



AGRICULTURAL COMMISSION

311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX
eldcag@edcgov.us

Greg Boeger, Chair – Agricultural Processing Industry
Lloyd Walker, Vice-chair – Other Agricultural Interests
Chuck Bacchi – Livestock Industry
Bill Draper, Forestry /Related Industries
Ron Mansfield – Fruit and Nut Farming Industry
John Smith – Fruit and Nut Farming Industry
Currently Vacant – Livestock Industry

MEMORANDUM

DATE: June 17, 2010

TO: Tom Purciel, Development Services/Planning

FROM: Greg Boeger, Chair

SUBJECT: **DWAYNE FISHER – REQUESTING ADMINISTRATIVE RELIEF FROM AGRICULTURAL SEBACKS (APN: 041-740-31)**

During the Agricultural Commission's regularly scheduled meeting held on June 11, 2010 the following discussion and motion occurred regarding Dwayne Fisher – Requesting Administrative Relief from agricultural setbacks for a proposed single family residence (modular home) to be located no less than 78 feet from the southeast property line, adjacent to agriculturally zoned (RA-20) land.

Pursuant to the administrative relief criteria and procedures adopted by the Board of Supervisors on April 17, 2007, the applicant does not qualify for Development Services Director approval, and Agricultural Commission review shall be required, as described in Section A, Subsection 4. (District 2)

Staff reported on the site visit. The parcel is ten acres in size and zoned RA-20 (Residential Agriculture – Twenty Acre) with a Natural Resource (NR) land use designation. The adjoining parcels to the east, south and west are also zoned RA-20, are ten acres in size and have an NR land use designation. There are no apparent agricultural activities occurring on the parcels to the south, east, or west. The soil types on the parcel consist of SkD (Sites Loam 15 to 30% slopes), a Class IV "Choice" soil; and MrD (Musick Sandy Loam 15 to 30% Slopes), a Class VI "Choice" soil. The parcel is located at an approximate elevation of 3200 feet. It is not located within the Grizzly Flat Rural Center or an Agricultural District.

Commission Member Draper pointed out that the parcel to the southeast appears to have been harvested for timber so there is agricultural activity on that parcel which is directly adjacent to the requested reduction in setback. Also, the aerial appears to show other places on the parcel that may be used as a building site, especially the area that already has a shed in place.

The Agricultural Commission may approve a reduction of up to one hundred percent (100%) of the special agricultural setback (not less than 30 feet from the agriculturally zoned parcel) when it can be demonstrated that a natural or man-made barrier or buffer already exists such

as, but not limited to, topography, roads, wetlands, streams, utility easements, swales, etc., that would reduce the need for such a setback, or the Commission finds that three of four of the following exists:

- 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;
- b) The proposed non-compatible use/structure is located on the property to reasonably minimize the potential negative impact on the adjacent agricultural or TPZ zoned land;
- c) Based on the site characteristics of the subject parcel and the adjacent agricultural or TPZ 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 use/structure would reasonably minimize potential negative impacts on agricultural or timber production use;
- 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).

Dwayne Fisher was present for explanation of the project. He explained that he chose the site for the modular as it is the highest point of the property, has the best view, passed a perc test for a septic and leach field, would not require any tree removals, and has power and a water source (well) nearby. He also spoke of the resale value.

The parcel owner to the southeast expressed her concerns and provided a letter of opposition.

The Commission discussed the proposed project in detail, but was unable to make three of the four required findings.

It was moved by Mr. Draper and seconded by Mr. Mansfield to recommend DENIAL of Dwayne Fisher's request for administrative relief of agricultural setbacks as the Agricultural Commission cannot make the findings as required by Resolution No. 079-2007 and adopted by the Board of Supervisors on April 17, 2007.

Motion passed.

AYES: Bacchi, Draper, Mansfield, Boeger

NOES: None

ABSENT: Smith, Walker

Bill Stephans stated that an appeal of the Ag Commission's decision to deny the request can be made to the Board of Supervisors within 10 days and is processed through the Development Services Department.

10-0739.B.2

Tom Purciel

Meeting Date: June 11, 2010

RE: Fisher, Dwayne

Page 3

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

GB:na

cc: Dwayne Fisher