

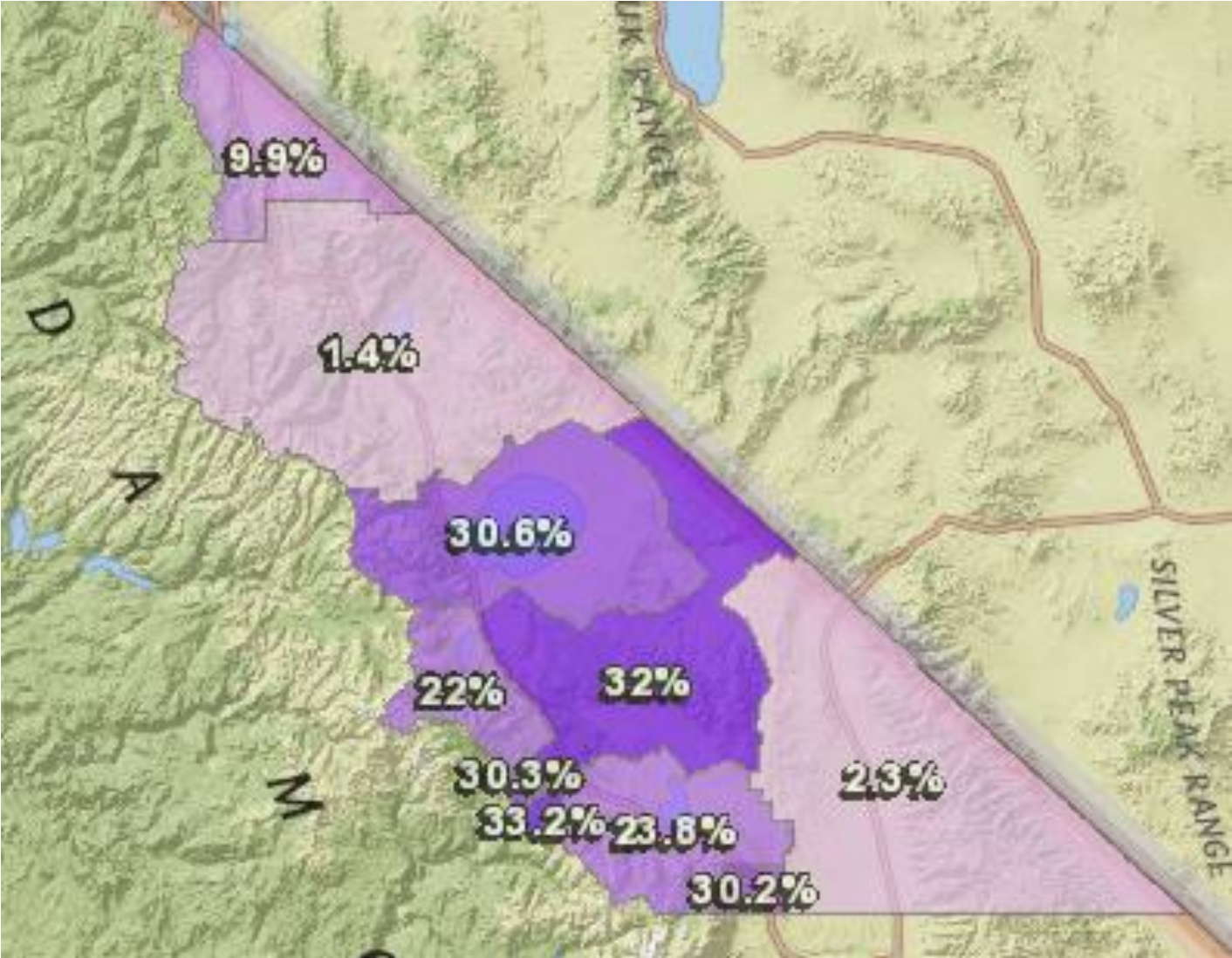
Cannabis Land Use Regulation

DRAFT

August 17, 2017

Plan Commission

Background



California

YES: 56.4%

NO: 43.6%

Mono County

YES: 3,303 61.6%

NO: 2,061 38.4%

Options

A. State Regulates

- Allow activities subject to State regulations.

B. Ban

- In whole or in part

C. Draft County Regulations

- Direction from March Board meeting
- Types of cannabis activities
- Locations & development standards
- If desired, regulate personal cultivation

Planning Process

Goal: Develop & adopt land use policies/regulatory standards for cannabis by Dec. 31.

Challenges:

- Rapidly changing landscape of state laws
- Unknown impacts across multiple departments = collaboration challenge
- Emotional response to issue, outreach
- Speculation

The County's regulatory framework is not yet established.

- Commercial cannabis activities are currently illegal.
- Individuals investing in future uses do so at their own risk with no guarantees.

Rationale Planning Process:

- Public health & safety
- Consistency with General Plan Vision, community character, and related public input

Regulating Land Uses

Personal Cultivation

- Regulate?

Commercial Operations

- Option 1 – Fit within existing designations
- Option 2 – Add more regulation
- Option 3 – Less regulation
- Use Permit

Personal Cultivation

Adult Use State Regulations:

- No person shall sell cannabis without proper state licensing
- Within residences and permanent accessory structures
- 6 plants maximum
- Single private residence or upon the grounds of that private residence
- Locked space, not visible by normal unaided vision from a public place
- May give away not more than 28.5 grams

Medical State Regulations:

- Prop. 215 (1996)
- SB 420
- Medical Marijuana Regulation and Safety Act (MCRSA)

Personal Cultivation: Regulate?

Potential issues that may be addressed:

- Indoors vs. outdoors: one or the other
- Location
- Ventilation/odor
- Security features
- Maximum area
- Screening/visuals
- Setbacks
- Many details are addressed by building codes

Commercial (A/M -Type)

Retail

Manufacturing

Distribution

Test

Cultivation

Commercial Retailer

Potential Land Use Designations:

- Commercial
- Service Commercial
- Industrial & Industrial Park
- Agriculture (as an accessory to main use)
- Mixed-Use

- The parcel must be located 600' from any school
- Hours of operation 6am – 9pm
- Must meet Security Plan requirements
- Cannot prevent delivery on public roads– can only be conducted by licensed retailer or microbusiness

Commercial Manufacturing

To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

- Level 1 Type 6 license: *nonvolatile solvents, or no solvents.*
- Level 2 Type 7 license: *products using volatile solvents.*
- State operational requirements

Potential Land Use Designations:

- Agriculture
- Service Commercial
- Industrial & Industrial Park
- Commercial?

Commercial Distribution

The procurement, sale, and transport of cannabis and cannabis products between licensees.

- License type 11
- The transportation of cannabis and cannabis products shall only be conducted by persons holding a distributors license
- Store cannabis batches on the premises during testing
- Conduct a quality assurance review to ensure compliance with labeling and packing requirements
- Minimum security and transportation safety requirements

Potential Land Use Designations:

- Agriculture
- Service Commercial
- Industrial & Industrial Park
- Commercial?

Commercial Testing (Type 8)

A laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products

- Security protocols
- Control access
- Security alarm system required
- Storage area with Commercial-grade lock
 - Test samples
 - Waste containing cannabis
- May not hold any other licenses

Potential Land Use Designations:

- Commercial
- Industrial and Industrial Park

Commercial Cultivation (Type 1-5)

No Adult-use Type 5 prior to Jan.1, 2023.

Potential Land Use Designations:

- Agriculture
- Industrial and Industrial Park

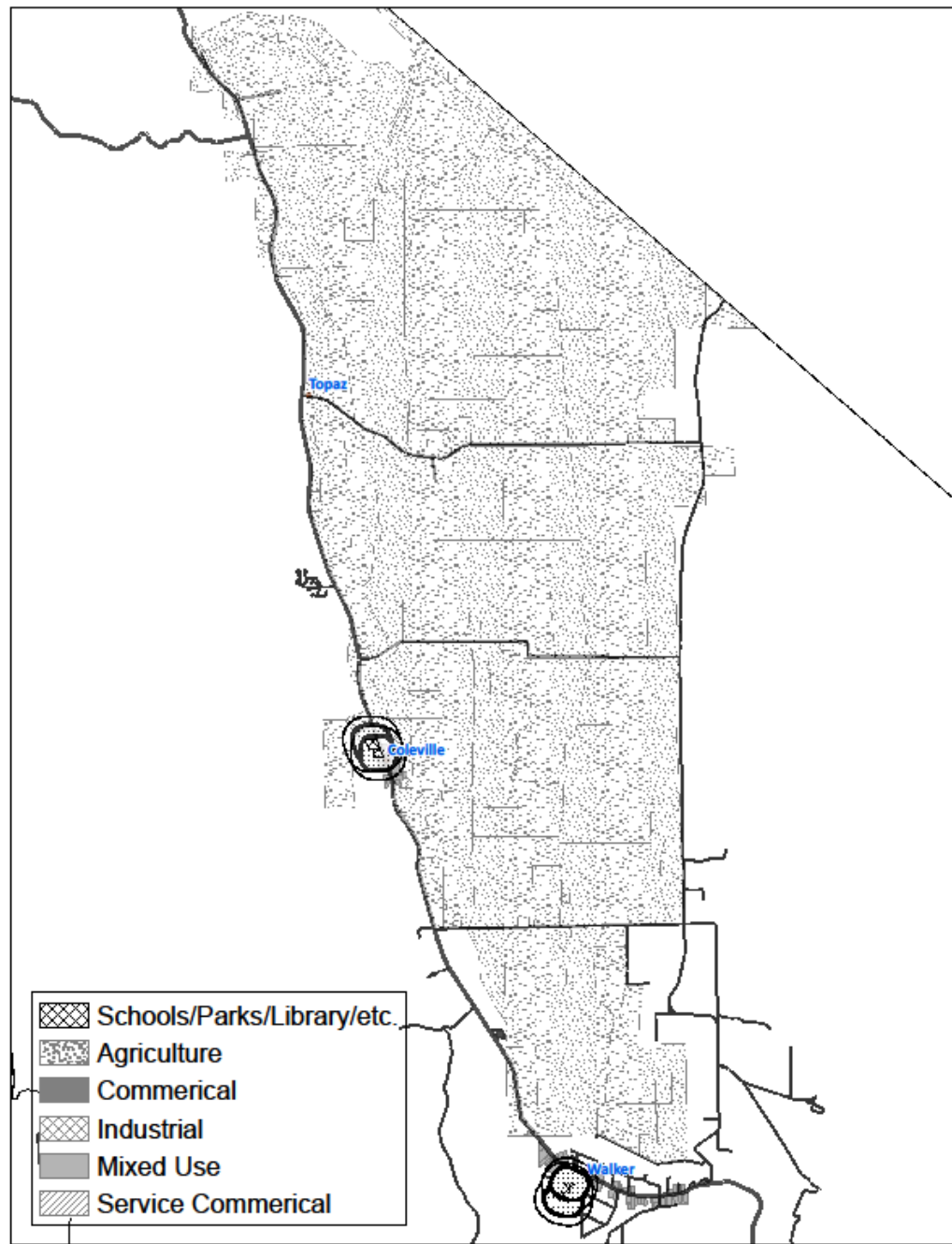
Defining “Agriculture”

- LUD Resource Management & Open Space
 - Ag is a permitted use, but cannabis seems incompatible with land use intent
- **Land Use Policies Objective 1.G.**
 - Protect open space and agricultural lands from conversion to and encroachment of developed community uses.
 - **Policy 1.G.1.** Protect lands currently in agricultural production.
 - **Action 1.G.1.a.** Designate large parcels in agricultural use as "Agriculture."






Commercial Cultivation: Possible Regulations

- Setbacks from property lines & expanded list of facilities
- Security
- Visuals/screening
- Odors/ventilation
- Lighting
- Environmental Management Plan

	Cultivation	Manufacturing	Testing	Retail	Distribution
	Type 1-5	Type 6 & 7	Type 8	Type 10	Type 11
Agriculture (AG)	X	X*		X*	X*
Commercial (C)			X	X	
Commerical Lodging (CL)					
Commerical Lodging Moderate (CL-M)					
Commerical Lodging High (CL-H)					
Estate Residential (ER)					
Idustrial (I)	X	X	X	X	
Industrial Park (IP)	X	X	X	X	
Mixed Use (MU)				X	
Multi-Family Residential Low (MFR-L)					
Multi-Family Residential Moderatle (MFR-M)					
Multi-Family Residential High (MFR-H)					
Natural Habitat Protection (NHP)					
Open Space (OS)					
Public and Quasi-public Facilities (PF)					
Resource Extraction (RE)					
Resource Management (RM)					
Rural Mobile Home (RMH)					
Rural Residential (RR)					
Rural Resort (RU)					
Scenic Area Agriculture (SAA)					
Single-Family Residential (SFR)					
Service Commercial (SC)		X		X	X
Specific Plan (SP)					
*INCIDENTAL USE ACCESSORY TO MAIN USE					



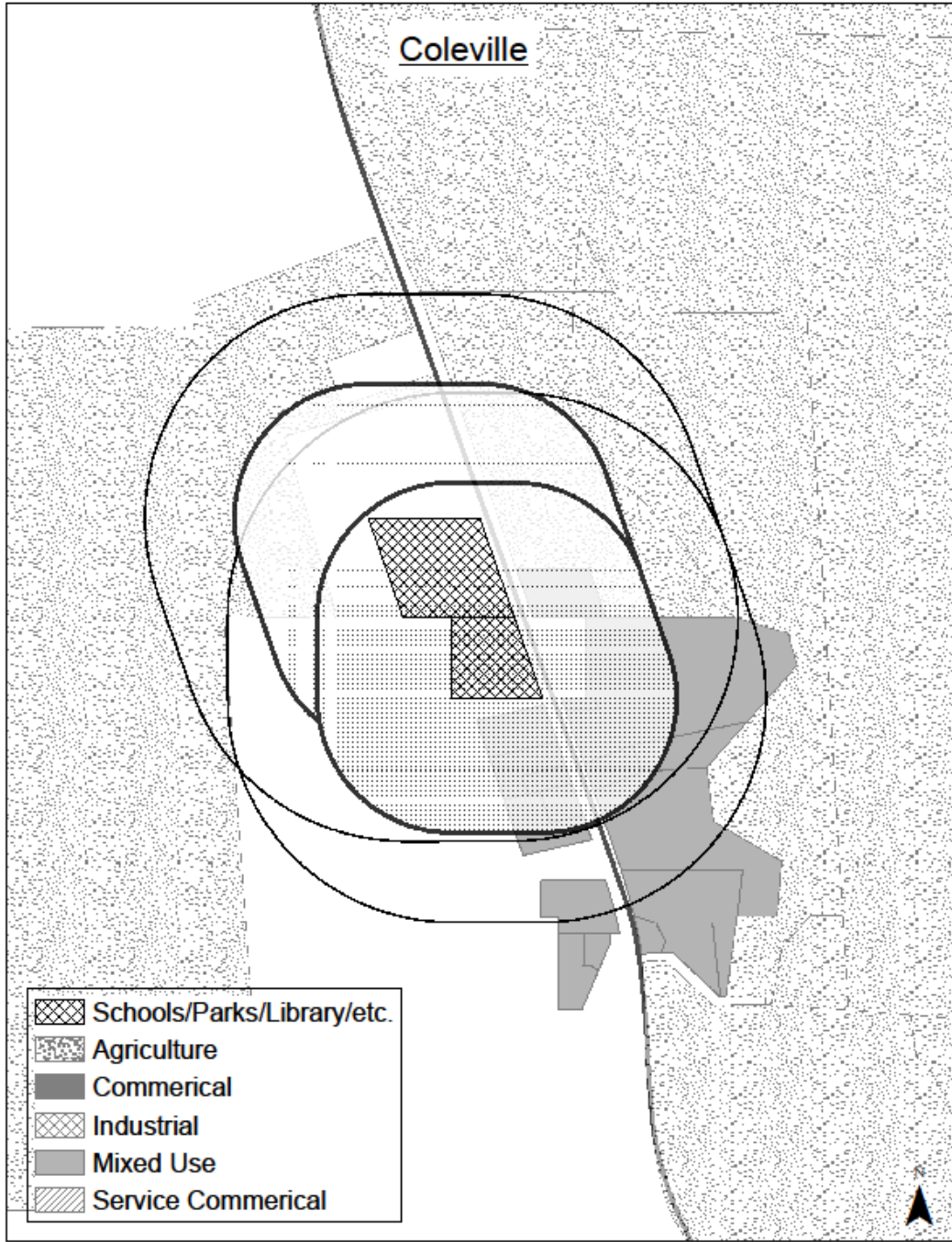
Walker

-  Schools/Parks/Library/etc.
-  Agriculture
-  Commerical
-  Industrial
-  Mixed Use
-  Service Commerical



Coleville

- Schools/Parks/Library/etc.
- Agriculture
- Commerical
- Industrial
- Mixed Use
- Service Commerical



Use Permit

- Discretionary permit approved by the Planning Commission
- Allows for public comment
- Provides flexibility through conditions
- Required to meet “findings”
- Environmental review required
- \$495 deposit + bill hourly for staff time

Building Permit

- Different activities will trigger different occupancy classifications & different code requirements

General Requirements:

- Site Plan & architectural details
- Structural engineering
- Mechanical plans, including electrical, plumbing, irrigation
- HVAC & Ventilation
- Waste disposal
- Other project dependent health & safety features: CO2 & sulfur sensors, fire sprinklers

Land Use Questions

1. Do we regulate personal cultivation (medical and/or adult use)?
2. Do we continue to develop regulations for commercial cannabis?
3. If we are to continue....
 - Should we apply current land use designation definitions to cannabis industry types?
 - Should we add additional requirements for cannabis industry types applicable to specific land-uses?

Mdraper@mono.ca.gov #760-924-1805