



# 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

March 9, 2011  
6:30 P.M.

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

**Members Present:** Boeger, Bacchi, Mansfield, Neilsen, Smith, Walker  
**Members Absent:** Draper  
**Ex-Officio Members Present:** Juli Jensen, Ag Commissioner/Sealer  
**Staff Members Present:** Chris Flores, Senior Agricultural Biologist  
Nancy Applegarth, Clerk to the Agricultural Commission  
**Others Present:** Ronald Baker, Valerie Zentner

### I. CALL TO ORDER

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

### II. APPROVAL OF AGENDA

Mr. Boeger asked if there were any changes or additions to the agenda.

Chris Flores stated that there would be an item added to Item VII., Legislative and Regulatory Issues.

***Greg Boeger requested a voice vote for approval of the Agenda with the addition to Item VII.***

***Motion passed***

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

### III. APPROVAL OF MINUTES

- Minutes of February 9, 2011

*It was moved by Mr. Smith and seconded by Mr. Neilsen to approve the Minutes of February 9, 2011 as submitted.*

*Motion passed*

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

**NOES:** None

**ABSENT:** Draper

### IV. PUBLIC FORUM

- Valerie Zentner, El Dorado County Farm Bureau, offered information to the Ag Commission members regarding the Long-term Irrigated Lands Regulatory Program. The final environmental impact report was released this week. A framework, of staff recommendations, including the final regulations, were provided Monday. She feels that certain Ag issues were raised that had not been addressed previously. Although there are areas that will need further clarification, she feels there has been a huge improvement over the last six months.

- V. Ronald Baker – request for Agricultural Commission Review of Agricultural Setback Relief** – the owner of the subject parcel is requesting administrative relief from agricultural setbacks to allow an existing, previously unpermitted, single family residence to be located no less than 73 feet from the west property line and 199 feet from the north property line, adjacent to agriculturally zoned (RA-20) land. (District 2).

Chris Flores reported on the site visit. The application is for Administrative Relief, from 200 foot Agricultural Setbacks to the north and west of the subject parcel, for a newly built house. (There was a barn on the property that had been converted to a house that was not in stable condition. He took the structure down to the foundation and rebuilt it.) The applicant is requesting a 73 foot setback to the west and a 199 foot setback to the north. The parcel is 10 acres in size and zoned RA-20 (Residential Agriculture – Twenty Acre) with a RR (Rural Residential) land use designation. The adjoining parcels to the west and north are also zoned RA-20 with Rural Residential land use designations. There are no apparent agricultural activities occurring on the parcels to the west and north. The soil type, on the parcel, consists of Ade: Ahwahnee Very Rocky Coarse Sandy Loam, 20 to 50% slopes (Capability Class VII). The parcel elevation is between 1800 and 1900 feet, and is not within an Agricultural District. The parcel has an Important Biological Corridor (-IBC) overlay.

Findings required for agricultural setback relief:

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;
- *The placement of the current home creates the least amount of impact to the undeveloped property. A building site outside of the 200 foot agricultural setbacks would create a larger disturbance to the property and natural resources, and locations would be very limited due to topography and tree canopy coverage. The parcel has an IBC overlay, which applies to lands identified as having high wildlife habitat values (the property is located northwest of the Consumnes River). GP Policy 7.4.2.9 states the following land use restrictions for parcels with an IBC overlay:*
    - i. *Higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;*
    - ii. *Increased riparian corridor and wetland setbacks;*
    - iii. *Building permits discretionary or some other type of “site review” to ensure that canopy is retained; and*
    - iv. *No hindrances to wildlife movement*
  - *Fire safe standards require a turn-around with the capacity to handle a 40,000lb load for a driveway over 300 feet long (see hammerhead turn-around on plot plan). The standards would also require the house to have sprinklers and a water storage tank with a minimum 4,000 gallon capacity.*
- 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;
- *The non-compatible use/structure is located at the end of an existing road/easement on the adjacent property to the west. The adjacent agricultural land to the west does not have an existing agricultural operation and has a zoning (RA-20 zoning) that is proposed to be changed in the draft zoning ordinance.*
- 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.
- *The non-compatible use/structure is located over 400 feet from the Exclusive Agricultural zoned parcel to the south (in a current Williamson Act Contract under low intensive grazing). The RA zoned parcels do not have agricultural improvements near or adjacent to the subject 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).

Chris Flores added that a neighbor to the north of the subject parcel had called to offer his support of the project.

Ron Baker was present for questions and review of the project. He also provided photographs of the house that existed on the property at the time of purchase.

Mr. Bacchi mentioned the fire safe requirements.

Mr. Smith stated that the Pioneer Fire Department has an ordinance that requires fire sprinklers and on-site, fire suppression water storage systems.

***It was moved by Mr. Neilsen and seconded by Mr. Walker to recommend APPROVAL of Ron Baker's request for administrative relief of two agricultural setbacks, allowing a single family residence to be placed 73 feet from the west property line and 199 feet from the north property line, as staff believes that 3 of the 4 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;***
- 2. The proposed non-compatible structure will be located on the property to reasonably minimize the potential negative impact on adjacent agriculturally zoned land; and***
- 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.***

***The 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:** Bacchi, Mansfield, Neilsen, Smith, Walker, Boeger  
**NOES:** None  
**ABSENT:** Draper

**VI. FUTURE BUSINESS**

- Juli Jensen mentioned that the Sundance Subdivision, heard previously by the Ag Commission, will be heard by the Board of Supervisors on April 5, 2011.

**VII. LEGISLATIVE AND REGULATORY ISSUES**

- Juli Jensen spoke regarding several bills that will have an affect on Agriculture.

AB 569 (Berryhill) Business licensing: Business Master License Center: would create the Business Master License Center, which would have prescribed duties, including, but not limited to, developing and administering a computerized one-stop master license system capable of storing, retrieving, and exchanging license information, as well as issuing and renewing master licenses, as specified. The bill would permit the Governor to appoint a 3<sup>rd</sup>-party facilitator from the business community, to provide oversight over the creation of the center and the development of its master license system.

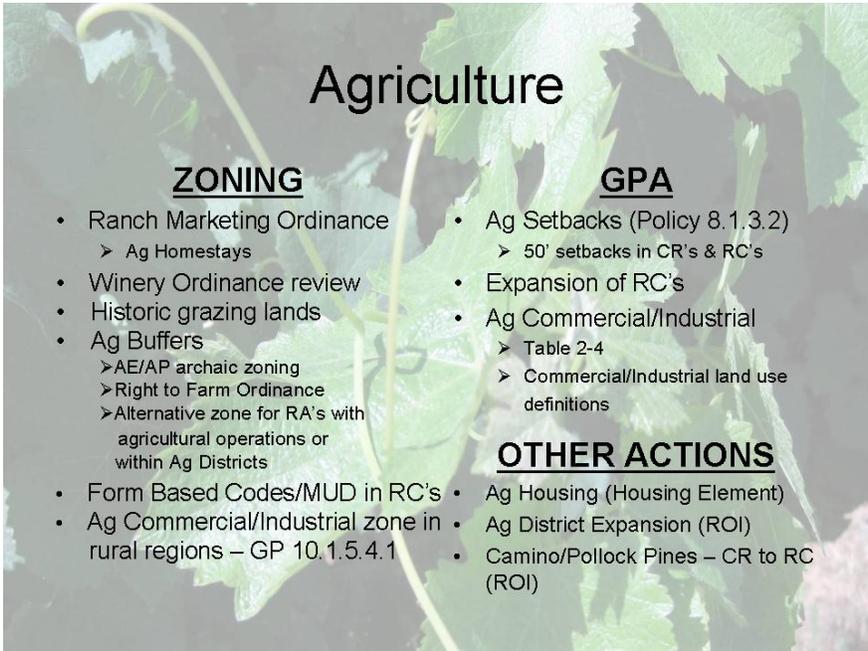
AB 691 (Perea) Agricultural land: one-stop permit assistance pilot program: would declare the intent of the Legislature to enact subsequent legislation that would require the Department of Food and Agriculture to establish a one-stop permit assistance pilot program that would allow farmers and agribusiness owners to obtain all necessary city, county, and state regulatory permits in one location. The bill would further declare the intent of the Legislature that the pilot program should institute a process for the department to coordinate the work of state and local government officials and agency representatives at various levels of government to facilitate the automation and streamlining of regulatory permitting processes in the state and to provide information to the public on the appropriate state agency information Web sites, and the governor's Office of Economic Development Web site. Ms. Jensen mentioned that it was her understanding that this bill was introduced by a member from the Fresno area and that Fresno was the intended pilot program county.

SB 394 (De Saulnier) Healthy Schools Act of 2011: would enact the Healthy Schools Act of 2011. The bill would provide that only self-contained baits, gels and pastes deployed as crack and crevice treatments and spot treatments may be used on school sites. The bill would prohibit use of a pesticide on a school site if that pesticide contains an ingredient known to the state to cause cancer or reproductive toxicity, as specified, or any one of specified cholinesterase-inhibiting pesticides.

The bill would prohibit, on and after January 1, 2014, the use of a pesticide on a school site if that product contains certain toxic or dangerous ingredients, as described, including any cholinesterase-inhibiting active ingredient, as identified by the Department of Pesticide Regulation, an active ingredient that is a groundwater or toxic air contaminant, as specified, or a fumigant, as identified by the Department of Pesticide Regulation. Ms. Jensen voiced her concerns that this might affect use of herbicides such as Roundup on school sites such as sports fields and sidewalk areas.

- Chris Flores reported that on April 4, 2011, the Economic Development Advisory Committee and the Planning Department will be giving a presentation to the Board of Supervisors regarding proposed policies to update/review in the General Plan. Staff is also providing information that should be included in the draft Zoning Ordinance. The Regulatory Reform Group, a subcommittee of the Economic Development Advisory Committee (EDAC), has reviewed the General Plan, in detail.

The following list was shared with the Agricultural Commission:

A slide titled "Agriculture" with a background image of green leaves. The slide is divided into three sections: "ZONING", "GPA", and "OTHER ACTIONS".

**Agriculture**

**ZONING**

- Ranch Marketing Ordinance
  - Ag Homestays
- Winery Ordinance review
- Historic grazing lands
- Ag Buffers
  - AE/AP archaic zoning
  - Right to Farm Ordinance
  - Alternative zone for RA's with agricultural operations or within Ag Districts
- Form Based Codes/MUD in RC's
- Ag Commercial/Industrial zone in rural regions – GP 10.1.5.4.1

**GPA**

- Ag Setbacks (Policy 8.1.3.2)
  - 50' setbacks in CR's & RC's
- Expansion of RC's
- Ag Commercial/Industrial
  - Table 2-4
  - Commercial/Industrial land use definitions

**OTHER ACTIONS**

- Ag Housing (Housing Element)
- Ag District Expansion (ROI)
- Camino/Pollock Pines – CR to RC (ROI)

Mr. Bacchi brought up the point that one of the reasons the Planning Commission approved the Sundance Subdivision was that it was adjacent to a Rural Center. He asked, "If the Rural Centers are expanded, would this be setting ourselves up for further rural developed subdivisions?"

Chris Flores replied that she believes it would have to be looked at on a case-by-case basis, but said that this type of question is what needs to be asked before there is a decision made by the Board. She said this is a “tough one” because there should not be a limit to economic growth, but it needs to be *planned* growth.

The Commission discussed types of expansion that should be allowed, such as a restaurant that would support the wine industry, or a supportive ag business such as a tractor repair shop, but suggested that there should only be specific types of expansion allowed. It was also suggested that if the Rural Centers are allowed expansion this should not be used as a justification for land-splitting purposes. The surrounding areas should still maintain their rural character and not have the expansion of the Rural Center dictate a change in the rural nature of the area.

Valerie Zentner added that the Rural Centers can only be changed every five years so the boundaries are locked-in for five years. If they are to be changed, it should be done with eyes wide open. She said a committee, having interest in this discussion, looked at not only the Agricultural support services but the Agri-tourism services which are currently not specifically called-out in the land use section, but are discussed in the Economic Development section of the General Plan. She said this would allow for the consistency discussed. She also mentioned that Ag Housing (ag employee housing) should be looked into to achieve the affordable housing numbers needed.

## **VIII. CORRESPONDENCE**

- Juli Jensen mentioned that during a phone discussion with Supervisor Ray Nutting, he expressed his appreciation to the Ag Commission for their input and recommendation regarding the issue of residences “by right” on Timber Production Zoned parcels.

## **IX. OTHER BUSINESS**

- Ag Commissioner Concurrence – Sandra and Charles Hall (APN 087-181-11) – request for administrative relief from agricultural setbacks for an addition to an existing Second Residential Unit/Guest House.
- Ag Commissioner Concurrence – John and Alexis Wenstrup (APN 085-480-20) – request for administrative relief from agricultural setbacks for a covered outdoor patio.
- CDFA Budget Update (handout provided)
- Draft Zoning Ordinance – is being continuously reviewed by the Planning Commission

## **X. ADJOURNMENT**

- Chair, Greg Boeger, adjourned the meeting at 7:18 p.m.