



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

May 8, 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
Breann Moebuis, Deputy County Counsel
Aaron Mount, 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 May 8, 2019.

Motion passed:

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

ACTION ITEMS

II. Item # 19-0757 APPROVAL OF MINUTES of April 10, 2019

Chair Boeger called for a voice vote for approval to approve the Minutes of April 10, 2019 as submitted.

Motion passed:

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

III. PUBLIC FORUM – None

IV. Item # 19-00408 CUP18-0012 Horizon Tower Bavarian Hills Site - APN 048-090-04

During the Agricultural Commission's regularly scheduled meeting held on May 8, 2019 the Commission reviewed the following request from Planning: (continued from 3/13/19)

Planning Request and Project Description:

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 Policies direct 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.

Policy 8.1.3.5 On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved. (Added per discussion with County Counsel at meeting)

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.

Prior to Chair Boeger hearing public comment, Planning Department, Aaron Mount expressed

being available for any questions and Deputy County Counsel, Breann Moebuis addressed the Commission and assisted with consideration of County General Plan Policies 8.1.4.1, 8.4.2.1, and 8.1.3.5 pertaining to the cell tower placement and the federal Telecommunications Act of 1996.

Chair Boeger addressed the public for comment; the applicant, John Merritt from Empire Media addressed the Commission and provided new pictures of the project as requested by the Commission on March 13, 2019. Public comment was opened with many comments opposing and supporting the project were heard by Paul Bush, Lucy Barnes, Christa Campbell, Pam Harris, Pam Harris-Chris Delfino letter, Allen Thompson, Siva Yerramili, Gorden Helm, Dyana Anderly, Steven Grace, Stanley Geel, Joan Geel, and Tyler Grace, Stan and Joan Geel provided a drone video showing the location of the cell tower in relation to their property. The applicant addressed the Commission again answering questions that were noted while public comment occurred. (Copies of letters submitted are attached to the Legistar File #19-0408 and a full tape recording will be provided through Legistar pending approval at 6/12/19 Agricultural Commission Meeting, No duplication of drone video will be provided on county files, <https://eldorado.legistar.com/LegislationDetail.aspx?ID=3881731&GUID=CD26A5FD-C0F4-4E16-BD04-ACAFFBAD3950&Options=&Search=>)

Commission members discussed the importance of the Agriculture and Timber issues being addressed, a second location was discussed but the Commission recognized the alternative location would negatively affect the Timber Land as there would be additional loss of trees.

It was moved by Commissioner Walker and seconded by Commissioner Draper to recommend APPROVAL of the Special Use Permit for the proposed cell tower location 81 feet from the property line and approximately 463 feet from the neighboring house as stated by the applicant. The Commission recommends that the Planning Commission make the necessary findings of Policies 8.1.4.1 and 8.4.2.1 required for approval of a Special Use Permit for the proposed cell phone tower location based on the placement not having an impact on Agriculture/TPZ on the subject parcel and the adjacent parcels. The Commission also recommends that, under Policy 8.1.3.5, approval will not impair or impact agricultural use; and also recommend that the Planning Commission make the necessary findings under Zoning Ordinance 130.40.350 (G) (Timber Production Zone: Criteria, Regulations and Zone change requirements). The Ag Commission further notes that the alternative location 100' to the east could detract from the lands ability to produce timber. (Note: The Commission did not make a recommendation on the view fields or the land values, as the Commission determined that these issues do not have an effect on agriculture or timber uses).

Motion passed:

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

V. Item # 19-0758 ADM19-0020/Chad and Janelle Montgomery Administrative Relief from Agricultural Setback Assessor's Parcel Number: 048-080-37

During the Agricultural Commission's regularly scheduled meeting held on May 8, 2019 the Commission reviewed the following request from Planning:

Planning Request and Project Description:

Planning Services is requesting review for administrative relief from the required 200 foot agricultural setback for the above referenced project. The applicant's request is for a secondary dwelling to be located 175 feet from the south property line (APN 048-080-55) and 30 feet from the east property line (APN 048-010-31). The property to the south, Assessor's Parcel Number 048-080-55 is 20 acres and zoned Planned Agricultural-20 acre (PA-20), and the property to the east is Assessor's Parcel Number 048-010-31 is 261.236 acres and is also zoned PA-20. The applicant's parcel, identified as APN 048-080-37, is 3.49 acres, zoned Planned Agricultural-20 acre (PA-20) and is located at 3146 North Canyon Road (Supervisor District 3).

Parcel Description:

- Parcel Number and Acreage: 048-080-37, 5 Acres
- Agricultural District: Yes
- Land Use Designation: AL = Agricultural Lands
- Zoning: PA-20 (Planned Agriculture, 20 Acres).
- Soil Type: All Choice Soils

Discussion:

A site visit was conducted on April 26, 2019 to review the location for the proposed secondary dwelling.

Staff Recommendation:

Staff recommends APPROVAL of the Montgomery's request to allow for the construction of a secondary dwelling no less than 175 feet from the south property line (APN 048-080-55) and 30 feet from the east property line (APN 048-010-31), 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 entire parcel is constrained by the agriculture setbacks imposed by the surrounding parcels.**
- 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 secondary dwelling has been placed to limit the impacts on adjacent agriculture. This placement will also preserve the most area for the planting of crops on the applicants 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 eastern border is buffered by extremely well established trees. The southern border is buffered by the existing house, which is roughly 40 feet away from the property line to the south.**
- 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, Chad Montgomery and his contractor Jim Piazza addressed the Commission and answered questions regarding the tree

line and the possibilities of removing some of the trees in the future.

It was moved by Commissioner Bolster and seconded by Commissioner Bacchi to recommend APPROVAL of staff's recommendations as stated above for the Montgomery request for relief from the agricultural setback for a secondary dwelling to be located 175 feet from the south property line (APN 048-080-55) and 30 feet from the east property line (APN 048-010-31). The property to the south, Assessor's Parcel Number 048-080-55 is 20 acres and zoned Planned Agricultural-20 acre (PA-20), and the property to the east is Assessor's Parcel Number 048-010-31 is 261.236 acres and is also zoned PA-20. The applicant's parcel, identified as APN 048-080-37, is 3.49 acres, zoned Planned Agricultural-20 acre (PA-20) and is located at 3146 North Canyon Road. 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 # 19-0759 ADM19-0010/Williams Administrative Relief from
Agricultural Setback Assessor's Parcel Number: 085-540-69**

During the Agricultural Commission's regularly scheduled meeting held on May 8, 2019 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 construction of a residence. According to the applicant, the site is adjacent to PA-20 zoned parcels to the east, north and west. The proposed structure is 170 feet from the property line to the east (APN 085-570-29). No setback relief from the property lines to the west or north is requested. The applicant's parcel, identified by APN 085-540-69 consists of 5 acres and is located on Sky Ranch Ln. (Supervisor District 3).

Parcel Description:

- Parcel Number and Acreage: 085-540-69, 5 Acres
- Agricultural District: Yes
- Land Use Designation: AL = Agricultural Lands
- Zoning: PA-20 (Planned Agriculture, 20 Acres).
- Soil Type: All Choice Soils

Discussion:

A site visit was conducted on April 26, 2019 to review the location for the proposed residence.

Staff Recommendation:

Staff recommends APPROVAL of the Williams request to allow for the construction of a residence no less than 170 feet from the eastern property line with APN: 085-570-29, 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 parcel is bordered on the west, north, and eastern sides by agriculturally zoned parcels. The 200 foot setbacks imposed onto the applicants parcel limit the available building 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;*
 - b. The residence has been placed to minimize the impact to adjacent agriculture as much as possible.***
- 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 request for a reduction in the setback by 30 feet for the construction of the residence is measured to the applicants property line on the eastern side. Sky Ranch rd. provides an additional buffer as it is a 30 foot easement on the adjacent property to the east (APN: 085-570-29).***
- 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, Jim and Tammy Bartolo on behalf of Mr. Williams submitted a letter that was read to the Commission.

It was moved by Commissioner Draper and seconded by Commissioner Neilsen to recommend APPROVAL of staff's recommendations as stated above for the Williams request for relief from the agricultural setback for the construction of a residence. The site is adjacent to PA-20 zoned parcels to the east, north and west. The proposed structure is 170 feet from the property line to the east (APN 085-570-29). The applicant's parcel, identified by APN 085-540-69 consists of 5 acres. 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

VII. UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth
Farm Bill passed, USDA Grants available for Organic Certification, Regulations on Industrial Hemp, and DPR announced a cancellation of Chlorpyrifos Pesticide.

VIII. CORRESPONDENCE AND OTHER BUSINESS –

CORRESPONDENCE AND OTHER BUSINESS –

IX. ADJOURNMENT 9:25 pm

APPROVED: _____ DATE: 06/12/19
Greg Boeger, Chair