



Mendocino County Farm Bureau

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

January 25, 2021

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

RE: Agenda Item 3B, Discussion and Possible Action including Direction to Staff and Requesting the Planning Commission Review and Make Its Report and Recommendation to the Board of Supervisors Within Forty Days on Draft Amendments to Mendocino County Code Regarding Commercial Cannabis Cultivation

Dear Chair Gjerde and Board Members,

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 3B, Discussion and Possible Action including Direction to Staff and Requesting the Planning Commission Review and Make Its Report and Recommendation to the Board of Supervisors Within Forty Days on Draft Amendments to Mendocino County Code Regarding Commercial Cannabis Cultivation.

It is a fact that “Phase 3” of the county cannabis cultivation ordinance has been postponed several times. It is also a fact that the county is severely struggling with making headway on approving permits on the 1000 or so applications that were received to cultivate cannabis under Phase 1. There have been multiple revisions and attempts to move the process forward, yet the existing system is broken, and it isn’t apparent if there is a fix to assist applicants with getting beyond provisional state licensing.

Now, with this agenda item, the county is looking to add one more layer of complexity to the already spiraling situation. MCFB, like many others, have spent a significant amount of time submitting comments on the county cannabis ordinance for close to five years. It has been an almost exhausting process of multiple revisions, changing policy and confusion over what is currently being implemented. In addition, if there was a true accounting of county resources spent on developing and executing these cannabis ordinances, it would most likely circumvent the income dollar signs that seem to be driving the conversation.

So, as you can see, there are doubts that a Phase 3 program will be run any smoother than what has been seen to date. MCFB encourages the Board to consider the comments below and take

time to reflect on the existing situation the county is in before rubber stamping the next phase for cannabis cultivation.

Oversight: Will it happen?

Several of the environmental review roadblocks seen in Phase 1 are being proposed to be resolved through the requirement of use permits. Perhaps through permit specific CEQA and by placing specific conditions on a permit, a smoother environmental review process can be seen in Phase 3.

However, based on what has been seen in Phase 1, the key to mitigating environmental impacts will be oversight to ensure the implementation of mitigation terms. Use permits can be revoked or modified if violations are found, but does the county truly have the capacity to offer this oversight? If not, then violations will continue to occur and the county is not any closer to protecting the environment, its citizens or those in the cannabis industry that are working to be compliant.

Appendix A

It wasn't surprising that the conversation about expanding permit sizes and re-introducing the ability to cultivate on RL came back to the Board last year. It was frustrating that the conversation occurred without adequate notice to the public to offer comment on the proposal. It is hopeful that the Board will actually consider the public comment received for this agenda item prior to providing direction to staff to proceed with the suggested zoning chart presented in Appendix A.

Within Appendix A, the two zoning designations that MCFB will focus comments on are RL and AG.

Range Land

With Phase 1, a Mitigated Negative Declaration was performed by the county for CEQA compliance for existing cannabis cultivation on resource land designations such as RL, FL and TPZ. "New" cultivation was removed from consideration on these same resource lands due to concerns regarding environmental impact. However, new cultivation has been seen on RL designations throughout the county. Perhaps some of these were permit transfers, but without seeing regular updates on permit transfers or permit approvals on RL, it is hard to say if these situations are working within or outside of the permit system. Without extensive compliance review, how does the public know if the county has followed the terms of the Mitigated Negative Declaration?

If RL is going to be brought back into the permitting conversation, what was the rationale for having RL included under every possible permit type? How many RL parcels of 10+ acres in size are in the hundreds of thousands of total acres of RL in the county? Driving indoor permit types onto RL will require the development of structures and related infrastructure on remote locations throughout the county. This does not seem advantageous to lessening the environmental impacts for Phase 3 or improving oversight.

MCFB does not feel that the county has given enough consideration to the potential environmental impacts that could be seen with the proposed permit allowances on RL as represented in Appendix A and requests revisions be made to limit permit types on RL.

Agricultural Lands

In relation to steering additional cannabis cultivation onto AG zoned property, MCFB has significant concerns premised on what has been seen with Phase 1. Acres of AG zoned property, some with prime soils, have been converted using aggregate groundcovers or permanent concrete pads for indoor grow structures. The loss and degradation of AG soils in the county is not something that should be taken lightly.

There is also significant concern over verification of water source. Certain county water districts are already looking at creative ways of providing water to both municipal and agricultural customers. Water use for cannabis cultivation is not always truly accounted for as the district management may not be aware of where “permitted” cultivation is occurring. With 2021 looking to be another below average water year, the Board needs to be serious about verifying water source adequacy and being transparent with water purveyors about cannabis permitting. This is applicable to all zoning districts and it should not always be assumed that AG zoned properties have adequate water resources.

Like RL, Appendix A proposes to allow for all permit types on AG zoned property and to even expand cultivation footprints to 10% of the parcel size. Acres of permanent structures on AG zoned property will be difficult to mitigate if the operations connected to the structures cease.

CEQA specifically calls out the need to consider project impacts to agriculture and forestry resources. The county needs to be prepared to understand the CEQA checklist requirements (see below) related to agriculture and forestry resources to ensure that proposed projects are fully mitigating any potential impacts.

AGRICULTURE AND FORESTRY RESOURCES.

Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?*
- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*
- d) Result in the loss of forest land or conversion of forest land to non-forest use?*
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use? Thresholds of Significance: The project would have*

MCFB does not feel that the county has given enough consideration to the potential environmental impacts that could be seen with the proposed permit allowances on AG as represented in Appendix A and requests revisions be made to limit permit types on AG.

Overall, the proposed documents under agenda item 3B have not been fully thought through and revisions need to be made. The Board should take an honest look at the state of cannabis permitting in the county and decide how to improve upon the process, not make it worse. If the county does not have the resources to adequately implement and provide oversight to Phase 3, then the county needs to admit this up front and not dig a deeper hole.

Sincerely,

A handwritten signature in black ink that reads "George Hollister". The signature is written in a cursive, flowing style.

George Hollister
President