



AGRICULTURAL COMMISSION

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Greg Boeger, Chair – Agricultural Processing Industry
David Bolster Vice-chair – Fruit and Nut Farming Industry
Chuck Bacchi – Livestock Industry
Bill Draper – Forestry Related Industries
Ron Mansfield – Fruit and Nut Farming Industry
Tim Neilsen, Livestock Industry
Lloyd Walker – Other Agricultural Industries

MINUTES

September 8, 2021 6:30 P.M.

Meeting held in the Board of Supervisors and via ZOOM Meeting ID
<https://us06web.zoom.us/j/82665318687>

Members Present: Walker, Draper, Bolster, Bacchi, Boeger, Mansfield
Ex-Officio Members Present: Charlene Carveth, Agricultural Commissioner
Media Members Present: None
Staff Members Present: Myrna Tow, Clerk to the Agricultural Commission
LeeAnne Mila, Deputy Agricultural Commissioner

I. CALL TO ORDER

- Chair, Greg Boeger, called the meeting to order at 6:30 p.m. and asked for a voice vote for approval of the Agenda of September 8, 2021. Due to technical difficulties the meeting was officially started at 6:55pm.*

Motion passed:

AYES: Walker, Mansfield, Boeger, Bacchi, Draper, Bolster

NOES: None

ABSENT: Neilsen

ABSTAIN: None

ACTION ITEMS

II. Item # 21-1342

Chair Boeger called for a voice vote for approval to approve the Minutes of June 9 2021

Motion passed:

AYES: Walker, Mansfield, Boeger, Bacchi, Draper, Bolster

NOES: None
ABSENT: Neilsen
ABSTAIN: None

III. PUBLIC FORUM – None

IV. Item 21-1343 ADM21-0025 Simonin Ag Setback Relief Administrative Relief from Agricultural Setback to Construct a new Pool Assessor's Parcel Number: 078-050-020

During the Agricultural Commission's regularly scheduled meeting held in the Board of Supervisors Meeting Room and via ZOOM meeting held on September 8, 2021, 6:30 pm the Commission heard a request from the Planning Department for an in-ground pool permit (permit 340203). The applicant's parcel, APN 078-050-20, is 18.89 acres, zoned Residential Estate-5 acre (RE-5). The parcel located south of Pleasant Valley Road, approximately 1,887 feet west of the intersection of Pleasant Valley Road and New Town Road (Supervisor District 2).

The applicant's parcel is bordered by six parcels: APN 078-050-024 borders the applicant's parcel on the northwestern boundaries, is 3.13 acres, and zoned RE-5. APN 078-050-023 borders the applicant's parcel on the northeastern boundaries, is 2.70 acres, and is zoned RE-5. APN 078-050-068 borders the applicant's parcel along the western boundaries, is 19.46 acre, and is zoned RE-5. APN 078-070-018 borders the applicant's parcel on the southwestern boundaries, is 11.52 acres, and zoned RE-5. APN 078-070-030 borders the applicant's parcel on the southeastern boundaries, is 6.27 acres and zoned RE-5. APN 078-050-059 borders the applicant's parcel on the eastern boundaries, is 72.17 acres, and zoned Planned Agriculture-20 (PA-20).

Parcel Description:

- Parcel Number and Acreage: 078-050-020, 18.89 Acres
- Agricultural District: No
- Land Use Designation: Low Density Residential, LDR
- Zoning: Residential Estate 5 Acres, RE-5.
- Soil Type: Choice Soils
 - CoE – Cohasset cobbly loam, 15 to 50 percent slopes

Discussion:

A site visit was conducted on July 20, 2021 to assess the placement of the proposed pool.

Staff Findings:

Staff recommends APPROVAL of the request for construction of a swimming pool, no less than 137 ft. from the eastern property line, 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;*

Topography of the parcel severely limits available placement sites for the pool.

- 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 site for the pool is directly behind the house placing all the developed sites on the property together.

- 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*

There are natural buffers in place on the applicants parcel and on the PA-20 property to the east. The applicants parcel dramatically slopes toward the PA-20 zoned property to east into a seasonal drainage. Next to the drainage is a dense shrub and oak stand.

- 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 present on the zoom meeting and answered questions regarding the project.

It was moved by Commissioner Bolster and seconded by Commissioner Bacchi to recommend APPROVAL of staff's recommendations for the above-referenced construction of a swimming pool, no less than 137 ft. from the eastern property line, 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.

For the complete presentation and all of the public participants questions and concerns please go to:
(Note: Will be posted after Minutes are approved at next scheduled Agricultural Commission Meeting)
<https://eldorado.legistar.com/MeetingDetail.aspx?ID=856726&GUID=D412E0BC-400D-4329-8AE6-988C606D4B57&Options=info|&Search=W>.

Motion passed:

AYES: Walker, Boeger, Bolster, Mansfield, Bacchi, Draper
NOES: None
ABSENT: Neilsen

V. Item # 21-1344 ADM20-0050 Stewart Agricultural Setback Relief for Accessory Dwelling Assessor's Parcel Number: 317-040-026-000

During the Agricultural Commission's regularly scheduled meeting held in the Board of Supervisors Meeting Room and via ZOOM meeting held on September 8, 2021, 6:30 pm the Commission heard a request from the Planning Department for Agricultural setback relief be reduced to about 150 feet from the northern property line to place an accessory dwelling unit.

The applicant's parcel, APN 317-040-026, is 10.00 acres and zoned Limited Agricultural-10 acre (LA- 10). The parcel located to the north is 317-040-086 is zoned Planned Agriculture 20-acre (PA-20); the parcel to the southwest is 317-040-027 is zoned LA-10. The remaining neighboring properties are zoned Rural Lands 10 acre minimum (RL-10). All parcels are in

Supervisor District 4 and are within agriculture districts.

Parcel Description: Parcel Description:

- Parcel Number and Acreage: 317-040-026, 10.00 Acres
- Agricultural District: Yes, Gold Hill
- Land Use Designation: Rural Residential, RR
- Zoning: LA-20 (Limited Agriculture, 20 Acres).
- Choice Soils:
 - AsC: Auberry rocky coarse sandy loam, 5 to 15 percent slopes

Discussion:

A site visit was conducted on July 19, 2021 to assess the placement of the proposed dwelling.

Staff Findings:

Staff recommends APPROVAL for the above-referenced project, reducing the setback to no less than 150 feet from the northern property line to place an accessory dwelling unit, 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:

- e) *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;*

Topography limits the buildable sites. American Way bisects the property further limiting the available sites. There is a current dwelling on the opposite side of American Way on the applicants parcel.

- f) *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 has been located to minimize any negative impacts.

- g) *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 site is buffered by existing shrubs and oak stands at the fence line. The PA-20 zoned land slopes away from the applicants property effectively acting as a buffer.

- h) *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 soils 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 agriculture (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 present on the zoom meeting and answered questions regarding the project.

It was moved by Commissioner Bacchi and seconded by Commissioner Bolster to recommend APPROVAL of staff's recommendations for the above referenced project reducing the setback to no less than 150 feet from the northern property line to place an accessory dwelling unit, 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:

For the complete presentation and all of the public participants questions and concerns please go to: (Note: Will be posted after Minutes are approved at next scheduled Agricultural Commission Meeting)
<https://eldorado.legistar.com/MeetingDetail.aspx?ID=856726&GUID=D412E0BC-400D-4329-8AE6-988C606D4B57&Options=info|&Search=w>.

Motion passed:

AYES: Walker, Boeger, Bolster, Mansfield, Bacchi, Draper
NOES: None
ABSENT: Neilsen

VI. Item # 21-1345 ADM21-0032 Gibson Agricultural Setback Relief for Accessory Dwelling Unit Administrative Relief from Agricultural Setback to Permit Accessory Dwelling Unit Assessor's Parcel Number: 074-300-017-000

During the Agricultural Commission's regularly scheduled meeting held in the Board of Supervisors Meeting Room and via ZOOM meeting held on September 8, 2021, 6:30 pm the Commission heard a request from the Planning Department for an application for the above-referenced project be reduced to about 124 feet from the northern property line to place an accessory dwelling unit.

The applicant's parcel, APN 074-300-017, is 20.83 acres and zoned Rural Lands -20 acre (RL-20). The parcel located to the north is 074-300-016 is zoned Limited Agriculture 20-acre (LA-20); the parcel to the west is 074-300-014 is zoned LA-20 too. The remaining neighboring properties are zoned Rural Lands 20 acre minimum (RL-20). All parcels are in Supervisor District 4 and are not within agriculture districts.

Parcel Description:

- Parcel Number and Acreage: 074-300-017, 20.83 Acres
- Agricultural District: No
- Land Use Designation: Rural Residential, RR
- Zoning: RL-20 (Rural Lands, 20 Acres).
- Soil Type: No Choice Soils

Discussion:

A site visit was conducted on July 19, 2021 to assess the placement of the proposed dwelling.

Staff Findings:

Staff recommends APPROVAL for the above-referenced project, reducing the setback to no less than 124 feet from the northern property line to place an accessory dwelling unit, 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:

- i) *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;*

Topography limits the buildable sites. Structures have been grouped together to use infrastructure already in place.

- j) *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 has been located to minimize any negative impacts.

- k) *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 site is buffered by existing shrubs and oak stands at the fence line. The LA-20 zoned land slopes away from the applicants property effectively acting as a buffer.

- l) *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 soils 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 agriculture (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 present on the zoom meeting and answered questions regarding the project. Commissioner Draper inquired if the applicant had considered switching the placement

of the proposed accessory dwelling with the future shop placement. The applicant explained that the accessory building was going to be a manufactured home and the shop would be used as a garage. Electrical and Septic were also placement decisions by the applicant. Due to audio issues it was very hard for the applicant to hear the Commissioner's back and forth conversation.

It was moved by Commissioner Walker and seconded by Commissioner Bolster to recommend APPROVAL of staff's recommendations for the above-referenced project, reducing the setback to no less than 124 feet from the northern property line to place an accessory dwelling unit, 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:

For the complete presentation and all of the public participants questions and concerns please go to:
(Note: Will be posted after Minutes are approved at next scheduled Agricultural Commission Meeting)
<https://eldorado.legistar.com/MeetingDetail.aspx?ID=856726&GUID=D412E0BC-400D-4329-8AE6-988C606D4B57&Options=info|&Search=W>.

Motion passed:

AYES: Walker, Boeger, Bolster, Mansfield, Bacchi
NOES: Draper
ABSENT: Neilsen

VII. Item # 21-1457 ADM21-0046 Dawid's Ag Setback Relief Administrative Relief from Agricultural Setback to Construct a New Pool Assessor's Parcel Number: 090-260-017

During the Agricultural Commission's regularly scheduled meeting held in the Board of Supervisors Meeting Room and via ZOOM meeting held on September 8, 2021, 6:30 pm the Commission heard a request from the Planning Department for an application for the construction of a new swimming pool adjacent to the existing property owner's residence. The proposed building site is one hundred and eighty one feet (181') from the north eastern property line adjacent to a parcel zoned Planned Agricultural 20-acre minimum (PA-20), APN 090-026-007. The applicant's parcel, APN 090-260-017, is 10.59 acres, zoned Rural Lands 10 acres (RL-10). The parcel is located in the town of El Dorado, is in Supervisor District 3, and is not located within an agricultural district.

Parcel Description:

- Parcel Number and Acreage: 090-260-017, 10.59 Acres
- Agricultural District: No
- Land Use Designation: Rural Residential, RR
- Zoning: Rural Lands 10 Acres, RL-10.
- No choice soils

Discussion:

A site visit was conducted on August 26, 2021 to assess the placement of the proposed pool.

Staff Findings:

Staff recommends APPROVAL of the request for construction of a swimming pool, no less than 181 ft. from the north eastern property line from APN: 090-026-007, 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:

- m) 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;*

Topography of the parcel severely limits available placement sites for the pool.

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

The proposed site for the pool is directly behind the house placing all the developed sites on the property together.

- o) 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 location of the house acts as a buffer for the agriculturally zoned property. The house is located in between the agriculturally zoned parcel and the swimming pool.

- p) 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 present on the zoom meeting and answered questions regarding the project.

It was moved by Commissioner Bolster and seconded by Commissioner Draper to recommend APPROVAL of staff's recommendations for the construction of a swimming pool, no less than 181 ft. from the north eastern property line from APN: 090-026-007, 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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(Note: Will be posted after Minutes are approved at next scheduled Agricultural Commission Meeting)
<https://eldorado.legistar.com/MeetingDetail.aspx?ID=856726&GUID=D412E0BC-400D-4329-8AE6-988C606D4B57&Options=info|&Search=>

Motion passed:

AYES: Walker, Boeger, Bolster, Draper, Mansfield, Bacchi
NOES: None
ABSENT: Neilsen

**VIII. Item # 21-1346 CCUP20-0005/Arabian Commercial Cannabis Cultivation
Commercial Cannabis Use Permit Assessor's Parcel Number: 041- 900-008**

During the Agricultural Commission's regularly scheduled meeting held in the Board of Supervisors Meeting Room and via ZOOM meeting held on September 8, 2021, 6:30 pm the Commission heard a request from the Planning Department for an application for a Commercial Cannabis Use Permit. 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:

A Commercial Cannabis Use Permit request for the cultivation of commercial cannabis located at 5445 Hawkeye Court, Somerset, Ca. The project is located on a 20-acre parcel in an RL-20 zone district. This application is for up to 9,639 square feet of outdoor cultivation with no light assistance. The cannabis will be grown from seed started on premises, grown to maturity, harvested & transported to a licensed manufacturing facility for further processing. Shade cloth

structures will be installed over the canopy areas using hoops. The hoops will remain in place year round and the covering will be used temporarily as needed based on the growing conditions. For instance when conditions are very hot, shade cloth can be added to reduce stress on plants and reduce the amount of water needed in the soil. The applicant will be the sole full time employee. The property, identified by Assessor's Parcel Number 041-900-008, is located on the south side of Hawkeye Road, approximately 0.5 mile south of the intersection with Happy Valley Road, in the Somerset area.

Parcel Description:

- Parcel Number and Acreage: 041-900-008, 20 acres
- Agricultural District: None
- Land Use Designation: Rural Residential, RR
- Zoning: RL-20 (Rural Lands, 20 acres)
- No Choice Soils

Discussion:

A site visit was conducted on July 22, 2021 to review the location for the proposed cultivation area.

Staff Recommendation:

Staff recommends support of the applicants proposal for a cannabis cultivation operation on a 20 acre property located at 5445 Hawkeye Court, Somerset Ca. -APN: 041-900-008 based on the following analysis of compliance with General Plan policies:

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.

Policy 2.2.2.2 is not applicable as the parcel are not in an Agricultural District.

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.

Policy 8.1.3.5 is not applicable as this parcel does not have agricultural zoning.

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 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 **There is a Limited Agriculture parcel to the north, which has a vineyard and is approximately 1400 feet away from the cultivation site. The cultivation site should not have any affect on the vineyard.**
- 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 project parcel is zoned RL and is surrounded by RL zoned parcels.

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

The project will not reduce the size of the parcel.

Setbacks:

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

If waiver is requested from the setback; review the applicant's mitigating measures to reduce conflicts and provide a recommendation which may include suggested conditions or restrictions.

The applicant is unable to meet the 800 ft. setback from the property line due to the constraints from the size of the parcel. The applicant has designed his project to meet the design threshold the County requires. The applicant has submitted an odor study that supports the projects ability to meet design thresholds.

The distances and odor readings are outlined in the odor study as follows:

Location	Distance to Property Line		Maximum Conc.	Conc. At Property Line	Lowest Dilution Ratio	Fenceline DT
	(ft)	(m)				
Eastern Property Line #1	123	37.5	16,718	3,741	4.47	4.48
Eastern Property Line #2	125	38.1	50,261	14,231	3.53	5.66
Eastern Property Line #3	125	38.1	31,464	9,415	3.34	5.98
Western Property Line	330	100.6	25,706	5,329	4.82	4.15
Northern Property Line	298	90.9	18,882	4,352	4.34	4.61
Southern Property Line	1438	438.4	31,464	<4,801 ^a	>6.55	>3.05
Baseline DT	20					
Notes						
a. The Southern property line lies outside the modeling grid. The concentration at the Sotherhern property line below this value.						

Chair Boeger brought the item back to the Commission for discussion. The applicant was present via ZOOM and was able to answer questions regarding his project. Daniel Vandekoolwyk from County Counsel was available for questions from the Commission and provided clarity to the Ag Commissions role in making suggestions and recommendations on projects pertaining to Commercial Cannabis. Commissioner Carveth commented and staff member LeeAnne Mila addressed Commission members' questions regarding the mitigation measures. Public Comments included questions from Commission received from David Harde regarding the Nasal Ranger 7DT measurements and Rod Miller supporting the item.

For the complete presentation and all of the public participants questions and concerns please go to: <https://eldorado.legistar.com/MeetingDetail.aspx?ID=856726&GUID=D412E0BC-400D-4329-8AE6-988C606D4B57&Options=info | &Search=>
 The Commission meeting experienced audio problems, you may have to adjust your volume to hear Commission member's comments, thank you

It was moved by Commissioner Bolster and seconded by Commissioner Draper to recommend SUPPORT of the application for Arabian Commercial Cannabis per staff's recommendations. The commission finds that there will be no effect on surrounding agriculture as the closest commercial agriculture is 1400 ft. away from the site, and that the odor study provided meets and is actually less than the county ordinance requirements of 7DT at the fence line.

Motion passed:

- AYES:** Boeger, Bolster, Draper, Walker
- NOES:** Mansfield, Bacchi
- ABSENT:** Neilsen
- ABSTAIN:** None

IX. Item #21-1347 CCUP21-0002/Harde Commercial Cannabis Cultivation Commercial Cannabis Use Permit Assessor's Parcel Number: 093-032-071.

During the Agricultural Commission's regularly scheduled meeting held in the Board of Supervisors Meeting Room and via ZOOM meeting held on September 8, 2021, 6:30 pm the Commission heard a request from the Planning Department for an application for a Commercial Cannabis Use Permit. 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 6540 Perry Creek Rd., Somerset, Ca -APN: 093-032-071. The project is located on a 57-acre parcel in the PA-20 zone district. This application is for 68,560 square feet of outdoor cannabis cultivation, ancillary activities to cultivation (processing, harvest storage, product packaging), and transportation-only distribution. The operation will have 3 full time and 5 seasonal employees.

Parcel Description:

- Parcel Number and Acreage: 093-032-071, 57 Acres
- Agricultural District: Yes
- Land Use Designation: Agricultural Lands, AL
- Zoning: PA-20 (Planned Agriculture, 20 Acres).
- Choice Soils:
 - HgC – Holland coarse sandy loam, 9 to 15 percent slopes

Discussion:

A site visit was conducted on July 22, 2021 to assess the placement of the proposed cultivation area.

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.

- B. 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.

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 existing vineyard is well established and has been interplanted in a previous season with no detrimental effect. The applicants plan is not to remove any of the vineyard or to change the agricultural arts on the proposed cannabis area, or the surrounding agricultural area. It does not appear based on the applicants feedback that this will diminish or impair the parcels agricultural use.

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 reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- D. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- E. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and

- F. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

In regards to Policy 8.1.4.1: no zoning or parcel size changes are proposed. The PA zoned parcel to the east has a walnut orchard approximately 640 feet from the proposed cultivation site. There should not be any affect on the orchard.

Setbacks:

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

If waiver is requested from the setback; review the applicant’s mitigating measures to reduce conflicts and provide a recommendation which may include suggested conditions or restrictions.

The applicant is requesting a waiver from the setbacks on 3 sides of his project area. The eastern property line is unable to meet the County’s design threshold of 7 DT. Odor mitigation measures have be recommended by the consulting company that completed the odor study. According to the consultants, concentration of odors at nearby homes are not expected to exceed the 7 DT threshold. Mitigation measures considered are an outdoor misting system with a water and odor control platform.

The distances and odor readings are outlined in the odor study as follows:

Location	Distance to Property Line		Maximum Conc.	Conc. At Property Line	Lowest Dilution Ratio	Fenceline DT
	(ft)	(m)				
Eastern Property Line	20	6.1	1,764	1,640	1.08	18.59
North Property Line	550	167.7	17,617	3,619	4.87	4.11
Western Property Line	1250	381.1	17,617	3,926	4.49	4.46
Southern Property Line	250	76.2	17,617	2,407	7.32	2.73
Baseline DT	20					

Chair Boeger brought the item back to the Commission for discussion. The applicant was present in the Board Room and also assisted with questions regarding the “Nasal Ranger” odor assessment studies being conducted onsite for the Cannabis permits.

Public Comments were received and are available on the recording of the item in Legistar. (One speaker opposing the project had sent in a letter and it is attached to the item in Legistar from Mike Sullivan) Rod Miller addressed the Commission regarding the mitigation measures and support of the item. Audio difficulties hampered the public comment from Tony Stewart who was in support of the project.

For the complete presentation and all of the public participants questions and concerns please go to: <https://eldorado.legistar.com/MeetingDetail.aspx?ID=856726&GUID=D412E0BC-400D-4329-8AE6-988C606D4B57&Options=info|&Search=>

The Commission meeting experienced audio problems, you may have to adjust your volume to hear Commission member's comments, thank you

It was moved by Commissioner Bolster and seconded by Commissioner Bacchi to recommend SUPPORT of application for Harde Commercial Cannabis. The commission supports the setback waiver requests, with the appropriate odor mitigation measures as defined in the commercial cannabis ordinance. Based on the information provided the commission believes there will be no effect on surrounding agriculture or the applicant's current agricultural operation.

Motion passed:

AYES: Boeger, Bolster, Bacchi

NOES: Mansfield

ABSENT: Neilsen

ABSTAIN: Draper, Walker

Items 10-13 were request from the Commissioner to have members of the Commission represent the Ag Commission in reviewing the:

- 1) Item 21-0950 Ranch Marketing review- Dave Bolster and Chuck Bacchi
- 2) Item 21-1348 Winery Ordinance review – Lloyd Walker and Greg Boeger
- 3) Item 21-0948 Hemp Review – Dave Bolster and Bill Draper

STAFF UPDATES on LEGISLATION and REGULATORY REQUEST – Charlene Carveth updated Commissioners on local and state issues.

CORRESPONDENCE AND OTHER BUSINESS –

ADJOURNMENT 10:30 pm

APPROVED: _____ **DATE: 10/13/2021**
Greg Boeger, Chair