



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

June 12, 2019

6:30 P.M.

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

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

Ex-Officio Members Present: Charlene Carveth, Agricultural Commissioner

Media Members Present: None

Staff Members Present: Myrna Tow, Clerk to the Agricultural Commission
LeeAnne Mila, Agriculture Department
Emma Carrico, Planning Department

I. CALL TO ORDER

- Chair, Greg Boeger, called the meeting to order at 6:30 p.m. and asked for a voice vote for approval of the Agenda of June 12, 2019.

Motion passed:

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

ACTION ITEMS

II. Item # 19-0945 APPROVAL OF MINUTES of May 8, 2019

Chair Boeger called for a voice vote for approval to approve the Minutes of May 8, 2019 as submitted.

Motion passed:

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

III. PUBLIC FORUM – None

**IV. Item # 19-0946 Subject: Access for Vino De Oro Winery ADM19-0023
Assessor's Parcel Number: 095-021-45**

During the Agricultural Commission's regularly scheduled meeting held on June 12, 2019 the Commission reviewed the following request from Planning:

Planning Request and Project Description:

The applicant is establishing a new winery at APN 095-021-45. This is a Planned Agriculture-40 acres (PA-40) zoned parcel in an Agricultural District, thus under Zoning Code 130.40.400 a winery is permitted by right. As specified in the project narrative (Exhibit A) the winery would not be open to the public outside of a potential two to four private special events per year in the future once the business is established.

The parcel is accessed by Derby Lane, a private non-county maintained road. Under zoning code 130.40.400-G-5.d, "A winery that is not open to the public and does not provide on-site sales may be accessed by a non-county maintained road." However, under Zoning Code 130.40.400-G-5.a an administrative permit shall be required following a recommendation by the Agricultural Commission.

Please review the application for potential impacts to any existing agricultural use and potential agricultural resources.

Parcel Description:

- Parcel Number and Acreage: 095-021-45, 44 Acres
- Agricultural District: Yes
- Land Use Designation: AL = Agricultural Lands
- Zoning: PA-40 (Planned Agriculture, 40 Acres).
- Choice Soils:
 - HhC- Holland rocky coarse sandy loam, 5 to 15 percent slopes
 - CoE – Cohasset cobbly loam, 15 to 50 percent slopes

Applicable Codes and Policies:

Zoning Code 130.40.400 G – 5:

5. Access Standards. Access standards shall be as follows:

a. Direct access from a non-county maintained road, regardless of whether the road is located on or off-site, shall require the following:

(1) **In an Agricultural District.** An Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title, following a recommendation by the Ag Commission.

(2) **Not in an Agricultural District.** A Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.

- b. **Road Maintenance.** The winery owner will be required to participate in a private road maintenance entity, annex into a road zone of benefit (ZOB), or otherwise pay a fair share for road maintenance as determined by the review authority.
- c. **Fire Safe/Code Standards.** Access to a winery open to the public shall meet the minimum access requirements of the applicable fire district, including both on-site and off-site access roads. Exceptions to these standards may be allowed by the fire district, subject to the appeal processes identified in the SRA Fire Safe Regulations.
- d. **Facilities Not Open to the Public.** A winery that is not open to the public and does not provide on-site sales may be accessed by a non-county maintained road.

130.40.400 Wineries

C. **Definitions.** As used in this Section, the terms below will mean the following:

“Commercial Vineyard” means a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop as determined and verified by the Agricultural Commissioner.

“County Maintained Road” means a road that is listed on the current County Maintained Mileage List by the Department of Transportation. This list does not typically include County Service Area (CSA) or Zones of Benefit (ZOB) roads.

“Properly maintained” means that the planted grapes are tended in a manner consistent with proper and accepted customs and standards of the agricultural industry including, but not limited to, the provision of irrigation, the control of pests and diseases, and the protection against deer depredation.

“Winery” means an agricultural processing facility that produces wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine, that is bonded through the Alcohol, Tobacco Tax and Trade Bureau, and that has a current California Alcohol Beverage Control (ABC) Type 2 Winegrower’s License.

Discussion:

A site visit was conducted on June 5, 2019 to review the access to the proposed winery.

Staff Recommendation:

Staff recommends the Agricultural Commission support, the Vino De Oro winery that will not be open to the public and that does not provide on-site sales. The winery utilizing a non-county road, Derby Lane, would be in compliance with the requirements of zoning code 130.40.400 G-5 as they are in an agricultural district and are part of a road maintenance entity.

The vineyard meets the “commercial vineyard” definition, with over 5 acres in crop area and 5803 vines.

Chair Boeger addressed the public for comment; El Dorado County Assistant Planner, Emma Carrico explained the request for the Agricultural Commission to make a recommendation pertaining to the existing access from Derby Lane. The winery is permitted by right and the

zoning code, 130.40.400-G5 d, is very specific regarding "A winery that is not open to the public and does not provide on-site sales may be accessed by a non-county maintained road." However, under Zoning Code 130.40.400-G-5.a, an administrative permit shall be required following a recommendation by the Ag Commission. The applicants, Dina Santos and John Avila addressed the Commission and shared a letter from the Fire Department commenting on the road. Public comment was heard from David Malan and Harry Jacobs over concerns for the private road. Mr. Malan also referenced the notification of the meeting as the first notification letter was sent out with an incorrect date and the clerk resent a correction letter within one business day with the corrected date of June 12, 2019 listed. He mentioned that many other people should be notified that live off of the private road, Emma Carrico explained the notification criteria.

It was moved by Commissioner Bolster and seconded by Commissioner Bacchi to recommend APPROVAL of staff's recommendations to support the Vino De Oro Winery, that is not open to the public, does not provide on-site sales and is in compliance with the requirements of zoning code 130.40.400 G-5 as they are in an agricultural district and are part of a road maintenance entity. (Note: It was recommended by Commissioner Bacchi that the Winery owners and the surrounding land owners have a conversation regarding their private road).

Motion passed:

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

V. Item # 19-0947 Hoekstra Zone Change and Tentative Subdivision Map Z18-0002/TM18-1534 Assessor's Parcel Numbers: 087-030-36 & 087-030-47

During the Agricultural Commission's regularly scheduled meeting held on June 12, 2019 the Commission reviewed the following request from Planning:

Planning Request and Project Description:

The applicants are requesting the following: A zone change and tentative map application for an eight lot rural tentative subdivision map in the Latrobe area. The zone change from Limited Agriculture Forty-Acre (LA-40) to Limited Agriculture Twenty-Acre (LA-20), consistent with the Rural Residential (RR) General Plan Land Use Designation, would apply to both parcels. The tentative subdivision map creating eight lots ranging in size from 20 to 20.14 acres would apply only to parcel 087-030-36. The property identified by Assessor's Parcel Number 087-030-47 consists of 40.126 acres and is located on the south west side of the intersection of South Shingle Road and Coulter Lane. The property identified by Assessor's Parcel Number 087-030-36 consists of 160.25 acres and is located on the south side of Coulter Lane 2,435 feet (.46 miles) south of the intersection with South Shingle Road, in the Latrobe area.

The following General Plan Policies require determinations from the Agricultural Commission:

Policy 8.1.2.2 Some lands within Rural Regions have historically been used for commercial grazing of livestock and are currently capable of sustaining commercial grazing of livestock. If they can be demonstrated to be suitable land for grazing and if they were not assigned urban or other non-agricultural uses in the Land Use Map for the 1996 General Plan, those lands shall be protected with a minimum of 40 acres unless such lands already have small parcels or the Board of Supervisors determines that economic, social, or other considerations justify the creation of smaller parcels for development or other nonagricultural uses. Where 40-acre minimum parcel sizes are maintained, planned developments may be considered which are consistent with the underlying land use designation. Before taking any actions to create parcels of less than 40 acres in areas subject to this policy, the Board of Supervisors and/or Planning Commission shall solicit and consider input from the Agricultural commission.

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.

Please direct the Agricultural Commission to review the application and provide recommendations.

Parcel Description:

- Parcel Number and Acreage: 087-030-36, 160.25 Acres
087-030-47, 40.13 Acres
- Agricultural District: No
- Land Use Designation: RR = Rural Residential
- Zoning: LA-40 (Limited Agriculture, 40 Acres).
- Choice Soils:
PgB – Perkins gravelly loam, moderately deep variant, 2 to 5 percent slopes

Discussion:

A site visit was conducted on March 28, 2019 to review the parcels and the agricultural activities in the area. Commissioner Tim Nielsen went on the site visit to assist with grazing

issues as addressed in the Land Use Map used in the 1996 General Plan.

Staff Recommendation:

Staff does not recommend support of the applicants request for a zone change and tentative subdivision map approval. These parcels have historically been categorized as grazing lands in the Land Use Map for the 1996 General Plan. These parcels are still capable of sustaining commercial grazing and should be protected from further development as defined in General Plan policy 8.1.2.2.

General Plan Policy 8.1.4.1 requires the Agricultural Commission to review all discretionary development applications involving land zoned for or designated agriculture for conflicts. Before granting an approval, a determination shall be made that the proposed use :

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
 - ***These parcels were historically identified as grazing lands in the land use map, of the 1996 general plan, and as such should be protected according to General Plan Policy 8.1.2.2. The rezone and subdivision map could intensify and create conflicts between adjacent agricultural parcels as the parcel size will not be consistent with the direction of the General Plan.***
- 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
 - ***The proposed rezone and subdivision map will create an island effect between the project site and the adjacent parcels. If approved the subdivision map area would be surrounded by larger parcels that have the ability to sustain commercial grazing, effectively creating an island effect that could have negative effects on the protection of these grazing lands.***
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.
 - ***The proposed rezone and subdivision map would significantly reduce or destroy the effect of existing large parcel sizes as the proposed 20 acre parcel size would be surrounded by significantly larger parcels.***

Chair Boeger opened the item up for discussion and addressed the public for comment; El Dorado County Assistant Planner Emma Carrico and the applicants, Eric and Trudy Hoekstra addressed the Commission. A memo from Commission member Bill Draper was read into the record regarding water availability, 20 acre proposal not being enough for grazing, and the need to maintain buffering with 40 acre parcels.

It was moved by Commissioner Neilsen and seconded by Commissioner Bacchi to recommend DENIAL of the Tentative Subdivision Map following staff's

recommendations as stated above. These parcels have historically been categorized as grazing lands in the Land Use Map for the 1996 General Plan and the parcels are still capable of sustaining commercial grazing and should be protected from further development as defined in General Plan policy 8.1.2.2.

Motion passed for denial of the request:

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

**VI. UPDATE on LEGISLATION and REGULATORY REQUEST –
Charlene Carveth**

VII. CORRESPONDENCE AND OTHER BUSINESS – Charlene Carveth

VIII. ADJOURNMENT 7:45 pm

APPROVED: _____ DATE: 07/10/19
Greg Boeger, Chair