



Mendocino County Farm Bureau

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Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

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Via Email: bos@mendocinocounty.org

Mendocino County Board of Supervisors
501 Low Gap Road, Room 1010
Ukiah, CA 95482

***RE: Comments on Agenda Item 5f: Discussion and Possible Action Including Direction to Staff
Regarding Recommendations for Phase 3 of Cannabis Cultivation Ordinance***

Dear Chair Brown and Supervisors,

The Mendocino County Farm Bureau (MCFB) is a non-governmental, non-profit, voluntary membership, advocacy group whose purpose is to protect and promote agricultural interests throughout the county and to find solutions to the problems facing agricultural businesses and the rural community. MCFB would like to submit comments on agenda item 5f: discussion and possible action including direction to staff regarding recommendations for phase 3 of the cannabis cultivation ordinance.

Consideration to Re-Open Rangeland For Additional Cultivation Permits

MCFB is a general agricultural organization as we represent farmers, ranchers, timber operators and rural property owners. Due to this, MCFB is working to look at the cannabis ordinances from the larger perspective of overall land use in regards to RL, TPZ, FL and AG zoned properties.

The current ordinance, during phase 1, allowed for cannabis cultivators to apply for a county cannabis cultivation permit on range land (RL), forest land (FL) and timber production zones (TPZ) if certain qualifications were met. These are: 1) the cultivator could provide satisfactory documentation to prove prior cultivation on the property before January 1, 2016, 2) no new cultivation sites were established to relocate or replace existing cultivation sites on these zonings and 3) all other permit requirements were adhered to. Following the closing of phase 1, no new permits on RL, TPZ and FL were to be accepted. This was also determined to be a mitigation measure within the negative declaration to avoid conversion and/or subdivision of resource zoned lands.

Since the cannabis unit transitioned from the Agricultural Department to Planning and Building Services, there have not been regular reports on the types of cannabis permits by zoning designation. However, from past reports, RL had the largest number of permits out of all of the zoning designations allowed for cannabis cultivation. Based on this information, MCFB offers the following comments.

New Permits on RL

- MCFB is not in support of allowing for additional cannabis cultivation permits on RL until the county can document: 1) that the current Phase 1 RL permits have been issued and approved, 2) these Phase 1 permits are in full compliance with the terms of the county cannabis ordinances, 3) an adequate review of potential impacts from new permits on RL, through a modified or supplemental environmental impact report, is performed and 4) any permits on Williamson Act contracted lands are in compliance with the terms of resolution 17-041 adopted on March 21, 2017 that amended the Mendocino County policies and procedures for agricultural preserves and Williamson Act contracts related to the cultivation of cannabis.
- A number of our members are concerned with what appears to be the lack of enforcement, verification of compliance or follow up on complaints related to the current cannabis cultivation permits and the continual change to the regulations. The Board of Supervisors needs to consider how to improve the enforcement of the current cannabis cultivation ordinance or how any proposed changes to the ordinance will be enforced.
- Before there can be any consideration of amending the current county cannabis cultivation ordinance or opening up resource lands such as RL for additional permits, unpermitted cultivation sites need to be eradicated on resource properties or these sites need to be enrolled into the county permitting process.
- For current cannabis cultivation permit applicants and for potential new application considerations on RL, any parcels receiving property tax discounts through enrollment in the Williamson Act agricultural preserve need to have compliance verified. The county Williamson Act ordinance that was amended in March of 2017 allows for cannabis to be a compatible use, but not a qualifying use for compliance with the act. There needs to be active verification in the cannabis application process that properties enrolled under the Williamson Act are maintaining the requirement that 50% of the property is being used for qualifying agricultural purposes.

Environmental Review for RL Permits

- The current negative declaration for the CEQA review related to the cannabis cultivation ordinance is based on the limitation of cannabis cultivation permits and the natural attrition of these permits on resource properties such as RL.
- MCFB remains concerned for permit types on RL that allow for the development of large indoor structures, especially greenhouses that often require concrete pads, utility inputs and access routes.
- If the county wants to expand upon the ability for phase 3 cannabis permits on RL, then a supplemental environmental statement would need to be prepared as recommended in the staff report to account for the mitigation of environmental impacts to RL from new permits.

Use Permits

- MCFB is not in support of utilizing the use permit process as the environmental review tool for new cultivation permits on RL.
- The concerns with the use permit process include: 1) the lack of verification of compliance with terms and conditions established as part of the use permit, 2) the project level inconsistencies that are often seen with use permits, 3) the ability of the county to process use permits efficiently and 4) the potential for the use permitting process to be required for other current allowable uses on RL.

Permit Size

- For RL that did not have an existing (before January 1, 2016) 1 acre cannabis cultivation footprint, any expanded cultivation area would have to be considered new development and therefore subject to the restrictions of the current negative declaration.
- The proposal of increasing the phase 3 medium outdoor permits to up to 1 acre should not be considered until there has been significant review of potential impacts.

MCFB requests that the Board of Supervisors consider all of the points above in the process of continuing to review the proposed amendments to the county cannabis cultivation ordinance for phase 3. If there are any questions on any of the above points, please do not hesitate to contact the MCFB office.

Sincerely,

A handwritten signature in cursive script that reads "George Hollister".

George Hollister
President

CC:

Mendocino County CEO, Carmel Angelo
Mendocino County Agricultural Commissioner, Jim Donnelly