



AGRICULTURAL COMMISSION

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

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

January 11, 2017

6:30 P.M.

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

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

Ex-Officio Members Present: Charlene Carveth

Media Members Present: None

Staff Members Present: 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.

II. ADOPTION OF THE AGENDA/SELECTION OF CHAIR AND VICE-CHAIR

Chair Boeger called for a voice vote for approval to approve the Agenda of January 11, 2017 as submitted. Commissioner Wlaker moved the request to keep the current chair and vice-chair for another year.

Motion passed

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

NOES: None

ACTION ITEMS

Item # 17-0046 APPROVAL OF MINUTES of December 14, 2016

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

Motion passed

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

NOES: None

ABSTAIN: Neilsen

III. PUBLIC FORUM- None

IV. ITEM #17-0047 SUBJECT: ADM16-0018/Christofferson Pool/Administrative Relief from Agricultural Setback/Assessor's Parcel Number 085-740-22

During the Agricultural Commission's regularly scheduled meeting held on January 11, 2017 a request to review the placement of the swimming pool. The applicant is proposing to place the swimming pool no less than 160 feet from their property line adjacent to the agriculturally zoned property to the south (APN: 050-290-24).

Planning Request and Project Description:

Planning services is requesting review of a request for administrative relief from the agricultural setback for the above referenced project. This request is for the construction of a swimming pool. The proposed building site is approximately 160 feet from the property line of the PA-20 parcel to the south (APN:085-740-25), according to the applicant. The parcel, identified by Assessor's Parcel Number 085-740-22, consists of 10.70 acres and is located at 5511 Chappie Court in Camino. (District 3)

Parcel Description:

- Parcel Number and Acreage: 085-740-22, 10.70 Acres
- Agricultural District: Yes
- Land Use Designation: Rural Residential to the north and Agricultural Lands on all other sides of the property.
- Zoning: PA-20 (Planned Agriculture, 20 acres); surrounding zoning designations are RL-10 to the north and PA-20 on all other sides of the property.
- Soil Type: Choice soils on this parcel.
 - HgD: Holland Coarse Sandy Loam, 15 to 30 percent slopes

Note: No choice soils on the adjacent parcel to the south, for which setback relief is being requested.

Discussion:

A site visit was conducted on December 21, 2016 to review the placement of the swimming pool. The applicant is proposing to place the swimming pool no less than 160 feet from their property line adjacent to the agriculturally zoned property to the south (APN: 050-290-24). The topography and current production agricultural use of the property limit the placement of the swimming pool. Chappie Court is an additional buffer for the properties.

Staff Recommendation:

Staff recommends APPROVAL of the Christofferson's request for administrative relief of an agricultural setback, allowing for placement of a swimming pool, no less 160 feet from the adjacent agriculturally zoned land (APN: 085-740-25), 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;*

- a. ***Locations for the proposed swimming pool are limited due to the topography of the property and the location of the current vineyard on the property.***

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

- a. ***The applicant has located the building site to minimize any negative impacts to agriculturally zoned lands adjacent to the parcel. The proposed building site is approximately 160 feet from the PA-20 parcel to the south (APN: 085-740-25). The applicant has also located the swimming pool to minimize negative impacts to his current commercial vineyard.***

- 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 road surface of Chappie Court is a buffer that adds an additional distance from the Agriculturally zoned land to the south. Placement of the swimming pool any further away from the agriculturally zoned land would require removal of part of the applicants commercially producing vineyard. The placement is set to protect the applicants vineyard.***

- 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; Mr. Christofferson addressed the board and was available for question from the Board Members.

It was moved by Mr. Walker and seconded by Mr. Bacchi to recommend APPROVAL of Staff's recommendation of the Christofferson's request for administrative relief of an agricultural setback, allowing for placement of a swimming pool, no less 160 feet from the adjacent agriculturally zoned land (APN: 085-740-25), 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.

Motion passed

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

NOES: None

ABSENT: None

V: ITEM # 17-0051 Granade Subdivision/TM15-1527/Z215-0003-APN: 087-310-64

During the Agricultural Commission's regularly scheduled meeting held on January 11, 2017 a request to review a rezone and tentative map application for an 11-lot rural tentative subdivision map in the Latrobe area. The subdivision would include a change in zoning from Rural Lands Twenty-Acre (RL-20) to Estate Residential 10-Acre (RE-10), consistent with the Rural Residential (RR) General Plan Land Use Designation.

Planning Request and Project Description:

The applicants are requesting the following: A rezone and tentative map application for an 11-lot rural tentative subdivision map in the Latrobe area. The subdivision would include a change in zoning from Rural Lands Twenty-Acre (RL-20) to Estate Residential 10-Acre (RE-10), consistent with the Rural Residential (RR) General Plan Land Use Designation. The proposed project includes the installation of wells and septic systems. Lots range in size from 10.02 to 20.12 acres. The property, identified by Assessor's Parcel Number 087-310-64, consists of 134.05 acres, and is located on the east side of South Shingle Road at the intersection with Brandon Road, in the Shingle Springs area. (District 2)

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.

General Plan Policy 8.1.3.1 - 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. Parcels used to buffer agriculturally zoned lands should have a similar width to length ratio of other parcels when feasible.

Rural Residential (RR): This land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between LDR and the Natural Resource (NR) designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state or for agricultural production. Typical uses include single family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.

Parcel Description:

- Parcel Number and Acreage: 087-310-64, 134.05 acres
- Agricultural District: No
- Land Use Designation: RR – Rural Residential
- Zoning: RL-20 – Rural Land 20 Acres
- Soil Type:
 - No choice soil

Discussion:

A site visit was conducted on December 21, 2016, to review the tentative subdivision map in relation to the LA-20 (Limited Agriculture – 20 Acre) zoned land to the south.

Brandon Road is effectively a buffer for the LA-20 land to the south. Parcels to the north of the subject parcel already are consistent in size and zoning with the applicants requested subdivision map and rezone. The minimum requested parcel size of approximately 10 acres is consistent with General Plan Policy 8.1.3.1.

Staff Recommendation:

Staff recommends that the Agricultural Commission find that the request for a rezone and tentative map application for an 11-lot rural tentative subdivision map in the Latrobe area, on the parcel identified by Assessor's Parcel Number 087-310-64 does not conflict with General Plan Policy 8.1.4.1 and General Plan 8.1.3.1.

The applicant, Robert Granade was available for questions and stated that he previously had horses and currently runs cattle on the property. Public comment was opened and comments were heard from an adjacent land owner, Mr. Naygrow who currently runs cattle and was concerned about more people and more water use. The second comment was received by Mr. Hansen as he will be coming to the February Ag Commission meeting as he has a property that is slated to be split into 10 acre parcels.

Ag Commission members discussed the fact that Brandon Road is effectively a buffer for the LA-20 land to the south. Parcels to the north of the subject parcel already are consistent in size and zoning with the applicants requested subdivision map and rezone. Commissioner Bacchi expressed concern over 10 acre parcels compared to 20 acre parcels for grazing. It was also suggested that the applicant could mitigate by having 20 acre parcels along Brandon Road to avoid an island effect with 10 acre parcels within the subdivision. Acceptance of General Plan Policy 8.1.4.1, being that all criteria must be met, could not be reached by the commission members. *(Please note complete audio recording of the meeting will be available upon approval of minutes at the February 8, 2017 Ag Commission meeting).*

It was moved by Commissioner Bacchi seconded by Commissioner Draper to deny approval due to conflict with General Plan Policy 8.1.4.1 as the following criteria could not 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, Neilsen, Mansfield

NOES: Draper, Walker, Boeger

ABSENT:

VII. ITEM #17-0052 2017 Meeting Schedule.

It was moved by Commissioner Walker and seconded by Commissioner Bacchi to approve the meeting schedule as submitted.

Motion passed

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

NOES: None

ABSENT: None

CORRESPONDENSE AND PLANNING REQUEST- None

UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth

VIII: ADJOURNMENT 7:57 pm

APPROVED: _____ **DATE: 02/08/17**
Greg Boeger, Chair