



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

May 26, 2021

Re: Commercial Cannabis Activities Ordinance for Discussion on 6/2/2021

Honorable Supervisors,

MCA would like to acknowledge the massive effort that each of you, County Staff and the Planning Commission have undertaken to develop a cannabis cultivation ordinance and program that will work. It has been a long road fraught with challenges, but we strongly agree that this discretionary land-use based permit program is a necessary component of a sustainable, regulated cannabis economic sector in Mendocino County. An untold number of existing businesses in the Phase 1 & 2 programs may need to seek conditional permitting under the CCAO in order to receive fully CEQA-compliant annual licenses from CDFA, and should be allowed to avail themselves of this process rather than having to shut down or move away.

It is imperative that existing operators have this pathway as an option, and we ask the community at-large to stand together in support of these existing, tax-paying, small businesses and to say 'No' to any referendum that could put many of our licensed community members out of business.

It is for these reasons that MCA has adopted the following recommendations on the CCAO in the spirit of presenting a community-wide compromise, understanding that successful public policy often requires the softening of hard lines to achieve reasonable progress. With our willingness to compromise we hope to encourage more of our community members to do the same. We sincerely believe that we have taken into account ALL of the various stakeholders in this important conversation about the future of Mendocino County in hopes that we can move forward together in collaboration. We ask the Board to enact these reasonable and balanced recommendations:

1. Adopt the recent recommendations made by the Planning Commission, including allowing limited expansion with a major use permit in select zoning districts, while also implementing reasonable limits on the stacking of licenses.
 - a. Any additional expansion, in terms of canopy area, zoning districts, and consideration of cultivation at any level in disallowed zoning should be explored and assessed in a full programmatic Environmental Impact Report (EIR) prior to adoption.
 - b. No expansion should be permitted until after the current State of Emergency related to drought conditions has been lifted.
2. Codify all previously discussed protections for Phase 1 and 2 operators into the CCAO, including the ability to continue operations while applying for a permit under the CCAO, the ability to use a streamlined application process to transition to the CCAO, and prioritized processing of their applications for the CCAO whenever submitted.

3. Change the following two definitions and standards in the CCAO to match those currently utilized by the State for cannabis cultivation:
 - a. Regarding the limitations on cultivation in Rangeland, replace the term previously 'tilled' with the term previously 'disturbed area'¹ as is used by the State Water Quality Control Board in determining the tier and risk of environmental impact.
 - b. Regarding the type of energy allowed for use on Mixed Light and Indoor cultivation, align with the State's energy use standards² which, starting in 2023 will impose strict and significant changes to the industry, including carbon offsets for non-renewable energy consumption and other programs.

The approach to the CCAO proposed above, and generally in accordance with the Planning Commission's recommendations, constitutes a common sense middle path that earnestly aims to respectfully consider the desires of all stakeholder groups who have been expressing competing concerns for the future of Mendocino County, and takes concrete steps to protect our environment in the process.

Thank you for your consideration of our recommendations. We believe that this is the path of least resistance, and while it does not give everyone everything they want, it does give everyone some of what they are seeking, which is the best possible outcome in a diverse rural democracy.

Sincerely,

Mendocino Cannabis Alliance
e: info@mendocannabis.com

¹ https://www.waterboards.ca.gov/water_issues/programs/cannabis/faqs.html Disturbed area is defined as land area where natural conditions have been modified in a way that may result in an increase in turbidity in storm water discharged from the site, such as by removal of natural plant growth or modification of natural grade. Land disturbed for construction of roads, buildings, water storage areas, soil amendment storage areas, excavation, grading, or site clearing are included in the total disturbed area calculation.

² <https://www.cdfa.ca.gov/california/documents/FinalApprovedRegulationText.pdf> § 8305. Renewable Energy Requirements p. 34 & § 8306. Generator Requirements. p. 35