

Dear Commissioners,

Please find our support letter attached regarding Agenda Item 6c.

Thank you,

Sarah Bodnar  
Policy Director  
Cannabis Business Association of Mendocino County

**RECEIVED**  
MAY 06 2021  
Planning & Building Services



Mendocino County Planning Commission  
501 Low Gap Road  
Ukiah, CA 95482

Re: Item 6c

May 6, 2021

Honorable Commissioners:

The Cannabis Business Association of Mendocino County offers its support for the changes you are considering today on behalf of our member farms and businesses and the several hundred employees we represent.

We appreciate the ongoing efforts of the Board and the Commissioners to create a workable Cannabis Land Use Activity Ordinance (CCAO), and to help transition Phase 1 operators into Phase 3, as it may offer the only viable pathway to Annual Licensure from the state. A few items which we would like to offer specific support for:

Phase 1 Transition: We appreciate the recommendations to grandfather in both the zoning and the slope requirements for Phase 1 operators, require Administrative Permits, and allow a streamlined application process for Phase 1 applicants.

10%: We offer continued support for the Board's proposed 10% of parcel size cap on suitable agricultural lands, to ensure that Mendocino can remain competitive and build an enduring brand.

Water + Hauling: We support restrictions on expansion for this year due to drought, and limiting the use of water hauling due to water shortages and the community impacts of water trucks.

We would like to offer comments on a few of the redline changes brought forward for review, as presented in the Staff Memo dated May 6, 2021:

(1) Draft Appendix A Modifications

d) Cultivation shall only be allowed in the RL district on lands that have been previously cleared and tilled and has a prior crop history.

We appreciate the Board's intention of keeping ag land in agricultural production. We recommend the following language to best capture all previously disturbed land, and ensure that new land isn't cleared for cannabis cultivation in Rangeland.

(1) Time frame:

We do have concerns about enforcing this requirement as it was problematic during Phase 1. If you choose a date, we recommend requiring demonstrated proof of 'agricultural activity' prior to January 1, 2021 (refer to definition below).

(2) Definitions:

Recommend adopting the provided "Agricultural Activity" definition: *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)

(4) *"Staff clarified with the Board that there would be a limitation of one (1) Land Use Permit per legal parcel; however multiple cultivation types may be pursued on a legal parcel."*

We have some concerns with the vagueness of this language, and would suggest including more specific language regarding maximum allowable canopy for a land use permit.

(6) Under the Findings applicable to Land Use Permits for Cultivation on AG and RL Zoned properties:

- *"The proposed cultivation site will not result in a need for unintended expansion of infrastructure in conflict with other policies."*

We recommend removing this first bullet point which doesn't quite make sense and seems unenforceable.

(9) Application Workflow

We strongly support the recommendation to establish clear application windows and to provide applicants with advance notification of these time periods, and we encourage the hiring of additional planners and extra help to better administer Phases 1 and 3.

(10) Renewable Energy Requirements for Indoor and Mixed Light

We support the efforts to encourage a green and efficient industry and wanted to highlight that CDFA actually requires a transition to renewables by 2023 for all licensed indoor & mixed-light operators in the below code.

***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))*

Thank you for your consideration.

Sincerely,

Sarah Bodnar  
Policy Director, CBAMC