



Legislation Details (With Text)

File #: 22-0444 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 3/1/2022 **In control:** Board of Supervisors

On agenda: 4/12/2022 **Final action:** 4/12/2022

Title: Agriculture Department recommending the Board:
 1) Pursuant to Board of Supervisors Policy A-3, conceptually approve and authorize the Department to prepare amendments to Ordinance No. 5109, Commercial Cannabis, to establish commercial cannabis as a compatible use on Williamson Act properties; and
 2) Prepare an amendment to Williamson Act Resolution No. 188-2002 for the above changes to Williamson Act contracted properties in the County.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A- 22-0444 Copy of Letter sent to BOS, 2. B- 22-0444 Government Code Agriculture Preserves, 3. C- 22-0444 EDC Zoning Ordinance Code, 4. D- 22-0444 EDC 130.41.200, 5. Public Comment BOS Rcvd. 4-11-2022

Date	Ver.	Action By	Action	Result
4/12/2022	1	Board of Supervisors	Approved	Pass

Agriculture Department recommending the Board:
 1) Pursuant to Board of Supervisors Policy A-3, conceptually approve and authorize the Department to prepare amendments to Ordinance No. 5109, Commercial Cannabis, to establish commercial cannabis as a compatible use on Williamson Act properties; and
 2) Prepare an amendment to Williamson Act Resolution No. 188-2002 for the above changes to Williamson Act contracted properties in the County.

DISCUSSION / BACKGROUND

The California Land Conservation Act of 1965, also known as the Williamson Act, was created to reduce increasing property taxes on agricultural land. When the Act was adopted, rising property taxes were making it difficult for farmers and ranchers to stay on their land. Under the Williamson Act, the owner of agricultural land may enter into a contract with the County if the landowner agrees to restrict the use of the land to the production of commercial crops or the raising and grazing of livestock for a term of not less than 10 years. The term of the contract is automatically extended each year unless the landowner or the County serves a notice of nonrenewal. The law also requires the County to establish an agricultural preserve and base the property tax assessment with the assumption that the highest and best use of the land is for agricultural or open space purposes. This often results in a lower property tax assessment than similar lands that have no Williamson Act contract.

All lands subject to a Williamson Act or Farmland Security Contract have certain restrictions that do not normally apply to other agricultural zone districts in the County. Specifically, development on contracted land is limited to the uses set out in the contract and what is known as compatible use. The purpose of Agricultural Preserves are to implement the California Land Conservation Act of 1965, and to encourage the sustainable use of farmland in the County for agricultural production.

The Williamson Act generally grants the County discretion to determine what constitutes a compatible use for purposes of the contracted or noncontracted land within the unincorporated area of the County by adopting a resolution that governs the administration of agricultural preserves and for processing requests to establish an agricultural preserve. The County may include in the resolution rules governing uses that are compatible with the agricultural use of the land within the agricultural preserve and subject to the contract. On July 16, 2002 the Board of Supervisors adopted Resolution No. 188-2002 establishing amended criteria for agricultural preserves. The County's resolution governing the administration of agricultural preserves does not currently provide that the commercial cultivation of cannabis is a compatible use. Government Code Section 51231 (b) authorizes the County to provide in the resolution governing the administration of agricultural preserves that commercial cultivation of cannabis in accordance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) constitutes a compatible use on contracted or noncontracted land.

Section 130.40.060 of the County's Code of Ordinances pertaining to Agricultural Preserves does not address commercial cultivation of cannabis as a compatible use. Chapter 130.41.200(1)(B) of the County of El Dorado Code of Ordinances, which regulates commercial cannabis activities within the unincorporated area of the County, states that cannabis is not an agricultural crop or product with respect to the establishment of agricultural preserves for the purposes of the Williamson Act.

The Agricultural Commission met on November 10, 2021, December 8, 2021, January 12, 2022, and February 9, 2022 to consider whether to recommend that Cannabis be a compatible use and under what conditions. At the February 9, 2022 meeting Commissioner Walker moved and Commissioner Draper seconded a motion to recommend APPROVAL of staff's recommendations to submit a letter of recommendation to the Board of Supervisors for review for a revision to Resolution 188-2002 and the El Dorado County 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 requirements are met: The motion passed: AYES: Boeger, Draper, Mansfield, Neilsen, Walker. ABSENT: Bacchi, Bolster (left meeting prior to this item). The original letter was transmitted to the Board of Supervisors and is attached, Attachment A. The Agriculture Department reviewed the letter and agrees with this recommendation.

The Agriculture Department would like to return to the Board with language for the Williamson Act Resolution to authorize cannabis to be a compatible use on contracted or non-contracted land and an amendment to the Commercial Cannabis Ordinance Section 130.41.200(1)(B) to allow cannabis as a compatible use. The amendments would include reasonable conditions on how the commercial cultivation of cannabis would be a compatible use on contracted or non-contracted land within an agricultural preserve. If approved, the Department will work with County Counsel and the Planning Department to establish criteria for the ordinance and return to the Board of Supervisors.

ALTERNATIVES

The Board could choose to not allow these recommendations be entered into the current Williamson Act Contract Resolution and Commercial Cannabis Ordinance.

PRIOR BOARD ACTION

Resolution 188-2002, El Dorado County Williamson Act Contract Resolution, adopted July 16, 2002.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Planning Department, Assessor, County Council, Sheriff, Agricultural Commission

CAO RECOMMENDATION / COMMENTS

This is strictly a policy decision of the Board as to whether the County should recognize cannabis as a crop and receive the property tax benefits of the Williamson Act. If the Board does provide conceptual approval, in addition to working with the Planning Department and County Counsel, the Agriculture Department should be directed to work with the Sheriff's Office to establish criteria for the ordinance so that public safety concerns are also appropriately addressed.

FINANCIAL IMPACT

The requested Board action has no direct General Fund impact or increase to the Net County Cost. However, making cannabis a compatible use has the indirect result that property used for the cultivation of cannabis that is located on contracted Williamson Act land would be assessed for property tax purposes under the rules governing Williamson Act properties.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Economic Development and Healthy Communities

CONTACT

Charlene Carveth (530) 621-5520