CANNABIS FACILITIES

Page 3
“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. Industrial zoning districts and the Rural Community (RC) zoning district allow a range of uses including those that involve handling of hazardous chemicals or materials. Handled properly in these districts the use of volatile solvents is not likely to create a threat to health safety or welfare. Additionally, based on the discussion in item a) above, allowing manufacturing in commercial zoning districts is likely to be inconsistent with the General Plan.

c) Define cottage level or home manufacturing as “limited to material produced on site; i.e. Cultivator living on property, manufacturing product at home, that was grown on site, and limited to volume produced within 2,500 square feet or less of cultivation area using non-volatile solvents or volatile solvents used with a non-volatile process; limited to products not intended for human consumption.” During the Board workshops there was extensive discussion about the concept of home manufacturing. Home manufacturing was not addressed in the draft Statewide Proposed Medical Cannabis Manufacturing Regulations. It is unclear if there will be further clarification on home manufacturing requirements when MAUCRSA regulations are published. Many of requirements of the draft Statewide Proposed Medical Cannabis Manufacturing Regulations appeared onerous for a home manufacturing operation, and would have made it challenging for a home manufacturer to receive a State license. CFC Section 20.243.040 (B) Manufacturing Facilities has been updated to include language regarding non-volatile home manufacturing. The provision would match Board direction and also incorporate Cottage Industry requirements. Cottage industries require a minor use permit in all zones.

Here are the regulations being proposed for manufacturers. I didn’t see any restrictions on residential facilities but wasn’t able to read through the whole thing.

Best,

Tim Townsend
Capitol Director
Office of Assemblyman Tom Lackey (AD-36)

We have been to most meetings and have been an advocate of this proposal. We don’t recall “…limited to products not intended for human consumption” being said. These extracts lend themselves to proper homogenization.

Page 5
Policy DE-51: Encourage home occupations and cottage industries in conjunction with residential uses when limited in scope and compatible with residential or neighborhood character. Cottage industries and home occupations that grow beyond site or building limitations or become incompatible with the neighborhood should be relocated to appropriately zoned properties.
Class K
Page 6
All commercial processing, manufacturing, testing, dispensing, retail sales and
distributing of medical and adult use cannabis 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 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.

COMMON SENSE EXCEPTIONS

Page 7
“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.

Milk and Milk products

Page 8
“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 “CO2”) to
manufacture medical or adult use cannabis products. “Nonvolatile solvent” means any
solvent used in the extraction process that is not a volatile solvent. For purposes of this
division, a nonvolatile solvent includes carbon dioxide used for extraction.

Ethanol is used to clean the CO2 equipment between runs.
(A) Processing Facilities. (1) Processing facilities, as defined herein, shall be an industrial use type. (2) 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 10A.17 Medical Cannabis Cultivation Ordinance and is subject to the provisions of Chapter 20.156 Home Occupations. If Home Occupation standards cannot be met, then a Cottage Industry Use Permit pursuant to Chapter 20.160 shall be required. (B) Manufacturing Facilities. (1) Manufacturing facilities, as defined herein, shall be an industrial use type. (2) Exception for home manufacturing. a. Non-volatile manufacturing as an accessory use to cultivation is be allowed in all zones where cultivation is allowed pursuant to Chapter 10A.17 Medical Cannabis Cultivation Ordinance and is subject to the provisions of Chapter 20.160 Cottage Industry and the following provisions: i. The cultivator engaging in home manufacturing must be licensed to cultivate pursuant to Chapter 10A.17 Medical Cannabis Cultivation Ordinance 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 Type C, Type C-A or Type C-B cultivation permit issued pursuant to Chapter 10A.17. iii. No edible cannabis products may be produced. iv. Only nonvolatile extraction methods may be used.

Home kitchens have been allowed in California since 2013.

Soaking in alcohol (tinctures) and UL listed distillers for home use are nonvolatile methods.

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(D) 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.

(E) All cannabis facilities shall be located in a permanent building in conformance with the Mendocino County Building Code 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.

(F) 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, except as otherwise allowed in this chapter.

Home Occupation or Cottage Industry??

EXCEPTIONS Easement? Encroachment Permit?
(Ord. No. 3639 (part), adopted 1987; Ord. No. 4017 (part), adopted 1998) Sec. 20.160.025 - Specific Standards for Cottage Industries—General. Cottage Industries—General shall conform to the following requirements:
(A) Not more than three (3) employees working on the premises in addition to the members of the family residing on the premises; Class K
(B) The cottage industry shall be incidental and subordinate to the use of the premises for residential purposes; Class K
(C) Multiple uses are permitted within a cottage industry. The area occupied by all uses within the cottage industry, including storage, shall not exceed two thousand (2,000) square feet. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), except as specifically provided by the use permit. Garden may be included.
(D) One (1) nonilluminated sign not to exceed four (4) square feet shall be permitted;
(E) The sale of merchandise not produced on the premises (except mail order only businesses) shall be incidental to the merchandise or service produced by the cottage industry and shall not be advertised in any manner;
(F) Not more than ten (10) customers or clients shall come to premises during any one (1) day, restricted to the hours 8:00 a.m. to 8:00 p.m. The use and parking of large vehicles or construction equipment (such as trucks of over one (1) ton rating, or vehicles being repaired shall be regulated by the use permit;
(G) No equipment or process used shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by singlefamily residential uses in the neighborhood, nor shall noise exceed the one (1) or two (2) family residential standards in Appendix C at the nearest off-site dwelling unit.


(B) The following uses may be conducted as Cottage Industries—General in the RR-5, RR-10, U-R, AG, R-L, F-L and T-P zoning districts, subject to securing a minor use permit and compliance with the criteria in Section 20.160.025:
- Administrative and business offices;
- Agricultural sales and services;
- Animal sales and services—household pets;
- Automotive and equipment—repairs, light;
- Automotive and equipment—repairs, heavy;
- Building maintenance services;
- Business equipment sales and services;
- Construction sales and services;
- Custom manufacturing;
- Food and beverage preparation—without consumption;
- Forest production and processing—commercial woodlots;
- Mail order businesses;
- Packing and processing—all types;
- Personal services;
- Repair services, consumer.
6.36.030 – License Fee and Category Types. The Board of Supervisors shall set license fees in an amount that covers all administrative costs for license issuance. The license fee shall be based on a flat rate set by Resolution passed by the Board of Supervisors. Cannabis facility business licenses shall be issued for the following facility types, as more particularly defined and described in Chapter 20.243:

(A) Processing Facilities.
(B) Manufacturing Facilities.
(C) Testing Laboratories and Research Institutions.
(D) Medical Cannabis Dispensaries.
(E) Adult Use Cannabis Retailers.
(F) Distribution Facilities.
(G) Adult Use Cannabis Microbusinesses.

Where is the Home Occupation and Cottage Industry license?