



County of El Dorado

Agriculture Department
311 Fair Lane
Placerville, CA 95667
530-621-5520

Minutes - Final 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, August 14, 2024

4:00 PM

<https://edcgov-us.zoom.us/j/87214671720>

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 872 1467 1720.

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

<https://edcgov-us.zoom.us/j/87214671720>.

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 Board at 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.

4:00pm CALLED TO ORDER AND ROLL CALL

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

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

A motion was made by Bolster, seconded by Mansfield, to Adopt the Agenda and Approve the Consent Calendar this matter.

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

CONSENT CALENDAR

1. **24-1451** Minutes from Agricultural Commission Meeting on May 8, 2024.

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

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

PUBLIC FORUM

No comments received

ACTION ITEMS

2. 24-1452

ADM24-0001 Fetzer Ag Setback Relief Administrative Relief from Agricultural Setback to allow the construction of a new Accessory Dwelling Unit, adjacent to an existing single family dwelling. Assessor's Parcel Number: 089-260-015

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

SUBJECT: ADM24-0001 Fetzer Ag Setback Relief Administrative Relief from Agricultural Setback to allow the construction of a new Accessory Dwelling Unit, adjacent to an existing single family dwelling. Assessor's Parcel Number: 089-260-015

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on August 14, 2024, an application was reviewed for administrative relief from the required 200-foot agricultural setback on ADM24-0001. The applicant is requesting administrative relief from the required 200-foot agricultural setback for the above-referenced project. Applicant currently has a 1948 square foot Single Family Dwelling (SFD) on the parcel and is applying to construct a new Accessory Dwelling unit.

The applicant's parcel, APN 089-260-015, is 4.99 acres, zoned Rural Lands 10 acre minimum (RL-10) and located South of Gold Hill Road approximately 1620 feet West of the intersection of Gold Hill Road and State Highway 49, in Agricultural District, supervisorial district 4. The parcel is located within a General Plan designated Rural residential.

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

APN 089-020-020 borders the applicant's parcel on the East boundary and is approximately 110.24 acres, and zoned Planned Agriculture 20-Acres (PA-20). The parcel to the North is a transportation corridor (zoned TC), and all other adjacent parcels are zoned Rural Lands 10 (RL-10).

Applicant is requesting that the setbacks for the proposed ADU on this parcel be reduced to 100 feet from the East property line (100' reduction).

Parcel Description:

- Parcel Number and Acreage: 089-260-015, 4.99 Acres
- Agricultural District: Yes, Gold Hill
- Land Use Designation: RR, Rural Residential
- Zoning: Rural Lands 10 acres, RL-10
- Choice Soils: Auberry Coarse Sandy Loam, 5 to 9 percent slopes

Discussion:

A site visit was conducted on June 7, 2024 to assess the placement of the proposed dwellings.

Staff Findings: Staff recommends APPROVAL of the request for construction of a accessory dwelling unit, no less than 100' from the property line with APN: 089-020-020. 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.

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

This proposed project is buffered by the approximately 25 foot road. The project is also buffered by the up sloping topography towards the agriculturally zoned parcel that includes an irrigation canal. The applicant's property has a vegetation buffer as does the agriculturally zoned parcel. For all these reasons, staff believes that this project is being placed to minimize the potential for negative impacts.

c) Based on the site characteristics of the subject parcel and the adjacent agriculturally zoned land including, but not limited to, topography and location of agricultural improvements, etc., the Commission determines that the location of the proposed non-compatible structure would reasonably minimize potential negative impacts on agricultural or timber production use; and

The adjacent agriculturally zoned land upslopes away from the applicants project site and has a substantial vegetative buffer on both parcels. The driveway on the applicants parcel is paved and is a permanent buffer between the dwelling and the agriculturally zoned 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 was there and answered brief questions from the Commissioners. There were no public comments from the Board Room or online/zoom participants. For a complete video of this item # 24-1452 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 the request for construction of a accessory dwelling unit, no less than 100' from the property line with APN: 089-020-020. 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

- 3. 24-1453** Ranch Marketing and Winery Ordinance follow up discussion from May 8, 2024 meeting. Prior Board Legistar Item 24-0863.

Update on Ranch Marketing Received and Filed

4. 24-1454

Review Grazing Lands General Plan Policy for the Following Project Proposals:

A) Lime Rock Valley Specific Plan - Agricultural Review Request Assessor's Parcel Numbers: 109-020-001 and 109-020-005; and
B) Marble Valley Specific Plan - Agricultural Review Request Assessor's Parcel Numbers: 087-200-74; 119-020-56 and -57; 119-030-13 through -19; and 119- 330-01.

It was moved by Commissioner Neilsen and seconded by Commissioner Draper to recommend staying consistent with General Plan Policy 8.1.2.2 (Grazing Lands) within the Agricultural and Forestry Element to maintain 40 acres parcels in these areas on the Lime Rock Valley Specific Plan. (A1)

Motion passed:

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

NOES: None

Absent: None

It was moved by Commissioner Bolster and seconded by Commissioner Neilsen that 10 acre parcels bordering PA20-Planned Agriculture zoned parcels to the North East of the proposed Lime Rock Specific plan this would minimize potential conflicts. (A2)

Motion passed:

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

NOES: None

Absent: None

It was moved by Commissioner Draper and seconded by Commissioner Mansfield that potential conflicts would be minimized if 200+ acres of open space borders APN: 087-270-06 and APN: 087-270-001. (B2)

Motion passed:

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

NOES: None

Absent: None

SUBJECT: Review Grazing Lands General Plan Policy for the Following Project Proposals:

A)Lime Rock Valley Specific Plan - Agricultural Review Request

Assessor's Parcel Numbers: 109-010-013, 109-010-014, 109-020-001, 109-020-004, 109-020-005, 109-020-006, 119-030-013

B)Marble Valley Specific Plan - Agricultural Review Request Assessor's Parcel Numbers: 087-200-74; 119-020-56 and -57; 119-030-13 through -19; and 119-330-01

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on August 14, 2024, an application was reviewed for Two Specific Plan proposals (A) and (B) are planned for Board of Supervisor decision, following Planning Commission recommendation. Specific Plan requests

necessarily include a General Plan Amendment and Rezone requests. Both of the following projects also have Development Agreement requests for the County to negotiate desired terms outside of regulatory requirements and Planned Development overlay requests to enable site development flexibility. The parcels are located approximately 2 miles due south of the U.S. Highway 50/Cameron Park Drive Interchange in the Shingle Springs area, Supervisorial District 2.

A) Lime Rock Valley Specific Plan proposal

Planning staff requests Agricultural Commission review for the proposed Specific Plan (SP12-0003) to establish Lime Rock Valley Specific Plan (LRVSP), which proposes 800 residential units on 358 acres, an 8-acre village park, and 335 acres of open space.

General Plan Policy 8.1.2.2 (Grazing Lands) within the Agricultural and Forestry Element regulates the creation of lots under 40 acres for properties with historical grazing. Portions of the site have been historically used for grazing. Planning staff requests discussion and recommendation regarding whether these proposed Specific Plan parcels would continue to be considered suitable and practical for grazing.

-All project parcels (APN 109-010-013, 109-010-014, 109-020-001, 109-020-004, 109-020-005, 109-020-006, and 119-030-013) are zoned Rural Lands, Ten-acres (RL-10), Rural Lands, Twenty-acres (RL-20), Rural Lands, Forty acres (RL-40), or Open Space (OS) with a General Plan Land Use Designation of Rural Residential (RR) and Open Space (OS).

-The largest subject parcel, APN 109-020-001, measures approximately 391.47 acres and contains a Grazing Land farmland overlay of on roughly half the parcel on its eastern and northern portions. This parcel is surrounded by existing residential development to the north, east, and partially along the southern boundary of this parcel.

- Other subject parcels, including APN 109-020-005, 109-010-013, and 109-010-014, approximately or possibly less than 40 acres each, contain Grazing Land farmland overlay of less than 5 acres in size on the northeast or southwest corners of the parcels.

-The property is adjacent to Residential, Agricultural/Rural/Resource, and Special Purpose zoning: Residential Estates, Five-acres (RE-5) and Planned Agricultural, Ten-acres (PA-10) to the north (APNs 109-090-005, 06, 10, & 11 contain PA zoning); RE-5 to the east; RL-10 to the west (APNs 109-010-103 & 14); RE-5, RL-40, and OS to the south (APN 109-020-004 contains OS zoning, APN 109-020-005 contains RL-40 zoning). The adjacent parcels are designated as Grazing Land, Other Land, and Farmland of Local Importance.

Discussion:

1.)Grazing Policy

Policy 8.1.2.2 Some lands within Rural Regions have historically been used for commercial grazing of livestock and are currently capable of sustaining commercial grazing of livestock. If they can be demonstrated to be suitable land for grazing, and if they were not assigned urban or other nonagricultural uses in the Land Use Map for the 1996 General Plan, those lands shall be

protected with a minimum of 40 acres unless such lands already have smaller parcels or the Board of Supervisors determines that economic, social, or other considerations justify the creation of smaller parcels for development or other nonagricultural uses. Where 40-acre minimum parcel sizes are maintained, planned developments may be considered which are consistent with the underlying land use designation. Before taking any actions to create parcels of less than 40 acres in areas subject to this policy, the Board of Supervisors and/or Planning El Dorado County General Plan Agriculture and Forestry Element July 2004 (Amended December 2015) Page 171 Commission shall solicit and consider input from the Agricultural Commission;

The land use designation for these parcels is RR- rural residential. At his designation the grazing policy would apply. APN 109-020-001 contains the majority of this historical grazing land and could potentially be capable of sustaining commercial grazing. The historical grazing covered on this parcel by the Land Use Map of 1996 is approximately 215 acres. As such this parcel requires a recommendation from the Agricultural Commission before any parcels are created smaller than 40 acres.

2.) Development Entitlements

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

APN: 109-090-006 borders the proposed development on **APN: 109-020-001** on the north east border. The parcel is zoned **PA20 – Planned Agriculture** 20 acres and is 20 acres in size. The residential development is going to be at the property line with the PA zoned parcel. Due to this there could be a potential to add new conflicts between residential and agricultural activities.

B) Village of Marble Valley Specific Plan proposal

Planning staff requests Agricultural Commission review for the proposed Specific Plan (SP12-0003) to establish the Village of Marble Valley Specific Plan (VMVSP), which proposes 3,236 residential units, 475,000 square feet of commercial use, 55 acres of agricultural use, 1,284 acres of open space (including 466 acres of open space for a passive, day-use park or private open space), and 87 acres of public facilities/ recreational use (including 47 acres of public parkland) on 2,341 acres.

General Plan Policy 8.1.3.2 (Protection of Agricultural Lands) regulates setbacks from agricultural zoned lands. Planning staff requests discussion and recommendation regarding adjacency to surrounding agricultural zoned lands.

-The Land Use Map for the 1996 General Plan shows sites included with this

proposal designated Low-Density Residential (LDR), which is considered a designation for non-agricultural uses.

Discussion:

1.) Grazing Policy

Policy 8.1.2.2 Some lands within Rural Regions have historically been used for commercial grazing of livestock and are currently capable of sustaining commercial grazing of livestock. If they can be demonstrated to be suitable land for grazing, and if they were not assigned urban or other nonagricultural uses in the Land Use Map for the 1996 General Plan, those lands shall be protected with a minimum of 40 acres unless such lands already have smaller parcels or the Board of Supervisors determines that economic, social, or other considerations justify the creation of smaller parcels for development or other nonagricultural uses. Where 40-acre minimum parcel sizes are maintained, planned developments may be considered which are consistent with the underlying land use designation. Before taking any actions to create parcels of less than 40 acres in areas subject to this policy, the Board of Supervisors and/or Planning El Dorado County General Plan Agriculture and Forestry Element July 2004 (Amended December 2015) Page 171 Commission shall solicit and consider input from the Agricultural Commission;

The land use designation for these parcels is LDR – low density residential. At this designation the grazing policy would not apply. It should be noted that these parcels have historically been used for grazing and currently could sustain commercial grazing.

2.) Development Entitlements

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

APN: 087-270-006 and APN: 087-270-001 border the proposed development on the south east boundary. The proposed development would place approximately 200+ acres of open space next to the above referenced parcels. The open space will minimize any conflicts.

Chair Boeger brought the items back to the Commission for discussion. The applicants for both projects addressed the commission and provided historical information. Additional Public comments were received on properties bordering the proposed developments from the Board room and online. Robert Peters with El Dorado County Planning Department addressed the Commission and was available for questions. Daniel Vandekoolwyk, El Dorado County Counsel

was available for questions and comments. Commissioner Tong mentioned that she felt the decision was already made regarding the Marble Valley proposal as the land use designation of LDR (low density residential), makes policy 8.1.2.2 not applicable. She further stated that the land was historically grazed and is still capable of supporting commercial cattle grazing. Commissioners were given direction to make decisions on A1) To make a recommendation on the applicability of General Plan Policy 8.1.2.2 (Grazing Lands) to the proposed development of Lime Rock. Planning staff requests discussion and recommendation regarding whether these proposed Specific Plan parcels would continue to be considered suitable and practical for grazing. A2) Creation of two 10-acre parcels as a buffer next to the agriculturally zoned parcels to minimize conflicts and. B2) Potential conflicts from development entitlements from the Marble Valley project as it borders agriculturally zoned parcels; APN:087-270-06 and APN:087-270-001. For a complete video of this item # 24-1454 discussion please go to the El Dorado County Website at: County of El Dorado - Calendar (legistar.com)

The final votes from Commission Members for the three items were approved with details above.

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

STAFF UPDATE ON LEGISLATION AND REGULATORY ISSUES

CORRESPONDENCE and PLANNING REQUESTS

OTHER BUSINESS

ADJOURNED AT 6:51 P.M.

Meeting adjourned at 6:51P.M.