



Public Comment for
21-1772
Myrna Tow <myrna.tow@edcgov.us>

Item 1 File 21-1772 November 10, 2021 Agricultural Commission Meeting

El Dorado Growers Alliance <eldoradogrowersalliance@gmail.com>

Tue, Nov 9, 2021 at 11:02 AM

To: Myrna Tow <myrna.tow@edcgov.us>, Charlene Carveth <charlene.carveth@edcgov.us>, greg@boegerwinery.com
Cc: David Harde <davidharde123@gmail.com>, Aaron Mount <aaron.mount@edcgov.us>, Laurel Brent-Bumb <chamber@eldoradocounty.org>, Michael Pinette <michaelpca@gmail.com>, Christopher Perry <christopher.perry@edcgov.us>, kirk.sfw@gmail.com, Sara Rangel <Saraerangel91@gmail.com>, Jay Windhill <jaywind855@gmail.com>, tslmeds@gmail.com, The BOSTHREE <bosthree@edcgov.us>, The BOSFIVE <bosfive@edcgov.us>, The BOSONE <Bosone@edcgov.us>

Commissioners:

Please vote for the compatibility of cannabis with the existing Williamson Act contracts.

Cannabis in the real world is an annual crop grown outdoors and in greenhouses and hoop houses. Should an El Dorado County cannabis grower decide to stop growing cannabis they can within hours start growing another crop. The growing of cannabis in no way reduces the agricultural capacity of the county.

Suggesting that cannabis is like a strip mall or multifamily residential development in the context of the Williamson Act or general plan issues is highly flawed.

State law (Section 26060 BPC (a) (1)) states, "for the purposes of this division, cannabis is an agricultural product." The specificity of this section provides an argument that the county's use of the word "agricultural product" is preempted by the state despite Section 26200 (a) BPC.

The Ag Commission and Ag Dept. will be shooting themselves in the foot if they allow the compatibility of cannabis to prevent existing agricultural operations from getting cannabis licenses. The cannabis tax revenue will be higher (and potentially used more by the Ag Dept.) than property tax from the same properties. The cannabis taxes are \$2 a square foot for outdoor and \$4 a square foot for greenhouse-grown cannabis. A 2 acre outdoor cannabis cultivation area will generate \$174K in taxes per year.

If you want to conserve Ag land then you need to allow farming of the most profitable crops on the land. Otherwise, if you restrict them to mature market commodities then the likelihood that those farms will actually survive to farm in perpetuity isn't likely. I mean...look at grapes- it costs more to farm per acre than you can sell it for. So the only non-winery grape growers out there are gentleman farmers and hobbyists...that does nothing to actually bolster the viability of commercial agriculture. 40 years ago the county's number one crop was pears. Viable products change with time. Small farms that earn a living off of their land need as many revenue-generating products as possible. The Alliance supports reducing Ag campground regulatory barriers to entry and regulator barriers to operation for this reason. Someday cannabis operations may need campgrounds to be economically viable.

Thank you for your assistance in this matter.

Rod Miller
Executive Director
El Dorado County Growers Advocacy Alliance
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Myrna Tow <myrna.tow@edcgov.us>

Fwd: Comment for Agriculture Commission Meeting, 11/10/21

David Harde <davidharde123@gmail.com>
To: Myrna Tow <myrna.tow@edcgov.us>

Tue, Nov 9, 2021 at 3:03 PM

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- > Please forward my comments to The Agricultural Commissioners for the meeting regarding Agenda Item, C21-1722, reviewing the compatibility of El Dorado County Cannabis Cultivation and Williamson Act Designated Lands:
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- > El Dorado Agricultural Commissioners:
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- > El Dorado County Cannabis Cultivation and Williamson Act Lands in the County are compatible in fulfilling the spirit, goals and requirements of the Agricultural Preserve Designation.
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- > 1. In accordance with Resolution No. 188-2002, amending Resolution NO. 245-99, Dated July 16, 2002, the following criteria for the establishment of an Agricultural Preserve requires the agricultural activity to contribute to the agricultural welfare of the County, the intensive farming operations to produce a crop within three years, generating a minimum income of \$13,500, and requires a minimum capitol investment outlay of \$45,000. A cursory review of the existing Cannabis Cultivation Applicants' investments in preliminary studies fulfilling the County requirements, in addition to the projected costs of infrastructure and projected tax revenues to be paid to the County in the form of a Canopy tax, based on the area cultivated, fulfills more than these stated requirements.
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- > 2. Regarding C21-1722, Section 81000, in accordance with The Governing Code, Article 51201, Industrial Hemp, an Agricultural Commodity, cultivated in accordance with Division 24 of The California Food and Agriculture Code, is allowed to be cultivated on Williamson Act Lands. This reflects the 2018 Federal Farm Act designation, Industrial Hemp, as an Essential Farm Commodity. California Department of Cannabis Control licenses and regulates all commercial cannabis activities in California. The Department issues Commercial Cultivation Licenses for the growing (cultivation) of Cannabis, an agricultural product in the State of California." Cultivators grow all of the Cannabis plants that are harvested, sold as flowers and made onto products. Their operations look like other agricultural operations in California, as to soil preparation, planting, irrigation, pest management, harvesting and post harvest processing(drying, curing and trimming). Though Federal Law has yet to declassify, legalize and regulate Cannabis, California has legalized and regulated Cannabis. Therefore, within the State, Cannabis is, in fact, an accepted agricultural product and is compatible with Williamson Act Lands.
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- > 3. The progression of California State Cannabis Laws from 1996 to the present reflect the gradual development, evolution and government codification of Cannabis as a valuable agricultural product within the State:
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- > 1996 - The Compassionate Use Act of 1996(Prop 215), legally defined the cultivation of Marijuana and the use of Medical Cannabis in California. 56% of the voting population approved the measure.
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- > 2003 - California SB 420 enacted recognizing the right of Patients and Caregivers in California to associate or collectively cultivate Medical Marijuana(Cannabis).
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- > 2004 - MMPA, Medical Marijuana Program Act created a framework of rules and regulations for Cannabis cultivation in California.
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- > 2016 - Proposition 64, Adult Use of Marijuana Act, legalized and regulates the recreational use of Marijuana in California. Cal Cannabis, was formed within the California Department of Food and Agriculture, to license and regulate Cannabis production.
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- > 2018 - Implementation Of Proposition 64 eliminated criminal consequences for personal level of Cannabis Cultivation, six plants, in California. State voter approval, 57%; Placerville voter approval, 67%; El Dorado County voter approval, 50%.
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- > After 25 years of the gradual Cannabis legalization in California, the validation and confirmation of Cannabis as a valuable California Agricultural product is clear today. Therefore, El Dorado County Cannabis Cultivation and Williamson

Act

> Designated Lands are, without question, compatible in spirit, agricultural use, land preservation, the fulfillment of the goals our General Plan and in the contribution of the agricultural welfare of El Dorado County.

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> Thank you for your considerations.

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> David Harde

> Organic Farming Innovations