



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 14, 2017
6:30 P.M.

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

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

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
Emma Carrico, Planning Department

I. CALL TO ORDER

- Chair, Greg Boeger, called the meeting to order at 6:30 p.m. and asked for a voice vote for approval of the Agenda of February 14, 2018

Motion passed

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

NOES: None

ABSENT: Draper

ACTION ITEMS

II. Item # 18-0154 APPROVAL OF MINUTES of December 13, 2017

Chair Boeger called for a voice vote for approval to approve the Minutes of December 13, 2017 as submitted.

Motion passed

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

NOES: None

ABSENT: Draper

III. Item # 18-0256 Election of Chair and Vice Chair for the 2018 Calendar Year. It was moved by Commissioner Walker and seconded by Commissioner Bacchi to keep the current Chair and Vice-Chair for 2018.

Motion passed

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

NOES: None

ABSENT: Draper

IV. PUBLIC FORUM- None

V. ITEM # 18-0258 Planning Report on 2017 Zoning Ordinance Minor and Major Updates by Roger Trout. (Informational only receive and file)

Roger Trout addressed the Commission with an update on the 2015 Zoning Ordinance. Since its approval, some cleanup changes need to be made. In July of 2017, Planning took a document to the Board of Supervisors with about one hundred plus changes, the Board issued a "Resolution of Intention to amend the Zoning Code" for the request to fix the 2015 Zoning Code Ordinance. The outcome was two Resolutions, #'s 139-2017 and 140-2017. The one-hundred plus documents were broken into two categories, one being "minor" and the other "major". Long Range Planning is moving forward with the minor changes first as they are changes that can be addressed without out any additional CEQA review. The Commission will be hearing from Tom Purciel from Long Range Planning on March 14, 2018 with a request for a recommendation from the Commission on Agricultural issues. The Planning Commission will then hear the item at their April 26, 2018 meeting and then the item will probably be presented to the Board of Supervisors on June 5, 2018. The Major changes will come to the Commission in a few months and follow the same protocol after recommendation from the Agricultural Commission. These items may require a new Environmental review. If there are any items missed there may need to be another review and items should be forwarded to Roger.

VI. ITEM # 18-0155 Pecota Conditional Use Permit Project File No. S17-0021

During the Agricultural Commission's regularly scheduled meeting held on February 14, 2018 a request to review and give approval for a Conditional Use Permit for a 5 acre parcel, APN 069-200-32. The parcel has a General Plan designation of Low Density Residential (LDR) and a zoning designation of Residential Estates Five-Acre (RE-5). The conditional use permit proposes the operation of a new micro-winery within an existing structure. The project site is located on the west side of North Shingle Road, 3.1 miles north of the intersection with Ponderosa Road in the Shingle Springs area. (District IV).

The following General Plan Policy directs Commission guidance:

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: 069-200-32, 5.00 Acres
- Agricultural District: No
- Land Use Designation: LDR – Low Density Residential.
- Zoning: RE-5 – Residential Estate 5 Acres
- Soil Type: Choice soils on this parcel.
 - SuC: Sobrante Silt Loam, 3 to 15 percent slopes

Discussion:

A site visit was conducted on January 11, 2018. The applicant is going to utilize an existing building for winery operations and no additional structures or development is proposed at this time. The vineyard at approximately 2.5 acres in size is well cared for and commercially viable.

Staff Recommendation:

Staff recommends support of the request by the applicant for a conditional use permit, for a micro-winery with no on-site sales or tasting room.

Chair Boeger addressed the public for comment; the applicants Jeff and Renee Pecota addressed the board and were available for questions.

It was moved by Commissioner Bolster and seconded by Commissioner Neilsen to recommend APPROVAL of Staff's recommendation of applicants request based on the above findings for a Conditional Use Permit for a micro-winery with no on-site sales or tasting room. APN 069-200-32.

Motion passed:

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

NOES: None

ABSENT: Draper

ABSTAIN: None

VII. ITEM # 18-0156 ADM18-0005/Charles & Diane MacLean Administrative Relief from Agricultural Setback

During the Agricultural Commission's regularly scheduled meeting held on February 14, 2018 a request from Planning Services to review and give approval for administrative relief from the agricultural setback for the above referenced project. This request is for the conversion of an existing garage into a second residential unit. According to the applicant, the proposed building site is approximately fifty feet (50') from the property line of the adjacent Planned Agriculture-20 acre zoned parcel (PA-20) to the South (APN: 043-550-67-100). The existing garage, being a compatible use, is required to be thirty feet (30') from the southern property line per the setback standard for this zone. The applicant's parcel, identified by APN 043-550-66-100 consists of 10.01 acres and is located at 2780 Green Hollow Ln. (Supervisor District: 3).

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

Parcel Description:

- Parcel Number and Acreage: 043-550-66, 10.01 Acres
- Agricultural District: Yes
- Land Use Designation: Agricultural Lands
- Zoning: PA-20 (Planned Agriculture, 20 acres); surrounding zoning designations are PA-20 (Planned Agriculture, 20 acres) to the south, RL-10 (Rural Lands, 10 Acres) to the North, R2A (Residential, 2 Acres) and LA-10 (Limited Ag-10 Acres) on the east side of the property.
- Soil Type: All Choice Soils

Discussion:

A site visit was conducted on January 11, 2018 to review the existing garage site.

Staff Recommendation:

Staff recommends APPROVAL of the MacLean's request for administrative relief of an agricultural setback, allowing for conversion of an existing garage into a second residential unit., no less than 50 feet from the property line of the adjacent Planned Agriculture-20 acre zoned parcel (PA-20) to the South (APN: 043-550-67-100)., 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. The topography of this parcel and the developed areas related to the main dwelling limit 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;*
 - a. The garage is located on the parcel directly in line with the main house on the PA-20 property to the south. The main house on the adjacent PA-20 property is approximately 100 feet from the property line of the applicants property and 150 feet from the garage. The main house and the developed areas surrounding it, including the driveway effectively create a buffer for any future agricultural developments.**
- 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 position of the garage proximal to the main dwelling on the adjacent PA-20 property limits possible conflicts with the planned conversion to a second residential dwelling. The placement of the applicants main house and garage along with the placement of the main dwelling on the adjacent parcel (APN: 043-550-67) cluster development on the parcels, allowing the maximum amount of agricultural area to be preserved.**
- 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; the applicant Charles MacLean addressed the board and was available for questions. One member of the public gave his support for the project.

It was moved by Commissioner Bolster and seconded by Commissioner Neilsen to recommend APPROVAL of Staff's recommendation of administrative relief of an agricultural setback, allowing for conversion of an existing garage into a second residential unit., no less than 50 feet from the property line of the adjacent Planned Agriculture-20 Acre zoned parcel (PA-20) to the South (APN: 043-550-67-100).

Motion passed:

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

NOES: None

ABSENT: Draper

ABSTAIN: None

VIII. ITEM #18-0157 ADM17-0139/Bernard & Sherri Lapos Administrative Relief from Agricultural Setback Assessor's Parcel Number 046-690-10

During the Agricultural Commission's regularly scheduled meeting held on February 14, 2018 a request from Planning Services to review and give approval for administrative relief from the agricultural setback for the above referenced project. This request is for the construction of a swimming pool. According to the applicant, the proposed building site is approximately seventy-one feet (71') from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the south/southeast (APN: 046-690-09). The applicant's parcel, identified by APN 046-690-10 consists of 13.78 acres and is located at 6350 Brinkwood Lane. (Supervisor District: 2).

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

Parcel Description:

- Parcel Number and Acreage: 046-690-10, 13.78 Acres
- Agricultural District: Yes

- Land Use Designation: Agricultural Lands to the North and Rural Residential on all other sides of the property.
- Zoning: LA-10 (Limited Agriculture, 10 acres); surrounding zoning designations are LA-10 (Limited Agriculture, 10 acres) to the south, AG-40 (Agricultural Grazing, 40 Acres) to the North, RL-10 (Rural Land, 10 Acres) and TC (Transportation Corridor) on the east side of the property.
- Soil Type: No choice soils

Discussion:

A site visit was conducted on January 11, 2018 to review the placement of the swimming pool.

Staff Recommendation:

Staff recommends APPROVAL of the Lapos' request for administrative relief of an agricultural setback, allowing for placement of a swimming pool, no less than 71 feet from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the south/southeast (APN: 046-690-09)., 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;*
- b. The topography of this parcel and the developed areas related to the main dwelling (septic systems, leach fields, electrical service, driveways, etc.) severely limit the available pool 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;*
 - a. The applicant has located the pool site to reasonably minimize any negative impacts to agriculturally zoned lands adjacent to the parcel.***
- 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*
 - a. The pool placement limits the amount of natural vegetation and oak removal. The topography of the property and the surrounding property provide a natural buffer to any agricultural operations that could be conducted in the future.***

- 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; the applicants Sherri and Bernard Lapos addressed the board and were available for questions. One member of the public gave his support for the swimming pool project.

It was moved by Commissioner Walker and seconded by Commissioner Neilsen to recommend APPROVAL of Staff's recommendation of Lapos' request for administrative relief of an agricultural setback, allowing for placement of a swimming pool, no less than 71 feet from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the south/southeast (APN: 046-690-09).

Motion passed:

AYES: Walker, Neilsen, Bolster, Bacchi, Mansfield, Boeger
NOES: None
ABSENT: Draper
ABSTAIN: None

- IX. ITEM #18-0158 ADM17-0091/Stommel AG Setback Reduction (Donald J. Stommel) Administrative Relief from Agricultural Setback Assessor's Parcel Number: 062-460-10**

During the Agricultural Commission's regularly scheduled meeting held on February 14, 2018 a request from Planning Services to review and give approval for administrative relief from the agricultural setback for the above referenced project. This request is for the construction of an existing cabin. According to the applicant, the proposed building site is approximately 190 feet from the property line of the adjacent FR-160 zoned parcel to the East (APN:062-460-09). The applicant's parcel, identified by APN 062-460-10, consists of 23.29 acres and is located on Mosswood Rd. (Supervisor District 4).

Note: Applicant's request stated a relief request of a total of 10 feet (Required 200 foot setback minus the proposed 190-foot building setback from the property line).

Parcel Description:

- Parcel Number and Acreage: 062-460-10, 23.29 Acres
- Agricultural District: No
- Land Use Designation: Natural Resources
- Zoning: FR-160 (Forest Resource, 160 acres)
- Soil Type: AfD – Aiken Loam, 15-30 percent slopes

Discussion:

A site visit was conducted on January 11, 2018 to review the existing cabin site.

Staff Recommendation:

Staff recommends APPROVAL of the Stommel request for administrative relief of an agricultural setback, allowing for a building site approximately 190 feet from the property line of the adjacent FR-160 zoned parcel to the East (APN: 062-460-09), 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;*

c. The topography of this parcel 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;*

a. The cabin on this property is approximately 190 feet from the property line and located to reasonably minimize the potential negative impact on adjacent agriculturally zoned lands.

- 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

a. The topography of the property and the timber on the applicant's property provide a buffer for the agricultural zoned property to the east. (APN: 062-460-09).

- 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; the applicant was not present and there were no comments received.

It was moved by Commissioner Bacchi and seconded by Commissioner Bolster to recommend APPROVAL of Staff's recommendation of the Stommel's request for administrative relief of an agricultural setback, allowing for a building site approximately 190 feet from the property line of the adjacent FR-160 zoned parcel to the East (APN:062-460-09)

Motion passed:

AYES: Walker, Neilsen, Bolster, Bacchi, Mansfield, Boeger
NOES: None
ABSENT: Draper
ABSTAIN: None

X. UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth

A flyer from California Department of Food and Agriculture (CDFA) was passed out regarding a News Release for their Produce Safety Program. CDFA will be responsible for conducting on-farm inspections on behalf of the U S Food and Drug Administration verifying compliance with the Produce Safety Rule which became effective January 26, 2018.

A brief update on the County's current commercial cannabis licenses temporary ban was given. The temporary ban was extended at the January 23, 2018 Board of Supervisors meeting. They have created an ad hoc review committee and these meetings are open to the public. The Commission mentioned they would like to be able to address any issues that pertain to Agriculture operations.

XI. Correspondence and Other Business

Inter-office from Planning, regarding consultation of a parcel map proposal that previously didn't meet the parcel size restrictions. This item may be presented to the Ag Commission at a later date. Pesticide Continuing Education Training will be held Wed. March 28th here in the Board Chambers. UCCE Foothill Grape Day, Amador County on March 29th. Surveys from USDA regarding the 2017 census of agriculture should be sent in.

XII. ADJOURNMENT 8:00 pm

APPROVED: _____ **DATE: 03/14/18**
Greg Boeger, Chair