

ORDINANCE 1221

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING SECTIONS 18.06.030, 18.12.040, 18.21.040, 18.44.030, 18.45.030, 18.48.030, 18.49.040, 18.56.040, AND 18.57.040, AND ADDING SECTIONS 18.06.161, 18.06.162, 18.06.163, 18.06.181, 18.06.182, AND 18.78.360 TO THE INYO COUNTY CODE

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION ONE. Purpose/Authority.

The purpose of this ordinance is to add to and amend sections of the County Zoning Ordinance, set forth in Title 18 of the Inyo County Code, to allow for the orderly development of commercial cannabis activities, while protecting the health, safety and welfare of Inyo County citizens, in the Open Space, Rural Residential, Central Business, General Commercial and Retail, Highway Services and Tourist Commercial, Heavy Commercial, Light Industrial and General Industrial and Extractive Zones and to add standards guiding commercial cannabis activities to be consistent with both California law and the goals of the Inyo County General Plan ED-4 and AG-1.2. This ordinance is enacted pursuant to the authority given this Board of Supervisors by the California Planning and Zoning Law, set forth in Government Code 65000 et seq., which authorizes a county to enact ordinances governing the uses of land within its jurisdiction.

SECTION TWO. Section 18.06.30 of the Inyo County Code is amended in its entirety to read as follows:

“18.06.030 Agriculture.

"Agriculture" means the tilling of soil, the raising of crops, horticulture, small livestock farming, dairying or animal husbandry, including all uses customarily incidental thereto, but not including cannabis cultivation, slaughterhouses, fertilizer works, bone yards or plants for the reduction of animal matter or any other industrial or agricultural use which is determined by the Planning Commission to be similarly objectionable because of noise, odor, smoke, dust or fumes.”

SECTION THREE. The Inyo County Code is amended to add section 18.06.161 as follows:

“18.06.161 Cannabis.

“Cannabis " means all parts of the plant *Cannabis sativa* Linnaeus., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include (a) industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code as may be amended; or (b) The weight of any other

ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.”

SECTION FOUR. The Inyo County Code is amended to add section 18.06.162 as follows:

“18.06.162 Cannabis Accessories.

“Cannabis accessories” means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.”

SECTION FIVE. The Inyo County Code is amended to add section 18.06.163 as follows:

“18.06.163 Cannabis Products.

“Cannabis products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.”

SECTION SIX. The Inyo County Code is amended to add section 18.06.181 as follows:

“18.06.181 Commercial Cannabis Activity.

“Commercial cannabis activity” means any commercial business activity relating to cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, and selling (wholesale and/or retail sales) of cannabis and any ancillary products and accessories in the unincorporated area of the County, whether or not carried on for gain or profit.”

SECTION SEVEN. The Inyo County Code is amended to add section 18.06.182 as follows:

“18.06.182 Commercial Cannabis Conditional Use Permit Classification.

Commercial cannabis conditional use permits potentially available under this Title 18 shall, at a minimum, be as follows:

- A. Cultivation Permit for commercial activity involving activity involving the planning, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- B. Classification 6, "Manufacturing Level 1, for sites that manufacture cannabis products using nonvolatile solvents, or no solvents.
- C. Classification 7, Manufacturing Level 2, "for sites that manufacture cannabis products using volatile solvents.
- D. Classification 8, Testing Laboratory.
- E. Classification 10, "Retailer," for the retail sale and delivery of marijuana cannabis or marijuana cannabis products to customers.
- F. Classification 11, "Distributor" for the distribution of marijuana cannabis and marijuana cannabis products.

G. Classification 12, "Microbusiness" for the cultivation of marijuana on an area less than 10,000-square-feet and to act as a licensed distributor, Level 1 manufacturer, and/or retailer.”

SECTION EIGHT. Inyo County Code Section 18.12.040, Open Space – Conditional Uses, is amended to add subsections N, O, and P as follows:

“N. Commercial cannabis cultivation, which shall be three hundred (300) feet from all parcel lot lines, and shall comply with otherwise applicable yard requirements.

“O. Non-volatile cannabis manufacturing pursuant to commercial cannabis license classification 6.

“P. Cannabis microbusinesses pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

SECTION NINE. Inyo County Code Section 18.21.040, Rural Residential – Conditional Uses, is amended to add subsections H and I as follows:

“H. Commercial cannabis cultivation on parcels greater than twelve (12) acres, such cultivation shall be at least three hundred (300) feet from all parcel lot lines.”

“I. Commercial cannabis cultivation on parcels greater than 2.5 acres shall be allowed only in the areas commonly known as Stewart Valley and Charleston View and subject to any design guidelines and other conditions and regulations, including set-backs that may be promulgated or required by the County.

SECTION TEN. Inyo County Code Section 18.44.030, Central Business – Conditional Uses, is amended to add subsections H, I, and J as follows:

“H. Commercial cannabis retailer and delivery, pursuant to commercial cannabis license classification 10;

“I. Commercial cannabis distributor pursuant to commercial cannabis license classification 11;

“J. Commercial cannabis microbusiness pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

SECTION ELEVEN. Inyo County Code Section 18.45.030, General Commercial and Retail – Conditional Uses, is amended to add subsections K, L, and M as follows:

“K. Commercial cannabis retailer and delivery, pursuant to commercial cannabis license classification 10;

“L. Commercial cannabis distributor pursuant to commercial cannabis license classification 11;

“M. Commercial cannabis microbusiness pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

SECTION TWELVE. Inyo County Code Section 18.48.030, Highway Services and Tourist Commercial – Conditional Uses, is amended to add subsections L, M, and N as follows:

“L. Commercial cannabis retailer and delivery, pursuant to commercial cannabis license classification 10;

“M. Commercial cannabis distributor pursuant to commercial cannabis license classification 11;

“N. Commercial cannabis microbusiness pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

SECTION THIRTEEN. Inyo County Code Section 18.49.040, Heavy Commercial – Conditional Uses, is amended to add subsections K, L, M, and N as follows:

“K. Non-volatile cannabis manufacturing pursuant to commercial cannabis license classification 6;

“L. Commercial cannabis transportation or distribution facilities pursuant to commercial cannabis license classification 11;

“M. Commercial cannabis testing facilities pursuant to commercial cannabis license classification 8;

“N. Cannabis microbusinesses pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

SECTION FOURTEEN. Inyo County Code Section 18.56.040, Light Industrial – Conditional Uses, is amended to add subsections G, H, I, J, and K as follows:

“G. Commercial cannabis cultivation shall be conducted indoors only, and subject to odor, noise and visual resource mitigation requirements;

“H. Non-volatile commercial cannabis manufacturing pursuant to commercial cannabis license classification 6;

“I. Commercial cannabis transportation or distribution facilities pursuant to commercial cannabis license classification 11;

“J. Commercial cannabis testing facilities pursuant to commercial cannabis license classification 8;

“K. Cannabis microbusinesses pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

SECTION FIFTEEN. Inyo County Code Section 18.57.040, General Industrial and Extractive – Conditional Uses, is amended to add subsections G, H, I, J, K, and L as follows:

“G. Commercial cannabis cultivation shall be conducted indoors only, and subject to odor, noise and visual resource mitigation requirements;

“H. Non-volatile commercial cannabis manufacturing pursuant to commercial cannabis license classification 6;

“I. Volatile commercial cannabis manufacturing pursuant to commercial cannabis license classification 7;

“J. Commercial cannabis transportation or distribution facilities pursuant to commercial cannabis license classification 11;

“K. Commercial cannabis testing facilities pursuant to commercial cannabis license classification 8;

“L. Cannabis microbusinesses pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section.”

SECTION SIXTEEN. The Inyo County Code is amended to add Section 18.78.360 as follows:

“18.78.360 Commercial Cannabis.

A. Conditional use permits are required in all instances of land use involving commercial cannabis activities. Issuance of any conditional use permit for commercial cannabis activities shall be contingent upon the commercial cannabis activity being conducted in compliance with all applicable State and local laws, including but not limited to Inyo County Code Chapters 3.50 (taxes) and 5.40 (business license). The business license required by Chapter 5.40 shall be obtained prior to the planning commission holding a hearing on an application for a conditional use permit pursuant to this section.

B. Conditional use permits for commercial cannabis activities are potentially available as follows:

1. Cultivation - in the Open Space, Rural Residential, Heavy Industrial and Extractive, and Light Industrial zones;
2. Manufacturer Level 1 - in the Open Space, Heavy Commercial, Light Industrial and Heavy Industrial and Extractive zones;
3. Manufacturer Level 2 - in the General Industrial and Extractive zone;
4. Retailer - in the Central Business, General Commercial and Retail, Highway Service and Tourist Commercial; Distributor – in the Heavy Commercial, General Industrial and Extractive and Light Industrial zones; and,
5. Microbusiness – in the Open Space, Heavy Commercial, General Industrial and Extractive and Light Industrial zones so long as the authorized microbusiness does not otherwise expand the types of permitted land uses within said zones.

C. Consistent with California Business and Professions Code section 26054(b), no commercial cannabis activities shall be conditionally permitted on a parcel within a 600-foot radius of 123 School Road, Olancha CA 93545, or a park or library in existence at the time the conditional use permit application is deemed complete by the Inyo County Planning Department. This section shall not include the area commonly known as “Laws”, provided that any cultivation in Laws shall be indoors and subject to odor mitigation requirements.

D. Consistent with California Health and Safety Code section 11362.3, no conditional use permit authorizing the smoking of cannabis or cannabis products shall be issued for a parcel within 1,000-feet of a park or library while children are present at any such facility.

E. Additional conditions beyond the minimum standards may be required to mitigate potential impacts identified in the County’s consideration of an application for a conditional use permit for commercial cannabis activity, including, but not limited to, measures to eliminate odor, unnatural light pollution and impacts to visual resources.

F. In addition to any requirements set forth in Inyo County Code Chapter 18.81, notice shall be provided to all properties located within 1,500-feet of the property the commercial cannabis activity is proposed on.”

SECTION SEVENTEEN.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a

decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION EIGHTEEN. Effective date.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption thereof, a summary of this Ordinance shall be published once in a newspaper of general circulation printed and published in the County of Inyo, State of California in accordance with Government Code Section 25124(b). The Clerk of the Board is hereby instructed and ordered to so publish a summary of this Ordinance together with the names of the Board voting for and against same.

PASSED AND ADOPTED this 16th day of January, 2018 by the following vote of the Inyo County Board of Supervisors:

AYES: -4- Supervisors Griffiths, Kingsley, Pucci, Totheroh

NOES: -0-

ABSTAIN: -0-

ABSENT: -1- Supervisor Tillemans



Dan Totheroh, Chairperson

ATTEST: Kevin Carunchio
Clerk to the Board

By: _____


Darcy Ellis, Assistant