



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 - Interim Agricultural Commissioner/Sealer of Weights and Measures

Wednesday, February 8, 2023

6:30 PM

<https://edcgov-us.zoom.us/j/82698543776>

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.

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 9854 3776.

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/82698543776>.

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.

By participating in this meeting, you acknowledge that you are being recorded.

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 Agricultural Department 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.

CALL TO ORDER

Lloyd Walker attended the meeting by zoom

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

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

A motion was made by Commissioner Neilsen and seconded by Commissioner Bolster to approve the Agenda, Minutes of January 11, 2023 and the Minutes of January 27, 2024, and item 23-0280.

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

CONSENT CALENDAR

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

- 1. **23-0273** Minutes of 1/11/2023 and Continued to 1/27/2023

A motion was made by Commissioner Neilsen and seconded by Commissioner Bolster to approve the Agenda, Minutes of January 11, 2023 and the Minutes of January 27, 2024, and item 23-0280.

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

- 2. **23-0274** Minutes of 1/27/2023

A motion was made by Commissioner Neilsen and seconded by Commissioner Bolster to approve the Agenda, Minutes of January 11, 2023 and the Minutes of January 27, 2024, and item 23-0280.

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

- 3. **23-0280** Clerk of the Agricultural Commission recommending the Agricultural Commission, as a result of ongoing concerns related to COVID-19, approve findings pursuant to Government Code subsection 54953(e)(3) in order to allow for the continued use of virtual or hybrid Agricultural Commission meetings as authorized under Assembly Bill 361. (Cont. 2/9/2022, 3/9/2022, 6/8/2022, 7/13/2022, 8/10/2022, 9/14/2022, 9/29/2022, 10/12/2022, 11/9/2022, 1/11/23, 1/27/2023 Item 2)

A motion was made by Commissioner Neilsen and seconded by Commissioner Bolster to approve the Agenda, Minutes of January 11, 2023 and the Minutes of January 27, 2024, and item 23-0280.

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

PUBLIC FORUM

ACTION ITEMS

4. 23-0340 ADM22-0094 Jenika Pond Ag. Setback Relief Administrative Relief from Agricultural Setback for as-built pond. Assessor's Parcel Number: 089-110-080

It was moved by Commissioner Draper and Seconded by Commissioner Neilsen to deny the request by the Planning Department and require the applicant to meet the 200' setback required from the adjoining agricultural properties.

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on February 8, 2023, the Commission heard a request from Planning for a request for a reduction of the agriculture setbacks for an as-built 53,290 square foot pond associated with code case CE21-0163 be reduced to 95' from the west parcel line with APN 089-110-076 (105' reduction) and 189' from the south parcel line with APN 089-120-033 (11' reduction) for the as-built pond.

The applicant's parcel, APN 089-110-080, is 20.08 acres, zoned Planned Agricultural 20-Acre (PA-20) and located north of Gold Hill Rd, in Supervisorial District 4. The parcel is located within a General Plan designated Agricultural Lands (AL) and is within an Agricultural District. Please note: Prior to this item being heard Commissioner Mansfield recused himself due to being the Vineyard Manager of a neighboring vineyard.

Parcel Description:

- Parcel Number and Acreage: 089-110-080, 20.08 Acres
- Agricultural District: Yes
- Land Use Designation: Agricultural Lands, AL
- Zoning: Planned Agricultural 20 Acres, PA-20
- Choice Soils: ArB- Auberry coarse sandy Loam, 5-9 percent slopes and BhC-Boomer gravelly loam, 3-15 percent slopes

Discussion:

A site visit was conducted on January 18, 2023, to assess the placement of the as built pond.

Staff Findings:

Staff is recommending approval for the as built, 53,290 sqft pond, associated with code case CE21-0163 be reduced to no less than 95 ft. from the west parcel line with APN 089-110-076 and no less than 189 ft. from the south parcel line with APN 089-120-033, 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;
- b) The pond is already built and it is unfeasible to move it's location. The placement of the pond is in the southwestern corner, keeping the existing agricultural operation intact.

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

Placing the pond in this corner utilizes the access road between the western parcel as a buffer and Gold Hill Rd. as a buffer to the parcel to the south.

d) 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 pond is placed to reasonably minimize potential impacts to surrounding agriculture.

e) 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 discussed his project with the Commission and several neighboring property owners commented on issues of the applicant's land use. Planning Department Deputy Director, Rob Peters explained project issues and was available for questions. County Counsel, Daniel Vandekoolwyk answered questions about the appeal process for the applicant. For a complete video of this item # 23-0340 discussion please go to the El Dorado County Website at: County of El Dorado - Calendar (legistar.com)

It was moved by Commissioner Draper and seconded by Commissioner Neilsen to recommend DENIAL of the requested administrative setback relief, as it may have an effect on nearby agriculture. The applicant will be required to meet the

200' setback from agriculturally zoned properties that border the parcel, APN 089-110-076 and APN 089-110-080.

Motion passed:

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

NOES: None

ABSTAIN: Mansfield

ABSENT: None

Yes: 6 - Boeger, Neilsen , Walker, Bolster, Draper and Tong

Recused: 1 - Mansfield

5. 23-0275 ADM22-0096 Kenworthy's Ag Setback Relief Administrative Relief from Agricultural Setback to Construct an Addition to Existing House Assessor's Parcel Number: 043-510-052

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on February 8, 2023, the Commission heard a request from Planning for administrative relief request is for the construction of an addition to the existing property owner's residence, 0.61 acres, zoned Single Unit Residential (R20K). The proposed conditioned portion of the building is thirty-two feet (32'), with an unconditioned deck twenty-five feet (25'), from the northern property line, adjacent to a parcel, APN 043-480-022, that is 21.33 acres, and zoned Planned Agricultural 20-acre minimum (PA-20). The adjacent PA-20 parcel is located within an agricultural district. The subject parcel is located in the town of Camino, is in Supervisor District 2, and is not located within an agricultural district.

Parcel Description:

- Parcel Number and Acreage: 043-510-052, 0.61 acres
- Agricultural District: No
- Land Use Designation: High Density Residential
- Zoning: R20K, Single Unit Residential
- Choice Soils: Yes
 - o AfB2: Aiken loam, 3 To 9 % slopes, eroded

Discussion:

A site visit was conducted on January 23, 2023, to assess agricultural setback relief for the addition to an existing property owner's residence.

Staff Findings:

Staff recommends APPROVAL of the request for the addition to the existing property owner's residence, no less than 32 feet from the northern parcel 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;

This parcel is roughly 150' from the southern to the northern parcel boundary line which makes this existing residential lot already within the required 200' agricultural setback. The proposed addition to this single family home will replace the foot print currently occupied by a residential accessory structure.

- 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 project will only extend the homes foot print towards the western parcel boundary line along Snow's Road. The construction of a small deck will extend the current homes foot print approximately 8' closer to the agricultural zoned parcel located to the north.

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

Currently a large metal building on the agricultural parcel located to the North buffers the production agriculture operation from the high density residential community to the South. Approval of this project should not create any new negative impacts to surrounding 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 applicant was available by zoom and there were no public comments for this request. For a complete video of this item # 23-0275 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 Mansfield to recommend APPROVAL of staff's recommendations of the above request for the addition to the existing property owner's residence, no less than 32 feet from the northern parcel 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, can be made.

Motion passed:

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

NOES: None
ABSTAIN: None
ABSENT: None

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

6. 23-0277

Ranch Marketing Public Meeting to review and make recommendations on the Proposed Ordinance Adopting Revisions to the Ranch Marketing Ordinance and the Winery Ordinance.

Letter of Recommendation to Support an Ordinance adopting Revisions to the Ranch Marketing Ordinance and the Winery Ordinance Legistar Item # 23-0277

The El Dorado County Agricultural Commission at their regular scheduled meeting on February 8, 2023, received a report by the Agricultural Department and the Planning Department for an Ordinance adopting Revisions to the Ranch Marketing Ordinance and the Winery Ordinance.

The proposed ordinance will amend the Ranch Marketing Ordinance (EDC Ordinance Code section 130.40.260) and the Winery Ordinance (EDC Ordinance Code section 130.40.400) relating to the ability of a ranch marketing operator or a winery owner to hold special events. The results for this vote, and any recommendations, will be forwarded to the Planning Commission and the Board of Supervisors for consideration. Specifically, the proposed Ordinance would amend the Ranch Marketing Ordinance to require an operator of a ranch marketing area to comply with the County Noise standards in EDC Ordinance Code Chapter 130.37 and make confirming changes. The proposed Ordinance would revise and recast the Ranch Marketing Ordinance and would add or amend various definitions in the Winery Ordinance and the Ranch Marketing Ordinance various key terms and identify relevant actors to address ambiguous language and ensure consistency between both Ordinances. The proposed Ordinance would amend the Ranch Marketing Ordinance and the Winery Ordinance to state that a special event is defined to be any event between 1-250 persons in attendance, limited in duration to 24 hours, would require the operator of the ranch marketing area or winery owner to notify the Agriculture Commissioner no later than 14 calendar days in advance of each event, and to add additional enforcement for potential violations relating to special events. The proposed Ordinance would clarify when a conditional use permit is required for concerts held under the Ranch Marketing Ordinance and Winery Ordinance and update terminology consistent with Chapter 5.32 and Chapter 12.39. The proposed Ordinance would also clarify the scope of the Agricultural Commissioner's review authority, and add procedures to appeal decisions, under the Ranch Marketing Ordinance and the Winery Ordinance. The proposed Ordinance would also make other clarifying and conforming changes. The proposed Ordinance would be effective 30 days after final adoption by the County Board of Supervisors.

A full and complete copy of the full text of the proposed Ordinance is available for viewing in the office of the Clerk of the Board of Supervisors at 330 Fair Lane, Placerville, California.

All persons interested were invited to write their comments to the Agricultural Commission in advance of the meeting. The Meeting had remote options, and no public comments were received on Zoom. The Department placed a Summary Ordinance in the Mountain Democrat newspaper on 1/23/2023. For a complete recording please visit the County Website County of El Dorado - Calendar (legistar.com)

The Commission received a staff report detailing the proposed draft ordinance and received comment from the AG Commission Ad Hoc Committee and many public Comments in the Board Chambers in addition to receiving public comments that were attached to the Legistar Item #23-0277. County Counsel and Planning were available for questions and comments.

Chair Boeger brought the item back to the Commission for discussion and review of the proposed ordinance. After reviewing the Commission felt they could support the Ordinance with the following recommendations and changes as noted in the following motion.

It was moved by Commissioner Bolster and seconded by Commissioner Walker to recommend to the Planning Commission and the Board of Supervisors, APPROVAL of the Draft Ranch Marketing and Winery Ordinances with the following modifications:

Recommended Modifications:

- 1.) Code sections should be modified under Room Rental Events to allow for increased attendance. Sections to be modified: 130.40.400.E4b, Section 130.44.104.A7b, Section 130.44.105.D2, and Section 130.44.106.B9
- Room Rental Events - Increase in allowable persons in attendance from 20 to 40 persons in attendance
- 2.) Special Events: An exemption should be added to allow for up to 3 charitable events for the property owner that will not count towards the maximum allowed special events or facility rentals. The charitable event shall be for a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code, with documentation required demonstrating that proceeds are distributed to the 501(c)(3) not the event location.
- 3.) That the Board direct staff from the Department of Agriculture to return to the Agricultural Commission within one-year for a review of the ordinance to assess any implementation issues.

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

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

STAFF UPDATE ON LEGISLATION AND REGULATORY ISSUES

CORRESPONDENCE and PLANNING REQUESTS

OTHER BUSINESS

ADJOURNMENT

Meeting was adjourned at 9:55pm