

CHAPTER 20.538– COASTAL CANNABIS FACILITIES CODE – DRAFT 4.23.19

Sec. 20.538.005 - Title, Purpose, and Intent.

This Chapter shall be known as and may be referred to in all proceedings as "Coastal Cannabis Facilities Code" or "CCFC."

It is the purpose and intent of this Chapter to regulate the processing, manufacturing, testing, dispensing, retailing and distributing of cannabis within the Coastal Zone of Mendocino County except for areas subject to Title 20 – Division III Mendocino Town Zoning Code in a manner that is consistent with current State law and to establish a program to be implemented in coordination with the State of California's implementation of the Medical and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA") and subsequent legislation.

All commercial processing, manufacturing, testing, dispensing, retail sales and distributing of cannabis within the jurisdiction of the County of Mendocino within the Coastal Zone shall be controlled by the provisions of this Chapter, regardless of whether the business existed or occurred prior to the adoption of this Chapter. Nothing in this Chapter is intended, nor shall it be construed, to exempt the commercial processing, manufacturing, testing, dispensing, retailing, or distributing of cannabis, as defined herein, from compliance with all other applicable Mendocino County coastal zoning and land use regulations, or other applicable provisions of the County Code, or from any and all applicable local and state construction, electrical, plumbing, environmental, or building standards or permitting requirements, or from compliance with any applicable State laws.

These regulations shall apply to the location and permitting of commercial processing, manufacturing, testing, dispensing, retailing and distributing of cannabis in zoning districts within which such use is authorized, as specified in this Chapter.

Nothing in this Chapter is intended, nor shall it be construed, to preclude a landlord or property owner from limiting or prohibiting commercial processing, manufacturing, testing, dispensing, retailing and distributing of cannabis on private property.

All persons operating facilities and conducting activities associated with the cultivation of cannabis, as defined in this Chapter, are subject to possible federal prosecution, regardless of the protections provided by state or local law.

Sec. 20.538.010 - Application.

The processing, manufacturing, testing, dispensing, retailing and distributing of cannabis is prohibited in all zoning districts in Mendocino County governed by Division II of this Title, except as allowed by this Chapter.

Sec. 20.538.015 - Definitions.

The definitions in this Chapter are intended to apply solely to the regulations in this Chapter or Chapters that specifically refer to this Chapter. Applicable definitions in Mendocino County Code Section 10A.17.020 and Section 20.537.030 shall also apply to this Chapter, unless the term is otherwise defined in this section. As used herein the following definitions shall apply:

"A-license" means a state license issued for cannabis or cannabis products that are intended for adults twenty-one (21) years of age and over and who do not possess a physician's recommendation.

"A-licensee" means any person holding a license for cannabis or cannabis products that are intended for adults twenty-one (21) years of age and over and who do not possess a physician's recommendation.

"Bureau" means the Bureau of Cannabis Control.

"Cannabis" means all parts of the plant *Cannabis sativa*, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the State of California Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this Section, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the State of California Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

"Cannabis product" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

"Cannabinoid" or "phytocannabinoid" means a chemical compound that is unique to and derived from cannabis.

"Cannabis event" means an event involving the retail of cannabis products subject to the retailer obtaining event licenses from both local and state entities, for the purpose of this Chapter.

"Cannabis facility" means a business and/or structure or location where, or from where, retailing, distributing, processing, testing, manufacturing or delivering of cannabis.

"Cannabis Facility Business License" or "CFBL" means a revocable, limited-term grant of permission to operate a cannabis processing, manufacturing, testing, retailing/dispensing,

distributing, and/ or microbusiness within the County. The business license shall be in the form prescribed by the Tax Collector and must contain, at a minimum, the licensee's name, the business name, type of business, location of business, commencement and expiration dates of the license, and fee remitted. A Cannabis Facilities Business License shall be required for the operation of any cannabis facility.

"CFBL Holder" means any person holding a cannabis facility business license issued pursuant to Chapter 6.36, including any review or permit required by this Chapter.

"Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the Health and Safety Code.

"Commercial cannabis activity" includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of cannabis and cannabis products.

"Customer" means a natural person twenty-one (21) years of age or over or a natural person eighteen (18) years of age or older who possesses a physician's recommendation.

"Day care center" has the same meaning as in Section 1596.76 of the Health and Safety Code.

"Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.

"Distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees.

"Dwelling unit" means a legal residential structure providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen.

"Edible cannabis product" means cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

"Environmental Health" means the Environmental Health Division of the Mendocino County Health and Human Services Agency or the authorized representatives thereof.

"Extraction" means a process by which cannabinoids are separated from cannabis plant material through chemical or physical means.

"Legal parcel" or "Parcel" means a lot of real property created pursuant to the Subdivision Map Act and recorded in the Mendocino County Recorder's Office, or a parcel of real property that qualifies for and obtains a certificate of compliance pursuant to Government Code Section 66499.35.

"License" means a state license issued pursuant to MAUCRSA and includes both an A-license (Adult Use) and an M-license (Medical), as well as a testing laboratory license.

"Licensee" means any person holding a license pursuant to MAUCRSA, regardless of whether the license held is an A-license or an M-license and includes the holder of a testing laboratory license.

"M-license" means a state license issued for commercial cannabis activity involving medicinal cannabis.

"M-licensee" means any person holding a license for commercial cannabis activity involving medicinal cannabis.

"Manufacturing Level 1 (Non-Volatile)" means facilities that manufacture cannabis products using nonvolatile solvents, or no solvents or volatile solvents using a non-volatile method.

"Manufacturing Level 2 (Volatile)" means facilities that manufacture cannabis products using volatile solvents.

"MAUCRSA" means the Medical and Adult-Use Cannabis Regulations Safety Act, or subsequent legislation amending its provisions.

"Mendocino County Certified Unified Program Agency (CUPA)" means the agency certified to implement the unified hazardous waste and hazardous materials management regulatory program set forth in Section 25404 of the Health and Safety Code.

"Microbusiness" means at least three (3) of the following commercial cannabis activities: (1) cultivation of cannabis on an area ten thousand (10,000) square feet or less, (2) distribution, (3) Manufacturing Level 1 (Non-Volatile), and (4) acting as a licensed retailer/dispensary under this Chapter, provided such licensee/CFBL Holder complies with all requirements imposed by this Chapter on each of the three or more activities, to the extent the licensee/CFBL Holder engages in such activities.

"Nonvolatile extraction" means an extraction method using nonvolatile solvents (such as carbon dioxide or "CO₂") to manufacture cannabis products.

"Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent. A nonvolatile solvent includes carbon dioxide used for extraction.

"Park" means an area of land used for community recreation owned or operated by a public entity or a private area of land recognized as a neighborhood park utilized by youth. State or Federal designated parks and forestlands as recognized within the Mendocino County General Plan are not included within this definition.

"Permit" means a permit to cultivate cannabis in Mendocino County pursuant to this Chapter.

"Permittee" means a Person issued a permit to cultivate cannabis in Mendocino County pursuant this Chapter.

"Person" means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

"Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling, for purposes of this Chapter.

"Processing" means to harvest, dry, cure, grade, trim, or package for transport cannabis.

"Processing Facility" means a location or facility where cannabis is dried, cured, graded, trimmed, and/or packaged at a location separate from the cultivation site where the cannabis is grown and harvested.

"Retailer/Dispensary" means the retail sale and delivery of cannabis or cannabis products to customers.

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed child day care or preschool facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

"Shared-Use Facility" or "Shared Facility" means a location or facility where more than one manufacturing businesses take turns utilizing the same space and equipment, allowing multiple users to create cannabis products in a single facility, such as a community commercial kitchen.

"State" means the State of California.

"Testing" means testing of cannabis and cannabis products.

"Testing laboratory" means a facility, entity, or site in the State that offers or performs testing of cannabis or cannabis products and that is both of the following:

- (A) Accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state; and
- (B) Licensed by the Bureau.

"Volatile extraction" means an extraction method using volatile solvents to manufacture cannabis products.

"Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

"Youth center" has the same meaning as in Section 11353.1 of the Health and Safety Code.

Sec. 20. 538.020 - Use Classifications.

The purpose of these provisions is to classify uses into a limited number of use types on the basis of common functional, product or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest.

Where a use in this section is allowed as an accessory use, that use shall be subject to the provisions of Chapter 20.456.

- (A) Processing Facilities.
 - (1) Processing facilities, as defined herein, shall be conditionally permitted as a coastal agricultural use type.
 - (2) A processing facility for cannabis cultivated on site pursuant to a Coastal Development Permit issued pursuant to Chapter 20.537 and a cultivation permit issued pursuant to Chapter 10A.17 shall be allowed as an accessory use to the permitted cultivation operation and a separate Coastal Development Permit pursuant to this Chapter shall not be required for the processing facility.
 - (3) Processing may be permitted as an accessory use to a retail license for a storefront dispensary but shall be limited to cannabis to be sold at that retail location. The square footage of the processing area shall not be

greater than twenty-five (25) percent of the retail floor square footage that is open to the general public; in calculating the retail floor area, the administrative space, storage space, or any other space not visible to customers shall not be included.

- (4) A cultivator with multiple cultivation permits and/or locations may process the cultivator's own cannabis at a single facility located on one of the parcels, provided, however, that the parcels on which the cultivation is occurring are contiguous and under the same ownership.

(B) Manufacturing Facilities.

- (1) Manufacturing Level 1 (Non-volatile), as defined herein, shall be principally permitted as a coastal industrial use type.
- (2) Manufacturing Level 2 (Volatile), as defined herein, shall be conditionally permitted as a coastal industrial use type.
- (3) Exception for home manufacturing.
 - (a) Manufacturing Level 1 (Non-volatile) as an accessory use to cultivation is allowed as a Home Occupation or Cottage Industry in all zones where cultivation is allowed pursuant to Chapter 20.537 and is subject to the provisions of Chapter 20.448 or Chapter 20.452, as applicable, and the following provisions:
 - (i) The cultivator engaging in home manufacturing must be permitted to cultivate pursuant to Chapter 20.537 and must reside on the property where the home manufacturing is occurring.
 - (ii) All cannabis used in home manufacturing must be cultivated on site, under a Coastal Development Permit issued pursuant to Chapter 20.537, and under a cultivation permit issued pursuant to Chapter 10A.17.
 - (iii) The manufacturing of edible cannabis products is permitted in compliance with State of California regulations.
 - (iv) Only non-volatile extraction methods may be used.

- (4) Multiple manufacturing facilities may occupy a single structure and operate as a "Shared Facility" in zones where Manufacturing Level 1 (Non-volatile) is permitted, provided that:
 - (a) At least one of the manufacturing facilities has obtained a Coastal Development Permit pursuant to this Chapter;
 - (b) Use of the "Shared Facility" shall be limited to Manufacturing Level 1 (Non-volatile);
 - (c) All manufacturing facilities at the "Shared Facility" shall obtain a manufacturing CFBL from the County; and
 - (d) No more than five (5) separate users shall be allowed per facility.

- (C) Testing Laboratories and Research Institutions.
 - (1) Testing laboratories and research institutions, as defined herein, shall be permitted as a coastal commercial use type pursuant to Table 1 of Section 20.538.030.

- (D) Retailer/Dispensary.
 - (1) A Retailer/Dispensary, as defined herein, shall be a coastal commercial use type.
 - (2) A Retailer/Dispensary with a storefront shall only be allowed pursuant to Table 1 of Section 20.538.030.
 - (3) A Retailer/Dispensary may operate as a Non-Storefront Retailer, in which case all retail sales shall be conducted exclusively by delivery and the premises shall be closed to the public.
 - (a) A Non-Storefront Retailer may be permitted in any zoning district as an accessory use to any other cannabis facility and a separate Coastal Development Permit pursuant to this Chapter shall not be required.
 - (b) A Non-Storefront Retailer may be permitted in any zoning district as an accessory use to a cultivation site permitted pursuant to Chapter 20.537 and Chapter 10A.17 and a separate Coastal Development Permit pursuant to this Chapter shall not be required. A Non-Storefront Retailer as an accessory use to a

cultivation site shall only retail cannabis cultivated on the cultivation site.

(4) Additional requirements for all retailers/dispensaries:

- (a) Retailers/dispensaries that cultivate nursery stock or seeds must comply with the provisions of Mendocino County Code Chapter 20.537 and Chapter 10A.17.
- (b) Retailers/dispensaries that engage in mobile deliveries are prohibited from having any advertisement of their business or services on their delivery vehicles.
- (c) On-site consumption of cannabis is permitted in outdoor areas of A-license retailers/dispensaries, such as patios or decks, and shall adhere to the provisions of Mendocino County Code Chapter 9.32.
- (d) Promotional items and free product give-a-ways by A-license retailers/dispensaries is prohibited.

(E) Distribution Facility.

- (1) A distribution facility as defined herein, shall be principally permitted as a coastal industrial use type and conditionally permitted as a coastal agricultural use type, and shall be a site or location where distribution, as defined herein, occurs.
- (2) A Coastal Development Permit for distribution may be issued in the following categories, as these categories are defined in State laws and regulations, and subject to the restrictions of this Chapter: Distributor Transport Only and Distributor.
- (3) A distribution facility may operate as Self-Distribution and a separate Coastal Development Permit pursuant to this Chapter shall not be required, for a location in any zoning district as an accessory use to a cultivation site (which has a Coastal Development Permit issued pursuant to Chapter 20.537 and a cultivation permit issued pursuant to Chapter 10A.17) or other cannabis facility types at that location, provided that the Self-Distribution facility shall be limited to the distribution of cannabis cultivated at that location, cannabis processed at that location, cannabis products manufactured at that location, or, for a retailer/dispensary, the distribution of cannabis or cannabis products to be sold at that location.

- (4) A cultivator with multiple cultivation permits and/or locations may operate a Self-Distribution facility located on one of the parcels, provided, however, that the parcels on which the cultivation is occurring are contiguous and under the same ownership.
- (F) Microbusinesses.
- (1) Microbusiness, as defined herein, shall be conditionally permitted as a coastal commercial use type.
 - (2) Microbusinesses with on-site cannabis cultivation must comply with and obtain a Coastal Development Permit pursuant to Chapter 20.537 of the Mendocino County Coastal Zoning Code and a cultivation permit pursuant to Chapter 10A.17 of the Mendocino County Code.
 - (3) Microbusinesses with on-site distribution, manufacturing, and/or retail sales or dispensing of its products shall comply with all applicable sections of this Chapter.
 - (4) Microbusinesses proposed in the Commercial (C) and Rural Village (RV) zoning districts must demonstrate that the retail component of the Microbusiness is the primary use and other uses are incidental and subordinate to the retail component.
 - (5) All components of a microbusiness must comply with the development requirements of the zoning district in which it is located.
 - (6) The manufacturing of edible cannabis products is permitted in compliance with State of California regulations.
 - (7) Notwithstanding Table 1 of Section 20.538.030, a microbusiness may be allowed in any zoning district provided that (a) the microbusiness either (i) qualifies as a Home Occupation pursuant to Chapter 20.448 or (ii) is permitted as a Cottage Industry pursuant to Chapter 20.452; and (b) there is a cultivation site permitted pursuant to Chapter 20.537 and Chapter 10A.17.
 - (8) Microbusinesses which are either a Home Occupation or Cottage Industry shall (a) have any distribution component be limited to Self-Distribution of the microbusiness' own cannabis and cannabis products and (b) have any retail/dispensary component be limited to that of a Non-Storefront Retailer.

- (9) All cultivation, manufacturing, distribution, and retail activities performed by a licensee/CFBL Holder under a permitted microbusiness shall occur on the same licensed premises.
- (10) Square footage related to cultivation of cannabis or the processing of the cannabis grown on-site as part of a microbusiness shall not be counted toward the maximum square footage allowed under either a Home Occupation or Cottage Industry.

Sec. 20.538.025 - General Limitations on Cannabis Facilities in the Coastal Zone.

- (A) All cannabis facilities shall comply with all applicable regulations in the Mendocino County Coastal Zoning Code and State law.
- (B) Cannabis facilities, other than Microbusinesses with a cultivation site, shall not be allowed within a six hundred (600) foot radius of a youth center, a school, or a park, as those terms are defined in Section 20.538.015 of the Mendocino County Code, that is in existence at the time a Cannabis Facility Business License is applied for; Microbusinesses with a cultivation site and Manufacturing Level 2 (Volatile) shall not be allowed within one thousand (1000) feet of such places or facilities. The distance between the uses listed in the preceding sentence and the cannabis facility shall be measured in a straight line from the nearest point of the cannabis facility to the nearest point of any fenced, maintained or improved area where the users of the facility are typically present during normal hours of operation.
 - (1) Applicants may seek a reduction in the setback described in this paragraph (B) through the Coastal Development Permit process in Section 20.538.035 of this Chapter.
- (C) All structures associated with permitted cannabis facilities shall comply with the setbacks established by the zoning district in which the cannabis facility site is located.
- (D) All cannabis facilities shall be located in a permanent building in conformance with the California Building Code as adopted by Mendocino County for a commercial or industrial building, as applicable, and shall not be located in a dwelling unit, recreational vehicle, cargo container, motor vehicle or other similar personal property, except as provided for by Mendocino County Coastal Zoning Code Chapter 20.448 or Chapter 20.452.
- (E) The processing, manufacturing, testing, dispensing, retailing, and distributing of cannabis is not permitted within any habitable space (i.e., kitchen, bedroom, bathroom, living room or hallway) of a dwelling unit nor is it permitted within any

required parking space, except as otherwise allowed in this Chapter, except as provided for by Mendocino County Coastal Zoning Code Chapter 20.448 or Chapter 20.452.

- (F) All cannabis facilities shall be subject to the findings in Sections 20.532.095 and 20.532.100, as applicable.
- (G) Cannabis facilities shall implement the following security measures:
 - (1) Sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products.
 - (2) Security measures to prevent individuals from remaining on the premises of the facility if they are not engaging in activity expressly related to the operations of the facility.
 - (3) Establishing limited access areas accessible only to authorized personnel.
 - (4) Storing all cannabis and cannabis products in a secured and locked room, safe, or vault and in a manner sufficient to prevent diversion, theft, and loss.
 - (5) Diversion, theft, loss or any criminal activity involving the facility, or any other breach of security must be reported immediately to law enforcement.
- (H) Cannabis remnants, infused products, bi-products, and other waste material shall be disposed of in a safe, sanitary, and secure manner. Any portion of the cannabis remnants, products or bi-products being disposed of will be rendered unusable before disposal, will be protected from being possessed or ingested by any person or animal, and shall not be placed within the facility's exterior refuse containers.
- (I) Signage associated with permitted cannabis facilities shall meet the applicable requirements set forth in the Mendocino County Coastal Zoning Code for signage and other applicable State regulations.

Sec. 20.538.030 - Coastal Permit Types and Zoning Districts.

All cannabis facilities in the unincorporated Coastal Zone of the County of Mendocino shall be permitted in accordance with this Section. All cannabis facilities shall obtain approval from other State and Local agencies with permitting jurisdiction. Cannabis facilities may be

allowed with an approved Coastal Development Permit or Coastal Development Use Permit as required for the zoning district in which the cannabis facility is located as listed in Table 1, below:

Table 1
Permit Requirements for Processing, Manufacturing, Testing, Retailers, Distribution, and
Microbusiness by Coastal Zoning District and Cannabis Facilities Code Permit Type

			6-A and 6-M	7-A and 7-M	8-A and 8-M	10-M and 10-A	11-A and 11-M	12-A	
		Processing	Manufacturing Level 1 (Non-volatile)	Manufacturing Level 2 (Volatile)	Testing	Retail/ Dispensary	Distribution	Micro- business	
Zoning District	Coastal								
	AG	CDU	—	—	—	—	CDU	—	
	FL	—	—	—	—	—	—	—	
	TP	—	—	—	—	—	—	—	
	RL	CDU	—	—	—	—	—	—	
	RR	CDU	—	—	—	—	—	—	
	RMR	CDU	—	—	—	—	—	—	
	RV	—	—	—	—	CDU	CDU	CDU	
	C	—	CDP	—	—	ZC	CDU	CDU	
	I	CDU	CDP	CDU	CDP	—	CDU	—	
	Town of Gualala								
	GVMU	—	—	—	—	CDU	ZC	CDP	—
	GHMU	—	—	—	—	CDU	ZC	CDP	—
	GI	CDU	CDP	CDU	CDU	CDP	—	CDP	—

— = Not Allowed,
ZC = Zoning Clearance (If new 'Development' as defined in Definitions Section 20.308, a CDP may be required.),
CDP= Coastal Development Permit
CDU = Coastal Development Use Permit

Notwithstanding the above Table 1:

- (A) Distribution licenses shall be allowed in any zoning district as an accessory use to other cannabis facilities on the site, subject to the limitations of paragraph (E) of Section 20.538.020.
- (B) Non-Storefront Retail locations shall be permitted in any zoning district as an accessory use to a cultivation site or permitted pursuant to Chapter 20.538.

- (C) Microbusiness locations may be accessory to a cultivation site permitted pursuant to Chapter 20.538 provided the microbusiness qualifies as a Home Occupation pursuant to Chapter 20.448, or as a Cottage Industry pursuant to Chapter 20.452.
- (D) Microbusinesses which are a Home Occupation or Cottage Industry shall (a) have any distribution component be limited to Self-Distribution of the microbusiness' own cannabis and cannabis products and (b) have any retail/dispensary component be limited to that of a Non-Storefront Retailer.

Sec. 20.538.035 – Coastal Development Permit Review Procedure.

- (A) Planning Approval Procedure. Each cannabis facility site is subject to one (1) of the following planning procedures that correspond to the applicable zoning district, as specified by Table 1 in Section 20.538.030 of this Chapter. The Department shall review the application in accordance with the applicable planning approval process.
 - (1) Zoning Clearance. The Department of Planning and Building Services and the Division of Environmental Health shall review projects for compliance with applicable local regulations.
 - (2) Coastal Development Permit.
 - (a) In accordance with the Coastal Development Permit review procedure listed in Chapter 20.536.010, the Coastal Permit Administrator may approve, conditionally approve or deny a Coastal Development Permit for cannabis facility sites based on the findings in Sections 20.532.095 and 20.532.100 and the following special findings:
 - (i) The cannabis facility site is allowed in the zoning district and is in compliance with the provisions of this Chapter and Chapter 20.537, as applicable.
 - (ii) The cannabis facility will avoid or minimize odor and light impact on residential uses.
 - (iii) The Coastal Development Permit shall expire at the end of any period stated in the permit. If the Coastal Development Permit for the cannabis facility is dependent on a cannabis cultivation Coastal Development Permit, should the

Coastal Development Permit for cultivation be revoked, the permit for the cannabis facility shall be revoked.

- (b) In addition to the requirements of paragraph (a) above, a Coastal Development Permit may be approved, conditionally approved or denied for the reduction of the setback provided for in Section 20.538.025(A) based on the following special findings:
 - (i) That there be special circumstances applicable to the property involved, including size, shape, topography, location or surrounding;
 - (ii) That the granting of such reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and
 - (iii) That the granting of such reduction will not adversely affect the Local Coastal Program.
- (3) Coastal Development Use Permit. In accordance with the Coastal Development Use Permit review procedure listed in Chapter 20.536.005, the Planning Commission may approve, conditionally approve or deny a Coastal Development Use Permit for a cannabis facility based on findings in Sections 20.532.095 and 20.532.100 and the following special findings:
 - (a) The proposed cannabis facility site is allowed in the zoning district and is in compliance with the provisions of this Chapter and Chapter 20.537, as applicable.
 - (b) The medical or adult use cannabis facility will avoid or minimize odor and light impact on residential uses.
 - (c) The Coastal Development Use Permit shall expire at the end of any period stated in the permit. If the Coastal Development Use Permit for the cannabis facility is dependent on a cannabis cultivation Coastal Development Use Permit, should the Coastal Development Use Permit for cultivation be revoked, the permit for the cannabis facility shall be revoked.
- (B) The County shall notify any State licensing authority, as defined by the MAUCRSA, as applicable, whenever a Coastal Development Permit or Coastal Development Use Permit has been revoked or terminated.

Sec. 20.538.040 - Coastal Permit Application Submittal Requirements for Cannabis Facilities.

Any person or entity that wishes to engage in the processing, manufacturing, testing, dispensing, retailing, and distributing, of cannabis use in the unincorporated Coastal Zone Mendocino County's Cannabis Facility sites shall submit an application to the Department of Planning and Building Services. Applications for facilities shall be made upon such forms and accompanied by such plans and documents as may be prescribed by the Department of Planning and Building Services so as to assure the fullest practical presentation of facts for the review of the application. An application fee will be due at the time the application is submitted and is non-refundable.

Applicants for a coastal permit for cannabis facility shall provide the standard application materials for a Coastal Development Permit or Coastal Development Use Permit as applicable, and all of the following information on, or as an attachment to, the application:

- (A) An operations plan which provides a description of the proposed processing, manufacturing, testing, dispensing, retailing, or distributing of cannabis activities including, but not limited to, permit type, size of facility or structure where business will be conducted, description of the nature of the activity, product type, average production amounts (including each product produced by type, amount, process, and rate), source of medical or adult use cannabis material product(s), estimated number of employees, hours of operation, visibility, and anticipated number of deliveries and pickups.
- (B) The Department of Planning and Building Services is hereby authorized to require in the permit application any other information reasonably related to the application including, but not limited to, any information necessary to discover the truth of the matters set forth in the application.

Sec. 20.538.045 - Permit Revocation.

A Coastal Development Permit or Coastal Development Use Permit may be revoked or modified according to the revocation or modification provisions in Mendocino County Coastal Zoning Code Section 20.536.030 and any successor provisions. Grounds for seeking revocation or modification include: non-compliance with one (1) or more of the requirements listed in this Code or failure to comply with the requirements of the Mendocino County Certified Unified Program Agency (CUPA).

Sec.20.538.050 – Cannabis Events

- (A) An event at which cannabis is retailed shall apply for a permit pursuant to Section 20.460.020, including events of less than 100 people, provided, however, that venues shall also be subject to the following:

- (1) The event venue shall be permitted with the state licensing body.
- (2) The parcel(s) on which the event is located shall be located at least six hundred (600) feet from any youth center, school, and/or park. The distance between the uses listed in the preceding sentence and the event shall be measured in a straight line from the property line of the event venue to the nearest point of any fenced, maintained or improved area where the users of the sensitive receptor are typically present during normal hours of operation.
- (3) All retailers shall be licensed with both local and state entities.