



AGRICULTURAL COMMISSION

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Greg Boeger, Chair – Agricultural Processing Industry
Lloyd Walker, Vice-chair – Other Agricultural Interests
Chuck Bacchi – Livestock Industry
Bill Draper – Forestry Related Industries
Ron Mansfield – Fruit and Nut Farming Industry
Tim Neilsen, Livestock Industry
John Smith – Fruit and Nut Farming Industry

MINUTES

December 12, 2012

6:30 P.M.

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

Members Present: Bacchi, Boeger, Draper, Neilsen, Smith, Walker, Mansfield
Members Absent: None
Ex-Officio Members Present: Charlene Carveth, Agricultural Commissioner
Media Members Present: None
Staff Members Present: LeeAnne Mila, Deputy Agricultural Commissioner
Myrna Tow, Clerk to the Agricultural Commission
Others Present: Maryann Argyres, Bob Hill, Stan Geel,

I. CALL TO ORDER

- Chair, Greg Boeger, called the meeting to order at 6:30 p.m.

II. APPROVAL OF AGENDA

It was moved by Mr. Bacchi, and seconded by Mr. Neilsen, to approve the Agenda of December 12, 2012 as submitted.

- Chair, Greg Boeger, called for a voice vote for approval of the Agenda of December 12, 2012.

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

NOES: None

III. APPROVAL OF MINUTES

It was moved by Mr. Smith, and seconded by Mr. Walker, to approve the Minutes of October 17, 2012 as submitted.

- Chair, Greg Boeger, called for a voice vote for approval of the Minutes of October 17, 2012.

AYES: Neilsen, Smith, Walker, Boeger, Bacchi, Mansfield, Draper
NOES: None

IV. PUBLIC FORUM

No comments were received

V. REVIEW OF 2013 CALENDAR

January 9, 2013	April 10, 2013	July 10, 2013	October 9, 2013
February 13, 2013	May 8, 2013	August 14, 2013	November 13, 2013
March 13, 2013	June 12, 2013	September 11, 2013	December 11, 2013

The calendar was approved and no comments were received.

VI. Request for Agricultural Commission Review of an Agricultural Setback Relief Application (Christofferson) – APN 085-740-22; The owner of the subject parcel is requesting administrative relief from an agricultural setback for the conversion of an existing barn to an accessory structure, located 50 feet from the Exclusive Agricultural (AE) zoned parcel to the east. (District 3)

Staff gave a brief report:

The subject parcel is 10 acres in size and zoned SA-10 (Select Agricultural – Ten Acres) with an AL (Agricultural Land) land use designation. It is located within a Planned Development, off of Hassler Road, and is located within the Camino/Fruitridge Agricultural District. The surrounding parcels are zoned SA-10, Planned Agricultural Twenty-Acre (PA-20), (AE) and Residential Estate Ten-Acre (RE-10). The surrounding Land Use Designations are Agricultural Land (AL) and Rural Residential (RR). The soil type, on the parcel, consists of Musick Very Rocky Sandy Loam, 15 to 50% Slopes and Holland Coarse Sandy Loam, 15 to 30% Slopes (a Unique and Soil of Local Importance). The parcel elevation is at approximately 2300 feet. Approximately two acres of the subject parcel is planted in grapes.

The Agricultural Commission may approve a reduction of up to one hundred percent (100%) of the special agricultural setback (not less than 30 feet from the agriculturally zoned parcel) when it can be demonstrated that a natural or man-made barrier or buffer already exists such as, but not limited to, topography, roads, wetlands, streams, utility easements, swales, etc., that would reduce the need for such a setback, or the Commission finds that three of four of the following exists:

- 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;
- b) The proposed non-compatible use/structure is located on the property to reasonably minimize the potential negative impact on the adjacent agricultural or TPZ

zoned land;

c) Based on the site characteristics of the subject parcel and the adjacent agricultural or TPZ 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 use/structure would reasonably minimize potential negative impacts on agricultural or timber production use;

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).

Discussion ensued regarding the definition of an accessory building, the existing setbacks within the subdivision, and whether or not the conversion to a low or high intensive agricultural operation was likely to take place on the AE zoned parcel to the east, adjacent to the subject parcel. The Agricultural Commission was comfortable making findings a) through c) above, but not d).

The applicant's agent, Robert Hill, was available for questions and clarifications.

It was moved by Mr. Draper and seconded by Mr. Bacchi to recommend APPROVAL of the Christofferson's request for administrative relief of an agricultural setback, allowing the conversion of an existing barn to an accessory structure, located on APN 085-740-22, fifty feet from the eastern property line and an Exclusive Agricultural zoned parcel, as 3 of the 4 findings (a-c) required by Criteria and Procedures for Administrative Relief from Agricultural Setbacks, can be made.

The Agricultural Commission 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.

Motion passed

AYES: Mansfield, Neilsen, Smith, Walker, Boeger, Draper, Bacchi
NOES: None

VII. Request for Agricultural Commission Review of an Agricultural Setback Relief Application (Geel) – APN 048-080-50; The owners of the subject parcel are requesting administrative relief from an agricultural setback against a property to the east zoned Timber Production Zone (TPZ), for the reconstruction of an existing, unpermitted deck, reducing the distance from the TPZ parcel from 10 feet to 24 feet. (District 3)

Staff gave a brief report:

The applicants have an existing deck located ten feet from the TPZ parcel to the east. They have applied for relief from the agricultural setback to reconstruct the deck and place it twenty-four feet from the property line. The subject parcel is 12 acres in size and zoned Exclusive Agricultural (AE) with an Agricultural Land (AL) land use designation. The subject parcel is located within the Camino/Fruitridge Agricultural District, is located at approximately 2800 feet elevation, and is in Williamson Act Contract number 256. The soil type, on the parcel, consists of Aiken Loam and Cohasset Cobbly Loam; Unique and Soils of Local Importance. The subject parcel has over nine acres of planted crop including grapes, blueberries and apples.

The surrounding parcels are Select Agricultural Ten-Acre (SA-10), Exclusive Agricultural (AE) and Timber Production Zone (TPZ). All surrounding land use designations are Agricultural Land (AL).

Staff reiterated the findings that must be made by the Agricultural Commission, pursuant to Exhibit A; Criteria and Procedures for Administrative Relief from Agricultural Setbacks.

“The Agricultural Commission may approve a reduction of up to one hundred percent (100%) of the special agricultural setback (not less than 30 feet from the agriculturally zoned parcel) when it can be demonstrated that a natural or man-made barrier or buffer already exists such as, but not limited to, topography, roads, wetlands, streams, utility easements, swales, etc., that would reduce the need for such a setback...”

Discussion ensued regarding the existing deck and the EID ditch between the subject parcel and the TPZ parcel to the east. The Agricultural Commission discussed that they are constrained by the restriction of the thirty foot rule.

The applicants were available for questions. Mr. Geel stated that the property line runs through the center of the EID ditch. He also stated that twenty-four years ago, they built their house thirty feet from the property line to the east (which was the setback at the time). A year later, they added on the deck, which they didn't know required a permit. They would now like to replace the deck and are seeking agricultural setback relief for a replacement.

It was moved by Mr. Smith and seconded by Mr. Nielsen to NOT make a recommendation regarding the application for agricultural setback relief as the applicants are requesting a setback of twenty four feet from the TPZ parcel to the east and it is NOT within the Agricultural Commission's authority to grant such relief.

Motion passed

AYES: Mansfield, Neilsen, Smith, Walker, Boeger, Draper, Bacchi
NOES: None

Note: If the Agricultural Commission cannot make the required findings in Resolution No. 079-2007, Exhibit A, 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.

VIII. REVIEW OF RECOMMENDATION TO BOARD OF SUPERVISORS

- **One (1) representative of the Fruit and Nut Farming Industry- John Smith**
- **One (1) representative of the Other Agricultural Interest – Lloyd Walker**

Recommendation sent to Board of Supervisors 11/27/12 by Charlene Carveth.
In accordance with Agricultural Commission Bylaws adopted by the Board of Supervisors on August 31, 2004, a Notice of Terms of Office Expiration was submitted to the local newspapers and to county agricultural organizations. In addition, an independent Review Panel comprised of industry representatives as identified in the Agricultural Commission By-Laws § 4(a), was scheduled to meet on December 10, 2012, to review applications and interview candidates. The two positions that were up for re-appointment were Other Agricultural Interest and Fruit and nut Farming Industry. Applications were required to be submitted by close of business November 26, 2012. As a result of the notifications, the incumbents were the only members to apply thus revoking the necessity for convening the review panel.

It is my recommendation to the Board of Supervisors to re-appoint Lloyd Walker to represent the Other Agricultural Interest and re-appoint John Smith to represent the Fruit and Nut Farming Industry on the County of El Dorado Agricultural Commission for a four (4) year term beginning January, 2013.

Following the Board's action to re-appoint Lloyd Walker and John Smith, with terms (January 2013 to January 2017) beginning at the regularly scheduled Agricultural Commission meeting of January 9, 2013.

IX. LEGISLATION AND REGULATORY ISSUES – Charlene Carveth

- **Zoning Ordinance Update Chapter 17.80 – Glossary Question (Public Review Draft of Zoning Ordinance):** Can we combine these two definitions or should they be two separate use types?
 - 1.) “Feed Lot. A permanent, enclosed area where livestock, particularly cattle or

hogs, are gathered to be fattened before being slaughtered for food. A feed lot does not include barns and adjacent corrals, pastures, or locations used for livestock roundup, livestock auctions, or temporary holding areas for livestock.”

2.) “Livestock, High Density. (Use Type) The keeping and raising of domestic farm animals such as cattle, horses, pigs, goats, sheep, rabbits, poultry, ostriches, and emus, for commercial purposes, where the primary source of food is other than the vegetation grown on-site, such as dairies, feedlots, and similar large-scale operations.”

The Commission members recommended keeping the two definitions separate and recommended the following change to “Livestock, High Density:

The keeping and raising of domestic farm animals such as cattle, horses, pigs, goats, sheep, rabbits, poultry, ostriches, and emus, for commercial purposes, where the primary source of food is other than the vegetation grown on-site, ~~such as dairies, feedlots, and similar large-scale operations.~~”

- **Stress Test for Ranch Marketing Operations** was discussed as a sample with a suggestion to continue more stress testing in other types of agricultural situations.

X. CORRESPONDENCE and PLANNING REQUESTS – Charlene Carveth

- Charlene advised Commission members that revision request to Agricultural Setback Relief; for Visman APN 048-160-23 and Verizon Wireless Special Use Permit S64-0012R-2 were received from Planning for comment. Charlene stated that she had sent memos to Development Services regarding the revisions:
 - 1) Visman Setback Relief Request to accommodate 2.3 additional feet due to an awning over the door of the existing structure. The findings required for the setback were still met as the structure is not less than 30 feet from the agriculturally zoned parcel. Charlene requested in her memo 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.
 - 2) Verizon Wireless Special Use Permit Revision – S64-0012R-2 to allow an upgrade of an existing cell tower facility to include installation of 3 LTE antennas, 6 remote Radio Units (RRU’s) on the lattice tower; 1 GPS antenna on the existing equipment building; and new radio and power equipment within the existing equipment building. The property, identified by Assessor’s Parcel Number 046-081-22, consists of 3.0 acres and is located approximately at the terminus of Tower Road, 0.41 miles east of

the intersection with Mt. Aukum Road, in the Mt Aukum area. Charlene referenced the following findings and recommended approval as there will be no impact to agriculture:

- 1) The placement of 3 LTE antennas, 6 remote RRU's and 1 GPS antenna will not intensify existing conflicts or add new conflicts between adjacent areas and agricultural activities;
- 2) The placement of 3 LTE antennas, 6 remote RRU's and 1 GPS antenna onto an existing unmanned structure will not create an island effect wherein agricultural lands will be negatively affected; and
- 3) The placement of 3 LTE antennas, 6 remote RRU's and 1 GPS antenna onto an existing unmanned structure will not significantly reduce or destroy the buffering effect of existing large parcels sizes adjacent to agricultural lands.

XI. OTHER BUSINESS – Charlene Carveth

- Economic Development Advisory Committee (EDAC) update presented by Maryann Argyres.
- Environmental Management's Cottage Food Law presentation of November 27, 2012.
- Sacramento Area Council of Governments (SACOG) meeting of November 28, 2012.
- USDA Honey Bee Survey

XII. ADJOURNMENT

- Chair, Greg Boeger, adjourned the meeting at 7:59 pm.

APPROVED: Greg Boeger, Chair

DATE: January 16, 2013