



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

February 8, 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: Roger Trout, Planning
Evan Mattes, Planning
Rommel Pabalinas, Planning
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.

ACTION ITEMS

Item # 17-0152 APPROVAL OF MINUTES of January 11, 2017

Chair Boeger called for a voice vote for approval to approve the Minutes of January 11, 2017 as submitted.

Motion passed

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

NOES: None

ABSTAIN: None

II. PUBLIC FORUM- None

III. ITEM #17-0147 SUBJECT: deBie - Ag Setback Relief, ADM16-0032, APN 095-250-08 Administrative Relief from Agricultural Setback/New Construction Single Family Residence.

During the Agricultural Commission's regularly scheduled meeting held on February 8, 2017 a request to review the placement of a proposed building site for the construction of a single family residence, the proposed building site is approximately 101.5 feet from the property line of the adjacent LA-10 zoned parcel to the East (APN: 095-250-09).

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 single family residence. According to the applicant, the proposed building site is approximately 101.5 feet from the property line of the adjacent LA-10 zoned parcel to the East (APN: 095-250-09). The applicant's parcel, identified by APN 095-250-08, consists of 10.01 acres and is located on Omo Ranch Rd. (District 2)

Parcel Description:

- Parcel Number and Acreage: 095-250-08, 10.01 Acres
- Agricultural District: Yes
- Land Use Designation: RR– Rural Residential
- Zoning: RL-10 – Rural Lands – 10 Acres
- Soil Type:
 - All Soils are Choice
 - HgD: Holland Coarse Sandy Loam 15 To 30 % Slopes
 - CoE: Cohasset Cobbly Loam 15 To 50 % Slopes

Discussion:

A site visit was conducted on January 26, 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 property line of the LA-20 Property to the East (APN: 095-250-09). The topography of the applicants parcel limits the 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 topography of the property severely limits the 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 building site has been located as far away from the agriculturally zoned property to the east. The topography between the two parcels forms a natural buffer.

- 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 topography of the property provides a natural buffer between the agriculturally zoned property and the applicant's property. There is a significant drop-off from the building site to the property line with heavy brush growth at the bottom.
- 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. deBie addressed the board and was available for question from the Board Members.

It was moved by Mr. Bolster and seconded by Mr. Neilsen to recommend APPROVAL of Staff's recommendation of the 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.

Motion passed

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

NOES: None

ABSENT: None

IV. ITEM #17-0149 SUBJECT: Hansen Tentative Parcel Map Project File No. P16-0001/Z16-0001

During the Agricultural Commission's regularly scheduled meeting held on February 8, 2017 a request to review the new Tentative Parcel Map and Zone Change for a 45.69 acre parcel, APN 087-021-05. The zone change request would change the parcel's zoning designation from Rural Lands 20-Acres (RL-20) to Rural Lands 10-Acres (RL-10). The tentative parcel map proposes that the property be split into four parcels of 13.5 acres, 10.27 acres, 10.04 acres and 10.04 acres.

Planning Request and Project Description:

Planning Services is processing the attached application for a new Tentative Parcel Map and Zone Change and requests the project be placed on the Agricultural Commission's Agenda. The applicants are requesting the following:

P16-0001/Z16-0001 is based on the following project description: Tentative Parcel Map and Zone Change for a 45.69 acre parcel, APN 087-021-05. The zone change request would change the parcel's zoning designation from Rural Lands 20-Acres (RL-20) to Rural Lands 10-Acres (RL-10). The tentative parcel map proposes that the property be split into four parcels of 13.5 acres, 10.27 acres, 10.04 acres and 10.04 acres. The project site is located on the west side of South Shingle Springs Road west of 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: 087-021-05, 45.69 acres
- Agricultural District: No
- Land Use Designation: RR – Rural Residential
- Zoning: RL-20 – Rural Land 20 Acres
- Soil Type:
 - No Choice Soils

Discussion:

A site visit was conducted on January 18, 2017 to review the tentative subdivision map in relation to the AG-40 (Agricultural Grazing – 40 Acre) zoned land to the south and LA-20 (Limited Agriculture – 20 Acres) zoned land to the east. The AG-40 zoned parcel to the south has a General Plan Land Use Designation of AL (Agricultural Lands).

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 4-lot rural tentative subdivision map in the Latrobe area, on the parcel identified by Assessor’s Parcel Number 087-021-05 does not conflict with General Plan Policy 8.1.4.1 and General Plan 8.1.3.1.

Chair Boeger addressed the public for comment; several neighbors addressed the board regarding water availability and did not support the splitting of the property. Chair Boeger

reminded the speakers that the intent of the Agriculture Commission is to address “Ag issues”. The applicant Mr. Hansen had his representative Ken Purciel address the board and was available for questions. Mel Pabalinas and Evan Mattes were available from Planning for questions and comments. *(Complete audio of the discussion will be available on Legistar after approval of the minutes of 2/8/17).*

It was moved by Mr. Neilsen and seconded by Mr. Bacchi 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 c. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands. The Commission stated the property should remain in the current zoning of RL20 acres as anything less would intensify existing conflicts between adjacent residential areas and agricultural activities.

Motion passed

AYES: Bacchi, Bolster, Draper, Mansfield, Neilsen

NOES: Walker, Boeger

ABSENT: None

V: ITEM # 17-0150 4 Directions Farm Conditional Use Permit Project File No. S16-0005

During the Agricultural Commission’s regularly scheduled meeting held on February 8, 2017 a request to review a conditional use permit proposing the operation of a private school, teaching organic farming skills to disabled youths and young adults.

Planning Request and Project Description:

S16-0005 is based on the following project description: Conditional Use Permit for a 56.8 acre parcel, APN 087-021-66. The parcel has a General Plan designation of Rural Residential (RR) and a zoning designation of Rural Lands 20 Acre (RL-20). The conditional use permit proposes the operation of a private school, teaching organic farming skills to disabled youths and young adults. The project would result in the construction of five single story structures, paving and widening of the existing driveway, a new paved parking lot, fire lanes, a new water well and septic system. The project site is located on the south side of Brandon Road, 0.5 mile east of the intersection with South Shingle Road in the Latrobe 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:

- 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.

General Plan Policy 8.1.4.2 - The Agricultural Commission shall review all school site development applications involving agricultural lands and lands within Agricultural Districts, or lands adjacent to agricultural lands and lands adjacent to Agricultural Districts, and shall make recommendations to the approving authority. To determine consistency with the General Plan, the approving authority shall find that the school site development is "in the public interest." For purposes of this policy, the approving authority, in determining if the school development is "in the public interest," shall consider the following factors:

- A. The objectives of the Agricultural Element, to ensure that agricultural lands are conserved and protected, and the Public Services and El Dorado County General Plan Agriculture and Forestry Element July 2004 (Amended December 2015) Page 175 Utilities Element, to ensure that the need for adequate school facilities is met.
- B. Whether other school sites outside of the Agricultural District including rural centers were considered by the school district and whether such sites were considered acceptable or not feasible as a school site for the school district.
- C. The effect of the proposed school site upon adjacent agricultural lands and whether the proposed site would be incompatible with agricultural operations on adjacent or proximate agricultural lands.
- D. Whether the use of the land as a school site is consistent with the applicable provisions of this General Plan.

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: 087-021-66, 56.8 acres
- Agricultural District: No
- Land Use Designation: RR – Rural Residential
- Zoning: RL-20 – Rural Land 20 Acres
- Soil Type:
 - No Choice Soils

Discussion:

A site visit was conducted on January 18, 2017 to review the conditional use permit application and proposed project in relation to surrounding agriculturally zoned properties. The conditional use permit requests the ability to build 5 buildings, which include a greenhouse and gazebo, along with two training workshops and a caretakers cottage. They propose to plant christmas trees and pumpkins for onsite and offsite sales. Alpacas and goats are already on the property and will be retained. Disabled youth and adults will be trained in various aspects of farming on site. Onsite parking will be developed. All setbacks have been observed in building placement. The site will be in agricultural production with the ultimate goal of training the youth, so that to be able to obtain employment on agricultural operations.

Staff Recommendation:

Staff recommends a finding that the project supported by the conditional use permit does not conflict with General Plan Policy 8.1.4.1.

Chair Boeger addressed the public for comment; Starranne Meyers, Cindy Keller, and Greg Balderree addressed the board on behalf of the proposed vocational school. Mel Pabalinas, Evan Mattes, and Roger Trout were available from Planning for questions and comments. Mel was able to answer Commissioner's concerns over the school's definition due to the new laws and regulations for pesticide application in the proximity of schools. It was determined, however, that this application does not meet the State's definition of a school and therefore the surrounding parcels would not be affected by the new regulations. If for any reason the school wants to change their operation it would constitute a re-opening of the special use permit for modification by the Planning Department and would require the item to come back to the Ag Commission. Neighbors in opposition addressed the board with concerns over water and Linnea Marengo supported the project. *(Complete audio of the discussion will be available on Legistar after approval of the minutes of 2/8/17).*

It was moved by Mr. Bolster and seconded by Mr. Walker to recommend APPROVAL of Staff's recommendation of the applicants request for a conditional use permit as the proposed project is not in conflict with General Plan Policy 8.1.4.1 and General Plan Policy 8.1.4.2.

Motion passed

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

NOES: None

ABSENT: None

VI. ITEM #17-0154 Opt-In Phase II Continued to 03/08/17

CORRESPONDENCE AND PLANNING REQUEST- None

UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth

VIII: ADJOURNMENT 9:12 pm

APPROVED: _____ **DATE: 03/08/17**
Greg Boeger, Chair