



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

May 10, 2017

6:30 P.M.

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

Members Present: Boeger, Neilsen, Draper, Walker
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.

ACTION ITEMS

Item # 17-0512 APPROVAL OF MINUTES of April 12, 2017

Chair Boeger called for a voice vote for approval to approve the Minutes of April 12, 2017 as submitted.

Motion passed

AYES: Walker, Draper, Neilsen , Boeger

NOES: None

ABSTAIN: Bolster, Bacchi, Mansfield

II. PUBLIC FORUM- None

III. ITEM #17-0514 Subject: Ag Setback Relief, Wells/Paquette, ADM 17-0022 Administrative Relief from Agricultural Setback Assessor's Parcel Number: 104-220-15 Construction of swimming pool

During the Agricultural Commission's regularly scheduled meeting held on May 10, 2017 a request to review the placement of the swimming pool. The applicant is proposing to place the swimming pool no less than 139 feet from their property line adjacent to the agriculturally zoned property to the south (APN: 104-060-48).

Planning Request and Project Description:

ADM 17-0022 is for administrative relief from the required agricultural setbacks of 200' to no less than 139' from the southern property line (adjacent APN 104-060-48). 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 a pool to be built approximately 139 feet from the property line of the PA-20 zoned parcel to the south (APN 104-060-48). The parcel, identified by Assessor's Parcel Number 104-220-15, consists of 11 acres and is located on Salmon Falls Road, Pilot Hill (District 4).

Parcel Description:

- Parcel Number and Acreage: 104-220-15, 11.00 Acres
- Agricultural District: No
- Land Use Designation: RR – Rural Residential
- Zoning: RL-10, Rural Lands – 10 Acres
- Soil Type:
 - No choice Soils

Discussion:

A site visit was conducted on April 24, 2017 to determine the location of the proposed pool site. The proposed building site is to be no less than 139 feet from the property line of the adjacent PA-20 zoned parcel to the South (APN: 104-060-48).

Staff Recommendation:

Staff recommends APPROVAL of applicants request for administrative relief of an agricultural setback, allowing for construction of a pool no less than 139 feet from the property line to the South (APN: 104-060-48), 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 pool 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 location of the pool site is as far away as possible from the property line of the PA-20 property to the South.

- 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.

- 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. Paquette addressed the board and was available for question from the Board Members.

It was moved by Mr. Neilsen and seconded by Mr. Walker to recommend APPROVAL of Staff's recommendation of applicants request for administrative relief of an agricultural setback, allowing for the construction of a swimming pool from the required agricultural setbacks of 200' to no less than 139' from the southern property line (adjacent APN 104-060-48). Pursuant to El Dorado County Zoning Code Section 130.52.010.B.4. This request is for a pool to be built approximately 139 feet from the property line of the PA-20 zoned parcel to the south (APN 104-060-48). The parcel, identified by Assessor's Parcel Number 104-220-15, consists of 11 acres and is located on Salmon Falls Road, Pilot Hill (District 4)., 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: Neilsen, Draper, Walker, Boeger

NOES: None

ABSENT: Bacchi, Bolster, Mansfield

**IV. 17-0515 Ag Setback Relief, Pilkington ADM 17-0031
Administrative Relief from Agricultural Setback
Construction of a Detached Secondary Dwelling
Assessor's Parcel Number: 077-050-13**

During the Agricultural Commission's regularly scheduled meeting held on May 10, 2017 a request to review for Administrative Relief for a detached secondary dwelling with a breezeway connecting to the primary dwelling to be built approximately 150 feet from the property line of the PA-20 zoned parcel to the west (APN 077-011-51).

Planning Request and Project Description:

ADM 17-0031 is for administrative relief from the required agricultural setbacks of 200' to no less than 150' from the western property line (adjacent APN 077-011-51). 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 a detached secondary dwelling with a breezeway connecting to the primary dwelling to be built approximately 150 feet from the property line of the PA-20 zoned parcel to the west (APN 077-011-51). The parcel, identified by Assessor's Parcel Number 077-050-13, consists of 10 acres and is located on Thorson Drive, Placerville (District 3).

Parcel Description:

- Parcel Number and Acreage: 077-050-13, 10.00 Acres
- Agricultural District: Yes
- Land Use Designation: RR – Rural Residential
- Zoning: RL-10, Rural Lands – 10 Acres
- Soil Type:
 - No choice Soils

Discussion:

A site visit was conducted on April 24, 2017 to determine the location of the proposed second dwelling. The proposed building site is to be no less than 150 feet from the property line of the adjacent PA-20 zoned parcel to the West (APN: 077-011-51). The main house and the second dwelling will be connected by a breezeway.

Staff Recommendation:

Staff recommends APPROVAL of applicants request for administrative relief of an agricultural setback, allowing for construction of a second dwelling no less than 150 feet from the property line to the West (APN: 077-011-51), 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:

- e) *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.

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

The topography of the parcel severely limits the available building sites. The proposed building site is to be attached to the main house.

- g) *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.

- h) *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. Anderson addressed the board and was available for question from the Board Members.

It was moved by Mr. Walker and seconded by Mr. Draper to recommend APPROVAL of Staff's recommendation of applicants request for administrative relief of an agricultural setback, allowing for the construction of a detached

secondary dwelling with a breezeway connecting to the primary dwelling to be built approximately 150 feet from the property line of the PA-20 zoned parcel to the west (APN 077-011-51). The parcel, identified by Assessor's Parcel Number 077-050-13, consists of 10 acres and is located on Thorson Drive, 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: Neilsen, Draper, Walker, Boeger

NOES: None

ABSENT: Bacchi, Bolster, Mansfield

**V. Subject: ADM17-0026/Wingate
Administrative Relief from Agricultural Setback
Assessor's Parcel Number: 093-090-05**

During the Agricultural Commission's regularly scheduled meeting held on May 10, 2017 a request to review for Administrative Relief for a for a single family residence. According to the applicant, the proposed building site is approximately 50 feet from the property line of the adjacent AG-40 zoned parcel to the North (APN: 093-090-15).

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 a single family residence. According to the applicant, the proposed building site is approximately 50 feet from the property line of the adjacent AG-40 zoned parcel to the North (APN: 093-090-15). The applicant's parcel, identified by APN 093-090-05, consists of three acres and is located on Happy Valley Rd. (Supervisor District 2).

Note: Applicant's request stated a relief request of a total of 150 feet (Required 200 foot setback minus the proposed 50 foot building setback from the property line).

Parcel Description:

- Parcel Number and Acreage: 093-090-05, 3.0 Acres
- Agricultural District: Yes
- Land Use Designation: NR – Natural Resources
- Zoning: RL-40, Rural Lands – 40 Acres
- Soil Type:
 - Choice Soils
 - HgC – Holland Coarse Sandy Loam 9 to 15 Percent Slopes

Discussion:

A site visit was conducted on April 25, 2017 to determine the potential location of the single family residence. The building site is approximately 50 feet from the property line of the adjacent AG-40 zoned parcel to the North (APN: 093-090-15).

Staff Recommendation:

Staff recommends APPROVAL of applicants request for administrative relief of an agricultural setback, allowing the single family residence to be located no less than 50 feet from the parcel to the North (APN: 093-090-15), 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:

- i) 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.

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

The width to length ratio of this parcel makes it extremely difficult to place a building outside of the 200 foot setback. The widest portion of this parcel is approximately 230 ft. The proposed building site is in the widest portion of the property to limit the potential impacts on agriculture.

- k) 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 shape and topography of the parcel severely limits the available building sites. The applicant is proposing to place the building in the widest portion of the parcel to limit any impacts on agriculture.

- l) 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; Ms. Sue Demidoff addressed the board and was available for question from the Board Members.

It was moved by Mr. Walker and seconded by Mr. Draper to recommend APPROVAL of Staff's recommendation of applicants request for administrative relief of an agricultural setback, allowing for the construction of a single family residence is approximately 50 feet from the property line of the adjacent AG-40 zoned parcel to the North (APN: 093-090-15). The applicant's parcel, identified by APN 093-090-05, consists of three acres and is located on Happy Valley Rd. (Supervisor District 2), 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: Neilsen, Draper, Walker, Boeger

NOES: None

ABSENT: Bacchi, Bolster, Mansfield

VI. Ag Commission review of General Plan Biological Resources Policy Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance and submittal of a recommending letter to the Board of Supervisors.

A motion was made by Commissioner Neilsen, and seconded by Commissioner Walker, to recommend staff forward the following comments to the Board of Supervisors on the General Plan Biological Resources Policies Update, Oak Resources Management Plan, and Oak Resources Conservation Ordinance.

- 1. Heritage Oak size should not be less than 36 inches in diameter on Ag zoned lands or AL designated, and 20 inches on other lands.**
- 2. Personal Use Exemption – 8 tree limit per parcel seems impractical and needs more flexibility or criteria depending on the character of the parcel**

- (e.g., size, density, number of dwelling units, number of owners, zoning or land use designation).
3. **Site Selection Criteria and Maintenance & Monitoring (M&M) cost in the in-lieu fee seems inadequate.**
 4. **Exclude mitigation CUP trigger in an Ag District or active Williamson Act contracted lands.**

Motion passed

AYES: Neilsen, Draper, Walker, Boeger

NOES: None

ABSENT: Bacchi, Bolster, Mansfield

UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth

VIII: ADJOURNMENT 9:38 pm

APPROVED: _____ **DATE: 06/14/17**
Greg Boeger, Chair