



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
John Smith – Fruit and Nut Farming Industry
Gary Ward – Livestock Industry

MINUTES

June 10, 2009

6:30 P.M.

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

Members Present: Bacchi, Draper, Mansfield, Smith, Walker, Ward
(Mr. Ward arrived during Item IV. Public Forum)

Members Absent: Boeger

Ex-Officio Members Present: William J. Stephans, Ag Commissioner/Sealer

Staff Members Present: Nancy Applegarth, Clerk to the Agricultural Commission
Chris Flores, Agricultural Biologist

Others Present: Valerie Booth, Don Lahey, Doug Leisz

I. CALL TO ORDER

II. APPROVAL OF AGENDA

Bill Stephans asked to include information regarding a proposal by Senator Florez to eliminate the California Department of Food and Agriculture under Item VIII. Legislative Issues

It was moved by Mr. Draper and seconded by Mr. Bacchi to Approve the agenda with the addition to Item VIII.

Motion passed

AYES: Bacchi, Draper, Mansfield, Smith, Walker

NOES: None

ABSENT: Boeger, Ward

III. APPROVAL OF MINUTES

- Minutes of May 13, 2009

It was moved by Mr. Bacchi and seconded by Mr. Smith to Approve the Minutes as submitted.

Motion passed

AYES: Bacchi, Draper, Mansfield, Smith, Walker

NOES: None

ABSENT: Boeger, Ward

IV. PUBLIC FORUM

Doug Leisz spoke regarding Measure AF-J, the Ag District review. Mr. Leisz worked on a committee approximately twelve years ago, to help identify the original Ag Districts. The 2004 General Plan has provisions for identifying lands of local agricultural importance, for inclusion into agricultural districts, using criteria such as soil type, lands under current cultivation, lands in a current Williamson Act Contract, parcel size and topography. Mr. Leisz stated that he was part of a group, including UC Extension, the Ag Commissioner's office and others, that used the criteria five years ago, to look at lands suitable for inclusion into the current agricultural districts. The work was completed and it has been refined in recent months by Ag Department staff. Mr. Leisz stated that it is extremely timely to proceed, as there are approximately 30,000 acres that should be added to Ag Districts. He feels that the addition of suitable agricultural lands to the agricultural districts is a positive for the county, as it defines lands suitable for agricultural pursuits for those who may be interested. In closing, Mr. Leisz urged the Agricultural Commission Members to support and direct the movement of the ag district proposals.

V. Ranch Marketing

Bill Stephans referred to a modified copy of the Draft Ranch Marketing Ordinance of May 26, 2009. (A copy was provided to the Ag Commission members.) This amended document was drafted after meeting with the Apple Hill Growers and includes their comments and suggested changes. At their last meeting the Commission directed staff to meet with Crista Campbell for the Christmas Tree Growers suggestions and changes before they give the draft further consideration, however, staff have yet to receive an update from Ms. Campbell.

Mr. Mansfield asked who was coordinating the writing of the draft.

Bill Stephans answered that it is Roger Trout, Development Services Director, who is making the suggested changes.

Discussion took place regarding the Livestock Industry and grazing lands. Bill Stephans explained that staff is currently identifying areas that may be appropriate for grazing land zoning and compatible accessory uses. A grazing land zoning is being contemplated in the re-write of the zoning ordinance.

Mr. Bacchi asked if compatible accessory uses would require a Special Use Permit. He stated that SUP's are onerous and a Conditional Use Permit would be preferable. Bill Stephans stated that it is a question of semantics in that a CUP in essence is an SUP. With the re-write of the Zoning Ordinance there could be a Conditional Use Permit for specific ancillary uses that are above and beyond what would be allowed by right. He stressed the importance of defining what can be done "By Right". For example, some recreational uses are allowed on Williamson Act contracted land. The uses allowed by state law should be allowed "By Right."

The Commission asked Bill Stephans to set-up a meeting with livestock producers to discuss what their needs might be under the Ranch Marketing Ordinance or the new zoning ordinance. Mr. Bacchi requested that he be present at that meeting as one representative of the Livestock Industry. Meetings were contemplated to take place in June, July or August.

John Smith stated that under section D.1.d a Type 2 Winegrower license may not be the appropriate license to cite for the sale of alcoholic beverages.

Chuck Bacchi pointed out that section D.1.a implies that a food facility must be licensed as a commercial kitchen and this is not always the case. Specifically, rafting companies serve food and do not licensed as commercial kitchens.

TPZ lands were discussed and whether they should be included in the Ranch Marketing Ordinance as a zoning that allows ancillary activities for Christmas tree operations.

- VI.** Valerie Lynn Booth – requesting administrative relief from agricultural setbacks to allow an addition to an existing single family residence, no less than 36 feet from the north property line, adjacent to agriculturally zoned (A) land.

Pursuant to the administrative relief criteria and procedures adopted by the Board of Supervisors on April 17, 2007, the applicant does not qualify for Development Services Director approval, and Agricultural Commission review shall be required, as described in Section A. Subsection 4.

Staff reported on the site visit of May 21, 2009. The request for administrative relief is for the addition of a garage to the existing single family residence. The existing home is already within the agricultural setback. The subject parcel and adjacent parcel to the north have Rural Residential Land Use Designations, non-choice soils, and are not in an Agricultural District. The primary use of the area parcels is residential. There is currently no agricultural activity on the Ag zoned parcel to the north, adjacent to the subject parcel.

Valerie Lynn Booth was present to answer questions regarding the project.

Bill Stephans referred to a wall map to explain the position of the proposed garage in relationship to the house. As the house is already in a setback, and the garage is not for sleeping and habitation, staff recommends approval. The garage will intrude a little further into the setback, so Board policy requires the project to come before the Commission for recommendation since it further encroaches into the setback..

It was moved by Mr. Bacchi and seconded by Mr. Ward to recommend APPROVAL of Valerie Lynn Booth's request for relief of an agricultural setback, allowing a setback of no less than 36 feet from the north property line for a proposed addition to an existing single family residence, as the following findings 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;***

- B) The non-compatible structure is located on the property to reasonably minimize any potential negative impacts on the adjacent agriculturally zoned land; and*
- 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.*

The applicant must 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 building permit being finalized, 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, Draper, Mansfield, Smith, Walker, Ward
NOES: None
ABSENT: Boeger

VII. Ag District Review

A powerpoint presentation, featuring maps of all current and proposed Agricultural Districts, was presented by Chris Flores. Ag staff is working on refining the previously identified parcels for the additions to agricultural districts, using Land Use Designations, active Williamson Act contracted lands, present land use, parcel size, proximity to existing agricultural districts, elevation, slope and soil type. Measure AF-J, in the 2004 General Plan, calls for a complete inventory of agricultural lands in active production and/or lands determined by the Agricultural Commission to be suitable for agricultural production, a suitability review (consistent with Policies 8.1.1.1, 8.1.1.2, 8.1.1.3, and 8.1.1.4), and an amendment to the Agricultural District boundaries as appropriate. (Policy 8.1.1.7)

Mr. Walker, Chair Pro-Tem, polled the Commission members for what information they would need in making a recommendation for each area under consideration. Several members asked for topographic maps, of the Georgetown area, for clearer definition. He also commended Doug Leisz for his contribution to this project and Ag staff for their presentation.

Ag District areas of inclusion and areas of elimination will be agendized for discussion and possible recommendations at the July 8, 2009 meeting.

VIII. LEGISLATIVE ISSUES

- AB 443 (Gagliani) – Apple Pests: Pest & disease prevention – In Senate for assignment.
- AB 580 (Huber) – Onsite sewage treatment systems – In Senate for assignment.
- AB 905 (Assembly Ag Committee) – 200# exemption for produce Referred to Senate Committee on Food & Ag.
- SB 170 (Florez) – Agricultural Lands: Cancellation of Williamson Act Contracts – This bill is dead in this session but may become a two-year bill.
- SB 715 (Wolk) – Agricultural Lands; Williamson Act – In Assembly – held at desk.

Bill Stephans (at the beginning of the meeting) mentioned that Senator Dean Florez (D-Bakersfield) has called a hearing on June 16th to discuss the future of the California Department of Food and Agriculture (CDFA) and the potential elimination of the department. He is actually proposing to eliminate CDFA and move their responsibilities to other departments. He has stated that the Ag industry is the only industry in California that has a single department dedicated to it.

IX. CORRESPONDENCE

- Letter of Support – AB 1066 (Mendoza) – The draft letter was approved for the Ag Commission by the Board of Supervisors however, when the letter was first drafted, it was addressed to Assembly Member Kevin de Leon, Chair, Assembly Appropriations Committee. This has now changed and we are tracking the bill to ensure that we submit it to the appropriate Senate committee chair and its members. Once we are aware of the correct committee we will amend the address, have the letter signed by Mr. Boeger and then mail.

X. OTHER BUSINESS

- Commission member, Bill Draper – update on Sierra Pacific Industries/Camino Mill closure

Mr. Draper stated that the El Dorado County Chamber of Commerce is spearheading the movement for the Camino Mill. They have changed the name of the group from the “Red Team” to “Sustainable Forest Action Coalition.” Also, the El Dorado County Chamber of Commerce is planning to set-up a meeting with Senator Diane Feinstein to help address the Federal issues of timber supply. He will provide further information as it becomes available to him. As of yet, he has not been contacted by the Chamber. Chair Pro Tem Walker directed Bill Stephans to send an official written request to the Chamber to include Bill Draper in all upcoming events associated with AB 1066 and the Sustainable Forest Action Coalition.

XI. ADJOURMENT

- The meeting adjourned at 8:22 p.m.

APPROVED: Lloyd Walker, Chair Pro-Tem

Date: July 8, 2009