

pbscommissions - Fwd: MCA Memo on Facilities Amendment item 6a

From: Michael Katz <Michael@mendocannabis.com>
To: <pbscommissions@mendocinocounty.org>
Date: 3/19/2021 8:28 AM
Subject: Fwd: MCA Memo on Facilities Amendment item 6a
Attachments: MCA_Facilities Amendment_6a 3-15-2021 Final.pdf

Good morning, I am writing to check in on this Document sent yesterday morning which has not yet been added to the Website. Checking to see if it will be put up before the meeting this morning.

Thank you so much!

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Michael Katz
Executive Director
Mendocino Cannabis Alliance
MendoCannabis.com

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MAR 19 2021

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Planning & Building Services

----- Forwarded message -----

From: **Michael Katz** <Michael@mendocannabis.com>
Date: Thu, Mar 18, 2021 at 8:54 AM
Subject: MCA Memo on Facilities Amendment item 6a
To: <pbs@mendocinocounty.org>

Good morning,

I'm attaching our suggestions for additional considerations related to the proposed Facilities Amendments that we believe will benefit the community and the program.

Please let me know if you have any questions or if I can provide any additional information.

I look forward to speaking with you on Friday at the meeting :)

--

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MAR 19 2021
Planning & Building Services

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

March 15, 2021

Re: 6a. OA_2021-0001 on 3/19/2020 - Facilities and Special Events

Review and consider a recommendation to the Board of Supervisors on proposed adoption of an Ordinance Amendment to Mendocino County Code Chapter 6.16, Chapter 6.36, Chapter 20.168, and Chapter 20.243 regarding cannabis facilities and special events.

Honorable Planning Commission,

MCA supports the recently proposed amendments to ordinances expanding regulations regarding events, farmer's markets and tours, cannabis business activities and facilities use. Removal of temporary cannabis facilities business licenses is a welcome example of streamlining the process. Some changes, such as removal of churches as a sensitive site and preparation of pre-rolls by licensed distributors achieve already recognized consistency with state regulatory language.

MCA recommends the following further changes:

1. **MCA urges the creation of a full stand-alone Microbusiness license permitting activities in all zones where cultivation is allowed.**
2. **MCA advocates increased allowances for non-cultivation permits, including non-volatile manufacturing, to be issued as accessory to existing cultivation operations in all zones where cultivation permits are allowed. MCA supports opening up commercial cannabis activity through Cannabis Farmers' Markets, Farm Tours, and Events. In further support of these commercial tourism opportunities, MCA recommends the following:**

(a) Current Ordinance language: No Cannabis Farmers' Markets shall be conducted in a visibly public location, such as a park, street, or on any school grounds. Public fairgrounds are not included in this prohibition.

MCA recommends allowing communities to hold them in public locations as long as there is controlled entry and exit access to the market. (This is especially necessary for places that do not have the option of holding farmer's markets on private property, such as Covelo, Pt. Arena, and Laytonville.)

(b) Current Ordinance language: Farm Tours: [Under §20.243.040 (D) Retailer/Dispensary. Farm tours will be permitted as an accessory use provided that no more than one tour per week and subject to a Minor Use Permit.

Allows provision and sale of cannabis or cannabis products on farm tours but restricts this allowance to one (1) tour per week.

MCA recommends removing the restriction on the number of tours allowed each week and allowing one tour per day.

MCA further recommends that Farm Tours not be required to obtain a Minor Use Permit and instead be required to obtain an administrative permit (see suggested revision to zoning code, attached).

3. Distribution may occur in AG, RL and FL with a MUP.

MCA suggests that Distribution be allowed in AG, RL and FL with a Minor Use Permit. And this sentence be added: "Distribution may continue to be allowed in Commercial zones with an Administrative Permit." This would be consistent with County code Section 20.243.040 (E) for distribution: (1) Distribution shall "be a commercial use type" and (2)(a) A Distribution CFBL holder shall apply for a Distributor license with the state.

4. Under §20.243.040 (D) Retailer/Dispensary.

MCA recommends removal of this language: *"On-site consumption shall not be permitted within any area that is considered a "building" as defined by Mendocino County Code 20.008.022(F)."*

Change to be consistent with state regulations: §5025 (f) Adhere to Bus & Prof Code 26200(g):

(g) Notwithstanding paragraph (1) of subdivision (a) of Section 11362.3 of the Health and Safety Code , a local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness licensed under this division if all of the following are met:

- a. Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age or older.**
- b. Cannabis consumption is not visible from any public place or nonage-restricted area.**
- c. Sale or consumption of alcohol or tobacco is not allowed on the premises.**

5. §20.243.050 General Limitations on Cannabis Facilities

Current language: Setbacks. §20.243.050 (B) requires that cannabis facilities not be allowed within 1,000 foot radius of youth-oriented facility, a school, a park, or residential treatment facility..."

Change to be consistent with county regulation §20.243.110 (A)(2) "The parcel(s) on which the event is hosted shall be located at least six hundred (600) feet from any youth-oriented facility, school, and/or park...."

As well as state regulation: § 5026. Premises Location

(a) A premises licensed under this division shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued.

6. §20.243.110 Cannabis Events

Current Language: All cannabis events shall be subject to the following general requirements:

- (1) The parcel(s) on which the special event is located shall become permitted with the applicable State licensing body prior to the dates of the cannabis event.
- (2) The parcel(s) on which the event is hosted shall be located at least six hundred (600) feet from any youth-oriented facility, 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.
- (4) If a special event allows attendance by persons under the age of twenty-one (21), the sale of cannabis and cannabis products shall be conducted in a secure and secluded location at the event only accessible by a controlled entrance.
- (5) If a special event includes the provision of alcohol, the sale of cannabis and cannabis products shall be conducted in a secure and secluded location at the event only accessible by a controlled entrance.

MCA recommends that the “use” referred to in subsection (5) be amended to read: “If a special event includes the provision of cannabis and alcohol, the sale and use of alcohol and alcohol products shall be conducted in a secure and secluded location at the event only accessible by a controlled entrance.”

Finally, we urge the county to integrate this more expansive language for the facilities use ordinance into the Local Coastal Plan and expedite its inclusion on the Coastal Commission agenda.

Presentation of an LCP that included regulations for cannabis was directed by the BOS to staff to be prepared in the wake of votes passed unanimously at the November 2019 BOS meeting held on the coast. Cannabis operators have been patiently waiting since then for Coastal Commission consideration and approval of a new Coastal Plan for Mendocino County.

Thank you for your kind consideration.

Mendocino Cannabis Alliance

Permit Requirements for Processing, Manufacturing, Testing, Retailers, Distribution, and Microbusiness
MCA Recommendations in Blue type

by Zoning District and Adult Use Cannabis Facilities Code Permit Type

			6-A and 6-M	7-A and 7-M	8-A and 8-M	10-M and 10A	11-A and 11-M	12-A
	Permit Type							
	RR 2	-	-	-	-	-	-	-
	RR 5	-	-	-	-	-	-	-
	RR 10	-	-	-	-	-	-	-
	R3	-	-	-	-	-	-	-
	RC	AP	AP	UP	UP	UP	UP	UP
	SR	-	-	-	-	-	-	-
	AG	AP	-	-	-	-	UP	-
	UR	AP	-	-	-	-	-	-
	RL	AP	-	-	-	-	UP	-
	FL	AP	-	-	-	-	UP	-
	TPZ	-	-	-	-	-	-	-
	C1	AP	MUP	-	-	ZC	AP	-
	C2	AP	UP	-	ZC	ZC	AP	AP
	I1	ZC	ZC	AP	ZC	UP	ZC	AP
	I2	ZC	ZC	AP	ZC	UP	ZC	AP
	PI	ZC	ZC	AP	ZC	UP	ZC	AP
—=Not Allowed, ZC = Zoning Clearance, AP = Administrative Permit, UP = Minor Use Permit, MUP = Major Use Permit								
* See Section 20.243.040(A)(2) regarding processing of cannabis grown on site. ** See Section 20.243.040(B)(2) regarding home manufacturing exception. *** See Section 20.243.040(D)(6)(c) regarding on-site consumption for cultivation sites.								