



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

July 11, 2018

6:30 P.M.

Board of Supervisors Meeting Room
330 Fair Lane – Building A, Placerville

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

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 July 11, 2018.

Motion passed

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

NOES: None

ABSENT: Bolster

ACTION ITEMS

II. Item # 18-1070 APPROVAL OF MINUTES of May 9, 2018

Chair Boeger called for a voice vote for approval to approve the Minutes of May 9, 2018 as submitted.

Motion passed

AYES: Walker, Boeger, Draper, Neilsen, Bacchi

NOES: None

ABSENT: Mansfield

III. PUBLIC FORUM – None

IV. Item #18-1093 El Dorado County Commercial Cannabis Proposed Ballot Measures Presentation. Receive and File only, no public comment or approvals required by Commission. Reference Board Item 18-1103 Board of Supervisors Meeting of July 17, 2018

Ad Hoc Cannabis Committee, in coordination with the Chief Administrative Office recommending the Board:

1) Approve and authorize the Chair to sign the following Resolutions to place the following ballot measures on the ballot for the November 2018 election which will enable voters to decide whether to allow different aspects of commercial cannabis and its taxation:

a) Resolution **140-2018**, which will be one ballot measure, create a general commercial cannabis tax, with tax rate ranges that allows for the Board to set the tax rates for different commercial uses (e.g. outdoor cultivation, indoor cultivation, dispensary/retail sales, etc.) and a discretionary permitting process, with public feedback and an extensive enforcement program with a fine schedule for illegal commercial cannabis activity or violations of the County regulations.

b) Resolution **141-2018**, allow for the outdoor and mixed light (e.g. greenhouse) cultivation of medicinal commercial cannabis with limits on the location of cultivation, amount of operations, and size of operations with rules to protect neighborhood security and the environment.

c) Resolution **142-2018**, allow for the outdoor and mixed light (e.g. greenhouse) cultivation of recreational commercial cannabis with limits on the location of cultivation, amount of operations, and size of operations with rules to protect neighborhood security and the environment.

d) Resolution **143-2018**, allow for indoor medicinal commercial cannabis operations (e.g. retail/dispensary sales, distribution and, indoor commercial cultivation) with limits on the location and amount of operations with rules to protect neighborhood security and the environment.

e) Resolution **144-2018**, allow for indoor recreational commercial cannabis operations (e.g. retail/dispensary sales, distribution, and indoor commercial cultivation) with limits on the location and amount of operations with rules to protect neighborhood security and the environment.

2) Dissolve the ad hoc Cannabis Advisory Committee. (Est. Time: 2 Hr.)

FUNDING: General Tax and Commercial Cannabis Program Fees.

..Body

DEPARTMENT RECOMMENDATION

Ad Hoc Cannabis Committee, in coordination with the Chief Administrative Office recommending the Board:

1) Approve and authorize the Chair to sign Resolution 140-2018, Resolution 141-2018, Resolution 142-2018, Resolution 143-2018, and Resolution 144-2018 to place the following ballot measures on the ballot for the November 2018 election which will enable voters to decide whether to allow different aspects of commercial cannabis and its taxation:

- a) In Resolution 140-2018, which will be one ballot measure, create a general commercial cannabis tax, with tax rate ranges that allows for the Board to set the tax rates for different commercial uses (e.g. outdoor cultivation, indoor cultivation, dispensary/retail sales, etc.) and a discretionary permitting process, with public feedback and an extensive enforcement program with a fine schedule for illegal commercial cannabis activity or violations of the County regulations.
- b) In Resolution 141-2018, allow for the outdoor and mixed light (e.g. greenhouse) cultivation of medicinal commercial cannabis with limits on the location of cultivation, amount of operations, and size of operations with rules to protect neighborhood security and the environment.
- c) In Resolution 142-2018, allow for the outdoor and mixed light (e.g. greenhouse) cultivation of recreational commercial cannabis with limits on the location of cultivation, amount of operations, and size of operations with rules to protect neighborhood security and the environment.
- d) In Resolution 143-2018, allow for indoor medicinal commercial cannabis operations (e.g. retail/dispensary sales, distribution and, indoor commercial cultivation) with limits on the location and amount of operations with rules to protect neighborhood security and the environment.
- e) In Resolution 144-2018, allow for indoor recreational commercial cannabis operations (e.g. retail/dispensary sales, distribution, and indoor commercial cultivation) with limits on the location and amount of operations with rules to protect neighborhood security and the environment.

2) Dissolve the ad hoc Cannabis Advisory Committee.

This item is recommended due to a Board of Supervisors' goal to bring forward ballot measures to allow the citizens of El Dorado County to decide whether to allow commercial cannabis activities in the unincorporated areas of the County.

DISCUSSION / BACKGROUND

Since March 15, 2016, El Dorado County has held, at least, 28 public meetings on the subject of cannabis during two ad hoc committees and Board of Supervisor meetings, which includes the meeting on July 17, 2018. During these meetings there have been presentations from the public, county staff, consulting firms, and non-County government agencies with people representing different opinion groups (e.g. against commercial cannabis, for commercial cannabis, and supporter and anti-stakeholder groups in between). These meetings included updates on state and federal law changes and

benchmark information from different counties and cities that operate cannabis programs or are studying the issue.

In the formation of the ad hoc Cannabis Advisory Committee, the Board of Supervisors provided a goal for the ad hoc committee to study and create ballot measures for different commercial cannabis activities tied to taxation for a local election. Behind this goal was to get a better understanding of what commercial cannabis activities the public would want to allow.

Further History of Cannabis Public Meetings in El Dorado County

In September 2015, the California State Legislature enacted the Medical Marijuana Regulation and Safety Act (MMRSA), which was signed into law in October 2015. MMRSA was a package of three separate bills (AB 243, AB 266, and SB 643) that established a comprehensive dual state licensing framework for the commercial cultivation, manufacture, retail, sale, transport, distribution, delivery, testing, and taxation of medical cannabis in California. The County did not conduct meetings regarding medical marijuana in 2015 due to the major statutory overhauls undertaken by the State of California that resulted in MMRSA.

The El Dorado County Board of Supervisors created the ad hoc medical marijuana advisory committee at its March 15, 2016 special meeting regarding medical marijuana due to the October 2015 passage of and February 2016 amendments to MMRSA. During the special meeting, the Board of Supervisors received an overview on the current medical marijuana laws and reports from County departments, stakeholder groups and the public on how medical marijuana policy decisions could affect them. At the conclusion of the meeting, the Board of Supervisors created the ad hoc Medical Marijuana Advisory Committee to collect more information on different medical marijuana topics (e.g. cultivation, dispensaries, compliance, commercial activities, etc.).

The Medical Marijuana Advisory Committee met on nine occasions: May 2, 2016 meeting was on the structure of the future meetings; June 20, 2016 meeting was on cultivation; June 27, 2016 meeting was on niche medical marijuana businesses (e.g. dispensaries, nurseries, etc.); August 22, 2016 meeting was on compliance procedures regarding medical marijuana rules; September 19, 2016 meeting was on taxation and fees for medical marijuana; December 12, 2016 meeting was on conceptual changes to the medical marijuana enforcement procedures (e.g. moving towards a civil enforcement process); March 27, 2017 meeting was to discuss the County's administrative decisions for Proposition 64; October 12, 2017 meeting was to discuss recommendations to the Board of Supervisors on new civil enforcement process and October 23, 2017 meeting was to discuss the ad hoc committee's recommendation to the El Dorado County Board of Supervisors on medical and recreational cannabis commercial licenses.

During the time period that the El Dorado County ad hoc Medical Marijuana Advisory Committee was meeting, the California cannabis laws were changing. In June 2016, Governor Edmund G. Brown signed SB 837, which changed the name of the MMRSA to the Medical Cannabis Regulation and Safety Act (MCRSA) and made substantive changes to applicable state laws. The changes affect the various state agencies involved in regulating cannabis businesses as well as potential licensees.

On November 8, 2016, California voters passed Proposition 64, also known as the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), by a vote of 57.1% in favor and 43.9% against. Locally, El Dorado County voters rejected Proposition 64 by a vote 50.1% against and 49.9% in favor (these numbers include the cities of Placerville and South Lake Tahoe). Proposition 64 legalized the non- medical use of cannabis by persons 21 years of age and over and the cultivation of no more than six (6) living cannabis plants for personal use, subject to reasonable regulations adopted by local jurisdictions. AUMA also created a state regulatory and licensing framework governing the commercial cultivation, manufacture, testing, and distribution of adult use/recreational cannabis.

On June 27, 2017, Governor Brown signed into law the Legislature-approved Senate Bill 94 (SB 94). SB 94 combined elements of the MCRSA and AUMA to establish a single, streamlined regulatory and licensing structure for both medicinal and adult-use cannabis activities, since there were discrepancies between the MCRSA and AUMA. The new, consolidated provisions under SB 94 are now known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), to be governed by the California Bureau of Cannabis Control, CalCannabis Cultivation Licensing, and California Manufactured Safety Branch. MAUCRSA notably refers to medical cannabis as "medicinal cannabis" and nonmedical/recreational cannabis as "adult-use cannabis."

At the Board of Supervisors meeting on November 14, 2017, the Board conceptually approved the temporary ban on commercial activities for both medical and recreational (adult) cannabis, with the exception of the medical cannabis dispensaries allowed to operate under El Dorado County Section 130.14.250.

At the Board of Supervisors December 12, 2017 meeting, the Board created the ad hoc Cannabis Advisory Committee with a goal for the ad hoc committee to study and create ballot measures for different commercial cannabis activities tied to taxation for a local election. Behind this goal was to get a better understanding of what commercial cannabis activities the public would want to allow due to how broad Proposition 64 was. The committee met publicly on nine occasions: January 31, 2018 meeting was on the structure of the future meetings and the ad hoc committee goals; March 5, 2018 meeting was on commercial outdoor cultivation; March 12, 2018 meeting was on indoor and mixed light (greenhouse) cultivation; March 19, 2018 meeting was on dispensaries,

deliveries, and distribution; April 23, 2018 meeting was on microbusiness, nurseries, and laboratory testing; April 30, 2018 meeting was on manufacturing; May 7, 2018 meeting was on tax rates and funding of a commercial cannabis program; May 14, 2018 meeting was on the effects of cannabis on communities and County departments; and June 19, 2018 meeting was on the proposed commercial cannabis ballot measures.

ALTERNATIVES

The Board could choose not to approve this recommendation. The following are some alternative options:

- 1) Eliminate one or more of the ballot questions being recommended.
- 2) Eliminate all of the ballot questions being recommended.

The elimination of one or more of the ballot questions could put in jeopardy the ability of the voters to decide what they wish to allow. The commercial cannabis topic is complex and it is recommended that five questions be asked to provide a broad range of questions without overly complicating the ballot. The ballot measures will also allow the County to gain an understanding of what the voters want to allow for commercial cannabis.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Sheriff's Office; District Attorney; County Counsel; Planning and Building; Environmental Management; Agriculture, Weights and Measures; Treasurer-Tax Collector; and Air Quality Management District.

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

There are two revenues that could come with the initiation of a commercial cannabis program. First are the commercial cannabis program fees. These fees would be charged to the individuals that are operating permitted commercial cannabis activities in El Dorado County. The fees that are charged would go to operate the compliance program, which would make sure that the operators were following the El Dorado County rules. The fees can only be used on staff and expenses that relate to the El Dorado County commercial cannabis regulatory program.

Second is the general tax that would be charged if the first ballot question passes. This general tax revenue could be given to programs that are affected by the proliferation of illegal cannabis activities and use. For example, funds could be used for Public Health

education programs to educate El Dorado County youth against the use of recreational cannabis and law enforcement for the eradication of illegal commercial cannabis cultivation that endanger our communities and environment. The eradication of illegal commercial cannabis cultivation could be an expensive task. It is estimated in Stanislaus County that it would cost \$3.1 million annually to enforce an unregulated market in their county. This cost could be more in El Dorado County with its difficult topography.

The County requested HdL Companies to do a tax revenue projection for the commercial cannabis measures. HdL has experience in revenue projections for cities and counties in the cannabis market. In its report, HdL looked at many different variables to get a range of tax revenue that the County could receive if the commercial cannabis ballot measures were approved. In its calculation HdL had to use different scenarios due to the different situations that could happen if the ballot measures are passed (e.g. how many licenses are given, what tax rate is selected, what mix of license types are granted, etc.). With all the variables in place HdL provided an estimated tax revenue range between \$1.9 million to \$52.8 million. However, in HdL's report, it did not think that the high end projection would ever occur due to the tax rate discouraging the industry from coming to the County and discouraging growers from coming out of the black market. At this time, with the current market trends, HdL thinks that a more conservative estimate is in between \$3.0 million and \$4.0 million.

CLERK OF THE BOARD FOLLOW UP ACTIONS Obtain Chair's signature on the Resolutions and return a signed copy to the Chief Administrative Office.

STRATEGIC PLAN COMPONENT Public Safety and Healthy Communities

CONTACT Creighton Avila, Deputy Chief Administrative Officer

V. Item # 18-1071 Subject: WAC18-0003/Z18-0004/Cohen APNs: 046-640-20, 046-640-23, 046-640-25

During the Agricultural Commission's regularly scheduled meeting held on July 11, 2018 a request from Planning Services to review a request for a new Williamson Act Contract and Zone Change with the following project description:

Request for the establishment of a Williamson Act Contract for two legal parcels totaling 41.41 acres identified by three Assessor's Parcel Numbers 046-640-20, 046-640-23, and 046-640-25. The parcels are located on the north and south side of Terras Path Road, approximately 5.5-miles south of the intersection with Pleasant Valley Rd. in the Oak Hill/Pleasant Valley area (Supervisor District 3).

Consistent with Zoning Ordinance Section 130.40.060.B.1 a rezone from RL-40 to LA-40 is being requested.

Project:

1. WAC 18-0003

- Parcel Numbers: 046-640-20, 046-640-23, and 046-640-25
- Acreage: 41.41
- Agricultural District: No
- Zoning: RL-40 = Rural Lands, 40 Acres
- Land Use Designation: NR – Natural Resources
- No choice soils
- Property is being used for high intensity agriculture as a production vineyard and olive orchard
- Capital outlay reported : Total = \$605,000
 - i. Vineyard – 2200 vines \$40,000
 - ii. Olives -550 trees - \$55,000
 - iii. Irrigation - \$35,000
 - iv. Grading/Drainage - \$75,000
 - v. Barn work area - \$400,000

- Annual gross income reported: \$15,500

Williamson Act Contract Criteria:

High Intensive Farming Operation

1. Minimum Acreage = 20 contiguous acres.
2. Capital Outlay = \$45,000
3. Minimum Gross Income = \$13,500/year

Relevant General Plan Policies:

Policy 8.2.4.1B, In the Agriculture and Forestry Element, supports the continued use of Williamson Act Contracts to provide tax benefits to farms and ranches to help ensure the long-term conservation of agricultural lands.

Relevant Government Code Sections:

In regards to minimum criteria for agricultural preserves, Government Code Section 51222 states, “The Legislature further declares that it is in the public interest for local officials and landowners to retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.”

Staff Recommendations:

Staff recommends approval of WAC 18-0003/Z18-0004 based on the above findings.

Chair Boeger addressed the public for comment; the applicant was present and addressed the Commission.

It was moved by Commissioner Bolster and seconded by Commissioner Neilsen to recommend APPROVAL of Staff's recommendation of support of the request by the applicant for establishment of a Williamson Act Contract and Zone Change for two legal parcels totaling 41.41 acres identified by three Assessor's Parcel Numbers 046-640-20, 046-640-23, and 046-640-25. The parcels are located on the north and south side of Terras Path Road, approximately 5.5-miles south of the intersection with Pleasant Valley Rd. in the Oak Hill/Pleasant Valley area (Supervisor District 3)

Motion passed:

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

**VI. Item # 18-1072 Subject: ADM18-0153/Thomas & Patricia Crowley
Administrative Relief from Agricultural Setback Assessor's Parcel
Number: 089-110-87-100**

During the Agricultural Commission's regularly scheduled meeting held on July 11, 2018 the Commission reviewed the following request from Planning:

Planning Services is requesting review for administrative relief from the agricultural setback for the above referenced project. This request is for potential future development of a residential dwelling unit, on a parcel zoned Planned Agricultural minimum of 20 acres (PA-20). The applicant is requesting a setback reduction to 76.5 feet from the western property line, 91.4 feet from the eastern property line, rather than the 200 foot setbacks. These border APN 089-110-85-100 zoned Planned Agriculture minimum of 20 acres (PA-20) and APN 089-090-08-100 also zoned PA-20. The applicant's parcel, identified by APN 089-110-87-100 consists of 23.29 acres and is located at 2769 Hay Ranch Rd. (Supervisor District: 4).

Parcel Description:

- Parcel Number and Acreage: 089-110-87, 23.29 Acres
- Agricultural District: Yes, Gold Hill
- Land Use Designation: Agricultural Lands, AL
- Zoning: PA-20 (Planned Agriculture, 20 Acres).

- Soil Type: Choice Soils
 - AsC – Auberry Rocky Coarse Sandy Loam, 5 to 15 percent slopes

Discussion:

A site visit was conducted on June 26, 2018 to assess the placement of the proposed dwelling.

Staff Findings:

Staff recommends APPROVAL of the request for potential future development of a residential dwelling unit, on a parcel zoned Planned Agricultural minimum of 20 acres (PA-20). The applicant is requesting a setback reduction to 76.5 feet from the western property line, 91.4 feet from the eastern property line, rather than the 200 foot setbacks. These border APN 089-110-85-100 zoned Planned Agriculture minimum of 20 acres (PA-20) and APN 089-090-08-100 also zoned PA-20., as staff believes that three of the four findings that the Agricultural Commission is required to make by Resolution No. 079-2007 and adopted by the Board of Supervisors on April 17, 2007, can be made:

- 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 200 foot setback limits the available building sites. Utilizing the area within the 200 foot setback would severely limit the ability to have an agricultural operation utilizing the choice soils on the property.

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

The proposed site for the permanent residential dwelling unit is in an area that places 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*

The single family dwelling site has been located to limit the impact on agricultural production on the subjects parcel and the surrounding parcels. The placement of congregates all development in one site.

- 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 addressed the public for comment; one neighbor addressed the board with questions regarding setbacks and his future rights to farm his land. The applicant was present and did not wish to address the Commission.

Commissioner Draper inquired about the first finding, (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; as other areas of the land would be suitable for building, but could jeopardize future ag operations due to the choice soils that are available on the property within the 200 foot setback. The approval of the site selected by the applicant enhances future agriculture operations.

It was moved by Commissioner Bacchi and seconded by Commissioner Bolster to recommend APPROVAL of Staff's above recommendation request for administrative relief of an agricultural setback, allowing for placement of a permanent dwelling, 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, noting that finding (a) is being met to preserve agricultural land as required by the general plan.

Motion passed:

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

**VII. Item # 18-1073 Subject: ADM18-0116Krumwiede Setback
Relief Administrative Relief from Timber Production Zone
Setback Assessor's Parcel Number: 096-100-26**

During the Agricultural Commission's regularly scheduled meeting held on July 11, 2018 a request from Planning Services to review for administrative relief from the Timber Production Zone (TPZ) setback for the above referenced project. This request is for a new single-family dwelling unit. According to the applicant, the proposed building site is approximately one hundred and twenty feet (120') from the property line of the adjacent TPZ parcel to the north (APN: 096-140-03). The applicant's parcel (APN 096-100-26) is zoned Rural Lands Ten-Acres (RL-10) consisting of 7.5 acres (Supervisor District: 3).

Parcel Description:

- Parcel Number and Acreage: 096-100-26, 7.5 Acres
- Agricultural District: No
- Land Use Designation: RR = Rural Residential
- Zoning: RL-10 = Rural Land 10 Acres
- Soil Type: No Choice Soils

Discussion:

A site visit was conducted on June 26, 2018 to assess the placement of the proposed dwelling.

Staff Findings:

Staff recommends APPROVAL of the request for proposed building site of a single family dwelling, approximately one hundred and twenty feet (120') from the property line of the adjacent TPZ parcel to the north (APN: 096-140-03). The applicant's parcel (APN 096-100-26) is zoned Rural Lands Ten-Acres (RL-10) consisting of 7.5 acres (Supervisor District: 3)., 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;*

The topography of this parcel severely limits the available building sites.

- 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 site for the single family dwelling is positioned to reasonably minimize potential negative impacts on adjacent TPZ property.

- 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 topography of both parcels provides buffers to any timber operation on the TPZ parcel.

- 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 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 addressed the public for comment and the applicant was present.

It was moved by Commissioner Draper and seconded by Commissioner Bolster to recommend APPROVAL of Staff's recommendation of support of the request for proposed building site of a single family dwelling, approximately one hundred and twenty feet (120') from the property line of the adjacent TPZ parcel to the north (APN: 096-140-03). The applicant's parcel (APN 096-100-26) is zoned Rural Lands Ten-Acres (RL-10) consisting of 7.5 acres (Supervisor District: 3), 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

Motion passed:

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

NOES: None

ABSENT: Mansfield

ABSTAIN: None

**VIII. Item # 18-1074 Subject: ADM17-0139/Bernard & Sherri Lapos
Administrative Relief from Agricultural Setback Assessor's Parcel
Number: 046-690-10**

During the Agricultural Commission's regularly scheduled meeting held on February 14, 2018 a request from Planning Services to review and give approval for administrative relief from the agricultural setback for the above referenced project. This item came back to the regularly scheduled meeting on July 11, 2018 with a revised/corrected proposal.

This request is for the construction of a swimming pool. The Revised/Corrected submittal, now shows the proposed building site is approximately thirty-two feet (32' (pool, back of bond beam)), and the pool equipment approximately fifty-feet, eleven inches (50.92') from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the south/southeast (APN: 046-690-09). The applicant's parcel, identified by APN 046-690-10 consists of 13.78 acres and is located at 6350 Brinkwood Lane. (Supervisor District: 2).

This request is for the construction of a swimming pool. The administrative relief requested is a Revised/Corrected submittal for the project that originally received a recommendation of approval from the Agricultural Commission on February 15, 2018. Building Permit 267601 was issued consistent with the February 15th approvals. The location error was discovered by the applicant's contractor while confirming the required setbacks.

Key to this Revised/Corrected submittal is to understand the observed/planned physical location of the pool site hasn't changed; only the calculation to the southern property line has now been properly identified by the pool contractor.

The Revised/Corrected submittal, now shows the proposed building site is approximately thirty-two feet (32' (pool, back of bond beam)), and the pool equipment approximately fifty-feet, eleven inches (50.92') from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the south/southeast (APN: 046-

690-09). The applicant's parcel, identified by APN 046-690-10 consists of 13.78 acres and is located at 6350 Brinkwood Lane. (Supervisor District: 2).

Note 1: Applicant's revised request states a relief request of a total of approximately 168-foot (Required 200 foot setback minus the proposed 32-foot pool building setback from the property line).

Note 2: As determined by Roger Trout, Director of Planning & Building Departments, the fee waiver previously approved by the Chief Administrative Officer is applicable to all ongoing fees to get the project to conclusion for both the Planning & Building Departments as well as the Agricultural Department.

Parcel Description:

- Parcel Number and Acreage: 046-690-10, 13.78 Acres
- Agricultural District: Yes
- Land Use Designation: Agricultural Lands to the North and Rural Residential on all other sides of the property.
- Zoning: LA-10 (Limited Agriculture, 10 acres); surrounding zoning designations are LA-10 (Limited Agriculture, 10 acres) to the south, AG-40 (Agricultural Grazing, 40 Acres) to the North, RL-10 (Rural Land, 10 Acres) and TC (Transportation Corridor) on the east side of the property.
- Soil Type: No choice soils

Discussion:

A site visit was conducted on January 11, 2018 to review the placement of the swimming pool.

Staff Recommendation:

Staff recommends APPROVAL of the Lapos' revised/corrected submittal, as the location has not physically changed. The proposed building site is approximately thirty-two feet (32' (pool, back of bond beam)), and the pool equipment approximately fifty-feet, eleven inches (50.92') from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the south/southeast (APN: 046-690-09). 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;*
 - a. ***The topography of this parcel and the developed areas related to the main dwelling (septic systems, leach fields, electrical service, driveways, etc..) severely limit the available pool sites.***

- j) *The proposed non-compatible structure will be located on the property to reasonably minimize the potential negative impact on adjacent agriculturally zoned land;*
 - a. ***The applicant has located the pool site to reasonably minimize any negative impacts to agriculturally zoned lands adjacent to the parcel.***
- 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*
 - a. ***The pool placement limits the amount of natural vegetation and oak removal. The topography of the property and the surrounding property provide a natural buffer to any agricultural operations that could be conducted in the future.***
- 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 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 addressed the public for comment; the applicant Bernard Lapos addressed the board and was available for questions.

It was moved by Commissioner Walker and seconded by Commissioner Neilsen

to recommend APPROVAL of Staff's recommendation of Lapos' request for administrative relief of an agricultural setback, allowing for placement of a swimming pool, thirty-two feet (32' (pool, back of bond beam)), and the pool equipment approximately fifty-feet, eleven inches (50.92') from the property line of the adjacent Limited Agriculture-10 acre zoned parcel (LA-10) to the south/southeast (APN: 046-690-09)

Motion passed:

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

NOES: None

ABSENT: Mansfield

ABSTAIN: None

**IX. Item # 18-1075 Subject: ADM18-0077/Schick AG Setback Reduction
Administrative Relief from Agricultural Setback Assessor's Parcel
Number: 321-240-05**

During the Agricultural Commission's regularly scheduled meeting held on July 11, 2018 the Commission reviewed the following request from Planning:

Planning Services is requesting review of a request for administrative relief from the agricultural setback for the above referenced project. This request is for the construction of a pool. According to the applicant, the proposed building site for the pool is approximately 84 feet from the property line of the adjacent LA-10 zoned parcel to the North (APN:321-240-08). The proposed building site for the pool is also approximately 168 feet from the adjacent LA-10 zoned parcel to the North West (APN:321-240-07). The applicant's parcel, identified by APN 321-240-05, consists of 17.14 acres and is located on Beals Rd. (Supervisor District 4)

Parcel Description:

- Parcel Number and Acreage: 321-240-05, 17.14 Acres
- Agricultural District: Yes
- Land Use Designation: RR = Rural Residential
- Zoning:RL-10 = Rural Lands 10 Acres, to the north - LA-10 = Limited Agriculture 10 Acres
- Choice Soils: ArC = Auberry Coarse Sandy Loam, 9 to 15 percent slopes

Discussion:

A site visit was conducted on June 26, 2018 to review the placement of the swimming pool.

Staff Recommendation:

Staff recommends APPROVAL of the Schick's request for administrative relief of an agricultural setback, allowing for pool approximately 84 feet from the property line of the

adjacent LA-10 zoned parcel to the North (APN:321-240-08). The proposed building site for the pool is also approximately 168 feet from the adjacent LA-10 zoned parcel to the North West (APN:321-240-07)., 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;

b. The topography of this parcel and the developed areas related to the main dwelling (septic systems, leach fields, electrical service, driveways, etc.) limit the available pool sites.

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

a. The applicant has located the pool site to reasonably minimize any negative impacts to agriculturally zoned lands adjacent to the parcel.

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

a. The placement of the pool in between and behind the main house and the guest house on the applicants parcel effectively shields the pool from the agriculturally zoned lands.

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 addressed the public for comment; the applicant was present and did not wish to address the Commission.

It was moved by Commissioner Neilsen and seconded by Commissioner Bolster to recommend APPROVAL of Staff's request for administrative relief of an agricultural setback, allowing for construction of a pool, approximately 84 feet from the property line of the adjacent LA-10 zoned parcel to the North (APN:321-240-08). The proposed building site for the pool is also approximately 168 feet from the adjacent LA-10 zoned parcel to the North West (APN:321-240-07), 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.

Motion passed:

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

X. Item # 18-1076 Subject:ADM18-0122/Thomas Van Noord Administrative Application for Temporary Ag Employee Housing Assessor's Parcel Number: 089-010-70-100

During the Agricultural Commission's regularly scheduled meeting held on July 11, 2018 a request from Planning Services to review administrative application for temporary agricultural housing. The applicant's parcel, identified by APN 089-010-70-100, consists of 50.14 acres and is located on Thompson Hill Road (Supervisor District 4).

As specified in Zoning Ordinance Code Sections 130.21.020 and 130.40.120-C.2 for any agricultural employee housing falling outside of compliance with standards, including temporary housing for seasonal workers, the Ag Commission must determine that:

- a) The need for such housing exists; and
- b) Agricultural employee housing shall be related to agricultural production, including livestock operations, and may serve agricultural employees who work off-site in serially seasonal, agriculturally-related employment.

Parcel Description:

- Parcel Number: 089-010-70
- Parcel Acreage: 50.14
- Ag District: Yes – Gold Hill
- Land Use Designation: (AL) Agricultural Lands
- Zoning: AG-40, Agricultural Grazing 40 Acres
- Average Elevation of Parcel: 1600 ft.

El Dorado County Zoning Ordinance:

Section 17.52.030 of the El Dorado County Zoning Ordinance allows, in addition to permanent residential dwellings, mobile homes for housing agricultural employees and their immediate families, for a limited period of time; provided that the Agricultural Commission advises in writing that the site and the activity satisfies three of the four criteria established by the County for an Agricultural Preserve (Williamson Act Contract). The Zoning Ordinance defines Agricultural Employees as those persons hired to carry on agricultural pursuits on the premises.

Section 17.36.140 defines uses requiring a special use permit on Planned Agricultural zoning. Item K requires the special use permit for single-family dwellings used for agricultural labor housing only when the parcel is over 10 acres and satisfies the criteria for a Williamson Act Contract with a favorable recommendation from the Agricultural Commission.

Discussion:

The property is in a current Williamson Act Contract (#330), and continues to meet the criteria to qualify as such;

- (1) Capital outlay exceeded the \$10,000
- (2) Minimum acreage met the 50.00 acre requirement at 50.14 acres;
- (3) Gross income exceeded the \$2,000

The agricultural operation consists of a cattle operation that necessitates the need for agricultural labor, and the placement of the agricultural housing meets the Principles of Compatibility (Section 51238.1 of the California Government Code);

- (1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel(s) or on other contracted lands,
- (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcels(s), and
- (3) The use will not result in the significant removal of adjacent contracted land from agricultural use.

Staff Recommendation: Staff recommends APPROVAL of ADM18-0122

Chair Boeger addressed the public for comment; one neighbor addressed the board with concerns from the neighborhood association. Mr. Van Noord addressed the concerns and answered questions from the board.

It was moved by Commissioner Draper and seconded by Commissioner Bacchi to recommend APPROVAL of Staff's recommendation of support of the request for administrative application for temporary agricultural housing. The applicant's parcel, identified by APN 089-010-70-100, consists of 50.14 acres and is located on Thompson Hill Road (Supervisor District 4).

Motion passed:

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

- XI. UPDATE on LEGISLATION and REGULATORY REQUEST – Charlene Carveth**
- XII. Correspondence and Other Business – None**
- XIII. ADJOURNMENT 8:43 pm**

APPROVED: _____ **DATE: 08/09/18**
Greg Boeger, Chair