

STAFF PROPOSED DRAFT ORDINANCE (4/24/2018)

Note: Items in **yellow** would have modified text depending on the EIR Alternative. Items in italics are notes to the reader and would not be a part of the actual ordinance.

Article 14 -- CANNABIS LAND USE ORDINANCE

Adding Article 14 Cannabis Land Use Ordinance, to Title 8, Chapter 2, Zoning Regulations

Sec. 8-2.1401 Relationship to Other County Cannabis Regulations

Cannabis land uses must comply with all applicable laws, policies, and regulations at the County, State, and Federal level, as specified throughout this Article. The regulations below are a non-exclusive list of other County Code sections that contain regulations specific to cannabis activities.

- A. Title 6 (Sanitation and Health) Chapter 20 (Cannabis Dispensaries and Edible Cannabis Products) – *To be inserted*
- B. Title 8 (Land Development) Chapter 2 (Zoning Regulations) – The Zoning Regulations establish land use districts, controls on land uses, and development standards. The Cannabis Land Use Ordinance applies these regulations, as appropriate, to identified cannabis use types. Unless otherwise specified, the Cannabis Land Use Ordinance is intended to establish separate and distinct regulations applicable to all cannabis use types. Where the Cannabis Land Use Ordinance is silent on an issue that is otherwise addressed in the Zoning Regulations, the Zoning Regulations shall apply. Where a requirement of the Cannabis Land Use Ordinance conflicts with a requirement of the Zoning Regulations, the stricter requirement shall apply.
- C. Title 8 (Land Development) Chapter 5 (Development Agreements) – Applicants for a County Cannabis Use Permit may apply for a Development Agreement pursuant to the Development Agreements regulations and Section 8-2.1410(H), Development Agreements, of this ordinance.
- D. Title 10 (Environment) Chapter 6 (Agriculture) Article 1 (Right To Farm) – *To be inserted*
- E. Title 12 (Business Licenses) Chapter 4 (Cannabis Licensing Ordinance) – This is a new code section being drafted which will identify the requirements for issuance of a County Cannabis License and a County Business License. All cannabis uses and operations must be fully compliant with these requirements as they apply.

Sec. 8-2.1402 Purpose

The adoption of this Ordinance is necessary and desirable to accomplish and balance the following:

- A. Protect the public health, safety, and welfare.
- B. Protect environmental resources and minimize environmental impact.
- C. Ensure neighborhood compatibility.
- D. Ensure safe access to medical cannabis for patients.
- E. Support agricultural economic development including recognition of valuable new crops, preservation of agricultural land, and creation of opportunities for new farmers.
- F. Recognize cannabis as an agricultural crop with unique challenges including Federal classification, legal history, crop value, transaction security, distinct odor, and energy and water requirements.
- G. Recognize competing and evolving community values and interests related to the cannabis industry.
- H. Avoid establishing undesirable precedents for other agricultural sectors.
- I. Avoid unintended consequences including unforeseen community impacts and over-regulation that drives operators underground.
- J. Allow for adaptation to changing market, cultural, and regulatory considerations over time

Sec. 8-2.1403 Applicability

- A. Effective Date -- The requirements of this ordinance are effective 30 days after adoption.
- B. Regulatory Transition Period – Legally operating cannabis licensees shall have until December 31, 2019 to submit a substantially complete application for the required Cannabis Use Permit. Completeness shall be determined by the County in writing. Applicants shall coordinate with the County to determine the time necessary for ensuring completeness. Applications will not be accepted after December 31, 2019.
- C. Relocation – Cannabis activities on sites that do not meet the requirements of this Article must relocate or cease operations on or prior to the dates identified below by license category:
Outdoor cultivation - December 31, 2019
Mixed-Light Cultivation – December 31, 2020
Indoor Cultivation – December 31, 2021
- D. Non-Conforming Uses – Prior to the relocation deadlines established above legally licensed cannabis activities that are not in compliance with the terms of this Article shall be considered legal non-conforming uses. After the relocation deadlines established above non-conforming cannabis activities are illegal and shall be abated.
- E. Cannabis Cultivation and Related Activities are Agricultural Land Uses -- Legal cultivation of cannabis is an agricultural use.
- F. Other Agricultural Land Uses -- The requirements of this ordinance do not apply to non-cannabis related agricultural uses.
- G. Personal Medical and Adult Use -- Personal Medical and Adult Use of cannabis is allowed by right subject to the requirements of this ordinance and other applicable County and State regulations.
- H. Commercial Medical Use -- Commercial Medical cannabis uses are conditionally permitted subject to the requirements of this ordinance and other applicable regulations.
- I. **Commercial Adult Use (prohibited)** -- Commercial adult (non-medical or recreational) cannabis uses are prohibited in Yolo County.
- J. Strict Standards and Interpretation -- The requirements of this ordinance shall be strictly interpreted and applied. Nothing in this ordinance shall be construed to allow any activity relating to cannabis activity that is otherwise not expressly permitted in the Yolo County Code or is illegal under State law.
- K. Unspecified Cannabis Activities – Any use not expressly permitted in this ordinance is prohibited.

Sec. 8-2.1404 Cannabis Use Categories and Types

The following County cannabis use categories and related State cannabis use types are recognized by this ordinance. Descriptions are as defined by State law, as amended. Not all use types are permitted. See Section 8-2.1406, Table of Cannabis Development Requirements, for prohibited uses, permitted uses, and conditions applicable to each use.

- A. Personal
 - 1. Outdoor
 - 2. Indoor
- B. Cultivation, Nurseries, and Processing
 - 1. Outdoor Cultivation (including hoop houses)
 - 2. Indoor Cultivation
 - 3. Mixed Light Cultivation (including greenhouses)
 - 4. Nurseries (indoor and mixed light)
 - 5. Processing Only (including storage)
- C. **Manufacturing, Testing, and Distribution**
 - 1. **Manufacturing – Non-volatile**

2. Manufacturing – Volatile
 3. Manufacturing – Infusion
 4. Manufacturing – Packaging and Labeling
 5. Testing/Laboratory
 6. Distribution
 7. Distribution – Transport Only
- D. Retail (Dispensary)
1. Retail – Storefront
 2. Retail – Non-Storefront
 3. Special Cannabis Event – Tasting, promotional activities, and special events related to cannabis are prohibited in Yolo County.
- E. Microbusiness

Sec. 8-2.1405 Cannabis Permit Requirements

- A. General Requirements – Cannabis uses shall only be permitted in compliance with this ordinance and all applicable codes set forth in the County Code. With the exception of activities operating legally prior to the effective date of this ordinance, the required approvals, permits, and licenses shall be obtained prior to commencement of the cannabis activity. All conditions of the Cannabis Use Permit shall be satisfied prior to the commencement of the activity or as otherwise specified in the conditions of the Cannabis Use Permit.
- B. State Cannabis License Requirement – Each permitted cannabis use requires an applicable State license. The State Cannabis License is assigned to the operator and is not transferrable.
- C. County Cannabis License Requirement – Each permitted cannabis use requires a County Cannabis License. The County Cannabis License is assigned to the operator and is not transferrable.
- D. County Business License Requirement – In addition to the County Cannabis License requirement, every operator, except for cultivators, nurseries and processing license holders, must also obtain a County Business License, including business operators delivering cannabis in the unincorporated areas of the county.
- E. County Cannabis Use Permit Requirement – Each permitted cannabis use requires a Cannabis Use Permit as identified in Section 8-2.1406, Table of Cannabis Development Requirements. The Cannabis Use Permit is assigned to the specific location where the activity will take place. Cannabis Use Permits are transferrable to subsequent property owners or operators on the same site.
- F. Personal Use Exemption – Personal Medical and Adult Use cannabis activities require no licenses or permits, provided they are legally conducted within the requirements of all applicable County and State laws and do not create a public nuisance.
- G. **Limitation on Licenses and Permits** – The number of State licenses an individual or business can hold shall be as dictated by State law. The number of separate County cannabis licenses and Cannabis Use Permits an individual or business can hold shall be established in administrative procedures subject to approval by the County Board of Supervisors. The County may also establish a procedure for allocation of permits under applicable circumstances.
- H. Over-Concentration—By resolution adopted concurrently with this ordinance, as may be amended from time to time, the Board of Supervisors has established limitations on the number of cannabis operations that may be approved in distinct subregions of the County. The subregions correspond with the jurisdictional boundaries of local General Plan Citizens’ Advisory Committees. *Note: Limitations or “caps” on the number of allowed cannabis operations in various County sub-regions have not yet been determined but are expected to be based primarily on population size and density in each subregion, with higher caps in less populated, less dense*

subregions. For purposes of applying the limitations set forth in that resolution, multiple licenses/permits (including permitted co-locations) at a single address shall count as one operation. Subject to this limitation, each operation covered by a development agreement approved through the “early” development agreement process that predated this ordinance shall also count against the limitation.

If any combination of the number of approved use permits, “early” development agreements, or pending permit applications exceeds the limitation within a subregion, the Board of Supervisors shall be the final decision making authority on any use permit application. The Board may approve a use permit if the approval would create or add to an over-concentration only upon finding that denial of the application would unduly limit development of the legal market so as to perpetuate the illegal market for cannabis and related products, and that the approval would not cause or contribute to a cannabis-related law enforcement problem or other public nuisance in the affected subregion and any surrounding affected areas.

- I. Revocability – Cannabis Use Permits are revocable. The term for a Cannabis Use Permit may be limited by the County. The operator must apply for permit renewal prior to the expiration of any limited term permit.
- J. Vested Rights -- No County Cannabis License or Cannabis Use Permit establishes a property interest, vested right (outside of an executed Development Agreement), or entitlement to receive a future permit to operate a cannabis use beyond the terms of the approval.
- K. Findings for Approval or Denial – *This section will be expanded in later versions of the ordinance, after initial public review.*

Sec. 8-2.1406 Table of Cannabis Development Regulation

See attached table. **Note: Allowed zones and buffers will differ between the EIR Alternatives**

Sec. 8-2.1407 Specific Use Requirements and Performance Standards

- A. Agricultural Applications – This category includes fertilizers, herbicides, pesticides, rodenticides, fumigants, and other inputs/applications for improved agricultural performance. Permittees shall comply with applicable County and State requirements for use to the satisfaction of the County Agricultural Commissioner and other responsible official. California Department of Food and Agriculture (CDFA) licensees shall implement the Pest Management Plan required pursuant to Section 8106(a)(3) and Section 8106(b)(2) of the CDFA Emergency Regulations, as applicable. CDFA licensees shall comply with pesticide laws and regulations as enforced by the Department of Pesticide Regulation pursuant to Section 8307, Pesticide Use Requirements, of the CDFA Emergency Regulations.
- B. Agricultural Maintenance – Permittees on agricultural land must demonstrate to the satisfaction of the County Agricultural Commissioner that the majority of the parcel, excluding the area in cannabis cultivation, will be used for agricultural activities and/or will be properly maintained (e.g. weed abatement) when not in agricultural use.
- C. Alcoholic Beverages – Alcoholic beverages may not be sold or provided in conjunction with any cannabis activity.
- D. Backflow Prevention -- To protect groundwater or surface water, proper backflow devices shall be installed, maintained, and tested for all wells where well water is used to mix agricultural applications or any chemicals.
- E. Biological Resources – Cannabis activities shall avoid sensitive/protected species and habitats. Permittees must demonstrate compliance with a Lake or Streambed Agreement (LSA) pursuant to State Fish and Game Code 1602 if one is required. Permittees shall comply with the minimum

100-foot setback requirement set forth in Policy CO-2.22 of the General Plan as applicable. Permittees must demonstrate compliance with the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP), if applicable, and subsequent relevant adopted plans.

- F. Buffers** – A buffer of 1,000 feet is required from off-site individual legal residences, residentially designated land, licensed day cares, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, tribal trust land, licensed youth centers that are in existence at the time a use permit is issued for any CDFA permittee, so long as the cannabis use is operating within the terms of its approvals and conditions. These buffers apply to all outdoor cannabis uses as specified in Section 8-2,1406, with the exemption of cannabis cultivation sites “exempt cultivation sites” that have not produced a credible nuisance prior to the draft of this ordinance, and cultivation sites in which the violation was remediated. If an “exempt cultivation site” produces credible nuisances, they will undergo the three-level citation system as described below in **Sec. 8-2.1407 Specific Use Requirements and Performance Standards**. If a licensed cultivation site cannot remediate the assessed violation, the status of “exempt cultivation site” will be terminated, and the Licensed Operator must relocate to an approved site for outdoor cannabis uses as specified in Section 8-2,1406, or forfeit their cultivation license.
- G. Table of Cannabis Development Regulations.** The buffer shall be measured from the closest point of the cultivation site to:
1. The closest surface of the building for residences, day cares, places of worship, schools, treatment facilities, and youth centers.
 2. The closest point of the zone boundary for residentially designated land.
 3. The closest point of the parcel boundary for public parks and tribal trust land.
- Approved cannabis uses, operating within the terms of their approvals and conditions, shall be exempted from the buffer requirement as applicable to later new uses within the categories identified above, that locate within the described buffer distance. R
- H. Building Design** – Design and construction of buildings and structures shall comply with all applicable codes, standards, regulations, and guidelines, and shall demonstrate consideration of odor control, air quality, noise control, environmental controls (including temperature, humidity, and ventilation), safety and security, lighting, aesthetics, energy use, and other appropriate impact mitigation. All required building permits shall be obtained. Cannabis uses that provide access to the public, including employees, vendors, contractors, business partners, members, customers, or patients shall meet County Code requirements for accessibility and compliance with the Americans With Disabilities Act including accessible parking, accessible path of travel, restrooms, and washing facilities, as applicable. New development shall be clustered or otherwise sited to minimize impacts. Design, materials, and general appearance must be compatible with the character and scale of the surrounding area (see Section 8-2.1407(PP) Site Design, and (QQ) Site Maintenance (General)).
- I. Co-Location** – Co-location is permitted at the County’s discretion based on site-specific and project-specific considerations, regardless of use type so long as each licensee meets all of the permit conditions and the County and State cannabis license requirements for each individual use type. Each premises, as defined under State law, must obtain a separate State Cannabis License. Canopy is separately calculated for each licensed premise. Sharing of infrastructure, security, and operations is permitted subject to review and approval through the cannabis use permit process, and consistency with State law. Operations in combined total cannot exceed the terms of the permit. Licensees must execute a co-location agreement with the permittee/property owner committing to operations and performance in compliance with all applicable requirements and

conditions. Each licensee may be held liable for violations committed by any other licensee participating in the co-location agreement and the agreement must acknowledge this.

J. Cultural Resources -

1. General – In accordance with Policies CO-4.12 and CO-4.13, and Actions CO-A63 through CO-A66, of the Cultural Resources chapter of the County General Plan, applicants shall submit a preliminary site survey to determine the potential for archeological, historical, or paleontological resources to be located on the project site. If the site has a low potential for this to occur, no further actions are necessary unless resources are encountered during construction or farming. If the site has a medium to high potential, a cultural resources inventory is required to be submitted as part of the application. If onsite resources are identified, a mitigation plan is required to protect identified resources in accordance with General Plan Actions CO-A63 and CO-A64 prior to issuance of permits. If cultural resources (historic, archeological, paleontological) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the find. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.

2. Tribal – If tribal cultural resources are encountered all work in the area shall cease, resources shall be accorded culturally appropriate dignity, removal, reinternment, or other protection/disposition shall be as directed by the culturally affiliated tribe(s) pursuant to a Treatment Plan or Treatment Agreement.

3. Human Remains -- If human remains are discovered, permittees shall comply with Section 7050.5 of the California Health and Safety Code. Cultivation, grading/excavation, or other soil disturbance activities shall be immediately halted at the site and in the nearby area until the County Coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours and disposition shall be as specified by Commission.

4. Confidentiality – Cultural and tribal resource information and records are confidential (see Section 6254(r) and 6254.10 of the California Government Code; Section 21082.3(c)(1) of the California Public Resources Code; and Section 15120(d) of the California Environmental Quality Act (CEQA) Guidelines).

5. Tribal Consultation – Pursuant Public Resources Code (PRC) Section 21080.3.1 any applications for which a negative declaration, mitigated negative declaration, or EIR is prepared must first comply with PRC Section 21080.3.1(b) related to tribal consultation.

K. Delivery Services Originating Outside the Unincorporated Area – Cannabis delivery within the unincorporated area is prohibited without a valid County Cannabis License and a County Business License.

L. Drainage and Storm Water Discharge – Drainage and storm water must be discharged into approved on-site stormwater management systems. Site drainage, runoff, and storm water discharge shall comply with the State Water Board Cannabis Policy and Cannabis General Order

and the County Improvement Standards. **Microbusiness permittees shall satisfy Section 5501(a) of the BCC Emergency Regulations.** CDFA licensees shall demonstrate compliance with the principles and guidelines for discharge and water quality contained in the Cannabis Cultivation Policy of the State Water Resources Control Board.

- M. Driveway Access – Driveway approaches to County maintained roads shall be per current County Improvement Standards. A County encroachment permit may be required. Controlled access entries must provide a rapid entry system (e.g. Knox Box approved by the local Fire District or fire service provider) for use by emergency personnel and provide adequate space for vehicles to access the lock without impeding the right-of-way. Permittees must demonstrate safe and adequate site access to the satisfaction of the County Engineer in compliance with applicable standards. The following access considerations shall apply: will the proposed use have access characteristics different from other permitted land uses; does the proposed access have inadequate design; will emergency vehicle access be impaired; would the proposed access adversely affect safe operations on the adjoining roadway system; are site distance, visibility, proximity to parking, drainage, turning radius, angle of intersection, vertical alignment, and pavement condition adequate for the proposed use and consistent/equitable in relation to access requirements for other permitted uses; proximity to other driveways and intersections; other relevant circumstances identified by the County Engineer. The operator shall install/undertake appropriate actions and/or improvements identified by the County Engineer or District Fire Chief as appropriate, to adequately resolve identified concerns in a manner consistent with requirements applied to other similar uses.
- N. Dust Control – Permittees shall comply with the requirements of the Yolo-Solano Air Quality Management District related to control of dust. Cultivation sites shall ensure dust control in a manner consistent with standard agricultural practices.
- O. Edibles – If edible cannabis products are present or manufactured on site, or offered for sale or distribution, the facility/operation must secure any necessary approvals and permits from the Division of Environmental Health prior to commencement of operations.
- P. Employee Services -- Permittees shall comply with applicable labor standards including parking, toilets, drinking water, safety stations, shading, and hand-washing stations. Employee housing (temporary and/or permanent), including for on-site security, must have all necessary services (e.g. approved systems for the provision of water and treatment of wastewater) and required approvals. The provision of employee housing without required permits/approvals is grounds for revocation or suspension of the use permit. Permittees shall provide assistance and incentives to employees to encourage ride-sharing and minimize trips.
- Q. Energy Use – Permittees shall demonstrate availability of adequate energy, and compliance with applicable local and regional energy saving goals. Permittees shall demonstrate use of energy efficient best practices for each proposed use type. Permittees shall generate all power onsite from renewable sources or purchase of power through the Valley Clean Energy Alliance. CDFA licensees must satisfy the requirements of Section 8305, Renewable Energy Requirements, of the CDFA Emergency Regulations effective January 1, 2023.
- R. Environmental Protection (General) – The general standard for environmental protection applicable to cannabis uses is no significant unmitigated off-site impact.
- S. Fencing – See requirements for Screening.
- T. Fire Protection – All uses shall comply with the California Building, Electrical and Fire Codes as adopted by the County, and ensure adequate access, water availability, and other conditions for fire protection as applicable for the location and use/activity. Permittees shall manage vegetation and maintain fire breaks to minimize fire danger.

- U. Flood Designated Areas – The applicant shall identify the applicable standard for flood protection pursuant to Federal (eg Federal Emergency Management Agency [FEMA]), State, and local requirements, and demonstrate compliance. Development Agreements may only be entered into in State designated urban and urbanizing areas where 200-year flood protection is provided or adequate progress has been made, and/or other applicable State flood protection requirements are met. Development Agreements may only be entered into in State designated non-urbanized areas where the FEMA standard of flood protection is met.

- V. Functionally Equivalent Standards – The County decision-making body may allow functionally equivalent compliance with any of the requirements/standards of this Section upon demonstrating appropriate CEQA compliance and making findings of fact supported by substantial evidence. The County decision-making body may determine based on documented site-specific conditions, supported by substantial evidence, that one or more of the requirements/standards of this Section are not necessary or may be substituted by means that have an equally effective or better outcome.

- W. Generators – CDFA licensees must demonstrate compliance with the requirements of the Yolo-Solano Air Quality Management District, and Section 8306, Generator Requirements, of the CDFA Emergency Regulations. Use of generators for other use types is prohibited, except for temporary use in the event of a power outage or emergency.

- X. Good Neighbor Communication – Permittees shall make available to property owners and residents/tenants within 1,000 feet of the property line an operable method of communication with a local or on-site responsible party having prompt access to the site/operation/activities. The purpose of this requirement is to facilitate communication between neighbors related to conditions at and operation of the activity. Permittees shall generally respond to legitimate neighbor contacts, as determined by the County, within 24 hours. The method of communication may be a phone number, email, or website, as proposed by the permittee and approved by the County. Permittees shall keep a record of all communications (including contacts and responses) for a minimum of five years and provide the records to the County at any time upon the County’s request. Failure to respond to contacts and/or retain and report records may result in revocation of the permit.

- Y. Grading/Land Clearing – No grading or land clearing for cannabis activities may occur without prior authorization pursuant to an approved Cannabis Use Permit and County Grading Permit. Grading or land clearing in advance of approved permits is grounds for denial/revocation of any County Cannabis Use Permit and/or County Cannabis License. Grading and drainage shall be implemented in a manner that prevent soil erosion, and the accumulation of water, except in areas intended for retention. Grading and/or land clearing requires the issuance of a County Grading Permit and must be conducted subject to a State construction storm water permit if applicable. CDFA licensees shall demonstrate compliance with the principles and guidelines for discharge and water quality contained in the Cannabis Cultivation Policy of the State Water Resources Control Board. Excessive grading and disturbance shall be avoided. Cannabis activities on slopes of ten percent or greater require review and approval by the County Engineer and Agricultural Commissioner to ensure the application of appropriate environmental protections and best management practices to control for erosion, sedimentation, and water quality to acceptable levels. A geotechnical analysis by a licensed civil engineer in the State of California may be required at the County’s discretion, to minimize erosion, sedimentation, and water quality to acceptable levels.

- Z. Hazardous Materials – If the facility handles any hazardous materials in reportable quantities the facility shall be regulated by the Certified Unified Program Agency (CUPA) in compliance with state law (State of California Health and Safety Code, Div. 20, Chapter 6.95, Article 1, Section 25500 et seq. California Code of Regulations, Title 19, Division 2, Chapter 4, Article 4. Storage and disposal of hazardous materials and hazardous waste must be conducted in a manner consistent with Federal, State, and County laws, regulations, rules, and/or other requirements. Required disclosures, business plans, storage protocol including fuel storage, and hazard response plans shall be provided to the County and shall be consistent with the requirements of the Division of Environmental Health and California Code of regulations Title 22 Division 4.5. CDFA licensees shall demonstrate compliance with the principles and guidelines for discharge and water quality contained in the Cannabis Cultivation Policy of the State Water Resources Control Board.
- AA. Landscaping – Landscaping and irrigation shall be provided consistent with the requirements of the zone, Chapter 3 (Water Efficient Landscaping) of Title 8 of the County Code, and applicable State requirements for water conservation and drought tolerant landscaping. See requirements for Screening.
- BB. Lighting – All lighting shall be shielded and downward facing. Lighting shall not spill over onto other properties, structures, or the night sky. Lighting inside indoor and mixed light operations shall be fully controlled so that minimal or no light escapes. Lighting is prohibited in hoop houses. CDFA licensees must comply with Section 8304(c) of the CDFA Emergency Regulations. All lighting shall utilize LED bulbs. Mixed light use types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare, pursuant to Section 8304(g) of the CDFA Emergency Regulations.
- CC. **Microbusiness** – A microbusiness must comply with the requirements of this ordinance specific to any of the applicable cannabis activity use types in which the business engages. For example, if the microbusiness engages in cultivation activities, it must satisfy all the applicable cultivation requirements of this ordinance. This applies to manufacturing, distribution, and retail activities as well.
- DD. Noise Control – Permittees shall control interior and exterior noise in compliance with the Noise chapter of the Health and Safety Element of the County General Plan including Figure HS-7, Noise Compatibility Guidelines, and Policy HS-7.1 and HS-7.4.
- EE. Nuisance – Cannabis uses shall not create a public nuisance or adversely affect the health or safety of nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, unsafe conditions, or other impacts, in excess of allowable thresholds, or be hazardous due to the use or storage of materials, processes, products, runoff, unauthorized releases or illegal disposal of wastes. Solid waste/trash/garbage must be stored so as not to create a public nuisance and must be removed from the facility every seven days to an appropriately permitted disposal facility (Title 14 CCR Section 17312 and 17331).
1. It is unlawful and it shall be a public nuisance to cause or permit persistent cannabis odors that are offensive to individuals of normal sensitivity (pursuant to odor panel standards described in European olfactory standard EN 13725) and which adversely impact or unreasonably interfere with the use and enjoyment of property, to emanate across any property line, or emanate across a common wall or otherwise be detectable within an adjacent or nearby occupied structure.
 2. For the purposes of this subsection, cannabis odors shall be presumed to be persistent, offensive to individuals of normal sensitivity, and adversely impacting or unreasonably interfering with the use and enjoyment of property, if the County enforcement officer (i) independently determines that the cannabis odor violates the standards of subsection 1 above and/or (ii) the County enforcement officer receives three or more complaints of cannabis odor from individuals having normal odor sensitivity, representing separate residences or places of business, of a

cannabis odor emanating from the subject property within any two-week period, that the enforcement officer determines violates the standards of subsection 1 above.

3. Nothing in this subsection shall be deemed to require three complaints before the County may initiate enforcement action. The County may determine that a public nuisance exists under this sub-section if less than three complaints are received or even if no complaints are received but County officials or employees observe odor conditions that violate this subsection.

4. Failure to effectively resolve a public nuisance shall result in enforcement action, up to and including additional conditions, suspension and revocation of the County Cannabis Use Permit and/or County Cannabis License pursuant to the process below.

5. The County shall implement a three-level citation system for cannabis violations. The County will investigate all credible complaints to identify relevant conditions and verify non-compliant activities. Upon verification of the first complaint, the County shall issue an "alert" citation to the operator and land owner. This citation shall identify the problem, identify relevant code sections, discuss the abatement process, and identify corrective action. Upon verification of the second complaint within any two-week period, the County shall issue a "warning" citation. This citation shall identify the problem, document the history, and mandate specific abatement actions including submittal of a plan and schedule to remedy the problem. The County may will determine the period of time for compliance in response to the second citation. The second citation shall clearly state that the permit is at risk of revocation. Upon verification of the third complaint within any two-week period, the County shall issue a "violation" citation triggering a maximum ten calendar day period to cure the violation or face immediate revocation. A revoked permit may not be reinstated. Revocation or suspension of a permit shall bar the operator from application for a new permit for a period of one year.

6. If at any time during the three-level citation system identified above in subsection 5, the County enforcement officer determines that the conditions at the site are deleterious to the health, safety, or general welfare of any one or more surrounding properties, or that the operator and/or landowner is not acting in good faith or in a manner sufficiently timely to address the complaint, the County enforcement officer may bypass the three-level citation process and take immediate steps to cure the violation.

FF. Odor Control

1. The required threshold for odor control is less-than-significant levels at the specified point of measurement. This level shall be defined as a maximum dilution-to-threshold (D/T) ratio of seven parts clean or filtered air to one-part odorous air (7:1). Permittees with outdoor uses must control odor to this threshold at the property line. Permittees with indoor and mixed light uses must control odor to this threshold at the structure. Indoor and mixed light uses must install and maintain the following minimum equipment: an exhaust air filtration system with odor control that effectively minimizes internal odors from being emitted externally; and an air system that creates negative air pressure between the facilities interior and exterior so that odors generated inside the facility are not detectable outside the facility.

2. Applicants shall submit the following information: a. Identification and description of odor emitting activities and nature and characteristics of emissions. b. Description of procedures and engineering controls for reducing/controlling odors. c. Certification by a Professional Engineer or Qualified Odor Professional that the procedures and engineering controls proposed to control odors are consistent with accepted/available industry-specific best control technologies and methods designed to abate odor and will be effective in abating odors to no or less-than-significant levels at the structure for indoor and mixed light uses and at the property line for outdoor uses. This shall be submitted in the form of an Odor Control Plan, subject to regular monitoring and reporting.

3. Odor control for outdoor activities may include different plant strains, smaller grow areas, relocation of outdoor activities indoors or in a mixed light facility, use of site design or other technology, odor easements over neighboring property, etc.
- FF. Operating Hours – Outdoor harvesting and indoor or mixed light cultivation activities may be conducted seven days per week, 24-hours per day. Operating hours for other cannabis uses are subject to approval pursuant to the Cannabis Use Permit and may be limited at the discretion of the County.
- GG. Operations (General) – The operation of any cannabis activity shall be required to meet the general standard of consistency with best management, control, and operational practices in the industry.
- HH. Parking – Parking shall be provided consistent with the minimum requirements of the zone pursuant to Article 13 (Off-Street Parking and Loading) of the County Zoning Regulations. Adequate parking for all employees, residents, loading, and unloading must be provided.
- II. Personal Use (Medicinal and Adult) –
1. Not more than six living plants may be planted, cultivated, harvested, dried or processed within a single private residence, or upon the premises of that private residence, at one time, regardless of whether for medicinal or adult use.
 2. Cultivation may only occur on a parcel with a legal occupied dwelling unit and with the express permission of the property owner. Indoor cultivation must occur within the dwelling unit or in a secure legal/permitted accessory building. Outdoor cultivation shall not be located in front or side yard setback areas and shall not be visible from the public right-of-way.
 3. The area used for cultivation may not be an area otherwise required in order to comply with other applicable regulations such as within a garage or other area required for parking or within an area required for septic operation.
 4. Cannabis activities may not be detectable (e.g. due to odor or lighting) outside of the dwelling, structure, or property line (as applicable) in which the activities occur. The height of the cannabis plants measured from the ground, shall not exceed the standard fence height applicable to the parcel, or six feet whichever is less.
- JJ. Processing – Operators engaging in cultivation may also conduct processing onsite or may obtain a separate processing license to perform processing activities at a separate facility/location. Processing includes trimming, drying, curing, grading, storing, packaging, and labeling of non-manufactured cannabis incidental to the cultivation operation. All processing activities must occur indoors within secure permitted buildings/structures.
- KK. Public Land – Cannabis activities are prohibited on public land.
- LL. Screening – Applicants for outdoor and mixed light cannabis cultivation shall submit a screening plan (including details such as location, height, material or species, etc.) that achieves the following:
1. Cultivation shall be screened to the maximum extent feasible to avoid visibility from public rights-of-way.
 2. Screening may be vegetative or in the form of fencing, at the County’s discretion, dependent on circumstances at the site and in the surrounding area.
 3. Vegetative screening is subject to approval by the County Agricultural Commissioner to ensure proposed species will not harbor agricultural pests. Native, drought-tolerant species are encouraged. The applicant must demonstrate that the proposed vegetative screening will reasonably provide the intended screening within five years. Prior to issuance of a permit a performance security in an amount determined by a landscape architect and approved by the County sufficient to insure installation and maintenance for five years shall be filed with the County. The security will be released upon a finding that adequate screening has been achieved.

4. All fencing, walls, hedges, and trees, if allowed, must meet the minimum requirements of Section 8-2.1005 (Fencing and Walls, Hedges, and Trees) of the County Zoning Regulations.
 5. Fencing design and materials shall be consistent with the surrounding area and shall not significantly diminish the visual quality of the site or surrounding area.
- MM. Security – Permittees shall describe how site and operational security will be addressed specific to the site and use type, including access control, visibility, security cameras, alarms, security personnel, guard dogs, fencing, and building/structural security. All gates, doors, and windows of structures and facilities used for cannabis activities shall be locked/secured. Permittees are responsible to prohibit individuals from loitering on the premises if they are not engaged in activity expressly related to the activity/operations. Security information provided to the County shall be provided in a separate submittal or plan and shall be treated as confidential by the County pursuant to Section 6255(a) of the Government Code. BCC licensees must satisfy the requirements of Article 5, Security, of the BCC Emergency Regulations, commencing with Section 5042. CDPH licensees must satisfy the requirements of Article 1, Safety and Security, of the CDPH Emergency Regulations for Cannabis Manufacturing, commencing with Section 40200.
- NN. Setbacks – Minimum setbacks from property boundaries shall be consistent with the requirements of the zone. All operations shall satisfy additional buffer requirements identified in Section 8-2.1407(F), Buffers. Accessory uses may not encroach into required setbacks.
- OO. Signage and Advertising – Permittees shall comply with applicable sign standards (see Article 12 (Sign Standards) of the County Zoning Regulations). Advertising shall comply with CBPC Chapter 15 (Advertising and Marketing Restrictions)
- PP. Site Design – Site design shall comply with all applicable codes, standards, regulations, and guidelines, and shall demonstrate consideration of odor control, air quality, noise control, workflow, safety and security, lighting, aesthetics, protection of resources (biological, cultural, trees, etc.) and other appropriate impact mitigation. All required permits shall be obtained. Operations shall comply with Sections 8-2.1002 (Area of Lots) and 8-2.1004 (Height Regulations) of the County Zoning Regulations as applicable.
- QQ. Site Maintenance (General) – Permittee shall at all times maintain, manage, and operate the site, all improvements and alterations, and all structures, in good repair, acceptable in appearance, and in reasonably safe condition, including securing all necessary licenses and permits for this work. The site shall be kept free of litter, clutter, and graffiti. The permittee shall prevent and eliminate conditions that constitute a public nuisance.
- RR. Sustainable Practices – Permittees shall demonstrate a commitment to sustainability for all cannabis activities and shall demonstrate maximum feasible integration of sustainable practices in permitted operations and activities.
- SS. Trailers and Shipping Containers – Trailers and shipping containers for temporary or permanent use, may be permitted subject to consideration as a component of the Cannabis Use Permit. All required building permits shall be obtained. These uses may not encroach into required setbacks. Section 8-2.1012 (Commercial Coaches) and Section 8-2.1013 (Manufactured or Mobile Homes and Trailers) shall apply if applicable.
- TT. Tree Protection – Protection of trees is encouraged consistent with General Plan policies and the County Oak Woodland Conservation and Enhancement Plan. Protections shall include a prohibition on detrimental activity within the dripline. Removal of native trees and tree clusters or stands, particularly oak woodlands, remnant valley oaks, and riparian woodlands, is prohibited.
- UU. Wastewater Discharge – Access to adequate toilet facilities during operation must be provided and shall meet the requirements of the Division of Environmental Health (see Section 6-19.601 of the Yolo County Code). If a connection to a public sewer system cannot be provided, an onsite wastewater treatment system (OWTS) is required. A permit from the Division of Environmental

Health is required prior to construction of an OWTS. Wastewater effluent must be discharged into an approved OWTS or public sewer system. Permittees shall comply with applicable County and State and requirements for wastewater discharge.

- VV. Vertical Integration – Vertical integration is permitted at the County’s discretion based on site-specific and project-specific considerations. Nothing in this article shall prohibit a single person or entity from holding more than one category of license use type, **other than laboratory/testing**, provided all required licenses and permits are obtained, and provided the licensee abides by all applicable regulatory requirements.
- WW. Solid Waste Management – Permittees shall demonstrate use of best practices for management of hazardous and non-hazardous solid waste including minimization, compost of organic wastes, waste diversion, and procedures for waste storage and transport using a licensed hauler where required for hazardous, solid and liquid wastes. Manufacturers shall demonstrate maximum feasible use of recyclable product packaging, use of lightweight materials, and use of recyclable and compostable packaging. CDFA licensees shall provide the Cannabis Waste Management Plan required pursuant to Section 8108, Cannabis Waste Management, of the CDFA Emergency Regulations. **BCC licensees shall satisfy the requirements of Section 5055, Cannabis Waster Management, of the BCC Emergency Regulations. CDPH licensees shall satisfy the requirements of Section 40290, Waste Management, of the CDPH Emergency Regulations for Cannabis Manufacturing.**
- XX. Water Supply/Use – Access to potable drinking water and water for hand washing during operation must be provided and shall meet the requirements of the Division of Environmental Health. Permittees shall identify the source of all water proposed to be used for the operation, substantiate a legal right to use the water if from a surface source, and demonstrate that adequate capacity is available to serve the use on a sustainable basis. If operations will involve more than 25 persons (including employees, owners, and visitors) at least 60 days per year, the site must comply with public water system requirements and obtain a water supply permit from the Division of Environmental Health. To the maximum extent feasible, permittees shall include water conservation features in the design and operation of the cannabis activity including: evaporative barriers on exposed soils and pots, rainwater capture and reuse, recirculated irrigation water, timed drip irrigation, soil moisture monitors, and use of recycled water. CDFA licensees shall comply with Section 8107, Supplemental Water Source Information, of the CDFA Emergency Regulations. **Microbusiness permittees with cultivation shall comply with Section 5503, Supplemental Water Source Information, of the BCC Emergency Regulations.**
- YY. Weed Abatement – Permittees shall maintain exterior space free of weeds or plant growth in excess of 10 inches in height with the exception of properly tended flower beds, vegetable gardens, native habitat areas, agricultural fields provided they are harvested seasonally. All invasive plants and noxious weeds are prohibited. Weeds include all grasses, annual plants, and vegetation excluding trees and shrubs

Section 8-2.1408 Definitions

Note: The text below is a placeholder. This section will be expanded n later versions of the ordinance, after initial public review.

- A. General -- Other applicable definitions shall be as provided in State law and other sections of County code, as amended. Changes to applicable definitions in State law shall take effect locally 90 days after the change take effects at the State level.
- B. Co-Location Agreement – *To be inserted*
- C. Early Development Agreements – As described in Final Policy adopted by the Board of Supervisors on March 6, 2018.

- D. Edible – See Section 6-20.103(H).
- E. Hoop House – As defined in Section 5.20.03(M), hoop houses are considered an outdoor use.
- F. Mixed Light Cultivation – *To be inserted*
- G. Premises – *To be inserted (cultivation site)*
- H. Operator – *To be inserted*
- I. Outdoor Cultivation – *To be inserted*
- J. Qualified Odor Professional – *To be inserted*
- K. Other – *Will add definitions for all land use types and categories; will add other definitions as appropriate in later versions of the ordinance.*

Section 8-2.1409 Special Cannabis Restrictions and Concerns

- A. Federal Legal Framework – Cannabis is classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act of 1970. Individuals engaging in cannabis cultivation and/or other cannabis activities risk prosecution under Federal law. This ordinance does not authorize conduct or acts that violate Federal law and does not protect any person from arrest or prosecution under Federal law. Persons engaged in cannabis activities assume any and all risk and any and all liability that may arise or result under State and Federal laws from the cultivation, sale, possession, distribution, use of cannabis and/or any other cannabis activity. All persons engaged in cannabis activities are subject to possible Federal prosecution, regardless of State licensure. Operation pursuant to a County Cannabis License or County Cannabis Use Permit does not assert or provide Federal protection.
- B. Generally Unstable Legal Framework -- Cannabis activities are highly regulated at all levels of government and those regulations are subject to rapid change. Operators are solely responsible for compliance with all applicable laws. Outside of the vesting provided by an executed Development Agreement, there is no express or implied certainty associated with the issuance of a County Cannabis License or County Cannabis Use Permit.
- C. Ability of County to Deposit Cannabis-Related Funds – If at any time the County is unable to deposit cannabis-related funds the Board of Supervisors may take action to void this ordinance and revoke cannabis use permits.
- D. Sensitive/Confidential Information – Information related to cultural resources is confidential (see Section 8-2.1407(K)(4)). Information related to site security is confidential (see Section 8-2.1407(NN)) and shall not be disclosed without the written permission of the landowner or their representative, or unless compelled to do so by regulation or court order.
- E. Limitations on County Liability – The following are required as a condition of any Cannabis Use Permit, form and content shall be as specified by County Counsel:
 1. Indemnification – Indemnify the County from all claims, damages, etc. associated with operation of the cannabis activities. Form and content subject to approval of County Counsel. As directed by County Counsel, shall satisfy or exceed the requirements of Section 8-2.212.5 (Indemnification) of the County Zoning Regulations.
 2. Insurance – Maintain insurance in the amounts and of types acceptable to the County. Name the County as additionally insured on all required policies and provide copies of the insurance certificates to demonstrate this.
 3. Agreement to Defend – Agree to defend, at its sole expense, any action against the County, its agents, officers, and employees related to the approval and implementation of a cannabis use permit.
 4. Agreement to Reimburse for Court Costs and Attorney/s Fees -- Agree to reimburse the County for any court costs and attorney fees that result from any legal challenge related to the County’s approval of a cannabis use permit. The County may, at its sole discretion,

participate at its own expense in the defense of any such action, but such participation will not relieve the operator of its obligation.

5. Surety Bonds for Abatement – Furnish the County with a surety bond pursuant to Section 5-20.04(A)(2)(a)(4)(v) to cover abatement costs and/or administrative penalties.

Section 8-2.1410 Application Submittal and Processing

- A. Applicability – No commercial cannabis activities may be undertaken without having first obtained a Cannabis Use Permit. Cannabis Use Permits, including amendments and extensions, shall be processed by the County pursuant to the requirements of this Article, and Sections 8-2.217 (Use Permits) and 8-2.215 (Site Plan Review) of the County Zoning Regulations. All Cannabis Use Permits shall be heard by the Planning Commission, subject to appeal to the Board of Supervisors. *Note: Subject to deliberation by the Board of Supervisors.* The Director is authorized to make administrative policies and procedures consistent with this article concerning applications, the application process, the information required of applicants, application procedures, and the administrative process and procedures to be used and followed in the application and hearing process. The Director and appropriate County staff shall review, verify, and investigate all information in the application and prepare a report for the Planning Commission incorporating the findings of the investigation including, but not limited to, the suitability of the proposed location and the applicant’s compliance with the requirements of this Article.
- B. Application Requirements – Applicants for Cannabis Use Permits shall submit the following application information:
 1. State Licensing Application – The applicant shall submit a copy of all information required by/submitted to the State for a Cannabis License
 2. County Licensing Application – The applicant shall submit a copy of all information required by/submitted to the County for a Cannabis License and County Business License, if applicable.
 3. Cannabis Use Permit Application – The applicant shall submit all information required by Section 8-2.209 (Application Requirements) of the County Zoning Regulations. Applications shall be processed pursuant to Section 8-2.210 (Discretionary Review and Determining Completeness of Development Applications) and Section 8-2.212 of the County Zoning Regulations.
 4. Detailed Description of Proposed Operation -- The applicant must submit a detailed description of the proposed cannabis activity(ies) of sufficient detail to allow for an analysis of the merits of the project and CEQA compliance.
 5. Pre-Application – All Cannabis Use Permit application shall participate in the pre-application process pursuant to Section 8-2.213 (Pre-Application) of the County Zoning Regulations.
- C. Site Specific Information – In addition to the standard information required by the County as described in the application for Use Permit, the following site-specific information may be required for Cannabis Use Permit applications:
 1. Cultural Resource Sensitivity Assessment
 2. Biological Resource Sensitivity Assessment
 3. Phase One Environmental Site Assessment
 4. Scaled Depiction of Applicable Setbacks and Cannabis Buffers
 5. Other – as identified by the County
- D. Operational Information Required
 1. 24-hour Good Neighbor Contact
 2. Odor Control Plan

3. Other – As identified by the County
- E. Payment of Monetary or Other Obligations Required -- Any monetary or other obligations of the applicant or property owner to the County must be paid prior to processing, construction, amendment, renewal, extension, or operation (as applicable), or acceptable alternative arrangement made. This shall include all application fees including fees for technical experts, special studies, and CEQA compliance, license fees, cannabis taxes, property taxes or other property obligations, Development Agreement public benefit obligations, penalties and/or fines. Failure to continue to pay these obligations, including applicable sales taxes, as they become due shall be grounds for revocation.
 - F. Misrepresentations – The provision of false or misleading information in the permitting process will result in rejection of the application and/or revocation of any issued permit/approval.
 - G. Code Compliance (General) – The County may refuse to issue any permits or approvals where the property upon which the use or structure is proposed is in violation of the County Code.
 - H. Development Agreements --
 1. Early Implementation Development Agreements – This term refers to Development Agreements executed by the County with cannabis operators prior to the effective date of the Cannabis Land Use Ordinance, pursuant to the Early Implementation Development Agreements Policy approved by the County Board of Supervisors on March 6, 2018. At the conclusion of their term, or at any point after adoption of this Ordinance that an amendment is sought, operations subject to Early Implementation Development Agreements shall be brought into compliance with this Ordinance.
 2. Development Agreements – Applicants for Cannabis Use Permits may also request consideration of a Development Agreement pursuant to Chapter 5 (Development Agreements) of Title 8 of the County Code.
 3. Standard Terms and Requirements – Development Agreements for Cannabis Use Permits shall utilize standard terms and conditions.
 4. Voluntary Commitment to Public Benefit Beyond Cannabis Tax -- Development Agreements for Cannabis Use Permits shall include public benefits beyond those attainable through project conditions or CEQA mitigation measures, and in addition to payment of the Cannabis tax. Acceptable benefits may include:
 - a. Unrestricted Monetary Contribution
 - b. Community infrastructure Funding (e.g. public park)
 - c. Local Preference Hiring
 - d. Location as Place of Business for Purposes of Sale Tax Collection
 - e. Contributions to Funding for New Farmers
 - I. CEQA Compliance -- Cannabis uses that operate pursuant to the requirements of this ordinance shall have presumptive CEQA coverage from the certified Programmatic Environmental Impact Report prepared for the Yolo County Cannabis Land Use Ordinance pursuant to Sections 15168 and/or 15152 of the State CEQA Guidelines.
 - J. Public Noticing – Public notice shall comply with Section 8-2.211 (Public Notice) of the County Zoning Regulations, except that notification for public meetings and hearings shall extend _____ feet from the property line boundary and shall include both residents and property owners. *Note: Subject to deliberation by the Board of Supervisors.*

Section 8-2.1411 Reporting and Inspections

- A. Annual Reporting – Permittees shall report annually to the County, on July 1 of each year starting the first July 1 in the year after permit issuance, using a template or format approved by the County, regarding the following:

1. Compliance with County and State cannabis licensing requirements
 2. Compliance with Cannabis Use Permit requirements
 3. Compliance with CEQA Mitigation Measures, as applicable
 4. Compliance with Development Agreement requirements, as applicable
 5. Records of Good Neighbor Communications
 6. Monthly Inventory Records – All activities shall perform an inventory on the first business day of each month and shall record the total quantity of each form of cannabis on the premises. These records shall be maintained for four years from the date created and shall be timely provided to the County upon request.
- B. Inspections – 1. Recordings made by security cameras at any cannabis business shall be made immediately available to the County upon verbal request for the purposes of determining compliance with this Chapter and the cannabis business’ use permit. 2. The County shall have the right to enter all cannabis businesses from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Chapter and the cannabis business’ use permit. Such inspections shall be limited to observing the premises for purposes of determining whether the cannabis business is being operated or maintained in compliance with this code, state law, and other applicable laws and regulations. 3. Applicants and permittees must cooperate with employees and investigators of the County who are conducting inspections or investigations relevant to the enforcement of this Chapter. 4. Interference in the performance of an inspection by any means is grounds for revocation.
1. Application Inspection
 2. Annual Compliance Inspection (licensing and cannabis use permit)
 3. Fees for Annual Compliance
- C. Presentation to Decisionmakers – County staff will present annually to the Planning Commission and Board of Supervisors on the cannabis program, the annual reports, annual inspections, complaints received by the County (if any), and any other pertinent information. The report may make recommendations for regulatory changes if merited.
- D. Fees for Annual Reporting and Inspections – Permittees shall pay any required fees for review and approval of annual reporting, inspections, and required public meetings or hearings.

Section 8-2.1412 Enforcement)

- A. Abatement – *To be inserted*
 - B. Liability for Costs and Fees – *To be inserted*
 - C. Modifications – *To be inserted*
 - D. Penalties and Fines – *To be inserted*
 - E. Grounds for Denial, Suspension, or Revocation – *To be inserted*
- Any of the following shall be grounds for suspension or revocation of the Use Permit following notice and public hearing pursuant to Section F
1. Failure to comply with one or more of the conditions of the Cannabis Use Permit;
 2. Discovery of untrue statements submitted on a use permit application;
 3. Any act or omission by an owner or permittee in contravention of the provisions of this Chapter;
 4. Revocation or suspension of any State license required to conduct the cannabis use;
 5. Any act or omission by an owner or permittee in contravention of State law or the Yolo County Code;
 6. The creation or maintenance of a public nuisance;
 7. Conduct of the commercial medical cannabis activities in a manner that constitutes an immediate threat to health, safety or welfare;

8. Previous violation by the applicant, or previous violation at the proposed cultivation site, of any provision of the Yolo County Code or State law related to the cannabis use;
 9. A change in conditions occurring after the original grant of the approval or the continuation of the use as approved is contrary to public health, safety or general welfare, or is detrimental or incompatible with other permitted uses in the vicinity;
 10. The findings which were the basis for the original permit approval can no longer be made; or
 11. Regulations applicable when the permit was approved have been amended
- F. Procedure for Suspension or Revocation
1. If the Director of Planning determines that grounds for suspension or revocation of the Use Permit exist pursuant to Subsection (E) above, the Director of Planning shall issue a written Notice of Intention to revoke or suspend the Use Permit, as the case may be. The Notice of Intention shall be served on the owner, as reported on the latest equalized assessment roll, and shall also be served on permittees on the property, as reported on the County Cannabis License. The Notice of Intention shall be given pursuant to Government Code section 65091. The Notice of Intention shall describe the property, the intention to revoke or suspend the Use Permit, the grounds for revocation or suspension, the action necessary to abate the violation, if any, the time limit for compliance, and the right to a public hearing. The Notice of Intention shall notify the owner and permittees of the opportunity to request a hearing before a Hearing Officer to present evidence as to why the Use Permit should not be suspended or revoked and shall notify them of the ten-day deadline to submit a written request for a hearing.
 2. The owner and permittees shall have ten calendar days from the service of the Notice of Intention to submit a written request for a hearing before the Hearing Officer. Failure to submit the written request for a hearing shall be deemed a waiver of the right to challenge the suspension or revocation of the Use Permit and a failure to exhaust administrative remedies. If the hearing is not timely requested, the Director of Planning may suspend or revoke the Use Permit in accordance with the Notice of Intention.
 3. Upon receipt of a timely written request for a hearing, the Director of Planning shall set a date for a hearing to be held within 60 days of receipt of the request, unless an immediate threat to the public health, safety and welfare necessitates an earlier hearing date. Notice of the hearing, including the time, date, and location of the hearing, shall be served on the owner and permittees, such service to be accomplished by either personal delivery or by certified U.S. Mail, postage prepaid, return receipt requested.
 4. Hearing by the Hearing Officer
 - a. The Hearing Officer is authorized to conduct hearings, receive evidence, administer oaths, rule on questions of law and the admissibility of evidence, prepare a record of the proceedings, and render decisions on the suspension or revocation of the Use Permit.
 - b. In any proceeding before a Hearing Officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the Hearing Officer shall have the power to administer oaths and affirmations and to certify to official acts.
 - c. All parties to the hearing shall have the opportunity to testify, introduce exhibits, call and examine witnesses, and cross examine opposing witnesses on any matter relevant to the issues.
 - d. The Hearing Officer may postpone the hearing date upon good cause shown, continue the hearing during the course of the hearing, and make such other procedural orders and rulings as he or she deems appropriate during the course of the hearing.
 - e. The Hearing Officer's decision shall constitute the final administrative decision of the County.

5. In the event a civil action is initiated to obtain enforcement of the decision of the Hearing Officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County's total costs of enforcement.
 6. If neither owner nor any permittee nor their authorized representatives appear at the noticed hearing, such failure to appear shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies.
- G. Enforcement - The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.
1. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.
 2. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for penalty pursuant to the Yolo County Code, and any other action authorized by law.
 3. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Yolo County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial medical cannabis activity or persons related thereto, or associated with, the commercial medical cannabis activity.
- H. Recovery of costs
1. Purpose and Intent. This section establishes procedures for the recovery of administrative costs, including staff time expended on the enforcement of the provisions of this Chapter in cases where no permit is required in order to cure a violation. The intent of this section is to recoup administrative costs reasonably related to enforcement.
 2. *To be inserted*
- I. Cultivation Site Restoration – Upon revocation of a use permit or abandonment of a permitted cultivation site, the operator and/or property owner shall remove all materials, equipment and improvements on the site that were devoted to cannabis use, including but not limited to bags, pots, or other containers, tools, fertilizers, pesticides, fuels, hoop house frames and coverings, irrigation pipes, water bladders or tanks, pond liners, electrical lighting fixtures, wiring and related equipment, fencing, cannabis, or cannabis waste products, imported soil or soil amendments not incorporated into native soil, generators, pumps, or structures not adaptable to non-cannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the operator and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions set forth in Section G.

Sec. 8-2.1406 Table of Cannabis Development Regulations¹¹

Cannabis Land Use Type	Max Canopy Area	State License Type ¹⁴ and Agency	Agric Zones (A-N, A-X, A-I, A-C) ¹³	Res Zones (RR-5, RR-2, R-L, R-M, R-H) ¹³	Comm Zones (C-L, DMX) ¹³	Comm Zones (C-G, C-H) ¹³	Indus Zones (I-L, I-H) ¹³	Buffers from Identified Uses ¹²	Special Use Regulations
Personal									
Personal – Outdoor	≤6 plants per DU	Exempt	A ¹	A ¹	A ¹	A ¹	A ¹	1,000 feet ¹⁷	Title 8, Chapter 2, Article 14
Personal -- Indoor	<6 plants per DU	Exempt	A ¹	A ¹	A ¹	A ¹	A ¹	Per the zone	
Cultivation³, Nurseries, and Processing									
Specialty Cottage – Outdoor ⁹	< 25 mature plants	1C, CDFA	UP(M)	N	N	N	N	1,000 feet ¹⁷	Title 8, Chapter 2, Article 14
Specialty Cottage -- Indoor	≤500 sf	1C, CDFA	UP(M)	N	N	UP(M)	UP(M)	Per the zone	
Specialty Cottage -- Mixed-Light ⁴	≤2,500 sf	1C, CDFA	UP(M)	N	N	UP(M)	UP(M)	1,000 feet ¹⁷	
Specialty – Outdoor ⁹	≤5,000 sf or ≤50 mature plants	1, CDFA	UP(M)	N	N	N	N	1,000 feet ¹⁷	
Specialty -- Indoor	501 to 5,000 sf	1A, CDFA	UP(M)	N	N	UP(M)	UP(M)	Per the zone	
Specialty -- Mixed-Light ⁴	2,501 to 5,000 sf	1B, CDFA	UP(M)	N	N	UP(M)	UP(M)	1,000 feet ¹⁷	
Small – Outdoor ⁹	5,001 to 10,000 sf	2, CDFA	UP(M)	N	N	N	N	1,000 feet ¹⁷	
Small – Indoor	5,001 to 10,000 sf	2A, CDFA	UP(M)	N	N	UP(M)	UP(M)	Per the zone	
Small -- Mixed Light ⁴	5,001 to 10,000 sf	2B, CDFA	UP(M)	N	N	UP(M)	UP(M)	1,000 feet ¹⁷	
Medium – Outdoor ⁹	10,001 to 43,560 sf	3 ⁸ , CDFA	UP(M)	N	N	N	N	1,000 feet ¹⁷	
Medium -- Indoor	10,001 to 22,000 sf	3A ⁸ , CDFA	UP(M)	N	N	UP(M)	UP(M)	Per the zone	
Medium – Mixed Light ⁴	5,001 to 10,000 sf	3B ⁸ , CDFA	UP(M)	N	N	UP(M)	UP(M)	1,000 feet ¹⁷	
Large ² – Outdoor ⁹	>43,561 sf ¹⁶	5, CDFA	N	N	N	N	N	N/A	
Large ² -- Indoor	>22,001 sf ¹⁶	5A, CDFA	N	N	N	N	N	N/A	
Large ² – Mixed Light ⁴	>22,001 sf ¹⁶	5B, CDFA	N	N	N	N	N	N/A	

Cannabis Land Use Type	Max Canopy Area	State License Type ¹⁴ and Agency	Agric Zones (A-N, A-X, A-I, A-C) ¹³	Res Zones (RR-5, RR-2, R-L, R-M, R-H) ¹³	Comm Zones (C-L, DMX) ¹³	Comm Zones (C-G, C-H) ¹³	Indus Zones (I-L, I-H) ¹³	Buffers from Identified Uses ¹²	Special Use Regulations
Nursery – Outdoor, Indoor or Mixed Light	Unlimited	4 ⁷ , CDFA	UP(M)	N	N	N	UP(M)	1,000 feet ¹⁷ for mixed-light	Title 8, Chapter 2, Article 14
Processing Only ⁶	N/A	Not Assigned, CDFA	UP(M)	N	N	UP(M)	UP(M)	Per the zone	
Manufacturing, Testing, and Distribution									
Manufacturing – Non-volatile	N/A	6, CDPH	UP(M)	N	N	N	UP(M)	Per the zone	Title 8, Chapter 2, Article 14
Manufacturing -- Volatile	N/A	7, CDPH	UP(M)	N	N	N	UP(M)	Per the zone	
Manufacturing -- Infusion	N/A	6N, CDPH	UP(M)	N	N	N	UP(M)	Per the zone	
Manufacturing – Packaging and Labeling	N/A	6P, CDPH	UP(M)	N	N	UP(M)	UP(M)	Per the zone	
Testing/Laboratory	N/A	8, BCC	UP(M)	N	N	N	UP(M)	Per the zone	
Distribution	N/A	11(M) ¹⁰ , BCC	UP(M)	N	N	UP(M)	UP(M)	Per the zone	
Distribution – Transport Only	N/A	12(M) ¹⁰ , BCC	UP(M)	N	N	UP(M)	UP(M)	Per the zone	
Retail (Dispensary)									
Retail -- Storefront	N/A	10(M) ¹⁰ and 10A(M), BCC	N	N	UP (M)	UP(M)	UP(M)	Per the zone	Title 8, Chapter 2, Article 14
Retail – Non-Storefront	N/A	9(M) ¹⁰ , BCC	UP(M)	N	N	UP(M)	UP(M)	Per the zone	
Special Cannabis Event ¹⁵	N/A	14(M) ¹⁰ , BCC	N	N	N	N	N	Per the zone	
Microbusiness									
Microbusiness	<10,000 sf	12(M) ¹⁰ , BCC	UP(M)	N	N	UP(M)	UP(M)	1,000 feet ¹⁷ for outdoor and mixed-light	Title 8, Chapter 2, Article 14

Acronyms:

A = Allowed Use (applicable building permits and other approvals required)

BCC = Bureau of Cannabis Control

CDFA = California Department of Food and Agriculture

CDPH = California Department of Public Health

DU = dwelling unit

N = Not Allowed

sf = square feet

UP(M) = Major Use Permit

43,560 sf = one acre

Notes:

1. In legal residential units only, with landlord's permission.
2. CDFA will not issue prior to January 1, 2023.
3. Cultivation includes trimming, drying, curing, grading, or packaging of cannabis and non-manufactured cannabis products associated with crops grown onsite.
4. Includes greenhouses.
5. Deleted
6. Trimming, drying, curing, grading, or packaging of cannabis and non-manufactured cannabis products associated with crops grown off-site. This use may only be conducted indoors.
7. Includes transport of live plants.
8. CDFA will issue a limited number of Type 3 state licenses (CDFA Emergency Regulations, Section 8209).
9. Includes hoop houses.
10. M = Medicinal; A = Adult-Use.
11. These cannabis-specific regulations are in addition to other Development Regulations that apply in each zone (including minimum lot area, yard setbacks, height restrictions, building separation, building size, and density/intensity) and other Specific Use Requirements or Performance Standards that apply in each zone. In the case of a conflict the more restrictive regulations shall apply.
12. Buffers are from the following uses: Licensed Day Cares, Public Parks, Recognized Places of Worship, Residentially Designated Land, Public or Licensed Private Schools, Licensed Treatment Facilities for Drugs or Alcohol, Tribal Trust Land, Licensed Youth Center. (Youth Center is defined in Section 26001 of the CBPC.) All other setbacks are per the development requirements of each zone.
13. Cannabis uses are prohibited in all zones not listed in this table.
14. MCRSA does not limit the number of licenses a person may hold of a particular license type. It does limit the types of license a person may hold at one time. With some exceptions, licensees can only hold licenses in up to two separate categories.
15. Includes tasting, promotional activities, farmer's markets, temporary events, etc.
16. Unlimited
17. Exceptions may be allowed where impacts are controlled to the property line