



Mendocino County Farm Bureau

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

July 18, 2019

Mendocino County Planning Commission
860 N Bush Street
Ukiah, CA 95482

Via Email: pbs@mendocinocounty.org

RE: Agenda Item 6C: Coastal Cannabis Cultivation and Coastal Cannabis Facilities.

Dear Commissioners,

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. Since a number of our members are landholders that have property adjacent to or within the North Coast Railroad Authority's (NCRA's) right-of-way, MCFB seeks to provide comment on *Item 6C: Coastal Cannabis Cultivation and Coastal Cannabis Facilities*.

Coastal Cannabis Cultivation and Related Facilities on Agricultural and Resource Lands

RL, FL, TPZ Zoned Properties

The staff report P.3 #9 states that, "*Site-specific analysis required for each coastal development permit (required for the majority of cultivation permit types in RL) or coastal development use permit (required for all cultivation permit types in FL and TP) will ensure that the proposed cultivation operations are appropriate for the site.*"

Site specific analysis for coastal development permits or coastal development use permits on RL, FL and TPZ should fully consider:

- That both proposed cultivation operations and existing cultivation operations (if applicable) are appropriate for the site.
- Potential impacts to adjoining properties or existing forestry (FL/TPZ) or livestock (RL) based operations (road easements, traffic, etc.).
- A sufficient notification process for adjoining property owners.
- Conversion limitations on FL and TPZ as well as other TPZ restrictions.
- Compliance with terms of the county agricultural preserves and Williamson Act contracts related to cannabis cultivation and accessory structures.

AG Zoned Properties

The staff report P.7-8 states that, "As discussed in the guidance document prepared by the Coastal Commission regarding cannabis in the Coastal Zone, the Coastal Act seeks to protect the productive capacity of agricultural lands and limits the situations in which agricultural lands may be converted to other uses. However, the County of Mendocino has specific supplemental findings for development proposed on agricultural lands when subject to a coastal development permit or coastal development use

permit (see Section 20.532.100 of the Coastal Zoning Code). So long as all proposed development in the AG zoning district complies with the standards of the Coastal Zoning Code and is subject to a coastal development permit or coastal development use permit, potential negative impacts to agricultural lands, including the conversion of agricultural lands to non-agricultural uses, a concern discussed in the guidance document provided by the Coastal Commission, should be avoided.”

Site specific analysis for coastal development permits or coastal use development permits for cannabis cultivation on AG should fully consider:

- Impacts to agricultural lands are avoided as directed through the Coastal Act. This is especially relevant to potential conversion of agricultural soils through the installation of additional infrastructure for indoor or mixed light cultivation permits, which is anticipated to be more common on the coast due to weather constraints.
- Potential impacts to adjoining properties and existing agricultural operations (road easements, traffic, etc.).
- A sufficient notification process for adjoining property owners.
- Compliance with terms of the county agricultural preserves and Williamson Act contracts related to cannabis cultivation and accessory structures.

The staff report P. 8 states: “ *Staff recommends that non-volatile manufacturing (Level 1), non-storefront retail, and microbusiness be conditionally permitted uses in the AG zoning district as Cottage Industries, so long as they are accessory uses to a permitted cultivation site and non-storefront retail is allowed as an accessory use to a permitted cultivation site. In order to permit each of these uses in AG zoning district, a finding would have to be made that it is compatible with the Local Coastal Program. Allowing these use types at a scale greater than that currently allowed under Cottage Industries in the AG zoning districts would be an expansion of the use types currently permitted and may not be supportable by the Coastal Commission. With respect to non-volatile manufacturing (Level 1), microbusiness, and non-storefront retail, staff recommends that these be conditionally permitted in AG, so long as the aforementioned use types are accessory to a permitted cultivation site.*

Allowing volatile manufacturing use in the AG zoning district does not appear to be consistent with the permitted uses in the Agricultural land use designation. To expand the uses, an additional Local Coastal Program Amendment would be required and staff has not proposed any changes to the Land Use Plan portion of the Local Coastal Program under the current proposed ordinance amendment. Therefore, staff does not recommend pursuing this at this time.”

Non-volatile manufacturing (Level1), non-storefront retail and microbusiness projects on AG zoned property, projects should be fully analyzed for:

- Potential conversion of agricultural soils related to construction of buildings or other infrastructure.
- Potential impacts to adjoining properties and existing agricultural operations (road easement issues, traffic, etc.)
- A sufficient notification process for adjoining property owners.
- Compliance with terms of the county agricultural preserves and Williamson Act contracts related to cannabis cultivation and accessory structures.

MCFB agrees with the recommendation to not allow for volatile manufacturing on AG zoned properties.

Williamson Act Compliance

MCFB has advocated for the past three years that the county needs to ensure compliance with the terms of the Williamson Act policies. Williamson Act compliance forms have not been distributed to all Williamson Act contract holders to verify compliance since approximately 2011. Compliance forms have also not been sent out since the county listed cannabis as a compatible use, but not a qualifying use through 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.

For current cannabis cultivation permit applicants and for potential new application considerations, any parcels receiving property tax discounts through enrollment in the Williamson Act agricultural preserve need to have compliance verified. 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.

Since cannabis is not considered to be a qualifying use for Williamson Act contract compliance, then any cannabis accessory structures would also not be allowed on Williamson Act properties as current requirements for accessory structures are to be incidental, related and subordinate to a qualifying agricultural use.

MCFB regrets not being able to attend the Planning Commission meeting in person to submit comments, but encourages the consideration of the written comments above. If there are any questions, please feel free to contact the MCFB office.

Sincerely,

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

George Hollister
President

CC:

Carre Brown, Chair
Mendocino County Board of Supervisors

Brent Schultz, Director
Planning and Building Services