



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

May 12, 2021

6:30 P.M.

Meeting held via ZOOM Meeting ID 955 1204 7064

Members Present: Walker, Draper, Bolster, Bacchi, Boeger, Mansfield, Neilsen

Ex-Officio Members Present: Charlene Carveth, Agricultural Commissioner

Media Members Present: None

Staff Members Present: Myrna Tow, Clerk to the Agricultural Commission
Tom Williams, Ag Biologist Standards Inspector III
CJ Seado, Ag Biologist Standards Inspector III
Aaron Mount Senior Planner Planning Services
Jon Mijat, Assistant Planner Planning Services

I. CALL TO ORDER

- **Chair, Greg Boeger, called the meeting to order at 6:33 p.m. and asked for a voice vote for approval of the Agenda of May 12, 2021.**

Motion passed:

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

NOES: None

ABSENT: None

ABSTAIN: None

ACTION ITEMS

II. Item # 21-0070 APPROVAL OF MINUTES of April 14, 2021

Chair Boeger called for a voice vote for approval to approve the Minutes of March 10, 2021

Motion passed:

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

NOES: None

ABSENT: None

ABSTAIN: None

III. PUBLIC FORUM – None

**IV. Subject: ADM21-0013 James Agricultural Setback Relief
Administrative Relief from Agricultural Setback to construct a
swimming pool Assessor's Parcel Number: 317-030-007-000**

During the Agricultural Commission's regularly scheduled ZOOM meeting held on May 12, 2021, 6:30 pm the Commission heard a request from the Planning Department for an application for administrative relief from the required 200-foot agricultural setback for the above-referenced project be reduced to 70 feet from the south property line adjacent to parcel 317-030-006 for a pool through building permit number 338051.

The applicant's parcel, APN 317-030-007, is 54 acres and zoned Rural Lands -20 acre (RL-20). The parcels located to the north are 317-030-003 and 317-030-004 are zoned RL-10 and Limited Agriculture LA-10; the parcels to the east is 317-040-030 and 317-040-010 is zoned RL-10 and RL 20; the parcel located to the south and west is 317-030-006 is zoned Agricultural Grazing 40 acre (AG-40). All parcels are in Supervisor District 4 and are located in an Agricultural District. Parcel 317-030-006 located to the south and west of the subject parcel is in a WAC.

Parcel Description:

- Parcel Number and Acreage: 317-030-007-000, 53 Acres
- Agricultural District: Yes, Gold Hill
- Land Use Designation: Agricultural Land, AL
- Zoning: RL-20 (Rural Lands, 20 Acres).
- Soil Type: Choice Soils
 - ArB: Auberry Coarse Sandy Loam 5-9 % Slopes

Discussion:

A site visit was conducted on April 13, 2021 to assess the placement of the proposed pool.

Staff Findings:

Staff recommends APPROVAL of the request for potential future development of a swimming pool, no less than 70 ft. from the southern property line, as staff believes that three of the four findings that the Agricultural Commission is required to make by Resolution No. 079-2007 and adopted by the Board of Supervisors on April 17, 2007, can be made:

- a) *No suitable building site exists on the subject parcel except within the required setback due, but not limited to, compliance with other requirements of the General Plan or other County development regulations;*

The 200 foot setback limits the available building sites. The existing home is located within the 200 foot agricultural setback. This was discovered during a subsequent land survey by the neighboring property owner, parcel 317-030-006 (located to the south), that the parcel line was actually further to the north. The

proposed placement of the pool is due to the existing placement of the septic system and leach lines behind the home. Placement of the pool to the north of the house would place the swimming pool at a considerable distance away from the home and impact grazing areas on the applicant's 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 pool is placed directly behind the existing house, within a fenced area which is located between an existing chicken coop, and lawn area.

- 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*

Several natural and previously existing buffers exist that protect the cattle grazing land located to the south and west from the proposed building site. A dense stand of interior live oak trees already provides a visual buffer, while a historic vertical mineshaft prevents any future development within this setback. An existing fruit orchard and vegetable planting beds further buffer the grazing land from the proposed swimming pool 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 soils and/or topographic characteristics of the adjacent agriculturally zoned parcel or because the General Plan Land Use Designation of the surrounding or adjacent parcels is not agriculture (e.g. Light/Medium/High Density Residential).*

Staff also recommends that the applicant comply with Resolution No. 079-2007 Exhibit A of the Board of Supervisors pertaining to the adoption of the Criteria and Procedures for Administrative Relief from Agricultural Setbacks. Section B.5 requires the following action by the applicant: In all cases, if a reduction in the agricultural setback is granted for a non-compatible use/structure, prior to the issuance of a building permit, a Notice of Restriction must be recorded identifying that the non-compatible use/structure is constructed within an agricultural setback and that the owner of the parcel granted the reduction in the agricultural setback acknowledges and accepts responsibility for the risks associated with building a non-compatible use/structure within the setback.

If the Agricultural Commission cannot make the required findings in Resolution No. 079-2007, an application may be made to the Board of Supervisors for administrative relief. Such relief may be granted by the Board of Supervisors upon a determination by the Board taking all relevant facts into consideration that the public interest is served by the granting of the relief. Such applications shall be made to the Development Services Department and a

recommendation made to the Board of Supervisors.

Chair Boeger brought the item back to the Commission for discussion. Commission members had questions about the cattle and potential setbacks on the adjoining agricultural properties. The applicant was present on the zoom meeting and answered questions regarding the cattle and the earlier land split addressing the property line.

It was moved by Commissioner Bacchi and seconded by Commissioner Bolster to recommend APPROVAL of staff's recommendations for Administrative relief from the agricultural setback for the request of a swimming pool, no less than 70 feet from the south property line adjacent to parcel 319-030-006 as staff believes that three of the four findings that the Agricultural Commission is required to make by Resolution No. 079-2007 and adopted by the Board of Supervisors on April 17, 2007, can be made:

For the complete presentation and all of the public participants questions and concerns please go to: (Note: Will be posted after Minutes are approved at next scheduled Agricultural Commission Meeting)

<https://eldorado.legistar.com/MeetingDetail.aspx?ID=856726&GUID=D412E0BC-400D-4329-8AE6-988C606D4B57&Options=info|&Search=>

Motion passed:

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

V. CCUP20-0004/ Green Gables Growers Commercial Cannabis Cultivation Commercial Cannabis Use Permit Assessor's Parcel No. 087-021-057

During the Agricultural Commission's regularly scheduled ZOOM meeting held on May 12, 2021, 6:30 pm the Commission heard a request from the Planning Department for an application for a Commercial Cannabis Use Permit. Planning Departments request is based on Section 130.41.200.5.N of the Zoning Ordinance stating "Recommendation of the Agricultural Commission. An application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation must be reviewed by the Agricultural Commission, including any suggested conditions or restrictions, shall be forwarded to and considered by the Planning Commission."

The applicants were requesting the following:

Commercial Cannabis Use Permit for the cultivation of commercial cannabis located at 6914 South Shingle Rd. Shingle Springs -APN: 087-021-057. The project is located on a 105-acre parcel in the AG-40 zone district. This application is for 7,825 square feet of outdoor cannabis cultivation and processing for distribution. It is anticipated the operation will employ 3 full-time employees and up to 6 seasonal employees.

Improvements include:

- Fenced area of 19,855 sf
- Cannabis grow area of 7,825 sf
- Gravel parking area
- Concrete ADA parking space
- Prefabricated ADA restroom
- Septic system

Parcel Description:

- Parcel Number and Acreage: 087-021-057, 105 acres
- Agricultural District: None
- Land Use Designation: Agricultural Lands, AL
- Zoning: AG-40 (Agricultural Grazing 40 acres)
- Soil Type: No choice soils (Auburn Very Rocky Silty Loams, 2-30% slopes)

Discussion:

A site visit was conducted on April 26, 2021 to review the location for the proposed cultivation area.

Staff Recommendation:

Staff recommends support of the applicants proposal for a cannabis cultivation operation on a 105 acre property located at 6914 South Shingle Rd. Shingle Springs, CA -APN: 087-021-057 based on the following analysis of compliance with General Plan policies:

Relevant General Plan Policies:

2.2.2.2

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

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

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

8.1.3.5

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

Regarding policy 8.1.3.5: this proposal will not diminish or impair the existing or potential use of this agriculturally zoned parcel. The proposed area does not contain any choice soils. The location is currently being used for agriculture; cattle and horse grazing. With the fenced cultivation area in place the remainder of the parcel could still be used for cattle grazing in conjunction with the commercial cannabis cultivation operation.

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

The cultivation site meets the 800 foot setbacks and should not create conflicts. The existing house and grazing land is a buffer between the cultivation site and the RL parcels to the west. Grazing land buffers the site from the RL parcel to the north. The Ag zoned parcels to the east are buffered from the cultivation site by grazing land and South Shingle Rd. The Ag parcel to the south is buffered by grazing land and the horse barn and arenas from the cultivation site.

- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and

The project does not create an island effect as there is no changes to the zoning.

- C. Will not significantly reduce or destroy the buffering effect of existing

large parcel sizes adjacent to agricultural lands.

The project will not reduce the size of the parcel.

Setbacks:

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

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

No setbacks waivers have been requested.

Chair Boeger brought the item back to the Commission for discussion and mentioned to all participants that the Agricultural Commission's task is to establish if there are any close Agricultural properties or operations that will be effected. Water, Safety, and Roads will all be addressed when the project goes to Planning. The scope for the Agricultural Commission was limited to Policy numbers: 2.2.2.2., 8.1.4.1., and 8.1.3.5.

The Applicant, Corporate Counsel of the project, and his engineer gave a brief description of plans and remained available for questions and comments. One letter of support was mentioned and is attached in Legistar. Aaron Mount, Senior Planner from the Planning Department addressed the Commission and members of the public and also stated that most of the items mentioned would be addressed at the Planning Commission Meeting. Aaron also said that there are many permitting agency's involved in each use permit issued.

One member of the public addressed the Commission in support of the project. Commissioner Bolster gave a brief perspective of maintaining the large agricultural lands.

For the complete presentation and all of the public participants questions and concerns please go to: (Note: Will be posted after Minutes are approved at next scheduled Agricultural Commission Meeting)

<https://eldorado.legistar.com/MeetingDetail.aspx?ID=856726&GUID=D412E0BC-400D-4329-8AE6-988C606D4B57&Options=info|&Search=>

It was moved by Commissioner Draper and seconded by Commissioner Bolster to recommend APPROVAL of staff's findings that this project as stated doesn't have a conflict with agriculture. The project is located on a 105-acre parcel in the AG-40 zone district. This application is for 7,825 square feet of outdoor cannabis cultivation and processing for distribution Based on the analysis of compliance with General Plan

policies listed above:

Motion passed:

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

VI. CCUP20-0003/Kilzer Commercial Cannabis Cultivation Commercial Cannabis Use Permit Assessor's Parcel Number: 041-900-003

During the Agricultural Commission's regularly scheduled ZOOM meeting held on May 12, 2021, 6:30 pm the Commission heard a request from the Planning Department for an application for a Commercial Cannabis Use Permit. Planning Departments request is based on Section 130.41.200.5.N of the Zoning Ordinance stating "Recommendation of the Agricultural Commission. An application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation must be reviewed by the Agricultural Commission, including any suggested conditions or restrictions, shall be forwarded to and considered by the Planning Commission."

The applicants were requesting the following:

Commercial Cannabis Use Permit for the cultivation of commercial cannabis located at 5840 Stephanie Ct., Somerset, Ca -APN: 041-900-003. The project is located on a 10-acre parcel in an RL-10 zone district. This application is for up to 6,000 square feet of outdoor cultivation. Processing will be done on site. The applicant will reside at the property and will be the sole employee.

Parcel Description:

- Parcel Number and Acreage: APN: 041-900-003 (10 acres)
- Agricultural District: No
- Land Use Designation: RR = Rural Residential
- Zoning: RL-10, Rural Land 10 Acres
- Elevation: 3200 feet
- Soil Type: All Choice Soils
 - MrC, Musick Sandy Loam, 9 to 15 Percent Slopes
 - MsC, Musick Rocky Sandy Loam, 5 to 15 Percent Slopes

Discussion:

A site visit was conducted on April 29, 2021 to review the location for the proposed cultivation area.

Staff Recommendation:

Staff recommends support of the applicants proposal for a cannabis cultivation operation on a 10 acre property at 5840 Stephanie Ct, Somerset, California, APN: 041-900-003 . In addition staff recommends that some form of odor mitigation be put in place to prevent the exceedence of the County's standard based on the following analysis of compliance with General Plan and County policies:

Relevant Policies:

2.2.2.2

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

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

This policy is not applicable as the parcels are not in an Agricultural District.

8.1.4.1

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

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

The nearest agriculturally zoned parcel, is a Forest Resource zoned parcel approximately 1000 feet to the north. The cultivation site will not impact any logging activities that may take place on the parcel. There is a Limited Agriculture parcel to the northeast, which has a vineyard and is approximately 1800 feet away from the cultivation site. Terpenes are not known to have effects to crops more than 200-300 feet away so there should not be

any affect on the vineyard.

- E. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and

The project does not create an island effect as there is no changes to zoning.

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

The project will not reduce the size of the parcel.

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.

General Plan policy 8.1.3.5: this proposal will not diminish or impair the existing or potential use of this Rural Lands zoned parcel. The proposed area does contain choice soils. The cannabis cultivation will use approximately .14 acres of the 10 acre property. The location is not currently being used for agriculture, but most areas of the parcel could still be used for agricultural purposes in conjunction with the commercial cannabis cultivation operation.

Setbacks:

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

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

The applicant is requesting a waiver from the setback. The applicant had an odor study conducted. Since there is a potential for the odor intensity to exceed the County's standard limit of 7 DT on parts of the southern property line the company recommended installation of an odor control system to mitigate odors. Staff recommends that some form of odor mitigation be put in place to prevent the exceedance of the County's standard.

Chair Boeger brought the item back to the Commission for discussion and mentioned to all participants that the Agricultural Commission's task is to establish if there are any close Agricultural properties or operations that will be effected. Water, Safety, and Roads will all be addressed when the project goes to Planning. The scope for the Agricultural Commission was limited to Policy numbers: 2.2.2.2., 8.1.4.1., and 8.1.3.5.

The applicants of the project gave a brief description of plans and remained available for questions and comments. One letter opposing the project signed by several neighbors was received with most items not being agricultural elements and will be addressed in Planning and one letter of support was mentioned, both letters are attached in Legistar. One member of the public addressed the Commission regarding permitting and Aaron Mount, Senior Planner from the Planning Department was able to address the question and also reiterated that most of the items mentioned would be addressed at Planning. One other member of the public addressed the Commission with a request for approval of the project.

For the complete presentation and all of the public participants questions and concerns please go to: (Note: Will be posted after Minutes are approved at next scheduled Agricultural Commission Meeting)

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It was moved by Commissioner Walker and seconded by Commissioner Mansfield to recommend APPROVAL of items under the Commission's review that this project would not have a detrimental effect on the agriculture operations around this project as the vineyards are over 1,800' away The project is located on a 10-acre parcel in an RL-10 zone district. This application is for up to 6,000 square feet of outdoor cultivation. Processing will be done on site based on the analysis of compliance with General Plan policies listed above:

Motion passed:

AYES: Walker, Boeger, Bolster, Mansfield

NOES: Bacchi, Neilsen

ABSTAIN: Draper

VII. A Letter of support to the Board of Supervisors regarding a resolution in the matter of Federal Weekly Work Hours Standard for Herders in California:

During the Agricultural Commission's regularly scheduled ZOOM meeting held on May 12, 2021, 6:30 pm the Commission heard a request forwarded from the District II Board of Supervisor George Turnboo for a review by the Agricultural Commission to support the resolution for Federal Weekly Hours Work Standards for Herders in California going before the

Board of Supervisors on Tuesday May 18, 2021.

Commissioner Carveth explained that the request is from the small industry of sheep and goat ranchers who have been working toward an effort to mitigate the impact of the Ag Overtime bill (AB 1066) on herder wages being referenced by the resolution. The Bill was approved by the Legislature and the Governor in September of 2016. The farmers were and are impacted by the bill and the unintended consequences of the law has created an economically unsuitable situation for the occupation of sheep/goat herding with the overtime and hourly wage requirements.

Chair Boeger brought the item back to the Commission for discussion. Commissioner Bacchi and Commissioner Neilsen were very familiar with the Legislature and the impacts on farmers.

It was moved by Commissioner Neilsen and seconded by Commissioner Bacchi to recommend support of the resolution before the Board of Supervisors on May 18, 2021 for the Federal Weekly Hours Work Standards for Herders.

Motion passed:

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

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

CORRESPONDENCE AND OTHER BUSINESS –

ADJOURNMENT 9:00 pm

APPROVED: _____ **DATE: 5/12/2021**
Greg Boeger, Chair