



# **Mendocino County Coastal Cannabis Cultivation and Facilities Ordinances**

County of Mendocino

OA\_2019-0001

County of Mendocino  
Board of Supervisors Hearing  
November 5, 2019

**LACO**

## Meeting Purpose

- Consider recommendations on the drafts made by the Planning Commission on July 18, 2019.
- Review current drafts and adopt Resolution authorizing submittal of a Local Coastal Program Amendment application to the California Coastal Commission for Ordinance Amendment OA\_2019-0001 adding Chapters 20.537 and Chapter 20.538 to the Mendocino County Local Coastal Program and corresponding changes to Chapters 10A.17 and 6.36 of Mendocino County Code.

## Background Information

- Chapter 20.537 – Coastal Cannabis Cultivation Ordinance
  - Will govern the cultivation of cannabis in the Coastal Zone
- Chapter 20.538 – Coastal Cannabis Facilities Ordinance
  - Will govern the commercial processing, manufacturing, testing, dispensing, retailing, and distributing of cannabis.
- Drafts presented at the Board hearing on April 23, 2019 to solicit Board direction.
- Drafts reviewed by the Planning Commission on July 18, 2019.

## **Chapter 20.537 – Coastal Cannabis Cultivation Ordinance**

### **Key Differences from Ordinance No. 4381**

- All cultivation sites treated as a NEW use and subject to the same requirements.
- Cultivation is NOT permitted in industrial zones.
- All parcels within the Rural Residential zoning district are REQUIRED to have a legal dwelling.
- Water source/availability requirements defer to the Mendocino County Coastal Groundwater Development Guidelines.

## **Chapter 20.537 – Coastal Cannabis Cultivation Ordinance**

### **Planning Commission Recommendations**

- Strike language in Section 20.537.025(A)(4) pertaining to a 100-foot setback from an access easement.
- Establish January 1, 2016 as the date by which parcels would need to be created to be eligible for cultivation.
- Strike the language in Section 20.537.035(D) of the current chapter that says, “the approximate date(s) of all cannabis cultivation activities that have been conducted on the legal parcel prior to the effective date of this ordinance.”

## **Chapter 20.537 – Coastal Cannabis Cultivation Ordinance**

### **Staff Recommendation**

- Revise section 20.537.025 of the current chapter to add Coastal Access Points as a sensitive receptor from which the 1000-foot setback would apply.

# Chapter 20.537 – Coastal Cannabis Cultivation Ordinance

## Table 1: Permit Requirement by Zoning District and Permit Type – Based on Planning Commission Recommendations

Cultivation Permit Type	C	C-A		C-B	1	1-A	1-B	2	2-A	2-B	4	
	Sm Outdoor	Sm Indoor, Artificial Light	501 — 2,500	Sm, Mixed Light	Med Outdoor	Med Indoor, Artificial Light	Med Mixed Light	Lg Outdoor	Lg Indoor, Artificial Light	Lg Mixed Light	Nursery	
Min Parcel Area (ac)	5	5		5	5	5	5	10	10	10	10	
Cultivation Area Limit (sf)	2,500	500	501 — 2,500	2,500	2,501 — 5,000	2,501 — 5,000	2,501 — 5,000	5,001 — 10,000	5,001 — 10,000	5,001 — 10,000	22,000	
Zoning District	AG	CDP	CDP	CDP	CDP	CDP	CDU	CDP	CDP	CDU	CDP	CDP
	FL	CDU	CDU	CDU	CDU	CDU	CDU	CDU	CDU	CDU	CDU	CDU
	TPZ	CDU	CDU	CDU	CDU	CDU	CDU	CDU	CDU	CDU	CDU	CDU
	RL	CDP	CDP	CDP	CDP	CDP	CDU	CDP	CDP	CDU	CDP	CDU
	RR	CDP	CDP	CDP	CDP	CDP	CDU	CDP	CDP	CDU	CDP	CDU
	RMR	CDP	CDP	CDP	CDP	CDP	CDU	CDP	CDP	CDU	CDP	CDU
CDP = Coastal Development Permit CDU = Coastal Development Use Permit												

## **Chapter 20.538 – Coastal Cannabis Facilities Ordinance**

### **Key Differences from Ordinance No. 4394**

- Processing may be permitted as an accessory use to a retail license for a storefront dispensary but is limited to cannabis to be sold at that retail location.
- A cultivator with multiple cultivation permits and/or locations may process his/her own cannabis at a single facility located on one of the parcels under certain conditions
- Under certain conditions, “Shared Facilities” may be permitted for non-volatile manufacturing.
- A cultivator with multiple cultivation permits and/or locations may operate a Self-Distribution facility located on one of the parcels under certain conditions.



## **Chapter 20.538 – Coastal Cannabis Facilities Ordinance**

### **Planning Commission Recommendations**

- Establish January 1, 2016 as the date by which parcels would need to be created to be eligible for cultivation.
- Limit the facility use types allowed in the Agriculture (AG) zoning district to those in the current chapter.
- Change all Processing permits in all zoning districts where allowed and all Testing permits in GVMU and GHMU zoning districts to a CDP.
- Do not allow Processing and Testing in the Rural Village (RV) and Commercial (C) zoning districts.

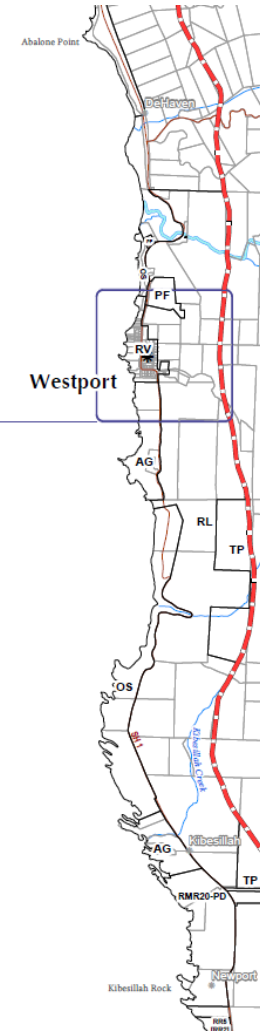
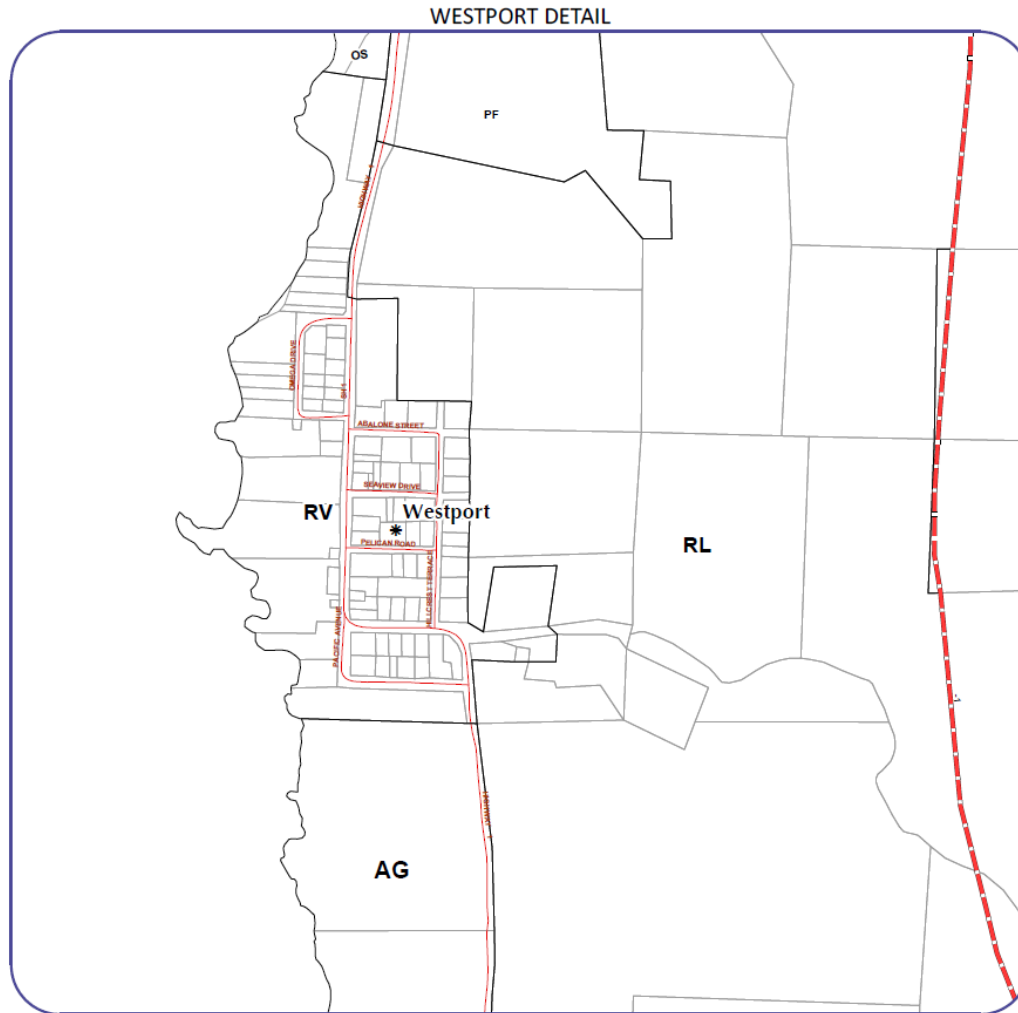
## **Chapter 20.538 – Coastal Cannabis Facilities Ordinance**

### **Planning Commission Recommendations**

- Do not change Table 1 of the current chapter regarding microbusinesses.
- Retail should continue to be the primary use for microbusinesses in commercial (C) zoning districts.
- Remove the 5-users per facility limit for Shared Facilities.
- Remove the Rural Village (RV) zoning district from Table 1 of the current chapter, thereby prohibiting all cannabis facilities in this zoning district.

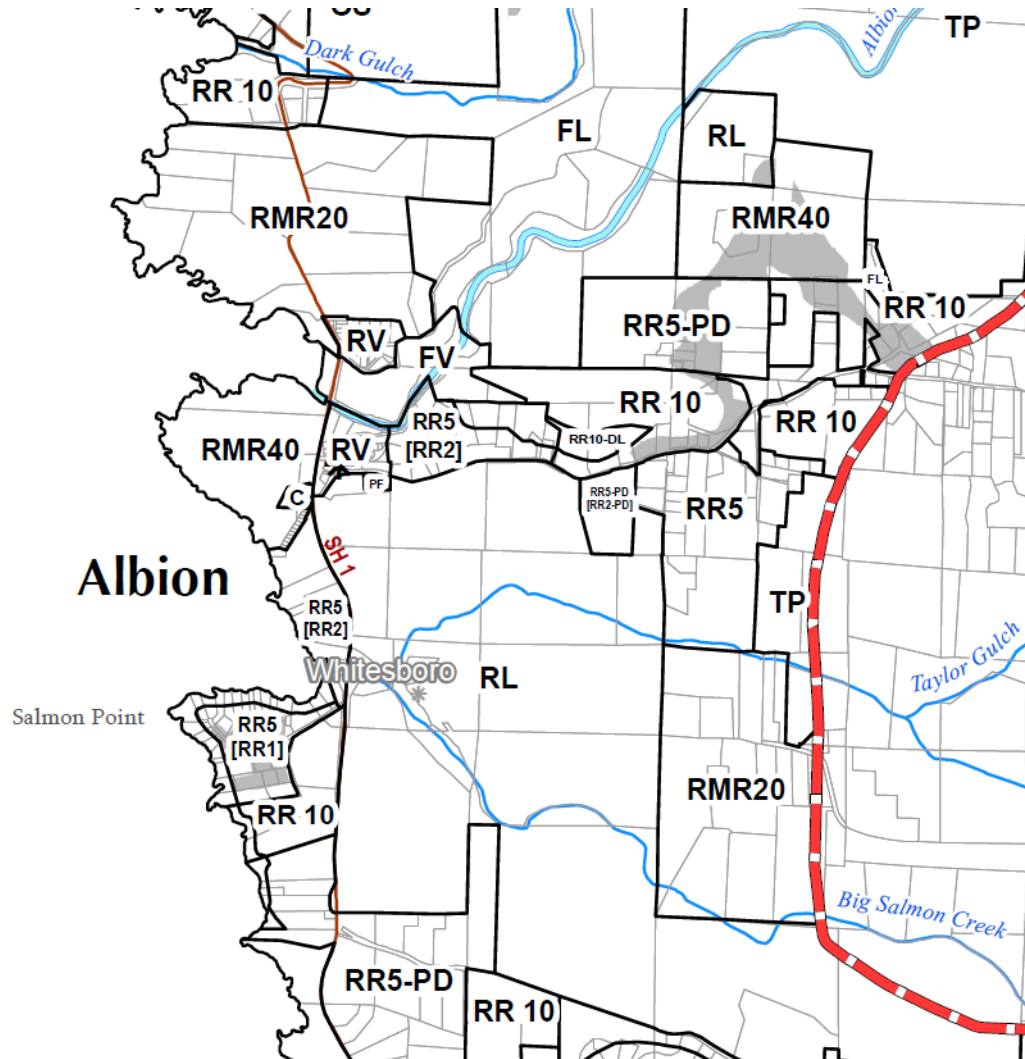
# Chapter 20.538 – Coastal Cannabis Facilities Ordinance

## Map of RV-Zoned Parcels: Westport



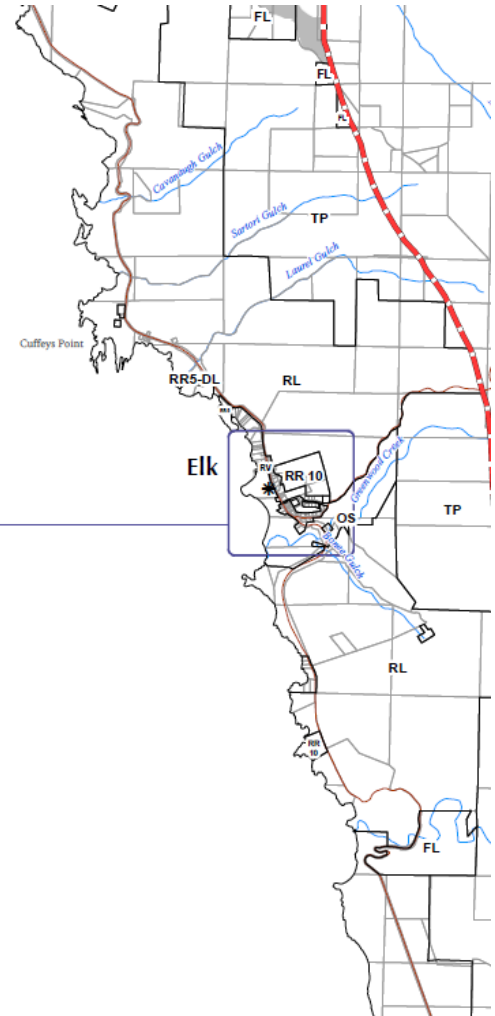
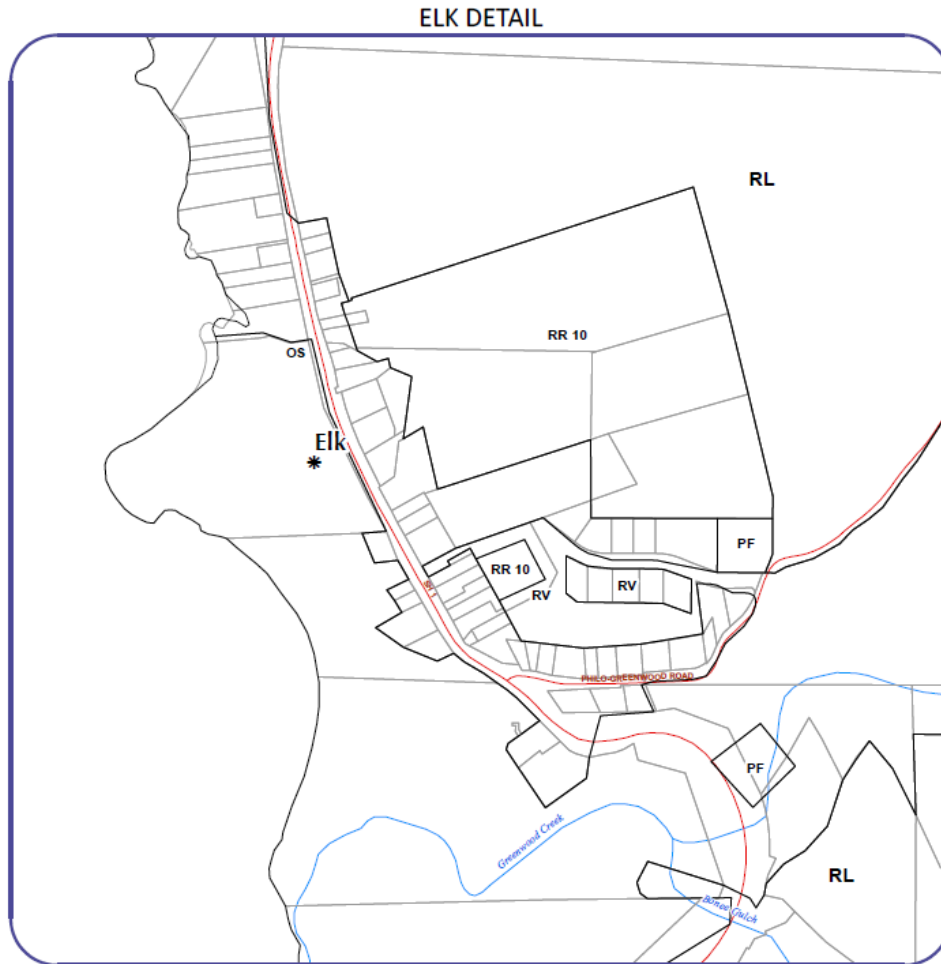
# Chapter 20.538 – Coastal Cannabis Facilities Ordinance

## Map of RV-Zoned Parcels: Albion



# Chapter 20.538 – Coastal Cannabis Facilities Ordinance

## Map of RV-Zoned Parcels: Elk



# Chapter 20.538 – Coastal Cannabis Facilities Ordinance

## Table 1: Permit Requirement by Zoning District and Permit Type – Based on Planning Commission Recommendations

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

# Questions?

