



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

December 14, 2016

6:30 P.M.

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

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

Ex-Officio Members Present: Charlene Carveth

Media Members Present: None

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

I. CALL TO ORDER

- Chair, Greg Boeger, called the meeting to order at 6:30 p.m.

II. ADOPTION OF THE AGENDA

Chair Boeger called for a voice vote for approval to approve the Agenda of December 14, 2016 as submitted.

Motion passed

AYES: Bolster, Walker, Bacchi, Boeger

NOES: None

ABSENT: Neilsen

ABSTAIN: Draper

ACTION ITEMS

APPROVAL OF MINUTES of October 12, 2016

Chair Boeger called for as voice vote for approval to approve the Minutes of October 12, 2016 as submitted.

Motion passed

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

NOES: None

ABSENT: Neilsen

III. PUBLIC FORUM- None

IV. ITEM #16-1253 SUBJECT: Reverie Retreat Center APN: 088-021-02 Agricultural Commission review of Special Use Permit request to allow health resort/retreat center.

During the Agricultural Commission's regularly scheduled meeting held on December 14, 2016 a request to review of Special Use Permit request to allow a health resort/retreat center adjacent to land designated in the General Plan with the Land Use Designation Agricultural Lands.

Planning Request and Project Description:

Planning services is requesting a review and a recommendation for the applicants Special Use Permit request to allow a health resort/retreat center adjacent to land designated in the General Plan with the Land Use Designation Agricultural Lands (AL). (District 4)

Relevant Policies:

General Plan 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: 088-021-02, 32.01 acres
- Agricultural District: No
- Land Use Designation: RR – Rural Residential
- Zoning: RL-10 – Rural Land 10 Acres
- Soil Type:
 - Choice-
 - MaD: Mariposa Gravelly Silt Loam 3 to 30 Percent Slopes
 - No other Choice Soils on the parcel

Discussion:

A site visit was conducted on November 21, 2016, to review the placement of the retreat center in relation to the adjacent Agricultural Lands (AL).

The applicant's property naturally buffers the adjacent Agricultural Lands (AL) from all planned developments, due to topography and heavy vegetation.

Staff Recommendation:

Staff recommends that the Agricultural Commission support the applicants request for a Special Use Permit to allow the health retreat/resort center. Staff believes that the determination can be made that the proposed use will not:

- 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.

Chair Boeger addressed the public for comment with a brief statement regarding the Ag Commissions purview regarding agriculture only. One neighbor stated the adjacent property owner to the North of the project has cattle on their land for the record.

It was moved by Mr. Bolster and seconded by Mr. Bacchi to accept staff's recommendation for APPROVAL of the Agricultural portion of the Special Use Permit as there is no potential conflict with agriculture and the proposed use is in compliance of the General Plan Policy 8.1.4.1, as the following criteria can be met: 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.

Motion passed

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

NOES: None

ABSENT: Neilsen

- V. ITEM #16-1255 SUBJECT: Parker - Ag Setback Relief, ADM16-0017, APN 049-030-25 Administrative Relief from Agricultural Setback
New Construction Single Family Residence**

During the Agricultural Commission's regularly scheduled meeting held on December 14, 2016 a request for administrative relief from the required agricultural setbacks of 200' to

no less than 100' from the northwestern property line (adjacent APN 049-010-46), was reviewed by the El Dorado Agricultural Commission

Planning Request and Project Description:

ADM16-0017 is for administrative relief from the required agricultural setbacks of 200' to no less than 100' from the northwestern property line (adjacent APN 049-010-46). Pursuant to El Dorado County Zoning Code Section 130.52.010.B.4, review by the El Dorado Agricultural Commission is required. This request is for the construction of a single family residence. The proposed building site is approximately 100 feet from the property line of the PA-20 zoned parcel to the northwest (APN: 049-010-46). The parcel, identified by Assessor's Parcel Number 049-030-25, consists of 20.56 acres and is located on Union Ridge Rd., Camino. (District 3)

Parcel Description:

- Parcel Number and Acreage: 049-030-25, 20.56 Acres
- Agricultural District: Yes
- Land Use Designation: AL – Agricultural Lands
- Zoning: PA-20 – Planned Agriculture 20 acres
- Soil Type:
 - BpD – Boomer – Sites Loams, 15 to 30 Percent Slopes
 - CoE – Cohasset Cobbly Loam, 15 to 50 Percent Slopes
 - Choice Soil.

Discussion:

A site visit was conducted on November 22, 2016, to review the placement of the single family residence. The applicant is proposing to place the permanent dwelling no less than 100 feet from the agriculturally zoned property to the northwest (APN: 049-010-46). The property is irregular in shape with a very small area available outside of the 200 foot setback that is imposed on this property. The topography of the property limits available building sites.

Staff Recommendation:

Staff recommends APPROVAL of applicants request for administrative relief of an agricultural setback, allowing for placement of a permanent dwelling, 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 only buildable area outside of the 200 foot setback is extremely small due to the shape of this parcel. There is an access road to other parcels

that bisects this property and reduces available building sites.

- 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 permanent dwelling has been located on the property to minimize any impacts on the property to the northwest. Heavy vegetation in the 100 foot setback is effectively a buffer. The adjacent parcel (APN: 049-010-46) is developed with multiple structures including a large workshop approximately 46 feet from the parcel border with the applicants parcel. Parcel shape and topography limits the ability of the applicant to place the structure further away from the adjacent agriculturally zoned property.

- 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*

- a. ***The topography and shape of this parcel limit the availability of permanent dwelling sites. The placement of the permanent dwelling is set at a location to limit the impact on current agricultural activities on the parcel agriculturally zoned property to the northwest. Currently the property to the northwest is not in agricultural production and a large portion of the property is developed with multiple structures.***

- 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; applicant, Chris Parker addressed the board on behalf of his two brothers and said he was available for any questions and made a brief statement refereeing to future agriculture use of the property in addition to building the house.

It was moved by Mr. Walker and seconded by Mr. Bolster the Ag. Commission recommend APPROVAL of staff's recommendation to approve applicants request for administrative relief of a 200' agricultural setback, allowing for placement of a permanent dwelling to no less than 100' from the NW property line (adjacent APN 049-010-46), as staff believes that three of the four findings of Resolution No. 079-2007 can be made.

Motion passed

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

NOES: None

ABSENT: Neilsen

VI: ITEM # 16-1256 Review of the Wineries Allowed Uses Matrix Table 130.40.400

During the Agricultural Commission's regularly scheduled meeting held on December 14, 2016 a recommendation by the Agricultural Commission was discussed to address a modification to the existing Wineries Allowed Uses Matrix Table 130.40.400. This request is to amend a possible oversight that occurred when the table was made. Under the Permit Required by Zone sections; the request is to add "LA" (Limited Agriculture) in addition to the "PA" (Planned Agriculture) 10+ Acres in Ag District and remove the upper limit acreage. Add "Out of Ag District" under LA (Limited Agriculture) 10+ Acres to the last column.

Charlene Carveth commented and explained the original request by the Ag Commission and the possibility of this being left out when modifications were made on the Wineries Allowed Mixed Uses Matrix Table. Roger Trout discussed the original intent of the Ag Commission and said the change requested will be included in his zoning ordinance presentation to the Board of Supervisors.

It was moved by Mr. Bolster and seconded by Mr. Walker to request the above modification of the Wineries Allowed Uses Matrix Table.

Motion passed

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

NOES: None

ABSENT: Neilsen

VII. ITEM # 16-1257 Re-appointment of Lloyd Walker to represent the Other Agricultural Interest and David Bolster to represent the Fruit and Nut Industry for a four year term beginning January 2017. A letter was sent to the Board of Supervisors by Charlene Carveth for this recommendation.

CORRESPONDENCE AND PLANNING REQUEST- None

UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth

VIII: ADJOURNMENT 7:40 pm

APPROVED: _____ DATE: 01/11/16
Greg Boeger, Chair