



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

July 10, 2019

6:30 P.M.

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

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

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 July 10, 2019.

Motion passed:

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

NOES: None

ABSENT: None

ABSTAIN: None

ACTION ITEMS

II. Item # 19-1076 APPROVAL OF MINUTES of June 12, 2019

Chair Boeger called for a voice vote for approval to approve the Minutes of June 12, 2019

Motion passed:

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

NOES: None

ABSENT: None

ABSTAIN: None

III. PUBLIC FORUM – None

IV. Item # 19-1077 ADM19-0022/Kenneth N. and Karen E. Pimlott Administrative Relief from Agricultural Setback Assessor's Parcel Number: 046-720-011

During the Agricultural Commission's regularly scheduled meeting held on July 10, 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 single family residence and garage to be located 100 feet from the south property line. The properties to the south include Assessor's Parcel Numbers 046-071-052 and 046-071-053, are 80.22 and 129.12 acres respectively and are zoned Planned Agricultural-20 acre (PA-20). The applicant's parcel, identified as APN 046-720-011, is 70.85 acres, zoned Rural Lands-20 acre (RL-20) and is located at 4061 D Agostini Drive (Supervisor District 2).

Parcel Description:

- Parcel Number and Acreage: 046-720-11, 70.85 Acres
- Agricultural District: Yes
- Land Use Designation: AL = Agricultural Lands
- Zoning: RL-20, (Rural Lands, 20 Acres).
- Soil Type:
 - Choice soils:
 - Sierra, Rocky Sandy Loam, 5 to 15 percent slopes

Discussion:

A site visit was conducted on July 1, 2019 to review the placement of the single family residence and garage.

Staff Recommendation:

Staff recommends APPROVAL of the Pimlott's request for construction of a single family residence and garage to be located 100 feet from the south property line, 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 topography of this parcel severely limits building sites

- 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 proposed non-compatible structure will be located on the property to minimize potential negative impacts.***
- 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 topography of the applicants parcel buffers the agriculturally zoned parcels to the south from any negative impacts. Additionally, there is development on the southern parcels which buffers the applicants request. There is a residence and a winery, with associated access roads close to the applicants properties.***
- 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, Kenneth Pimlott addressed the Commission and was available for questions pertaining to the adjacent winery in relationship to

the setback.

It was moved by Commissioner Bolster and seconded by Commissioner Neilsen to recommend APPROVAL of staff's recommendations as stated above for the Pimlott request for relief from the agricultural setback for a single family residence and garage to be located 100 feet from the south property line. The properties to the south include Assessor's Parcel Numbers 046-071-052 and 046-071-053, are 80.22 and 129.12 acres respectively and are zoned Planned Agricultural-20 acre (PA-20). The applicant's parcel, identified as APN 046-720-011, is 70.85 acres, zoned Rural Lands-20 acre (RL-20) and is located at 4061 D Agostini Drive. 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 # 19-1078 Subject: Williamson Act Contract Application WAC10-0002 (Varozza Trucking, Inc.)

During the Agricultural Commission's regularly scheduled meeting held on July 10, 2019 the Commission reviewed the following request from Planning:

Planning Request and Project Description:

Planning Services is requesting review for the establishment of a new Williamson Act contract of approximately 240 acres on a portion of an existing contract (agricultural preserve No. 64, approx. 477 acres) as a result of property reconfiguration under Lot Line Adjustment BLA 08-0057 and land ownership changes. The property is located on the east and west sides of Bonetti road, 1.25 miles east of the intersection with French Creek Road in the Shingle Springs area, Supervisorial District 2.

Background

On October 13, 2010, the County Agricultural Commission reviewed the project and recommended approval of an initial request to split existing agricultural preserve No. 64 (approximately 474 acres) into two approximately equal preserves due to land ownership changes (WAC10-0002 - Varozza Trucking, Inc. and WAC10-0002 - Brandon Ranch LLC). The Agricultural Commission staff memo, including required findings for creation of two new agricultural preserves, is attached.

On May 1, 2012, the county Board of Supervisors approved Lot Line Adjustment BLA08-0057 to reconfigure adjacent lots under the Varozza Trucking Inc. and Brandon Ranch LLC ownership to realign property boundaries to match the two requested preserves. The staff report for BLA08-0057, including required findings for consistency with the Zoning Ordinance (Title 130 of the County Ordinance Code), the General Plan and applicable sections of the California Government Code, is attached.

On May 2, 2014, owner Varozza Trucking Inc. (Varozza) granted the Brandon Ranch LLC approximately half of the original 474-acre property for consistency with the 2012 lot line adjustments. Ownership of the lands originally in Agricultural Preserve No. 64 (approximately 474 acres) is currently divided as follows: Varozza Trucking- approximately 240 acres (APN 091-030-52) and Brandon Ranch LLC – approximately 234 acres (APNs 091-030-54 and 091-030-55). A copy of the property transfer deed is attached.

On April 22, 2019, Brandon Ranch LLC (T. Naygrow) requested Planning Services cancel further processing of WAC10-0003 (APNs 091-030-54 and 091-030-55) due to a pending sale of those properties. A copy of the owner's email request is attached. Based on conversations with staff, the owner also indicated his LLC would like to pursue immediate cancellation of Williamson Act encumbrances on the Brandon Ranch holdings. Staff notified the owner that pursuing an immediate cancellation of WAC10-0003 would require a formal written request, including a separate application submitted to Planning Services. Staff discussed how any immediate cancellation request must be supported by required Government Code findings.

On April 17, 2019, Varozza Trucking Inc. (Wayne and Jean Varozza) requested their portion of the project (WAC10-0002) be completed as originally proposed in 2010. Since their original request, no land use changes have occurred on the Varozza property (APN 091-030-52) and the owners are still actively grazing cattle on site.

Due to the lapse of time since the Agricultural Commission previously reviewed WAC10-0002, Agricultural Department staff has requested the Commission re-review application WAC10-0002 (Varozza Trucking, Inc.) and provide an updated recommendation for the Board of Supervisors regarding required Williamson Act findings.

Attachments:

Agricultural Commission Staff Memo, October 13, 2010

Lot Line Adjustment BLA08-0057 Board of Supervisors Staff Report, May 1, 2012, Grant Deed, Varozza Trucking Inc. and Brandon Ranch LLC, May 2, 2014, Email Request From Owner Brandon Ranch LLC to Cancel Processing of WAC10-0003, April 22, 2019, and WAC10-0002 (Varozza Trucking, Inc.) Aerial Photo

Project:

1. WAC 10-0002

- Parcel Numbers: 091-030-520
- Acreage: 240
- Agricultural District: No
- Zoning: PA-20 = Planned Agriculture, 20 Acres
- Land Use Designation: AL – Agricultural Lands
- Choice soils:
 - i. Sobrante Silt Loam, 3 to 15 Percent
- Property has been used for grazing of cattle
- Capital outlay reported : Total = \$34,000
 - i. New fencing: \$15,000
 - ii. New corral: \$6,000
 - iii. Land clearing and road improvements: \$13,000
- Annual gross income reported: \$15,000

Williamson Act Contract Criteria:

Low Intensive Farming Operation

1. Minimum Acreage = 50 contiguous acres.
2. Capital Outlay = \$10,000
3. Minimum Gross Income = \$2,000/year

Relevant General Plan Policies:

Policy 8.2.4.1B, In the Agriculture and Forestry Element, supports the continued use of Williamson Act Contracts to provide tax benefits to farms and ranches to help ensure the long-term conservation of agricultural lands.

Relevant Government Code Sections:

In regards to minimum criteria for agricultural preserves, Government Code Section 51222 states, “The Legislature further declares that it is in the public interest for local officials and landowners to retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.”

Staff Recommendations:

Staff recommends approval of WAC 10-0002 based on the above findings.

Chair Boeger noted applicant was not present for comment or questions.

It was moved by Commissioner Bacchi and seconded by Commissioner Neilsen to recommend APPROVAL of staff's recommendations for the establishment of a new Williamson Act contract of approximately 240 acres on a portion of an existing contract (agricultural preserve No. 64, approx. 477 acres) as a result of property reconfiguration under Lot Line Adjustment BLA 08-0057 and land ownership changes. The property is located on the east and west sides of Bonetti road, 1.25 miles east of the intersection with French Creek Road based on the above findings.

Motion passed:

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

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

**VII. CORRESPONDENCE AND OTHER BUSINESS –Ranch Marketing Letter-
Charlene Carveth**

VIII. ADJOURNMENT 7:30 pm

APPROVED: _____ DATE: 07/10/19
Greg Boeger, Chair