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By James Feenan at 7:55 am, Jul 25, 2024



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Mendocino County Planning Commission
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Sent Via Email: pbscommissions@mendocinocounty.gov

RE: Agenda Item 6A: Request to review and consider a recommendation to the Board of Supervisors on proposed amendments to Division I of Title 20 of Mendocino County Code

Chair Paulin and 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. MCFB would like to offer the following comments on the proposed adoption of amendments to Division I of Title 20 of Mendocino County Code.

Section 20.024.135(D) Transient Habitation—Low Intensity Camping

MCFB membership does not have a united viewpoint on the implementation of camping. Some members are supportive and excited for the opportunity to diversify revenue through agritourism, especially as the agricultural market faces consistent hardships. Camping opportunities were important during the COVID-19 pandemic as it generated revenue. Low intensity camping could continue to be a useful asset for farmers and ranchers to diversify income sources and in relevant situations, increase the foot traffic to tasting rooms or other farm facilities.

This being said, there has been concern amongst the agricultural community about the risks and impacts of low intensity camping becoming allowable on agricultural properties and parcels that adjoin commercial farming, ranching or forestry operations. MCFB recognizes that concerns regarding fire risk have been partially addressed with the ban of open flames at the campsites.

However, there is still apprehensiveness around potential problems with fire liability, insurance availability, emergency service demands, and littering.

For sections 20.176.020 (B-D), MCFB requests additional information around the requirement for chemical toilets. In instances that only allow self-contained recreational vehicles (RV) with built in sanitation facilities and no tent camping, is this requirement necessary?

MCFB also requests additional information for the permitting differences due to the RV length. Why do campsites for larger vehicles including all RVs, and trailers over twenty (20) feet, require a Use Permit? In one MCFB member's situation, there are currently 6 RV campsites on 380 acres with sites 200 to 500 feet apart. In reviewing the language recently passed by the County of San Benito, the only other county in California with a similar allowance, the only requirement is a business license, and there are no differing requirements based on RV size. There are over 400 current HipCamp sites in the County of Mendocino, so understanding and outlining the regulations to a greater extent will allow current campsite owners to know the rules they must follow.

For low-intensity transient camping site requirements, Table 20.176-A lists the number of campsites and associated permits. The table shows that low-intensity camping is basically allowed on any parcel size. MCFB questions this as some zoning parcel sizes are relatively small, and this allowable use appears to have been added to most zoning designations; including residential, commercial, and industrial. MCFB requests that there be consideration by the Commission to make a determination on a minimum parcel size to amend Table 20.176-A

For agricultural operations, more specific concerns are regarding ensuring camping locations and facilities are setback from property lines and how setbacks will be verified to ensure adequate space is provided for minimizing potential conflicts with a non-agricultural use on adjoining agricultural properties. Although MCFB supports agritourism and the ability for our members to diversify income sources, it is critical that Low Intensity Camping does not become the primary use of A-G (Agricultural), R-L (Range Land), and F-L (Forest Land) properties nor impacts adjoining land uses.

It is also important to consider how campers will be informed that they are staying on a production agricultural property, where noise, dust, and other farm-related activities are prevalent. Will the county Right to Farm ordinance protect farming operations if campers on adjoining properties complain about noise, dust, etc?

MCFB emphasizes that there is currently a lack of any discussion for how these new agricultural land uses will be allowed on properties under Williamson Act Agricultural Preserve properties. Currently camping is not an allowable use on properties within the Williamson Act. If the Planning Commission (Commission) approves the proposed zoning changes to allow low intensity camping on A-G and R-L properties, there needs to be a recommendation back to Planning and Building Services and the Board of Supervisors that there should NOT be any allowance for permitting low intensity camping sites on properties under the Williamson Act until the county Williamson Act ordinance amendments are discussed.

In addition, the Commission should be aware that the current county Williamson Act ordinance requires that compliance verification be performed every four-years to ensure properties are being maintained for production agricultural purposes. However, regular compliance verification of Williamson Act requirements has been lacking in Mendocino County for decades. The lack of regular compliance verification is extremely concerning to MCFB if additional non-agricultural uses such as low intensity camping are being considered as an allowable use on Williamson Act properties. The primary purpose of the contract is to preserve production agriculture and all other uses should be subsidiary. Ensuring compliance with the Williamson Act's goal is essential to maintaining the integrity and productivity of agricultural lands and MCFB feels this is lacking in Mendocino County.

MCFB does not want to see agricultural lands converted to non-agricultural uses such as campgrounds. This has been an issue with projects in the past where outside interests wanted to purchase entire resource properties for glamping businesses and MCFB was against these proposals. The county and the Commission should be cautious with the continuation of this addition as it could lead to unintentional consequences and conversion issues for agriculture properties in the future.

Sec. 20.036.010 Mining and Processing

The addition of language to Section 20.036.010, related to water extraction, is a bit awkward and seems to have just been added to the existing code without consideration for how the added language fits with the current language specific to mining in this section. MCFB understands that this language evolved from the draft water hauling ordinance that was brought forward following the droughts in 2021 and 2022. However, MCFB requests clarification as to how bulk water extraction will be defined (how many gallons or acre feet?). It is also unclear if bulk water extraction will require a use permit and overall how the county will regulate such extraction.

Bulk water extraction, especially clandestine operations, is a concern as farmers, ranchers and forest managers rely heavily on water for irrigation, livestock health and compliance with forest practice rules. MCFB sees the benefits of utilizing water extractions for the purpose of mitigating dust, fire, and other public concerns but if water is extracted in bulk for commercial purposes, it could reduce the available water supply for adjoining agricultural activities. MCFB would like to make the point that agriculture relies on the long-term sustainability of water resources. Bulk extraction for immediate commercial gain might compromise the future availability of water, posing a threat to existing farms and ranches.

CHAPTER 20.164 ACCESSORY USE REGULATIONS

MCFB would like to note that windmills, typically used for purposes like water pumping in agriculture, are distinct from wind generators, which are used for power production. There are also agricultural wind machines which are used for frost protection in crops such as pears and wine grapes. In the context of section 20.164.015, do the height restrictions that apply to wind generators also apply to agricultural wind machines? If so, what are the specific height limitations for each type, and are there any exceptions for agricultural purposes?

Section 20.164.015 also outlines specific restrictions related to the use of travel trailers and campers on agricultural land. How do these restrictions interact with the broader allowances for low intensity camping on such lands? Specifically, are there conditions under which RVs can be used for camping, and if so, what are the limitations or permissions granted? Additionally, how do these policies impact seasonal or temporary agricultural workers who might use RVs for accommodation?

Chapter 20.052 “A-G” Agricultural District

A-G (Agricultural), R-L (Resource Land), F-L (Forest Land), and TPZ (Timber Production Zone) properties are designated primarily for agricultural, natural resource management, and forestry purposes. As such, allowances for navigation centers, supportive housing, and transitional housing into these zones may not align with their intended use and conservation objectives. MCFB questions the compatibility of such uses, and the potential impact to the long-term vision for agriculture in Mendocino County.

Section 20.052.010 Day Care Facilities, Small Schools and Assisted Living Facilities

The existing A-G district code lists day care facilities and small schools under the civic use type subject to a minor use permit

The proposed code changes for the A-G district lists day care facilities as a permitted residential use type and adds assisted living residential care facilities. Small schools are listed as a civic use type subject to an administrative permit.

Based on the definitions provided, day care facilities are defined as *either a “small family daycare home” or “large family daycare home” as defined in California Health and Safety Code section 1596.78. Pursuant to California Health and Safety Code section 1597.45 Day Care Facilities are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.*

Small schools are defined as the care or education of seven (7) or more, but not to exceed twenty-five (25) persons regardless of age or handicap but excluding overnight care or uses classified as group care or other facilities exempted by the California Health and Safety Code

“Assisted Living Residential Care Facility” means the same as “family care home” a state authorized, certified, or licensed family care home, foster home, group home serving six (6) or fewer mentally impaired or otherwise handicapped persons, persons recovering from alcoholism or drug addiction or dependent and neglected children. A family care home may provide care and service on a twenty-four-hour-a-day basis. No facility shall qualify as a family care home if it is operated in such a manner that facilities, activities, or events thereon are shared by more than six (6) mentally impaired or otherwise handicapped persons or dependent and neglected children.

MCFB is concerned with the shift to allow for day care facilities to be a permitted use on A-G zoned lands, adding assisted living residential care facilities as a permitted use, and transitioning small schools to an administrative permit process. The basis of this concern is related to regulations mandated by the California Department of Pesticide Regulations (DPR) and the requirement for notification of pesticide use near schools and day care facilities.

The DPR regulations apply to pesticide applications made for the production of an agricultural commodity within ¼ mile of public K-12 schools and licensed child day care facilities, except family day care homes (collectively referred to as schoolsites).¹

The DPR notification requirements have been in place since 2018 and local farmers work with the Mendocino County Department of Agriculture to know what facilities in the adjoining areas of their farm properties are required to be notified. Based on the definition of day care facility provided in the proposed zoning code amendment, MCFB is assuming that family day care homes will not fall under the DPR requirement for notification. However, there is lack of clarity regarding how small schools and assisted living residential care facilities will be considered.

MCFB encourages the Mendocino County Planning and Building Department to meet with the Mendocino County Agricultural Commissioner to discuss how the proposed zoning code changes to A-G zoning in relation to day care facilities, small schools and assisted living residential care facilities may affect current DPR requirements and the processes that are in place for the Department of Agriculture to work with the farming community.

In addition, as a general statement, MCFB does not encourage the sighting of day care facilities, small schools or assisted living residential care facilities on A-G zoned property. Allowing non-agricultural uses on A-G zoned property can create conflicts that impact the existing or adjoining agricultural operations.

Chapter 20.086 “MUNS” Mixed Use North State District and Chapter 20.087 “MUBST” Mixed Use Brush Street Triangle District

Mixed Use North State District “MUNS” and Mixed Use Brush Street Triangle District “MUBST” are proposed to be added to implement the Ukiah Valley Area Plan (UVAP). When the UVAP was adopted in 2011, three new land use designations were created but implementing zoning districts were not established. For the MUNS, Appendix I² of the UVAP lists two larger A-G zoned parcels (APN 169-130-76 and 169-150-02) totaling 53.9 acres that were rezoned into the MUNS designation. Although these parcels do not appear to be currently in agricultural production, MCFB would like to highlight that the properties to the South are currently being used for forest resource/mill purposes and the parcels directly East across the Russian River are being used for agricultural purposes. MCFB does not want to see the rezoning of these two parcels to the MUNS designation impact the adjoining forestry and agricultural uses and encourages the Commission to consider this in the discussion of the MUNS zoning designation for these parcels.

CHAPTER 20.112 "A-H" AIRPORT HEIGHT COMBINING DISTRICTS

MCFB assumes that the current airport height combining district zoning is being repealed due to more current language being available in the County's adopted Airport Comprehensive Land Use Plan (CLUP) and the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP). It is understood that protections need to be in place around airport flight paths to hopefully prevent

¹ https://www.cdpr.ca.gov/docs/enforce/school_notify/growers_applicators_factsheet.pdf

² <https://www.mendocinocounty.gov/home/showdocument?id=11889>

major impacts from emergency situations and in the case of the Ukiah Municipal Airport, for supporting the requirements of the CAL FIRE aerial equipment. However, MCFB also has members that own properties within proximity of airports in the county that have expressed frustration with working through the requirements of the relevant CLUP to understand what can and cannot be done on their properties. If the county is going to defer to the CLUP, it will be important for there to be transparency in providing information on the limitations for the various airport zoning restrictions to potential permit/project applicants that fall under the jurisdiction of the CLUP.

MCFB also encourages active participation by Commissioners on the Mendocino Airport Land Use Commission (ALUC). In the past, there has been both a lack of appointment of Commissioners to the ALUC as well as a general lack of participation by appointed Commissioners. This has been a source of angst when documents such as the CLUP and UKIALUCP have been scheduled for updates or a specific project has been directed to go to the ALUC for review.

CHAPTER 20.104 O-S OPEN SPACE DISTRICT

Sec. 20.104.005 states that the intent of the open district is to be applied to lands not suited for development or to lands most valuable in their undeveloped natural state. Generally structures and significant grading shall be prohibited, but may be permitted with an Administrative Permit provided the structures or grading furthers the open space intent.

MCFB questions the addition of low intensity camping as a permitted use and six additional residential use types with an administrative permit. The addition of these additional uses for lands under open space zoning appears counterproductive to maintaining true open space in an undeveloped state.

MCFB encourages Mendocino County Planning Commission, staff, and elected officials to consider the comments provided above in the discussions related to the zoning amendments related to agricultural and resource land in Mendocino County. If there are any questions regarding these comments, please contact the MCFB office.

Sincerely,

A handwritten signature in cursive script that reads "Jazzmynn Randall". The signature is written in black ink and is positioned above the typed name.

Jazzmynn Randall

Executive Director