



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

June 1, 2021

Re: Item 3a - *Chapter 22.18 Commercial Cannabis Activity Land Use Development Ordinance (CAO)*

Dear Chair Gjerde and Members of the Board:

The Cannabis Business Association of Mendocino County (CBAMC) sincerely appreciates the efforts of the Board, Staff, and Planning Commission to develop this ordinance over the last many months, and your support for creating a discretionary land use based permitting program to enable a viable pathway to state licensure for Mendocino County's operators.

We join the Mendocino Cannabis Alliance (MCA) and the agricultural community at large in asking our community to oppose the rumored referendum which jeopardizes the future of the legal industry, and could result in a multi-year moratorium on commercial cannabis, forcing more people into the illicit market and only exacerbating current problems. The proposed ordinance is the path forward to a more compliant, enforceable industry.

We support many of comments in the Staff Memorandum provided in response to the Planning Commission's recommendations, and would like to provide additional input on three items for your consideration:

- (1) While a fixed 2 acre cap will only handicap local operators and prevent Mendocino's industry from being competitive, we would support a phased approach to progressively expanding canopy limits in the coming years.

- (2) We recommend adopting the “Agricultural Activity” definition considered by the Planning Commission rather than create a new definition of “tilled” so as to align with existing code, thus mitigating risks or inconsistencies with State law due to gaps in terminology. This definition better captures all prior disturbances of the soil.

Agricultural Activity: the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural commodity, the raising of livestock or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with those farming operations, including preparation of these products for market.” (CCR Title 14, Division 2, Chapter 8, Subchapter 1, Article 1, section 3501)

- (3) With regard to the renewable energy requirements, we wanted to highlight that CDFA actually requires a transition to renewables by 2023 for all licensed indoor & mixed-light operators, cited below. We suggest that the County once again refer to the State’s requirements instead of creating redundant & incongruous local policies.

Renewable Energy Requirements:

Beginning January 1, 2023, all indoor, tier 2 mixed-light license types of all sizes, and nurseries using indoor or tier 2 mixed-light techniques, shall ensure that the electrical power used for cannabis activity meets the average electricity greenhouse gas emissions and intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program. Evidence of meeting the standard includes the following: 1) If a licensee's average weighted greenhouse gas emissions intensity is greater than the local utility provider's greenhouse gas emission intensity, the licensee shall provide evidence of carbon offsets from any of the following sources to cover the excess in carbon emissions from - American Carbon Registry, Climate Action Reserve, or Verified Carbon Standard; Offsets purchased from any other source are subject to verification and approval by the Department; 2) New licensees shall report the average weighted greenhouse gas emissions intensity used during their licensed period at the time of license renewal. If a licensee's average weighted greenhouse gas emissions intensity is greater than the local utility provider's greenhouse gas emissions intensity for the most recent calendar year, the license shall provide evidence of carbon offsets or allowances to cover the excess in carbon emissions. (CDFA § 8305., (a)&(b))

- (4) Tree Removal - We strongly advocate that all tree removal not be prohibited in Chapter 22.18, and that this be left to the discretionary review process on a site by site basis. The Use Permit process allows for thorough review, conditioning and remediation of any tree removal, if it is deemed appropriate for a particular site. Sometimes the most ecologically appropriate location for a cultivation site may

warrant consideration of responsible tree removal. We request that you leave the previous language in place, allowing for discretionary review of tree removal.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Bodnar". The signature is written in a cursive, flowing style.

Sarah Bodnar

Policy Director, CBAMC