



County of El Dorado

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

Minutes - Draft Agricultural Commission

Greg Boeger, Chair - Agricultural Processing Industry
David Bolster, Vice-Chair - Fruit and Nut Farming Industry
Shamarie Tong - Livestock Industry
Bill Draper - Forestry Related Industries
Tim Nielsen - Livestock Industry
Lloyd Walker - Other Agricultural Interest
Charles Mansfield - Fruit and Nut Farming Industry
LeeAnne Mila - Interim Agricultural Commissioner/Sealer of Weights and Measures

Friday, January 27, 2023

10:00 AM

<https://edcgov-us.zoom.us/j/81657804595>

Special Agricultural Commission Meeting
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 816 5780 4595.

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/81657804595>.

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 Clerk of the Agricultural Commission 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.

Meeting was called to order at 10:00am

The Meeting was called to order at 10:00am

Present: 6 - Boeger, Neilsen , Walker, Bolster, Tong and Mansfield

Absent: 1 - Draper

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

Adopt the Agenda and Approve the Consent Calendar

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

Absent: 1 - Draper

CONSENT CALENDAR

1. 23-0203

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 Item 2)

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

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

Absent: 1 - Draper

ACTION ITEMS

2. 23-0114

**CCUP21-0007/ Rosewood Commercial Cannabis Cultivation
Commercial Cannabis Use Permit Assessor's Parcel
Number: 095-130-051 and 095-130-054**

**Continued from 1/11/2023 Opening up for Comments from BOS
Room and Zoom Participants (Original item on 1/11/23
Legistar video time: 18:54-20:18)**

**SUBJECT: CCUP20-0003/ Rosewood Commercial Cannabis Cultivation
Commercial Cannabis Use Permit Assessor's Parcel
Numbers: 095-130-051, 095-130-054**

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on January 11, 2023, the Commission heard a request from Planning for a Commercial Cannabis Use Permit for the cultivation of commercial cannabis located at 3331 ROSEWOOD LN., Somerset, Ca -APN: 095-130-051 and 095-130-054. The project is located on a 20-acre parcel in the PA-20 zone district. This application is for 10,000 square feet of outdoor cannabis cultivation, ancillary activities to cultivation (processing, harvest storage, product packaging), transport only distribution, and type N manufacturing. The operation will have 10 full time employees and an additional 10 seasonal employees.

Parcel Description:

- Parcel Numbers and Acreages: 095-130-051& 095-130-054, combined 20 acres
- Agricultural District: Yes
- Land Use Designation: Agricultural Lands, AL
- Zoning: PA-20 (Planned Agriculture, 20 Acres).
- Choice Soils:
 - o HhC – Holland rocky coarse sandy loam, 5 to 15 percent slopes

Discussion:

A site visit was conducted on December 27, 2022 to assess the placement of the proposed cultivation area in regards to surrounding agricultural operations. This 20 acre parcel is isolated from existing agricultural crops. Dense forests along with topography help to buffer this proposed project site from the closest established crop which is located 2,100' to the south.

Staff Findings:

Staff finds that there will be no impact on agriculture based on the following analysis of relevant General Plan policies and County design thresholds for Commercial Cannabis.

Relevant General Plan Policies:

2.2.2.2

The purpose of the Agricultural District (-A) overlay designation is to identify the general areas which contain the majority of the County's federally designated prime, State designated unique or important, or County designated locally important soils (collectively referred to as "choice" agricultural soils) and which the Board of Supervisors has determined should be preserved primarily for agricultural uses. This designation does not imply any restrictions on agricultural uses in areas not designated specifically as an Agricultural District but only serves to identify agriculture as the principal activity and to discourage

incompatible uses such as higher density residential use.

A. Agricultural Districts shall be used to conserve and protect important agricultural crop lands and associated activities, maintain viable agricultural-based communities, and encourage expansion of agricultural activities and production.

In regards to Policy 2.2.2.2: No crops will be removed, so the principal activity on this parcel will not displace any existing agriculture.

8.1.3.5

On any parcel 10 acres or larger identified as having an existing or potential agricultural Use, the Agricultural Commission must consider and provide a recommendation on the Agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

In regards to Policy 8.1.3.5: The proposed site for cannabis cultivation will replace a round pen previously used as a horse arena. Existing buildings border both sides of the project area which make this site unfavorable for future conversion to a production agricultural crop.

8.1.4.1

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

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- 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.

In regards to Policy 8.1.4.1: no zoning changes are proposed, however; two existing 10 acre parcels are currently being combined to create a new 20 acre parcel. The zoning of this new parcel will remain as planned agriculture. This project will not create conflicts with existing agricultural activities. The closest production agricultural which appears to be an orchard is located 2,100' to the north east.

Setbacks:

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

The entire proposed cannabis cultivation area will be enclosed in greenhouses.

The current associated setbacks will place this project approximately 500' from the northern parcel boundary, 600' from the eastern boundary, 600' from the southern boundary, and 380' from the western parcel boundary line.

Staff does not believe that failure to meet the required 800' setbacks will impact surrounding agriculture.

The applicant is requesting a waiver from the setbacks on all 4 sides of his project area.

Chair Boeger brought the item back to the Commission for discussion. The applicant shared the plan/application that was submitted for approval through the Planning Department. Planning Department staff, Aaron Mount was available for questions and details pertaining to the Agricultural Commission request submitted by Planning. The Commission received one public comment that was attached to Legistar item #23-0114 and one additional comment received during the meeting that was read to the commission. These items will be under review at the Planning Commission Hearing and all surrounding properties will be notified as to the time of the upcoming meeting to be held at the El Dorado County Planning Department. A recording/video of the meeting is available on the County website <https://eldorado.legistar.com/Calendar.aspx> Ag Commission Meetings 01/11/2023 Video.

It was moved by Commissioner Draper and seconded by Commissioner Bolster to recommend that the commission accept staff findings, for Rosewood Commercial Cannabis Cultivation Use Permit CCUP20-0003, that there will be no impact on surrounding agriculture based on analysis of applicable General Plan policies and the project description.

Motion passed:

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

NOES: None

ABSENT: None

ABSTAIN: None

Motion is voided and will be revised after public comment of meeting on January 27, 2023.

Meeting continued from January 11, 2023 and Called to order at 10:00am on Friday January 27, 2023.

A summary of the project was presented by Agricultural staff and comments were received by County Counsel. Public Comment was received by neighbors and legal counsel for the applicant, including a zoom participant. One map was received as public comment and will be attached to the item in Legistar. The attachments will be under review at the Planning Commission Hearing and all surrounding properties will be notified as to the time of the upcoming meeting to be held at the El Dorado County Planning Department. Aaron Mount from Planning addressed the commission and explained the next steps for this application in the Planning Department.

Chair Boeger brought the item back to the Commission for discussion with County Counsel addressing the audience and Commission members going over the procedures of the Ag Commission and their review regarding General Plan

Policy 8.1.4.1 A recording/video of the meeting is available on the County website time start of 10:03:56 <https://eldorado.legistar.com/Calendar.aspx> Ag Commission Meetings 01/27/2023 Video.

It was moved by Commissioner Bolster and seconded by Commissioner Mansfield to recommend that the commission accept staff findings, for Rosewood Commercial Cannabis Cultivation Use Permit CCUP20-0003, that there will be no impact on surrounding agriculture area based on analysis of applicable General Plan policies and the project description, with the proviso that the applicants conduct the operation consistent with the approved Commercial Cannabis Use Permit for Assessor's Parcel Numbers: 095-130-051, 095-130-054.

Motion passed:

AYES: Boeger, Bolster, Mansfield, Neilsen, Walker

NOES: None

ABSENT: Draper

ABSTAIN: Tong

Yes: 5 - Boeger, Neilsen , Walker, Bolster and Mansfield

Recused: 1 - Tong

Absent: 1 - Draper

3. 23-0115

**CCUP21-0004/ Single Source Solutions Commercial Cannabis
Cultivation Commercial Cannabis Use Permit
Assessor's Parcel Number: 046-710-017**

**Continued from 1/11/2023 Opening up for Comments from BOS
Room and Zoom participants (Original item on 1/11/23
Legistar video time: 20:19-21:40)**

Williamson Act and Item moved by Bolster and Seconded by Walker

**SUBJECT: Re: CCUP21-0004/ Single Source Solutions Commercial Cannabis
Commercial Cannabis Use Permit
Assessor's Parcel Number: 046-710-017 Williamson Act Preserve #290**

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on January 11, 2023, the Commission heard a request from Planning for a Commercial Cannabis Use Permit for the cultivation of commercial cannabis located at 4941 D' Agostini Dr. Somerset, Ca -APN: 046-710-017 Compatibility Review. The project is located on a 57-acre parcel in the PA-20 zone district. This application is for 87,120 square feet of outdoor cannabis cultivation and ancillary activities to cultivation (processing, harvest storage, product packaging). The operation will have 4 full time employees.

Parcel Description:

- Parcel Number and Acreage: 046-710-017, 46.53 Acres
- Agricultural District: Yes
- Land Use Designation: Rural Residential, RR
- Zoning: LA-20 (Limited Agriculture, 20 Acres).
- Choice Soils: Yes, But not on proposed project area
- o AsC – Auberry rocky coarse sandy loam, 5 to 15 percent slopes

Discussion:

A site visit was conducted on December 27, 2022 to assess the placement of the proposed cultivation area in regards to surrounding agricultural operations. This proposed cannabis cultivation project will replace 2 acres of existing production vineyard. The vineyard is fragmented into two separate locations on the property with the front 7 acres of vineyard remaining in production. The Agricultural Commission is also being asked to determine if the findings for compatible use on an existing Williamson Act Contract can be made.

Staff Findings:

Staff finds that there will be no impact on surrounding agriculture based on the following analysis of relevant General Plan policies and County design thresholds for Commercial Cannabis.

Relevant General Plan Policies:

2.2.2.2

The purpose of the Agricultural District (-A) overlay designation is to identify the general areas which contain the majority of the County's federally designated prime, State designated unique or important, or County designated locally important soils (collectively referred to as "choice" agricultural soils) and which the Board of Supervisors has determined should be preserved primarily for agricultural uses. This designation does not imply any restrictions on agricultural uses in areas not designated specifically as an Agricultural District

but only serves to identify agriculture as the principal activity and to discourage incompatible uses such as higher density residential use.

A. Agricultural Districts shall be used to conserve and protect important agricultural crop lands and associated activities, maintain viable agricultural-based communities, and encourage expansion of agricultural activities and production.

In regard to Policy 2.2.2.2: The converted portion of the existing vineyard is not located on choice soils. The productive vineyard site located alongside D'Agostini Dr. which is located on choice soils will remain with agriculture as the principal activity on this parcel.

8.1.3.5

On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the Agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

In regards to Policy 8.1.3.5: this parcel has two existing vineyards that are well established on the upper and lower parts of the property. The upper vineyard routinely produces two tons of award winning wine grapes per acre. The lower vineyard, although well established historically has produced lower yields and has proven to be economically unfeasible to farm. We believe that the upper 7 acre vineyard meets the agricultural capabilities of this parcel.

8.1.4.1

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

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- 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.

In regard to Policy 8.1.4.1: no zoning or parcel size changes are proposed. Conflict with adjacent agricultural operations will not be created by this project. The topography of this site relative to surrounding parcels further buffers this cultivation site from the next adjacent agricultural operation which is located over 2,000' away.

Setbacks:

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

No waiver is requested from the required setbacks.

Current Staff Findings:

Staff finds that the proposal is consistent with the requirements for a compatible use on pre-existing Williamson Act contract as outline in resolution 139-2022, as defined below.

4. Compatible Uses

A. Uses approved on contracted lands shall be consistent with Government Code Section 51238.1 principles of compatibility, as it now reads or may thereafter be amended.

(1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

The cannabis cultivation will not affect the long-term productive agricultural capability as the portion of this property where choice soils exist will remain in production agriculture. Although this cannabis cultivation project will remove some vineyard area, it will replace an area with historic low yields and lower quality grapes that render this portion economically unfeasible to continue farming.

(2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

The applicant is preserving the larger vineyard which is consistently producing award winning wine grapes. The isolated location of this proposed site will not impair any future agricultural operations.

(3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

The cultivation of cannabis will not result in any removal of adjacent contracted land for agricultural use.

(4) The use does not include a residential subdivision.

The proposed use will not result in a residential subdivision on the property.

B. Commercial Cannabis Cultivation on a parcel that has a pre-existing Williamson Act contract is a compatible use if all the following requirements are met:

a. Commercial cannabis cultivation shall not be used to qualify a parcel for a Williamson Act Contract.

The contract requirements are being met by the productive, 7+ acre front vineyard. Commercial cannabis will in no way be used to qualify for the Williamson Act Contract.

b. The commercial cultivation of cannabis in compliance with all other laws,

including Division 10 of the Business and Professions Code and EDC Ordinance Code Chapter 130.42.

The commercial cannabis operation will be in compliance with all State and local laws and regulations.

c. The contracted parcel that is proposing to be used to cultivate commercial cannabis continues to meet the County of El Dorado's criteria for establishing an agricultural preserve in this Resolution and El Dorado County Zoning Ordinance Code Section 130.40.060.

The applicant will continue to meet the Williamson Act Contract requirements with his existing 7 acre grape vineyard and will comply with all commercial cannabis ordinance requirements.

d. The Agricultural Commission reviews the application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation to determine whether it qualifies for the above standards.

The applicant's permit is being reviewed currently.

Chair Boeger brought the item back to the Commission for discussion. The applicant shared the plan/application that he submitted for approval through the Planning Department. Planning Department staff, Aaron Mount was available for questions and details pertaining to the Agricultural Commission request submitted by Planning. The Commission received one public comment that was attached to Legistar item #23-0115 and two additional comments received during the meeting. Numerous neighbors commented on the project with concerns of setbacks, odor, water and safety. These items will be under review at the Planning Commission Hearing and all surrounding properties will be notified as to the time of the upcoming meeting to be held at the El Dorado County Planning Department. A recording/video of the meeting is available on the County website <https://eldorado.legistar.com/Calendar.aspx> Ag Commission Meetings 01/11/2023 Video.

The Williamson Act portion of this request was moved by Commissioner Mansfield and Seconded by Commissioner Bolster to recommend acceptance of staff's recommendations of the compatibility with Williamson Act contracted parcels per Resolution Number 139-2022

Motion passed:

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

NOES: None

ABSTAIN: None

ABSENT: None

It was moved by Commissioner Draper and seconded by Commissioner Neilsen to recommend that the commission accept staff findings, for Single Source Solutions Commercial Cannabis Use Permit CCUP21-0004, that there will be no impact on surrounding agriculture based on analysis of applicable General Plan policies and the project description. It was further moved that all development standards within the conditions of approval shall be met in this application when presented to the Planning Commission.

Motion passed:**AYES:** Boeger, Bolster, Mansfield, Neilsen, Draper, Tong, Walker**NOES:** None**ABSENT:** None**ABSTAIN:** None

Motions are voided and will be revised after public comment of meeting on January 27, 2023.

Prior to this item being heard County Counsel addressed a letter that was received for public comment regarding a possible conflict of interest. Letter is attached to Legistar 23-0115, and no conflict of interest was established.

A summary of the project was presented by Agricultural staff and comments were received by County Counsel. Public Comment was received by neighbors, zoom participants and the applicant. Written comments were received by the clerk to be attached to the Legistar item. The attachments will be under review at the Planning Commission Hearing and all surrounding properties will be notified as to the time of the upcoming meeting to be held at the El Dorado County Planning Department.

Chair Boeger brought the item back to the Commission for discussion. Commission members inquired about the public comment inquiries regarding setbacks, odor, roads, and water. Aaron Mount from Planning addressed the commission and explained the mitigation steps for this application applying to the date of purchase of the property and the procedures that must be followed for this project. County Counsel addressing the audience and Commission members regarding the zone of benefits of the roads within the development and the lead being the County Department of Transportation. A complete recording/video of the meeting is available on the County website time start of 10:42:17am <https://eldorado.legistar.com/Calendar.aspx> Ag Commission Meetings 01/27/2023 Video.

The Williamson Act portion of this request was moved by Commissioner Neilsen and Seconded by Commissioner Mansfield to recommend APPROVAL of staff's recommendations of the compatibility with Williamson Act contracted parcels per Resolution Number 139-2022

Motion passed:**AYES:** Boeger, Bolster, Mansfield, Neilsen, Walker**NOES:** None**ABSENT:** Draper**ABSTAIN:** Tong

It was moved by Commissioner Bolster and seconded by Commissioner Walker to recommend that the commission accept staff findings, for Single Source Solutions Commercial Cannabis Use Permit CCUP21-0004, that there will be no impact on surrounding agriculture based on analysis of applicable General Plan policies and the project description, with the proviso that the applicant conduct

the operation consistent with the conditions set forth in the development standards for Assessor's Parcel Number: 046-710-017.

Motion passed:

AYES: Boeger, Bolster, Mansfield, Neilsen, Walker

NOES: None

ABSENT: Draper

ABSTAIN: Tong

Yes: 5 - Boeger, Neilsen , Walker, Bolster and Mansfield

Recused: 1 - Tong

Absent: 1 - Draper

ADJOURNED at 11:47am

Meeting was adjourned at 11:47am