

5/5/2010

MAY 11, 2010 COUNCIL MEETING

Continued from 4/13/10

TO: TOWN COUNCIL

FROM: TOWN MANAGER 

RE: RECONSIDER OPEN SPACE COMMITTEE 2 RECOMMENDATION ON AGRICULTURAL EIRS

ISSUE

Council Member Kelley asks that Council reconsider a decision made at the February 9, 2010 meeting concerning the Open Space Committee 2 recommendation having to do with agricultural environmental impact reviews.

RECOMMENDATION

Decide whether to reconsider the Council decision on the OSC-2 recommendation having to do with agricultural environmental impact reviews and if reconsideration is approved, then decide what the Council wishes to do.

MONEY

There are no money issues at present.

CEQA

Environmental issues will be addressed once projects are defined or changes, if any, are recommended in the General Plan or Zoning Code.

DISCUSSION

At the February 9, 2010 meeting Council decided as follows on an Open Space Committee 2 recommendation on Zoning Code issues B 1:

1. Establish a new policy for agricultural open space that would require environmental review of larger (> 5 acres) agricultural operations to ensure that agricultural open space doesn't lead to environmental degradation when combined with a residential subdivision.

COUNCIL ACTION B1:	REFER TO PLANNING COMMISSION	RETURN TO COUNCIL	TABLE
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The discussion that led to the decision to refer the item to the Planning Commission for review and recommendation as to changes that might be needed in the General Plan and/or Zoning Code was as follows (excerpt from 2/9/10 minutes):

Section B. 1. Zoning Ordinance

Jean Wilson, 4301 Barton Road, stated the following:

- she doesn't think this is necessary
- who is going to do the evaluation, will we hire consultants to get some kind of report
- suggested asking the County Agricultural people before we pass an ordinance we may not need

- she would hate to see additional constraints put on the efforts of people trying to do agriculture

Irene Smith stated the following:

- she disagrees with Ms. Wilson
- she saw what went on in Montserrat, the vineyard (45 acres) was never talked about until after the final map approval
- we saw the degradation that occurred after the final approval of the map (scraping, grading, removing 2000 trees, disturbing the water and the wild life habitat)
- this has an impact and should be reviewed

Roger Smith, 6755 Wells Avenue, stated the following:

- the vineyard was built as an add-on
- Agriculture is an allowed use and seems to be exempt from environmental review of any kind
- there is a concern about soil erosion, use of chemicals, dust, visual, and loss of habitat

Pat Miller, 4395 Gold Trail Way, stated the following:

- in favor of agriculture, with one caveat, not everything is a vineyard
- some of the agricultural operations are pretty hazardous with pesticides and the way the land gets treated
- the chemicals that are used for strawberry farms are some of the worse
- she would like to see agriculture flourish in Loomis but they need to be treated like any other development

Following further discussion on the matter, a motion was made to refer to the Planning Commission to establish a new policy for agricultural open space, require environmental review of agricultural operations, and ensure that agricultural open space doesn't lead to environmental degradation when combined in a mixed use residential project. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote (4-0).

When Council originally discussed the issue on 1/13/09 the following points were made:

B. Zoning Ordinance

1. Establish a new policy for agricultural open space that would require environmental review of larger (> 5 acres) agricultural operations to ensure that agricultural open space doesn't lead to environmental degradation.

COUNCIL ACTION B1:	REFER TO PROSC	RETURN TO COUNCIL	TABLE
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1/13/09 minutes

- Council consensus was to return for further review.
- Jean Wilson comments: disagrees with this, a new policy for agricultural open space that would require environmental review of larger (5 acres) agricultural operations to ensure that agricultural open space doesn't lead to environmental degradation; questioned if the Town is proposing annual review to monitor it, the Town should not get involved in reviewing residents agricultural practices; there is no evidence that there is a serious problem and this is unnecessary.
- Roger Smith comments: basis for this was because what happened in the Montserrat project where 45 acres were scraped in order to put vineyards in and nothing was done about it; he is concerned about his water because of the

pesticides that are being used close to his well; there should not be a free ride to someone that is coming in and doing a massive agricultural operation.

CURRENT REQUEST

Council Member Kelley asks that the Council reconsider its 2/9/10 decision to refer the matter to the Planning Commission and, rather, decide to table the matter as unnecessary for the following reasons:

1. The General Plan notes that a vision of Loomis is to have “The preservation agricultural activities, including the farming of orchards and raising of livestock. [Pg 11]
2. General Plan land uses, in RA, RE and RR zones provide that “Proposed development and agricultural uses should maintain existing natural vegetation and topography to the maximum extent feasible.” [Pg 22]
3. General Plan Agricultural and Open Space Land Use Policies [Pg 34 D] provide that:
 1. “Loomis shall allow property owners the “right-to-farm” their parcels through the protection and operation of agricultural land uses.
 2. Equestrian activities shall be protected by considering the effect that future density and design of residential development has in enhancing or inhibiting these activities.
 3. Loomis shall use zoning designations to protect properties used for agricultural operations from encroachment by urban development.
 4. Loomis shall provide for the use of the Williamson Act agricultural preserve program to allow land owners the property tax advantages of a long-term commitment to agricultural use.”
4. The rules and regulations of subdivision or other development approvals already contain sufficient safeguards associated with environmental regulations (CEQA) and agriculture uses are required to adhere to such laws by authority greater than Loomis but including Loomis.
5. The rules and regulations on wetlands (US Army Corps) and wildlife (California Fish and Game) already contain sufficient safeguards associated with the respective regulations that are already followed and reported on by the Town and are part of any environmental review process.
6. The rules and regulations of the State and County Agricultural departments, especially related to chemical use, already contain sufficient safe guards by authorities greater than Loomis, and more directly involved than Loomis by virtue of the expertise required in agriculture regulation, and are part of environmental review processes.