



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

March 11, 2020

6:30 P.M.

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

Members Present: Walker, Mansfield, Boeger, Bolster, Mansfield, Bacchi
Ex-Officio Members Present: Charlene Carveth, Agricultural Commissioner
Media Members Present: None
Staff Members Present: Myrna Tow, Clerk to the Agricultural Commission

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 March 11, 2020.*

Motion passed:

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

ACTION ITEMS

II. Item # 20-0223 APPROVAL OF MINUTES of February 12, 2020

Chair Boeger called for a voice vote for approval to approve the Minutes of February 12, 2020

Motion passed:

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

III. Item 20-0220- Calendar for 2020 Hearings brought back for new date in November 2020. The new date approved is November 12, 2020

Motion passed:

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

IV. PUBLIC FORUM – None

V. Item # 20-0380 ADM19-0059/R&C Rorden Family Trust Administrative Relief from Agricultural Setback and Conversion of a TMA to a permanent second dwelling Assessor's Parcel Number: 093-210-12

During the Agricultural Commission's regularly scheduled meeting held on March 11, 2020 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 the conversion of a previously-approved TMA to a permanent secondary dwelling and approval of a 30-foot setback. The structure was originally permitted in 2015 (TMA-15-0001/Bldg Permit 240097-1) and renewed in 2017. At the time of original approval in 2015, the Agricultural Commission approved 30-foot setback. The existing structure is located 51 feet from the northern property line and 328.7 feet from the east property line at Meyers Lane. The applicant has also initiated a building permit application with the Building Department (Permit #315703). No structural changes are proposed.

The applicant's parcel, APN 093-210-12, is 20 acres, zoned Planned Agricultural-20 acre (PA-20), and is located at 5980 Meyers Lane (Supervisor District 2). The property to the north, APN 093-210-15 is 7.28 acres and zoned PA-20. The property to the north is not currently being used for agricultural activities. The subject parcel and the adjacent parcel to the north are both located within an Agricultural District; neither parcel is located within a designated Community Region or Rural Center.

The property to the south, APN 093-210-13 is 27 acres and zoned Planned Agricultural-20 acre (PA-20). The subject parcel is bordered by four parcels to the east; all of which are zoned Residential Estate-5. North to south these parcels are APNs 093-180-45 (2.8 acres), 093-180-44 (2.5 acres), 093-180-21 (7.12 acres), and 093-180-23 (4.71 acres).

Parcel Description:

- Property Address: 5980 Meyers Ln., Somerset
- Parcel Acreage: 20.00
- Ag District: Yes – Fairplay/Somerset
- Land Use Designation: Rural Residential (RR)
- Zoning: PA-20
- Average Elevation of Parcel: 2300 ft.
- Soils: Choice Soils and Non-Choice Soils
 - MrC – Musick Sandy Loam, 9 to 15 percent slopes

El Dorado County Zoning Ordinance:

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 the conversion of a previously-approved TMA to a permanent secondary dwelling and approval of a 30-foot setback. The structure was originally permitted in 2015 (TMA-15-0001/Bldg Permit 240097-1) and renewed in 2017. At the time of original approval in 2015, the Agricultural Commission approved 30-foot setback. The existing structure is located 51 feet from the northern property line and 328.7 feet from the east property line at Meyers Lane. The applicant has also initiated a building permit application with the Building Department (Permit #315703). No structural changes are proposed.

The applicant's parcel, APN 093-210-12, is 20 acres, zoned Planned Agricultural-20 acre (PA-20), and is located at 5980 Meyers Lane (Supervisor District 2). The property to the north, APN 093-210-15 is 7.28 acres and zoned PA-20. The property to the north is not currently being used for agricultural activities. The subject parcel and the adjacent parcel to the north are both located within an Agricultural District; neither parcel is located within a designated Community Region or Rural Center.

The property to the south, APN 093-210-13 is 27 acres and zoned Planned Agricultural-20 acre (PA-20). The subject parcel is bordered by four parcels to the east; all of which are zoned Residential Estate-5. North to south these parcels are APNs 093-180-45 (2.8 acres), 093-180-44 (2.5 acres), 093-180-21 (7.12 acres), and 093-180-23 (4.71 acres).

Discussion:

This single family dwelling was originally approved as temporary agricultural housing in 2015 and renewed in 2017 by the Agricultural Commission. The dwelling was approved at the current location not less than 50ft. from the northern boundary of a PA-20 zoned parcel (APN: 093-210-15).

The property is not currently in a Williamson Act Contract, but meets the criteria to qualify as such;

- (1) Capital outlay exceeded the \$45,000;

- (2) Minimum acreage met the 20.00 acre requirement at 20.00 acres;
- (3) Gross income exceeded the \$13,500.

Staff Recommendation:

Staff recommends APPROVAL of the Rorden's request to allow for the Conversion of a TMA to a permanent second dwelling, with no change in construction. The setback will remain, as previously approved, at 51 feet from the northern property line APN: 093-210-15, 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:

1.) 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 agricultural development, the vineyard and winery, on the applicants parcel limits building sites.

2.) 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.

3.) 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 residence has been clustered with the winery to limit developmental impacts to the adjacent property. The development is placed on the applicant's property to conserve choice soils for crop production. There are no choice soils on the adjacent northern parcel.

- a) 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.

Rich and Christie Rorden were available for questions and mentioned the housing was for Farm Labor.

Chair Boeger brought the item back to the Commission for discussion.

It was moved by Commissioner Bolster and seconded by Commissioner Neilsen to recommend APPROVAL of staff's recommendations as stated above for the Rorden Family Trust request for relief from the agricultural setback for the conversion of a previously-approved TMA to a permanent secondary dwelling and approval of a 30-foot setback from the property line APN: 093-210-15. (See Note) 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
NOES: None
ABSENT: Draper
ABSTAIN: None

Note: The structure was originally permitted in 2015 (TMA-15-0001/Bldg Permit 240097-1) and renewed in 2017. At the time of original approval in 2015, the Agricultural Commission approved 30-foot setback. The existing structure is located 51 feet from the northern property line and 328.7 feet from the east property line at Meyers Lane. The applicant has also initiated a building permit application with the Building Department (Permit #315703). No structural changes are proposed.

**VI. Item # 20-0381 Subject ADM20-0004/Muncher Ag Setback Relief
Administrative Relief from Agricultural Setback Assessor's Parcel Number:
076-200-021**

During the Agricultural Commission's regularly scheduled meeting held on March 11, 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 swimming pool adjacent to the existing property owner's residence. The proposed building site is one hundred feet (100') from the north property line, adjacent to a parcel zoned Planned Agriculture-20 acre (PA-20) (APN: 076-011-015). The applicant's parcel, identified by APN 076-200-021, consists of 10.0 acres, and is not located within a General Plan Agricultural District. The property is located on the north side of Meyers Road, approximately 300 feet east of the intersection with Alida Street in the Camino area, Supervisorial District 3.

Parcel Description:

- Parcel Number and Acreage: 076-200-021, 10.0 Acres
- Agricultural District: No
- Land Use Designation: RR = Rural Residential
- Zoning: RL-10 (Rural Lands, 10 Acres).
- Soil Type: No Choice Soils

Discussion:

A site visit was conducted on February 19, 2020 to review the location for the proposed pool location.

Staff Recommendation:

Staff recommends APPROVAL of the Muncher's request to allow for the construction of a swimming pool no less than 100 feet from the northern property line with APN: 076-011-015, 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:

- b) 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 the parcel and the location of the septic system severely limits any sites available to place the swimming pool.***
- c) 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 existing single family dwelling is located approximately 85 feet from the northern property line and the swimming pool has been placed further away***

at 100 feet to minimize any potential negative impacts on the adjacent agriculturally zoned parcel.

- d) 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 swimming pool has been placed further away from the northern property line than the single family dwelling, but is still close to the house so that the area of potential impact area is congregated. There is also a concrete driveway and a steep upslope with mature trees that provides a buffer to the adjacent agriculturally zoned parcel.

- e) 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 brought the item back to the Commission for discussion. Tyson and Mia Muncher were available for questions.

It was moved by Commissioner Walker and seconded by Commissioner Bacchi to recommend APPROVAL of staff's recommendations as stated above for the Muncher's request to allow for the construction of a swimming pool no less than 100 feet

from the northern property line with APN: 076-011-015, 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.

Motion passed:

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

NOES: None

ABSENT: Draper

ABSTAIN: None

VII. UPDATE on LEGISLATION and REGULATORY REQUEST –
Charlene discussed the progress on the Hemp applications currently active with the Department.

VIII. CORRESPONDENCE AND OTHER BUSINESS – No correspondence and mentioned the Pesticide Training that will be coming up on March 25, 2020.

IX. ADJOURNMENT 7:30 pm

APPROVED: _____ **DATE: 05/13/2020**
Greg Boeger, Chair