Appendix D

Proposed Revisions to the Draft CLUO
Note 1: Items in italics are notes to the reader and would not be a part of the actual ordinance.

Note 2: This version reflects additional staff-proposed clarifications to the Public Review Draft Ordinance dated October 2019 and released as Appendix C of the Draft EIR. These new staff-proposed changes are shown in strike out/underline format.

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 State has recognized that statewide legalization of cannabis activities is not in alignment with federal cannabis laws; the County defers to the State in this regard recognizing that consistency with federal cannabis laws not currently possible. The regulations below are a non-exclusive list of other County Code sections that contain regulations specific to cannabis activities.

A. 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 elsewhere 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.

B. 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 article.

C. 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 County Cannabis Licenses. All cannabis uses and operations must be fully compliant with applicable requirements set forth herein.

Sec. 8-2.1402 Purpose
The adoption of this article 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 cannabis activities underground.

J. Allow for adaptation to changing market, cultural, and regulatory considerations over time

K. Acknowledge the will of the voters in passing Proposition 64, Marijuana Legalization, in 2016.

Section 8-2.1403 Definitions

A. General Unless otherwise defined, the County accepts the State definitions of various terms related to cannabis and cannabis activities as used in this article. 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. Canopy – See Section 5-20.03(L) of the Yolo County Code (YCC). (This citation will be revised once the licensing ordinance is moved to Chapter 4 of Title 20)

C. Co-Location The issuance of more than one cannabis license to different owners or business entities, under one Cannabis Use Permit, on the same or contiguous parcels.

D. Cultivation Site – Area approved for cultivation and related activities.

E. Early Development Agreements – As described in Final Policy adopted by the Board of Supervisors on March 6, 2018. For the purposes of this article, this term shall also include Cannabis Nursery/Processing Request For Proposal (RFP) applications that execute Development Agreements in advance of the adoption of this article.

F. Edible – Manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including but not limited to chewing gum. An edible cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code (CHSC) or a drug as defined by Section 109925 of the CHSC.

G. Farm Dwelling – For the purposes of this article, any residence located on land zoned and/or designated for agricultural use.

H. Greenhouse -- A structure or thermally isolated area of a building that maintains a specialized sunlit environment used for and essential to the cultivation, protection, or maintenance of plants. For the purposes of this article, cultivation in a greenhouse (including mixed light) is considered an indoor use.

I. Hoop House – A shade cloth structure that is readily removable and temporary in nature, without any equipment or utilities. The ends may be covered or left open and the material covering the structural members is readily removable and is typically removed and re-affixed frequently. For the purposes of this article, cultivation in a hoop house is considered an outdoor use.

J. Indoor(s) -- Within a fully enclosed and secure structure that complies with the California Building Code (CBC), as adopted by the County of Yolo, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2” x 4” or thicker studs overlain with 3/8” or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. For the purposes of this article, cultivation in greenhouses and enclosed nurseries are considered indoor operations, and buffers do not apply.

K. Mixed Light Cultivation – Cultivation of cannabis using light deprivation and/or artificial or controlled lighting. For the purposes of this article, mixed light cultivation occurs in a greenhouse, is considered an indoor use, and buffers do not apply.

L. Normal Odor Sensitivity – See Section 8-2.1408(CC), Nuisance, of this article.

M. Nurseries – See Section 5-20.03(Y) (this citation will be revised once the licensing ordinance is moved to Chapter 4 of Title 20) of the YCC.
Sec. 8-2.1404 Applicability
A. Effective Date -- The requirements of this article are effective 30 days after adoption.
B. Regulatory Transition Period -- Cannabis licensees holding a current and validly issued annual license pursuant to County Code chapter 5-20 on the effective date of this article (defined for this section only as “Operating Cannabis Licensees”), shall have 12 months from the effective date to submit a complete application for the required Cannabis Use Permit, and may continue to operate in compliance with the terms of their license during this transition period. Complete applications from Operating Cannabis Licensees will be given priority processing for Cannabis Use Permits. After this 12-month transition period, Operating Cannabis Licensees without a Cannabis Use Permit or a complete application, will be subject to County enforcement action, including but not limited to abatement. Legally operating cannabis licensees shall have 12 months from the effective date of this article to submit a complete application for the required Cannabis Use Permit. After this 12-month period, licensees without a Cannabis Use Permit or a complete application, will be subject to County enforcement action, including but not limited to abatement. Application 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 the deadline established above. Should the County establish staggered application procedures to allow for processing of applications in batches, the deadline for submittal of a complete application shall be as established in the administrative procedures. Should a Cannabis Use Permit applicant be denied, the applicant may not subsequently operate.
C. Relocation -- Cannabis activities on sites that do not meet the requirements of this Article must relocate and secure a Cannabis Use Permit, or cease operations on or prior to the dates identified below by license category:
Outdoor cultivation - 12 months from the effective date of this article
Mixed Light Cultivation – 24 months from the effective date of this article
Indoor Cultivation – 36 months from the effective date of this article
Should the County establish staggered application procedures to allow for processing of applications in batches, the deadlines for relocation shall be as established in the administrative procedures.

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 by County at the licensee’s sole cost and expense if not ceased by the licensee.

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 article 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 article and other applicable County and State regulations.

H. Commercial Medical Use -- Commercial Medical cannabis uses are conditionally permitted subject to the requirements of this article and other applicable regulations.

I. Commercial Adult Use -- Commercial adult (non-medical or recreational) cannabis uses are allowed in Yolo County (per action by Board of Supervisors June 26, 2018). Strict Standards and Interpretation -- The requirements of this article shall be strictly interpreted and applied. Nothing in this article shall be construed to allow any activity relating to cannabis activity that is otherwise not expressly permitted in the County Code or is illegal under State law.

J. Unspecified Cannabis Activities – Any use not expressly permitted in this article is prohibited.

K. Buffers -- Approved cannabis uses, operating within the terms of their approvals and conditions, shall be exempted from the buffer requirements of Section 8-2.1408(E), Buffers, of this article if later (i.e., post Use Permit issuance) new land uses locate within otherwise applicable buffer distances.

Sec. 8-2.1405 Cannabis Use Categories and Types
The following County cannabis use categories and related State cannabis use types are recognized by this article. Descriptions are as defined by State law, as amended. Not all use types are permitted. See Section 8-2.1407, Table of Cannabis Development Requirements, of this article for prohibited uses, permitted uses, and conditions applicable to each use.

A. Personal
   1. Outdoor
   2. Indoor

B. Cultivation, Nurseries, and Processing (Commercial)
   1. Outdoor Cultivation (fields and hoop houses)
   2. Indoor Cultivation (enclosed buildings and including greenhouses)
   3. Mixed Light Cultivation (enclosed buildings and including greenhouses)
   4. Nurseries (indoor, outdoor, 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. 8-2.1406 Cannabis Permit Requirements
A. General Requirements – Except as allowed in Sections 8-2.1404(B) and (C), Applicability, of this article cannabis uses shall only be permitted in compliance with this article and all applicable codes set forth in the County Code. 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 cannabis activities authorized by the Use Permit unless otherwise specified in the accompanying conditions of approval.
B. State Cannabis License Requirement – Each permitted cannabis use requires an applicable State license. The State Cannabis License is assigned to the permittee 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 licensee and is not transferrable, unless approved by the County.
D. County Business License Requirement – In addition to the County Cannabis License requirement, every permittee, except cultivators, nurseries and processing license holders, must also obtain a County Business License.
E. County Cannabis Use Permit Requirement – Each permitted cannabis use requires a Cannabis Use Permit as identified in Section 8-2.1407, Table of Cannabis Development Requirements, of this article. 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 permittees 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 in compliance within the requirements of all applicable County and State laws, including without limitation Chapter 4 of Title 12 of the Yolo County Code.
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. A permittee may have multiple license types authorized under one Use Permit. The County may also establish a procedure for allocation of Use Permits under applicable circumstances. The total number of Cannabis Use Permits issued by the County shall not exceed 132. The number of licenses shall be allocated by use type as follows:

- Personal = indoor or outdoor; unlimited
- Cultivation (indoor or outdoor) = 95
- Regional-serving Nurseries = 5
- Regional-serving Processing = 7 (0 in Guinda/Rumsey)
- Manufacturing = 6 (0 in Guinda/Rumsey)
- Testing = 2 (0 in Guinda/Rumsey)
- Distribution = 7 (0 in Guinda/Rumsey)
- Retail (Store front) = 5
- Retail (Non-Storefront) = unlimited but must be associated with a Yolo CUP

1 On-site ancillary – serving site production only is not subject to cap.
Microbusiness = 5

H. Over-Concentration—By resolution adopted concurrently with, or subsequent to, this article, as may be amended from time to time, the Board of Supervisors may establish 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. For purposes of applying any limitations set forth in such resolution, Ten or less cannabis operations/Use Permits in any area of the County with a diameter of six-miles shall not be considered over-concentrated. More than 10 cannabis operations/Use Permits in any area of the County with a diameter of six miles shall be considered over-concentrated, and shall not be allowed. All cannabis uses at a co-located site would count as “one” for the purposes of determining over-concentration. By resolution adopted concurrently with, or subsequent to, this article, as may be amended from time to time, the Board of Supervisors shall establish procedures and commit resources to implement this section and ensure processing of Cannabis Use Permits in areas of over-concentration, consistent with the adopted CLUO. The procedures shall be consistent with the specifications of CLUO EIR Mitigation Measure OVC-1a, Items I through V, and Mitigation Measure OVC-1b. Multiple licenses/permits under the same or different ownership(s) (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 article 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 within an area of potential over-concentration or over-concentration. (EIR MM OVC-1a, Item VI) 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, as set forth more fully in Section 8-2.1412(B). The term for a Cannabis Use Permit may be limited by the County. The permittee must apply for permit renewal prior to the expiration of any limited term permit.

J. Expiration – At the sole discretion of the decision-making authority, the term for any Cannabis Use Permit may be limited to a specified number of years. The permittee must apply for permit renewal, prior to the expiration of the permit, if available under then-current County ordinance(s) regulating cannabis activities, prior to the expiration of any limited term permit. All limited term permits expire automatically at the end of their stated term or, if a complete permit renewal application is filed prior to expiration, on the date of final action by the County (including on any related administrative appeals) on the application for renewal. The County provides no representations or assurances that Use Permit renewals will be authorized under the terms of this article, as may be amended from time to time, upon the expiration of any permits issued hereunder. All activities covered by a permit must cease immediately upon the expiration of its term or be subject to abatement by the County at the sole cost and expense of the permittee.

K. Vested Rights – Unless otherwise required by California law, 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 express terms of the approval.
L. Findings for Approval or Denial – The decision-making authority (Planning Commission) may grant approval of a Cannabis Use Permit if the following findings are made, based on substantial evidence in the record:

1. The requested use is a conditionally allowed use in the applicable zone designation.
2. The requested use is consistent with the general plan, and area or specific plan if applicable.
3. The proposed use complies with each of the applicable provisions of the Cannabis Land Use Ordinance and other applicable sections of the County Zoning Regulations.
4. The proposed use, together with the applicable conditions, will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare.
5. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided, as required in applicable County and State regulations, standards, and specifications.
6. The number of cannabis operations in the area has been taken into consideration.
7. The proximity of cannabis operations to each other, and/or to other identified sensitive land uses has been taken into consideration.
8. The proximity to adjoining/nearby land uses has been taken into consideration.
9. The population in the area has been taken into consideration.
10. The crime rate in the area has been taken into consideration.
11. The compliance history of the applicant and/or operator has been taken into consideration.
12. The record of nuisance abatements in area has been taken into consideration.
13. Community character has been taken into consideration.
14. Community support has been taken into consideration.
15. Parcels size and proposed uses on the non-cannabis portion(s) of the parcel have been taken into consideration.
16. Subject matter input relevant to the specific location or proposed project from County department and division heads, and the Cannabis Task Force have been taken into consideration.
17. Other cultural, social, equity, and environmental justice concerns deemed applicable by the County have been taken into consideration.
(EIR MM OVC-1c)
18. Site efficiency and use of the site to minimize fallowing of agricultural land has been taken into consideration.

The findings generally applicable to the grant of a Use Permit under the Yolo County Code do not apply to Cannabis Use Permits, which are subject only to the findings set forth above.
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Sec. 8-2.1407 Table of Cannabis Development Regulations

<table>
<thead>
<tr>
<th>Cannabis Type</th>
<th>Land Use</th>
<th>Max Area</th>
<th>Canopy</th>
<th>Agric Zones (A-N, A-X, A-I, A-C&lt;sup&gt;12&lt;/sup&gt;)</th>
<th>Res Zones (RR-S, RR-2, R-L, R-M, R-H)&lt;sup&gt;13&lt;/sup&gt;</th>
<th>Comm Zones (C-L, DMX)&lt;sup&gt;13&lt;/sup&gt;</th>
<th>Buffers – from Identified Uses&lt;sup&gt;12&lt;/sup&gt;</th>
<th>Special Use Regulations</th>
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<tbody>
<tr>
<td>Personal</td>
<td></td>
<td></td>
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<td>Exempt</td>
<td>A&lt;sup&gt;1&lt;/sup&gt;</td>
<td>A&lt;sup&gt;1&lt;/sup&gt;</td>
<td>X-feet</td>
<td>Title 8, Chapter 2, Article 14</td>
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<td>Personal – Outdoor</td>
<td>&lt;6 plants per DU</td>
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<td>A&lt;sup&gt;1&lt;/sup&gt;</td>
<td>A&lt;sup&gt;1&lt;/sup&gt;</td>
<td>A&lt;sup&gt;1&lt;/sup&gt;</td>
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<td>X-feet</td>
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<td>&lt;6 plants per DU</td>
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<td>A&lt;sup&gt;1&lt;/sup&gt;</td>
<td>A&lt;sup&gt;1&lt;/sup&gt;</td>
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<td>&lt;25 mature plants</td>
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<td>Specialty Cottage -- Indoor</td>
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<td>Specialty Cottage – Mixed Light&lt;sup&gt;4&lt;/sup&gt;</td>
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<td>UP(M)</td>
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<td>Specialty – Outdoor&lt;sup&gt;9&lt;/sup&gt;</td>
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<td>Specialty -- Indoor</td>
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<td>UP(M)</td>
<td>UP(M)</td>
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<tr>
<td>Small – Outdoor&lt;sup&gt;9&lt;/sup&gt;</td>
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<td>2, CDFA</td>
<td>UP(M)</td>
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<td>UP(M)</td>
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<td>2B, CDFA</td>
<td>UP(M)</td>
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<td>UP(M)</td>
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<td>Medium – Outdoor&lt;sup&gt;9&lt;/sup&gt;</td>
<td>10,001 to 43,560 sf</td>
<td>3&lt;sup&gt;8&lt;/sup&gt;, CDFA</td>
<td>UP(M)</td>
<td>N</td>
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<tr>
<td>Medium -- Indoor</td>
<td>10,001 to 22,000 sf</td>
<td>3A&lt;sup&gt;6&lt;/sup&gt;, CDFA</td>
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<td>UP(M)</td>
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<td>Medium – Mixed Light&lt;sup&gt;4&lt;/sup&gt;</td>
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<td>&gt;43,561 sf&lt;sup&gt;16&lt;/sup&gt;</td>
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<td>&gt;22,001 sf&lt;sup&gt;16&lt;/sup&gt;</td>
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<td>Acronyms:</td>
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<td>A = Allowed Use (applicable building permits and other approvals required)</td>
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<td>BCC = Bureau of Cannabis Control</td>
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<td>CDFA = California Department of Food and Agriculture</td>
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<td>CDPH = California Department of Public Health</td>
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<td>DU = dwelling unit</td>
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<td>N = Not Allowed</td>
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<td>sf = square feet</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Nursery – Outdoor, Indoor or Mixed Light</th>
<th>Unlimited</th>
<th>$4^7$, CDFA</th>
<th>UP(M)</th>
<th>N</th>
<th>N</th>
<th>N</th>
<th>UP(M)</th>
<th>X feet for outdoor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Processing Only$^6$</td>
<td>N/A</td>
<td>Not Assigned, CDFA</td>
<td>UP(M)</td>
<td>N</td>
<td>N</td>
<td>UP(M)</td>
<td>UP(M)</td>
<td>None$^{18}$</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Manufacturing, Testing, and Distribution$^{19}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing – Non-volatile</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>6, CDPH</td>
</tr>
<tr>
<td>UP(M)</td>
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<tr>
<td>N</td>
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<tr>
<td>N</td>
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<tr>
<td>N</td>
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<tr>
<td>UP(M)</td>
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<tr>
<td>None$^{18}$</td>
</tr>
<tr>
<td>Title 8, Chapter 2, Article 14</td>
</tr>
<tr>
<td>Manufacturing -- Volatile</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>7, CDPH</td>
</tr>
<tr>
<td>UP(M)</td>
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<tr>
<td>N</td>
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<td>N</td>
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<tr>
<td>UP(M)</td>
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<tr>
<td>None$^{18}$</td>
</tr>
<tr>
<td>Title 8, Chapter 2, Article 14</td>
</tr>
<tr>
<td>Manufacturing -- Infusion</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>6N, CDPH</td>
</tr>
<tr>
<td>UP(M)</td>
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<tr>
<td>N</td>
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<tr>
<td>N</td>
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<td>N</td>
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<tr>
<td>UP(M)</td>
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<tr>
<td>None$^{18}$</td>
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<tr>
<td>Title 8, Chapter 2, Article 14</td>
</tr>
<tr>
<td>Manufacturing – Packaging and Labeling</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>6P, CDPH</td>
</tr>
<tr>
<td>UP(M)</td>
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<tr>
<td>N</td>
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<td>UP(M)</td>
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<tr>
<td>UP(M)</td>
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<tr>
<td>None$^{18}$</td>
</tr>
<tr>
<td>Title 8, Chapter 2, Article 14</td>
</tr>
<tr>
<td>Testing/Laboratory</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>8, BCC</td>
</tr>
<tr>
<td>UP(M)</td>
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<tr>
<td>N</td>
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<tr>
<td>N</td>
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<tr>
<td>UP(M)</td>
</tr>
<tr>
<td>None$^{18}$</td>
</tr>
<tr>
<td>Distribution</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>11(M)$^{10}$, BCC</td>
</tr>
<tr>
<td>UP(M)</td>
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<tr>
<td>N</td>
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<tr>
<td>N</td>
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<tr>
<td>UP(M)</td>
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<tr>
<td>UP(M)</td>
</tr>
<tr>
<td>None$^{18}$</td>
</tr>
<tr>
<td>Distribution – Transport Only</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>12(M)$^{10}$, BCC</td>
</tr>
<tr>
<td>UP(M)</td>
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<tr>
<td>N</td>
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<td>N</td>
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<tr>
<td>UP(M)</td>
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<tr>
<td>UP(M)</td>
</tr>
<tr>
<td>None$^{18}$</td>
</tr>
<tr>
<td>Retail (Dispensary)</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>10(M)$^{10}$ and 10A(M), BCC</td>
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<tr>
<td>UP(M)</td>
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<td>N</td>
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<tr>
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<td>UP (M)</td>
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<tr>
<td>UP (M)</td>
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<tr>
<td>UP (M)</td>
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<tr>
<td>None$^{18}$</td>
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<tr>
<td>Title 8, Chapter 2, Article 14</td>
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<tr>
<td>Retail – Non-Storefront</td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>9(M)$^{10}$, BCC</td>
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<tr>
<td>UP(M)</td>
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<tr>
<td>N</td>
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<td>UP(M)</td>
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<td>None$^{18}$</td>
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<tr>
<td>Special Cannabis Event$^{15}$</td>
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<td>N/A</td>
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<td>14(M)$^{10}$, BCC</td>
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<td>N</td>
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<td>N</td>
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<td>N</td>
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<td>N</td>
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<tr>
<td>N</td>
</tr>
<tr>
<td>None$^{18}$</td>
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<tr>
<td>Microbusiness</td>
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<tr>
<td>&lt;10,000 sf</td>
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<td>12(M)$^{10}$, BCC</td>
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<tr>
<td>UP(M)</td>
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<tr>
<td>N</td>
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<tr>
<td>N</td>
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<tr>
<td>UP(M)</td>
</tr>
<tr>
<td>UP(M)</td>
</tr>
<tr>
<td>X feet for outdoor</td>
</tr>
<tr>
<td>Title 8, Chapter 2, Article 14</td>
</tr>
</tbody>
</table>

Title 8, Chapter 2, Article 14
UP(M) = Major Use Permit
43,560 sf = one acre

Notes:
1. In, or on the lot containing, a legal residential unit(s) only, with landlord’s permission pursuant to Section 8-2.1406(F), Personal Use Exemption, of this article.
2. CDFA will not issue prior to January 1, 2023.
3. Cultivation includes processing associated with crops grown onsite. See Section 8-2.1408(HH), Processing, of this article.
4. Includes greenhouses.
5. Limited to one-acre cultivation limit per County cannabis license.
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 pursuant to Section 8-2.1408(HH), Processing, of this article.
7. Includes transport of live plants.
8. CDFA will issue a limited number of Type 3 State licenses (Section 8209 of the CDFA Regulations).
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. Deleted. Buffers are from the uses identified in Section 8-2.1408(E), Buffers, of this article. 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. With the exception of Medium Cultivation licenses. State regulations do not limit the number of licenses a person may hold of a particular license type. State regulations do 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. Deleted.
18. Deleted. Setbacks applicable to the zone district would apply.
19. Distribution ancillary to other licensed and permitted cannabis activities does not require a separate County business license.
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Sec. 8-2.1408 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, and manufacturer instructions, 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 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 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, pest management, etc.) when not in agricultural use to, among other things, avoid maintenance deficiencies that conflict with agriculture on other nearby properties.

C. 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.

D. Biological Resources – Cannabis applicants shall survey and disclose on-site biological resources pursuant to the requirement to provide a Biological Resource Survey Assessment in Section 8-2.1410(C)(2).

1. Reconnaissance-Level Survey -- Permittees shall include a reconnaissance-level survey for biological resources conducted on the parcel of the cannabis use by a qualified biologist (i.e., familiar with wildlife, plants, and habitats in Yolo County). The reconnaissance-level survey shall include the following elements:
   a. Prior to the reconnaissance-level survey, the qualified biologist shall conduct a data review to determine the special-status plant, special-status wildlife, sensitive habitats (e.g., federally-protected wetlands, waters of the state, riparian habitat, sensitive natural communities) that have the potential to occur within the proposed activity footprint of the cannabis use. This will include review of the best available, current data including vegetation mapping data, the Yolo HCP/NCCP, and database searches of the CNDDB and the CNPS Inventory of Rare and Endangered Plants of California.
   b. The qualified biologist shall map land cover, identify natural communities, and assess the habitat suitability of the proposed activity footprint of the cannabis use for special-status plants, special-status wildlife, and sensitive habitats identified as having potential to occur, consistent with the requirements of the Yolo HCP/NCCP for species covered by the plan, and consistent with Term 10 under Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2019-0001-DWQ, if applicable.
   c. The biologist shall provide a letter report to the applicant and the County with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed activity footprint of the cannabis use.
   d. If the reconnaissance-level survey identifies no potential for special-status plants, special-status wildlife, or sensitive habitats to occur, the applicant will not be subject to additional biological resources protection measures.
   e. If special-status plants, special-status wildlife, suitable habitat for these species, or sensitive habitats are identified within or adjacent to the proposed activity footprint of the cannabis use, then the following measures would apply.
2. Species Covered under the Yolo HCP/NCCP -- If species covered under the Yolo HCP/NCCP are determined to be present or likely to be present within the proposed activity footprint of the cannabis use, the applicant shall assume presence of these species and satisfy the requirements of the HCP/NCCP.
   a. If species covered under the Yolo HCP/NCCP that are not listed under CESA or ESA or are only listed under CESA could occur within the proposed activity footprint of the cannabis use, payment of HCP/NCCP mitigation fees and implementation of applicable HCP/NCCP avoidance and minimization measures are required.
   b. If species covered under the Yolo HCP/NCCP that are also listed under both CESA and ESA or only under ESA could occur within the proposed activity footprint of the cannabis use, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols under the HCP portion of the HCP/NCCP can be applied.

3. Special-Status Species Not Covered under the Yolo HCP/NCCP -- If species not covered under the Yolo HCP/NCCP are determined to be present or likely to be present within the proposed activity footprint of the cannabis use, the applicant shall apply biological resource protection measures consistent with state and local requirements as described below:
   a. If CDFW Species of Special Concern, species listed only under CESA, nesting raptors and native birds protected under California Fish and Game Code, or plants considered by CDFW to be "rare, threatened, or endangered in California" could occur within the proposed activity footprint of the cannabis use, the applicant will retain a qualified biologist to conduct protocol-level surveys for these species where established, current protocols are available (e.g., Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities [CDFW 2018b], Staff Report on Burrowing Owl Mitigation [CDFG 2012]). If an established protocol is not available for a special-status species, then the qualified biologist will consult with CDFW or USFWS to determine the survey protocol.
   b. If CDFW Species of Special Concern, species listed only under CESA, or plants considered by CDFW to be "rare, threatened, or endangered in California" are identified within the proposed activity footprint of the cannabis use during protocol-level surveys, then these species will be avoided by implementing no-disturbance buffers or redesigning the project, if feasible.
   c. If avoidance of CDFW Species of Special Concern, species listed only under CESA, or plants considered by CDFW to be "rare, threatened, or endangered in California" is not feasible, then the applicant will consult with CDFW to determine applicable, established minimization measures for the given species, and will implement these measures. If impacts on species listed under CESA are unavoidable, then the applicant will submit an incidental take permit application to CDFW and receive take authorization before commencing development of the proposed activity footprint of the cannabis use. Conditions of incidental take authorization may include minimization measures to reduce impacts, and compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.
   d. If species listed under both CESA and ESA or only under ESA could occur within the proposed activity footprint of the cannabis use, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols can be applied.

4. Sensitive Habitats -- If sensitive habitats, including federally-protected wetlands, waters of the state, riparian habitat, or sensitive natural communities (e.g., elderberry savanna, valley oak
woodland) are identified within the proposed activity footprint of the cannabis use, these habitats will be avoided by implementing no-disturbance buffers as required by the SWRCB and the Yolo HCP/NCCP, such that the habitat is completely protected from direct and indirect adverse effects of project development. All ground disturbance, vegetation removal, and staging activities will be prohibited within this no-disturbance buffer, which may require project redesign.

a. A delineation of waters of the United States, including identification of hydrology, hydric soils, and hydrophytic vegetation, by a qualified biologist may be required to identify the exact extent of wetland features.

b. If federally protected wetlands cannot be avoided by at least 50 feet, then the proposed commercial cannabis operation will not be permitted until such time as cannabis uses may receive federal wetland permitting coverage under Section 404 of the CWA.

EIR MM BIO-1
Cannabis activities shall avoid special status species and habitats where feasible and mitigate pursuant to the Yolo HCP/NCCP and applicable State requirements when impacts cannot be avoided. Cannabis activities determined by the County to be covered activities under the Delta Plan must avoid impacts to the Yolo Bypass Priority Habitat Restoration Area (PHRA) and the applicant shall assist the County in demonstrating this through the Delta Stewardship Council’s Certificate of Consistency process if required. (EIR)

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 from streams as 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.

E. Buffers – The following buffers are required between identified cannabis uses and identified special land uses: A buffer of X feet is required from the following receptors (inside or outside of the County unincorporated area): off-site individual legal residences under separate ownership, residentially designated land, licensed day cares, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, federal lands held in trust by the federal government or that is the subject of a trust application for a federally recognized tribal government, licensed youth centers that are in existence at the time a use permit is issued for any CDFA permittee. These buffers apply to cannabis uses, including outdoor personal grows, as specified in Section 8-2,1407, Table of Cannabis Development Regulations, of this article.
<table>
<thead>
<tr>
<th>CLUO Sensitive Use</th>
<th>Buffer</th>
<th>Measure Buffer From</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-site individual legal residences located on AG zoned parcels under separate ownership</td>
<td>&gt;20 ac (“farm dwelling”) = 200 ft</td>
<td>Building&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>&lt;20 ac (“home on small on small AG parcel”) = 600 ft</td>
<td>Parcel&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Residentially zoned land</td>
<td>600 ft</td>
<td>Zone boundary&lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
<tr>
<td>Public parks</td>
<td>600 ft</td>
<td>Parcel&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td>Licensed day cares</td>
<td>600 ft</td>
<td>Building&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Recognized places of worship</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public or licensed private schools</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Licensed treatment facilities for drugs or alcohol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Licensed youth centers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government</td>
<td>1,000 ft</td>
<td>Parcel&lt;sup&gt;4&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>Cannabis Land Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal cultivation (indoor and outdoor)</td>
<td>None</td>
<td>N/A</td>
</tr>
<tr>
<td>Commercial indoor cultivation on AG, IND, or COMM parcel (with approved odor control system if needed)</td>
<td>None&lt;sup&gt;4&lt;/sup&gt;</td>
<td>N/A</td>
</tr>
<tr>
<td>Commercial outdoor cultivation</td>
<td>As identified above for various sensitive uses (200/600/1000)</td>
<td>The closest point of any structure or outdoor area containing any cannabis&lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

The buffer shall be measured from the closest point of the cultivation site to:

1. Buffers applied to farm dwellings on agriculturally zoned parcels of 20 acres or more, day cares, places of worship, schools, treatment facilities, and youth centers shall be measured from the closest surface of the building in which the use is operated to the closest point of any structure or outdoor area containing cannabis.
2. Buffers applied to residences on agriculturally zoned parcels less than 20 acres would be measured from the closest point of the parcel boundary to the closest point of any structure or outdoor area containing cannabis.
3. Buffers applied to residentially zoned land would be measured from the closest point of the residential zone boundary to the closest point of any structure or outdoor area containing cannabis.
4. Buffers applied to public parks and Tribal trust land would be measured from the closest point of the parcel boundary to the closest point of any structure or outdoor area containing cannabis.

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.
When deliberating a Cannabis Use Permit application, variations of up to ten percent of the required buffer distances described above may be approved by the County. 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.

F. 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 what is allowed in the applicable zone (see also Section 8-2.1408(OO), Site Design, and (PP), Site Maintenance (General), of this article.

G. 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 premises. 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. No minimum site size is required. No maximum number of licenses applies.

H. 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 Conservation and Open Space Element of the County General Plan, applicants shall submit a Cultural Resource Survey, preliminary site survey, to determine the potential for Tribal cultural, archeological, historical, or paleontological resources to be located on the project site and/or impacted by the proposed project. The County shall provide the Cultural Resource Survey to appropriate State agencies and Tribal representatives for review and comment. The County will undertake appropriate coordination (including formal consultation if required) with Tribal representatives. Based on the recommendations in the Cultural Resource Survey and comments received from reviewing parties, the County will identify appropriate requirements to avoid or minimize impacts to cultural resources. These requirements will be included as proposed conditions of approval for the subject application. 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 (Tribal cultural, archaeological, historic, paleontological) are encountered during construction or operations, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the find. A 100-foot buffer around the find shall be established upon its discovery. 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 (or other comparable arrangement).

3. Human Remains – If human remains are discovered, permittees shall comply with Section 7050.5
of the CHSC. 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 California Government
Code (CGC) 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 (PRC). 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 and in
accordance with applicable requirements of State law. Native American remains 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 (or other comparable arrangement) completed and appropriately implemented
before commencement of ground-disturbing activity in the affected area.

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

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

6. SWRCB Cannabis Cultivation Policies – Applicants and site operations that require coverage under
waste discharge requirements (WDRs) or a waiver of WDRs discharge waste shall comply with
applicable provisions and requirements of the SWRCB Cannabis Cultivation Policies (Terms 19
through 23 of Order WQ 2019-0001-DWQ) which prohibits cannabis cultivation within 600 feet of
a Tribal cultural resource and includes protection measures for discovered resources.

I. Delivery Services – All cannabis delivery in the unincorporated area, whether by retailer with a
business address inside or outside of the unincorporated area, is prohibited without a valid County
Cannabis License and a County Business License.

J. 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 that include cultivation shall satisfy Section
5501(a) of the BCC 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.

K. Driveway Access – Driveway approaches to County and State maintained roads shall be per current
County Improvement Standards or Caltrans requirements, as applicable. An 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. A County assigned street
address is a requirement. The address must be posted and adhere to display requirements of the Fire Code. Permittees must demonstrate safe and adequate driveway access to the satisfaction of the County or Caltrans, as applicable, in compliance with applicable standards. Access considerations identified in Section 8-1.802 of the County Code shall apply. *(For the convenience of the reader these include: 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).* Driveways shall have an all-weather surface, such as compacted gravel.

L. 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. *Vegetative wind breaks are encouraged.*

M. 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 and/or State, as applicable, prior to commencement of operations.

N. 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 encourage employee ride-sharing and encourage employees to minimize trips.

O. Energy Use – Permittees shall demonstrate availability of adequate energy, and compliance with applicable local and regional energy saving goals. *A permanent power source is required (e.g. PG&E, VCEA, solar, or wind).* Except for temporary use in the event of a power outage or emergency, power from generators may not be used. Permittees shall demonstrate use of energy efficient best practices for each proposed use type. Onsite generation of energy from clean and/or renewable sources is encouraged. Permittees shall purchase or generate a minimum of 50 percent renewable power through the Valley Clean Energy Alliance or other available energy purveyor. CDFA licensees must satisfy the requirements of Section 8305, Renewable Energy Requirements, of the CDFA Regulations (effective January 1, 2023). *Permittees shall demonstrate compliance with the applicable provisions of the Yolo County Climate Action Plan (CAP) including energy efficiency measures for irrigation pumps and water efficiency requirements for buildings. (EIR MM GHG-1)*

P. Fencing – See requirements for Screening.

Q. 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.

R. Flood Protection – The applicant shall identify the applicable standard for flood protection pursuant to Federal (e.g. 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. **Cannabis activities determined by the County to be covered activities under the Delta Plan must avoid impacts to on floodplain values and functions within the Yolo Bypass of the Delta and the applicant shall assist the County in demonstrating this through the Delta Stewardship Council’s Certificate of Consistency process if required. (EIR)**

S. 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 or other relevant facts and circumstances, supported by substantial evidence, that one or more of the requirements/standards of this Section are not necessary or may be addressed by alternative means that have an equally effective or better outcome.

T. Generators – Use of generators (of any fuel type) is allowed for CDFA licensees. Use of generators (including diesel-powered refrigerated units) to power equipment and/or facilities for all other cannabis use types is prohibited, except for temporary use in the event of a power outage or emergency. Temporary and/or emergency use generator use shall be limited to 80 hours of use per year. CDFA licensees must demonstrate compliance with the requirements of the Yolo-Solano Air Quality Management District, and Section 8306, Generator Requirements, of the CDFA Regulations.

U. 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, within 24 business hours. The method of communication may be a phone number, email, or website, as proposed by the permittee and approved by the County. A method with written records is recommended (e.g. email). Failure to reasonably respond to contacts as required by this subsection will be a consideration in any enforcement action/proceedings undertaken in connection with the operation at issue. **As a condition of approval for a Cannabis Use Permit, the County may require mediation as a means of resolving disputes.**

V. Grading/Land Clearing – No grading or land clearing for cannabis activities may occur without prior authorization pursuant to an approved Cannabis Use Permit, and a County Grading Permit if applicable. 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 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.

W. 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 (Section 25500 of the CHSC). 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.

X. Hoop Houses – Hoop houses shall be used as temporary structures and shall be removed after the growing season. No utilities or power, including portable equipment, shall be allowed in hoop houses. No artificial lighting, battery powered or otherwise shall be allowed. Hoop houses may not be used for processing. Hoop houses must be properly maintained.

Y. Landscaping – Landscaping and irrigation shall be provided consistent with the requirements of the zone, Chapter 3, Water Efficient Landscaping, of Title 8 of the YCC, and applicable State requirements for water conservation and drought tolerant landscaping. See requirements for Screening.

Z. Lighting – All exterior lighting shall be operational, full cut-off, 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 Regulations. All lighting for indoor/enclosed spaces shall utilize LED bulbs, or equivalent or more efficient technology. Mixed light use types of all tiers and sizes shall ensure that lights used for cultivation are shrouded/shielded from sunset to sunrise to preclude avoidance of nighttime glare, pursuant to Section 8304(g) of the CDFA Regulations. Nighttime light escape from cannabis greenhouses shall be controlled to the greatest extent feasible through the use of internal curtains or other equally or more effective methods that preclude the facility from emitting nighttime glow.

AA. Microbusiness – A microbusiness must comply with the requirements of this article 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 article. This applies to manufacturing, distribution, and retail activities as well. On-site consumption may occur only if approved by the County as part of the Cannabis Use Permit.

BB. 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.

The following noise restrictions shall apply:

1. From 6:00 a.m. to 6:00 p.m., noise levels shall not exceed an average noise level equivalent (Leq) of eighty (80) decibels (dBA) measured at the property boundaries of the site. However, noise levels shall not exceed an average noise level equivalent (Leq) of sixty (60) decibels (dBA) for any nearby off-site residences or other noise-sensitive land uses.

2. From 6:00 p.m. to 6:00 a.m., noise levels shall not exceed an average noise level equivalent (Leq) of sixty-five (65) decibels (dBA) measured at the property boundaries of the site.

3. At no time shall noise levels exceed a community noise equivalent (CNEL) of sixty (60) decibels (dBA) for any existing residence or other noise-sensitive land use. An existing residence shall be considered the property line of any residentially zoned area or, in the case of agricultural land, any occupied off-site residential structures. Achieving the noise standards may involve setbacks, the use of quieter equipment adjacent to residences, or other appropriate measures.

(EIR MM NOI-1)

CC. Nuisance – Cannabis uses, including personal cultivation, shall not create a public nuisance or adversely affect the health or safety of nearby residents or businesses by, among other things,
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.

1. Subject to subsection 7 below, it is unlawful and it shall be a public nuisance to cause or permit persistent cannabis odors. A persistent cannabis odor is one which is verified by persons of normal odor sensitivity (as defined by European Standard EN 13725) to exist for three consecutive days within any two-week period at a maximum dilution-to-threshold (D/T) ratio not to exceed of seven parts clean or filtered air to one-part filtered odorous air; \[7:1\], measured at the property line of the site, as a result of investigations resulting from subsection 2, below. This D/T standard may be modified by the County, in its sole discretion, through a duly noticed process. Should this occur, the new standard would automatically apply to existing and future permittees, upon becoming effective.

2. Subject to subsection 7 below, for the purposes of this subsection, cannabis odors shall be deemed to be persistent 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 representing separate residences or places of occupied business, of a cannabis odor emanating from the subject property for three consecutive days within any two-week period, that the enforcement officer determines violates the standards of subsection 1 above.

3. Subject to subsection 7 below, nothing in this subsection shall be deemed to require three verified complaints before the County may initiate enforcement action. The County may determine that a public nuisance exists under this subsection if less than three verified complaints are received or if no complaints are received but County officials or employees observe cannabis 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 applies a three-level citation system to cannabis nuisance violations. Depending on the severity, frequency, or the failure to resolve the cause of the violation, the County enforcement officer may issue an alert, a warning citation, or a Notice of Violation. The alert shall identify the problem, identify relevant code sections, discuss the abatement process, and identify corrective action. The warning citation shall identify the problem, document the history, and mandate specific abatement actions including submittal of a plan and schedule to remedy the problem. A Notice of Violation shall follow the procedures set forth in Section 5-20.10 (This citation will be revised once the licensing ordinance is moved to Chapter 4 of Title 20).

6. Subject to subsection 7 below, if at any time during the 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 permittee and/or landowner is not acting in good faith or in a manner sufficient to timely address the complaint, the County enforcement officer may bypass the citation process and take immediate steps to address the violation, including by abatement or any other lawful means.

7. Permittees operating in compliance with this article, in particular Section 8-2.1408(DD)(1), Odor Control, the terms of their Cannabis Use Permit, and other applicable laws shall be presumptively assumed to not cause or contribute to a public nuisance.

8. The County may elect not to investigate any complaint due to resource limitations or other matters. In addition, the County may elect not to investigate complaints submitted by complainants that submit more than three unsubstantiated complaints within a one-year period.
DD. Odor Control --

1. The allowable threshold for cannabis odor from all cannabis uses, including personal cultivation, shall be defined as a maximum dilution-to-threshold (D/T) ratio not to exceed seven parts clean or filtered air to one-part odorous air (7:1) measured at the property line of the site. This D/T standard may be modified by the County, in its sole discretion, through a duly noticed process. Should this occur, the new standard would automatically apply to existing and future permittees, upon becoming effective. Cannabis odor at or below this threshold shall be considered acceptable and shall not be considered a nuisance. All cannabis indoor and mixed light uses must demonstrate compliance with the applicable D/T standard. If necessary to ensure compliance with the D/T standard, 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; an air system that creates negative air pressure between the facilities interior and exterior so that odors outside of the facility will not exceed the maximum dilution-to-threshold (allowable threshold), as defined herein; or other odor control system/methods which effectively minimizes odor to a level compliant with the allowable threshold. Odor control for outdoor activities may include different plant strains, smaller cultivation areas, relocation of outdoor activities indoors or in a mixed light facility, use of site design or other technology, use of vegetative barriers, use of odor mitigating crops, and/or other methods proven to be effective and accepted by the County.

2. Applicants shall submit the following information for all cannabis types: a. Identification and description of cannabis odor emitting activities and nature and characteristics of emissions. b. Description of methods, procedures, and engineering controls for reducing/managing odors. c. Certification by a Professional Engineer or Qualified Odor Professional that: the methods, procedures, and engineering controls proposed to control cannabis odors are consistent with accepted/available industry-specific best control technologies and methods designed to abate odor, and will be effective in abating cannabis odors to the required D/T standard maximum dilution-to-threshold (allowable threshold), as defined herein, measured at the property line of the site. 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, and/or other methods proven to be effective and accepted by the County. On a case-by-case basis, at the discretion of the County, in conjunction with consideration of a Cannabis Use Permit or Cannabis Use Permit amendment, odor easements on neighboring property(ies) may be considered as an alternative to compliance with the identified odor threshold. Such easements must be in effect so long as the Cannabis Use Permit is in effect, and shall be recorded on the deed(s) for the affected property(ies).

4. A wind pattern evaluation of each cannabis use application shall be conducted. This evaluation will utilize wind roses (a circular display of the frequency of wind coming from specific directions over a specified period of time). The wind pattern evaluation will identify receptors (as defined in Section 8.2-1408 [E]) located downwind of a proposed cannabis use and potentially affected by nuisance odor for a predominant period of time based on the wind frequency. This will provide additional information for consideration when evaluating a Cannabis Use Permit application. (EIR MM AQ-4)

EE. Operating Hours – Outdoor cultivation 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.

FF. Parking – Parking shall be provided consistent with any minimum requirements listed for such uses in the County Zoning Regulations, and more particularly, must meet occupancy requirements for the construction of such uses as indicated in the California Building Code. Adequate onsite parking for all employees, residents, loading, and unloading must be provided, including any reserved overflow parking areas designated for seasonal use. Paved parking spaces for accessibility shall be as required. Parking areas shall not obstruct emergency or fire access, and shall not be placed over leach fields and replacement areas. Parking shall be prohibited on County right-of-way if operations occur on agriculturally-designated land.

GG. Personal Use – As described in Section 11362.2 of the CHSC. Buffers as specified in Section 8-2.1408(E) of this article shall not apply to plants grown for personal use.

HH. Processing – Permittees engaging in cultivation may also conduct processing of their own product onsite or may obtain a separate processing license to perform processing activities at a separate facility/location for their own product or that of third-party cultivators. Processing includes trimming, drying, curing, grading, storing, packaging, and labeling of non-manufactured cannabis incidental to the cultivation operation. All processing activities shall occur indoors within secure permitted buildings/structures, or may occur outside if screened from the public right-of-way pursuant to Section 8-2.1408(HH) of this article, and provided odor and security are adequately addressed.

II. Public Land – Cannabis activities are prohibited on public land.

JJ. Roadways -- In accordance with the County’s adopted policies and standards cannabis operators are strongly encouraged to take affirmative measures to combine trips, reduce greenhouse gas emissions, and minimize vehicle miles traveled. Policy CI-3.1 of the Circulation Element of the County General Plan identifies level of service policies intended to retain capacity on rural roads for agricultural uses, which includes cannabis cultivation. If triggered by conditions identified in the Yolo Transportation Impact Study Guidelines, e.g. 100 new trips or more, applicants will prepare a traffic assessment for consideration as part of their use CUP application. All trips associated with an existing cannabis licensee shall be considered “new” trips for the purposes of determining whether a traffic study is required as part of the Use Permit application. In situations where a project would substantially and adversely alter physical or operational conditions on a County roadway beyond the planned condition anticipated in the adopted General Plan, roadway improvements (e.g. safety improvements) or other circulation improvements will be required as appropriate.

The permittee shall install/undertake appropriate roadway improvements identified by the County Engineer or District Fire Chief as appropriate, for County roads, or Caltrans and District Fire Chief for State roads, to adequately resolve identified concerns in a manner consistent with adopted standards and requirements as applied to other similar uses.

KK. Screening – Applicants for outdoor (and mixed light if screening is required) cannabis cultivation shall submit a screening plan (including details such as location, height, material or species, etc.) that achieves the following:

1. Outdoor cultivation (including hoop houses) shall be screened to the maximum extent feasible to avoid visibility from public rights-of-way. Mixed light cultivation and indoor cannabis uses are not required to be screened, unless determined by the County staff that screening is necessary for security purposes.

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 is reasonably expected to provide the intended screening within five years.

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, remain in good repair, and shall not significantly diminish the visual quality of the site or surrounding area.

6. Sites not visible from public rights-of-way are not required to be screened, unless determined by the County staff that screening is necessary for security purposes.

LL. Security – A fully functional, operating, site security system with cameras operating 24-hours a day, seven days a week, is a requirement. Permittees shall describe how site and operational security will be addressed specific to the site and use type, including features that may consist of access control, alarms, security personnel, guard dogs, fencing, and building/structural security. Permittees are responsible to prohibit individuals from loitering on the premises if they are not engaged in activity expressly related to the activity/operations. A security plan shall be provided to the County and shall be treated as confidential by the County pursuant to Section 6255(a) of the CGC. Failure to secure a site pursuant to the security plan may be grounds for revocation. BCC licensees must satisfy the requirements of Article 5, Security, of the BCC Regulations, commencing with Section 5042. CDPH licensees must satisfy the requirements of Article 1, Safety and Security, of the CDPH Regulations for Cannabis Manufacturing, commencing with Section 40200. (This citation will be revised once the licensing ordinance is moved to Chapter 4 of Title 20. Staff proposes to move these security requirements to the licensing ordinance, and add a requirement that security staff be professionally trained and licensed.)

MM. 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 8-2.1408(E), Buffers, of this article. Accessory uses, as defined for each zone category, may not encroach into required setbacks. Permittees shall comply with the minimum 100-foot setback from streams set forth in Policy CO-2.22 of the General Plan as applicable. CDFG permittees shall comply with the SRWQCB required 600-foot setback from Tribal Cultural Resources as applicable.

NN. 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)

OO. 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.

PP. 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, abandoned buildings, abandoned structures, and abandoned equipment. The permittee shall prevent and eliminate conditions that constitute a public nuisance.
QQ. 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) of the County Zoning Regulations shall apply if applicable. Recreation vehicles, campers, motorhomes, etc. (with Vehicle Identification Numbers) are not allowed.

RR. 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.

SS. Waste Management – Cannabis waste/trash/garbage must be stored so as not to create a public nuisance and must be regularly removed from the facility every seven days to an appropriately permitted disposal facility. CDFA licensees shall provide the Cannabis Waste Management Plan required pursuant to Section 8108, Cannabis Waste Management, of the CDFA Regulations and satisfy the requirements of Section 8308, Cannabis Waste Management of the CDFA regulations. BCC licensees shall satisfy the requirements of Section 5054, Destruction of Cannabis Goods Prior to Disposal, Section 5055 (Cannabis Waste Management), and other applicable requirements of the BCC Regulations pertaining to record keeping and waste management. CDPH licensees shall satisfy the requirements of Section 40290, Waste Management, of the CDPH Regulations for Cannabis Manufacturing.

TT. 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 et. seq. of the YCC). If a connection to a public sewer system cannot be provided, an onsite wastewater treatment system (OWTS) or other approved wastewater disposal method is required. A permit from the Division of Environmental Health is required prior to construction of an OWTS or use of an alternative wastewater disposal method. 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. Applicants for indoor cultivation and noncultivation cannabis operations shall prepare a wastewater pre-treatment program that will characterize wastewater generated and will identify any additional treatment measures required to allow discharge to a public wastewater system without violating the waste discharge requirements of the facility. (EIR MM HYDRO-4)

UU. 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 individual/person or entity from holding/owning 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.

VV. 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, property 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. CDFA licensees shall comply with Section 8107, Supplemental Water Source Information, of the CDFA Regulations. Microbusiness permittees with cultivation shall comply with Section 5503, Supplemental Water Source Information, of the BCC Regulations.
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. Federal cannabis law is independent of and may conflict with this article. This article 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. Permittees 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. As set forth above in Section 8-2.1406(K), the County provides no representations or assurances that Use Permit extensions will be authorized under the terms of this article, as may be amended from time to time, upon the expiration of any permits issued hereunder. All activities covered by a permit must cease immediately upon the expiration of its term or be subject to abatement by the County at the sole cost and expense of the permittee.

C. Ability of County to Deposit Cannabis-Related Funds -- If at any time the County is unable to deposit cannabis-related funds as a result of the federal classification of cannabis as a “Schedule 1” drug creating legal liability for financial institutions accepting cannabis-related deposits, the Board of Supervisors may take action to void this article and revoke cannabis Use Permits.

D. Sensitive/Confidential Information -- Information related to cultural resources is confidential (see Section 8-2.1408(H)(4) of this article). Information related to site security is confidential (see Section 8-2.1408(LL) of this article and shall not be disclosed without the written permission of the permittee, 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. General Liability Insurance -- Maintain general liability insurance in the amount and with terms 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 permittee of its obligation.

F. Delta Plan -- Cannabis activities proposed to occur within the legal Delta must comply with applicable requirements of the Delta Plan including demonstrating consistency through the Certification of Consistency process of the Delta Stewardship Council.
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, to the extent the requirements thereof do not conflict with or duplicate requirements of this Article, 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, with input from the appropriate Citizens Advisory Committee(s) (CACs), if any, and subject to appeal to the Board of Supervisors. Cannabis Use Permits in areas of over-concentration shall be heard by Board of Supervisors with input from the CACs and a recommendation by the Planning Commission. 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 decision-making body 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, Approval of Projects, 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 applicants 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 a Use Permit, the following site-specific information may be required for Cannabis Use Permit applications:

1. Cultural Resource Survey
2. Biological Resource Survey
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. Security Plan
4. 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 arrangements 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 or under active review by the County with cannabis cultivators 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 the term of the agreement, or at any point after adoption of this article that a substantive amendment of an Early Implementation Development Agreement is sought, operations subject to such agreements shall be brought into compliance with this article.
   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 YCC.
   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. Identification of Location as Place of Business for Purposes of Sale Tax Collection
      e. Contributions to Funding for New Farmers

I. CEQA Compliance -- Cannabis uses that are proposed pursuant to this Article shall be evaluated for CEQA coverage pursuant to the certified Programmatic Environmental Impact Report prepared for the Yolo County Cannabis Land Use Ordinance pursuant to Sections 15162, 15168(c), 15183, and/or other applicable sections 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 1,000 feet from the property line boundary and shall include both residents and property owners.

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 (e.g. track and trace)
   2. Compliance with Cannabis Use Permit requirements
3. Compliance with CEQA Mitigation Measures, as applicable
4. Compliance with Development Agreement requirements, as applicable
5. 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. Property owners and permittees shall grant the County access to enter all cannabis businesses 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.

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. Revocation or Modification. A Cannabis Use Permit may be revoked or modified as provided by the provisions of Sec. 8-2.217(f). In addition to the grounds for revocation or modification set forth in Sec. 8-2.217(f)(1), a Cannabis Use Permit may be revoked or modified for any one or more of the following grounds:
   1. Any act or omission by a property owner or permittee in contravention of the provisions of this Chapter;
   2. Unresolved violation by the applicant or permittee, or unresolved violation at the proposed cultivation site, of any provision of the County Code or State law related to the cannabis use;
   3. A change in conditions occurring after the original grant of the approval or the continuation of the use as approved that is contrary to public health, safety or general welfare, or is detrimental or incompatible with other permitted uses in the vicinity;
   4. The findings which were the basis for the original permit approval can no longer be made;
   5. Regulations applicable when the permit was approved have been amended;
   6. Cessation of all uses authorized by the Cannabis Use Permit for a period of three or more consecutive years; or
   7. Failure to comply with any requirement of this or other applicable sections of the County Code or with State law.

B. 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 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 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 cannabis activity or persons related thereto, or associated with, the cannabis activity.

C. Cultivation Site Restoration – Upon revocation of a Cannabis Use Permit or abandonment of a permitted cultivation site, the permittee and/or property owner shall remove all materials, equipment and improvements on the site that were used in connection with the cannabis use, including but not limited to concrete foundations and slabs, 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 permittee 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 Subsection (H) of this section. For purposes of this Subsection, “abandonment” shall mean failure to obtain a County Cannabis License to cultivate on the permitted cultivation site for three consecutive years.

Section 8-2.1413 Effectiveness

No later than five years following two years of implementation the effective date of this article, staff shall present the Board of Supervisors with an assessment of its effectiveness and any recommendations for change. This evaluation shall include in particular an assessment of the effectiveness of Section 8-2.1408, Specific Use Requirements and Performance Standards, of this article, including Section 8-2.1408(E) Buffers, Section 8-2.1408(U) Good Neighbor Communication, Section 8-2.1408(CC) Nuisance, Section 8-2.1408(DD) Odor Control, and Section 8-2.1412 Enforcement.