



# 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

March 13, 2019  
6:30 P.M.

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

**Members Present:** Walker, Bacchi, Neilsen, Mansfield, Draper, Bolster, 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 March 13, 2019.

#### *Motion passed:*

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

### ACTION ITEMS

#### II. Item # 19-0405 APPROVAL OF MINUTES of January 9, 2019

*Chair Boeger called for a voice vote for approval to approve the Minutes of January 9, 2019 as submitted.*

#### *Motion passed:*

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

#### III. PUBLIC FORUM – None

**IV. Item # 19-0406 ADM18-0197/Evans AG Setback Reduction  
Administrative Relief from Agricultural Setback  
Assessor's Parcel Number: 100-110-11**

During the Agricultural Commission's regularly scheduled meeting held on March 13, 2019 the Commission reviewed the following request from Planning:

Planning Services is requesting review of a request for administrative relief from the agricultural setback for the above referenced project. This request is for an existing conversion of a garage to an accessory residential structure. According to the applicant, the proposed building site for the accessory residential structure is approximately 35 feet from the property line of the adjacent LA-20 and FR-160 zoned parcels to the North (APNs: 110-110-44, and 100-040-28 with FR-160 zone). Also, the proposed building site is approximately 34 feet from the property line of the adjacent LA-20 and PA-20 zoned parcels to the South (APNs: 100-110-10 and 100-110-04). The applicant's parcel, identified by APN 100-110-11, consists of 3.1 acres and is located on Cable Road (Supervisor District 3).

**Parcel Description:**

- Parcel Number and Acreage: 100-110-11, 3.10 Acres
- Agricultural District: Yes
- Land Use Designation: RR = Rural Residential
- Zoning: LA-20 (Limited Agriculture, 20 Acres).
- Soil Type: Cohasset loam, 15 to 30 percent slopes

**Discussion:**

A site visit was conducted on March 6, 2019 to review the placement of the garage conversion to a residential structure.

**Staff Recommendation:**

*Staff recommends APPROVAL of the Evan's request is for an existing conversion of a garage to an accessory residential structure (utilizing the requested setbacks), 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 parcel is 120 feet at the widest portion. The entire parcel is within the 200 foot setback. There are no new building sites being requested.*
- 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 existing garage has a granny flat dwelling above the storage area. The conversion of the garage will not expand the footprint of the building site. The granny flat/garage will be converted to the main living structure and with the other dwelling on the parcel becoming the new granny flat. Utilizing the existing dwellings, on site for more than 10 years will minimize the impact to the adjacent 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. The utilization of the current garage/granny flat structure will minimize the potential negative impacts on agriculture or timber production.**
- 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, Cameron Evans was present and did not wish to address the Commission but was available for any questions.*

**It was moved by Commissioner Bolster and seconded by Commissioner Walker to recommend APPROVAL of staff's recommendations as stated above for the Evans**

***request for relief from the agricultural setback for the conversion of a garage to an accessory residential structure. The proposed building site for the accessory residential structure is approximately 35 feet from the property line of the adjacent LA-20 and FR-160 zoned parcels to the North (APNs: 110-110-44, and 100-040-28 with FR-160 zone). 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, Bolster, Draper  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**V. Item # 19-0407 ADM18-0342/Buford Ag Setback Relief  
Administrative Relief from Agricultural Setback  
Assessor's Parcel Number: 085-600-06-100**

During the Agricultural Commission's regularly scheduled meeting held on March 13, 2019 the Commission reviewed the following request from Planning:

Planning Services is requesting review for administrative relief from the agricultural setback for the above referenced project. This request is for the construction of a new swimming pool. The proposed building site is one hundred and sixty feet (160') from the property line of the adjacent Planned Agriculture-20 acre zoned parcel (PA-20) to the west (APN: 048-010-31-100). The applicant's parcel, identified by APN 085-600-06-100 consists of 2.054 acres and is located on Magpie Lane (Supervisor District: 3).

The request is for a less than fifty percent (50%) reduction, however finding B from Resolution No. 079-2007 cannot be made by the project planner as the subject and adjacent parcels both contain choice soils. Thus, the request is being referred to the Agricultural Commission.

**Parcel Description:**

- Parcel Number and Acreage: 085-600-06, 2.054 Acres
- Agricultural District: Yes
- Land Use Designation: MDR= Medium Density Residential
- Zoning: R2-A (Residential, 2 Acres).
- Soil Type: All soils are choice

**Discussion:**

A site visit was conducted on March 1, 2019 to review the placement of the swimming pool.

**Staff Recommendation:**

***Staff recommends APPROVAL of the Buford's request for construction of a new swimming***

*pool 160 feet from the adjacent PA-20 zoned property to the west (APN: 048-010-31-100), 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:*

- 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 existing single family dwelling and topography of this parcel severely limits pool construction 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 proposed non-compatible structure will be located on the property to minimize potential negative impacts.***

- 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*

- b. The topography of the applicants parcel buffers the agriculturally zoned parcel from any negative impacts due to the pool site***

- 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 applicant addressed the Commission and was available for any questions. Emma Carrico from Planning addressed the Commission and was available for questions.*

***It was moved by Commissioner Neilsen and seconded by Commissioner Bolster to recommend APPROVAL of staff's recommendations as stated above for the Buford's request for relief from the agricultural setback for the construction of a new swimming pool. The proposed building site is one hundred and sixty feet (160') from the property line of the adjacent Planned Agriculture-20 acre zoned parcel (PA-20) to the west (APN: 048-010-31-100). 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, Bolster, Draper  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**VI. Item # 19-0408 CUP18-0012 Horizon Tower Bavarian Hills Site -  
APN 048-090-04**

During the Agricultural Commission's regularly scheduled meeting held on March 13, 2019 the Commission reviewed the following request from Planning:

Planning Services has requested a review by the Agricultural Commission for a Conditional Use Permit for a wireless communications facility, located on a 52 acre parcel at the north end of High Hill Road, approximately 1,700 feet north of the intersection with Carson Road in the Apple Hill area. The project parcel is within the PA-20 and TPZ zone districts.

**Request:** The applicant is requesting the Approval of a Conditional Use Permit that would allow a wireless communication facility consisting of a proposed 125 foot tall faux pine tree with associated ground mounted equipment.

Agricultural-zoned parcels (Planned Agricultural, PA-20) surround the project site.

The following General Plan Policy directs Commission guidance:

**Policy 8.4.2.1** The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

**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.

Please direct the Agricultural Commission to review the application and provide a recommendation.

**Parcel Description:**

- Parcel Number and Acreage: 048-090-04, 52.24 Acres
- Agricultural District: Yes
- Land Use Designation:AL = Agricultural Lands
- Zoning: TPZ (Timber preservation zone).
- Soil Type: All soils are choice

**130.40.350 - Timber Production Zone: Criteria, Regulations, and Zone Change Requirements**

**G. Required Findings to Support Residential, Recreational and Other Non-Timber**

**Uses.** Certain uses within the TPZ may be compatible with growing and harvesting timber in certain circumstances, and may be allowed by Conditional Use Permit. When approving a Conditional Use Permit, as allowed in Table 130.21.020 (Agriculture, Rural Lands and Resource Zone Districts Use Matrix) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title, for compatible, nontimber related uses, the review authority shall consider the recommendations of the Ag Commission and shall make the following findings:

1. The proposed use is compatible with and will not detract from the land's ability to produce timber;
2. Fire protection and public safety concerns have been adequately met, including the ability to provide adequate public access, emergency ingress and egress, and sufficient water supply and sewage disposal facilities;
3. The proposed use will not adversely impact the area's watershed, wildlife, and other natural resources.

*Chair Boeger addressed the public for comment; the applicant, John Merritt and the property owner, Richard Bush were present and addressed the Commission. Aaron Mount from Planning addressed the Commission and said the application is not complete at this time, as Planning is waiting on future documentation. Several members of the public and neighboring property owners addressed the Commission in opposition of the project. Members of the public brought up the fact that the mono pine tower could affect the viewshed of the area and also the marketing of the agricultural products sold within close proximity to the proposed tower. One letter was received prior to the meeting in opposition. One speaker gave a written response to the Ag Commission for filing and the applicant gave a site map. Discussion between the Ag Commission resumed with major concerns over the proximity of the tower to neighboring properties. (All minutes will be attached to the Legistar file 19-0408).*

***It was moved by Commissioner Walker to recommend denial of the project as submitted and request the applicant return to the Ag Commission with another site location moved to the east and away from the neighboring property lines; Commissioner Bacchi requested a 365 degree simulator with a full representation of the proposed tower. This motion was seconded by Commissioner Neilsen.***

***Motion to deny passed:***

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

***Note: Word recommend was omitted on original notification to Planning Department.***



**VII. Item #18-1916 Subject: Conservation Easement Priorities This item was discussed and was continued to Ag Commission calendar for 3/13/19.**

**Conservation Easement Criteria discussion**

PARCEL SIZE					
	10 ACRES	20 ACRES	50 ACRES	100 ACRES	OTHER
		Minimum size if horticultural uses or Ag land that meets Williamson Act criteria	Minimum if Grazing land or Grazing land that meets Williamson Act criteria		If easement made up of multiple parcels, could be other acreage

Yolo County: Adequate size. Requires a 1:1 ratio of acres of Ag land preserved for each acre of Ag Land converted to urban use. Use in-lieu fee or purchase of conservation easement by the developer to do the mitigation.

Stanislaus County: Requires Land Use Designation of Agriculture, zoned Ag, minimum parcel size of 20 acres. Also requires a 1:1 mitigation ratio.

San Joaquin County: Requires Land Use Designation of Agriculture and be zoned for agricultural uses. Also requires a 1:1 mitigation ratio.

City of Hughson: Requires Land Use Designation of Agriculture and be zoned Ag, minimum parcel size of 20 acres. Requires a 2:1 mitigation ratio.

PARCELS			
	<b>IN AN AG DISTRICT</b>	<b>OUT OF AN AG DISTRICT</b>	<b>BOTH</b>
	Horticultural and/or Grazing land	Grazing land, Horticultural on case by case basis	Definitely Grazing lands

No District overlays noted in sampled jurisdictions.

SOILS				
	<b>PRIME FARMLAND</b>	<b>FARMLAND OF STATEWIDE IMPORTANCE</b>	<b>UNIQUE &amp; SOILS OF LOCAL IMPORTANCE</b>	<b>OTHER SOILS</b>
	Important but not as relevant here	Important	Definitely this or better for Horticultural lands	This or better for Grazing lands

Yolo County: Class of soil for the mitigation land shall be comparable to, or better than, the land to be converted.

Stanislaus County: Mitigation land shall be equal or better soil quality than the agricultural land to be converted.

San Joaquin County: Mitigation land should be of comparable or better soil quality than the agricultural land to be converted.

City of Hughson: Preservation land shall be of equal or better soil quality than the agricultural land being converted.

<b>WATER AVAILABILITY</b>			
	<b>EID</b>	<b>DITCH</b>	<b>WELLS</b>
Water availability of any of these means are good	Good	Good	Good

All jurisdictions surveyed required an adequate water supply to support the agricultural use of the land.

<b>URBAN PRESSURES</b>				
	<b>PROXIMITY TO SCHOOLS</b>	<b>NEAR CITY SPHERE OF INFLUENCE</b>	<b>NEARBY PARCELS SUBDIVIDED IN LAST 5 YEARS</b>	<b>ADJACENT PARCELS REZONED IN LAST 5 YEARS</b>
	Currently a big problem for long term viability with the way laws and regs are developing	Could be good way to protect Ag lands in the Ag District next to sphere of influence	Depends on the situation	Depends on the situation. Good if rezone was to an Ag zone

Yolo County: To qualify for farmland mitigation, a property cannot have a house on it that is less than 25 years old. Property must be viable for continues agricultural use. Mitigation land shall be located within 2 mile radius of the land subject to conversion (some exemptions). Intent is to work in coordinated fashion with the habitat conservation objectives of the Yolo County Joint Powers Authority habitat management program.

Stanislaus County: Mitigation lands shall be located outside a LAFCO adopted Sphere of Influence of a city.

San Joaquin County: The program shall be coordinated with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

City of Hughson: The agricultural preservation land must be located at least one-half mile outside a LAFCO adopted Sphere of Influence of a city.

(Most jurisdictions do not allow “stacking” of different types of conservation easements on the same agricultural parcel).

<b>SUSTAINABILITY</b>				
	<b>PROFITABLE INCOME</b>	<b>CAPITAL OUTLAY</b>	<b>% OF PARCEL BEING UTILIZED</b>	<b>ENVIRONMENTAL SENSITIVITIES</b>
	Important to sustain true farm and ranch operations, not hobby farms. But if ideal farmland may want to look at it.	Vet through Ag Commission	Vet through Ag Commission	On developed farm/ranch land really up to the owner if looking to do additional species protections. Grant funds tending to go in this direction.

See notes in previous section.

Conservation Easement Priorities, follow up from Board of Supervisors Meeting 11/20/18 Item # 18-1425 (Continued from 12/12/18) (Continued from 1/9/19)

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

***This item was continued to next month to see a mock write up for the Ag Commission to review.***

**VIII. UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth**

**IX. Correspondence and Other Business – Charlene Carveth**

**X. ADJOURNMENT 9:06 pm**

**APPROVED: \_\_\_\_\_ DATE: 04/10/19**  
**Greg Boeger, Chair**