



# 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

April 10, 2013

6:30 P.M.

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

**Members Present:** Bacchi, Boeger, Smith, Walker, Mansfield, Neilsen

**Members Absent:** None

**Ex-Officio Members Present:** Charlene Carveth, Agricultural Commissioner

**Media Members Present:** None

**Staff Members Present:** LeeAnne Mila, Deputy Agricultural Commissioner  
Peter Mauer, Development Services  
Chris Flores, Sr. Agricultural Biologist  
Myrna Tow, Clerk to the Agricultural Commission

**Others Present:** Craig & Kathy Mize, Lynette Applebaum, Michelle Wenell  
John Roe

### 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. Neilsen, and seconded by Mr. Walker, to approve the Agenda of April 10, 2013 as submitted.*

- Chair, Greg Boeger, called for a voice vote for approval of the Agenda of April 10, 2013

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

**NOES:** None

**ABSENT:** None

### III. APPROVAL OF MINUTES

*It was moved by Mr. Smith, and seconded by Mr. Bacchi, to approve the Minutes of March 13, 2013 as submitted.*

- Chair, Greg Boeger, called for a voice vote for approval of the Minutes of March 13, 2013.

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

**IV. AG EMPLOYEE HOUSING DISCUSSION –  
Shawna Purvines and CJ Freeland**

**V. PUBLIC FORUM** No comments were received

**VI. Review of Agricultural Setback Relief Application and Approval for Temporary TMA Hardship Application TMA13-05 Request for Agricultural Commission Ag Employee Housing. Assessor's Parcel No. 088-020-84-100; The owner of the subject parcel, consisting of 61.54 acres, is requesting administrative relief from agricultural setbacks for a Hardship Mobile Home for Temporary Ag Employee Housing to be located no less than 60 feet from the east property line, adjacent to agriculturally zoned land, (AE) Exclusive Agriculture zone district. 5700 Hackomiller Road, Garden Valley (District V, Ron Briggs)**

During the Agricultural Commission's regularly scheduled meeting held on April 10, 2013, the following discussion and motion occurred regarding Review of Agricultural Setback Relief Application and Approval for Temporary TMA Hardship Application TMA13-05 Request for Agricultural Commission Ag Employee Housing. Assessor's Parcel No. 088-020-84-100; The owner of the subject parcel, consisting of 61.54 acres, is requesting administrative relief from agricultural setbacks for a Hardship Mobile Home for Temporary Ag Employee Housing to be located no less than 60 feet from the east property line, adjacent to agriculturally zoned land, (AE) Exclusive Agriculture zone district. 5700 Hackomiller Road, Garden Valley (District V, Ron Briggs)

LeeAnne Mila gave her staff report. The property is located at 5700 Hackomiller Rd., in Placerville. The parcel is 61.54 acres, in the Gold Hill Agricultural District, and has a Land Use Designation of Agricultural Lands (AL). The parcel is in a Williamson Act Contract, number 312, and has Exclusive Agricultural (AE) zoning. The soil types, from greatest amount to least amount are: BpC – Boomer-sites 9 to 15% Slopes, BrE – Boomer-sites Very Rocky Loams 9 to 50% Slopes, TaD – Tailings, JtC – Josephine Silt Loam-sites 5 to 15% Slopes, and SkC – Sites loam 9 to 15%. The approximate elevation of the parcel is 2,000 feet.

Application is for Administrative Relief from a 200 foot agricultural setback to the east of the subject parcel for a Hardship Mobile Home for Temporary Ag Employee

Housing. The Temporary Ag Employee Housing would be located no less than 60 feet from the east property line. This is adjacent to agriculturally zoned land, (AE) Exclusive Agriculture zone district. 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;
  - a. **A 200 foot setback would put the house in the middle of the pasture, too close to the existing barn. A partial driveway already exists close to the site of the proposed area for the dwelling.**
- 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;
  - a. **The impact on the adjacent agriculturally zoned land (AE) will be mitigated by the natural buffer of Hackomiller Rd. Additionally, a riparian area on the adjacent parcel is directly across from the site for the Temporary Ag Employee Housing essentially creating another natural buffer.**
    - a. 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.
  - a. **The proposed location for the Hardship Mobile Home for Temporary Ag Employee Housing is located near an existing driveway that will minimize disturbance to the subject parcel and maximize agricultural usage. The proposed location also minimizes potential negative impacts to the adjacent parcel due to the existence of multiple natural buffers.**
  - b. 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).

- c. There is currently no agricultural activity on the AE zoned parcel to the east of the subject parcel. One of the predominant soils on the adjacent parcel is a proposed soil of local importance to vineyards – MbE: Mariposa Very Rocky Silt Loam – 3 to 50 % slopes. The presence of the riparian area on the adjacent parcel lowers the possibility of high or low intensive farming, directly across from the Temporary Ag Housing site.

The applicant answered questions of the Commission Members.

Peter Maurer, from Development Services, was present and available for questions, as well.

*It was moved by Mr. Nielsen and seconded by Mr. Bacchi to recommend APPROVAL of John Roe's request for administrative relief of an agricultural setback, allowing a Hardship Mobile Home for Temporary Ag Employee housing to be located no less than 60 feet from the east property line, adjacent to agriculturally zoned land (APN 088-020-79), as all of 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;*
- b) *The proposed non-compatible structure will be located on the property to reasonably minimize the potential negative impact on adjacent agriculturally zoned land;*
- 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*
- 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).*

*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.*

***It was moved by Mr. Neilsen, and seconded by Mr. Bacchi to approve the Staff's recommendation.***

***Motion passed***

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

- VII. S 13-0003- (Opportunity Acres); Special use permit request to allow horse boarding, adult daycare programs for individuals with autism, a non-public high school for students with autism, horse training clinics, horse riding cross country schooling, 12 corporate events per year with 50 attendees or less, a petting zoo, fruit and vegetable growing for off-site sales and ranch use, and one 36 square-foot lighted, free standing sign,. The applicants propose to install three 20-foot by 40-foot portable classrooms, and construct two 36-foot by 60-foot, ten-stall barns. They are also requesting to utilize the existing 1,440 square-foot mobile home as a caretaker's quarters. The 56-acre parcel is identified by Assessor's Parcel Number 087-021-34 and is located on the east side of South Shingle Road approximately 0.5 mile northeast of the intersection with Latrobe Road in the Latrobe area. (District 2, Ray Nutting)**

*(Continuation from March 13, 2013 at the request of the Agricultural Commission for staff to provide clarification of: 1) Explore the definition of a "non-public" school and the impact of what's been defined at this meeting on adjacent agricultural property. 2) Obtain information that will allow an understanding of the property lines and what the setback request is from the property line. 3) Request for the applicant to explore other sites for the location of the school. Applicant has re-submitted plan with intent to move school out of set-back area.)*

**Staff Recommendation:**

Chris Flores presented the staff report. The subject parcel is located at 7315 South Shingle Road, close to the area of Latrobe. The parcel is approximately 56 acres, has a Land Use Designation of Rural Residential (RR), with surrounding Land Use Designations of RR to the west, south and east, and Agricultural Land (AL) to the north. The subject parcel, and parcels to the west, south and east, have Residential Agricultural Forty Acre (RA-40) zoning, and the parcel to the north is zoned Exclusive Agricultural (AE). The subject parcel is not in an Agricultural District. The soil types on the parcel

are: AxD; Auburn Very Rocky Silt Loam, 2 to 30% Slopes (Proposed Soil of Local Importance for El Dorado County Vineyards), SuC; Sobrante Silt Loam, 3 to 15% Slopes (Unique & Soil of Local Importance) and AwD; Auburn Silt Loam, 2 to 30% Slopes (Proposed Soil of Local Importance for El Dorado County Vineyards). The approximate elevation of the parcel is 910 feet.

The parcel currently has two homes; one 2,005 square foot main house with a two car garage and one 1,440 square foot modular caretaker home. The main home is being used as an office for the day to day operations on the property. There is one ten-stall barn with two tack sheds, one two-stall barn with tack room, riding arenas, a round pen, three open-air lean-to's, and a 24 x 48 foot equipment barn. Existing animals, on the property, include horses, goats, miniature horses, llamas, and a donkey. The property is fenced and cross-fenced, has paved and gravel parking areas, a main entrance off of South Shingle Road, and a seasonal creek. There is a secondary access point off of White Throw Road. Chris Flores stated that the applicants had changed their location for the three proposed school buildings. The applicants are no longer requesting Administrative Relief from an agricultural setback and had moved the proposed location of the school buildings, to southeast of the main house garage.

Relevant General Plan Policies:

Policy 8.1.3.5 – On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

Policy 8.1.4.1 – The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Discussion ensued regarding the definition of a “Non-Public School” and the affect that a school on the subject parcel would have on surrounding agricultural parcels. A map was distributed to the Commission members by staff, depicting a ¼ acre buffer line around the subject parcel and the two public schools in Latrobe. According to the Department of

Pesticide Regulation, a school can be buffered from the use of Restricted Materials (certain pesticides) used for commercial agriculture. The Agriculture Department can place restrictions on a commercial agricultural operation as to time and days of allowed use of Restricted Materials. There was a lot of discussion regarding how the creation of a school, on the subject parcel, could possibly affect existing and future, adjacent agricultural operations.

The applicant was present and available for questions. She was asked about the number of days the school would be in session and the hours of operation. The applicant stated that the school would be in session approximately 215 days a year and would operate Monday through Friday, 8:00 am to 2:00 pm.

Peter Maurer, from Development Services, was present and available for questions, as well. Three neighbors spoke of their concerns.

*It was moved by Mr. Smith, and seconded by Mr. Waker to approve the Staff's recommendation.*

*Motion passed*

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

**VIII. LEGISLATION AND REGULATORY ISSUES – Charlene Carveth**

**IX. OTHER BUSINESS – Charlene Carveth and LeeAnne Mila**

- Flyer on UC Sierra Foothill Research & Extension Center Rangeland Field Workshop, May 7, 2013 was handed out
- Ag Roundtable 2013 Summary
- Summary of information from the March 27, 2013 California Meat Summit
- Discussion of the status of grazing lands within the county with losses due to lack of rain.

**X. ADJOURNMENT**

- Chair, Greg Boeger, adjourned the meeting at 7:40 pm.

**APPROVED: Greg Boeger, Chair**

**DATE: August 14, 2013**