

Chapter 13 Cannabis Activities

13.01 Purpose

13.02 Authority

13.03 Definitions

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

13.04 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, or cannabis or cannabis product are expressly prohibited in the County of Mono without obtaining a permit. For the purposes of this Section, "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.

13.05 Compliance with Laws

Owners and permittees ensure that all 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 Cannabis Activity.

13.06 Permits Required

- A. Prior to operation of a Cannabis Activity the following shall be obtained through an application process with the Mono County Community Development Department (other permits or licenses from other departments may apply):
 1. Conditional Use Permit (pursuant to Chapter 32 – Use Permit);
 2. Cannabis Activity Permit per Mono County Code 5.60 for each State-licensed cannabis activity to take place; and
 3. Business License from the Mono County Tax Collector, as required by Mono County Code Chapter 5.04.

13.07 Application Requirements

All applications for a Use Permit for a commercial Cannabis Activity shall be filed with the Community Development Department on the specified form and 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. Notarized, written authorization from all persons and entities having a right, title or interest in the property or premises on which the commercial Cannabis Activity is located consenting to the application and the operation of the proposed commercial Cannabis Activity on the subject property or premises;
- B. The name and address of all owners and permittees associated with the proposed commercial Cannabis Activity, including managers, corporate officers, any individual with an ownership interest, any member of a board of directors, any general or limited partner, and/or any member of a decision-making body for the commercial Cannabis Activity;
- C. Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of commercial Cannabis Activity(ies) being requested;

- D. Documentation, plans, or specifications demonstrating compliance with the general standards and requirements of this Chapter, and any additional applicable requirements for specific Cannabis Activities found in all applicable State and local laws and regulations. The applicant shall submit his/her completed State license application;
- E. A completed Cannabis Activity Permit application; and
- F. All required application materials shall be prepared by the permittee and submitted at the time of application with the required fee. Incomplete applications shall be returned or rejected.

13.08 General Standards and Requirements

Cannabis Activities shall comply with all General Plan policies and regulations, in addition to Chapter 13. The following general standards and requirements apply to all Cannabis Activities permitted in the county:

- A. Cannabis and cannabis products shall be transported only by and between permitted and licensed commercial cannabis operations;
- B. The permittee shall be responsible for ensuring that all commercial Cannabis Activities at the site operate in good standing with permits and licenses required by Mono County Code and State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial Cannabis Activities at the site who do not maintain permits or licenses in good standing with the County or State shall be grounds for the modification or revocation of the Use Permit;
- C. Cannabis Activities shall be located only in the land use designation specified in the General Plan Land Use Element, Chapter 4 – Land Use Designations, as a land use subject to Use Permit and Cannabis Activity Permit:
 - 1. In addition to the land use permit, a supplemental application for a Cannabis Activity Permit and Business License must be approved prior to beginning operation; and
 - 2. Commercial Cannabis Activities are prohibited under the Home Occupation and Expanded Home Occupation provisions of Chapter 4, Section 04.290.
- D. Site Control. All Cannabis Activity, regardless of whether the activity is deemed commercial, shall meet the following site control standards:
 - 1. No Cannabis Activity shall be allowed within six hundred (600) feet of schools providing instruction to kindergarten or any grades 1 through 12, day care center or youth center, parks, ballfields, playgrounds, libraries, community centers, and licensed child care facilities; and
 - 2. PLACEHOLDER – proximity buffers; list Crowley Lake buffer corridor prohibition
- E. Setbacks.
 - 1. Cannabis Retailers shall not be located within six-hundred (600) feet of any facilities of the following (in existence at the time the application is accepted): schools providing instruction to kindergarten or any grades 1 through 12, day care center or youth center, parks, ballfields, playgrounds, libraries, community centers and licensed child care facilities. An additional corridor of exclusion applies in Crowley Lake 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.
 - 2. All 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 Cannabis Activity type shall be set forth in specific sections of this Chapter.

- F. Security Measures. Permittee shall provide a Security Plan for review and approval by the Mono County Sheriff's Office. The security plan shall be reviewed and inspected as deemed necessary by the Sheriff's Department. Security Plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). The Security Plan shall include security measures to deter and prevent entrance by unauthorized persons into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products, and shall include, but shall not be limited to, the following:
1. Preventing individuals from remaining on the premises if they are not engaging in an activity directly related to the permitted operations;
 2. Establish limited access areas accessible only to authorized Cannabis Activity personnel by equipping areas with electronic identification badge scanners or other personnel-specific access measures;
 3. Cannabis and cannabis products shall be stored in a secured and locked location to prevent diversion, theft, and loss, except for limited amounts of cannabis and cannabis products used for display purposes, samples or immediate sale, where applicable;
 4. Weapons and firearms at Cannabis operation sites are prohibited;
 5. Cannabis products and associated product waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance;
 6. Background checks by the Mono County Sheriff's Office are required for business owner, property owner, and managers, and LiveScan is required for all other employees, with the authority of the Sheriff to disqualify employees based on their record.
 7. Security System requirements:
 - a. A Security Plan shall demonstrate the safety of persons and protection of the premises from theft;
 - b. Alarm system. All buildings shall include a professionally installed and maintained alarm system, monitored by an alarm company or private security company. The alarm system shall monitor all perimeter entry points and windows. Alarm system sensors shall be installed to detect entry and exit from all secure areas;
 - c. Security cameras. The premises of every commercial Cannabis activity shall have installed 24-hour infrared security surveillance cameras to monitor activity occurring within 20 feet of all entrances and exits to and from the premises; all interior spaces within the Cannabis Activity which are open and accessible to the public; all interior spaces where cannabis or cannabis product, cash, or currency, is being stored for any period of time on a regular basis; and all interior spaces and exterior transport/parking areas where diversion of cannabis could reasonably occur in a manner sufficient to clearly observe facial features and to obtain a clear view of vehicle license plates. [Security cameras may be motion-sensor activated and shall not be pointed at or record activity on surrounding parcels.] Surveillance video shall be kept for a minimum of 30 days;
 - d. Locking Doors. All points of ingress and egress to a cannabis business shall be secured with commercial-grade, non-residential door locks or window locks. All structures used for Cannabis Activity shall have locking doors to prevent free access;
 - e. Alarm system panic buttons shall be installed in all permitted premises; and

- f. Perimeter lighting systems (e.g., motion-sensor lighting) shall be installed and may include alarms to ensure the safety of persons and to protect the premises from theft.

G. Odor Control.

1. An Odor Mitigation Plan is required to demonstrate that odors generated by the Cannabis Activity shall not unreasonably impact adjacent properties and uses.
2. An applicant may request an exemption from the Odor Mitigation Plan requirement upon the provision of sufficient evidence to the Planning Commission during the Conditional Use Permit public hearing. Any grant of such waiver is subject to a finding by the Planning Commission that odors generated by the Cannabis Activity shall not impact adjacent or nearby properties and uses.
3. All indoor, greenhouse and mixed-light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor-control filtration and ventilation system(s) to control odors, humidity and mold.
4. The Odor Mitigation Plan shall include devices and/or techniques incorporated into the facility or premise to mitigate the off-site detection of cannabis odors. Cannabis business shall provide a sufficient odor-absorbing ventilation and exhaust system so 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 Cannabis Activity.
5. In no case shall untreated air be vented outside of any building used to conduct a Cannabis Activity.
6. Odor-masking systems that add chemicals to the air are prohibited.
7. An audit of the Odor Mitigation Plan and its effectiveness shall be conducted upon the issuance, and during annual inspections, of a Cannabis Activity Permit.

H. 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 Misleading Names. A non-medicinal Cannabis Retailer may not use in its name any words or phrases implying health or therapeutic benefits, including but not limited to "health," "wellness" or "clinic."
3. Display County Use Permit, and Activity Permit and business license and State license? A copy of each Cannabis Activity permit issued by the County pursuant to this Chapter shall be posted on the premises of each Cannabis Activity in a location readily accessible to the public where the documentation may be examined.
4. No Cannabis Activity shall advertise by having a person or device holding a sign and advertising the activity to passersby, whether such person is on the premises of the Cannabis Activity or elsewhere, including by not limited to, the public right of way.
5. No banners, flags, billboards or other prohibited signs may be used at any time.

I. Visual Screening/Fencing.

1. No markers, indicators, signs, postings or evidence indicating cannabis is being cultivated on the site shall be visible from the public right of way.
2. All cannabis, cannabis products and cannabis accessories shall be screened from view from a public right of way.
3. Fencing around the premises shall include a lockable gate that is locked at all times when the permittee is not in the immediate area.

4. Fencing installed on or around the premises shall comply with all other applicable County and State laws and regulations regarding height and location restrictions.
 5. A Visual Screening Plan is required to demonstrate the visual compatibility of linear features, including, but not limited to, fencing, with the surrounding landscapes and views. 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."
 6. The Visual Screening Plan may be contained within the Security Plan.
- J. Lighting.
1. A Lighting Plan demonstrating compliance with the following:
 2. All Cannabis Activities shall comply with General Plan Land Use Element Chapter 23 – Dark Sky Regulations regardless of activity type or premise location.
 - a. Design specifications and/or cut sheets for all proposed exterior and interior lighting shall be detailed in the Lighting Plan.
 - b. Cannabis Activities located north of Mountain Gate Park shall adhere to Land Use Element Chapter 23 – Dark Sky Regulations.
 - c. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure and detailed within the Lighting Plan.
 - d. Light shielding, window covering, and any other light mitigation measure shall be utilized from dusk until dawn.
- K. Parking.
1. A Parking Plan, depicting availability and requirements for parking. The Plan shall demonstrate the provision of adequate off-street parking for all employees and allow for loading and unloading.
 2. The Parking Plan shall comply with General Plan Land Development, Chapter 6. Parking.
- L. Noise.
1. The use of generators is prohibited, except as short-term, temporary, emergency back-up systems.
 2. Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16
 3. General Plan Noise Element shall apply to all Cannabis Activity.
- M. Inventory and Tracking. Cannabis operators shall operate at all times in a manner to prevent diversion of cannabis and shall be in compliance with any track-and-trace program established by the state.
- N. 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. Cannabis Activities shall comply with General Plan Land Development Regulations, Chapter 22, Fire Safe Regulations; PRC 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.
- O. Water Conservation. Water conservation measures, water capture systems, or grey water systems shall be incorporated in cannabis cultivation activities, in compliance with the Resource Efficiency Plan policies, in order to minimize use of water where feasible.

13.09 Cannabis Cultivation

In addition to the above, a Cultivator permit 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 multi-modal pathway.
ALTERNATIVE: If the premise is one-half (0.5) of an acre in size or less, each detached structure shall meet minimum land use designation setbacks; greater than 0.5 acre but less than 5 acres, each detached structure or outdoor area shall be set back at least 50' from all boundaries; premises equal to or greater than 5 acres but less than 10 acres, 75'; 10 acres or greater, 150' from all boundaries. The Planning Commission may waive or reduce the requirement based upon a finding of unusual hardship for that parcel, or a site plan demonstrating improved security, visual mitigation, or odor mitigation.
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 and Sign Plan).
4. Cultivation within a "hoophouse" or Shade-Cloth Structure shall be deemed outdoor cultivation subject to the requirements of this Code, including the parcel restrictions, setbacks, and all General Standards and Requirements (Section 13.08).

- B. Pesticides. The cultivation of Cannabis must be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging shall comply with the California Fire Code Chapter 26 (Fumigation and Insecticidal Fogging).
1. Use of pesticides must comply with regulations established by the Inyo/Mono Agriculture Department and California Department of Food and Agriculture.

2. Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
- C. Dust Control. All cultivation sites shall utilize dust control measures on access roads and all ground-disturbing activities in compliance with the Great Basin Unified Air Protection Control District regulations.
 - D. Waste Disposal. Each permittee must follow all local, state and federal requirements for waste disposal.
 - E. The owner and permittees shall ensure that the total canopy size of cannabis cultivation does not individually exceed the amounts authorized by County permits and State law.
 - F. In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture cannabis products on site unless all necessary permits have been obtained from all appropriate agencies.
 - G. In no case shall a building intended for residential use be used for the commercial cultivation of cannabis.
 - H. In reviewing an application for a Use Permit to cultivate cannabis, the following additional information may be requested:
 1. Water conservation measures;
 2. Projected energy demand and proposed renewable energy generation facilities;
 3. Unique identifier, inventory, and quality control procedures; and
 4. A floor plan identifying the location, dimensions, and boundaries of all proposed canopy areas taking into account space needed for ongoing care of plants and a description of the proposed method of physically delineating those boundaries at the site.

13.10 Cannabis Distribution

In addition to the above, the following information shall be provided with a Use Permit application for a Distributor:

- A. An Operation Plan detailing how, and from where, cannabis and cannabis products will be received, how any storage, distribution, and transportation operations will be secured to prevent theft and trespass, and to whom the product will be distributed;
- B. Quality control inspections and requirements plan;
- C. Truck parking and loading areas;
- D. Storage and handling plans; and
- E. Any other information requested by the Director of the Resource Management Agency or the Chief of Planning, or his or her designee.

13.11 Cannabis Manufacturing

In addition to the above, the following apply to a Manufacturer:

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

13.12 Cannabis Testing Facilities

In addition to the above, the following information shall be provided with the Use Permit application for a Testing Laboratory:

- A. An Operation Plan detailing how cannabis will be received, secured, tested, and destroyed upon completion, and how the Testing Facility will comply with State law;
- B. Certificate of accreditation from an approved accrediting body;
- C. Proposed procedures for record keeping including chain of custody control and certificate issuance; and
- D. Any other information requested by the County.

13.13 Cannabis Retail and Delivery

In addition to the above, Cannabis Retailers shall comply with the following:

- A. Setback
 - 1. Cannabis Retailers shall not locate within five-hundred (500) feet from another Cannabis Retailer and/or Cannabis Microbusiness conducting sales to the general public.
- B. Delivery. All delivery of cannabis and/or cannabis product to the public is prohibited.
- C. On-Site Sales. All sales and dispensing of Cannabis and Cannabis Products shall be conducted in-person on the Premises of the Cannabis Retailer. Cannabis Retailing by means of Internet ordering or telephone ordering and Delivery to the Consumer service is prohibited. 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, Division 10.
- D. 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 Adult-Use Cannabis Retailer shall have a clearly and legibly posted notice that no person under the age of twenty-one (21) years is permitted to enter upon the premises, unless otherwise permitted by law.
- E. Operational Plan. An Operational Plan shall be required, detailing how operations will comply with State Law.

13.14 Cannabis Microbusiness

- 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 and Delivery.
- B. In reviewing an application for a Use Permit the following additional information may be requested:
 - 1. Information on products used in the manufacturing process including the cannabis supply chain, liquids, solvents, agents, and processes. Cannabis shall be obtained from a licensed cultivator or licensed distributor operating in compliance with all local and state laws;
 - 2. Storage protocol and hazard response plan;
 - 3. Quality control measures; and
 - 4. Any other information requested by the Director or his or her designee.