



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

September 11, 2019

6:30 P.M.

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

Members Present: Walker, Bacchi, Neilsen, Mansfield, 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
Tom Purceil, 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 September 11, 2019.

Motion passed:

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

ACTION ITEMS

II. Item # 19-1371 APPROVAL OF MINUTES of July 10, 2019

Chair Boeger called for a voice vote for approval to approve the Minutes of July 10, 2019

Motion passed:

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

III. PUBLIC FORUM – None

**IV. Item #19-1373 ADM19-0026/Coyle, Administrative Relief from Agricultural Setback
Assessor's Parcel Number: 087-010-013 (087-010-13)**

During the Agricultural Commission's regularly scheduled meeting held on September 11, 2019 the Commission reviewed the following request from Planning:

Planning Request and Project Description:

Planning Services is requesting review of an application for administrative relief from the agricultural setback on the above referenced parcel. The relief request is for a proposed pool and pool house approximately 155 feet from the property line of the adjacent LA-40 zoned parcel to the East (APN:087-081-001). The applicant's parcel, identified by APN 087-010-013, consists of 40 acres and is located on Latrobe Road (Supervisor District 2).

Parcel Description:

- Parcel Number and Acreage: 087-010-013, 40 Acres
- Agricultural District: No
- Land Use Designation: RR = Rural Residential
- Zoning: PA-40, (Planned Ag, 40 Acres).
- Soil Type:
 - No Choice Soils

Discussion:

A site visit was conducted on August 28, 2019 to review the placement of the swimming pool and pool house.

Staff Recommendation:

Staff recommends APPROVAL of the Coyle's request for construction of a swimming pool and pool house to be located 155 feet from the eastern 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 parcel is bisected by Latrobe road and has some steep topography, both of which present challenges for the pool's location.***
- 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 155 feet from the pool to the adjacent agriculturally zoned parcel has a steep upsloping topography which provides a buffer. There is a permanent storage facility that also provides a buffer in between the pool and the adjacent agriculturally zoned parcel.**
- 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 noted applicant was not present for comment or questions.

It was moved by Commissioner Bacchi and seconded by Commissioner Draper to recommend APPROVAL of staff's recommendations for administrative relief from the agricultural setback for the Coyle's request for construction of a swimming pool and pool house to be located 155 feet from the eastern 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 based on the above findings.

Motion passed:

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

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 September 11, 2019 the Ag Commission was asked to review a November 14, 2018 failed decision for the Zone Change and Tentative Map. Planning Services requested additional review of this project to clarify the Commission's previous recommendation from November 14, 2018. Chair Boeger wanted a full review of the item as one of the Commissioners was not at the first meeting in November.

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 stating they could split the property into two parcels but they wanted three due to the school being the largest impact on the property. One neighboring resident stated their concern for water and utilization of their property for access for utilities on their adjacent 38.7 acre parcel. (some comments and concerns will need to be addressed at Planning)

Tom Purceil from Planning explained the steps that would take place after the recommendation by the Commission was forwarded to Planning.

Chair Boeger brought the item back to the Commission with clear direction for Commissioners to state their concerns on the project that could be forwarded to the Planning Commission and if another motion was made they could take another vote.

Comments and interpretation by the Commissioners of the General Plan policies regarding the project request:

Commissioner Bacchi referenced General Plan Policy 8.1.4.1 as he believes that this does intensify existing conflicts, referencing the Williamson Act map with the larger sized parcels being at either end of the property and the 10 and 20 acre parcels taking the direction of eliminating the grazing land buffer. The proposed split, and others which will follow if it is successful, will intensify conflicts between grazers and homeowners as these small parcels approach Williamson contract lands and other parcels suitable for grazing. Any proposal that would split up larger parcels which are presently acting, or could act, as a buffer between homeowners and grazing lands is in direct conflict with General Plan 8.1.4.1 C.

It may sound unreasonable to oppose the creation of a single parcel. But it is the cumulative impact of many small requests for changes in land use that must be considered if grazing lands are to be protected. Generally, once one or two parcel splits are successful in an area, many will follow.

Commissioner Bacchi believes that General Plan Policy 8.1.2.2 which places a forty acre minimum on lands in Rural Regions historically used for grazing, and which are currently capable of sustaining commercial grazing, also applies in this request.

Commissioner Neilsen agreed with Commissioner Bacchi and made reference to the water issues as wells can cause springs utilized by farmers to dry up. The property is preferred grazing land even with the slopes as it is free from trees and lays good to the sun. Where do we stop on these requests? If we say no, the people say you did it for someone else, where does this end?

Commissioner Draper wanted clarification on the Rural Residential land designation and LeeAnne Mila was able to answer the question. He was in support of the project.

Chair Boeger said we have two issues, grazing and surrounding land that are already smaller parcels.

Commissioner Walker agrees with stopping the encroachment but it's too late on this parcel stating the school and the encroaching 10 and 20 acres parcels are already in place. He understands the grazing issues but maybe the line could be drawn up at South Shingle Road. He still supports the project.

Commissioner Mansfield said that at some point we need to make a commitment to draw a line, referencing the map with the Agricultural Districts which also shows the Ag Preserves.

Commissioner Bacchi commented that while he would prefer renting grazing land that will hold at least a truckload of cattle, more like 300 acres minimum rather than 40, he recognizes that consumer demand for locally grown food, including beef, lamb, pork, and goats, now presents a significant economic opportunity for small scale animal husbandry, operating on smaller parcels of 40 acres and up.

Chair Boeger wanted all comments to be forwarded to Planning as this was a split vote on November 14, 2018 as there are two sides to this issue being the livestock and the practical side for long range thoughts for future of grazing.

It was moved by Commissioner Bacchi and seconded by Commissioner Neilsen that based on General Plan 8.1.4.1 and 8.1.2.2 to deny the request for 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: Neilsen, Mansfield, Bacchi
NOES: Walker, Draper, Boeger
ABSENT: Bolster
ABSTAIN: None

Original motion of November 14, 2018-

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**

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

VII. CORRESPONDENCE AND OTHER BUSINESS –Water Agency will be reporting to the Commission in October or November and a workshop on Ag Associations.

VIII. ADJOURNMENT 7:15 pm

**APPROVED: _____ DATE: 09/11/19
Greg Boeger, Chair**