

RECORDING REQUESTED BY

NAME: Kyra Scharffenberg

WHEN RECORDED MAIL TO:

NAME: Board of Supervisors

ADDRESS: 330 Fair Lane

CITY / STATE / ZIP: Placerville, CA 95667

(DOCUMENT WILL ONLY BE RETURNED TO NAME & ADDRESS IDENTIFIED ABOVE)

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County of El Dorado  
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**2022-0037367**

09/16/2022  
11:25:21 AM  
PL

Titles: 1 Pages: 4

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Fees: \$0.00  
Taxes: \$0.00  
CA SB2 Fee: \$0.00  
Total: \$0.00



(SPACE ABOVE FOR RECORDER'S USE)

Resolution 139-2022

(DOCUMENT TITLE)



**RESOLUTION NO. 139-2022**

**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**

**RESOLUTION GOVERNING THE ESTABLISHMENT OF AGRICULTURAL PRESERVES AND COMPATIBLE USES FOR WILLIAMSON ACT CONTRACTED AND NONCONTRACTED LAND**

**WHEREAS**, Chapter 7, Division 1 of Title 5 of the Government Code, commencing with Section 51200 (the "Williamson Act") and Chapter 7, Part 7 of Division 1 of Title 5 of the Government Code commencing with Section 51296 (Farmland Security Zone), allows for the establishment of agricultural preserves by resolution of the Board of Supervisors after public hearing; and

**WHEREAS**, the Williamson Act authorizes the County to establish rules governing uses that are compatible with the agricultural, recreational, or open-space use of the land within the preserve and subject to contract, consistent with Government Code sections 51201, 51231, and 51238.1; and

**WHEREAS**, Government Code, section 51231 authorizes the County to authorize in our rules governing compatible uses that commercial cultivation of cannabis in accordance with Division 10 of the Business and Professions Code may constitute a compatible use on contracted or noncontracted lands; and

**WHEREAS**, the County of El Dorado desires to revise its criteria and procedures for the creation of agricultural preserves pursuant to agreement with the owner of the property as provided in Section 51240, et seq., of the Government Code to meet the current needs of agriculture in the County; and

**NOW, THEREFORE, BE IT RESOLVED**, by the El Dorado County Board of Supervisors, that Resolution No. 188-2002 is hereby rescinded, and the following shall be the criteria for the establishment of agricultural preserves within the County of El Dorado and compatible uses on contracted lands:

**1. Minimum Acreage:**

**A. For high intensive farming operations:**

- i. An agricultural preserve shall consist of a minimum of twenty (20) contiguous acres; however, an agricultural preserve may consist of between ten (10) and (20) contiguous acres if the Agricultural Commission determines the property meets all of the following criteria:**
  - (1) The property has a potential to contribute to the agricultural welfare of the County;**
  - (2) The property scores eighty (80) or higher on the County Procedure for Evaluating the Suitability of Land for Agriculture as attached in Appendix 1;**
  - (3) The property is, at the time of application, engaged in agricultural use;**
  - (4) The use of the surrounding properties is primarily agricultural in nature, or zoned agriculture or in an agriculture district;**

(5) The parcel size of the properties immediately adjacent to the property proposed to be included is at least (10) acres and said properties are included within the General Plan designation requiring at least a ten (10) acre minimum parcel size; and

(6) The parcel was created prior to March 23, 1993.

B. For low intensive farming operations;

- i. An agricultural preserve shall consist of a minimum of fifty (50) contiguous acres that are adequately fenced to contain livestock.

2. Capital Outlay:

A. Methods for determining a value of capital outlay shall be determined by the Agricultural Commission.

B. For high intensive farming operations:

- i. There shall be a minimum capital outlay of \$45,000 excluding applicant's residence and original cost of the land.

C. For low intensive farming operations, such as grazing:

- i. There shall be a minimum capital outlay of \$10,000 excluding applicant's residence and original cost of the land.

3. Income:

A. Methods for determining a value income shall be determined by the Agricultural Commission.

B. For high intensive farming operations:

- i. The property shall produce a minimum annual gross income of \$13,500 for high intensive farming operations, including but not limited to orchards, vineyards, and row crops.
- ii. For permanent non-producing agriculture crops, such as orchards and vineyards, the plants shall be planted and properly cared and maintained (as determined by the Agricultural Commission) to produce a commercial crop within three (3) years and be capable of producing a minimum annual gross of income of \$13,500 within five (5) years of planting.

C. For low intensive farming operations, such as grazing:

- i. The property shall produce a minimum annual gross income of \$2,000.

4. Compatible Uses

A. Uses approved on contracted lands shall be consistent with Government Code Section 51238.1 principles of compatibility, as it now reads or may thereafter be amended.

- B. Commercial Cannabis Cultivation on a parcel that has a pre-existing Williamson Act contract is a compatible use if all the following requirements are met:
  - a. Commercial cannabis cultivation shall not be used to qualify a parcel for a Williamson Act Contract.
  - b. The commercial cultivation of cannabis in compliance with all other laws, including Division 10 of the Business and Professions Code and EDC Ordinance Code Chapter 130.42.
  - c. The contracted parcel that is proposing to be used to cultivate commercial cannabis continues to meet the County of El Dorado’s criteria for establishing an agricultural preserve in this Resolution and El Dorado County Zoning Ordinance Code Section 130.40.060.
  - d. 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.

**BE IT FURTHER RESOLVED**, that the application forms for the establishment of an agricultural preserve shall be available from and shall be returned to the Planning and Building Department, together with the applicable fee; and

**BE IT FURTHER RESOLVED**, that the applicant shall be notified in writing of the date and time of the public hearing held by the Planning Commission to consider the establishment of the agricultural preserve, and the applicant shall appear at said hearing.

**BE IT FURTHER RESOLVED**, that in the event the Planning Commission recommends that an agricultural preserve should be established, the applicant shall be required to execute an agreement in the form approved by County Counsel which limits the use of the property to agricultural uses only, and upon execution by the County of the agreement, the County shall initiate a rezoning of the property to Planned Agricultural (PA), or Limited Agricultural (LA), or Agricultural Grazing (AG); and

**BE IT FURTHER RESOLVED**, that in all matters relating to the establishment of agricultural preserves hereunder, the El Dorado County Agricultural ;Commission shall act as the primary advisory agency, and their determinations as to the criteria set forth above shall be entitled to due deference by the Planning Commission and Board of Supervisors; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 13th day of September, 2022 by the following vote of said Board:

Parlin, Thomas, Hidahl, Turnboo, Novasel  
Ayes: None  
Noes:  
Absent: None

Attest:  
Kim Dawson  
Clerk of the Board of Supervisors

By: *Nina Schaffner*  
Deputy Clerk

*Lori Parlin*  
Chair, Board of Supervisors  
Lori Parlin