

PROPOSED DRAFT Title 18 Chapter 4

18.42.055 Commercial Cannabis Cultivation

In addition to the operating requirements set forth in Chapter 9.30 of the Municipal Code, this Section provides location and operating requirements for commercial cannabis cultivation. Chapter 9.30 and Section 18.100.020 contains definitions of terms used herein.

- A. **Conditional use.** A Minor Use Permit shall be required to commercially cultivate mature or flowering cannabis plants in accordance with Table 2-10 of Section 18.24.030.
- B. **Operational requirements.** In addition to project specific conditions of approval and the requirements set forth in Chapter 9.30, commercial cannabis cultivation shall comply with the following operational requirements:
 1. **Employees.** The cannabis operator shall maintain a current register of the names of all employees and shall disclose such register for inspection by any City officer or official for purposes of determining compliance with the requirements of this Section and/or any project specific conditions of approval prescribed in the Minor Use Permit.
 2. **Visitors.** Only employees, managers, owners, and government agency representatives are allowed in non-public areas of the business. Any other visitors to non-public areas must be documented in a log.
 3. **Utilities.**
 - a. Commercial cannabis cultivation shall use the best available technologies for water systems and water recycling and are encouraged to use an alternate source of water from the City's potable water system.
 - b. Commercial cannabis cultivators shall use energy efficient lighting and equipment. A cannabis cultivator shall provide proof of the utility provider's ability to provide reliable power to the cultivation site.
 - c. Electricity must be exclusively provided by a renewable energy source, including but not limited to:
 1. Grid power supplied from a 100% renewable source, or
 2. An on-site renewable energy system
 - d. Cultivation projects shall use environmentally friendly practices including integrative pest management and waste reduction.
 4. **Odor.** Cannabis cultivations shall use the best available technology to ensure odors are not detected on adjacent or nearby property or areas open to the public.
- C. **Accessory uses to commercial cultivation.** As defined in Article 10, accessory uses are customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use. Accessory uses may include activities that require additional State cannabis licenses including

processing, manufacturing, distribution and retail. The following activities are authorized as accessory uses to commercial cannabis cultivation:

Industrial Zones	Storefront cannabis retail Delivery cannabis retail Processing Distribution and Wholesale Manufacturing
------------------	---

18.42.057 Cannabis Storefront Retail

- A. **Cannabis Business Permit Required.** A cannabis storefront retail business shall obtain a cannabis business permit subject to Chapter 9.30 of the Municipal Code and any required state licenses prior to operation.
- B. **Permitted Use.** A cannabis storefront retail business is a permitted use in the Central Business District, General Commercial, and Highway Visitor Commercial Zones subject to the limitations imposed in Table 2-6, the requirements of this section, and the requirements of Chapter 9.30 of the Municipal Code. A cannabis retail – delivery only is a permitted use in Commercial General and Highway Visitor Commercial.
- C. **Accessory uses.** As defined in Article 10, an accessory use is customarily incidental to, related and clearly subordinate to a primary use, on the same parcel, which does not alter the primary use as defined in Article 10. ~~nor serve property other than the parcel where the primary use is located.~~ A cannabis business with more than one accessory use, or with another use that does not qualify as accessory, shall be considered a microbusiness and subject to section 18.42.058. A retail business may still be considered retail with two accessory uses only if one of the uses is “onsite distribution” as defined in Article 10. Accessory uses are determined by the definitions in Article 10.

1. The following uses are allowable as accessory uses to cannabis storefront retail:

Zone	Allowable Accessory Uses
Central Business District	Nursery (non-flowering) cultivation; Artisan/craft manufacturing of cannabis products; Retail Delivery; On-Site Distribution
Highway Visitor Commercial	Nursery (non-flowering) cultivation; Processing; Manufacturing (non-volatile); Distribution and Wholesale; Retail Delivery; On-Site Distribution
General Commercial	Nursery (non-flowering) cultivation; Processing;

	Distribution and Wholesale; Manufacturing (non-volatile); Retail Delivery; On-Site Distribution
--	--

2. In no instance shall cannabis manufacturing using volatile solvents be allowable as an accessory use to cannabis retail.
3. A commercial cannabis nursery may be allowable as an accessory use to a cannabis retail business or as part of a microbusiness with a licensed and permitted retail cannabis business provided that the following criteria are met:
 - i. Nursery plants cultivated on sites are only sold as retail on-site.
 - ii. No flowering or mature plants are cultivated on-site.
 - iii. The nursery is clearly accessory to the retail business.
 - iv. The nursery cultivation takes place in a fully enclosed and secure structure as defined in Chapter 9.30.020.

18.42.058 Cannabis Microbusiness

A cannabis microbusiness, as defined in Article 10 is a cannabis business that conducts either two commercial cannabis activities on one parcel where neither can be determined to be accessory to the other, or a cannabis business that conducts more than two commercial cannabis activities on one parcel. In addition to the operating requirements set forth in Chapter 9.30, this Section provides location and operating requirements for cannabis microbusinesses.

A. General Commercial Zone (CG) and Visitor Highway Commercial Zone (CH) requirement for a cannabis microbusiness:

1. A cannabis microbusiness in the CH or CG zones shall include a retail business with a storefront facing the street.
2. A cannabis microbusiness in the CH or CG zones shall meet the operating requirements for Cannabis Storefront Retail Section 18.42.057(B)
3. A microbusiness that includes nursery cultivation shall meet the requirements of Section 18.42.055 Cannabis Cultivation.
4. Allowable microbusiness activities in the CH or CG zones may include Storefront Retail Cannabis, Retail Delivery, cannabis processing, non-volatile manufacturing, wholesale and distribution of cannabis, and nursery cannabis cultivation.
5. The cultivation of mature or flowering cannabis plants is not allowed in commercial zones.
6. Manufacturing of cannabis using volatile chemicals is prohibited in commercial zones.

7. Non-retail cannabis activities in commercial zones shall not be visible from the public right of way.
 8. A cannabis microbusiness shall not create noise above the noise level performance standards set in the Inland General Plan Noise Element Table N-5 (55 db) as registered at the nearest residential property line,
 9. A cannabis microbusiness shall not create a public nuisance as defined in Municipal Code Chapter 6.12.
- B. A cannabis microbusiness in the industrial zone shall meet the following requirements:
1. Conditional use. A Minor Use Permit shall be required to operate a cannabis microbusiness in accordance with Table 2-10 of Article 2.
 2. A microbusiness that includes cultivation shall meet the requirements set forth in Section 18.42.055.
 3. A microbusiness that includes storefront retail component shall meet the operating requirements in 9.30.150.
 4. A microbusiness that includes volatile manufacturing shall require a Use Permit.

18.42.059 - Cannabis Retail - Delivery Only

In addition to the operating requirements set forth in Chapter [9.30](#), this Section provides location and operating requirements for cannabis retail - delivery only. Chapter [9.30](#) contains definitions of terms used herein.

A. Conditional use. A Minor Use Permit shall be required to operate cannabis retail - delivery only in accordance with Table 2-6 of Article [2](#).

B. Operational requirements. In addition to project specific conditions of approval and the requirements set forth in Chapter [9.30](#), cannabis retail - delivery only uses shall comply with the following operational requirements:

1. Cannabis retail - delivery only uses shall comply with the same operational requirements applicable to cannabis retail uses, as described in § [18.42.057](#).
2. The application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set forth in Chapter [9.30](#), this Section, and State law.