



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

December 12, 2018

6:30 P.M.

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

Members Present: Walker, Bacchi, Neilsen, Mansfield, Boeger
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 6:30 p.m. and asked for a voice vote for approval of the Agenda of December 12, 2018.

Motion passed:

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

ACTION ITEMS

II. Item # 18-1914 APPROVAL OF MINUTES of November 14, 2018

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

Motion passed:

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

III. PUBLIC FORUM – None

**Item #18-1915 Subject: ADM18-0303/Jackson Administrative
Relief from Agricultural Setback Assessor's Parcel Number: 046-710-05**

During the Agricultural Commission's regularly scheduled meeting held on December 12, 2018 the Commission reviewed the following request from Planning:

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 conversion of a barn to a single family dwelling. According to the applicant, the proposed building site is approximately 50 feet from the property line of the adjacent LA-10 zoned parcel to the south (APN: 046-710-04). The applicant's parcel, identified by APN 046-710-05, consists of 11.06 acres and is located on Squirrel Hollow. (Supervisor District 2)

Parcel Description:

- Parcel Number and Acreage: 046-710-05, 11.06 Acres
- Agricultural District: Yes
- Land Use Designation: RR = Rural Residential
- Zoning: RL-10 (Rural Lands, 10 Acres).
- Soil Type:
 - Choice Soils:
 - AsC – Auberry Rocky Coarse Sandy Loam, 5 to 15 percent slopes

Discussion:

A site visit was conducted on December 5, 2018 to review the placement of the single family dwelling.

Staff Recommendation:

Staff recommends APPROVAL of the Jackson request for relief from the agricultural setback for the construction of a single family dwelling, no less than fifty feet (50') from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the south (APN: 046-710-04), 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. ***This parcel is approximately 400-450 feet wide in the area that is buildable. The topography of the parcel paired with the presence of a creek and wetland that runs the entire length of the parcel make buildable sites, outside of the 200 foot agricultural setback, problematic. Building of a dwelling and any accessory systems would be prohibited in the wetland***

area. The slope below the current barn is between 20 and 30%. Placing the dwelling below the barn on the slope would have prohibitions and would not be conducive to placement of the septic system. The current septic system is uphill from any construction on the slope and would not be acceptable, as the desired location needs to be downhill from the dwelling.

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 location of the new construction has been located to reasonably minimize the impacts on adjacent agriculturally zoned land. Utilization of the existing structure will minimize any additional impacts on the adjacent agriculturally zoned land. Placement of the dwelling congregates the applicants dwelling in the same area as the dwelling and accessory structures on the agriculturally zoned 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. Conversion of the current barn into a single family dwelling limits the impacts to the adjacent agriculturally zoned land that would be associated with further development on the property. The current dwelling site congregates the development on the applicants parcel and the adjacent zoned agriculturally zoned parcel. These factors will help to minimize any impacts on the adjacent agriculturally zoned land.

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 was present and addressed the Commission in addition to two neighboring residents stating his/her concern for issues relating to the zone changes on their own properties, without being notified, the Commission referred them to Planning through the Agriculture Department.

It was moved by Commissioner Neilsen and seconded by Commissioner Walker to recommend APPROVAL of staff's recommendations as stated above for the Jackson's request for relief from the agricultural setback for the construction of a single family dwelling, no less than fifty feet (50') from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the south (APN: 046-710-04). The Ag Commission believes the findings required by Resolution No. 079-2007 and adopted by the Board of Supervisors on April 17, 2007, can be made.

Motion passed:

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

V: Item #18-1916 Conservation Easement Priorities, follow up from Board of Supervisors Meeting 11/20/18 Item # 18-1425 (Continued from 12/12/18)

Department of Agriculture requesting the Agricultural Commission set a list of priorities for the newly established Conservation Easement Program:

1. Develop an Agricultural Conservation Easement program utilizing outside private organizations to hold funds, set up agricultural conservation easements and monitor and enforce the easements to minimize County staff costs.
2. Direct staff to prepare a program and resolution to bring back to the Board.

FUNDING: Voluntary easement donations by property owners requesting General Plan amendments or rezones from agricultural to non-agricultural zones, voluntary donations, grants.

DISCUSSION / BACKGROUND

The General Plan lists multiple objectives for the conservation and protection of grazing lands and other agricultural lands. Policy 8.2.4.1 states “Programs shall be developed that provide tax benefits and enhance competitive capabilities of farms and ranches thereby ensuring long-term conservation, enhancement, and expansion of viable agricultural lands. Examples of programs include but are not limited to, the following”:

- A. Support and allow private organizations to utilize conservation easements or other appropriate techniques to voluntarily restrict land to agricultural uses only.
- B. Continued use of Williamson Act Contracts (agricultural preserves).
- C. Formation of land trusts to preserve agricultural lands.
- D. Make available voluntary purchase or transfer of development rights from agricultural areas to appropriate non-agricultural areas.

El Dorado County has established various protections for agricultural lands such as; the General Plan Agricultural District overlay with minimum parcel sizes, the Agricultural Zones, Right to Farm, Ranch Marketing, Wineries, and Agricultural Preserves (Williamson Act) sections of the Zoning Ordinance. Even with these protections the California Department of Conservation’s Farmland Mapping and Monitoring Program continues to show conversions of farm and grazing lands to urban uses in the county.

Urban development next to agricultural lands indirectly reduces the agricultural potential of remaining farms by increasing the potential for urban and agricultural conflicts. These conflicts can also reduce the current and future uses of the surrounding land for agricultural purposes.

The County’s agricultural lands are currently facing two key development pressures. One is the pending retirements of many of the existing farmers and how the farm land will be handed down to family members and secondly, the subdivision of former grazing lands next to existing ranches.

Agricultural Conservation Easements

An Agricultural Conservation Easement program is another tool that can protect farm and grazing lands. The program involves the voluntary purchase or donation of development rights from willing landowners to public agencies or nonprofit organizations such as a land trust. The easement can be tailored to meet conservation objectives and allows farming/ranching to continue. It is a deed restriction that runs with the land in perpetuity. Easement prices are established by an appraiser with the expertise to segregate the value of the development rights. Voluntary funds collected from property owners or developers requesting General Plan Amendments can be held in a trust by the public agency or transferred to a nonprofit like the Community Foundation. The funds would be held until a willing seller with property that meets the County’s conservation objectives (number of acres, adequate water supply, soils, etc.) is available. The public agency or land trust would monitor and enforce the restrictions set forth in the easement agreement.

Agricultural Conservation Easement benefits include:

- Keeping families on their farms by easing the intergenerational transfer of property,
- Keeping land in farming or ranching uses

- Increased access to capital for agricultural uses by property owners
- Undeveloped grazing lands cost less in public services
- Can contribute to watershed or oak woodland protections

Motion was continued to January 9, 2019:

IV. UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth

V. Correspondence and Other Business – None

VI. ADJOURNMENT 8:48 pm

APPROVED: _____ DATE: 101/09/19
Greg Boeger, Chair