

## Chapter 20.243 – Medical and Adult Use Cannabis Facilities

### 20.243.010 Title, Purpose and Intent.

~~(A)~~ This Chapter shall be known as and may be referred to in all proceedings as "Cannabis Facilities Code" or "CFC."

It is the purpose and intent of this Chapter to regulate the processing, manufacturing, testing, dispensing, retailing and distributing of cannabis for medical use and adult within the unincorporated areas of Mendocino County 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 future implementation of the Medical Cannabis Regulation and Safety Act ("MCRSA"); the Adult Use of Marijuana Act (which may also be referred to herein as "AUMA").

All processing, manufacturing, testing, dispensing, retail sales and distributing of medical and adult use cannabis within the jurisdiction of the County of Mendocino 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 for medical and adult use, as defined herein, from compliance with all other applicable Mendocino County zoning, land use regulations, or other applicable provisions of the County Code, 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 for medical and adult use in zoning districts within which such use is authorized, as specified in this Chapter.

The commercial processing, manufacturing, testing, dispensing, retailing and distributing of cannabis for medical and adult use within the jurisdiction of the County of Mendocino inland of the coastal zone shall be controlled by the provisions of this Chapter, regardless of whether those activities 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, and distributing of cannabis for medical and adult use, as defined herein, from any and all applicable local and state construction, electrical, plumbing, land use, or any other environmental, building, or land use standards or permitting requirements.~~

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 for medical and adult use on private property.

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

**20.243.020 Application.**

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

**20.244.030 Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The Board of Supervisors of the County of Mendocino hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof independently, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**20.243.040 Release of Liability and Hold Harmless.**

As a condition of approval for any Zoning Clearance, Administrative Permit, Minor or Major Use Permit for the commercial processing, manufacturing, testing, dispensing, retailing, and distributing of cannabis for medical and adult use, as defined herein, the owner or permittee shall indemnify, defend and hold harmless the County of Mendocino and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the commercial processing, manufacturing, testing, dispensing, retailing, and distributing of cannabis for medical and adult use.

**20.243.050 Definitions.**

The definitions in this Chapter are intended to apply solely to the regulations in this Section. Applicable definitions in Mendocino County Code Sections 10A.17.020 and Section 20.242.030 shall also apply to this Chapter. As used herein the following definitions shall apply:

“Adult Use Cannabis Facility” or “AUCF” means a structure where retailing, distributing, processing, testing, manufacturing or delivering cannabis intended exclusively for adult use is operating within the unincorporated areas of Mendocino County.

“Applicant,” means the following:

- (1) Owner or owners of a proposed facility, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the facility.

(2) If the owner is an entity, "owner" includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed facility.

(3) If the applicant is a publicly traded company, "owner" means the chief executive officer or any person or entity with an aggregate ownership interest of 5 percent or more.

"Batch" means a specific quantity of cannabis or medical or adult use cannabis products that is intended to have uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

"Bureau" means the Bureau of Marijuana Control within the Department of Consumer Affairs.

"Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency. An edible medical or adult use 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.

"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.

"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 medical or adult use cannabis or a medical or adult use cannabis product, except as set forth in Section 19319, related to qualifying patients and primary caregivers.

"Commercial cannabis business" means any commercial business activity relating to medical or adult use cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, and selling (wholesale and/or retail sales) of medical or adult use cannabis and any ancillary products and accessories in the unincorporated area of the County, whether or not carried on for gain or profit.

"Customer" means a natural person 21 years of age or over.

"Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory. "Delivery" also means the commercial transfer of adult use cannabis or adult use cannabis products to a customer. "Delivery"

also includes the use by a dispensary or retailer of any technology platform owned and controlled by the dispensary or retailer, or independently licensed under this chapter, which enables qualified patients or primary caregivers or adult use customers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products or a licensed retailer of adult use cannabis or cannabis products.

“Dispensary” means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale.

“Dispensing” means any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.

“Distribution” means the procurement, sale, and transport of medical cannabis and medical cannabis products between entities licensed pursuant to this Chapter.

“Distribution Facility” means the location or a facility where a person licensed with a Type-11 or Type 11-NM license pursuant to MCRSA and AUMA, respectively, conducts the business of procuring cannabis from licensed cultivators or manufacturers for sale to licensed dispensaries or retailers, and the inspection, quality assurance, batch testing by a Type 8 or Type 8-NM licensee, storage, labeling, packaging and other processes prior to transport to licensed dispensaries.

“Distributor” means a person licensed under this chapter to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a licensed manufacturer, for sale to a licensed dispensary or retailer.

“Edible cannabis product” means manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum. An edible medical 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.

“Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner’s family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

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

“Fund” means the Marijuana Control Fund established pursuant to Section 26210 of the Business and Professional Code.

"Kind" means applicable type or designation regarding a particular marijuana variant or marijuana product type, including, but not limited to, strain name or other grower trademark, or growing area designation.

"Live plants" means living medical cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

"Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured medical or adult use cannabis, or medical or adult use cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical or adult use cannabis or medical or adult use cannabis products or labels or relabels its container, that holds and that holds a valid County medical or adult use cannabis facility business license.

"Manufactured cannabis" 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.

"Manufacturing site or manufacturing facility" means a location that produces, prepares, propagates, or compounds manufactured medical or adult use cannabis or medical or adult use cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.

"Medical Cannabis Facility" or "MCF" means a structure and/or location where dispensing, distributing, processing, testing, manufacturing, delivering or transporting cannabis intended exclusively for medical use is operating within the unincorporated areas of Mendocino County.

"Manufacturing Level 1 (Non-Volatile)" means sites that manufacture medical or adult use cannabis products using nonvolatile solvents, or no solvents.

"Manufacturing Level 2 (Volatile)" means sites that manufacture medical or adult use cannabis products using volatile solvents.

"Microbusiness" means the cultivation of adult use cannabis on an area less than 10,000 square feet and acting as a licensed distributor, Level 1 manufacturer, and retailer under this Chapter, provided such licensee complies with all requirements imposed by this Chapter on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.

"Nonvolatile extraction" means an extraction method using nonvolatile solvents (such as carbon dioxide or "CO<sub>2</sub>") to manufacture medical or adult use cannabis products.

"Operation" means any act for which licensure is required under the provisions of this division, or any commercial transfer of marijuana or marijuana products.

“Person” means an 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.

“Planning and Building” means the Mendocino County Department of Planning and Building Services.

“Personal Medical Cannabis” means medical cannabis that is cultivated, processed, or stored for a single qualified patient’s use.

“Processing Facility” means location or facility where medical or adult use cannabis is dried, cured, graded, trimmed, and/or packaged by or under the control of one or more licensed cultivators, at a location separate from the cultivation site where the medical or adult use cannabis is grown and harvested.

“Public Health” means the Public Health Department of the Mendocino County Health and Human Services Agency.

“Retailer” means for the retail sale and delivery of cannabis or cannabis products to customers.

“Sale” means and includes any sale, exchange, or barter.

“Sheriff” or “Sheriff’s Office” means the Sheriff’s Office of the County of Mendocino or the authorized representatives thereof.

“State” means the State of California.

“State license,” “license,” or “registration” means a State license issued pursuant to California Business & Professions Code Sections 19300, et seq. or other applicable state law.

“Testing” means for testing of cannabis and cannabis products.

“Testing laboratory” means a facility, entity, or site in the state that offers or performs testing of medical cannabis or medical 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 medical cannabis industry in the state; and
- (B) Registered with the California State Department of Public Health.

“Treasurer-Tax Collector” means the Treasurer-Tax Collector of the County of Mendocino, his or her deputies.

“Volatile extraction” means an extraction method using volatile solvents to manufacture medical or adult use cannabis products.

**20.243.060 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.

**20.243.070 Processing Facilities.**

- (A) Processing facilities, as defined herein, shall be an industrial use type.
- (B) Processing facilities for cannabis grown on site pursuant to a permitted cultivation operation shall be allowed as an accessory use in all zones where cultivation is permitted pursuant to Chapter 20.242 *Medical Cannabis Cultivation Site* and is subject to the provisions of Chapter 20.156 *Home Occupations*.

**20.243.080 Manufacturing Facilities.**

- (A) Manufacturing facilities, as defined herein, shall be an industrial use type.
- (B) All cannabis manufacturing facilities must comply with State regulations, including, but not limited to regulations established by the California Department of Consumer Affairs and California Department of Public Health and are subject to the conditions and limitations set forth in this Chapter.

~~(C) The use of the volatile solvent butane is prohibited.~~

**20.243.090 Testing Laboratories and Research Institutions.**

- (A) Testing laboratories and research institutions, as defined herein, shall be a commercial use type.
- (B) Medical and adult use cannabis testing laboratories shall be subject to all the regulations and standards applicable to medical laboratories and medical testing facilities in the Mendocino County Code, MCRSA and AUMA.
- (C) All cannabis testing laboratories, business and research institutions must comply with State regulations, including, but not limited to regulations established by the California Department of Consumer Affairs and California Department of Public Health and are subject to the conditions and limitations set forth in this Chapter.
- (D) Testing licensees shall not hold a license in another category of this Chapter and shall not own or have ownership interest in a non-testing facility licensed pursuant to this Chapter.

**20.243.100 Medical Cannabis Dispensaries.**

- (A) Medical Cannabis Dispensaries, as defined herein, shall be a commercial use type.
- (B) This section applies to all medical cannabis dispensaries, as defined in Section 20.243.050 of this Chapter.
  - (1) All medical cannabis dispensaries shall operate in compliance with this Code, the MCRSA, and all other applicable State and local laws.

- (2) Medical cannabis dispensaries that dispense nursery stock or seeds must comply with the provisions of Mendocino County Code Chapter 10A.17 *Medical Cannabis Cultivation Ordinance*.
- (3) Dispensaries shall at all times be operated in such a way as to ensure the safety of patients and staff; to ensure the security of the medical cannabis; and to safeguard against the diversion of medical cannabis for non-medical purposes.
- (4) Dispensaries that engage in mobile deliveries are prohibited from having any advertisement of their business or services on their delivery vehicles.

#### **20.243.110 Adult Use Cannabis Retailers.**

- (A) Adult Use Cannabis Retailer, as defined herein, shall be a commercial use type.
- (B) This section applies to all retailers, as defined in Section 20.243.050 of this Chapter.
  - (1) All retailers shall operate in compliance with this Code, AUMA, and all other applicable State and local laws.
  - (2) Retailers shall at all times be operated in such a way as to ensure the safety of consumers and staff; to ensure the security of the adult use cannabis; and to safeguard against the diversion of recreational cannabis to the black market.
  - (3) On-site consumption of adult use cannabis is permitted in outdoor areas, such as patios or decks, is allowed and shall adhere to existing smoking ordinances.
  - (4) Promotional items and free product give-a-ways at adult use cannabis retail locations is prohibited.

#### **20.243.120 Distribution Facility.**

- (A) Distribution facility, as defined herein, shall be a commercial use type.
- (B) Distribution facilities shall be subject to all the regulations and standards applicable to distribution facilities in the Mendocino County Code, MCRSA and AUMA.

#### **20.243.130 Adult Use Cannabis Microbusinesses.**

- (A) Adult Use Cannabis Microbusiness, as defined herein, shall be an industrial use type.
- (B) Microbusinesses with on-site cultivation must comply with and obtain a license at such time the County adopts an Adult Use Cultivation Ordinance.
- (C) Microbusinesses with on-site processing, distribution, wholesale, and/or retail sales of its products shall comply with all applicable sections of this Chapter.
- (D) Microbusinesses shall be subject to all the regulations and standards applicable to microbusinesses in the Mendocino County Code and AUMA.

#### **20.243.140 General Limitations on Medical and Adult Use Cannabis Facilities.**

- (A) The Applicant must have authorization as a qualified patient or as a primary caregiver to process, manufacture, test, dispense, or distribute, medical cannabis for medical use. This provision shall sunset consistent with MCRSA and AUMA.



(B) The processing, manufacturing, testing, dispensing, retail sales, and distributing of cannabis for medical and adult use in Mendocino County, shall not be allowed within six hundred (600) feet of a youth-oriented facility, school, park, or any church or residential treatment facility. The distance between the above-listed uses and medical or adult use cannabis that is being processed, manufactured, tested, dispensed, retailed or distributed shall be measured in a straight line from the nearest point of the medical cannabis facility to the nearest boundary line of the property on which the facility, building, or structure, or portion of the facility, building, or structure in which the above-listed use occurs is located.

(C) All structures associated with permitted medical and adult use cannabis facilities shall comply with the setbacks established by the zoning district in which the medical or adult use cannabis facility site is located.

~~(C)~~(D) All cannabis facilities shall be located in a permanent building in conformance with the Mendocino County Building Code for a commercial or industrial building, and shall not be located in a dwelling unit, recreational vehicle, cargo container, motor vehicle or other similar personal property.

~~(D)~~(E) The processing, manufacturing, testing, dispensing, retailing, and distributing of medical and adult use 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.

~~(E)~~(F) All indoor cultivation facilities associated with dispensaries, retailers, manufacturing facilities and microbusinesses, shall comply with the applicable provisions of Chapter 10A.17 *Medical Cannabis Cultivation Ordinance*.

~~(F)~~(G) Medical and adult use cannabis facilities shall implement the following security measures:

- (1) Sufficient security measures to both deter and prevent unauthorized entrance into areas containing medical cannabis or medical cannabis products and theft of medical cannabis or medical 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 medical or adult use cannabis and medical or adult use 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 to law enforcement.

~~(G)~~(H) Medical and adult use cannabis remnants, medical and adult use cannabis infused products, bi-products, and other waste material shall be disposed of in a safe, sanitary, and secure manner, and in a location and manner that is in accordance with the County Solid Waste Ordinance, Chapter 9A.04. Any portion of the medical and adult use 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. Prior to issuance of a medical or adult use

cannabis facility permit and/or business license, plans for the disposal of waste must be submitted to the Solid Waste Division for approval, and a permit secured per the Solid Waste Ordinance, Chapter 9A, if applicable.

(H)(1) Signage associated with permitted medical and adult use cannabis sites shall meet the requirements set forth in Mendocino County Zoning Code Chapter 20.184, Sign Regulations, and other applicable State regulations.

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**20.243.150 Permit Types and Zoning Districts.**

All medical and adult use cannabis facilities shall be permitted in accordance with this Section. All new medical and adult use cannabis facilities shall obtain approval from other State and Local agencies with permitting jurisdiction. Medical and adult use cannabis facilities may be allowed with an approved Zoning Clearance, Administrative Permit, Minor Use Permit, or Major Use Permit as required for the zoning district in which the medical or adult use cannabis facility is located as listed in Table 1, below:

<b>Table 1</b>									
<b>Permit Requirements for Processing, Manufacturing, Testing, Delivery, Dispensaries, Retailers, Distribution, Transportation and Microbusiness</b>									
<b>by Zoning District and Cannabis Facilities Code Permit Type</b>									
		5	6 and 6-NM	7 and 7-NM	8 and 8-NM	10	10-NM	11 and 11-NM	12-NM
Permit Type		Processing	Manufacturing Level 1 (Non-volatile)	Manufacturing Level 2 (Volatile)	Testing	Dispensing	Retail	Distribution	Microbusiness*
<b>Zoning District</b>	RR 2	—	—	—	—	—	—	—	—
	RR 5	—	—	—	—	—	—	—	—
	RR 10	—	—	—	—	—	—	—	—
	R3	—	—	—	—	—	—	—	—
	RC	MUP	MUP	MUP	UP	UP	UP	UP	UP
	SR	—	—	—	—	—	—	—	—
	AG	—	—	—	—	—	—	—	—
	UR	—	—	—	—	—	—	—	—
	RL	—	—	—	—	—	—	—	—
	FL	—	—	—	—	—	—	—	—
	TPZ	—	—	—	—	—	—	—	—
	C1	—	—	—	—	MUPZC	MUPZC	—	—
	C2	—	UP	—	ZC	MUPZC	MUPZC	MUP	AP
	I1	ZC	ZC	MUP	ZC	UP	UP	ZC	UP
	I2	ZC	ZC	MUP	ZC	UP	UP	ZC	UP
	PI	ZC	ZC	MUP	ZC	UP	UP	ZC	UP
—=Not Allowed, AP = Administrative Permit, UP = Minor Use Permit, MUP = Major Use Permit									
* Microbusiness shall be allowed at such time the County adopts an Adult Use Cultivation Ordinance									

**20.243.160 Exceptions**

(A) Existing packing and processing facilities. Establishment of new medical cannabis packing and processing manufacturing sites may be considered with a Major Use Permit in FL, AG, or RL Districts consistent with Section 20.243.110 *Planning Approval Required to Process, Manufacture, Test, Dispense, Retail, and Distribute, Cannabis for Medical and Adult Use*, where all of the following can be demonstrated:

- (1) The site has been previously permitted as a packing and processing facility prior to January 1, 2016 the effective date of these regulations.
- (2) The site is developed with an existing packing and processing facility, including buildings, roads, power source, water source, and sewage disposal system.
- (3) There will be no expansion of impervious surfaces.
- (4) There will be no new access roads or stream crossings.
- (5) No trees shall be removed.
- (5)(6) The site is not within lands contracted under the Williamson Act.

If all of the above are true, substantial improvements to existing facilities and systems would be acceptable.

(B) Business offices for medical or adult use cannabis at which no cultivation, processing, storage, handling, or distribution of cannabis in any form occurs shall be allowed in any zone in which business offices are allowed. Business offices that are clearly incidental and secondary to the use of the premises for residential purposes where cannabis cultivation or manufacturing may occur are subject to the provisions of Mendocino County Code Chapter 20.156 *Home Occupations*. Medical and adult use cannabis business offices shall be subject to all the regulations and standards applicable to business offices in the Mendocino County Code.

**20.243.170 Provisional Operation.**

- (A) All medical cannabis facilities operating with an approved business license prior to the effective date of these regulations ~~in existence prior to January 1, 2016~~, that are allowed with an approved Zoning Clearance, Administrative Permit, Minor Use Permit, or Major Use Permit as required for the zoning district in which the medical or adult use cannabis facility is located (per Table 1) are eligible to continue operations on a provisional basis in a manner consistent with the requirements of this Chapter until such time as the permit application has been processed and the hearing body approves or denies the project.
- (B) If violations of any building or other health, safety or other state or county statute, ordinance, or regulation are discovered, the applicant shall be required to submit a written plan to remediate, abate, or cure the violations at the earliest feasible date, but in no event more than one (1) year after the date of issuance of the permit for a medical or adult use cannabis facility. Said plan shall be signed by the applicant, approved by the relevant enforcement agency or agencies, and compliance with said plan shall be a condition of the Cannabis Facilities Permit.

**20.243.180 Planning Approval Required for Processing, Manufacturing, Testing, Dispensary, Retail sales, and Distribution Facilities for Medical and Adult Use Cannabis.**

- (A) Planning Approval Procedure. Each medical or adult use cannabis facility site is subject to one of the following planning approvals that correspond to the applicable zoning district, as specified by Table 1 of this Chapter. Planning and Building shall review the application in accordance with the applicable planning approval process.
- (B) Zoning Clearance. Planning and Building Services and the Department of Environmental Health shall review projects for compliance with applicable local regulations.
- (C) Administrative Permits. In accordance with the Administrative Permit review procedure listed in Chapter 20.192, the Zoning Administrator shall approve, conditionally approve or deny an Administrative Permit for a medical or adult use cannabis facility based on the following special findings:
  - (1) The medical or adult use cannabis facility site is allowed in the zoning district and is in compliance with the provisions of this Chapter and Chapter 10A.17 *Medical Cannabis Cultivation Ordinance*, as applicable.
  - (2) The medical or adult use cannabis facility will avoid or minimize odor and light impact on residential uses.
- (D) Minor Use Permits. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Minor Use Permit for a medical cannabis facility based on findings in Sections 20.196.020 and 20.196.030.
  - (1) The medical or adult use cannabis facility site is allowed in the zoning district and is in compliance with the provisions of this Chapter and Chapter 10A.17 *Medical Cannabis Cultivation Ordinance*, as applicable.
  - (2) The medical or adult use cannabis facility will avoid or minimize odor and light impact on residential uses.
- (E) Major Use Permits. In accordance with the Use Permit review procedure listed in Chapter 20.196, the Zoning Administrator or the Planning Commission shall approve, conditionally approve, or deny a Major Use Permit for a medical cannabis cultivation site based on findings in Sections 20.196.020 and 20.196.030.
  - (1) The medical or adult use cannabis facility site is allowed in the zoning district and it is in compliance with the provisions of this Chapter and Chapter 10A.17 *Medical Cannabis Cultivation Ordinance*, as applicable.
  - (2) The medical or adult use cannabis facility will avoid or minimize odor and light impact on residential uses.
- (F) The County shall notify any State licensing authority, as defined by the MCRSA or AUMA, as applicable, whenever the County Administrative Permit or Minor or Major Use Permit has been revoked or terminated.

**20.243.190 Permit Application Submittal Requirements for Administrative Permits, Use Permits and Major Use Permits for Medical and Adult Use Cannabis Facilities.**

Any person or entity that wishes to engage in the processing, manufacturing, testing, dispensing, retailing, and distributing, of cannabis for medical and adult use shall submit an application to Planning and Building. Applications for medical or adult use cannabis facilities shall be made upon such forms and accompanied by such plans and documents as may be prescribed by Planning and Building 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 permit for a medical or adult use cannabis facility shall provide the standard application materials for Administrative Permits, Use Permits, and Major Use Permits, as applicable, and all of 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 medical or adult use 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) Planning and Building 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.

**20.243.200 Permit Revocation & Transfer.**

A Zoning Clearance, Administrative Permit, or Use Permit shall be revoked or modified according to Mendocino County Code Section 20.196.055 (Revocation or Modification). Permit revocation or modification shall be sought for non-compliance with one or more of the requirements listed in this Code, for failure to comply with the requirements of the Mendocino County Certified Unified Program Agency (CUPA), or for the grounds listed in MCC Section 20.196.055 and any successor provisions.