

# **Development Standards**

## **Chapter 13 – Commercial Cannabis Activities**

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### **13.010 Purpose**

*This Chapter provides regulations for the local permitting of commercial cannabis activities under specified conditions in the unincorporated areas of the County; its purpose is to protect the public health, safety, and welfare; enact strong and effective regulatory and enforcement controls in compliance with state law and any applicable federal enforcement guidelines; protect neighborhood character; and minimize potential for negative impacts on people, communities, and the environment in the unincorporated areas while accommodating the health needs of medical cannabis patients and establishing an avenue through which adult-use businesses may operate consistent with state law.*

### **13.020 Definitions**

*Unless otherwise specified below, the definitions found in Mono County Code Chapter 5.60 shall apply to this Chapter.*

### **13.030 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter**

*Except as specifically authorized in this Chapter, commercial cannabis activities which include, but are not limited to, cultivation, manufacturing, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation of cannabis or cannabis products, and cannabis events are expressly prohibited in the County of Mono without state licenses and applicable local permits and licenses. For the purposes of this Section, “commercial cannabis activity” does not include the activities defined in Section 11362.1 and Section 11362.2 of the California Health & Safety Code related to personal use and cultivation.*

### **13.040 Compliance with Laws**

*Owners and permittees shall ensure that all commercial cannabis activity operates in compliance with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions that violate state or local law with respect to the operation of a commercial cannabis activity.*

### **13.050 Permits Required**

*Prior to operation of a commercial cannabis activity the following shall be obtained through an application process with the Mono County Community Development Department (“Department”) as necessary:*

- A. *Conditional Use Permit (pursuant to Chapter 32 – Use Permit),*
- B. *Cannabis Operation Permit per Mono County Code 5.60,*
- C. *Business License from the Mono County Tax Collector, as required by Mono County Code Chapter 5.04, and*
- D. *Cannabis business tax certificate, if applicable.*

### **13.060 Use Permit Application Requirements**

*All applications for a Conditional Use Permit for a commercial cannabis activity shall be filed with the Community Development Department on the specified form and/or in the manner prescribed by the Director of the Community Development Department, or his or her designee. In all cases the application shall contain, without limitation, the following documentation:*

- A. *If the applicant is not the landowner of the real property upon which the premises is located, the applicant shall provide to the County a document from the landowner or the landowner's agent that states that the applicant has the right to occupy the property and acknowledging the applicant may use the property for the commercial cannabis activity for which the applicant is applying. An applicant shall also provide a copy of the rental agreement, as applicable.*
- B. *If the applicant is the landowner of the real property upon which the premises is located, the applicant shall provide to the County a copy of the title or deed to the property.*
- C. *Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of commercial cannabis activity(s) being requested;*
- D. *Documentation, plans, or specifications demonstrating compliance with the General Standards and Requirements of this Chapter, 13.070, and any additional applicable requirements for specific commercial cannabis activities found in all applicable State and local laws and regulations.;*
- D. *A valid Mono County Business License (must be obtained prior to permit issuance); and*
- E. *All required application materials shall be prepared and submitted at the time of application, with the required fee. Incomplete applications shall be returned with a list of required components and may be resubmitted with completed documentation.*

### **13.070 General Standards and Requirements**

*Commercial cannabis activities shall comply with all General Plan policies and regulations, in addition to this Chapter. The following general standards and requirements apply to all commercial cannabis activities permitted in the county:*

- A. *All commercial cannabis activity shall be conducted between licensed and permitted cannabis operations.*
- B. *The Permittee shall be responsible for ensuring that all commercial cannabis activities on the premises operate in good standing with permits and licenses required by Mono County Code and State law. Failure to take appropriate action shall be grounds for the modification or revocation of the Use Permit;*
- C. *Site Control. All commercial cannabis activity shall meet the following site control standards:*
  - 1. *No commercial cannabis activity shall be allowed within six hundred (600) feet of schools providing instruction to kindergarten or any grades 1 through 12, day care or youth centers, parks, ballfields, playgrounds, libraries, community centers, and licensed child care facilities; and*
  - 2. *An additional corridor of exclusion applies in the Crowley Lake community on Crowley Lake Drive between the library/park (3627 Crowley Lake Drive) and the ballfield (526 Pearson Road) to protect minors that may be traveling between these attractions.*
- D. *Setbacks.*
  - 1. *All commercial cannabis activities shall meet existing setbacks established in General Plan Chapter 4 – Land Use Designations and 4.120 Yards and Setbacks. Additional setback requirements per commercial cannabis activity type shall be set forth in specific sections of this Chapter.*

*E. Odor Control.*

- 1. An odor mitigation plan is required to demonstrate that odors generated by the commercial cannabis activity shall not unreasonably impact adjacent properties and uses, or that odor mitigation measures are not applicable due to lack of cannabis-related odor generation, location or siting, design features, or other factors.*
- 2. An odor mitigation plan shall ensure that cannabis odors are mitigated outside of the facility; on adjacent property or public right of way; on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public; or within any other unit located inside the same building as a commercial cannabis activity, and may include the following:*
  - i. Odor-control filtration and ventilation system(s) to control odors;*
  - ii. Devices and/or techniques incorporated into the facility or premise to mitigate the off-site detection of Cannabis odors.*
- 3. An audit of the Odor Mitigation Plan and its effectiveness shall be conducted upon the issuance, and during annual inspections, of a Commercial Cannabis Operation Permit.*

*F. Signage and Notices.*

- 1. A Sign Plan shall be required to demonstrate compliance with General Plan Land Development Regulations, Chapter 4.190 Signs, and Chapter 7 Signs.*
- 2. No banners, flags, billboards or other prohibited signs may be used at any time.*

*G. Visual Screening/Fencing.*

- 1. All Cannabis, Cannabis Products and Cannabis Accessories shall be screened from view from a public right of way to the best of the Permittee's ability.*
- 2. Fencing installed on or around the premises shall comply with all other applicable County and State laws and regulations regarding height and location restrictions.*
- 3. If linear features are proposed, a Visual Screening Plan is required to demonstrate visual compatibility with the surrounding landscape, viewscales, and/or community character, including but not limited to fencing. A Visual Screening Plan shall be submitted with the application and be compatible with:*
  - i. General Plan Land Use Element Conservation/Open Space Element 05-02 Issues/Opportunities/Constraints, Visual Resources and 05-03 Policies, Visual Resources;*
  - ii. General Plan Land Use Element 02-06 Land Development Regulations, Chapter 4.160 Fences, Screening and Landscaping;*
  - iii. General Plan Appendices, 09-03 Mono County General Design Guidelines, Chapter 2, Site Planning & Landscape; and*
  - iv. Landscaping species shall be consistent with those identified in General Plan Appendices 09-03, Mono County General Design Guidelines, "Plants."*
  - v. Visual screening shall blend into the surrounding landscape as best as possible.*

*H. Lighting.*

- 1. A Lighting Plan demonstrating compliance with the following:*
  - i. All commercial cannabis activities shall comply with General Plan Land Use Element Chapter 23 – Dark Sky Regulations regardless of activity type or Premise location.*
  - ii. Design specifications and/or cut sheets for all proposed exterior lighting shall be detailed in the Lighting Plan.*
- 2. Commercial cannabis activities located north of Mountain Gate Park shall comply with Land Use Element Chapter 23 – Dark Sky Regulations.*

*I. Parking.*

- 1. A Parking Plan depicting availability and requirements for parking shall be submitted. The Plan shall demonstrate the provision of adequate on-site parking for all employees and allow for loading and unloading.*

2. *The Parking Plan shall comply with General Plan Land Development, Chapter 6 - Parking.*
- J. *Noise.*
1. *Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16.*
  2. *The General Plan Noise Element shall apply to all commercial cannabis activities.*
  3. *The Planning Commission may approve the use of a "fixed noise source," as defined in Mono County Code Chapter 10.16, or "generator" as defined in state law and regulation, provided certain criteria are considered, including but not limited to:*
    - i. *Applicant has successfully demonstrated compliance with Mono County Code Chapter 10.16 and all applicable local and State law and regulation;*
    - ii. *Appropriate sound-deadening features and infrastructure have been installed where applicable; and*
    - iii. *Impacts on adjacent properties and the neighborhoods have been evaluated and considered negligible; and*
    - iv. *The premise location has power constraints such that the prohibition of the use of such equipment would be overly burdensome on the operation.*
- K. *Fire Protection. All regulations of the local fire district shall be met to ensure adequate access, water availability and other conditions for fire protection.*
1. *Commercial cannabis activities shall comply with General Plan Land Development Regulations, Chapter 22, Fire Safe Regulations; PRC Sections 4290 and 4291; and the current California Building Code.*
  2. *Fire Prevention Plan. The permittee shall prepare, submit, and implement a Fire Prevention Plan for construction and ongoing operations and obtain a Will-Serve letter from the local fire protection district. The Fire Prevention Plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), vegetation management and fire-break maintenance around all structures.*
  3. *All regulations of the local fire district shall be met to ensure adequate access, water availability and other conditions for fire protection.*
- L. *Security Plan. Compliance with the security plan approved under the Cannabis Operation Permit (Mono County Code Chapter 5.60) is required.*
- M. *Water Conservation. Water conservation measures, water capture systems, or grey water systems shall be incorporated, consistent with the Resource Efficiency Plan policies, to minimize use of water where feasible.*

### **13.080 Cannabis Cultivation**

*In addition to 13.070 requirements, a permit for cultivation is subject to the following additional requirements:*

- A. *Setbacks*
1. *Outdoor cultivation areas and all associated structures located on or around the premises shall meet all applicable setback requirements set forth in the Land Use Designation Chapter 02-04.*
  2. *Outdoor cultivation areas shall be set back three-hundred (300) feet from 1) existing habitable space under separate ownership, measured from the nearest boundary line of the cultivation area to the nearest point of the habitable space; 2) the property line of any neighboring parcel under a different land use designation; 3) any public or private road or other vehicular path of travel serving, or intended to serve, as access for multiple properties; and 4) any public and formally identified non-motorized or multi-modal pathway.*
  3. *All structures used for indoor cultivation and all structures used for drying, curing, grading, trimming or processing shall comply with the setbacks for the land use designation. There*

shall be no evidence of cannabis cultivation outside the structure (e.g., the use shall comply with the Visual Screening Plan, Sign Plan, and Mono County Code Chapter 5.60).

4. Cultivation within a “hoophouse” or shade-cloth structure shall be subject to the requirements of this Chapter, including the parcel restrictions, setbacks, and all General Standards and Requirements (Section 13.070).
5. The Planning Commission may modify the requirements if all of the following findings can be made for an alternative site plan:
  - i. The requested modification(s) improve security, visual mitigation, and/or odor mitigation of the cannabis activity without increasing or creating new impacts that otherwise would not have existed under the required standards;
  - ii. The approval of the alternative site plan will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated; and
  - iii. The approval of the alternative site plan will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is situated.
- B. *Lighting.* Interior light systems shall include window coverings to confine light and glare to the interior of the structure and be detailed within the Lighting Plan. Light mitigation measure shall be utilized from sunset to sunrise to avoid nighttime glare, as required in California Department of Food and Agriculture State Code 8304.
- C. *Dust Control.* Dust control measures shall be utilized on access roads and all ground-disturbing activities shall be conducted in compliance with the Great Basin Unified Air Protection Control District regulations and Mono County grading requirements.
- D. *The Permittee shall provide a site plan identifying all cultivation area(s) to ensure that the total canopy size of cannabis cultivation does not individually exceed the amounts authorized by County permits and State law.*
- E. *In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture Cannabis Products on the premises unless all necessary permits have been obtained from all appropriate agencies.*
- F. *Closed to general public.* Cannabis cultivation premises shall be inaccessible by the general public unless supervised by the permittee.
- G. *In no case shall a building intended for residential use be used for cultivation.*
- H. *In reviewing an application for a Use Permit to cultivate cannabis, the following additional information may be requested:*
  1. *Projected energy demand and proposed renewable energy generation facilities; and*
  2. *Unique identifier, inventory, and quality control procedures.*

### **13.090 Cannabis Distribution and/or Processor**

*In addition to 13.070 requirements, a permit for distribution is subject to the following additional requirements:*

- A. *Indicate truck parking and loading areas;*
- B. *Storage and handling plans; and*
- C. *Closed to general public.* Cannabis distribution premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.
- D. *Any other relevant information requested by the Director of the Community Development Department, or his or her designee.*
- E. *The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).*

### **13.100 Cannabis Manufacturing**

In addition to 13.070 requirements, a permit for manufacturing is subject to the following additional requirements:

- A. A Cannabis manufacturer shall manufacture cannabis products only; products that do not contain cannabis shall not be manufactured at the same premises.
- B. In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture cannabis products on the premises unless all necessary permits have been obtained from all appropriate agencies;
- C. Closed to general public. Cannabis manufacturing premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.
- D. Closed loop system. Cannabis manufacturing using volatile solvents must utilize a closed-loop system certified by a qualified engineer and approved by the County Building Official and local Fire District Chief.

### **13.110 Cannabis Testing Facilities**

In addition to 13.070 requirements, a permit for testing is subject to the following additional requirements:

- A. Certificate of accreditation from an approved accrediting body;
- B. Closed to general public. Cannabis testing premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.
- C. The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).
- D. Any other relevant information requested by County departments.

### **13.120 Cannabis Retail and Delivery**

In addition to 13.070 requirements, a permit for retail and delivery is subject to the following additional requirements:

- A. Delivery. All offsite customer delivery of cannabis and/or cannabis products is subject to Mono County Code Chapter 5.60.
- B. On-Site Sales. All retail sales and dispensing of cannabis and cannabis products shall be conducted in-person on the premises of the cannabis retailer. This section does not prohibit transportation of cannabis or cannabis products on public roads by a state-licensee transporting cannabis or cannabis products in compliance with California Business & Professions Code section 26000, et seq.
- C. Cannabis retailers must operate in a permanently constructed, fixed structure. Cannabis retailing is not permitted from a vehicle or non-permanent structure.
  1. The entrance to an A-permit cannabis retailer shall have a clearly and legibly posted notice that no person under the age of twenty-one (21) years shall be allowed on the premises.
  2. The entrance to an M-permit cannabis retailer shall have a clearly and legibly posted notice that no person under the age of eighteen (18) years of age shall be allowed on the premises.

### **13.130 Cannabis Microbusiness**

In addition to 13.070 requirements, a permit for a microbusiness is subject to the following additional requirements:

- A. A cannabis microbusiness that includes cultivation, manufacturing, distribution and/or retail within one State license shall comply with all permit and operating requirements set forth in this Chapter for cannabis cultivation, cannabis distribution, cannabis manufacturing, and cannabis retailer.
- B. In reviewing an application for a Use Permit the following additional information may be requested:
  1. Storage protocol and hazard response plan; and
  2. Any other relevant information requested by the Community Development Director or his or her designee.
  3. The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).