



County of El Dorado

Agriculture Department
311 Fair Lane
Placerville, CA 95667
530-621-5520

Minutes - Draft Agricultural Commission

Greg Boeger, Chair - Agricultural Processing Industry
David Bolster, Vice-Chair - Fruit and Nut Farming Industry
Chuck Bacchi - Livestock Industry
Bill Draper - Forestry Related Industries
Tim Nielsen - Livestock Industry
Lloyd Walker - Other Agricultural Interest
Charles Mansfield - Fruit and Nut Farming Industry
Charlene Carveth - Agricultural Commissioner / Sealer of
Weights and Measures

Wednesday, October 12, 2022

6:30 PM

<https://edcgov-us.zoom.us/j/87264965959>

330 Fair Lane, Building A
Placerville, CA
OR
Live Streamed - [Click here to view](#)

ADDENDUM

Item 9 is hereby added to the Agenda

Public testimony will be received on each agenda item as it is called. The applicant is allocated 10 minutes to speak; individual comments are limited to 3 minutes; and individuals representing a group are allocated 5 minutes.

Items not on the agenda may be addressed by the general public during Public Forum. Comments are limited to 3 minutes per person. The Commission reserves the right to waive said rules by a majority vote. Public Forum is for comments only. No action will be taken on these items unless they are scheduled on a future agenda.

To ensure timely delivery to the Agricultural Commission, written information from the public must be received by the Agriculture Department by the last Thursday prior to the meeting.

The Agricultural Commission meeting will be in-person and live-streamed via Zoom. Members of the public may address the Commission in-person and via Zoom to make a public comment. The public should call into 530-621-7603 or 530-621-7610. The Meeting ID is 872 6496 5959. Please note you will not be able to join the live-stream until the posted meeting start time.

To observe the live stream of the Commission meeting go to <https://edcgov-us.zoom.us/j/87264965959>.

If you are joining the meeting via zoom and wish to make a comment on an item, press the "raise a hand" button. If you are joining the meeting by phone, press *9 to indicate a desire to make a comment.

By participating in this meeting, you acknowledge that you are being recorded.

NOTICE: All Agricultural Commission Administrative Relief decisions pertaining to AGRICULTURAL SETBACKS may file an application with the Board of Supervisors within 10 days of the decision. Such applications shall be made to the Development Services Department.

6:30 pm MEETING CALLED TO ORDER AND ROLL CALL

MEETING CALLED TO ORDER BY CHAIR BOEGER AT 6:30PM

Present: 5 - Boeger, Walker, Bolster, Draper and Mansfield

Absent: 2 - Bacchi and Neilsen

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

Adopt the Agenda and Approve the Consent Calendar

Yes: 5 - Boeger, Walker, Bolster, Draper and Mansfield

Absent: 2 - Bacchi and Neilsen

CONSENT CALENDAR

1. 22-1855 Minutes of September 14, 2022

Approved

Yes: 5 - Boeger, Walker, Bolster, Draper and Mansfield

Absent: 2 - Bacchi and Neilsen

2. 22-1872 Minutes from Special Meeting of September 29, 2022

A motion was made by Walker, seconded by Mansfield, to Approved this matter.

Yes: 5 - Boeger, Walker, Bolster, Draper and Mansfield

Absent: 2 - Bacchi and Neilsen

3. 22-0140 Clerk of the Agricultural Commission recommending the Agricultural Commission, as a result of ongoing concerns related to COVID-19, approve findings pursuant to Government Code subsection 54953(e)(3) in order to allow for the continued use of virtual or hybrid Agricultural Commission meetings as authorized under Assembly Bill 361. (Cont. 2/9/2022, 3/9/2022, 6/8/2022, 7/13/2022, 8/10/2022, 9/14/2022, 9/29/2022 Item 2)

A motion was made by Walker, seconded by Mansfield, to Approved this matter.

Yes: 5 - Boeger, Walker, Bolster, Draper and Mansfield

Absent: 2 - Bacchi and Neilsen

PUBLIC FORUM

ACTION ITEMS

4. 22-1856 Board of Supervisor Wendy Thomas will be presenting an award to Ronald Mansfield for his service to El Dorado County and the Agricultural Commission.

Presentation to Charles Mansfield by Supervisor Wendy Thomas awarding him of a Certificate of Appreciation in assisting the Ag Community during the Calfor Fire with leadership and coordination with multiple agencies to safely have access to their vineyards.

5. 22-1857 [CUP21-0009 Microbrewery Use to Existing Winery Conditional Use Permit Agricultural Commission Review of Proposed Brewery Use at Winery Assessor's Parcel Number: 078-240-021-000]

SUBJECT: CUP21-0009 Microbrewery Use to Existing Winery Conditional Use Permit. Agricultural Commission Review of Proposed Brewery Use at Winery Assessor's Parcel Number: 078-240-021-000

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on October 12, 2022, the Commission heard a request from Planning for review of this discretionary action pursuant to General Plan Policy 8.1.4.1. whereby the applicant is proposing a 400 square microbrewery use within an existing winery area to start brewing 30 barrels of beer to serve at the existing wine tasting room. There are plans to expand beer production depending on the success of the beer but not beyond the current production facility or beyond the maximum of 15,000 barrels of beer per Microbrewery use definition.

The applicant's parcel, APN 078-240-021-000, is 10.52 acres and zoned Planned Agriculture -20 acre (PA-20) and one of two parcels associated with Ag Preserve #278. The parcel located to the north is 078-250-021-000 is zoned Limited Agriculture 20-acre (LA-20); The parcel to the southeast is 078-240-003-000 and zoned Limited Agriculture 10-acre minimum LA-10; the parcel to the west is 078-240-022-000 is zoned PA-20 and is parcel two of two of Ag Preserve #278. The remaining neighboring properties are zoned Rural Lands 10 acre minimum (RL-10) or Residential Estates five acre minimum (RE-5). All parcels are in Supervisor District 3 and are within agricultural districts.

Parcel Description:

- Parcel Number and Acreage: 078-240-021, 10.52 acres
- Agricultural District: Yes
- Land Use Designation: RR, Rural Residential
- Zoning: LA-20, Limited Agriculture 20 acres

Discussion:

A site visit was conducted on September 28, 2022, to assess the placement of the microbrewery.

Staff Findings:

Staff is recommending support of the Conditional Use Permit for a 400 square microbrewery use within an existing winery area. This use will not interfere with the ability to comply with the conditions of Williamson Act Contract (Ag. Preserve) #278. The proposed use is not taking out any crop, nor will it affect winery production.

Chair Boeger brought the item back to the Commission for discussion. The applicants were available for questions and answered questions from the Commission.

It was moved by Commissioner Draper and seconded by Commissioner Bolster to recommend APPROVAL of staff's recommendations of the above request for a Conditional Use Permit CUP21-0009 Microbrewery Use to Existing Winery

Conditional Use Permit. This use will not interfere with the ability to comply with the conditions of Williamson Act Contract (Ag. Preserve) #278. The proposed use is not taking out any crop, nor will it affect winery production.

Motion passed:

Yes: 4 - Boeger, Walker, Bolster and Draper

Absent: 2 - Bacchi and Neilsen

Abstained: 1 - Mansfield

6. 22-1858

ADM22-0073 Christopherson Residence Ag. Setback Relief
Administrative Relief from Agricultural Setback to add an attached garage and home addition to an existing single family dwelling. Assessor's Parcel Number: 078-260-058.

SUBJECT: ADM22-0073 Christopherson Residence Ag. Setback Relief
Administrative Relief from Agricultural Setback to add an attached garage and home addition to an existing single family dwelling. Assessor's Parcel Number: 078-260-058

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on October 12, 2022, the Commission heard a request from Planning for administrative relief from the required 200-foot agricultural setback for the above-referenced project. Applicant currently has an existing 1065 square foot dwelling on the parcel and is applying to add an attached garage (748 s.f.), additional living space (458 s.f.) and a covered porch (187 s.f.).

The applicant's parcel, APN 078-260-058, is 5.24 acres, zoned Limited Agriculture 20 acre (LA-20) and located approximately 365 feet west of the intersection of Pleasant Valley Road and Bodega Way, in supervisorial district 3. The parcel is located within a General Plan designated Rural Residential, and is at the edge of an Agricultural district.

The applicant's parcel is bordered by seven parcels; of which three parcels have agricultural zoning: APN 078-280-014 borders the applicant's parcel along the entire east boundary; a portion of the south boundary and is approximately 41 acres, and zoned Planned Agriculture 20-Acres (PA-20). No setback relief requested from that parcel. APN 099-150-064 borders the applicant's parcel on the entire west & northwest boundary and is approximately 15 acres; zoned Limited Agriculture 20 (LA-20). APN 099-150-061 borders the applicants parcel for only 50' of the North boundary where the driveways are, and is approximately 47 acres.

Applicant is requesting that the setbacks for this parcel be reduced to 100 feet from the northeast boundary and 89' feet from the northwest boundary for the addition to the existing single family dwelling with an attached garage.

Parcel Description:

- Parcel Number and Acreage: 078-260-058, 5.24 acres
- Agricultural District: Yes
- Land Use Designation: RR, Rural Residential
- Zoning: LA-20, Limited Agriculture 20 acres
- Choice Soils: Choice soils
- o WaB – Wet Alluvial Land

Discussion:

A site visit was conducted on September 30, 2022, to assess the placement of the addition of an attached garage (748 s.f.), additional living space (458 s.f.) and a covered porch (187 s.f.).

Staff Findings:

Staff recommends APPROVAL of the request for placement of an addition to the existing single family dwelling, no less than 100 feet from the northeast boundary and 89' feet from the northwest, as staff believes that three of the four

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;

These are additions to an existing structure and as such can not be placed anywhere else on the property. This keeps all of the developments in the same area.

- b) The proposed non-compatible structure will be located on the property to reasonably minimize the potential negative impact on adjacent agriculturally zoned land;

This is an addition to an existing structure keeping all of the non-compatible uses in one area, minimizing all potential negative impacts.

- 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

Adding on to the existing structure keeps all incompatible uses in the same area on the property. Buffering the agricultural property to the west are accessory structures. This will keep possible conflicts with any agricultural operation at a minimum.

- 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).

Staff 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.

If the Agricultural Commission cannot make the required findings in Resolution No. 079-2007, an application may be made to the Board of Supervisors for administrative relief. Such relief may be granted by the Board of Supervisors upon a determination by the Board taking all relevant facts into consideration

that the public interest is served by the granting of the relief. Such applications shall be made to the Development Services Department and a recommendation made to the Board of Supervisors.

Chair Boeger brought the item back to the Commission for discussion. The applicant was available for questions and answered questions from the Commission.

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It was moved by Commissioner Bolster and seconded by Commissioner Walker to recommend APPROVAL of staff's recommendations of the above request for placement of an addition to the existing single family dwelling, no less than 100 feet from the northeast boundary and 89' feet from the northwest, as staff believes that three of the four 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.

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Motion passed:

Yes: 5 - Boeger, Walker, Bolster, Draper and Mansfield

Absent: 2 - Bacchi and Neilsen

7. 22-1859 ADM22-0058 Ag Setback Relief for BP#350856 APN 048-050-020-000

A motion was made by Walker, seconded by Mansfield, to Approved this matter.

SUBJECT: ADM22-0058 Ag Setback Relief for BP#350856 APN 048-050-020-000

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on October 12, 2022, the Commission heard a request from Planning for administrative relief from the required 200-foot agricultural setback, for the above-referenced project, be reduced to 113 feet from the northeast and 52 feet from the southern property lines of parcel 048-050-020-000 for an Accessory Dwelling Unit.

The applicant's parcel, APN 048-050-020-000, is 15.657 acres and zoned Planned Agriculture -20 acre (PA-20) with a General Plan Land Use Designation Agricultural Lands (AL). The parcels surrounding the applicant's parcel are all PA-20 and AL too. The properties are in Supervisor District 3 and all parcels are in an Agricultural District.

Please see attached application packet that includes site plans that illustrate this request.

Parcel Description:

- Parcel Number and Acreage: 048-050-020, 15.657 acres
- Agricultural District: Yes
- Land Use Designation: AL, Agricultural Lands
- Zoning: PA-20, Limited Agriculture 20 acres
- Choice Soils: Choice soils
- o CoC: Cohasset Cobbly Loam 3 To 15 % Slopes
- o CoE: Cohasset Cobbly Loam 15 To 50 % Slopes

Discussion:

A site visit was conducted on October 7, 2022, to assess the placement of the accessory dwelling unit.

Staff Findings:

Staff recommends APPROVAL of the request for placement of an accessory dwelling, no less than 113 feet from the northeast and 52 feet from the southern property lines of parcel 048-050-020-000, as staff believes that three of the four 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;

The parcel is split into two areas with development clustered on one. In order to preserve the other larger area for crops they are keeping the development on the smaller part of the parcel. Due to the topography of the smaller area and Hassler rd., this is the only buildable site.

- b) The proposed non-compatible structure will be located on the property to reasonably minimize the potential negative impact on adjacent agriculturally zoned land;

The proposed building site is keeping all of the development in one place, minimizing the potential for negative impacts.

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

Keeping all of the structures in one area minimizes the potential for negative impacts. Additionally, the location of Hassler road acts as a buffer to the adjacent agriculture.

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).

Staff 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.

If the Agricultural Commission cannot make the required findings in Resolution No. 079-2007, an application may be made to the Board of Supervisors for administrative relief. Such relief may be granted by the Board of Supervisors upon a determination by the Board taking all relevant facts into consideration that the public interest is served by the granting of the relief. Such applications shall be made to the Development Services Department and a recommendation made to the Board of Supervisors.

Chair Boeger brought the item back to the Commission for discussion. The applicant was not present for the meeting, but Planning Department was available for questions.

It was moved by Commissioner Walker and seconded by Commissioner Mansfield to recommend APPROVAL of staff's recommendations of the above request for placement of an accessory dwelling, no less than 113 feet from the northeast and 52 feet from the southern property lines of parcel 048-050-020-000, as staff believes that three of the four 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:

Motion passed:

Yes: 5 - Boeger, Walker, Bolster, Draper and Mansfield

Absent: 2 - Bacchi and Neilsen

8. **22-1869** Commissioner Bacchi presenting a letter for review by the Commission for follow up processes for HEMP Pilot Program.

Pulled from the Agenda

ADDENDUM

9. **22-1878** Draft HEMP Ordinance Planning Commission Review

Discussion item only. Ag Commission reviewed original letter sent to Planning and Board of Supervisors.

STAFF UPDATE ON LEGISLATION AND REGULATORY ISSUES

CORRESPONDENCE and PLANNING REQUESTS

OTHER BUSINESS

ADJOURNMENT OF MEETING AT 7:53PM

Meeting adjourned at 7:53pm