



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

November 14, 2018

6:30 P.M.

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

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

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 6:35 p.m. and asked for a voice vote for approval of the Agenda of November 14, 2018.

Motion passed

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

NOES: None

ABSENT: Mansfield

ACTION ITEMS

II. Item # 18-1803 APPROVAL OF MINUTES of September 12, 2018

Chair Boeger called for a voice vote for approval to approve the Minutes of September 12, 2018 as submitted.

Motion passed

AYES: Walker, Boeger, Neilsen, Bacchi

NOES: None

ABSENT: Mansfield

ABSTAIN: Draper

III. PUBLIC FORUM – None

IV. Item #18-1804 ADM18-0267/Visman Ag Setback Relief Administrative Relief from Agricultural Setback Assessor's Parcel Number 048-080-34-100

During the Agricultural Commission's regularly scheduled meeting held on November 14, 2018 the Commission reviewed the following request from Planning:

Planning Request and Project Description:

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 single family dwelling. The proposed building site is fifty feet (50') from the property line of the adjacent Planned Agriculture-20 acre zoned parcel (PA-20) to the west (APN: 048-080-62-100). The applicant's parcel, identified by APN 048-080-34-100 consists of 18.36 acres and is located on the west side of High Hill Road approximately 300 feet west of the intersection with Michaelangelo Lane (Supervisor District: 3).

Parcel Description:

- Parcel Number and Acreage: 048-080-34, 18.36 Acres
- Agricultural District: Yes
- Land Use Designation: AL = Agricultural Lands
- Zoning: PA-20 (Planned Agriculture, 20 Acres).
- Soil Type:
 - Choice Soils: All soils on this property are choice soils.

Discussion:

A site visit was conducted on November 1, 2018 to review the placement of the single family dwelling.

Staff Recommendation:

Staff recommends APPROVAL of the Visman'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 Planned Agriculture-20 acre zoned parcel (PA-20) to the west (APN: 048-080-62-100), 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:

- 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 General Plan Agriculture and Forestry element, Goal 8. states: Long-term conservation and use of existing and potential agricultural lands within the County and limiting the intrusion of incompatible***

uses into agricultural lands.

This parcel is made up of 100% choice soils and is densely planted with well established perennial tree crops. The placement of the house limits the loss of agricultural crops on the applicants parcel.

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 agriculture and the applicants existing crops.

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 adjacent crop land is buffered from the dwelling by two farm roads and an irrigation ditch. The topography of the applicants parcel places the proposed dwelling on an upslope from the ditch, which has tree and shrub vegetation along the side. All of these factors provide natural buffering reasonably minimizing potential negative impacts on neighboring agricultural operations.

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 Walker addressed the public for comment; the applicant was present and addressed the Commission.

It was moved by Commissioner Neilsen and seconded by Commissioner Bacchi to recommend APPROVAL of Staff's recommendation 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 Planned Agriculture-20 acre zoned parcel (PA-20) to the west (APN: 048-080-62-100), 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 as stated above have been met.

Motion passed:

AYES: Walker, Neilsen, Bacchi, Draper

NOES: None

ABSENT: Mansfield

ABSTAIN: Boeger, Bolster

**V: Item #18-1805 Sweigart Zone Change and Tentative Parcel Map Project File:
Z18- 0009/P18-0011 Assessor's Parcel Number: 087-010-35**

During the Agricultural Commission's regularly scheduled meeting held on November 14, 2018 the Commission reviewed the following request from Planning:

Planning Request and Project Description:

Planning Services is processing the attached application for a new Tentative Parcel Map and Zone Change and requests the project be placed on the Agricultural Commission's Agenda. The applicants are requesting the following:

Z18-0009/P18-0011 is based on the following project description: Zone Change and Tentative Parcel Map for a 81.81± acre parcel, APN 087-010-35. The zone change request would change the parcel's zoning designation from Rural Lands 40-Acres (RL-40) to Rural Lands 20-Acres (RL-20). The tentative parcel map proposes that the property be split into three parcels of 26.70 acres, 28.90 acres, and 33.13 acres. The project site is located on the north side of South Shingle Road west of the intersection with Latrobe Road in the Latrobe Area. The property is adjacent to Millers Hill School. (Board of Supervisor Shiva Frentzen, District 2)

Relevant Policies:

General Plan 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.

General Plan 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.

General Plan Policy 8.1.3.1 - Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Parcels used to buffer agriculturally zoned lands should have a similar width to length ratio of other parcels when feasible.

General Plan Policy 8.1.2.2 – Some lands within Rural Regions have historically been used for commercial grazing of livestock and are currently capable of sustaining commercial grazing of livestock. If they can be demonstrated to be suitable land for grazing, and they were not assigned urban or other nonagricultural uses in the Land Use Map for the 1996 General Plan, those lands shall be protected with a minimum of 40 acres unless such lands already have smaller parcels or the Board of Supervisors determines that economic, social, or other considerations justify the creation of smaller parcels for development or other nonagricultural uses. Where 40-acre minimum parcel sizes are maintained, planned developments may be considered which are consistent with the underlying land use designation. Before taking any actions to create parcels of less than 40 acres in areas subject to this policy, the Board of Supervisors and or Planning Commission shall solicit and consider input from the Agricultural Commission.

Rural Residential (RR): This land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between LDR and the Natural Resource (NR)

designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state or for agricultural production. Typical uses include single family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.

Parcel Description:

- Parcel Number and Acreage: 087-010-35, 81.81 acres
- Agricultural District: No
- Land Use Designation: RR – Rural Residential
- Zoning: RL-40 – Rural Land 40 Acres
- Soil Type:
 - No choice soil

Discussion:

A site visit was conducted on October 30, 2018 to review consistency with pertinent General Plan policies.

Assessment of the proposed parcel map was conducted for consistency with General Plan policy 8.1.3.1, in regards to the AG-40 property to the south. All three proposed parcels have parcel sizes greater than 20 acres which is consistent with General Plan Policy 8.1.3.1.

Currently there is no grazing operation on the parcel. The last grazing operation, according to the applicant, was prior to 2004.

Chair Boeger addressed the public for comment; the applicant was present and addressed the Commission in addition to one neighboring resident stating his/her concern for water.

It was moved by Commissioner Draper and seconded by Commissioner Walker to recommend APPROVAL of a Zone Change and Tentative Parcel Map for a 81.81± acre parcel, APN 087-010-35. The zone change request would change the parcel's zoning designation from Rural Lands 40-Acres (RL-40) to Rural Lands 20-Acres (RL-20). The tentative parcel map proposes that the property be split into three parcels of 26.70 acres, 28.90 acres, and 33.13 acres. The motion failed.

Motion failed:

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

- V. UPDATE on LEGISLATION and REGULATORY REQUEST – LeeAnne Mila
- VI. Correspondence and Other Business – None
- VII. ADJOURNMENT 7:30 pm

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