



**AGRICULTURAL COMMISSIONER'S OFFICE AND  
SEALER OF WEIGHTS & MEASURES**

**Gary Caseri**  
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**Agricultural Advisory Board**

**MINUTES**

October 3, 2011  
Stanislaus County Agricultural Center  
Conference Room H/I  
10:00 a.m.

**Board Members Present:**

John Herlihy                      Tom Orvis  
Arby Hoobyar                      Ed Perry

**Board Members Absent:**

Roger Duncan                      Wayne Zipser                      District 4, Vacant  
Lisa Funk                              District 3, Vacant                      RCD, Vacant

**Ex-Officio Board Members:**

Supervisor Jim DeMartini – Absent                      Diana Waller, USDA-NRCS - Absent  
Supervisor Vito Chiesa (Alternate) – Absent                      Rowe Barney, DER & Parks - Present  
Gary Caseri, Ag Commissioner – Present

**Others Present:**

Lisa Alamo, USDA-NRCS                      Raul Mendez, Stanislaus County CEO  
Sherman Boone, ESRCD                      Milton O'Haire, Ag Commissioner's Office  
Angela Freitas, Stanislaus County Planning                      Debbie Wohld, Ag Commissioner's Office

**I. PLEDGE OF ALLEGIANCE TO THE FLAG**

**II. PUBLIC COMMENT PERIOD**

The quarantine in part of San Joaquin County due to Oriental fruit fly was noted.

**III. APPROVAL OF MINUTES FROM THE AUGUST 1, 2011 MEETING**

It was M/S/P (unanimous), to approve the August 1, 2011 minutes.

**IV. GROUNDWATER REGULATION UPDATE**

Raul Mendez stated that he has been in communication with County Counsel, but has not yet heard back. Because outside counsel was brought in, it requires some coordination among those involved. As a result, he had no update to report at this time.

## V. AG BUFFER REVISION

Angela Freitas from the Planning Department began by discussing issues with the existing Buffer and Setback Guidelines. At the time the current version was adopted, provisions for an alternative buffer and setback design were to be reviewed and supported by the Agricultural Advisory Board prior to consideration by the Planning Commission. It was thought that there would be only one or two alternatives per year. Many projects are now requesting an alternative, which causes timing issues with the application processing due to the Agricultural Advisory Board meeting only once per month. Angela next went over the proposed revisions to the guidelines and made reference to a handout of the same, which was available to all attendees. She stated that alternative buffers and setbacks as proposed would no longer go before the Agricultural Advisory Board. They would be referred to the Agricultural Commissioner prior to consideration by the Planning Commission. The Planning Commission would then take into consideration the Agricultural Commissioner's response before making a determination on the proposed alternative. In the discussion that followed, there was concern regarding eliminating the vegetative screening requirements, especially in people intensive areas. There was also some discussion regarding the Right-to-Farm Ordinance. Although requested but not required, a motion was made and seconded to forward along with the recommended proposed changes the concerns and comments expressed during the discussion. Also noted in the motion, was the need to verify the condition of the Right-to-Farm Ordinance and its inclusion on all property transfer documents. It was M/S/P (unanimous) to approve the motion.

Concerns and comments expressed in the above motion include:

- (1) Concern expressed that projects currently requiring Ag Advisory approval often cause processing delays as the Board only meets once per month.
- (2) Concern expressed that removing "vegetative screening" requirement on some projects especially "people intensive" might fail to protect growers conducting routine farming operations especially spray applications. Such restraints on operations negatively impact growers.
- (3) Comment expressed that new proposal provides for the County Ag Commissioner (CAC) to provide comment and recommendations on proposed projects, rather than the Ag Advisory Board. The CAC discussed that this would provide ability to adequately address potential conflicts on projects and also expressed the desire to consult, as needed, with other ag interests such as the Farm Bureau prior to submitting comments and recommendations. If the CAC raised sufficient issue with a perceived conflict, further mitigation such as a vegetative buffer might be implemented.
- (4) Discussion ensued about pesticide drift and reference was made to a previous "cemetery project" as an example. If there is no vegetative screen buffer required, then what stops or prevents drift? The CAC commented that it is unlikely that a vegetative screen would prevent all drift and "any" measurable drift would technically constitute a violation. However, depending on the proposed project, a combination of mitigating measures might be considered and/or recommended.

- (5) Comment was made that “ag” is an easy target as non-ag uses encroach or are proposed adjacent to or within ag lands. The fundamental problem stems from projects, such as a cemetery, being proposed and/or allowed in ag zones in the first place. Once such an otherwise questionable use is allowed in an ag zone, the only option is to attempt to address impacts by requiring mitigation measures.
- (6) Regardless of what is finally proposed and implemented, if such guidelines are not working as intended, the county can go back, refine and/or make necessary changes.

## VI. NEXT MEETING

### A. Meeting Date/Time:

The next scheduled meeting is **Monday, November 7, 2011 at 10:00 a.m.** at the Stanislaus County Ag Center, Conference Room H/I

### B. Agenda Items

- ✓ Alternative Buffers, if applicable
- C. Chairman John Herlihy asked that he be e-mailed with ideas for agricultural educational presentations and/or issues of discussion for future meetings.
- D. Tom Orvis encouraged those interested to attend the Water-Aquatic RWG Meeting on October 4, 2011 at 9 a.m. at MID.
- E. Agricultural Commissioner Caseri noted that Carlos Estacio III would be Richard Gibson’s replacement on the Agricultural Advisory Board.

Please contact John Herlihy, Gary Caseri or Susan Azevedo with items you wish placed on the agenda.

## VII. ADJOURNMENT

Chairman John Herlihy adjourned the meeting.

Minutes Respectfully  
Submitted,

Debbie Wohld  
Ag Commissioner's Office  
Stanislaus County