



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

March 14, 2017

6:30 P.M.

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

Members Present: Walker, Bolster, Bacchi, Boeger

Ex-Officio Members Present: None

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. and asked for a voice vote for approval of the Agenda of March 14, 2018, with the requested change of moving item #3 18-0428 Proposed 2017 Minor Zoning Amendments to the next meeting. (moved to April 11, 2018)

Motion passed

AYES: Walker, Boeger, Bolster, Bacchi

NOES: None

ABSENT: Draper, Mansfield, Neilsen

ACTION ITEMS

II. Item # 18-0426 APPROVAL OF MINUTES of February 14, 2018

Chair Boeger called for a voice vote for approval to approve the Minutes of February 14, 2018 as submitted.

Motion passed

AYES: Walker, Boeger, Bolster, Bacchi

NOES: None

ABSENT: Draper, Mansfield, Neilsen

III. PUBLIC FORUM - None

IV. Item # 18-0427 ADM18-0021/Lynn Simpkin Administrative Relief Agricultural Setback

During the Agricultural Commission's regularly scheduled meeting held on March 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 potential future development of a residential dwelling unit, zoned Rural Lands minimum of 10 acres (RL-10). Thus the applicant is requesting 30ft rather than 200ft setbacks along the south western and south eastern property lines. These border APN 046-120-31-100 zoned Limited Agriculture minimum of 10 acres (LA-10) and APN 046-120-10-100 also zoned LA-10. The applicant's parcel, identified by APN 046-120-21-100 consists of 7.86 acres and is located at 1371 Moccasin Trail. (Supervisor District: 3).

Parcel Description:

- Parcel Number and Acreage: 046-120-21, 7.86 Acres
- Agricultural District: Yes
- Land Use Designation: Rural Residential
- Zoning: RL-10 (Rural Lands, 10 Acres), with LA-10 (Limited Agriculture, 10 Acres) on the southern property border.
- Soil Type: Acidic Rock Land - No Choice Soils

Staff Findings:

A site visit was conducted on March 7, 2018 to review the project site in relation to the Lynn Simpkin's request for administrative relief of an agricultural setback, allowing for a 30 foot setback along the south western and south eastern property lines. These border APN 046-120-31-100 zoned Limited Agriculture minimum of 10 acres (LA-10) and APN 046-120-10-100 also zoned LA-10. The Agricultural Commission may approve a reduction of up to one hundred percent (100%) of the special agricultural setback (not less than 30 feet from the agriculturally zoned parcel) when it can be demonstrated that a natural or man-made barrier or buffer already exists such as, but not limited to , topography, roads, wetlands, streams, utility or other easements, swales, etc., that would reduce the need for a setback, or the Commission finds that three of four of the following exists:

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

- 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).*

Discussion:

The subject parcel and the two agriculturally zone parcels, for which set back relief is requested, are comprised entirely of acidic rock soil.

According to the NRCS Soil Survey of El Dorado Area (1974):

Acidic rock land (AaF) occurs in areas of granitic rock and on rhyolitic ridges. In areas of granitic rock, it is mainly steep to very steep and occupies the canyon walls of the American and Cosumnes Rivers.

About 60 percent of the area of this land type is bare rock. The remaining 40 percent has a thin mantle of soil. This land type is excessively drained. Runoff is very rapid, and the erosion hazard is very high, although there is little soil available to erode.

This land type is used for watershed and wildlife habitat. It has no farming value.

Building sites on the subjects parcel are limited by topography and a high percentage of large rocky outcroppings. Preservation of heritage oaks on this property leads to further problems finding suitable building sites.

The road, Moccasin Trail, borders the applicants parcel and effectively buffers the agricultural zoned properties by approximately 25 feet. Currently there is no agricultural operation on the agriculturally zoned parcels directly adjacent to Moccasin trail. These parcels have steep topography adjacent to the road and acidic rock land soils, which as discussed above would be prohibitive to agricultural operations in the future.

If the Agricultural Commission recommends approval of the applicants request, staff 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.

During the Commissioner's discussion after staff report by LeeAnne Mila it was determined that staff couldn't make a recommendation as the building site was not designated and it would be up to the Commission to make the findings.

Chair Boeger addressed the public for comment; the applicant Lynn Simpkin addressed the Board, giving a detailed history of the property, having purchased it in 2005 with intentions of a preferred building site that was not feasible due to the change in zoning that occurred December of 2015. The applicant stated she was in the process of selling the land and wanted her property reversed back to the original 30 foot setback prior to the zoning change or her property was unbuildable and unsellable. Two neighbors adjoining this parcel addressed the board stating they had no intentions of conducting farming operations and they also gave letters that were distributed to the Commission members by the applicant. The applicant's real estate salesperson added that without this recommendation by the Commission her client would not be able to sell this property.

The discussion came back to the board members and they addressed the request with frustration as this type of request for a re-zone back to the original RE-5 with a 30 foot setback from all adjacent land would normally go to the Planning Commission. Noting that the property and surrounding properties precludes future agriculture due to the unique circumstances, Commissioner Bolster made a motion, but it failed to get a second. With the previous discussion about the land being so rocky, the Commissioners asked the applicant how they would be able to get septic to allow for a home to be built. The applicant's brother in law stated the top soil is not very deep, but the granite underlying easily perks for a septic system. Commissioner Bolster revisited his motion stating that with this type of soil the parcel and the adjoining parcels were 100% non-farmable.

It was moved by Commissioner Bolster and seconded by Commissioner Bacchi to recommend APPROVAL of the applicant's request of a 30 foot setback along the SW and SE property lines in lieu of the existing 200 foot setback. It was determined that this parcel and the two adjoining parcels along these property lines (APN 046-120-31-100 and APN 046-100-10-100) consisted exclusively of AaF* soils that have no farming value. Due to these soil characteristics and the topography of the properties, the Agricultural Commission finds it appropriate to grant the setback relief in this one unique circumstance.

****NRCS Soil Survey of El Dorado Area (1974) Acidic rock land (AaF) occurs in areas of granitic rock and on rhyolitic ridges. In areas of granitic rock, it is mainly steep to very steep and occupies the canyon walls of the American and***

Cosumnes Rivers. About 60 percent of the area of this land type is bare rock. The remaining 40 percent has a thin mantle of soil. This land type is excessively drained. Runoff is very rapid, and the erosion hazard is very high, although there is little soil available to erode. This land type is used for watershed and wildlife habitat. It has no farming value.

Motion passed:

AYES: Walker, Bolster, Bacchi, Boeger

NOES: None

ABSENT: Draper, Neilsen, Mansfield

ABSTAIN: None

V. UPDATE on LEGISLATION and REGULATORY REQUEST – Myrna Tow

A flyer from California Department of Food and Agriculture (CDFA) was passed out regarding a News Release for Healthy Soils.

A Cannabis update was provided from Department of Pesticide Regulation regarding Pesticides that are legal, not legal to use, and pest management practices for cannabis growers in California.

VI. Correspondence and Other Business - None

VII. ADJOURNMENT 7:52 pm

APPROVED: _____ **DATE: 04/11/18**
Greg Boeger, Chair