eldorado.legistar.com/Calendar.aspx>, Board Agenda Date: 09/12/2017, Item 21, File No. 17-0901).

As directed by the Board, the 2017 Minor Zoning Ordinance Amendments (Project File No. OR 17-0001) are being processed at this time. The 2017 Major Zoning Ordinance Amendments (Project File OR 17-0002) is tentatively anticipated for completion in mid-2018.

Agriculture-Related Components of the Proposed 2017 Minor Zoning Ordinance Amendments:

The proposed 2017 Zoning Ordinance Minor Amendments includes 86 items listed on Exhibit A. Eleven of the listed items are agriculture-related and are indicated with green highlight. The full text of the proposed agriculture-related amendments is included as Exhibit B.

The proposed agricultural-related amendments fall generally into three categories:

- 1. Minor text modification for clarity or internal consistency with other provisions of the Zoning Ordinance (8 items - No. 26, 29, 30, 52, 53, 59, 60, and 73);*
- 2. Corrections to erroneous code references (1 item - No. 54); and*
- 3. Limited parcel-specific amendments to correct errors to the Zoning Map (2 items - No. 81 & 85).*

Agriculture-Related Items Included in the 2017 Major Zoning Ordinance Amendments

Three agriculture-related items are included in the proposed 2017 Major Zoning Ordinance Amendments (Project File No. OR 17-0002): 1) expansion of winery uses for specified zones within General Plan Agricultural Districts, 2) expansion of ranch marketing uses for livestock grazing operations, and 3) adding "Aviaries, Commercial" to animal raising (allowed by CUP in R1A through RE Zones). (Refer to the County's online agenda calendar: <https://eldorado.legistar.com/Calendar.aspx>, Board of Supervisors Agenda Date: 9/12/2017, Item 21, File No. 17-0901, Executed Resolution 140-2017, Exhibit A, Line Item No. 4, 5, and 7).

Staff Recommendation:

Staff recommends the Agricultural Commission forward a recommendation to the Planning Commission and Board of Supervisors to approve the proposed agricultural-related minor zoning amendments as presented by staff.

Next Steps:

The Agricultural Commission's recommendations for the 2017 Zoning Ordinance Minor Amendments will be forwarded to the Planning Commission for review, tentatively anticipated in late April or early May 2018. At that time, the Planning Commission will hold a public hearing to receive public comment, review applicable environmental documents as required by the California Environmental Quality Act (CEQA), and make recommendations to the Board for consideration at the Board's final adoption hearing(s).

Chair Boeger addressed the public for comment; three members of the public commented on other zoning issues not pertaining to the agenda item.

It was moved by Commissioner Bolster and seconded by Commissioner Bacchi to recommend APPROVAL of Planning Staff's recommendation of the agricultural-related Proposed 2017 Minor Zoning Ordinance Amendments with a notation on #52 *must meet State and Federal Licensing.

Motion passed:

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

Attachment A to Item # 18-0428 Proposed 2017 Minor Zoning Ordinance Amendments (File No. OR17-0001) Attachment Animal Keeping Correction

During the Agricultural Commission's regularly scheduled meeting held on April 11, 2018, the Agricultural Commission requested an additional change for Proposed 2017 Minor Zoning Ordinance.

Planning and Agriculture Department staff identified an inconsistency in 130.40.080 "Animal Raising and Keeping" chapter in reference to bees/apiaries. In section 180.40.080, C. "Animal Keeping in Residential Zones" an inconsistency was noted, due to definitions, in the zones listed in section C.1 and C.2 in reference to bees. Staff recommends that the words "or Private" in 130.40.080.C.1 be struck out to have consistency within the chapter and that the Agricultural Commission send a memo to the Planning Department with the suggested revision.

Zoning Code 130.40.080

B. Definitions Applicable to 130.40.080-Animals, Small. Small animals include, but are not limited to, rabbits, ducks, chickens, fowl, bees, and worms.

C. Animal Keeping in Residential Zones.

1. Apiaries, Commercial or Private. Apiaries are allowed on the following Residential Zones: R2A, R3A, RE-5 and RE-10. Requirements for bee raising and keeping shall meet industry standards as approved by the Agricultural Commissioner and Title 6 (Animals), Chapter 6.44 (Apiaries and Beekeeping) of the County Code of Ordinances. No apiary shall be located within 100 feet of any other property boundary without the written consent of the adjacent resident.

2. Small animal keeping are allowed on lots within these Residential Zones: R1, R20K, R1A, R2A, R3A, RE-5 and RE-10 provided that owners adhere to all Operation and Maintenance standards in Subsection E (Operation and Maintenance Standards) and subject to Subsection G (Administrative) below and the following:

- a. Poultry, fowl, and rabbits must be contained within the boundary of the residential lot and provided a suitable enclosure for nesting, feeding, watering, and roosting.
- b. The keeping of roosters, guinea hens, or pea hens (peacock family) is prohibited on any lot less than 3 acres.

It was moved by Commissioner Bacchi and seconded by Commissioner Draper to recommend to strike out the words “or Private” from section 130.40.080, C. 1 of the “Animal Raising and Keeping” section of the zoning code.

Motion passed:

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

NOES: None

ABSENT: Mansfield

ABSTAIN: None

IX. UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth discussed current Legislation on new bills recently introduced and gave a County cannabis update.

X. Correspondence and Other Business - None

XI. ADJOURNMENT 9:00 pm

APPROVED: _____ DATE: 05/9/18
Greg Boeger, Chair