



## 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*

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Wednesday, August 9, 2023

4:00 PM

<https://edcgov-us.zoom.us/j/82600496794>

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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 826 0049 6794. 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/82600496794>.

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](mailto: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. – THE MEETING WAS CALLED TO ORDER AND ROLL CALL**

**4:00PM MEETING WAS CALLED TO ORDER  
ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR**

**Present:** 6 - Boeger, Walker, Bolster, Draper, Tong and Mansfield

**Absent:** 1 - Neilsen

**ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR**

**CONSENT CALENDAR**

1. [23-1520](#) Recommending Approval of the Minutes from the regular meeting of the Agricultural Commission on July 12, 2023.

**MINUTES APPROVED UNDER ADOPTION OF AGENDA AND APPROVAL OF  
CONSENT CALENDAR**

**Yes:** 6 - Boeger, Walker, Bolster, Draper, Tong and Mansfield

**Absent:** 1 - Neilsen

**PUBLIC FORUM**

**ACTION ITEMS**

2. [23-1521](#)**ADM23-0031 Rumbaugh Ag Setback Relief Administrative Relief from Agricultural Setback to Construct a New Accessory Dwelling Unit (ADU) Assessor's Parcel Number: 085-540-003-000**

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on August 9, 2023, the Commission heard a request from Planning for administrative relief from the required northern 200-foot agricultural setback and western 200-foot agricultural setback for the above referenced project. The request is for the construction of a new ADU (second dwelling) on the 33.22-acre parcel. The proposed building site for the ADU would be seventy-five feet and two inches (75' 2") from the northern property line adjacent to a 5.17-acre parcel (APN 085-560-010-000) zoned Planned Agricultural, Twenty-acres (PA-20), and thirty-two feet and twelve inches (33') from the western property line adjacent to a 2.0-acre parcel (APN 085-540-042-000) zoned Planned Agricultural, Twenty-acres (PA-20).

The applicant's parcel (APN 085-540-003-000) is located on the southwest side of North Canyon Road, 250-feet southeast of the intersection with Chute Camp Road in the Camino area of El Dorado County, Supervisor District 3, zoned Timber Preserve (TPZ) with a General Land Use Designation of Agricultural Lands (AL) and is located within an agricultural district.

**Parcel Description:**

- Parcel Number and Acreage: 085-540-003-000, 33.22 acres
- Agricultural District: Yes
- Land Use Designation: AL, Agricultural Lands
- Zoning: TPZ, Timber Production Zone
- Choice Soils: Yes
- o MRC/MRD: Musick sandy loam, 9 To 30 % slopes

**Discussion:**

A site visit was conducted on July 21, 2023, to assess agricultural setback relief for the construction of a new accessory dwelling unit.

**Staff Findings:**

Staff recommends APPROVAL of the request for administrative relief from the required 200-foot agricultural setbacks for the above-referenced project be reduced to no less than 75 feet from the northern adjacent parcel (085-560-010-000) and no less 33 feet from the western adjacent parcel (085-540-042-000) for a new accessory dwelling unit through building permit number 361792.

- 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;

This parcel has been fully developed into a working Christmas tree farm for over 60 years, with crops planted and maintained throughout the entire 33 acre parcel. Selection of a building site complying with the 200 ft. agricultural setback would require the applicant to remove valuable crop. Since Christmas trees are a crop that requires multiple years to create a harvestable product,

this would severely impact the production potential on this property.

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 places all the structures on this property and the adjacent property to the west in one area, limiting the possibility for conflicts.

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 northern parcel is buffered by North Canyon Rode and an upsloping topography to the applicants parcel. These two factors will limit any conflicts between the development and 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 applicants were present and discussed the family's request for the project. Two letters of support were received and are attached to the Legistar file. For a complete video of this item # 23-1521 discussion please go to the El Dorado County Website at: County of El Dorado - Calendar (legistar.com)

It was moved by Commissioner Mansfield and seconded by Commissioner Bolster to recommend APPROVAL of staff's recommendations of the above request for administrative relief from the required northern 200-foot agricultural setback and western 200-foot agricultural setback for the above referenced project. The request is for the construction of a new ADU (second dwelling) on the 33.22-acre parcel. The proposed building site for the ADU would be seventy-five feet and two inches (75' 2") from the northern property line adjacent to a 5.17-acre parcel (APN 085-560-010-000) zoned Planned Agricultural, Twenty-acres (PA-20), and thirty-two feet and twelve inches (33') from the western property line adjacent to a 2.0-acre parcel (APN 085-540-042-000) zoned Planned Agricultural, Twenty-acres (PA-20), 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.

**Yes:** 6 - Boeger, Walker, Bolster, Draper, Tong and Mansfield

**Absent:** 1 - Neilsen

3. [23-1344](#)**CCUP21-0008/ Archon Commercial Cannabis Cultivation  
Commercial Cannabis Use Permit Assessor's Parcel Number:  
095-030-036**

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on August 9, 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."

The applicants are requesting the following:

Commercial Cannabis Use Permit for the cultivation of commercial cannabis located at 5600 Omo Ranch Rd. Somerset -APN: 095-030-036. The project is located on a 117.59-acre parcel in the RL-160 zone district. This application consists of a 17,640 sq ft nursery cultivation area (immature plants only), 10,000 sq ft of flowering/mature canopy cultivation within six (6) greenhouses, 5,000 gallon water storage, 625 sq ft composting area, 1,200 sq ft pesticide/AG chemical storage area and a 1,200 sq ft harvest storage area. It is anticipated the operation will employ employees. This project is located in Supervisor District 2.

**Parcel Description:**

- Parcel Numbers and Acreages: 095-030-36 117.59 acres
- Agricultural District: Yes
- Land Use Designation: Natural Resources, NR
- Zoning: RL-160, (Rural Lands, 160 Acres).
- Choice Soils:
  - o CoE: Cohasset Cobbly Loam 15 To 50 % Slopes
  - o AgD: Aiken Cobbly Loam 3 To 30 % Slopes

**Discussion:**

A site visit was conducted on June 23, 2023 to assess the placement of the proposed cultivation area in regards to surrounding agricultural operations. This 117.59 acre parcel is isolated from existing agricultural crops. Dense forests along with topography help to buffer this proposed project site. The applicant is able to meet all the setbacks required for this project. The setback required is 800 ft.

**Staff Findings:**

Staff finds 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 not displace any existing agriculture.

#### 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 proposed site for cannabis cultivation is at the top of a ridge in a heavily wooded area. The only crop on the property at this time is timber and the site is in an area where there is no timber growing. No timber will be removed.

#### Setbacks:

Commercial cannabis shall be setback a minimum of 800 feet from the property line of the site or public right-of-way.

The applicant is able to meet the required setbacks on this property.

Chair Boeger brought the item back to the Commission for discussion. The applicant was present and discussed and answered questions. Three public comments were received and Aaron Mount with Planning Services was able to address the comments and the third public comment was from the other partner for the project. For a complete video of this item # 23-1344 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 Draper to recommend that the commission accept staff’s findings, 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 5600 Omo Ranch Rd. Somerset -APN: 095-030-036. The project is located on a 117.59-acre parcel in the RL-160 zone district. This application consists of a 17,640 sq ft nursery cultivation area (immature plants only), 10,000 sq ft of flowering/mature canopy cultivation within six (6) greenhouses, 5,000 gallon water storage, 625 sq ft composting area, 1,200 sq ft pesticide/AG chemical storage area and a 1,200 sq ft harvest storage area.

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



Absent: 1- Neilsen

Abstained: 1- Tong

**STAFF UPDATE ON LEGISLATION AND REGULATORY ISSUES**

**CORRESPONDENCE and PLANNING REQUESTS**

**OTHER BUSINESS**

Commissioner Mila will be bringing a draft Crop Report to the next meeting.  
Wine Grape Survey is on the Ag website and the Ag Pass Program is scheduled for next month.

**ADJOURNMENT AT 5:00PM**

MEETING WAS ADJOURNED AT 5:00 AND COMMISSIONER TONG WAS ABSENT FOR ADJOURNMENT