



Public Comment Rec 1/10/22

Myrna Tow <myrna.tow@edcgov.us>

Correspondence for Ag Commission Meeting January 12, 2022.

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

Please add my correspondence to this weeks meeting for the Commissions consideration, thank you.

Commissioners:

Please reference the Governmental Code, Article 2.5 [51231] (b), listed below:

Now is the time to forward a motion and vote positively in regard to allowing Cannabis as a compatible agricultural product to be produced upon Williamson Act Designated Lands in El Dorado 2018.

For each of the Commissioners I suggest the historic lessons learned from post-alcohol prohibition years be considered: El Dorado County winery and independent local breweries, have crea

Please consider and positively pass this resolution. Thank you.

Respectfully,

David Harde

**ARTICLE 2.5. Agricultural Preservation
1969, Ch. 1372.)**

51231. (a) For the purposes of this
adopt rules governing the administrative
for initiating, filing, and processing requests
related to compatible uses shall be ()
Those rules shall be applied uniformly
may require the payment of a reasonable fee
required to establish an agricultural
or diminish the size of an agricultural
uses. the board or council may enur

-----, are to be considered as separate uses, such as housing, that are to be considered to separately from those uses that are not under contract within the agricultural

(b) The rules adopted pursuant to the rules of cannabis in accordance with Division of Business and Professions Code may be applied to noncontracted lands.

(Amended by Stats. 2019, Ch. 273,

51238. (a) (1) Notwithstanding any other provision of law, a city pursuant to this article, unless the board of supervisors finds to the contrary, the erection, installation, or maintenance of gas, electric, water, communication, or any other utility determined to be compatible uses with the agricultural

(2) No land occupied by gas, electric, water, or communication housing facilities shall be excluded from the agricultural

(b) The board of supervisors may in its discretion allow uses within preserves to permit and encourage the use of

51238.1, particularly public outdoor recreation

(Amended by Stats. 1999, Ch. 967,

51238.1. (a) Uses approved on condition of compatibility shall follow the following principles of compatibility:

(1) The use will not significantly com

(1) The use will not significantly con-
capability of the subject contracted p
agricultural preserves.

(2) The use will not significantly disp
agricultural operations on the subject
contracted lands in agricultural pres
operations on the subject contracte
they relate directly to the production
contracted parcel or parcels or neigh
harvesting, processing, or shipping.

ARTICLE 2.5. Agricultural Preserves [51230 - 51239] (Article 2.5 added by Stats. 1969, Ch. 1372.)

51231. (a) For the purposes of this chapter, the board or council, by resolution, shall adopt rules governing the administration of agricultural preserves, including procedures for initiating, filing, and processing requests to establish agricultural preserves. Rules related to compatible uses shall be consistent with the provisions of Section 51238.1. Those rules shall be applied uniformly throughout the preserve. The board or council may require the payment of a reasonable application fee. The same procedure that is required to establish an agricultural preserve shall be used to disestablish or to enlarge or diminish the size of an agricultural preserve. In adopting rules related to compatible uses, the board or council may enumerate those uses, including agricultural laborer housing, that are to be considered to be compatible uses on contracted lands separately from those uses that are to be considered to be compatible uses on lands not under contract within the agricultural preserve.

(b) The rules adopted pursuant to this section may provide that commercial cultivation of cannabis in accordance with Division 10 (commencing with Section 26000) of the Business and Professions Code may constitute a compatible use on contracted or noncontracted lands.

(Amended by Stats. 2019, Ch. 273, Sec. 2. (SB 527) Effective January 1, 2020.)

51238. (a) (1) Notwithstanding any determination of compatible uses by the county or city pursuant to this article, unless the board or council after notice and hearing makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities are hereby determined to be compatible uses within any agricultural preserve.

(2) No land occupied by gas, electric, water, communication, or agricultural laborer housing facilities shall be excluded from an agricultural preserve by reason of that use.

(b) The board of supervisors may impose conditions on lands or land uses to be placed within preserves to permit and encourage compatible uses in conformity with Section 51238.1, particularly public outdoor recreational uses.

(Amended by Stats. 1999, Ch. 967, Sec. 2. Effective January 1, 2000.)

51238.1. (a) Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:

(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.

(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. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.

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

In evaluating compatibility a board or council shall consider the impacts on noncontracted lands in the agricultural preserve or preserves.

(b) A board or council may include in its compatible use rules or ordinance conditional uses which, without conditions or mitigations, would not be in compliance with this section. These conditional uses shall conform to the principles of compatibility set forth in subdivision (a) or, for nonprime lands only, satisfy the requirements of subdivision (c).

(c) In applying the criteria pursuant to subdivision (a), the board or council may approve a use on nonprime land which, because of onsite or offsite impacts, would not be in compliance with paragraphs (1) and (2) of subdivision (a), provided the use is approved pursuant to a conditional use permit that shall set forth findings, based on substantial evidence in the record, demonstrating the following:

(1) Conditions have been required for, or incorporated into, the use that mitigate or avoid those onsite and offsite impacts so as to make the use consistent with the principles set forth in paragraphs (1) and (2) of subdivision (a) to the greatest extent possible while maintaining the purpose of the use.

(2) The productive capability of the subject land has been considered as well as the extent to which the use may displace or impair agricultural operations.

(3) The use is consistent with the purposes of this chapter to preserve agricultural and open-space land or supports the continuation of agricultural uses, as defined in Section 51205, or the use or conservation of natural resources, on the subject parcel or on other parcels in the agricultural preserve. The use of mineral resources shall comply with Section 51238.2.

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

For the purposes of this section, a board or council may define nonprime land as land not defined as "prime agricultural land" pursuant to subdivision (c) of Section 51201 or as land not classified as "agricultural land" pursuant to subdivision (a) of Section 21060.1 of the Public Resources Code.

Nothing in this section shall be construed to overrule, rescind, or modify the requirements contained in Sections 51230 and 51238 related to noncontracted lands within agricultural preserves.

(Added by Stats. 1994, Ch. 1251, Sec. 5. Effective January 1, 1995.)

ARTICLE 3. Contracts [51240 - 51257.5]

(Article 3 added by Stats. 1965, Ch. 1443.)

51240. Any city or county may by contract limit the use of agricultural land for the purpose of preserving such land pursuant and subject to the conditions set forth in the contract and in this chapter. A contract may provide for restrictions, terms, and conditions, including payments and fees, more restrictive than or in addition to those required by this chapter.

(Amended by Stats. 1969, Ch. 1372.)