



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

**Gary Caseri**  
Agricultural Commissioner/Sealer

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**Agricultural Advisory Board**

**MINUTES**

August 1, 2011  
Stanislaus County Agricultural Center  
Conference Room H/I  
10:00 a.m.

**Board Members Present:**

Roger Duncan	John Herlihy	Wayne Zipser
Lisa Funk	Tom Orvis	
Richard Gibson	Ed Perry	

**Board Members Absent:**

Arby Hoobyar	District 4, Vacant
District 3, Vacant	RCD, Vacant

**Ex-Officio Board Members:**

Supervisor Jim DeMartini – Present	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
Susan Azevedo, Ag Commissioner's Office	George Petrulakis, Petrulakis, Jensen & Friedrich
Angela Freitas, Stanislaus County Planning	Dennis Wilson, Horizon Consulting
Paul McMillan, Sun Power Corp.	Rachel Wyse, Stanislaus County Planning

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

**II. PUBLIC COMMENT PERIOD**

Agricultural Commissioner Gary Caseri commented that currently there were three vacancies on the Agricultural Advisory Board: District 3, District 4 and the Resource Conservation District. He also mentioned that Richard Gibson, representing the Ag-Related Industry, had accepted a position on the Planning Commission Board, causing a conflict of interest and that this would be his last meeting as a member of the Ag Advisory Board. It was noted that Richard Gibson would abstain from voting during this meeting due to the conflict of interest.

**III. APPROVAL OF MINUTES FROM THE May 2, 2011 MEETING**

It was M/S/P (unanimous), to approve the May 2, 2011 minutes.

**IV. ELECTION OF OFFICERS: CHAIRPERSON AND VICE-CHAIRPERSON**

John Herlihy was nominated for the position of Chairman and Tom Orvis was nominated for Vice-Chairman.

It was M/S/P (unanimous) that John Herlihy be elected to Chairman of the Agricultural Advisory Board for the term beginning July 1, 2011 – June 30, 2012.

It was M/S/P (unanimous) that Tom Orvis be elected to Vice-Chairman of the Agricultural Advisory Board for the term beginning July 1, 2011 – June 30, 2012

## **V. ALTERNATIVE AGRICULTURAL BUFFERS & SETBACKS**

### **UP 2010-13 & WAC NO. 2010-04 – RIDDLE SURFACE MINE**

The Stanislaus County Planning Department received an application to establish a sand and gravel surface mine and material processing complex on (2) non-contiguous sites totaling 436± acres in the Newman area. The north site consists of (2) adjacent parcels totaling 315± acres and the south site is a single 121± acre parcel.

All residential and agricultural structures will be removed prior to beginning the excavation phase. Only the northern property lines of both sites and the eastern property line of the north site meet the required agricultural buffers. The remaining property lines are requesting a minimum alternative agricultural buffer of 50 feet which will include a double row of evergreen trees, consistent with vegetative screening requirements, perimeter fencing, and perimeter access roads.

The discussion revolved around dust issue concerns and how it would affect surrounding neighbors. It was also questioned as to why the applicant could not meet the ag buffer guideline requirements. Angela Freitas asked if was feasible to do a partial recommendation and Chairman John Herlihy asked that the north and south sites be separated as to their recommendation.

It was M/S/P (1 opposed) that the current rules of the Ag Element be applied to the north site. At this point, the client chose to table the item and have the applicant come back and address the Ag Advisory Board's issues at a later date. Chairman Herlihy set the motion to "void" stating that the client can come back regarding this issue.

### **UP 2011-10 – MC HENRY SOLAR FARM**

The Stanislaus County Planning Department received an application to establish a solar energy farm on a 155± acre site located at 221 Patterson Road. The applicant's proposed agricultural buffer alternative is a 6-foot cyclone fencing and no vegetative screening on the northern property line and a 6-foot cyclone fencing and no vegetative screening on the eastern property line. The western and southern boundaries comply with the Agricultural Buffer.

The discussion focused on the lack of vegetation on the northern and eastern property lines and the possible problems this could cause such as spray drift issues. Angela Freitas reminded the Board that spray drift issues in the past effected people and there are no people here that would be impacted by the lack of vegetation on the north & east sides and that aesthetics should not be a concern as vegetation is for spray drift issues, not visual concerns. Chairman Herlihy commented that spray drift could go onto the solar panels possibly causing the panels to be cleaned every time spraying is done. The representative from Sun Power noted that the panels would be cleaned 2-4 times a year with no solvent or soap at approximately 1 gallon of filtered water per panel stating no spray would leave the site.

Chairman Herlihy commented there's a 25 year lease for the solar panels and while it was noted that farmer's don't have spray drift very often, there is concern that without vegetative screening, spray drift could come into the facility damaging the panels and cause future litigation issues against neighbors doing their work, affecting their 'Right to Farm'.

Members questioned why the applicant is not able to meet the buffer guidelines; what are the reasons and what are the impacts of not meeting the waiver. They see no reason why the guidelines can not be met.

It was M/S/P (unanimous) that normal mitigating remain as set in the guidelines.

**VI. GROUNDWATER REGULATION UPDATE**

Ag Commissioner Caseri stated County Counsel is working with an attorney that specializes in water issues and is still waiting to hear back. Supervisor DeMartini has continued to inquire on the status and is still waiting for a response or opinion.

**VII. AG ELEMENT SUBCOMMITTEE UPDATE**

Wayne Zipser noted that last month's meeting was cancelled. Angela Freitas from the Planning department is working on dates to set the next subcommittee meeting.

**VIII. NEXT MEETING**

A. Meeting Date/Time:

The next scheduled meeting is **Monday, September 12, 2011, at 10:00 a.m.**  
at the Stanislaus County Ag Center, Conference Room H/I

B. Agenda Items

✓ Alternative Buffers, if applicable

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

**VIII. ADJOURNMENT**

Chairman John Herlihy adjourned the meeting.

Minutes Respectfully  
Submitted,

Susan Azevedo  
Ag Commissioner's Office  
Stanislaus County