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**RESOLUTION R17- 88**  
**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS**  
**INITIATING AND ADOPTING GENERAL PLAN AMENDMENT (GPA) 17-03/CANNABIS**  
**ESTABLISHING POLICIES GOVERNING COMMERCIAL CANNABIS ACTIVITIES**

**WHEREAS**, in January 2016, the Medical Cannabis Regulation and Safety Act (MCRSA) went into effect, which created a dual licensing scheme for commercial medical cannabis activity in California; and

**WHEREAS**, in November 2016, the voters of California passed Proposition 64, legalizing adult recreational use of cannabis and commercial recreational cannabis activities; the Proposition passed in every precinct in Mono County; and

**WHEREAS**, in June 2017, Senate Bill 94 (SB 94) was passed, which consolidated the provisions of MCRSA and Proposition 64 into what is now known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA); and

**WHEREAS**, Mono County enacted an interim moratorium on all commercial cannabis activities to provide time to develop recommendations for a responsible and comprehensive program to govern such activities under the County's authority and in compliance with State regulations; and

**WHEREAS**, from March to August 2017, the Planning Division of the Mono County Community Development Department (hereinafter "Staff") conducted two rounds of public outreach via the Regional Planning Advisory Committees and the June Lake Citizens Advisory Committee to hear public concerns and opportunities, and receive public input on a regulatory framework, related to the legalization of commercial cannabis activities; and

**WHEREAS**, the Board of Supervisors has held four public workshops on commercial cannabis since March 2017, and the Planning Commission held a workshop on Sept. 21, 2017, at which the Board and Commission provided input and direction on policy issues raised by public outreach and received additional public input; and

**WHEREAS**, in response to the workshops and policy discussion, the Board of Supervisors directed the initiation of a General Plan Amendment on October 3, 2017, to adopt policies pertaining to cannabis activities to sustain progress toward a complete and comprehensive County regulatory program; and

**WHEREAS**, until such time as a cannabis regulatory program is enacted by the County and takes effect, no permits or other approvals to conduct such activities are authorized; and

**WHEREAS**, on October 19, 2017, the Planning Commission held a duly-noticed public hearing regarding GPA 17-03 establishing policies governing commercial cannabis activities, and approved Resolution 17-01 recommending the Board approve the General Plan Amendment; and

1           **WHEREAS**, Business and Professions Code § 26055(h) exempts the adoption of an ordinance, rule,  
2 or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or  
3 other authorizations to engage in commercial cannabis activity provided the discretionary review includes  
any applicable environmental review pursuant to the California Environmental Quality Act; and

4           **WHEREAS**, having reviewed and considered all the information and evidence presented to it,  
5 including the recommendation of the Planning Commission, public testimony (including public testimony  
6 heard on December 5, 2017 during the duly-noticed public hearing), written comments, and staff reports and  
7 presentations, the Board of Supervisors has determined to make the required findings and adopt GPA 17-  
03/Cannabis amending language in the Land Use Element and Conservation/Open Space Element.

8           **NOW, THEREFORE, THE MONO COUNTY BOARD OF SUPERVISORS HEREBY FINDS  
AND RESOLVES AS FOLLOWS:**

9           **SECTION ONE:** The Board of Supervisors finds that GPA 17-03/Cannabis is exempt from review  
10 under CEQA pursuant to Business and Professions Code § 26055(h).

11           **SECTION TWO:** The Board of Supervisors further finds that the General Plan Amendment,  
12 including all text changes to the Land Use Element and Conservation/Open Space Element of the  
13 Mono County General Plan pertaining to legal cannabis activities, which are attached hereto as  
14 Exhibit A and incorporated herein by reference, is consistent with the General Plan as well as all  
applicable area plans.

15           **SECTION THREE:** The Board of Supervisors hereby adopts GPA 17-03/Cannabis, which is  
16 attached hereto as Exhibit A and incorporated by this reference.

17 **PASSED AND ADOPTED** this 5th day of December, 2017, by the following vote:

18 **AYES:**Supervisors Corless, Gardner, Peters, and Stump.

19 **NOES:** None.

20 **ABSENT:**Supervisor Johnston.

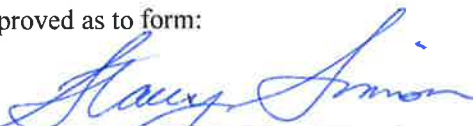
21 **ABSTAIN:** None.

22  
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24 Stacy Corless, Chair

25 **Attest:**

25 **Approved as to form:**

26   
27 \_\_\_\_\_  
28 Clerk of the Board

26   
27 \_\_\_\_\_  
28 County Counsel

**Mono County Board of Supervisors Resolution 17- 88 – Exhibit A**  
**GPA 17-03: Commercial Cannabis Policies**

\*Note: Text in *italics* denotes existing and currently adopted General Plan language, which is provided for context and clarity.

**LAND USE ELEMENT: Countywide Policies**

***Goal 1 (Existing). Maintain and enhance the environmental and economic integrity of Mono County while providing for the land use needs of residents and visitors.***

***Objective 1.G (Existing). Protect open space and agricultural lands from conversion to and encroachment of developed community uses.***

***Policy 1.G.1 (Existing). Protect lands currently in agricultural production.***

***Action 1.G.1.a. Designate large parcels in agricultural use as “Agriculture,” and streamline re-designations for agricultural purposes by processing a discretionary permit (when applicable) concurrently with the land use designation change.***

**Objective 1.L.** Provide for commercial cannabis activities in Mono County in a way that protects public health, safety, and welfare while also taking advantage of new business and economic development activities.

**Policy 1.L.1.** Amend land use designations to specify where commercial cannabis activities may be permitted in conjunction with the appropriate permits based on a conformance analysis considering whether the activities are “similar and not more obnoxious or detrimental to the public health, safety, and welfare” than the uses presently listed for the same designation.

**Action 1.L.1.a.** Where deemed necessary, provide specific adjustments via area plans, when consistent with this general plan, in order to provide for a balanced and functional mix of land uses (see LUE Objective 1.C. and Antelope Valley Action 4.A.2.d.).

**Action 1.L.1.b.** Provide consideration for certain low-impact manufacturing uses, such as edibles and packaging/labeling, to be identified as substantially similar in use to food-service establishments or retail/service trades, despite falling under a single state license type that includes more traditional manufacturing uses, such as extraction.

**Action 1.L.1.c.** Given the uncertainties inherent to a new regulatory program and its application to a recently legalized industry, retain flexibility to address site-specific issues, unique needs, and public noticing and input by requiring all cannabis activities be subject to a discretionary permit, a public hearing, and the California Environmental Quality Act (CEQA), and allow the County to continue developing a regulatory system for

future Board adoption and implementation, which provides for limited permitting of cannabis activities and preserves options for the County in the future.

**Action 1.L.1.d.** To ensure regulatory compliance and assure responsible operations, permits and approval conditions may contain requirements for annual renewals and inspections, or other requirements, and associated fees.

**Policy 1.L.2.** Personal cannabis cultivation of six plants or less, as legalized and regulated by State law, should be conducted in a manner that respects neighbors and community character, and protects against potentially detrimental issues such as the criminal element, access by minors, and general nuisance issues.

**Action 1.L.2.a.** Personal cannabis cultivation is required to comply with all state regulations, including the California Building Code for any new construction or alterations/modifications to existing structures.

**Action 1.L.2.b.** Personal cannabis cultivation is subject to the Nuisances and Hazards provisions in Chapter 4 of this General Plan, and any other applicable General Plan policies and County codes.

**Action 1.L.2.c.** All personal grows shall comply with State requirements.

**Action 1.L.2.d.** Provide educational “best practices” for personal cultivation to prevent impacts to neighbors and the community.

**Policy 1.L.3.** Avoid, reduce, and prevent potential issues specific to commercial cannabis activities that may adversely affect communities.

**Action 1.L.3.a.** Cannabis businesses shall not locate within 600’ of any of the following facilities that exist 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.

**Action 1.L.3.b.** Apply increased setbacks to commercial cannabis cultivation activities to prevent odor nuisance and visual/aesthetic issues, and enhance security.

**Action 1.L.3.c.** Apply visual screening and other treatments to prevent attractive nuisance issues related to aesthetics and security, such as theft, exposure of minors, and attraction of the criminal element.

**Action 1.L.3.d.** Outdoor lighting shall meet Chapter 23 – Dark Sky Regulations (including in Antelope Valley), and requirements for indoor lighting shall similarly prevent nuisances caused by unnecessary light intensity, direct glare, and light trespass, and protect the ability to view the night sky by restricting unnecessary upward projection of light, and prevent impacts to wildlife species attracted to light sources.

**Action 1.L.3.e.** Regulations shall provide for the limitation of odor nuisances for adjacent uses, which may include, but are not limited to, increased setbacks, minimum distances from existing structures under separate ownership, odor control filtration devices, and ventilation requirements.

**Action 1.L.3.f.** To ensure security, safety, and prevent access by minors and the criminal element, a Security Plan shall be required and subject to approval by appropriate law enforcement and code enforcement entities.

**Action 1.L.3.g.** To ensure commercial cannabis activities are compatible with the scenic and natural landscape of Mono County, implement applicable requirements related to the California Environmental Quality Act (CEQA), and policies in the Conservation/Open Space Element, including sage-grouse mitigation measures (see C-OS, Action 2.A.3.e.).

**Policy 1.L.4.** In recognition of the potential economic benefits of this new industry, encourage the responsible establishment and operation of commercial cannabis activities.

**Action 1.L.4.a.** Provide a balanced and functional mix of land uses where commercial activities are permitted such that there is an opportunity for the private sector to establish the complete economic business supply chain, e.g. from nursery and cultivation to final point of sale.

**Action 1.L.4.b.** Economic benefits to the County include cost recovery from permit fees and increased revenue from taxes; therefore, the County should seek full cost recovery for services rendered and place a tax measure on the next available ballot.

**Policy 1.L.5.** Work toward consistent and compatible regulations and efficient oversight of cannabis activities with other responsible entities, from the state level, to local level, to other Mono County Departments.

**Action 1.L.5.a.** Stay informed of State activities and requirements related to commercial cannabis, including not only the licensing authorities of the Bureau of Medical Cannabis Regulation, CalCannabis Cultivation Licensing, and Office of Manufactured Cannabis Safety, but also associated agencies such as the Lahontan Regional Water Quality Control Board, California Department of Fish and Game, California Building Standards Commission, and others.

**Action 1.L.5.b.** Coordinate with local agencies and districts, such as fire districts, water providers, and other service providers, and other local jurisdictions, such as Inyo County and the Town of Mammoth Lakes, as needed.

**Action 1.L.5.c.** Coordinate oversight activities with other applicable County departments, such as the Inyo-Mono Agricultural Commissioner's office, Environmental Health, Mono County Sheriff, and others as needed.

**Action 1.L.5.d.** Ensure consistency with local area plans, and adjust area plans where appropriate to reflect community circumstances, preferences and priorities.

#### **LAND USE ELEMENT: Antelope Valley Policies**

***GOAL 4 (Existing).*** Provide for orderly growth in the Antelope Valley in a manner that retains the rural environment, and protects the area's scenic, recreational, agricultural, and natural resources.

***Objective 4.A (Existing).*** Guide future development to occur within the US 395 corridor and existing communities.

***Policy 4.A.2 (Existing).*** Provide for a mix of residential, commercial, recreational, institutional, and industrial park land uses in a manner consistent with the overall goal for the Antelope Valley.

**Action 4.A.2.d.** To promote main street and economic development as provided by other policies (Objectives 4.D. and 4.E.), emphasize commercial character and uses on US 395/main street frontages in the Mixed Use (MU) designation.

#### **CONSERVATION/OPEN SPACE ELEMENT: Biological Resources**

**Add to the bulleted list under Action 2.A.3.e.:** To protect nesting and brood-rearing habitat, agricultural cultivation shall not disturb or remove sagebrush habitat within three miles of an active lek, or as determined through an informal consultation process with applicable Bi-State Conservation partners.