



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

February 12, 2020

6:30 P.M.

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

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

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 February 12, 2020

Motion passed:

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

ACTION ITEMS

II. Item # 20-0218 APPROVAL OF MINUTES of November 12, 2019

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

Motion passed:

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

III. PUBLIC FORUM – None

IV. Item # 20-0220 Election of Chair and Vice Chair for the 2020 Calendar Year, Approval of 2020 Agricultural Commission Meeting Schedule

Motion was made by Lloyd Walker and seconded by Commissioner Draper to keep the current Chair and Chairman for the 2020 calendar year. The calendar will return to the 3/11/20 meeting for final approval when an alternate date can be confirmed by the Board Clerk's office.

Motion passed:

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

V. Item # 20-0221 ADM19-0064/Bartolo Ag Setback Administrative Relief from Agricultural Setback Assessor's Parcel Number: 085-540-069

During the Agricultural Commission's regularly scheduled meeting held on February 12, 2020 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 one hundred thirty feet (130') from the north property line, adjacent to a parcel zoned Planned Agriculture-20 acre (PA-20) (APN: 085-540-039). The applicant's parcel, identified by APN 085-540-069, consists of 5.0 acres and is located within a General Plan Agricultural District. The property is located on the north side of North Canyon Road at the intersection with Sky Ranch Lane in the Camino area, Supervisorial 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 January 29, 2020 to review the location for the proposed residence. It should be noted that setback relief of 30 feet from the eastern property line (APN: 085-270-29) was granted for this parcel in May of 2019 by the Agricultural Commission. This is

a request for additional setback relief on the northern property line (APN: 085-540-039) of 70 feet.

Staff Recommendation:

Staff recommends APPROVAL of the Bartolo's request to allow for the construction of a residence no less than 130 feet from the northern property line with APN: 085-540-039, 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 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.***
- 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 residence has been placed to minimize the impact to adjacent agriculture as much as possible.***
- 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 non-compatible structure (single family dwelling) will be behind a shop that will be approximately 50 feet from the northern property line. The shop will effectively act as a buffer between the agricultural property and the single family dwelling. Driveway access on the applicants property as well as on the adjacent northern agriculturally zoned parcel (APN: 085-540-039), provide an additional buffer between the dwelling and the 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.

Discussion:

Chair Boeger noted applicants were present, Jim and Tammy Bartolo addressed the commission to explain they were going to be building a barn that didn't require approval, however they wanted to let the commission members know this would be an additional buffer from the neighboring Christmas Tree Farm.

Gina Hamilton from Planning was available for questions.

Chair Boeger brought the item back to the Commission for discussion. It was noted that the first finding of (a) No suitable building site exists on the subject parcel except within the required setback would not qualify as a finding but two findings can be established.

It was moved by Commissioner Draper and seconded by Commissioner Bolster to recommend APPROVAL of staff's recommendations with removing (a) as discussed for administrative relief from the agricultural setback for the Bartolo Residence that is located one hundred thirty feet (130') from the north property line, adjacent to a parcel zoned Planned Agriculture-20 acre (PA-20) (APN: 085-540-039. The Commission believes two of the findings (b and c) 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, Bolster, Draper
NOES: None
ABSENT: Neilsen, Bacchi

ABSTAIN: None

Note: *After the motion passed, the Commissioners expressed that often a barn could be proposed and not built; it was the recommendation of the Commission to make sure the barn was built during or before the construction of the house to act as an additional buffer between the adjacent Christmas Tree Farm. The applicant assured the Commission that the barn was a priority and would be built.*

VI. UPDATE on LEGISLATION and REGULATORY REQUEST –

Charlene presented the Commission with 2020 Legislation updates including Pesticides AB 468, AB 469, AB 1788, and AB 1919. Bees, Forestry, Land Use, Livestock, Drinking Water, Water, Cannabis, and Industrial Hemp.

VII. CORRESPONDENCE AND OTHER BUSINESS – Charlene reported two items were forwarded to Planning with Agricultural Concurrence, ADM 20-0001/Stigall and ADM 19-0056/Verna.

VIII. ADJOURNMENT 8:00 pm

APPROVED: _____ **DATE: 03/11/2020**
Greg Boeger, Chair