



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

August 8, 2018

6:30 P.M.

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

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

Ex-Officio Members Present: Charlene Carveth, Agricultural Commissioner

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 6:35 p.m. and asked for a voice vote for approval of the Agenda of August 8, 2018.

Motion passed

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

NOES: None

ABSENT: Draper

ACTION ITEMS

II. Item # 18-1222 APPROVAL OF MINUTES of July 11, 2018

Chair Boeger called for a voice vote for approval to approve the Minutes of July 11, 2018 as submitted.

Motion passed

AYES: Walker, Boeger, Mansfield, Neilsen , Bacchi

NOES: None

ABSENT: Draper

III. PUBLIC FORUM – None

IV. Item #18-1223 ADM 18-0152/Gorvad Administrative Relief from Agricultural Setback

During the Agricultural Commission's regularly scheduled meeting held on August 8, 2018 a request from Planning Services to review 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 175 feet from the property line of the adjacent PA-20 zoned parcel to the west (APNs: 046-081-73). The applicant's parcel, identified by APN 046-690-27, consists of 10.31 acres and is located on Flat Creek Drive. (Supervisor District 2).

Note: Applicant's request stated a relief request of a total of 25 feet (Required 200 foot setback minus the proposed 175 foot building setback from the property line).

Parcel Description:

- Parcel Number and Acreage: 046-690-27, 10.31 Acres
- Agricultural District: Yes
- Land Use Designation: RR = Rural Residential, AL = Agricultural Lands to the west.
- Zoning: RL-10 (Rural Land, 10 acres); PA-20 (Planned Agriculture, 20 Acres) to the west.
- Soil Type:
 - Choice Soils:
 - ScC – Shaver Rocky Coarse Sandy Loam, 5 to 15 Percent Slopes

Discussion:

A site visit was conducted on August 1, 2018 to review the placement of the swimming pool.

Staff Recommendation:

Staff recommends APPROVAL of the Gorvad's request for relief from agricultural setback for the construction of a swimming pool, no less than 175 feet from the property line of the adjacent PA-20 zoned parcel to the west (APN:46-081-73) as staff believes the 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 pool has been placed to limit the removal of oak woodlands and very large rocks.***
- 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 pool site to reasonably minimize any negative impacts to agriculturally zoned lands adjacent to the parcel.**
- 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 pool is located so that the existing house also acts as a partial buffer.**
- 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 commission and Commissioner Bacchi questioned the intent of the putting oak tree removal over the agricultural protection stating the importance of the commission reviewing the item was the sole protection of agriculture. Chair Boeger mentioned the house already exists in the setback and could the oak portion be removed for the approval of the item. Isaac Wolf from the Planning Department addressed the Commission to speak about the oak tree preservation and the importance of not removing the oaks for the placement of the pool. Commission members again restated the importance of the protection of adjacent ag properties and felt the removal of the oak tree language was appropriate. The applicant addressed the commission to let them know they could be saving him several thousands of dollars by

*allowing the project without removing the oak trees. Isaac addressed the commission again and on a side note from the item agreed with the Ag Commission to have a full Hearing at the Ag Commission prior to the one year review adoption of the Oak Tree Ordinance.**

It was moved by Commissioner Bolster with a modified motion to strike the oak removal language from item C and seconded by Commissioner Walker to recommend APPROVAL of Staff's recommendation of support of the request for agricultural setback for the construction of a swimming pool, no less than 175 feet from the property line of the adjacent PA-20 zoned parcel to the west (APN:46-081-73) as staff believes the 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: Walker, Neilsen, Bacchi, Mansfield, Bolster, Boeger
NOES: None
ABSENT: Draper
ABSTAIN: None

***The request for a Hearing at the Agricultural Commission meeting prior to the one year review of the Oak Tree Ordinance would be facilitated by Anne Novotny from Long Range Planning through Isaac Wolf for the Commission to review and make changes as necessary for Ag properties.**

V. Item # 18-1224 Ranch Marketing Ordinance Discussion-Ranch Marketing Ordinance Discussion: Effectiveness, Economic Impacts, Compliance, and Neighborhood Impacts. Review of Specific Use Regulations Title 130.40.260 Ranch Marketing

Ordinance discussion included reviewing the current ordinance with concerns of "people pushing the limit's", including having weddings without having the planted crop required, complaints and the volume of the violations, (although not many complaints are received, complaints can come directly to the Commissioner or go directly to code enforcement, and are ultimately handled by code enforcement with the possibility of fines or cease and desist orders), positive encouragement, economic value, group farming, and grazing lands. This is an ongoing discussion and the Commissioner will keep the Commission members up to date on any possible changes.

Receive and File:

AYES: Walker, Neilsen, Bacchi, Mansfield, Bolster, Boeger
NOES: None

ABSENT: Draper
ABSTAIN: None

VI. UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth

VII. Correspondence and Other Business – None

VIII. ADJOURNMENT 7:30 pm

APPROVED: _____ DATE: 09/12/18
Greg Boeger, Chair