

RESOLUTION NO. 18-050

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING AMENDMENTS TO THE MENDOCINO COUNTY POLICIES AND PROCEDURES FOR AGRICULTURAL PRESERVES AND WILLIAMSON ACT CONTRACTS RELATED TO CANNABIS

WHEREAS, pursuant to the California Land Conservation Act (Government Code section 51200 *et seq.*), the Board of Supervisors shall adopt uniform rules to govern the administration of the County's agricultural preserve program and requires the Board of Supervisors make certain findings regarding allowable compatible uses; and

WHEREAS, on October 6, 2015, by Resolution No. 15-156, the County of Mendocino adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts ("Policies and Procedures") for the purpose of establishing procedures and guidelines intended to protect farmlands from potential land uses deemed to be incompatible with production agricultural activities; and

WHEREAS, the County of Mendocino desires to regulate the cultivation, processing and manufacturing of cannabis within the unincorporated areas of Mendocino County in a manner consistent with current State law, including the Medical and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"); and

WHEREAS, the County of Mendocino has adopted regulations regarding the cultivation of cannabis, in Chapters 10A.17 and 20.242 of the County Code, and regulations regarding cannabis facilities, including processing, distribution and manufacturing, in Chapters 6.36 and 20.243 of the County Code; and

WHEREAS, County staff has, under the direction of the Board of Supervisors, prepared amendments to section 20.243.070 of the County Code related to reuse of existing packing and processing facilities, deleting a requirement that the facility not be on a Williamson Act contracted parcel; and

WHEREAS, in preparing the amendments to the County Code, County staff prepared additional revisions to the Policies and Procedures related to cannabis facilities as uses compatible with an Williamson Act contract, as those facilities may be allowed pursuant to the County Zoning Code; and

WHEREAS, the Planning Commission reviewed the changes at its March 1, 2018, meeting, and recommended that the proposed changes to the Policies and Procedures be adopted by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record before it, the Board of Supervisors hereby makes the following determinations and findings:

1. The above recitals are true and correct and incorporated herein by this reference.
2. The use of contracted land for certain cannabis facilities as permitted by the Zoning Code as a compatible use will not significantly compromise the long-term productive agricultural capability of contracted lands in agricultural preserves in Mendocino County because the current requirement that contracted land must be devoted to agricultural use will not be changed and because the area that all compatible uses may collectively occupy for any contracted land is limited to 15% of the contracted land or 5 acres, whichever is less, unless findings specified in the Policies and Procedures are made by the Board of Supervisors.
3. The use of contracted land for certain cannabis facilities as permitted by the Zoning Code as a compatible use will not significantly displace or impair current or reasonably foreseeable agricultural operations on contracted lands in agricultural preserves because the

Policies and Procedures limit the area that all compatible uses may collectively occupy for any contracted land to 15% of the contracted land or 5 acres, whichever is less, unless findings specified in the Policies and Procedures are made by the Board of Supervisors.

4. The use of contracted land for certain cannabis facilities as permitted by the Zoning Code as a compatible use will not result in the significant removal of adjacent contracted lands from agricultural or open space uses because cannabis cultivation as a compatible use will be limited because the Policies and Procedures limit the area that all compatible uses may collectively occupy for any contracted land to 15% of the contracted land or 5 acres, whichever is less, unless findings specified in the Policies and Procedures are made by the Board of Supervisors.

5. The use of contracted land for certain cannabis facilities as permitted by the Zoning Code as a compatible use will not result in an increase in the density of the permanent or temporary human population of the agricultural area because the Zoning Code only allows cannabis facilities on agricultural and resource lands in specific zones and at limited sizes and under specific circumstances, as more specifically discussed in the staff memorandum accompanying this resolution.

6. Cannabis related uses are not deemed to be compatible uses on any open space contracted land.

7. The revision to the Policies and Procedures is categorically exempt from the California Environmental Quality Act under Section 15061(b)(3) of the State CEQA Guidelines, the General Rule exemption, as it can be seen with certainty that there is no possibility that the adoption of the ordinance may have a significant effect on the environment. This finding is based on and supported by the evidence in the record, including the staff memorandum accompanying this ordinance.

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors approves the "Mendocino County Policies and Procedures for Agricultural Preserves and Williamson Act Contracts" attached to this resolution as Exhibit A.

The foregoing Resolution introduced by Supervisor McCowen, seconded by Supervisor Gjerde, and carried this 27th day of March, 2018, by the following vote:

AYES:	Supervisors Brown, McCowen, Croskey, Gjerde and Hamburg
NOES:	None
ABSENT:	None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN HAMBURG, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Deputy