



# AGRICULTURAL COMMISSION

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*Tim Neilsen – Livestock Industry*  
*Lloyd Walker – Other Agricultural Interests*  
*Vacant – Fruit and Nut Farming Industry*

2/9/2022  
Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

**SUBJECT: Letter of recommendation to support Commercial Cannabis Cultivation as a Compatible Use on Williamson Act Contracted Properties**

The El Dorado County Agricultural Commission is recommending that the El Dorado County Board of Supervisors amend Resolution No. 188-2002 and the El Dorado County Ordinance Sec.130.41.200, Outdoor and Mixed-Light Cultivation of Commercial Cannabis, to allow the commercial cultivation of cannabis on agricultural preserves.

The Government Code includes principle of compatibility for Agricultural Preserves.  
**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.**

The Agricultural Commission finds that making cannabis a compatible use would promote the continuation of agricultural uses on an agricultural preserve by providing additional income and is consistent with the principles of compatibility. The Agricultural Commission recommends that the Board of Supervisors revise Resolution 188-2002 and the EDC Ordinance Code to provide that Commercial Cannabis Cultivation on a parcel that has a pre-existing Williamson Act contract would be a compatible use if all of the following requirements are met:

- (1) The Commercial Cannabis Cultivation shall not be used to qualify a parcel for a**

Williamson Act Contract.

- (2) The contracted parcel that is proposed to be used for cannabis cultivation continues to meet the criteria in Resolution 188-2002 and EDC Ordinance Code Section 130.40.060 for establishment of the agricultural preserve contract.
- (3) 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.

***Motion passed:***

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