



November 27, 2017

**REQUEST FOR PROPOSALS
MEDICAL CANNABIS CULTIVATION NURSERIES AND
PROCESSING FACILITIES**

DUE DATE/TIME: JANUARY 12, 2018 by 4:00 PM

1.0 Introduction

The County of Yolo is requesting applications for licenses to operate cannabis nurseries and drying/hand trimming facilities (“processing facilities”) as part of a pilot program. This Request for Proposals (“RFP”) describes the contents of the applications to be submitted in response to the RFP, the evaluation criteria, and the competitive solicitation process. Up to three nursery licenses and up to three processing facility licenses will be issued.

Although this document is referred to as an RFP, the document to be submitted in response is referred to as an application, rather than a proposal.

Applicants who submit a response to this RFP must have the ability to meet all of the requirements contained in this RFP, including those in the terms and conditions, exhibits, and attachments.

2.0 Background

In March 2016, the Yolo County Board of Supervisors approved the cultivation of medical cannabis pursuant to Chapter 20 to Title 5 of the Yolo County Code. The allowed activities under the County Code were expanded on November 7, 2017, to include a limited number of nursery licenses and processing facility licenses as part of a pilot program following a competitive solicitation process.¹ The purpose of this Request for Proposals is to solicit applications for nursery licenses and processing facility licenses. Upon completion of the RFP process, the top three highest ranking nursery Applicants and top three highest ranked processing facility Applicants will be presented to the Board of Supervisors with a request for direction to staff to commence the California Environmental Quality Act (CEQA) environmental review process. CEQA compliance is required prior to the issuance of a license; once it is successfully completed and all other license requirements are met, the license can be issued. However, no licenses will be issued prior to the consideration of the County cannabis tax measure in June 2018, discussed below.

The licenses will be valid through December 31, 2018, after which they must be renewed annually unless a different term is included in a development agreement. Similarly, unless otherwise specified in a development agreement, all matters relating to the expiration, administration, renewal, enforcement, and revocation of licenses under Title 5, Chapter 20 of the Yolo County Code shall apply to a nursery license or processing facility license. The processing and approval of development agreements must comply with provisions of California law relating to such agreements (California Government Code Section 65864 *et seq.*).²

It is also important to note that the County is in the process of developing a land use ordinance for its medical cannabis cultivation program. Once adopted in or about late 2018/early2019, license holders for cultivation sites, nurseries, and processing facilities lacking a development agreement will be required to obtain a discretionary land use permit. The land use permit will be tied to the property on which the

¹ Pursuant to Chapter 20 to Title 5 of the Yolo County Code, a “Nursery” means a facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of marijuana. A “Processing Facility” means a site that conducts only drying, curing, grading, trimming, or packaging for transport of marijuana and non-manufactured marijuana projects.

² Development Agreements are a means of providing developers “vested rights” to build and/or operate a proposed project for a specified period in exchange for their commitment to provide public improvements, fees, or other benefits to the approving local government entity.

activity is located and will be valid as long as the permit holder remains in compliance with the conditions of the permit. The licenses for the owner/operator of each cultivation site, nursery, and processing facility lacking a development agreement will still be required to be renewed annually.

Lastly, the County Board of Supervisors is considering placing a cannabis tax measure on the June 2018 ballot. However, pursuant to Chapter 20 to Title 5, Section 5-20.18, should the measure not be placed on the June 2018 ballot, be placed on the ballot and not pass, or pass but be successfully challenged and repealed or otherwise invalidated, the County's cannabis cultivation program, including nurseries and processing facilities, will automatically be repealed. Section 5-20.18 includes varying grace periods for outdoor cultivation, mixed-light cultivation and indoor cultivation should the program be canceled. The nurseries or processing facilities will not be licensed prior to voter consideration of the tax measure in June 2018.

3.0 Application Evaluation Process

The evaluation process is designed to license Applicants with the best combination of attributes based upon the evaluation criteria and providing the best value of the County. The County reserves the right, at its sole discretion, to request clarifications of applications or to conduct discussions for the purpose of clarification with any or all Applicants. If clarifications are made as a result of such discussion, the Applicant shall put such clarifications in writing.

The RFP application evaluation process consists of the following two phases:

- Phase 1 - RFP Application Evaluation; and
- Phase 2 - Interview and Site Visit

Phase 1 consists of a review of the application materials for completeness and content. As discussed further below, the top five highest ranked nursery applications and top five highest ranked processing facility applications from the Phase 1 evaluation will continue to the Phase 2 interview and site visit.

Below is a discussion on each of the evaluation phases, scoring rubric, criteria, and process.

3.1 Phase 1 RFP Application Evaluation Scoring Rubric

Table 1 below provides the scoring rubric to be used in evaluating the application materials in response to the RFP. The information will be scored on a zero to 100-point scale. For each of the Phase 1 evaluation criteria included in Table 2, below, the scores, based on the scoring rubric, will be added to arrive at a maximum point score. An application with a high score will be deemed of a higher quality than an application with a lower score. The Phase 1 maximum score is 1,000 points. The top five nursery applications and top five processing facility applications will continue on to the Phase 2 interview and site visit.

The zero to one hundred-point scale range is defined as follows:

| Table 1 | | |
|--|-----------------------|---|
| Phase 1 Evaluation Scoring Rubric | | |
| 0 | Not Acceptable | Non-responsive. The application fails to meet the RFP specifications and does not include or address all of the information required to be included in the application. |
| 20 | Poor | Below average, falls short of expectations, is substandard to that which is the average or expected norm, has a low probability of success in achieving objectives per the RFP |
| 40 | Fair | Has a reasonable probability of success; however, some objectives may have not be met. |
| 60 | Average | Acceptable. Achieves all objectives in a reasonable fashion per RFP specification. This will be the baseline score for each item with adjustments based on interpretation of application by Evaluation Committee members. |
| 80 | Above Average/Good | Very good probability of success, better than that which is average or expected as the norm. Achieves all objectives per RFP requirements and expectations. |
| 100 | Excellent/Exceptional | Exceeds expectations, very innovative, clearly superior to that which is average or expected as the norm. Excellent probability of success and in achieving all objectives and meeting RFP specification. |

3.3 Phase 1 Evaluation Criteria

The County will select the applications that present the best value and are most advantageous to the County and the public, based the evaluation criteria set forth below. Final selection is at the sole discretion of the Board of Supervisors or its designee(s), which reserves the right to make no selection based on this RFP. There are no appeal or protest rights.

The Phase 1 evaluation criteria is based on information about the proposed nursery or processing facility site and proposed measures to reduce or avoid impacts to neighbors and the surrounding community. It also includes an evaluation of the business operations, experience in operating the same or similar business, and community benefits. Specifically, the Phase 1 evaluation criteria consists of the following nine items:

- 1) Project Description, Site Location, Site Plan, and Zoning Designation;
- 2) Environmental Site Information;
- 3) Neighborhood Compatibility Information;
- 4) Environmental Considerations
- 5) Safety and Security Plan;
- 6) Operating Plan;
- 7) Business Plan;
- 8) Business Experience; and
- 9) Community Benefits Plan

The application will be reviewed to determine which proposed projects will likely have less impact on the environment, neighbors, and the surrounding community and are most likely to be operated successfully.

The content of the applications and the evaluation criteria are as follows in Table 2:

| Table 2 | | |
|------------------------------------|--|-----------------------|
| Phase 1 Evaluation Criteria | | |
| | Evaluation Criteria | Maximum Points |
| A. | <p>Project Description, Site Plan, and Zoning Designation:</p> <ul style="list-style-type: none"> – Include a project description which adequately informs the reader on the specifics of the proposed project. This must include anticipated daily vehicle trips, lighting, noise sources, and potential for odors. The application must also describe what the site will look like after it is developed. – Include a site plan, which must include all of the project components (see Site Plan example in Attachment 1, Appendix C). – Provide a diagram showing the land uses (based on the Applicant’s reasonable due diligence and inquiry) of the parcels located within 1,000 feet from the boundary line of the property where the proposed project will be located. – Certify that the proposed project meets or exceed the location limitations contained in Title 5, Chapter 20. – Provide the zoning designation for the parcel on which the project is located. | 100 Points |
| B. | <p>Environmental Site Information</p> <ul style="list-style-type: none"> – Describe the parcel on which the project is to be located, including any environmental features such as streams, drainages, waterways, or wetlands. – Address any potential adverse impacts to adjacent property owners and the surrounding community from traffic, lighting, noise, odors, aesthetics, or other project-related impacts. – Complete and include the Yolo County Environmental Health Land Use Review Survey (Attachment 1, Appendix C). | 100 Points |
| C. | <p>Neighborhood Compatibility Information</p> | 200 Points |

| | | |
|----|---|------------|
| | <ul style="list-style-type: none"> – Describe how any impacts to neighbors and the surrounding community would be minimized or mitigated. – Describe how traffic, light, noise, odor, and aesthetic or other project-related impacts will be minimized or mitigated. – Describe whether there are other cultivation sites in the vicinity (within a quarter mile) of the proposed nursery or processing facility location. | |
| D. | <p>Environmental Considerations:</p> <ul style="list-style-type: none"> – Intent to commit to working with the Valley Clean Energy Alliance (VCEA) as the energy service provider for the nursery or processing facility. – Describe proposed “green” business practices energy efficiency, use of renewable energy and selling any excess energy generated to VCEA, the use of green building measures, water conservation, and waste management (recycling and re-use programs). | 100 Points |
| E. | <p>Safety and Security Plan:</p> <ul style="list-style-type: none"> – Include an adequate safety plan describing the fire prevention, suppression, and alarm systems the facility will have in place. An appropriate plan will have considered all possible fire, hazardous materials, and inhalation issues/threats and will have both written and physical mechanisms in place to deal with each specific situation. – Include an adequate Security Plan containing a detailed description of the proposed security arrangements for ensuring the safety of persons from theft and robbery and protection of the property from theft and burglary. | 100 Points |
| F. | <p>Operating Plan:</p> <p>Include an Operating Plan describing how the nursery or processing facility will operate, consistent with state and local law, including but not limited to:</p> <ul style="list-style-type: none"> – The minimum staffing levels for operation; – Policies and procedures for record keeping; | 100 Points |

| | | |
|----|--|------------|
| | <ul style="list-style-type: none"> – Other relevant information regarding the operation of the proposed cannabis cultivation site; and – A schedule for beginning operation, including a narrative outlining any proposed construction improvements and a timeline for completion. | |
| G | <p>Business Plan:</p> <p>The Business Plan must include:</p> <ul style="list-style-type: none"> – A budget for construction, operation, maintenance, compensation of employees, equipment costs, utility costs, and other operation costs. The budget must demonstrate sufficient capital in place to pay start-up costs and at least three months of operating costs, as well as a description of the sources and uses of funds. – A pro forma for at least three years of operation. | 100 Points |
| H. | <p>Experience</p> <p>Provide a description of experience in operating the same or similar business.</p> | 100 Points |
| I. | <p>Community Benefits Plan:</p> <p>Applications must include a description of a proposed Community Benefits Plan consistent with the County’s Strategic Plan, such as: policing of illegal cannabis cultivation (Safe Communities), mitigating the negative externalities of cannabis consumption (Safe Communities/Thriving Residents), programs benefiting children (Thriving Residents), and improving rural infrastructure (Safe Communities). Monetary support of such programs and activities is not a required component of the application.</p> <p>For an Applicant seeking a longer term license, the Applicant can propose entering into a development agreement with the County and include principles of the agreement which include the elements of the Community Benefits Plan. By way of example only, the development agreement can propose the payment of fees to the County to support general governmental activities (e.g., law enforcement, community health and</p> | 100 Points |

| | | |
|--|--|--|
| | mental health programs, and programs benefiting children) annually during the term of the agreement. | |
|--|--|--|

Given the importance of the Neighborhood Compatibility Information, the maximum number of points available for this criterion is double (200 points) compared to the other evaluation criteria.

In addition, for the Community Benefits Plan, Applicants will be scored on a relative basis against one another. For example, an applicant that proposes community benefits with a value that is five times higher than the benefits proposed by another applicant will receive a score that is five times higher. For proposed benefits that cannot be readily quantified, staff will attempt to apply the same approach.

An application may be immediately rejected for any of the following reasons, as determined solely by the County:

- The proposed nursery or processing facility does not comply with the requirements of Chapter 20 to Title 5 of the Yolo County Code;
- In the exclusive judgment of the County, information in the application is intended to mislead the County in its evaluation of the application;
- The proposed operation at the proposed location is prohibited by any state or local law or regulation;
- The Applicant is ineligible for a cannabis license issued by the State of California, or by any of its departments or divisions, or by the County of Yolo, or has previously been denied such license;
- The Applicant or owner has been convicted of an offense that is substantially related to the qualifications, functions, or duties of a commercial cannabis enterprise, as specified in Chapter 20 to Title 5 of the Yolo County Code;
- The Applicant, project owner, or employees listed in Attachment 1 of the application are less than 18 years of age; and/or
- The Applicant is delinquent in the payment of any applicable state or County taxes, fees, or child support payments.

Applications will be evaluated by a committee that may include representatives from agriculture and/or environmental organizations, General Plan Citizen Advisory Committee members representing the areas in which the nursery and processing facilities are proposed to be located, and/or County staff.

3.4 Phase 2 Interview/Site Visit

The top five highest ranked nursery applications and top five highest ranked processing facility applications from the Phase 1 RFP Application evaluation will continue to the Phase 2 Interview and Site Visit. The Phase 2 maximum score is 200 points. In addition, as part of the Phase 2 evaluation, all Applicant(s)/Owners, property owner(s), and all regularly engaged (non-seasonal) employees must have a background check conducted through Live Scan. Information on Live Scan is included in Attachment 1.

After completion of the Phase 2 evaluation, the top three highest ranked nursery applications and the top three highest ranked processing facility applications will be presented to the Board of Supervisors with a request for direction, including to commence the CEQA environmental review process on some or all of the three most highly ranked applications in each category.

The Phase 2 evaluation criteria is listed in Table 3 below:

| Table 3 | | |
|-----------------------------|--|------------|
| Phase 2 Evaluation Criteria | | |
| | Evaluation Criteria | Weight |
| A | <p>Oral Interview:</p> <p>The oral interview with the Applicant(s)/Owner(s) and on the Application will not exceed 60 minutes. The oral interview will include responding to standard and specific questions regarding the application.</p> | 100 Points |
| B. | <p>Site Visit:</p> <p>An inspection of the site will be conducted to enable the County to verify the site information included in the Application.</p> | 100 Points |

4.0 Schedule of Events

The following Schedule of Events represents the County's best estimate of the schedule that will be followed. Unless otherwise specified, the time of day for the following events shall be between 8:00 a.m. and 4:00 p.m., Pacific Standard Time. The County reserves the right, at its sole discretion, to adjust this schedule as it deems necessary.

| Activity | Date |
|--|--|
| County issues Request for Proposals (RFP) | November 27, 2017 |
| Mandatory Letter of Interest | By 4:00 p.m., December 5, 2017 |
| Mandatory Applicants Conference | 1:00, December 11, 2017 at the Yolo County Administration Building, 625 Court Street, Room B02, Woodland, CA 95695 |
| Deadline for Applicants to submit comments to County regarding RFP | By 4:00 p.m., December 12, 2017 |
| County provides written responses to comments | December 17, 2018 |
| Application Deadline | By 4:00 p.m., January 12, 2018 |
| Anticipated Phase 1 RFP Application Evaluation Period | January 16- February 16, 2018 |
| Anticipated Phase 2 Site Visit/Applicant Interview fee payment and Live Scan Applications and fees (See Attachment 1) are due for the five top ranked Nursery Applications and five top ranked Processing Facility Applications. | 4:00 p.m., February 23, 2018 |
| Anticipated Phase 2 Evaluation Period | February 26 – March 9, 2018 |

| | |
|--|----------------|
| Anticipated Board of Supervisors meeting for review of the top three highest ranked nursery applications and the top three highest ranked processing facility applications.to proceed to the CEQA process. | March 20, 2018 |
|--|----------------|

Note: The dates in the Schedule of Events are subject to change by Yolo County and assume that no more than twenty-five applications in total are received. The schedule may be adjusted should the number of applications received exceed twenty-five.

As stated above, CEQA compliance is required prior to the issuance of a license. While it is possible that an application may be exempt from CEQA depending upon the particular facts and circumstances of an individual application, Applicants should expect 2 to 4 months to prepare a Negative Declaration or Mitigated Negative Declaration and 6 to 9 months if an Environmental Impact Report is required. Licenses will not be issued until after successful completion of CEQA compliance, Board approval, and the County cannabis tax measure in June 2018.

5.0 Fees

Each applicant progressing through the different stages of the evaluation process pursuant to this RFP will be required to pay the following fees on the dates specified in the Schedule, above. Fees must be paid by check or money order made out to “Yolo County”. Cash will not be accepted.

- Phase 1 RFP Application Evaluation Fee: \$7,427.
- Phase 2 Interview and Site Visit Fee \$3,576 and Live Scan fee of \$61 per Live Scan application

Applicant failure to pay the required fees by the dates specified in the above schedule will result in rejection of the application.

Please note, successful applicants will also be required to pay additional fees to cover staff time associated with final issuance of a license, including fees associated with CEQA compliance. Also, other fees may apply thereafter as part of the County’s cannabis program including discretionary land use permit fee(s), Live Scan fees for new employees, a \$10,000 surety bond pursuant required by the County Code, to Section 5-20.04 (A)(2)(a)(4)(v), and any other applicable fees adopted from time to time by the Board of Supervisors, and potential business taxes resulting from a County June 2018 tax measure.

6.0 Mandatory Letter of Interest

All Applicants intending to submit an application must first submit a mandatory Letter of Interest by 4:00 p.m. on December 5, 2017. The mandatory Letter of Interest shall specify the Applicant’s intent to submit an application and include an outline or summary of items to be included in the application, as described in Table 2. Specifically, this includes an outline or summary of the following:

- a. Neighborhood Compatibility Plan (how traffic, light, noise, odor, and aesthetics will be mitigated);
- b. Safety and Security Plan;
- c. Description of the Applicant’s experience in operating the same or similar business; and
- d. Community Benefits Plan (For Applicants seeking a longer term license, the Applicant can propose entering into a development agreement with the County)

The Letter of Interest must be submitted to the RFP Coordinator at the address specified in Section 7.0 of the RFP. Failure to submit a Letter of Interest by the date specified in the Schedule of Events will preclude a potential Applicant from submitting an application. Based on the number and nature of the Letters of Interest received, the County reserves the right in its sole discretion to combine or otherwise modify the evaluation phases, change the Schedule of Events, or otherwise modify or cancel this RFP, which it will do in writing to those Applicants who submitted a Letter of Interest.

6.0 Mandatory Applicants' Conference

Applicants are required to attend a mandatory Applicants' Conference on the date specified in the Schedule of Events. Failure to attend the Applicants' Conference will preclude a potential applicant from submitting an application. At the mandatory Applicants' Conference, the County will provide more detail about the RFP and selection process. The mandatory Applicants' Conference will also provide Applicants with an opportunity to ask questions about the RFP. The mandatory Applicants' Conference will be held at the following address and the time and day specified in the Schedule of Events:

County Administration Building
625 Court Street, Room B02
Woodland, CA 95695

7.0 Communications Regarding RFP and Application Submittal

- a. RFP Coordinator. The following RFP Coordinator shall be the main point of contact for this RFP:

Susan Strachan
County Administrator's Office
625 Court Street, Room 202
Woodland, CA 95695

- b. Communications Regarding the RFP

Upon release of this RFP, all Applicant communications concerning this process must be directed to the RFP Coordinator named above. Unauthorized contact regarding the RFP with other County employees may result in disqualification.

- c. Questions about the RFP

Applicants should carefully review this RFP and all attachments for comments, questions, defects, objections, or any other matter requiring clarification or correction (collectively called "comments"). Comments must be submitted by email to the RFP Coordinator by the deadline specified in the Schedule of Events. Any oral communications shall be considered unofficial and nonbinding on the County. The County will respond in writing to written comments. Such response shall constitute an amendment to the RFP. Only written responses to written comments shall be considered official and binding on the County. The County reserves the right,

at its sole discretion, to determine appropriate and adequate responses to written comments, questions and requests for clarifications.

d. Submitting Applications

- 1) Applications and Phase 1 RFP Application Evaluation fee must be received by the RFP Coordinator by the deadline specified in the Schedule of Events. It is the sole responsibility of the Applicant to ensure their application reaches the County before the closing date and time. Late applications shall not be accepted nor shall additional time be granted to any potential Applicant for any reason.

The timestamp applied by a County Administrator's Office staff member shall be considered the official timepiece for the purpose of establishing the actual receipt of Applications.

- 2) Fees required for Phases 1 Evaluation must accompany the application and be paid by check or money order made out to "Yolo County". Cash will not be accepted.
- 3) Applications shall be delivered to the following address:

Yolo County Administrator's Office
Nursery/Processing Facility RFP
625 Court Street, Room 202
Woodland, CA 95695

- 4) Applicants are to submit one original hardcopy Application (Attachment 1, including all required documentation), with original ink signatures, plus 5 copies. The original Application is to be clearly marked "ORIGINAL" and the copies marked "COPY". All applications should be printed on plain white paper and submitted in a sealed envelope. Applicants must also submit an electronic copy of their application. The electronic copy must be in a single file pdf, and shall be an exact copy of the original hard copy application, including additional required documentation. The file must be on USB flash drive and enclosed with the sealed original hardcopy of the application.

e. Application Format and Content

- 1) Application responses are to be straightforward, clear, concise, and specific to the information requested. Application materials should not exceed the maximum number of pages where specified.
- 2) In order for an Application to be considered complete, the Applicant must provide responses to all of the information requested.
- 3) All pages of the Application must be numbered sequentially.

8.0 General Instructions

- a. Application Preparation Costs. All costs required for the preparation and submission of an application shall be borne by the Applicant.
- b. Application Withdrawal. To withdraw an application, the Applicant must submit a written request, signed by an authorized representative, to the RFP Coordinator. After withdrawing a previously submitted application, the Applicant may submit another application at any time up to the deadline for submitting applications.
- c. Application Amendment. The County shall not accept any amendments, revisions, or alterations to applications after the deadline for application submittal unless the County formally requests such in writing.
- d. Application Errors. Applicants are liable for all errors or omissions contained in their applications. Applicants shall not be allowed to alter application documents after the deadline for submitting an application.
- e. Disclosure of Application Contents.
 - 1) All applications and other materials submitted in response to this RFP become the property of the County. Selection or rejection of an Application does not affect this right. All Application information will be held in confidence during the evaluation process, except as otherwise required by law. The original copy of each Application will be retained for official files and will become public record after presentation of the highest ranked applications to the Board, to the extent allowed by the California Public Records Act. By submitting an application, the Applicant acknowledges and accepts that the contents of the Application and associated documents may become open to public inspection.
 - 2) If an Applicant contends that any documents, as defined by the California Public Records Act (CPRA), are confidential or proprietary material and exempt from CPRA, these documents shall be clearly marked "Exempt from CPRA." Applicant shall defend, indemnify and hold the County harmless against any claim, action or litigation (including but not limited to all judgments, costs, fees, and attorney's fees) that may result from denial of a CPRA request. If Applicant does not respond to a CPRA request or agree to do so within five days, the County may disclose the requested information under the CPRA
- f. Non-waiver. The County's failure to address errors or omissions in the applications shall not constitute a waiver of any requirement of this RFP by the County.
- g. RFP Amendment and Cancellation. The County reserves the unilateral right, in its sole discretion, to amend, cancel or reissue this RFP at any time. If an amendment is issued it shall be provided to all Applicants who attended the mandatory applicants' conference.

Any additional information not included in this RFP that the County finds necessary and material to responding to the RFP will be provided to the Applicants as an addendum.

- h. Right of Rejection. The County reserves the right, at its sole discretion, to reject any and all applications or to cancel this RFP in its entirety.

Any application received which does not meet the requirements of this RFP may be considered to be nonresponsive, and the application may be rejected. Applicants must comply with all of the terms of this RFP and all applicable State and County laws and regulations.

The County reserves the right, at its sole discretion, to waive variances in applications provided such action is in the best interest of the County. Where the County waives minor variances in applications, such waiver does not modify the RFP requirements or excuse the Applicant from full compliance with the RFP. Notwithstanding any minor variance, the County may hold any Applicant to strict compliance with the RFP.

- i. Conflict of Interest. Any individual, company, or other entity involved in assisting the County in the development, formulation, or drafting of this RFP is disqualified from eligibility for this opportunity.
- j. Severability. If any provision of this RFP is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected; and, the rights and obligations of the County and Applicants shall be construed and enforced as if the RFP did not contain the particular provision held to be invalid.

Attachment 1 Application

To: Yolo County Cannabis Task Force

From: _____
(Official Name of Applicant)

This application is for a:

- Nursery
- Processing Facility

Assessor Parcel Number: _____

County use only below this line

Date Filed _____ Received By _____

Check or Money Order Number: _____

Required Application Documentation

The information provided below identifies what is to be included in an Application. All of the documentation listed below is required. Applicants must submit all documentation, in the order listed below, and clearly label each section with the appropriate title (i.e. Table of Contents). Application materials should not exceed the maximum number of pages where specified.

- _____ 1. Table of Contents: Application responses shall include a table of contents listing the individual sections of the Application and their corresponding page numbers. Tabs should separate each of the individual sections.

- _____ 2. Letter of Transmittal: Application responses shall include a description of Applicant's capabilities and approach and provide a brief synopsis of the highlights of the Application and overall benefits of the Application to the County. This synopsis should not exceed three pages in length and should be easily understood.

- _____ 3. Applicant, Property Owner, Employee Information

- _____ 4. Every Applicant must provide the information in items a through h below. Details regarding what is required for items a through h can be found in Tables 3 and 4 of the RFP.
 - a. Project Description, Site Plan, and Zoning Designation (No more than five pages)
 - b. Environmental Site Information (No more than three pages)
 - c. Neighborhood Compatibility Information (No more than five pages)
 - d. Environmental Considerations (No more than three pages)
 - e. Safety and Security Plan (No more than five pages)
 - f. Operating Plan (No more than four pages)
 - g. Business Plan
 - h. Community Benefits Plan or Development Agreement Principles (No more than five pages)

- _____ 5. Appendix A: Applicant and Property Owner Information and Acceptance Forms

- _____ 6. Appendix B: Indemnification Agreement and Consent to Inspection (Note: This document must be signed by both the Applicant and

property owner, if different.)

_____ 7. Appendix C: Yolo County Environmental Health Land Use Review Survey

Site, Property Owner, Employee Information

Site Information

Please specify if the Application is for a Nursery or Processing Facility: _____

Project Name: _____

Site address or location of property: _____

Assessor's Parcel Number: _____

Total property size in acres (Gross/Net): _____

Lot dimensions: _____

Property Owner Information

(Please use additional paper marked "Property Owner Information" if more than one property owner)

Property Owner Name: _____

Primary Contact Person (if a landowner is a business): _____

Email Address: _____ Phone Number: _____

Street Address: _____

Suite/Apt.: _____

City: _____

State: _____ Zip Code: _____

Social Security Number (To be provided if the property owner(s) is part of the nursery or processing facility business entity): _____

Applicant/Owner Information

(Please use additional paper marked "Applicant/Owner Information" if more than one Applicant/Owner - i.e. Corporate Officers)

Applicant/Owner Name: _____

Primary Contact Person (if a Applicant/Owner is a business): _____

Email Address: _____ Phone Number: _____

Street Address: _____

Suite/Apt.: _____

City: _____

State: _____ Zip Code: _____

Social Security Number: _____

➤ **Applicant's/Owner's other cannabis nursery sites or processing facilities (if applicable):**

- If the Applicant/Owner has not previously operated any other cannabis nursery or processing facility, please check this box.
- If the Applicant/Owner has previously operated any other cannabis nursery(s) or processing facility(s), please check this box, and please provide the following information on a separate sheet marked "Applicant/Owner information":
 - The address of any cannabis nursery(s) or processing facility(s) that are currently or have previously been operated by the Applicant/Owner;
 - A statement of whether the authorization for any such operation had been revoked or suspended; and
 - If so, the reason for the revocation or suspension.

➤ **Project Personnel**

Please provide the details of all persons who will be regularly engaged in the operation of the proposed nursery or processing facility, including all:

- Owners. This includes each person with an ownership interest of 10 percent or more in the proposed cannabis nursery or processing facility operation;
- Employees;
- Volunteers; and
- Contractors.

The following details should be provided for each person named:

- Name;

- Telephone number and email address;
- Capacity in which the person is or will be engaged (e.g. owner, employee, volunteer, contractor or other);
- Whether the person has or is proposed to have any management or supervisory responsibilities for the proposed cannabis nursery or processing facility.

Live Scan

All Applicant(s)/Owners, property owner(s), and all regularly engaged (non-seasonal) employees must have a background check conducted through Live Scan. A Live Scan application will be provided for those Applications continuing to Phase 3. The application should be copied and completed for all Applicant(s)/Owners, property owner(s), and all employees. The background checks resulting from the Live Scan will be conducted by the Yolo County Sheriff's Office. Applicant(s)/Owners, property owner(s), and all regularly engaged employees are required to make an appointment with the Sheriff's Office to process the Live Scan applications (530-668-5280) In addition, due to limited staff resources, Applicant(s)/Owners, property owner(s), and all employees continuing to Phase 3 are encouraged to schedule their appointments as early as possible in order to complete the Live Scan requirements before the conclusion of the RFP process, as specified in the Schedule.

Please be advised that there will be a Live Scan processing fee of \$61 per application, which must be borne by the Live Scan applicant at the time of the Live Scan. The Live Scan process involves submitting fingerprints to the Department of Justice/Federal Bureau of Investigation, which will review for criminal offender record information (CORI). CORI report will be provided to Yolo County for the sole purpose of determining eligibility for operating a cannabis nursery or processing facility. If any Applicant(s)/Owners, property owner(s), or employee for a nursery or processing facility fails to pass a background check, the Application for the nursery or processing facility will be immediately rejected and receive no further consideration.

Appendix A

Applicant and Property Owner Information and Acceptance Forms

APPLICANT INFORMATION AND ACCEPTANCE

Each applicant must sign and submit the applicant information and acceptance form

1. The undersigned Applicant declares that the application documents, including, without limitation, the RFP, Attachment 1, and Responses to RFP questions have been read.
2. The undersigned Applicant has reviewed the application documents and fully understands the requirements in this RFP.
3. The undersigned Applicant authorizes the County, its agents, and employees, to seek verification of the information contained in the Application.
4. The Applicant or owner has been convicted of an offense that is substantially related to the qualifications, functions, or duties of medical marijuana cultivation, as specified in Chapter 20 to Title 5 of the Yolo County code;
5. The undersigned Applicant agrees to hold harmless and indemnify the County from all costs and expenses including attorney's fees that the County may incur in connection with processing the Applicant's Application.
6. The undersigned Applicant declares, under penalty of perjury, that:
 - a. I am the Applicant or have legal authority to sign on behalf of the Applicant;
 - b. The Applicant has the ability to comply with laws regulating businesses in the state of California and shall maintain compliance with all relevant laws during the term of the permit;
 - c. The Applicant and any person with an ownership interest of more than ten (10) percent in the proposed cultivation operation has not been convicted of a felony within the past three years; and
 - d. The Applicant is at least eighteen (18) years of age.
7. The undersigned Applicant certifies, under penalty of perjury, that:
 - a. All the information contained in this Application is true and correct.

[SIGNATURE AND ADDITIONAL INFORMATION AND ACCEPTANCE FOLLOW ON NEXT PAGE]

APPLICANT INFORMATION AND ACCEPTANCE (CONTINUED)

Official Name of Applicant: _____

Street Address line 1: _____

Street Address line 2: _____

City: _____ State: _____ Zip Code: _____

Webpage (if applicable):

Type of Entity / Organizational Structure (check one):

Corporation Joint Venture

Limited Liability Partnership Partnership

Limited Liability Corporation Non-Profit

Other _____

Jurisdiction of Organization Structure:

Date of Organization Structure:

Primary Contact Information:

Name / Title:

Telephone Number: _____ Fax Number

E-mail Address: _____

SIGNATURE:

Name and Title of Signer: _____

Dated this _____ day of _____ 2017

Name and Title of Signer: _____

Dated this _____ day of _____ 2017

Appendix B

Indemnification Agreement and Consent to Inspection

INDEMNIFICATION AGREEMENT AND CONSENT TO INSPECTION

THIS INDEMNIFICATION AGREEMENT AND CONSENT TO INSPECTION (“Agreement”) is entered into as of _____, 20__ by and between the County of Yolo (“County”) and _____ (“Applicant”).

RECITALS

WHEREAS, the Applicant has a legal and/or equitable interest in the certain real property located at _____, Assessor Parcel Number(s): _____ (“Property”); and

WHEREAS, the Applicant owns the Property and/or has submitted an application for a license to the County for the commercial cultivation of medical marijuana on the Property pursuant to section 5-20.04 of Chapter 20 of Title 5 of the Yolo County Code and the California Medical Marijuana Regulation and Safety Act (the “License”).

TERMS

NOW, THEREFORE, the parties agree as follows:

1. Applicant shall defend, indemnify, save and hold harmless the County of Yolo and its agents, officers, elected officials and employees for any claims, damages, or injuries brought against the County, its agents, officers, elected officials and employees arising from the Applicant’s License and/or cultivation of cannabis. The indemnification shall apply to any damages, costs of suit, attorneys’ fees or other expenses awarded against the County, its agents, officers and employees in connection with any such action. In addition, the Applicant shall release the County of Yolo, and its agents, officers, elected officials, and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution for cultivation in violation of state or federal laws. The obligations of the Applicant under this indemnification shall apply regardless of whether a license or any permits or entitlements are issued.
2. The County will promptly notify Applicant of any such claim, action, or proceeding that is or may be subject to this Agreement and will cooperate fully in the defense. The County may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the County defends the claim, action, or proceeding in good faith.
3. The County Counsel shall have the absolute right to approve any and all counsel employed to defend the County. To the extent the County uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the Applicant will reimburse the County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel’s time at its regular rate for non-County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action or proceedings.
4. For any breach of this obligation the County may rescind its approval of the License.
5. The County must approve any settlement affecting the rights and obligations of the County.

6. The parties agree that this Agreement shall constitute a separate agreement from any license approval, and that if the License, in part or in whole, is revoked, invalidated, rendered null or set aside by a court of competent jurisdiction, the parties agree to be bound by the terms of this Agreement, which shall survive such invalidation, nullification or setting aside.

7. This Agreement shall be construed and enforced in accordance with the laws of the State of California and in any legal action or other proceeding brought by either party to enforce or interpret this Agreement, the appropriate venue is the Yolo County Superior Court.

8. The defense and indemnification of County set forth in this Agreement shall remain in full force and effect throughout all stages of litigation including appeals of any lower court judgments rendered in the proceeding.

13. The Applicant consents to reasonable inspections of the Property for compliance with the Yolo County Code and all other applicable laws and regulations by authorized County personnel and/or law enforcement, without notice.

After review and consideration of all of the foregoing terms and conditions, Applicant, by its signature below, agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

Dated: _____

Applicant(s):

Printed Name

Signature

Printed Name

Signature

Property Owner(s): (if different)

Printed Name

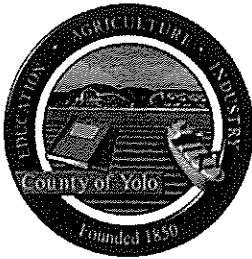
Signature

Printed Name

Signature

Appendix C

Yolo County Environmental Health Land Use Review Survey



COUNTY OF YOLO
Department of Community Services
Environmental Health Division
292 W. Beamer Street, Woodland, CA 95695
Phone: (530) 666-8646 Fax: (530) 669-1448

CANNABIS
ENVIRONMENTAL HEALTH LAND USE REVIEW SURVEY

Year of Survey: 20 _____

| | | |
|---|-------------------------|-----------|
| Assessor's Parcel Number: | | |
| Site address: | City: | Zip Code: |
| Existing business? <input type="checkbox"/> Yes <input type="checkbox"/> No | Name of Business (DBA): | |
| Owner of Business: | | |
| Phone Number: | Email: | |
| Mailing address: | City: | Zip code: |

Operational information

Year-round:

- What is the maximum amount of people living on this site year-round? _____ person(s)
- Will these occupants be working at this business? Yes No If yes, how many? _____
- What is the maximum amount of people coming off-site to work on this site year-round? _____ person(s)

Seasonal:

- What is the maximum amount of people on this site during seasonal grow period? _____ person(s)
- How many days in typical seasonal harvest activity? _____ days
- How many seasonal harvests will occur in a year? _____ harvests
- Days _____ x harvests _____ = _____ seasonal working days with seasonal workers

Water Well Use -- Note: All wells (domestic and ag) shall be accurately plotted on your attached site map

- Will this business use a well as a drinking water source or hand-washing source? Yes No
 - If yes, are there accurate permit records for a domestic well? Yes No If yes, attach copies.
 - Was the domestic well finalized with the County? Yes No Unknown
 - If yes, how many existing building connections* are there? _____ connection(s)
(*a connection is water conveyed to a building through pipes.)
 - If no, how will the workers wash hands and obtain potable drinking water? _____
- Are there abandoned* wells on this parcel? Yes No
(*abandoned means well has not operated for one year or longer.)

Septic System Use -- Note: All septic systems (tank and field) shall be accurately plotted on your attached site map

- Does this parcel have onsite wastewater treatment systems (e.g septic systems)? Yes No
 - If yes, are there accurate permit records for the septic system? Yes No If yes, attach copies.
 - If yes, is the existing system sized for this increased use? Yes No Unknown
 - If yes, how many building connections to the septic? _____ connection(s)
- Are there unused septic tanks on this parcel? Yes No

General

- Is there an existing or proposed, greenhouse on site? Yes No
 - IF YES: Is there, or will there be, water piped to the greenhouse? Yes No
 - Is there, or will there be, a hosebib at the greenhouse? Yes No
 - Is there or will there be a sink in the greenhouse? Yes No
- Site map showing all existing and proposed structures and improvements is attached to survey. Yes No
(Please include all septic systems and wells – there is a sample site map attached).

Hazardous Materials

- Will your building or facility handle or store any hazardous materials (a hazardous material is a chemical that is flammable, corrosive, reactive or toxic)? Yes No
- Will your building or facility generate hazardous waste (e.g used oil, antifreeze, or solvent waste)? Yes No
- Are there unused/abandoned hazardous materials storage containers on this site? Yes No
- Will your commercial facility handle any hazardous materials in quantities greater than 500 pounds, 55 gallons or 200 cubic feet of compressed gas (this includes carbon dioxide, nitrogen, oxygen, propane, methane, butane, hexane, kerosene, or any compressed gas, diesel, lubricating oil, hydraulic oil, sulfur compounds, fertilizers (**organic and other**), pesticides, ammonia, naphtha, alcohol, acetone, and cleaners and sanitizers including, but not limited to, household chemicals, bleach and alcohol)? Yes No
- Will your facility generate any universal waste (e.g. fluorescent light bulbs, metal halide lamps, high-pressure sodium lamps, etc.) or e-waste (any electronic device with a circuit board)? Yes No
- Will your commercial facility have an above ground storage tank (AST) for storing petroleum fuels including propane and diesel? Yes No
- Will your commercial facility operate forklifts? Yes No
 - If yes, will your facility store more than one extra cylinder of propane? Yes No
- Will your commercial facility store batteries (used or new) with 55 gallons or more of acid? Yes No

Please Note: If you answered “yes” to any of the above questions under hazardous materials unit, you may be required by State law to submit a Hazardous Materials Business Plan to YCEH. Failure to comply with this requirement could result in fines of up to \$2,000.00 per day. As of January 1, 2013, business plans must be filed by going to the California Environmental Reporting System (CERS) website (<http://cers.calepa.ca.gov>), creating an account, entering required hazardous materials information, and submitting the information for approval by YCEH. For assistance with CERS submittal, please call our office at (530) 666-8646 and ask to speak with a Hazmat Specialist.

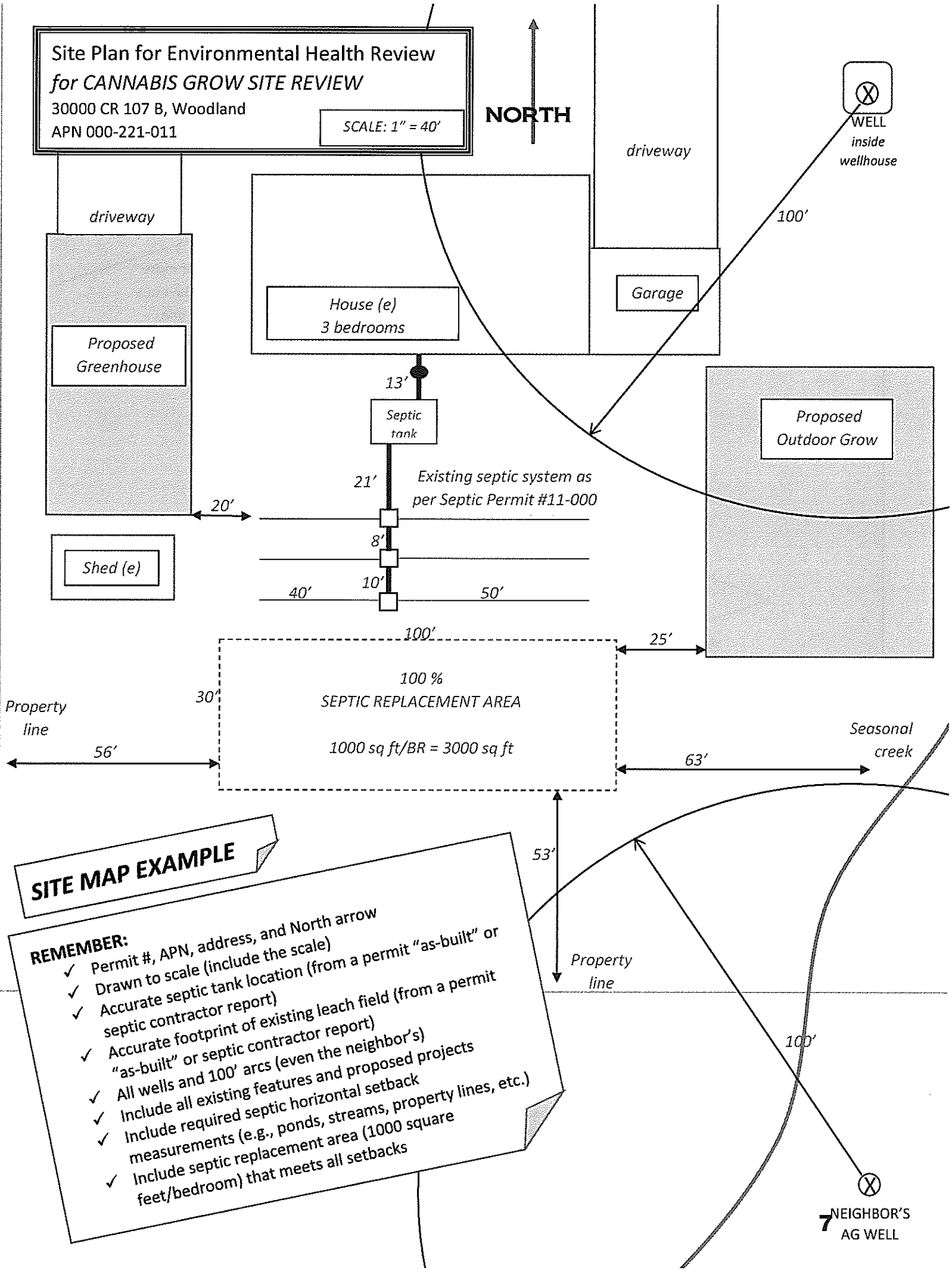
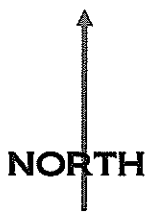
I hereby certify that the information in this document is true and correct to the best of my knowledge.

Signature: _____ Date: _____

Print Name: _____ Title: _____

**Site Plan for Environmental Health Review
for CANNABIS GROW SITE REVIEW**
30000 CR 107 B, Woodland
APN 000-221-011

SCALE: 1" = 40'

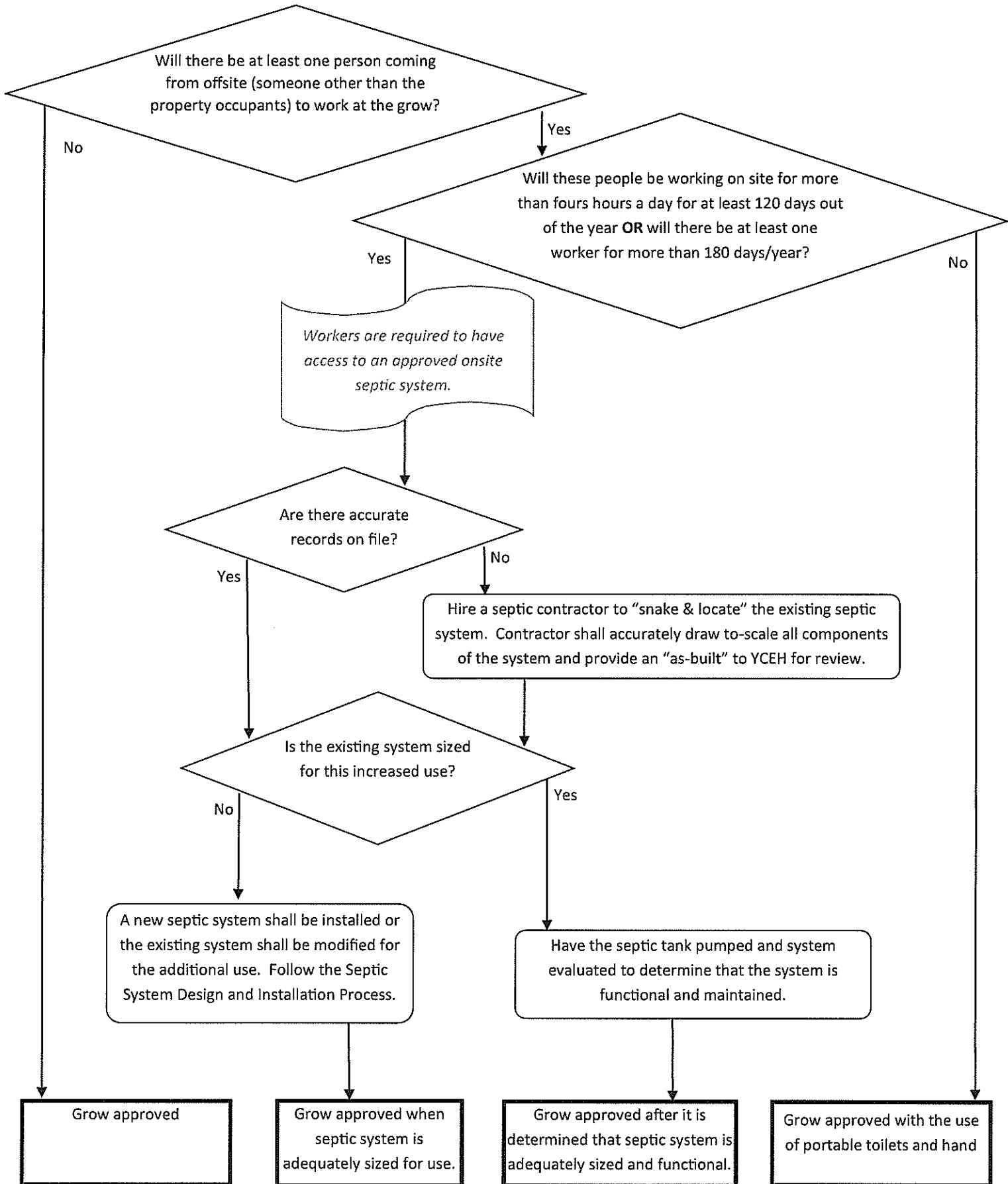


SITE MAP EXAMPLE

- REMEMBER:**
- ✓ Permit #, APN, address, and North arrow
 - ✓ Drawn to scale (include the scale)
 - ✓ Accurate septic tank location (from a permit "as-built" or septic contractor report)
 - ✓ Accurate footprint of existing leach field (from a permit "as-built" or septic contractor report)
 - ✓ All wells and 100' arcs (even the neighbor's)
 - ✓ Include all existing features and proposed projects
 - ✓ Include required septic horizontal setback measurements (e.g., ponds, streams, property lines, etc.)
 - ✓ Include septic replacement area (1000 square feet/bedroom) that meets all setbacks

7 NEIGHBOR'S AG WELL

YOLO COUNTY ENVIRONMENTAL HEALTH CANNABIS USE REVIEW— For CANNABIS GROW BUSINESSES supported by SEPTIC SYSTEMS:



YOLO COUNTY ENVIRONMENTAL HEALTH CANNABIS USE REVIEW— For CANNABIS GROW BUSINESSES supported by WATER WELLS:

