



Mendocino County Farm Bureau

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

June 9, 2020

Via Email: bos@mendocinocounty.org

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

RE: Comments on Agenda Item 6A: Discussion and Possible Action Regarding Recommendations of the Cannabis Cultivation Ad Hoc Committee and Agenda Item 6B: Discussion and Possible Action Including Direction to Staff Regarding the Potential Re-direction of the Cannabis Cultivation Program.

Dear Chair Haschak 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 6A and 6B for the June 10, 2020 Board of Supervisors meeting.

General Comments

- As other commenters have suggested, MCFB feels that there has not been sufficient information provided to adequately understand or compare the two different proposals being presented by Supervisor Haschak with agenda item 6A and by Supervisor McCowen with agenda item 6B.
- MCFB has spent a significant amount of time participating in the continued evolution of 10A. 17 over the past several years. From the rate of permit processing and approval, it is apparent that there is a continued need to address functionality. However, without knowing how the proposal under agenda item 6B would be implemented to potentially streamline the permitting process and encourage additional participation while concurrently providing local land use governance and CEQA coverage, a position on the repeal of 10A.17 cannot be determined.
- Due to the COVID-19 pandemic, the Board of Supervisors suspended the discussion of non-essential items. One of these issues, the consideration of the industrial hemp cultivation pilot program came to the Board on March 24th as previously scheduled and was not heard, but instead tabled to a later date since it was “controversial” and the Board “had other things to do” specific to the focus on the COVID-19 response.

- The proposals being presented in agenda items 6A and 6B can also be described in a similar fashion. The COVID-19 public participation limits still exist, there was limited information provided, and the nature of the conflicting proposals in 6A and 6B seem to also warrant postponement of this conversation.

Agenda Item 6A: Discussion and Possible Action Regarding Recommendations of the Cannabis Cultivation Ad Hoc Committee

- Back on February 25th, the Board of Supervisors considered several recommendations from the Cannabis Cultivation Ad Hoc Committee. Some items were fully discussed, and others were not. One item that was not fully vetted involved the proposed recommended changes to the provided tables specific to zoning, parcel size, cultivation limits and discretionary permitting.
- At the February meeting, MCFB submitted oral comments specific to the need to clarify CEQA coverage for the cannabis ordinance prior to the consideration of expansion of cultivation area or changes to zoning allowances for any new permits. Clarification of the existing CEQA negative declaration for new permits or expanded permits on RL zoning was specifically requested.
- 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 applications have been fully reviewed and either approved or denied (around 340 total applications on RL with 59 issued and 13 approved based on 6/5/20 workbook), 2) that any Phase 1 issued/approved permits are in full compliance with the terms of the county cannabis ordinances, 3) that an adequate review of potential impacts from new permits on RL, through a modified or supplemental environmental impact report, is performed and 4) that 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.
- It was also requested that more regular reports be provided from code enforcement or other staff to explain what actions have been taken/will be taken to bring more cannabis cultivators into the legal market or what enforcement actions have been taken for blatant violations. For the June 10th meeting, the questions above still stand.
- Additionally, for the two tables (Legacy and Non-Legacy) presented on June 10th it is not clear on how “legacy” is being defined or determined. A written definition was not found in the existing ordinance language and a definition is requested.

Agenda Item 6B: Discussion and Possible Action Including Direction to Staff Regarding the Potential Re-direction of the Cannabis Cultivation Program.

- 10A. 17, though not perfect, is the result of years of public involvement in developing a cultivation ordinance that matches the specific concerns of local residents and local conditions. A state operated program may not provide the same allowances. Further detail is needed to determine how the county could potentially create a hybrid system with a land use regulation component and a state cultivation permit component that still allows for local customization to address the concerns of county cannabis cultivators and other citizens concurrently.

- The concerns with the use permit process to fulfill environmental review (CEQA) 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 and 3) the ability of the county to process use permits efficiently.
- If the thought in transitioning to state cultivation cannabis is to reduce duplicative regulations and simplify the permitting process, there needs to be additional considerations on how this transition could actually impact existing permit holders by delaying or preventing the ability to obtain state licenses. This is especially true of potential conflict with CEQA requirements and related timelines for completing environmental review.
- In researching the existing state licensing process, it seems that CDFA normally only takes on the licensing roll for small municipalities with limited numbers of permits. Have there been any conversations with CDFA/CalCannabis to determine willingness or capacity to take on the full licensing roll?
- See above comments on the expansion or allowance of new permits on RL under agenda item 6A.
- See above comments related to code enforcement and enforcement reporting under agenda item 6A.

To reiterate, MCFB feels that there has not been sufficient information provided to adequately understand or compare the two different proposals being presented under agenda items 6A and 6B. If the Board is going to go forward with hearing these items on June 10th, MCFB requests that the Board of Supervisors consider all the points above in the process of discussing agenda items 6A and 6B. If there are any questions on any of the above points, please do not hesitate to contact the MCFB office.

Sincerely,



George Hollister
President