



Mendocino County Farm Bureau

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

November 15, 2018

Via Email: bos@mendocinocounty.org

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

RE: Comments on the Cannabis Cultivation Ordinance Ad Hoc Committee's Proposed Recommendations and Discussion Points.

Dear Chair Hamburg 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 the cannabis cultivation ordinance Ad Hoc committee's proposed recommendations and discussion points that were presented at the public meeting on October 29th.

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 which currently ends on December 31, 2018, allows 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 are met. These are: 1) the cultivator can provide satisfactory documentation to prove prior cultivation on the property before January 1, 2016, 2) no new cultivation sites are established to relocate or replace existing cultivation sites on these zonings and 3) all other permit requirements are adhered to.

Following phase 1 no new permits on RL, TPZ and FL are to be accepted. Also, as currently stated in the ordinance there is limited transferability of permits on all zoning classifications.

As of the last report presented to the Board of Supervisors on November 13, 2018 there were 319 cultivation applications on RL, 78 on TPZ and 62 on FL. RL has the largest number of permits out of all of the zoning designations allowed for cannabis cultivation.

At the October 29th Cannabis Ad Hoc meeting, major discussion point #2 stated: Should new permit applications be allowed in RL (Rangeland) subject to a Use Permit? MCFB would like to offer the following comments on this discussion point.

Major Discussion Point #2 Comments:

Enforcement

- MCFB is not in support of allowing for additional cannabis cultivation permits on RL until the county can document: 1) that the 319 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 and 3) 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

- MCFB is not in support of utilizing the use permit process as the environmental review tool for new cultivation permits on RL.
- 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.
- If the county wants to expand upon the ability for additional cannabis permits on RL, then the current negative declaration on the EIR needs to be amended to account for mitigation of environmental impacts to RL from new permits or a full programmatic EIR should be completed.
- 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

Major discussion point 3 states: Should permit size be increased to one acre for conforming parcels in RL, AG and UR but only for outdoor cultivation to limit the proliferation of hoop houses and greenhouses? Should this require a use permit?

Major Discussion Point 3 Comments

- What permit phase would this proposed permit size increase be applicable to? Existing permits, new permits or both?
- How would the 1 acre limit for major discussion point 3 integrate with major discussion point 5 that discusses allowing for multiple permits per parcel with a suggested 4 acre limit?
- 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 negative declaration.
- See concerns with using use permits mentioned above.

Additional Recommendation Comments

Recommendation 10:

- Is this recommendation stating that annual compliance inspections will only be required for first time permit applicants and not for renewing permit holders?
- If complaints are filed through code enforcement, then this recommendation should not limit the ability for a compliance inspection to follow up on the complaint.

Recommendation 11:

- Is this recommendation suggesting re-opening Phase 1 applications for an additional 6 months following the adoption of any of the ad hoc recommendations?
- Would existing Phase 1 applicants also have the opportunity to amend permits based on any changes made to the ordinance?
- How would this re-opening impact the ability of the county to re-inspect existing cultivation sites as needed to verify compliance with any changes made to existing permits?

MCFB requests that the cannabis cultivation ordinance Ad Hoc committee as well as the entire Board of Supervisors consider all of the points above in the process of continuing to review the county cannabis cultivation ordinance. 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 "Frost Pauli". The signature is written in black ink and is positioned above the printed name and title.

Frost Pauli
President

CC:

Mendocino County CEO, Carmel Angelo
Mendocino County Agricultural Commissioner, Harinder Grewal