



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, September 13, 2023

4:00 PM

<https://edcgov-us.zoom.us/j/89158593262>

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 891 5859 3262. 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/89158593262>.

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.

4:00 P.M. - MEETING WAS CALLED TO ORDER AND ROLL CALL

Present: 5 - Boeger, Neilsen , Bolster, Draper and Tong

Absent: 2 - Walker and Mansfield

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

CONSENT CALENDAR

1. [23-1727](#) Recommending Approval of the Minutes from the regular meeting of the Agricultural Commission on August 9, 2023.

A motion was made by Neilsen , seconded by Bolster, to Approved this matter.

Yes: 5 - Boeger, Neilsen , Bolster, Draper and Tong

Absent: 2 - Walker and Mansfield

PUBLIC FORUM

David Harde gave public comment on attending the Board of Supervisors meeting held on September 12, 2023. regarding Cannabis code. For a complete recording of this comment please see video at 16:01 minutes.

ACTION ITEMS

2. [23-1728](#) **CCUP22-0003/Landrace Commercial Cannabis Cultivation
Commercial Cannabis Use Permit Assessor’s Parcel
Number: 088-021-043**

-
A motion was made by Bolster, seconded by Tong, to Approved this matter.
CCUP22-0003/Landrace Commercial Cannabis Cultivation
Commercial Cannabis Use Permit
Assessor’s Parcel Number: 088-021-043

During the Agricultural Commission’s regularly scheduled in person and ZOOM meeting held on September 13, 2023, the Commission reviewed an application for a Commercial Cannabis Use Permit per Section 130.41.200.5.N of the Zoning Ordinance as stated “Recommendation of the Agricultural Commission. An application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation must be reviewed by the Agricultural Commission and the recommendation of the Agricultural Commission, including any suggested conditions or restrictions, shall be forwarded to and considered by the Planning Commission.”

Planning Request and Project Description:

Planning Services is processing an application for a Commercial Cannabis Use Permit and requests the project be placed on the Agricultural Commission’s Agenda. Section 130.41.200.5.N of the Zoning Ordinance states “Recommendation of the Agricultural Commission. An application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation must be reviewed by the Agricultural Commission and the recommendation of the Agricultural Commission, including any suggested conditions or restrictions, shall be forwarded to and considered by the Planning Commission.”

The applicants are requesting the following:

Commercial Cannabis Use Permit for the cultivation of commercial cannabis located at 5700 Hackomiller Rd. Garden Valley -APN: 088-021-043, within Board of Supervisor District 4. The project is located on a 61.54-acre parcel zoned Agricultural Grazing 40-Acres (AG-40) within an Agricultural district. This application is for 75,000 square feet of outdoor cannabis cultivation and processing for distribution over three phases. Phase 1 would encompass 30,000 sq ft of canopy space, Phase 2 will consist of 60,000 sq ft of canopy space and Phase 3 will consist of 75,000 sq ft. It is anticipated the operation will employ up to 7 full-time employees and up to 20 seasonal employees. The project site is surrounded on all sides by parcels within an Agricultural district. Properties to the south are zoned AG-40, to the east Planned Agricultural 20-Acres (PA-20) and to the north and west Rural Lands 10-Acres (RL-10) and Rural Lands 20-Acres (RL-20).

Parcel Description:

- Parcel Number and Acreage: 088-021-043, 61.54 Acres
- Agricultural District: Yes
- Land Use Designation: Agricultural Lands, AL
- Zoning: AG-40 (Agricultural Grazing – 40 acres)
- Choice Soils:
- BpC: Boomer-sites Loams 9 To 15 % SlopesAgricultural Preserve
- SkC: Sites Loam 9 To 15 % Slopes
- JtC: Josephine Silt Loam 5 To 15 % Slopes

Discussion:

A site visit was conducted on August 8, 2023.

Staff Findings:

Staff believes that there will be no impact on agriculture based on the following analysis of relevant General Plan policies and County design thresholds for Commercial Cannabis.

Relevant General Plan Policies:

2.2.2.2

The purpose of the Agricultural District (-A) overlay designation is to identify the general areas which contain the majority of the County’s federally designated prime, State designated unique or important, or County designated locally important soils (collectively referred to as “choice” agricultural soils) and which the Board of Supervisors has determined should be preserved primarily for agricultural uses. This designation does not imply any restrictions on agricultural uses in areas not designated specifically as an Agricultural District but only serves to identify agriculture as the principal activity and to discourage incompatible uses such as higher density residential use.

A. Agricultural Districts shall be used to conserve and protect important agricultural crop lands and associated activities, maintain viable agricultural-based communities, and encourage expansion of agricultural activities and production.

In regards to Policy 2.2.2.2: No crops will be removed, so the principal activity on this parcel will remain agriculture. New crops will be added, increasing crop production on this parcel.

8.1.3.5

On any parcel 10 acres or larger identified as having an existing or potential agricultural Use, the Agricultural Commission must consider and provide a recommendation on the Agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

In regards to Policy 8.1.3.5: The parcel at this time is being used for grazing cattle. The area for which the cannabis operation is proposed is in a non-grazed area, near the secondary dwelling. The applicant is proposing to expand agricultural production on this property, by branching out into crop production. Based on the applicants feedback this operation will not diminish or impair the parcels agricultural use.

Setbacks:

Section 130.41.200.5.C requires that outdoor or mixed-light cultivation of commercial cannabis shall be setback a minimum of 800 feet from the property line of the site or public right-of-way and shall be located at least 300 feet from the upland extent of the riparian vegetation of any watercourse.

The project cultivation area is 125 feet from the eastern property line, 320 feet from the western property line, 298 feet from the northern property line, 1,438 feet from the southern property line, and at least 300 feet from the upland

extent of the riparian vegetation of any watercourse (Exhibit H). While the project does not meet the 800 foot setback to the north, east and west, Section 130.41.100.C of the El Dorado County Zoning Ordinance allows for any setback to be reduced for a commercial cannabis activity in a CCUP, so long as the applicant demonstrates that the actual setback will substantially achieve the purpose of the required setback and that the parcel was owned or leased by the applicant before voter approval of the ordinance from which this Cannabis Section is derived on November 6, 2018. An odor study (Exhibit L) was prepared demonstrating that the proposed project would not exceed the seven (7) dilution threshold (DT) at all property lines. Individual plants would not be viewable from adjacent properties due to the cultivation occurring within enclosed hoop houses. All lighting would be fully shielded and downward facing. Security lighting would be motion activated. The project applicant took ownership of the subject property in 2013 prior to the voter approval of the Cannabis Ordinance in 2018. There would be no public sales or consumption onsite. The proposed setback will substantially achieve the purpose of the required setback. With a reduction of the setbacks the project would comply with this section.

Current Staff Findings:

Staff finds that the proposal is consistent with the requirements for a compatible use on pre-existing Williamson Act contract as outline in resolution 139-2022, as defined below.

Compatible Uses

A. Uses approved on contracted lands shall be consistent with Government Code Section 51238.1 principles of compatibility, as it now reads or may thereafter be amended.

(1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

The cannabis cultivation will not effect the long-term productive agricultural capability as it will be planted in areas in areas not currently being used for production, adjacent to a residential buildings and out buildings.

(2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

No crops will be removed to conduct the cannabis cultivation. The parcel will continue to have additional areas that are capable of additional crop plantings in the future.

(3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

The cultivation of cannabis will not result in the significant removal of adjacent contracted land for agricultural use as it is plant cultivation and will not contribute to urban pressures to remove land from contract.

(4) The use does not include a residential subdivision.

The proposed use will not result in a residential subdivision on the property.

B. Commercial Cannabis Cultivation on a parcel that has a pre-existing

Williamson Act contract is a compatible use if all the following requirements are met:

a. Commercial cannabis cultivation shall not be used to qualify a parcel for a Williamson Act Contract.

The contract requirements are being met by the existing agricultural operation and no loss of existing grazing area is planned. Commercial cannabis will in no way be used to qualify for the Williamson Act Contract.

b. The commercial cultivation of cannabis in compliance with all other laws, including Division 10 of the Business and Professions Code and EDC Ordinance Code Chapter 130.42.

The commercial cannabis operation will be in compliance with all State and local laws and regulations.

c. The contracted parcel that is proposing to be used to cultivate commercial cannabis continues to meet the County of El Dorado's criteria for establishing an agricultural preserve in this Resolution and El Dorado County Zoning Ordinance Code Section 130.40.060.

The applicant will continue to meet the Williamson Act Contract requirements with his existing agricultural operation.

d. The Agricultural Commission reviews the application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation to determine whether it qualifies for the above standards.

The Agricultural Commission is currently reviewing for compatibility. Corrections were made to this report:

- 1) Town was changed to Garden Valley from Somerset
- 2) Inspection date was changed to August 8, 2023 from Aug 2023.

Chair Boeger brought the item back to the Commission for discussion. Evan Mattes from the Planning Department assisted the Commission with questions regarding the process and reiterated that the setbacks on this property met the requirements of Section 130.41.100.C of the El Dorado County Zoning Ordinance allowing for any setback to be reduced for a commercial cannabis activity in a CCUP, so long as the applicant demonstrates that the actual setback will substantially achieve the purpose of the required setback and that the parcel was owned or leased by the applicant before voter approval of the ordinance from which this Cannabis Section is derived on November 6, 2018. The owner of the property and applicants were present and reported on each aspect of the planned process for the cannabis operation and answered questions. Four public comments were received, and Aaron Mount with Planning Services was able to address the comments. For a complete video of this item # 23-11728 discussion please go to the El Dorado County Website at: County of El Dorado - Calendar (legistar.com)

It was moved by Commissioner Bolster and seconded by Commissioner Tong to recommend acceptance of staff's findings that the proposal is consistent with the requirements for a compatible use on pre-existing Williamson Act contract as outlined in Resolution 139-2022, and the compatible uses approved on contracted lands shall be consistent with Government Code Section 51238.1

principles of compatibility. It was also found that there will be no impact on agriculture based on the analysis of relevant General Plan policies and County design thresholds for a Commercial Cannabis Use Permit. The cultivation of commercial cannabis will be located at 5700 Hackomiller Rd., in the Garden Valley area, APN: 088-021-043. The project is located on a 61.54-acre parcel, zoned Agricultural Grazing 40-Acres (AG-40) within an Agricultural district. This application is for 75,000 square feet of outdoor cannabis cultivation and processing for distribution over three phases.

Yes: 4 - Boeger, Neilsen , Bolster and Tong

Noes: 1 - Draper

Absent: 2 - Walker and Mansfield

3. [23-1729](#)

Receive and file with request for Ag Commission to review as the Crop Report will be going to the Board of Supervisors for approval on October 24, 2023.

STAFF UPDATE ON LEGISLATION AND REGULATORY ISSUES

CORRESPONDENCE and PLANNING REQUESTS

OTHER BUSINESS

ADJOURNED AT 5:40 PM.

Present: 5 - Boeger, Neilsen , Bolster, Draper and Tong

Absent: 2 - Walker and Mansfield