



January 25, 2021

Hon. Members of the Board of Supervisors
County of Mendocino
501 Low Gap Road, Room 1010
Ukiah, CA 95482

Re: Mendocino County Cannabis Ordinance Updates; State Alignment and Modernization

To the Honorable Members of the Board of Supervisors for the County of Mendocino

My office represents the Cannabis Business Association of Mendocino County (“CBAMC”) which is an organization comprised of local leaders in the cannabis industry. Over the last 50 years, Mendocino County has gained a reputation as a bastion for high quality cannabis. However, the County’s local policies towards cannabis have historically been inadequate to comprehensively permit, tax, and regulate this economically significant industry. CBAMC supports the proposed amendments because these updates will meaningfully modernize the County’s cannabis ordinances and better align local policy with existing state law.

Cultivation Ordinance Updates

Mendocino County is known primarily for producing world-class cannabis and the updates to the existing cultivation ordinance will better help licensed operators live up to that regional reputation. The proposed language is incredibly significant because it allows licensed local cultivators to finally compete in the regulated economy. This is because the prior canopy limitations, which marginalized local businesses by not allowing them to cultivate sufficient cannabis to become competitive, are lifted.

The proposed amendments will allow local permitting in line with licensure already allowed by the California Dept. of Food and Agriculture per Prop. 64. This is a foundational element of local cannabis policy alignment with state law that will act to modernize County policy to meet the real and critical business demands of the modern era. These benefits will be realized even considering the canopy limitation of 10% of parcel size; which is a local limitation not imposed by state law but commensurate with policies either in effect or being considered by neighboring jurisdictions.

Facilities Ordinance Updates

The updates to the Facilities Ordinance present meaningful improvements to local policy through alignment with state law. For example, the updated language strikes a balance by maintaining prior language related to supply chain and retail uses while also providing for events, farm tours, and lodging; each of which are already allowed under state law but had not yet been implemented locally. The net result of these amendments will provide significant economic development opportunities while maintaining all state standards to protect the health and safety of both cannabis consumers and the broader community.

Recognizing the extent of the currently proposed ordinance improvements, we have a few small requests for the Board to consider as augmentations to the proposed updates. For the Board’s consideration, we respectfully request that the default setback from sensitive uses be set at 600 ft., which is the California state standard and what a majority of Mendocino County voters approved when they approved Proposition 64. Further, we ask the Board to consider aligning the definition of “sensitive use” with the definition already provided for under state law per Prop. 64.

Summary

The current ordinance updates proposed to be adopted by the Board provide for meaningful improvements to local policy that are aligned with state law, while remaining competitive with other similar local jurisdictions, and supported by local licensed businesses. The entirety of the County of Mendocino will benefit from these changes whether they are involved in the cannabis industry or not. This is because, for the first time, the County will regulate cannabis in a way that creates meaningful and significant economic development opportunities by creating both jobs in the private sector and producing essential revenue streams to the County itself. This will all be accomplished by meeting California's strict regulatory requirements related to the environment, health, and safety.

With the above in mind, CBAMC endorses these ordinance updates and is eager for implementation.

Regards,

A handwritten signature in cursive script that reads "Joe Rogoway".

Joe Rogoway, Esq.