

From: [Jesse Fowler](#)
To: [Timothy Laddish](#); [Planning Commission](#); [Michelle Plotnik](#)
Cc: [Gina Kathan](#); [Carrie Bassett](#); [Lisa Medina](#); [Peter Maurer](#); [Julie Moss-Lewis](#)
Subject: Comments Pertaining to Proposed Zoning Code 17.25.070 Animal Production
Date: Tuesday, April 9, 2024 10:59:38 AM
Attachments: [image001.png](#)
[Aq Comments on Zoning Code Updates 2024.pdf](#)

Good Morning Planning Commission Members,

Per the March 28th Planning Commission meeting, and the Planning Commission's ensuing request to me for comments pertaining to Zoning Code 17.25.070 proposed language changes to be submitted by April 10th, I have reached out to both our Farm Advisor and Livestock Advisor for information and/or comments via email. As of this writing, I have not received a reply.

I reached out to local livestock community stakeholders and did receive one reply, which is included in the attached letter. Per my conversation with Rancher Kelly Wooster, there might have been more comments from the livestock community; however, he stated there was a very short timeline for comments to be submitted. I have included a few concerns and considerations of my own in the letter as well.

Unfortunately, I will not be able to attend this week's Planning Commission meetings as I will be out of town at a conference for the rest of the week. Please let me know if you have any questions and I will respond as soon as I am able.

Thank you for this opportunity to comment.

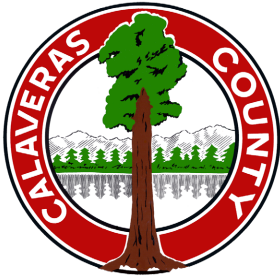
Sincerely,

Jesse Fowler

Jessica Fowler,
Agricultural Commissioner/
Sealer of Weights and Measures

Please note: my email has changed to jfowler@calaverascounty.gov

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pronouns: she/her



Calaveras County
Department of Agriculture
Sealer of Weights and Measures

Jesse Fowler ♦ Agricultural Commissioner / Sealer of Weights and Measures

Date: April 9, 2024

To: Planning Commission

From: Jesse Fowler, Agricultural Commissioner/Director of Weights and Measures

Regarding: Zoning Code Update Pertaining to 17.25.070 Animal Production

Greetings, Planning Commission Members.

Per your March 28th request for comments from the agricultural industry on proposed zoning code updates to section 17.25.070 Animal Production, I have compiled the below responses.

1. On April 5, 2024, Kelly Wooster suggested that RA zoned parcels should be lumped together with RR, not GF, A1 and AP. Alternatively, Mr. Wooster suggested that RA zoned parcels, if left in section 17.25.070, be defined separately and more conservatively from larger scale, agricultural production parcels.
2. As the Agricultural Commissioner, I have concern with the proposed language of Section 17.25.070 regarding three main points:
 - Maximum Number of Livestock Allowed: I am concerned the proposed language for maximum number of livestock by type does not consider and consequently limit the number of head for facilities producing more than one livestock species. In other words, there is no “or” limiting statements. As a result, a producer could have a 3,000 head swine operation and a 200 head dairy cow facility on the same parcel and be considered in compliance.
 - Right to Farm being abused: Agriculture and urban interface conflicts are an ongoing issue across the state. Therefore, all attempts should be made to avoid such conflicts from the start. In California, once a producer is established (considered more than three years without substantial complaint per California Civil Code Division 4, section 3482.5), the Calaveras County Right to Farm Ordinance (Chapter 17.65) is implemented to protect the producer from neighbor complaints regarding agricultural operation inconveniences

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(smells, dusts, etc.). Although protecting and promoting agriculture in the County is a high priority for the Agricultural Commissioner's Office, a livestock producer is placed at a disadvantage when they are allowed more livestock head per acre than is sustainable; therefore, they will never be able to reasonably accommodate a good neighbor policy between their agricultural operation and neighboring residents. After three years, a livestock producer could, within their right, ramp up production to the maximum number of heads allowed; all in comfort of knowing they will be protected by the Right to Farm Ordinance. Potential agriculture and urban interface issues should be met before becoming a problem, especially as Section 17.65.060, Resolution of Disputes, leaves little recourse to a residential neighbor (complainant) with (potentially) 3,200 head of livestock on a five-acre parcel of land next door. By Ordinance, the complainant would have to prove livestock were not being produced "in a manner consistent with proper and accepted customs and standards," which is difficult when owning 3,200 animals is an accepted standard per Section 17.25.070. This leads me to my third point:

- Acceptable livestock production per acre: RA zoned parcels should not be allowed equal livestock producing capacities as A1 zoned parcels or other, large-scale agricultural operation zoning. Including RA is in direct contrast to the current definition of an RA zoned parcel per code section 17.20.010: "The RA zone is intended to be a district in which an equal emphasis is assigned to residential and agricultural uses. The RA zone is to provide lands for small-scale and personal-scale farming and ranching, as well as larger residential parcels." Small-scale and personal-scale farming and ranching on agricultural and residential parcels (defined as new parcels, five acres or larger per code section 17.20.070) is in dissonance to the land resources necessary for a sanitary and successful operation. For reference, excerpts from the University of California Cooperative Extension Sonoma County newsletter article features "Stocking Rate and Carrying Capacity" by Dr. Mel George, CE Specialist, UC Davis and David Lile, County Director, UC Davis (<https://ucanr.edu/sites/SoCo/files/27848.pdf>), state:
"As stocking rate increases competition between animals for forage increases resulting in a decrease in individual animal performance."
"Potential Effects of High Stocking Rates • Animal performance reduced • Intake and forage quality reduced • Desirable forage plants replaced by less desirable species • Overall forage productivity reduced • Increase in bare soil and preferred grazing areas become degraded • Increased replacement feed costs • Potential for water quality impacts due to increased bacteria, sediment, and nutrient loading"

“Sierra Foothill and coast range oak woodland carrying capacity is commonly in the range of 10-30 acres per animal unit per year.” For optimum performance without feed supplementing in livestock, and for cattle specifically, “Annual grassland carrying capacity often is in the range of 6-12 acres per animal unit per year.”

Although it is true that some operations may choose to supplement feed over free ranging, to account for reduced foraging acreage it must then also be taken into account that there will be a likewise increase in waste produced by the livestock within the smaller area. This produces sanitary concerns not only for nuisance matters such as odor and flies, but also potential runoff that can negatively affect nearby properties and water sources.

Additionally, considerations of sustainability and the County’s own Greenhouse Gas Reduction Plan must also be considered when allowing animal feeding operations, defined by the Environmental Protection Agency (EPA) as:

“Animal Feeding Operations (AFOs) are agricultural operations where animals are kept and raised in confined situations. An AFO is a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.”

<https://www.epa.gov/npdes/animal-feeding-operations-afos>

Definitions in the proposed language of Section 17.25.020 clearly follow the EPA’s regulatory definition of number of animals qualifying for a small Concentrated Animal Feeding Operation (CAFO) (https://www.epa.gov/sites/default/files/2015-08/documents/sector_table.pdf and attached). Although it is my understanding these numbers were decided by the Agricultural Advisory Committee and are, indeed, relevant for large-scale operations, I ask that the definition of minimum acreage allowed which can viably support each category of livestock species be included in the proposed language.

Thank you for your time on this matter and please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jesse Fowler", with a long horizontal line extending to the right.

Jesse Fowler

Agricultural Commissioner/Director of Weights and Measures