



RESOLUTION NO. 161-2023

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO TO AMEND THE ZONING ORDINANCE (TITLE 130) AND TAXATION ORDINANCE (TITLE 3) RELATED TO COMMERCIAL CANNABIS

WHEREAS, In March of 2023, the Board authorized a settlement in the matter of *El Dorado County Growers Advocacy Alliance v. El Dorado County Board of Supervisors, et al.*, Case No. 21CV0161 which involved a challenge to the County's implementation of its commercial cannabis program; and

WHEREAS, as part of the settlement agreement, the Board directed the Planning Commission to hold a public study session on the County's cannabis regulations; and

WHEREAS, the Planning Commission held multiple sessions and forwarded policy discussion areas to the Board of Supervisors; and

WHEREAS, on September 12, 2023, the Board of Supervisors held a study session, and although not required by the settlement, agreed that several cannabis policy items should proceed through the ordinance revisions process and directed that a Resolution of Intention (ROI) be prepared; and

WHEREAS, during the Board's deliberations, ordinance changes related to operational and administrative aspects of the program were separated from the contemplated revisions with potential environmental impacts and approved to move through the ROI process; and

WHEREAS, separate from the ROI, the Board of Supervisors also directed a list of cannabis policy items return to the Planning Commission for further discussion; and

WHEREAS, on September 19, 2023, the Board of Supervisors offered further clarification on the study session; and

WHEREAS, pursuant to Section 130.63.020 of the Zoning Ordinance, which requires County-initiated Zoning Ordinance amendments to be initiated by a Resolution of Intention by the Board of Supervisors, staff recommend the Board approve further amendments to the Zoning Ordinance, Chapter 130.41 – Commercial Cannabis, as described below.

NOW, THEREFORE, BE IT RESOLVED, that in order to proceed with the above amendments to Title 130, Chapter 130.41 – Commercial Cannabis, Title 3, Chapter 3.22 – Taxation of Commercial Cannabis Activities, and as provided for by state law, the El Dorado County Board of Supervisors will set a public hearing to consider proposed amendments to the El Dorado County Zoning Code (Title 130) and Title 3 of the County Code of Ordinances, generally described below:

A. Amendments to Sections 130.41.100, 130.41.200, and Chapter 3.22 to include the following changes:

1. Incorporate the State definition of "owner" of a cannabis business.
2. Require issuance of the annual cannabis operating permit issue upon completion of the conditions of the Commercial Cannabis Use Permit.
3. Remove the requirement for resubmission of all application materials upon renewal of an annual operating permit.
4. The Agricultural Commission will review cannabis projects only involving land zoned for or designated agricultural or lands adjacent to agricultural lands (General Plan Policy 8.1.4.1).
5. Change the cultivation tax structure from square footage to gross receipts, establish the gross receipts cultivation tax rate, and examine all existing cannabis tax rates.
6. Consider a multiyear cannabis license.

B. Any other sections determined necessary or convenient to meet the objectives of this amendment.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the Planning and Building Department to proceed with the preparation of all necessary documentation and environmental review requirements pursuant to the California Environmental Quality Act; and

BE IT FURTHER RESOLVED that the Planning Commission and Board of Supervisors will hold public hearings to consider the proposed amendments to Title 130; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby authorizes the Planning and Building Department, to proceed with the preparation of the above stated amendments to the Zoning and Taxation Ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 17 day of October, 2023, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes: Thomas, Hidahl, Tumboo, Parlin, Laine
Noes: None
Absent: None

By: Kyle Kuperus
Deputy Clerk
Kyle Kuperus

Wendy Thomas
Chair, Board of Supervisors
Wendy Thomas