



# 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, December 11, 2024

4:00 PM

<https://edcgov-us.zoom.us/j/86793287157>

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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 867 9328 7157. 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/86793287157>.

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 [eldcag@edcgov.us](mailto:eldcag@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.

**THE MEETING WAS CALLED TO ORDER AT 4:03PM**

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

**Adopt the Agenda and Approve the Consent Calendar**

### **CONSENT CALENDAR**

**1. [24-2138](#)**

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

**Item was approved under Adoption of Agenda and Consent Calendar**

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

**2. [24-2139](#)**

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

**Item was approved under Adoption of Agenda and Consent Calendar**

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

### **PUBLIC FORUM**

### **ACTION ITEMS**

3. [24-2140](#) ADM24-0071 Pare Ag Setback Relief Administrative Relief from Agricultural Setback to allow the installation of a temporary hardship modular dwelling, adjacent to an existing single-family dwelling.

Assessor's Parcel Number: 078-260-021

**ADM24-0071**

Pare Ag Setback Relief Administration from Agricultural Setback to allow the installation of a temporary hardship modular dwelling, adjacent to an existing single-family dwelling. Assessors Parcel Number: 078-260-021

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on December 11, 2024, an application was reviewed for administrative relief from the required 200-foot agricultural setback on ADM24-0071. The applicant is proposing to install a temporary hardship modular dwelling.

The applicant's parcel, APN 078-260-021, is 5.01 acres, zoned Residential Estate 5 acre minimum (RE-5) and located West of Wilson Loop approximately 165 feet North of the intersection of Wilson Loop and Sigwart Drive, adjacent to Agricultural District, supervisorial district 3. The parcel is located within a General Plan designated Low Density Residential.

The applicant's parcel is bordered by five parcels; of which one parcel contains agricultural zoning:

APN 099-150-061 borders the applicant's parcel on the West boundary and is approximately 47.6 acres, and zoned Limited Agriculture 20-Acres (LA-20). The parcel to the South-West is zoned Residential Estate 10 acre minimum (RE-10), and all other adjacent parcels are zoned Residential Estate 5 (RE-5).

Applicant is requesting that the setbacks for the proposed temporary hardship modular dwelling on this parcel be reduced to 65 feet from the West property line (135' reduction).

**Parcel Description:**

- Parcel Number and Acreage: 078-260-021, 5.01 Acres
- Agricultural District: No
- Land Use Designation: LDR, Low Density Residential
- Zoning: Residential Estate 5 acres, RE-5
- Choice Soils: Diamond Springs Gravelly Sandy Loam, Grayish Subsoil Variant, 9 to 30 Percent Slopes

**Discussion:**

A site visit was conducted on December 02, 2024 to assess the placement of the proposed dwelling.

**Staff Findings:**

Staff recommends APPROVAL of the request for placement of a hardship modular home accessory dwelling unit, no less than 65' from the property line with APN:099-150-061. For this request 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 and other improvements on the parcel. The parcel is also limited in building sites due to water drainage. There are two seasonal creeks bisecting the property and a seasonally marshy area. These areas are not conducive for housing sites.

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 applicant has placed the dwelling site in the same area as current dwellings on the agriculturally zoned parcel to the west. Congregating all development in one area will minimize the 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

The adjacent agriculturally zoned land existing dwelling is located in the same area as the proposed dwelling. This will limit any negative impacts to any agriculture uses on the adjacent parcel.

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 commented on his project and remained available for questions. No public comments were received in the Board room or by zoom listeners. For a complete video of this item # 24-2140 discussion please go to the El Dorado County Website at: County of El Dorado - Calendar ([legistar.com](https://legistar.com))

It was moved by Commissioner Neilsen and seconded by Commissioner Bolster to recommend APPROVAL of the request for placement of a hardship modular home accessory dwelling unit, no less than 65" from the property line with APN:099-150-061. For this request 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

**4. [24-2141](#)**

CUP22-0013/ Black Oak Mountain Vineyard Event Expansion  
Conditional Use Permit Assessor's Parcel Number: 074-042-002

**SUBJECT: CUP22-0013/ Black Oak Mountain Vineyard Event Expansion  
Conditional Use Permit Assessor's Parcel Number: 074-042-002**

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on December 11, 2024, an application was reviewed for a Conditional Use Permit CUP22-0013 Black Oak Mountain Vineyards Events Expansion, be placed on the Agricultural Commission's Agenda. Planning Services is requesting Agricultural Recommendation pursuant to General Plan Policies 8.1.3.5 and 8.1.4.1.

**Applicants Request:**

Conditional Use Permit to expand upon the amount of special facility rental events allowed under the Winery Ordinance (130.40.400) from 24 days per year to 150 days per year with a maximum 150 guests. Pursuant to section 130.40.400.E.3 special events are allowed as an accessory use, with wine production being the primary use.

The applicant's parcel, APN 074-042-002, is located on the south side of California State Route (SR) 193, approximately 3 miles east of the intersection with SR 49 in the Cool area, Supervisorial District 4. The subject parcel is approximately 146.52 acres and has a zoning designation of Planned Agriculture 20-Acres (PA-20) and a General Land Use Designation of Rural Residential (RR). The parcel to the east is also zone PA-20, with parcels to the north and south zoned Agricultural Grazing 40-Acres (AG-40) and parcels to the west being zoned Rural Lands 10-Acres (RL-10). The project site is not located within an Agricultural District.

**Addendum to Project Description / Conditional Use Permit for Black Oak Mountain Vineyards 10/3/2024**

**An additional project description was supplied by the applicant as follows:**

In an effort to further mitigate sound impacts on our community and neighboring agricultural operations, we are proposing that 90% of special events / facility rentals will NOT include outdoor amplified sound. Amplified sound at these events will be fully contained either indoors or through utilization of "silent disco" headphones. We are asking for no more than 15 events per year (10%) that would include outdoor amplified sound but will adhere to all current county noise ordinances. CHAPTER 130.37. We will continue to monitor and document decibel level data for all events with outdoor amplified sound and are agreeable to utilize the equipment and methods that the county recommends if they deem our current methods inadequate

**Parcel Description:**

- Parcel Number and Acreage: 074-042-002, 146.52 Acres
- Agricultural District: No
- Land Use Designation: RR (Rural Residential)

- Zoning: PA-20, Planned Agriculture – 20 Acres
- Soil Type:
- o Choice Soils:
- SuC: Sobrante Silt Loam 3 To 15 % Slopes

**Discussion:**

A site visit was conducted on December 03, 2024 to assess conformance with all General Plan policies.

**Relevant General Plan Policies and Staff Findings:**

**Policy 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.

The applicants current plans do not propose to decrease or expand crop production areas.

**Policy 8.1.4.1** The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

**A.** Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and  
Staff believes that increasing the number of events in the amount that is requested has the potential to increase conflicts between adjacent residential and agricultural activities.

**B.** Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and The number of proposed special events could create an island effect of commercial activity between the proposed project and surrounding agricultural and non-agricultural lands.

**C.** Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands  
N/A

Chair Boeger brought the item back to the Commission for discussion. The applicant gave a report on the project and went over Ag staff's recommendations. Six public comments were heard by the Commission. Chair Boeger reminded the audience that the Ag Commission would be looking at the impacts on Agriculture. Planning Staff commented and County Council assisted in going over Ag Commissioner's policy and review of the project. For a complete video of this item # 24-2141 discussion please go to the El Dorado County Website at: County of El Dorado - Calendar ([legistar.com](https://legistar.com))

It was moved by Commissioner Mansfield and seconded by Commissioner Draper to recommend acceptance of staff's findings on Policy 8.1.3.5 and Policy



8.1.4.1 Parts A and C, and not accept staff findings on Policy 8.1.4.1 Part B. The recommendations to the Planning Commission are (1) to verify that the operation meets the requirements set forth in the Winery Ordinance, as the proposed CUP is predicated upon compliance, and (2) to use the Winery Ordinance as a guide in determining appropriate CUP conditions.

in A-Staff believes that increasing the number of events in the amount that is requested has the potential to increase conflicts between adjacent residential and agricultural activities. B-No vote, C-Not applicable.

Motion of the Commission passed :

AYES: Bolster, Tong, Neilsen, Mansfield, Walker, Draper, Boeger

NOES: None

Absent: None

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

5. [24-2142](#)

Informational Only

**STAFF UPDATE ON LEGISLATION AND REGULATORY ISSUES**

**CORRESPONDENCE and PLANNING REQUESTS**

**OTHER BUSINESS**

**THE MEETING WAS ADJOURNED AT 6:10PM**

Meeting adjourned at 6:10PM