



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
Shamarie Tong - Livestock Industry
Bill Draper - Forestry Related Industries
Tim Nielsen - Livestock Industry
Lloyd Walker - Other Agricultural Interest
Charles Mansfield - Fruit and Nut Farming Industry
*LeeAnne Mila - Agricultural Commissioner/Sealer of Weights
and Measures*

Wednesday, April 10, 2024

4:00 PM

<https://edcgov-us.zoom.us/j/83488770644>

Board of Supervisors Meeting Room, 330 Fair Lane, Building A, Placerville, CA
OR Live Streamed - Click here to view

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. By participating in this meeting, you acknowledge that you are being recorded. 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 834 8877 0644. 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/83488770644>. If you are joining the meeting via zoom and wish to make a comment on an item, press the "raise hand" button. If you are joining the meeting by phone, press *9 to indicate a desire to make a comment. Although the County strives to offer remote participation, be advised that remote Zoom participation is provided for convenience only. In the event of a technological malfunction, the only assurance of live comments being received by the Commission is to attend in person. Except for a noticed teleconference meeting, the Commission reserves the right to conduct the meeting without remote access if there is a malfunction. If you choose not to observe the Commission meeting but wish to make a comment on a specific agenda item, please submit your comment in writing. You are encouraged to submit your comment in writing by 4:00 PM on the day before the meeting to ensure the Commission has adequate time to review. Please submit your comment to the Clerk of the Agricultural Commission at myrna.tow@edcgov.us. Your comment will be placed into the record and forwarded to Commission members.

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.

4:03pm MEETING CALLED TO ORDER AND ATTENDANCE

Present: 7 - Boeger, Neilsen , Walker, Bolster, Draper, Tong and Mansfield

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

A MOTION WAS MADE BY COMMISSIONER NEILSEN AND SECONDED BY COMMISSIONER WALKER TO ADOPT THE AGENDA, APPROVAL OF CONSENT CALENDAR, AND MINUTES OF MARCH 13, 2024.

Yes: 7 - Boeger, Neilsen , Walker, Bolster, Draper, Tong and Mansfield

CONSENT CALENDAR**1. 24-0702**

Recommending Approval of the Minutes from the regular meeting of the Agricultural Commission of March 13, 2024

A MOTION WAS MADE BY COMMISSIONER NEILSEN AND SECONDED BY COMMISSIONER WALKER TO ADOPT THE AGENDA, APPROVAL OF CONSENT CALENDAR, AND MINUTES OF MARCH 13, 2024.

Yes: 7 - Boeger, Neilsen , Walker, Bolster, Draper, Tong and Mansfield

PUBLIC FORUM

NO PUBLIC COMMENTS WERE RECEIVED

ACTION ITEMS**2. 24-0488**

Election of Chair and Vice Chair
Continued from 3/13/24

A MOTION WAS MADE BY COMMISSIONER WALKER AND SECONDED BY COMMISSIONER DRAPER TO CONTINUE WITH THE SAME CHAIRMAN AND VICE CHAIR THROUGH THE END OF 2024.

Yes: 7 - Boeger, Neilsen , Walker, Bolster, Draper, Tong and Mansfield

3. 24-0704**ADM23-0058 Baumann Ag Setback Relief Administrative Relief
from Agricultural Setback to allow a zone standard setback
of 30' to proposed structures. Assessor's Parcel Number:
060-150-023**

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on April 10, 2024, an application was reviewed for administrative relief from the required 200-foot agricultural setback on ADM23-0058. The applicant is proposing a future main dwelling, accessory dwelling unit, and a shop, for which permits will be applied for once setbacks are confirmed.

The applicant's parcel, APN 060-150-023, is 10 acres, zoned Rural Lands 10 acre (RL-10) and located South of Jacobus Drive approximately 1,975 feet from the intersection of Gray Bar Mine Road in Agricultural District, supervisorial district 4. The parcel is located within a General Plan designated Rural Residential (RR).

The applicant's parcel is bordered by seven parcels; of which ONE parcel contains agricultural zoning. APN 060-150-040 borders the applicant's parcel on the North boundary and is approximately 10 acres, and zoned Limited Agriculture 10-Acres (LA-10). All other adjacent parcels are zoned RL (rural lands).

Applicant is requesting that the setbacks for this parcel be reduced to 30 feet from the North which allows building within the level areas of the parcel. A main dwelling is proposed 40' from the agriculturally zoned parcel, and a shop and accessory dwelling unit proposed at 30'.

Parcel Description:**Parcel Description:**

- Parcel Number and Acreage: 060-150-023, 10.01 Acres
- Agricultural District: Yes, Garden Valley
- Land Use Designation: RR, Rural Residential
- Zoning: Rural Lands 10 acres, RL-10
- Choice Soils: There are no choice soils on this property

Discussion:

A site visit was conducted on March 15, 2024 to assess the placement of the proposed dwellings.

Staff Findings:

Staff recommends APPROVAL of the request for construction of a main dwelling no less than 40' from the property line with APN: 060-150-040. Staff is also recommending approval of an accessory dwelling unit no less than 30' from the property line APN: 060-150-040. For both of these requests 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 subjects parcel is constrained for building sites due to topography. Building sites are also limited due to historic activities that had underground construction causing sink holes in areas.

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 proposed project is buffered by the approximately 50 foot wide road. The project is also buffered by the up sloping topography towards the agriculturally zoned parcel. The applicant's property has a vegetation buffer as does the agriculturally zoned parcel. For all these reasons, staff believes that this project is being placed to minimize 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

The adjacent agriculturally zoned land upslopes away from the applicants project site and has a substantial vegetative buffer on both parcels. Jacobus rd. is a paved, maintained road that is roughly 50 ft. wide. The road will be a permanent buffer for the agriculturally zoned parcel to the north, acting as an effective measure to reasonably minimize any potential conflicts.

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. Aaron Mount from the Planning Department addressed the Commission and was available for questions regarding surrounding properties. The applicant was present and explained his desire to build on the property, there were not online/zoom participants for comment and no public comments were received in the Board room. For a complete video of this item # 24-0704 discussion please go to the El Dorado County Website at: County of El Dorado - Calendar (legistar.com)

It was moved by Commissioner Neilsen and seconded by Commissioner Mansfield to recommend APPROVAL of the request for construction of a main dwelling no less than 40' from the property line with APN: 060-150-040. Staff is also recommending approval of an accessory dwelling unit no less than 30' from the property line APN: 060-150-040. For both of these request's 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.

Yes: 7 - Boeger, Neilsen , Walker, Bolster, Draper, Tong and Mansfield

STAFF UPDATE ON LEGISLATION AND REGULATORY ISSUES

CORRESPONDENCE and PLANNING REQUESTS

OTHER BUSINESS

ADJOURNED AT 5:03 PM