



**Attendance:**  
**Board of Directors**

- ☒ President: Garry Johanson
- ☐ Vice President: Kristi Gross
- ☒ Treasurer: Eric Hartman
- ☒ Secretary: Angie Berg
- ☒ Past President & Legislative Chair: Angie Lipelt

**District Representatives**

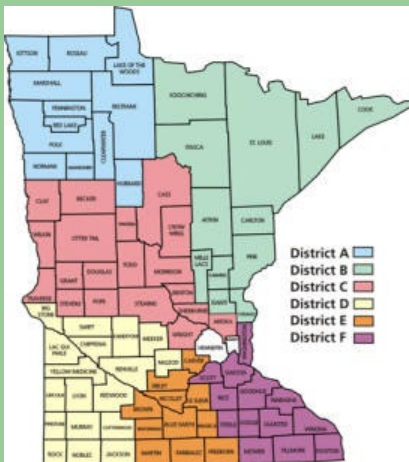
- ☒ District A: Dan Hecht
- ☒ District B: Andrew Carlstrom
- ☒ District C: Amy Kowalzek
- ☒ District D: Kyle Krier
- ☒ District E: Pam Flitter
- ☒ District F: Dale Oolman

**District Alternates**

- ☐ District A: Eric Buitenwerf
- ☒ District B: Chris Berg
- ☐ District C: Dave Rush
- ☐ District D: Darren Wilke
- ☐ District E: Robert Santaella
- ☐ District F: Samantha Pierret

**Association of Minnesota Counties**

- ☒ Brian Martinson



**MACPZA Website:** [www.macpza.org](http://www.macpza.org)

# MACPZA Board Meeting

Friday, February 2, 2024

Stearns County Service Center, Room 1333

3301 Co Rd 138, Waite Park, MN 56387

10AM

## MINUTES

**Call to Order-** President Johanson called the meeting to order at 10:05AM

**Attendance Roll Call-** Secretary Berg conducted roll. A quorum was present as shown on the attendance roster. Others in attendance: Christine McCarthy, Chris LeClaire and Brian Martinson.

### Approval of Agenda

⇒ Motion to approve with an addition from Dale Oolman regarding DNR shoreland report. MSP: Pam/Eric

### Approval of Minutes

⇒ Motion to approve minutes from December 5, 2023, with a spelling correction. MSP: Pam/Dale.

**Treasurer's Report** – Treasurer Hartman presented the checking account (\$7,347.19) and savings balances (\$25,382.86) as of January 23, 2024. There are 63 voting members and 25 associate members. The report is hereby incorporated into the minutes as **Exhibit A**. The Board of Directors had a discussion related to the higher expense costs for the annual conference. Higher food costs, post-pandemic and the venue were contributing factors. The certificate of deposit rates are increasing. Eric will determine if we should invest in a certificate of deposit and is given authority to act by obtaining the required signatures of the Executive Board. MACPZA may be seeing an increase in our affiliate charges. AMC is proposing a new fee structure based on level of service.

⇒ Motion to approve Treasurer's Report. MSP: Pam/Angie B.

**Audit Report-** Kyle Krier presented the quarterly audit report. All is in order. MSP: Pam/Angie L.

**Old Business-** Secretary Berg presented information on the By-Law Committee Chair vacancy left by Josh Johnston. Josh was unable to continue to serve as Chair after resigning as the District Representative. Article VI, Section 2 states: *The By-laws/Policy Committee shall be composed of three members, appointed by the Board of Directors in odd numbered years (beginning in 2011), one of which shall be a member of the Board of Directors. Each committee member shall serve a two-year term. The member of the Board of Directors shall serve as the chairperson of the committee.*

The current members are Darren Wilke and Pam Flitter. Darren Wilke is willing to continue serving. Pam is respectfully resigning to allow other members an opportunity to serve. Other members willing to serve are Angie Lipelt, Mower; Josh Johnston, Marshall and Scott Wold, Cass. Dan Hecht, Clearwater is willing to serve as Chair. After much discussion, it was decided that Angie Lipelt and Scott Wold would replace Darren Wilke and Pam Flitter. The 2024 Committee List is hereby incorporated into the minutes as **Exhibit B**. MSP: Angie/Eric.

### **New Business.**

State Agency Meetings: President Johanson, Vice President Gross and Brian Martinson met with the DNR Commissioner and Assistant Commissioner on January 10, 2024. They discussed DNR's position on shoreland/public waters rule making. The DNR believes they do not need to follow the 90-day rule making deadline. MACPZA maintains the position that rule making in shoreland should not be advanced. There was concern raised that the DNR 2022 shoreland summary held a negative tone. Some counties do receive comments from area hydrologists for variance requests. Most do not. It was suggested that the DNR be invited to the next Board of Directors meeting and the spring conference to present the 2023 report. Our request is to ask them to report on the facts and eliminate the commentary.

President Johanson, Vice President Gross and Brian Martinson met with Department of Agriculture on January 10, 2024. The primary topic was cannabis.

President Johanson, Vice President Gross and Brian Martinson met with Minnesota Pollution Control Agency. The primary topics were demolition landfills, drinking water in southern Minnesota, feedlot funding and the tank fee.

President Johanson, Vice President Gross and Brian Martinson met with BWSR on January 24, 2024. The primary topic was 404 assumption, WOTUS, state statute and rule changes related to WCA.

Overall, the meetings went well. Agency staff asked questions and listened. It's important to keep them on notice what we are supportive of and mostly to keep the lines of communication open.

### **AMC Updates – Brian Martinson**

2024 Legislative Session is starting on 2/12/24. Leaders have agreed to committee deadlines. March 22<sup>nd</sup> is the deadline for bills to be out of both house and senate by this date. Finance bills deadline is April 19, 2024. Session ends on May 20, 2024. Cannabis will be a topic again

this year. OCM is required to develop model ordinances. AMC/LMC have been asked to attend meetings with OCM.

Other updates:

- Wind and solar end of life study is in process with MPCA
- AIS relational work will be outside of the legislative session.
- The federal agency has not put out guidance yet on WOTS and the relationship with WCA.
- Minneapolis and LMC are seeking legislation to clarify that a comprehensive plan is not subject to environmental review.
- BWSR has expanded the habitat friendly solar program to include habitat friendly utilities program.
- The Hunters for Hunters organization was established in November 2023 related to wolf control. Their effort is to encourage the state to support federal changes allowing a hunting season on wolves. Brian has heard from county commissioners that this is an issue they want tracked.

### **MACPZA Committee Reports**

Legislative Committee – No updates.

Professional Development Committee – Garry is on this committee now and will bring up the DNR shoreland report topic to the group for the June training.

By-Laws Committee – The By-Laws Committee will need to schedule a meeting to discuss the request made by the Board at the December 5, 2023, meeting related to a non-county request for membership.

### **Other Committee Reports**

1. SSTS Advisory – Chris LeClaire. They met in December. Chris is pushing for a seat at the table when counties submit an enforcement case to MPCA. The other option would be for counties to request licensing authority.
2. SIETF – Dan Hecht. SIETF met on January 25<sup>th</sup>. March 28<sup>th</sup> is the next meeting. There is a MPCA staff vacancy in Duluth. MPCA has extra money in base grants and low-income loans. Holding tank guidance from MPCA on recreational camping vehicles: over 50 gallons and any portion below grade are considered a holding tank and need a permit. Talking tours are coming up. Tank fees were originally established because of the no-new-taxes ploy by Former Governor Pawlenty. MPCA collects \$400,000 for tank fees and \$600,000 in licensing fees.
3. Cannabis– Angie Berg. In November, Brian reached out to SWAA and MACPZA asking for members to meet with Matt Hilgart and Jill Suurmeyer from AMC. The following members volunteered: David Green, Pope County; Jean Christoffels, Murry County; Kurt

Schneider, Chisago County; Jason Mielke, Carver County; Angie Berg, Stearns County. AMC staff studied ordinances from counties in several states and found a range of provisions. They also spoke with a few county administrators to get a broad view of their concerns. After those conversations, they created a draft outline for planning and zoning considerations counties may want to include in their discussions. MACPZA members met with AMC staff twice to review the information and will be meeting again. The outline will be like the ordinance handbook AMC published earlier this year. The examples given were Frederick County, Maryland and Yolo County, California. AMC information is hereby incorporated into the minutes as **Exhibit C**.

**Discussion.** Chris Berg is asking about the new federal NAGPRA (Native American Graves Protection and Repatriation Act). Brian will talk to the MCIT attorneys for advice and information.

**Adjourn-** ➡ Motion to adjourn at 12:20. MSP: Amy/Pam

**Next Meeting: April 5, 2024, at 10:00AM. Stearns County Service Center. 3301 County Road 138, Waite Park MN 56387. Room 1333**



# EXHIBIT A

## MACPZA 2023 Budget Comparison YTD Financial Report

Revenues:	Budget	Actual YTD	Percent YTD
Membership Dues	\$ 16,000.00	\$ 16,310.00	102%
Annual Conference Registration	\$ 13,200.00	\$ 13,875.00	105%
Guest meals for fall conference		\$ 135.00	
Reimbursement for overcharge on Food		\$ 100.50	
Past Due Payment - Conference		\$ 250.00	
Spring Conference Registration	\$ 3,500.00	\$ 6,725.00	192%
Miscellaneous - Interest Income	\$ 10.00	\$ 48.24	482%
Transfer from Savings	\$ -	\$ -	
Total Revenue	\$ 32,710.00	\$ 37,443.74	114%

Expenses:			
Board Meetings	\$ 1,500.00	\$ 1,361.70	91%
AMC Dues	\$ 11,510.00	\$ 13,301.81	116%
AMC Legislative Retainer	\$ 2,500.00	\$ 1,500.00	60%
Annual Conference Expense	\$ 13,200.00	\$ 21,789.33	165%
Spring Conference Expense	\$ 3,500.00	\$ 2,214.88	63%
Miscellaneous	\$ 440.00	\$ -	0%
Refunded Fees		\$ 415.00	
Bank Fees	\$ 60.00	\$ 60.00	100%
Total Expenses	\$ 32,710.00	\$ 40,642.72	124%

Checking Account Balance	\$1,607.51
Savings Account Balance	\$25,382.86
Undeposited Funds	<u>\$0.00</u>

Total Funds \$26,990.37

Membership			
Voting	79	\$ 13,430.00	102%
Associate	36	<u>\$ 2,880.00</u>	
		\$ 16,310.00	

Spring Conference Registrations	41	2 day	\$ 6,650.00	190%
	6	1 day		

Fall Conference Registrations	55	2 day	\$ 13,875.00	105%
	1	1 day		

Report Date: 12/31/2023

# EXHIBIT A

## MACPZA 2024 Budget Comparison YTD Financial Report

Revenues:	Budget	Actual YTD	Percent YTD
Membership Dues	\$ 16,000.00	\$ 10,770.00	67%
Annual Conference Registration	\$ 13,200.00	\$ -	0%
Past Due Payment - Conference			
Spring Conference Registration	\$ 3,500.00	\$ -	0%
Miscellaneous - Interest Income	\$ 10.00	\$ -	0%
Transfer from Savings	<u>\$ -</u>	<u>\$ -</u>	
 Total Revenue	 \$ 32,710.00	 \$ 10,770.00	 33%

Expenses:			
Board Meetings	\$ 1,500.00	\$ -	0%
AMC Dues	\$ 11,510.00	\$ 4,520.32	39%
AMC Legislative Retainer	\$ 2,500.00	\$ -	0%
Annual Conference Expense	\$ 13,200.00		0%
Spring Conference Expense	\$ 3,500.00	\$ -	0%
Miscellaneous	\$ 440.00	\$ -	0%
Bank Fees	<u>\$ 60.00</u>	<u>\$ -</u>	0%
 Total Expenses	 \$ 32,710.00	 \$ 4,520.32	 14%

Checking Account Balance	\$7,347.19
Savings Account Balance	\$25,382.86
Undeposited Funds	<u>\$510.00</u>
 Total Funds	 \$33,240.05

Membership			
Voting	53	\$ 9,010.00	67%
Associate	22	<u>\$ 1,760.00</u>	
		\$ 10,770.00	

Spring Conference Registrations	0	\$ -	0%
Fall Conference Registrations	0	\$ -	0%

Report Date: 1/23/2024



## 2023-2024 Committees

### Audit Committee (Membership: 1 Board Member, 2 At-Large)

Member	Position	County	District
Dale Oolman	Board of Directors	Steele	F
Jean Christoffels	At-Large	Murray	D
Kyle Krier	At-Large	Pipestone	D

### By – Laws & Policy Committee (Membership: 1 Board Member, 2 At-Large)

Member	Position	County	District
Dan Hecht	Chair	Clearwater	A
Scott Wold	At-Large	Cass	C
Angie Lipelt	At-Large	Mower	F

### Legislative Committee (Membership: Chaired by immediate Past President; 1 member and 1 Alternate member from each District)

Member	Position	County	District
Angie Lipelt	Immed. Past Pres. (Chair)	Mower	D
Eric Buitenwerf	Member	Hubbard	A
Matt Gouin	Member	Koochiching	B
David Green	Member	Pope	C
Marc Telecky	Member	McLeod	D
Aaron Stubbs	Member	Le Sueur	E
Dale Oolman	Member	Steele	F
Kurt Casavan	Member	Red Lake County	A
Neva Maxwell	Alternate	Cook	B
Dave Rush	Alternate	Douglas	C
Scott Refsland	Alternate	Renville	D
Trevor Bordelon	Alternate	Freeborn	E
Catherine Grondin	Alternate	Dodge	F

### Professional Development Committee (Membership: 1 member from each District, 1 AMC rep.)

Member	Position	County	District
Garry Johanson		Norman	A
Neva Maxwell		Cook	B
Dave Rush	Chair	Douglas	C
Alex Schultz		Cottonwood	D
George Leary		Blue Earth	E
Amelia Meiners		Houston	F
Brian Martinson	AMC		

### PCA SIETF Committee

Member	County	District
Dan Hecht	Clearwater	A
Christine McCarthy	Lake	B
Mark Latterell	Stearns	C
Darren Wilke	Big Stone	D
Jesse Anderson	Blue Earth	E
Eric Johnson	Winona	F

### SSTS Advisory

Chris LeClaire	Ottertail	C
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# SAMPLE CANNABIS ORDINANCES

for MINNESOTA COUNTIES



Association of  
Minnesota Counties

September 2023

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## INTRODUCTION

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The 2023 cannabis legalization law allows Minnesota counties to adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business or hemp business as long as the restrictions do not prohibit the establishment or operation of a cannabis or hemp business. Local governments in other legalization states have adopted and implemented differing regulations on cannabis businesses that Minnesota local governments may want to consider. This handbook was created to provide Minnesota counties with sample language of other municipal governments' cannabis regulation ordinances on public use, home cultivation, and odor control. The sample language is intended to give counties a starting point for discussions for how they want to regulate this new industry. The handbook will be added to as additional provisions of the legalization law become effective.

Adult-use cannabis laws in other states have delegated a varying level of local control over cannabis regulations. This handbook looks at local municipality ordinances in other states that have the most comprehensive ordinances regulating medical and adult-use cannabis. Some ordinances noted in this handbook may include provisions that are not permissible under Minnesota's law.

Sample definitions from the state law are included in this handbook. Note that the sample ordinances from other jurisdictions may have different definitions. The handbook also includes a glossary of terms referenced in the legalization law but are not included in the definition section of the law.

*Currently, there is no portion of the law that prohibits public use. The only way to prohibit the public use of adult-use cannabis consumption is by passing an ordinance restricting the public use of cannabis in your county.*

### DISCLAIMER

This document has not been reviewed by attorneys. This document is not legal advice on what counties should do but contains examples of what counties have done in other states with legalized adult-use cannabis. Before your county moves forward with adult-use cannabis ordinances consult with your county attorney.

Before passing any cannabis related ordinances, counties may want to consult with their cities and towns to develop the best course of action for the community. If counties are considering restricting the number of cannabis retail stores by population communication is especially important.

## POTENTIAL COUNTY ACTIONS

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Counties may consider policies and practices as they prepare for cannabis legalization. Counties should consult their county attorney prior to pursuing any changes.

- Update human resource policies on employee drug testing and documentation of working while inebriated.
- Add training for law enforcement on road safety to identify inebriated driving and using the pilot roadside testing system.
- Develop policy for reviewing cannabis event license requests.
- Adopt local ordinances pertaining to:
  - Establishing a petty misdemeanor offense for public use of cannabis;
  - Regulating cannabis businesses water and energy use and solid waste and odor management;
  - Establishing a policy for odor from personal cannabis use and cannabis businesses;
  - Defining hours of operation for cannabis retail businesses and number of retail stores based on population; and
  - Regulating home growth of personal cannabis plants.
- Prepare for the record expungement process. The Bureau of Criminal Apprehension will identify individuals qualified for expungement. The bureau will inform arresting or citing law enforcement agency or prosecutorial office with records affected by the grant of expungement.
- Conduct a study, authorize a study, or hold a public meeting for the purpose of considering adoption of reasonable restrictions on the time, place, and manner of the operation of a cannabis business. Issuing a study or holding a public hearing allows local governments to adopt an interim ordinance to regulate, restrict, or prohibit the operation of a cannabis business within the jurisdiction or a portion thereof until January 1, 2025.
- Consider a meeting with other local jurisdictions within the county to discuss how they plan to implement the law. The cannabis law states that “a county may issue a registration in cases where a city or town has provided consent for the county to issue the registration for the jurisdiction.”
- Develop policy for awarding businesses licenses if the county plans to restrict the number based on population. Please note that future handbooks may include examples.

## PERSONAL CULTIVATION OF CANNABIS

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The [Minnesota cannabis legalization law](#) allows for the personal cultivation of cannabis plants. The Minnesota law allows for up to eight (8) cannabis plants, with no more than four (4) being mature, to be grown at a single residence. Local municipalities in other states have opted to adopt ordinances with specific provisions about home cultivation.

Below are a few examples of home cultivation ordinances that ensure the plants are safely locked away, not visible from the street, and will not infringe upon any neighbors' quality of living.

### Prowers County, Colorado<sup>1</sup>

The growing, cultivating, or processing of Marijuana shall not be perceptible from the exterior of the Primary Residence or Accessory Structure in which such activities occur, including, but not limited to:

1. Common visual observation.
2. Light pollution, glare, or brightness that disturbs the repose of another.
3. Undue vehicular or foot traffic, including unusually heavy parking in front of the Primary Residence or Accessory Structure.

### La Plata County, Colorado

Sec. 7-81 Use of Flammable gases and solvents in home marijuana cultivation.<sup>2</sup>

- I. Pursuant to C.R.S. § 9-7-113, as amended, the use of compressed, flammable gases, including but not limited to butane, propane, and hexane, or any other solvent to extract or enhance THC or any other cannabinoids is strictly banned.
- II. The use of carbon monoxide, carbon dioxide or any other gas to enhance the growth or cultivation of marijuana is strictly banned.

<sup>1</sup> <https://cms1files.revize.com/prowerscounty/Ordinance%20No.%202017-1%20%20%20Marijuana.pdf>

<sup>2</sup> <https://online.encodeplus.com/regs/la-plata-co/doc-viewer.aspx#secid-415>

## Sonoma County, California<sup>3</sup>

Sec. 26-88-258. - Cannabis cultivation—Personal.

(a) Purpose. This section establishes development criteria and operating standards for personal cannabis cultivation for medical or adult use.

(b) Cultivation of cannabis for personal use shall be subject to the following standards and limitations as allowed in the base zone. These standards shall apply to all types of cannabis cultivation (indoor, outdoor, and mixed light) unless otherwise specified.

(1) Residency Requirement. Cultivation of cannabis for personal use is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring.

(2) Maximum Personal Cultivation. Cultivation of cannabis for personal use is limited to no more than one hundred (100) square feet per residence, of which up to ... plants can be cultivated for adult use purposes.

(3) Outdoor Personal Cultivation. Cannabis plants shall not be located in front and side yard setback areas and shall not be visible from a public right of way. Outdoor cannabis cultivation is prohibited on parcels with multi-family units or in the medium and high-density residential zones (R2 and R3).

(4) Indoor and Mixed-Light Personal Cultivation.

a. Indoor and mixed light personal cultivation must be contained within an enclosed accessory structure, greenhouse, or garage. Cultivation within a structure approved for residential use as set forth in Chapter 7 of the county code is prohibited, unless there is no other feasible alternative location.

b. Light systems shall be fully shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure.

(5) Personal Cultivation Structures. All structures used for cultivation shall comply with the following:

a. All structures (including greenhouses) used for cultivation must be legally constructed with all applicable permits such as grading, building, electrical, mechanical and plumbing.

b. All structures associated with the cultivation shall not be located in the front yard setback area and shall adhere to the setbacks stated within the base zone. There shall be no exterior evidence of cannabis cultivation. Greenhouses shall be screened from the public right of way.

c. All structures used for cultivation shall have locking doors or gates to prevent free access. All cultivation structures shall be equipped with odor control filtration and ventilation systems adequate to prevent odor, humidity, or mold.

d. The use of generators is prohibited, except as emergency back-up systems.

(6) All cultivation shall comply with the Best Management Practices for Cannabis Cultivation issued by the Agricultural Commissioner for management of wastes, water, erosion and sediment control and management of fertilizers and pesticides.

a. Individuals are prohibited from cannabis manufacturing using volatile solvents, including but not limited to Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O<sub>2</sub> or H<sub>2</sub>, or other dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene, as determined by the Fire Marshall.

<sup>3</sup><https://sonomacounty.ca.gov/Microsites/Permit%20Sonoma/Documents/Archive/Services%20Shared/Cannabis/Subservices/Legislation/Documents/Final-Cannabis-Ordinance-Personal-Use.pdf>

## RESTRICTING PUBLIC CANNABIS USE

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Under [Article 4, Section 19](#) of the cannabis legalization law, a local unit of government may adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place. The definition of public place cannot include a private residence, including the yard, or private property not generally accessible by the public.

Counties may adopt an ordinance restricting and clarifying where individuals can use cannabis products in public. The cannabis legalization law prohibits cannabis use in any areas where smoking is prohibited and in motor vehicles.

### [Sacramento County, California](#)<sup>4</sup>

6.87.030 Prohibition. The consumption of marijuana otherwise permitted under state law is hereby prohibited anywhere smoking tobacco is prohibited, including, but not limited to, on any public property, in any facility or space to which members of the public have access, within 1,000 feet of a school, day care center, or youth center while children are present at such a school, day care center, or youth center, except in or upon the grounds of a private residence and only if such smoking is not detectable by others on the grounds of such a school, day care center, or youth center while children are present.

### [Wright County, Minnesota](#)<sup>5</sup>

(A) No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See State Legislation Article 4, Sec. 19 codified as Minn. Stat. 152.0263, Subd. 5, or successor statute. (B) No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor. See State Legislation Article 1, Sec. 9 codified as Minn. Stat. 342.09, Subd. 1 (b)(9) or successor statute.

### [Park County, Colorado](#)<sup>6</sup>

The use, consumption, ingestion, or inhalation of medical marijuana or medical marijuana products on or within the premises of a medical marijuana establishment is prohibited.

<sup>4</sup> <https://www.saccounty.gov/Business/Documents/Ordinance-CountyCodeAmendments.pdf>

<sup>5</sup> [https://www.co.wright.mn.us/AgendaCenter/ViewFile/Agenda/\\_08152023-1539](https://www.co.wright.mn.us/AgendaCenter/ViewFile/Agenda/_08152023-1539)

<sup>6</sup> <https://www.parkco.us/DocumentCenter/View/2893/Medical-Marijuana-Ordinance-16-03?bidId=>

State of California<sup>7</sup>

HEALTH AND SAFETY CODE DIVISION 10. UNIFORM CONTROLLED SUBSTANCES ACT

- (1) Smoke or ingest cannabis or cannabis products in a public place, except in accordance with Section 26200 of the Business and Professions Code.
  - (2) Smoke cannabis or cannabis products in a location where smoking tobacco is prohibited.
  - (3) Smoke cannabis or cannabis products within 1,000 feet of a school, day care center, or youth center while children are present at the school, day care center, or youth center, except in or upon the grounds of a private residence or in accordance with Section 26200 of the Business and Professions Code and only if such smoking is not detectable by others on the grounds of the school, day care center, or youth center while children are present.
  - (4) Possess an open container or open package of cannabis or cannabis products while driving, operating, or riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.
  - (5) Possess, smoke, or ingest cannabis or cannabis products in or upon the grounds of a school, day care center, or youth center while children are present.
  - (6) Manufacture concentrated cannabis using a volatile solvent, unless done in accordance with a license under Division 10 (commencing with Section 26000) of the Business and Professions Code.
  - (7) Smoke or ingest cannabis or cannabis products while driving, operating a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation.
  - (8) Smoke or ingest cannabis or cannabis products while riding in the passenger seat or compartment of a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation except as permitted on a motor vehicle, boat, vessel, aircraft, or other vehicle used for transportation that is operated in accordance with Section 26200 of the Business and Professions Code and while no persons under 21 years of age are present.
- (b) For purposes of this section, the following definitions apply:
- (1) "Day care center" has the same meaning as in Section 1596.76.
  - (2) "Smoke" means to inhale, exhale, burn, or carry any lighted or heated device or pipe, or any other lighted or heated cannabis or cannabis product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoke" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in a place.
  - (3) "Volatile solvent" means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.
  - (4) "Youth center" has the same meaning as in Section 11353.1.

<sup>7</sup>[https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=HSC&division=10.&title=&part=&chapter=6.&article=2](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=10.&title=&part=&chapter=6.&article=2)



## State of Washington<sup>8</sup>

Opening package of or consuming cannabis, useable cannabis, cannabis-infused products, or cannabis concentrates in view of general public or public place—  
Penalty.

(1) It is unlawful to open a package containing cannabis, useable cannabis, cannabis-infused products, or cannabis concentrates, or consume cannabis, useable cannabis, cannabis-infused products, or cannabis concentrates, in view of the general public or in a public place.

(2) For the purposes of this section, "public place" has the same meaning as defined in RCW [66.04.010](#), but the exclusions in RCW [66.04.011](#) do not apply.

<sup>8</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=69.50.445>

## SOLID WASTE FOR HOME GROWN CANNABIS

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Under [Article 1, Section 8](#) of the cannabis legalization law, a cannabis business must comply with all applicable federal, state, and local laws related to water standards, energy use, solid waste, and odor.

Another common concern over the legalization of adult use cannabis is proper disposal of cannabis waste so that it is rendered unusable. Rendering cannabis waste unusable ensures that the waste will not end up in the illicit market or be accessible to minors. These example ordinances specifically refer to cannabis waste from businesses, however, counties may consider similar language to include home grown cannabis plants. Denver has published a [best practice guide](#) on the waste management and diversion of cannabis products. The state of Montana has also developed a [Cannabis Waste Guidance](#) document.

### [Park County, Colorado](#)<sup>9</sup>

Disposal of marijuana byproducts. The disposal of marijuana, marijuana products, byproducts and paraphilia shall be done in accordance with plans and procedures approved in advance by the local licensing authority.

### [Humboldt County, California](#)<sup>10</sup>

55.1.8.15 No effluent, including but not limited to waste products, chemical fertilizers or pesticides shall be discharged into drains, septic systems, community sewer systems, water systems or other drainage systems including those that lead to rivers, streams and bays as a result of indoor residential cultivation of medical marijuana; and

55.1.8.16 The indoor residential cultivation of medical marijuana shall not adversely affect the health or safety of residents, neighbors, or nearby businesses by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes associated with the cultivation of medical marijuana; and

<sup>9</sup> <https://www.parkco.us/DocumentCenter/View/2893/Medical-Marijuana-Ordinance-16-03?bidId=>

<sup>10</sup> <https://humboldt.county.codes/Code/314-55>

## Los Angeles County, California<sup>11</sup>

### 11.37.080- Waste Management Plan.

- A. Any person proposing to apply for a public health permit for a cannabis facility or apply as a new owner of an existing cannabis facility shall submit a Waste Management Plan along with the submission of a public health permit application or plans to the Department.
- B. A Waste Management Plan shall address the storing, handling, disposing, and reusing of all waste by-products and shall characterize the volume and types of waste generated for all commercial cannabis activities in compliance with the best management practices and State law and regulations.
- C. A cannabis facility shall not sell or otherwise transfer title of cannabis waste, except as permitted by State law and regulation.
- D. All cannabis and cannabis products that a cannabis facility intends to render into cannabis waste, whether voluntarily or directed by the Department shall be held on the premises in quarantine for a minimum of 72 hours. The cannabis facility operator shall affix to each batch the required document(s) with batch information and weight. At no time during the quarantine period may the cannabis or cannabis products be handled, moved, or rendered into cannabis waste. The quarantined cannabis and cannabis products are subject to inspection by the Department.
- E. All garbage and refuse on the cannabis facility premises shall be stored in nonabsorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity that prevents complete closure of the lid. All garbage and refuse on the premises, whether mixed with rubbish or other material or not, shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of before the end of the seventh day. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with State law and regulation, and local law. All waste generated from commercial cannabis operations must be properly stored and secured, whether in the control of the cannabis facility operator or not, in order to prevent access to the public.
- F. The cannabis facility shall render cannabis and cannabis product into cannabis waste before removing the cannabis waste from the premises. The rendering process shall be recorded on video. The resulting cannabis waste shall be placed in the cannabis facility's refuse bin or transferred to a waste disposal facility approved by the State. All cannabis waste shall be rendered unusable and unrecognizable by mixing, grinding, and incorporating the cannabis waste with a non-consumable material or by incorporating any nonhazardous compostable material so that the resulting mixture is at least 50 percent non-cannabis waste by volume. The cannabis waste shall be tracked by one batch at a time and the cannabis facility shall not commingle different batches into cannabis waste.
- G. After a cannabis facility operator renders the cannabis and cannabis product into cannabis waste, the cannabis facility operator shall do one of the following with the cannabis waste:
  - Dispose of the cannabis waste at a manned and fully permitted solid waste landfill.
  - Deposit the cannabis waste at a manned and fully permitted compostable materials handling facility or operation.
  - Deposit the cannabis waste at a manned and fully permitted in-vessel digestion facility or operation.

<sup>11</sup>[https://library.municode.com/ca/los\\_angeles\\_county/codes/code\\_of\\_ordinances/379113?nodeId=TIT11HESA\\_DIV1HECO\\_CH11.37CAFA](https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances/379113?nodeId=TIT11HESA_DIV1HECO_CH11.37CAFA)

# EXHIBIT C

- H. The cannabis facility operator shall use the track-and-trace database and onsite documents to ensure the cannabis waste materials are identified, weighed, and tracked while on the cannabis facility premises and when disposed of or deposited. The cannabis facility operator shall enter the date and time that the cannabis product was rendered into cannabis waste and the weight of the resulting cannabis waste into the track-and-trace database.
- I. All cannabis facility operators shall maintain accurate and comprehensive records regarding cannabis waste material that account for, reconcile, and evidence all activity related to the generation and disposal or deposition of cannabis waste. The cannabis facility operator shall obtain a record from the solid waste facility or operation evidencing the acceptance of the cannabis waste material at the facility or operation. The record must contain the name and address of the operation or facility, the date, the volume or weight of the cannabis waste accepted, and the name and signature of the person in charge of the facility or operator who accepts the cannabis waste. Once the cannabis waste is accepted by the solid waste facility, the cannabis facility operator shall input the date and time of the disposal or deposition of the cannabis waste at a solid waste facility into the track-and-trace database. These documents are records subject to inspection by the Department.
- J. All commercial cannabis operations that utilize and generate hazardous materials or hazardous waste shall comply with all applicable hazardous material regulations, including but not limited to, hazardous waste generator, underground storage tank, above ground storage tanks, and hazardous materials handling requirements and maintain any applicable permits for these programs from the Fire Prevention Division, Certified Unified Program Agency (CUPA) of Los Angeles County and Emergency Services Department or Agricultural Commissioner.

## State of Michigan<sup>12</sup>

Michigan has established solid waste regulations that require leaves, stalks, flower, stems, seeds, roots, and soils generated from cannabis cultivation to be properly disposed. The [Michigan Marijuana Regulatory Agency](#) (MRA) requires marijuana products to be mixed with an equal volume of paper waste, cardboard waste, food waste, soil, fermented organic matter or other compost activators, or other wastes approved by the MRA.

<sup>12</sup> <https://www.michigan.gov/-/media/Project/Websites/egle/Documents/Multi-Division/Marijuana/Marijuana-Processing-Waste-Guidance.pdf?rev=cc818fd8119841c1ae81fb33eda055bd>

## ODOR AND CLEAN INDOOR AND OUTDOOR AIR

A primary concern for counties and cities with cannabis legalization in other states is odor control and clean indoor and outdoor air. Counties in other states have passed ordinances outlining odor and air quality control to ensure clean air for the community. Minnesota statute states that a cannabis business must comply with all federal, state, and local laws pertaining to water standards, energy use, solid waste, and odor<sup>13</sup>. Before passing ordinances restricting odor and air quality counties should consult with their county attorney.

### Sonoma County, California<sup>14</sup>

Air Quality and Odor. All indoor and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.

### Prowers County, Colorado<sup>15</sup>

Smell or Odor. The smell or odor of Marijuana growing, cultivating, or processing at a Primary Residence and Accessory Structure shall not be detectable by a person with a normal sense of smell from any adjoining lot, parcel, tract, public right-of-way, or building unit.

Marijuana shall not be grown, cultivated, or processed within the common areas of a multi-family or attached residential development.

### Placer County, California<sup>16</sup>

The outdoor cultivation of cannabis shall not adversely affect the health or safety of the occupants of the parcel or any other property by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, mold, or other impacts, and shall not constitute a hazard due to use or storage of materials, products or wastes

<sup>13</sup><https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/63/#:~:text=Sec.%208.%20%5B342.08%5D%20ESTABLISHMENT%20OF%20ENVIRONMENTAL%20STANDARDS>.

<sup>14</sup><https://sonomacounty.ca.gov/Main%20County%20Site/Administrative%20Support%20%26%20Fiscal%20Services/CAO/Documents/Projects/Cannabis/2018%20Final%20Cannabis%20Ordinance%20with%20Attachments%20ORD%206245.pdf>

<sup>15</sup> <https://cms1files.revize.com/prowerscounty/Ordinance%20No.%202017-1%20%20%20Marijuana.pdf>

<sup>16</sup> [https://library.qcode.us/lib/placer\\_county\\_ca/pub/county\\_code/item/chapter\\_8-article\\_8\\_10-8\\_10\\_040](https://library.qcode.us/lib/placer_county_ca/pub/county_code/item/chapter_8-article_8_10-8_10_040)

## DEFINITIONS

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Definitions are important when outlining regulations for the cannabis and hemp industry. These are just a few example definitions that have been pulled from the cannabis legalization law. Counties may want to expand their definition list when writing a cannabis ordinance.

**Adult-use cannabis flower.** “Adult-use cannabis flower” means cannabis flower that is approved for sale by the office.

**Adult-use cannabis product.** “Adult-use cannabis product” means a cannabis product that is approved for sale by the office or is substantially similar or is substantially similar to a product approved by the office. Adult-use cannabis product included edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

**Cannabis business.** “Cannabis business” means any of the following licensed (full definitions can be located in the glossary):

1. Cannabis microbusiness
2. Cannabis mezzo business
3. Cannabis cultivator
4. Cannabis manufacturer
5. Cannabis retailer
6. Cannabis wholesaler
7. Cannabis transporter
8. Cannabis testing facility
9. Cannabis event organizer
10. Cannabis delivery service
11. Medical cannabis cultivator
12. Medical cannabis processor
13. Medical cannabis retailer
14. Medical cannabis combination business

**Cannabis flower.** “Cannabis flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

**Cannabis plant.** “Cannabis plant” means all parts of the plant of the genus *Cannabis* that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

**Cannabis product.** “Cannabis product” means any of the following:

1. Cannabis concentrate
  2. A product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower or
  3. Any other products that contain cannabis concentrate
- Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products. Cannabis product does not include cannabis flower, artificially derived cannabinoid, lower-potency hemp edibles, hemp-derived consumer products, or hemp derived topical products.



# EXHIBIT C

**Edible cannabis product.** “Edible cannabis product” means any product that is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid other than an artificially derived cannabinoid in combination with food ingredients; is not a drug, and is a type of product approved for sale by the office, or is substantially similar to a product approved by the office including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods. Edible cannabis product does not include lower-potency hemp edibles.

**Hemp business.** “Hemp business” means either of the following licensed under this chapter:

1. Lower-potency hemp edible manufacturer
2. Lower-potency hemp edible retailer

Hemp business does not include a person or entity licensed under chapter 18K to grow industrial hemp for commercial or research purposes or to process industrial hemp for commercial purposes.

**Hemp-derived consumer product.** “Hemp-derived consumer product” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:

1. Contains or consists of hemp plant parts; or
2. Contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

Hemp-derived consumer product does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

**Lower-potency hemp edible.** “Lower-potency hemp edible” means any product that:

1. Is intended to be eaten or consumed as a beverage by humans;
2. Contains hemp concentrate or an artificially derived cannabinoid, in a combination with food ingredients;
3. Is not a drug;
4. Consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;
5. Does not contain more than a combined total 0.5 milligrams of all other cannabinoids per serving;
6. Does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
7. Does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
8. Is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

**Medical cannabis business.** “Medical cannabis business” means an entity licensed under this chapter to engage in one or more of the following:

1. The cultivation of cannabis plants for medical cannabis flower;
2. The manufacture of medical cannabinoid products; and
3. The retail sale of medical cannabis flower and medical cannabinoid products.

## GLOSSARY

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The glossary section includes terms that are referenced in the cannabis legalization law but are not included in the definitions section of the law. These terms relate to cannabis and hemp businesses and are important to clarify when structuring ordinances.

### Cannabis Businesses Definitions

**Cannabis microbusiness.** Under Article 1, Section 28, a cannabis microbusiness may grow cannabis plants, make cannabis concentrate, make hemp concentrate, manufacture artificially derived cannabinoids, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp derived consumer products for public consumption, purchase hemp or hemp concentrate parts, package and label cannabis and hemp products, and sell cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp products, and hemp-derived consumer products.

A cannabis microbusiness that cultivates cannabis at an indoor facility may cultivate up to 5,000 square feet of plant canopy. A cannabis microbusiness that cultivates cannabis at an outdoor location may cultivate up to one-half acre of mature, flowering plants unless the office increases that limit. A cannabis microbusiness with the appropriate endorsement may operate one retail location.

A cannabis microbusiness may permit on-site consumption of edible cannabis products and lower-potency hemp edibles on a portion of its premises. Cannabis microbusiness must ensure that the display and consumption of any edible product or lower-potency hemp edible is not visible from outside the licensed premises of the business.

**Cannabis mezzo business.** Under Article 1, Section 29, a cannabis mezzo business may grow cannabis from seed or immature plant for cannabis products or medical cannabis flower, make cannabis and hemp concentrate, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption, process medical cannabinoid products, sell immature cannabis plants and seedlings, and purchase cannabis concentrate, hemp concentrate, and synthetically derived cannabinoids from another cannabis business.

A cannabis mezzo business that cultivates cannabis at an indoor facility may cultivate up to 15,000 square feet of plant canopy. A cannabis mezzo business that cultivates cannabis at an outdoor location may cultivate up to one acre of mature, flowering plants unless the office increases the limit.

**Cannabis cultivator.** Under Article 1, Section 30, a cannabis cultivator can grow cannabis plants within the approved amount of space from seed to immature plant to mature plant, harvest cannabis flower, package and label immature cannabis plants and seedlings and cannabis flower, and transport cannabis flower to cannabis manufacturers.

# EXHIBIT C

**Cannabis manufacturer.** Under Article 1, Section 31, a cannabis manufacturer may purchase cannabis flower, cannabis products hemp plant parts, hemp concentrate, and artificially derived cannabinoids from a cannabis business, purchase hemp plants and hemp concentrates, make cannabis hemp concentrate, manufacture artificially derived cannabinoids, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp derived consumer products, and sell cannabis concentrate, hemp concentrate, artificially derived cannabinoids, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to other cannabis businesses.

**Cannabis retailer.** Under Article 1, Section 31, a cannabis retailer may purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, and lower-potency hemp products, from cannabis businesses, and sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to customers.

**Cannabis wholesaler.** Under Article 1, Section 33, a cannabis wholesaler may purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from cannabis businesses, and purchase hemp plant parts and hemp concentrates. Cannabis wholesalers may sell immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to cannabis microbusinesses, cannabis mezzo businesses, cannabis manufacturers, and cannabis retailers, sell lower-potency hemp edibles to lower-potency-hemp edible retailers, and import hemp-derived consumer products and lower-potency hemp edibles that contain hemp concentrate or artificially derived cannabinoids.

**Cannabis transporter.** Under Article 1, Section 35, a cannabis transporter may transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzo businesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis retailers, medical cannabis processors, and industrial hemp growers to cannabis microbusinesses, cannabis mezzo businesses, cannabis manufacturers, cannabis testing facilities, cannabis wholesalers, cannabis retailers, lower-potency hemp edible retailers, medical cannabis processors, medical cannabis retailers, and medical cannabis combination businesses and perform other actions approved by the office.

**Cannabis testing facility.** Under Article 1, Section 37, a cannabis testing facility may obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzo businesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis cultivators, medical cannabis processors, medical cannabis combination businesses, and industrial hemp growers.

# EXHIBIT C

**Cannabis event organizer.** Under Article 1, Section 39, a cannabis event organizer may organize a temporary cannabis event lasting no more than four days. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issue by a local unit of government before holding a cannabis event. If approved by the local unit of government, a cannabis event may designate an area for consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those items.

**Cannabis delivery service.** Under Article 1, Section 41, a cannabis delivery service may purchase cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from licensed cannabis microbusinesses with a retail endorsement, cannabis mezzo businesses with a retail endorsement, cannabis retailers, medical cannabis retailers, and medical cannabis combination businesses; transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers; and perform other actions approved by the office.

Prior to completing a delivery, a cannabis delivery service must verify that the customer is at least 21 years of age or is enrolled in the registry program. The office shall establish limits on the amount of cannabis and hemp products that a cannabis delivery service may transport. Cannabis and hemp must be stored in a locked, sage, and secure storage compartment that is part of the cannabis delivery vehicle.

**Medical cannabis cultivator.** Under Article 1, Section 49, a medical cannabis cultivator may grow cannabis plants within the approved amount of space (60,000 square feet of plant canopy) from seed or immature plant, harvest cannabis flower from a mature plant, package and label cannabis flower as medical cannabis flower, sell medical cannabis flower to medical cannabis processors and medical cannabis retailers, transport medical cannabis flower to a medical cannabis processor located on the same premises, and perform other actions approved by the office.

A medical cannabis cultivator must verify that every batch of medical cannabis flower has passed safety, potency, and consistency testing at a cannabis testing facility approved by the office for testing of medical cannabis flower before the medical cannabis cultivator may package, label, or sell the medical cannabis flower to any other entity.

**Medical cannabis processor.** Under Article 1, Section 50, a medical cannabis processor may purchase medical cannabis flower, medical cannabinoid products, hemp plant parts, and hemp concentrate from medical cannabis cultivators and other medical cannabis processors, purchase hemp plant parts from industrial hemp growers, make cannabis and hemp concentrate from medical cannabis flower, manufacture medical cannabinoid products, package and label medical cannabinoid products for sale to other medical cannabis processors and to medical cannabis retailers.

A medical cannabis processor must verify that every batch of medical cannabis flower has passed safety, potency, and consistency testing at a cannabis testing facility approved by the office for testing of medical cannabis flower before the medical cannabis cultivator may package, label, or sell the medical cannabis flower to any other entity.

# EXHIBIT C

**Medical cannabis retailer.** Under Article 1, Section 51, medical cannabis retailers may purchase medical cannabis flower and medical cannabinoid products from medical cannabis cultivators and medical cannabis processors and sell or distribute medical cannabis flower and medical cannabinoid products to any person authorized to receive medical cannabis flower or medical cannabinoid products.

**Medical cannabis combination business.** Under Article 1, Section 52, a medical cannabis combination business may grow cannabis plants from seed to immature plant to mature plant and harvest adult-use cannabis flower and medical cannabis flower from a mature plant, make cannabis concentrate, make cannabis and hemp concentrate, manufacture artificially derived cannabinoids, manufacture medical cannabinoid products, package and label medical cannabis and medical cannabinoid products for sale to medical cannabis processors, medical cannabis retailers, other medical cannabis combination businesses, and patients enrolled in the registry program, registered caregivers, and parents, legal guardians, and spouses of an enrolled patient.

## Hemp Businesses Definitions

**Lower-potency hemp edible manufacturer.** Under Article 1, Section 45, a lower-potency hemp edible manufacturer may purchase hemp plant parts, hemp concentrate, and artificially derived cannabinoids from cannabis microbusiness, cannabis mezzo businesses, cannabis manufacturers, cannabis wholesalers, and lower-potency edible hemp edible manufacturers. Lower-potency hemp edible manufacturers may also purchase hemp parts and hemp concentrate, make hemp concentrate, manufacture artificially derived cannabinoids, manufacture lower-potency hemp edibles for public consumption, package and label lower potency hemp edibles, and sell hemp concentrate, artificially derived cannabinoids, and lower-potency hemp edibles to other cannabis businesses and hemp businesses.

**Lower-potency hemp edible retailer.** Under Article 1, Section 46, a lower-potency hemp edible retailer may only sell lower-potency hemp edibles to individuals who are at least 21 years of age. A lower-potency hemp edible retailer may sell lower-potency hemp edibles that are obtained from a licensed Minnesota cannabis microbusiness, cannabis mezzo business, cannabis manufacturer, cannabis wholesaler, or lower-potency hemp edible manufacturer, and meet all applicable packaging and labeling requirements.

# EXHIBIT C



Bill No. \_\_\_\_\_

Concerning: Amendments to Chapter 1-19 (Zoning Ordinance) for Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility.

Introduced: \_\_\_\_\_

Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

Expires: \_\_\_\_\_

Frederick County Code, Chapter 1-19

Section(s) 5.310, 8.240, 8.404, & 11.100

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Brad W. Young on behalf of County Executive Jessica Fitzwater

**AN ACT** to: Create definitions and approval criteria for Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility in response to the statewide legalization of adult-use cannabis.

Date Council Approved: \_\_\_\_\_ Date Transmitted to Executive: \_\_\_\_\_

Executive: \_\_\_\_\_ Date Received: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

Date returned to Council by County Executive with no action: \_\_\_\_\_

By amending:

Frederick County Code, Chapter 1-19 Section(s) 5.310, 8.240, 8.404, & 11.100

Other: \_\_\_\_\_

**Boldface**

Underlining

[Single boldface brackets]

\*\*\*

*Heading or defined term.*

*Added to existing law.*

*Deleted from existing law.*

*Existing law unaffected by bill.*



Bill No. \_\_\_\_\_

WHEREAS the Zoning Ordinance does not include definitions or regulations for cannabis related uses; and

WHEREAS the State of Maryland adopted Senate Bill 516- Cannabis Reform, which allows local jurisdictions to “establish reasonable zoning requirements for cannabis businesses” that do not “unduly burden a cannabis licensee”; and

WHEREAS the County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to adopt definitions and approval criteria for Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility in response to the statewide legalization of adult-use cannabis.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

---

Brad W. Young, President  
County Council of Frederick County,  
Maryland

# EXHIBIT C

## 1 § 1-19-5.310. USE TABLE.

2 (A) Permitted uses and required development review.

3 P Principal permitted use subject to design regulations

4 PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-  
5 19-3.300 through 1-19-3.300.4

6 E Principal permitted use as a special exception with site development plan approval. See §§ 1-  
7 19-8.320 and following

8 T Permitted as temporary use as a special exception. See § 1-19-8.300

9 X Permitted as temporary use only. See § 1-19-8.700

10 SW Solid Waste Floating Zone

11 A blank indicates that the use is not permitted under any situation

*****														
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
Commercial Uses - Retail														
[Some rows removed]	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Book and magazine									PS	PS	PS			
Camera									PS	PS	PS			
Cannabis Dispensary									PS	PS	PS			
Convenience stores									PS	PS	PS		PS	PS
Department store or variety store									PS	PS	PS			
[Some rows removed]	-	-	-	-	-	-	-	-	-	-	-	-	-	-
*****														
Industrial Uses														
Cannabis Growing Facility												PS	PS	PS
Cannabis Processing Facility												PS	PS	PS
Limited manufacturing and assembly use												PS	PS	PS
General manufacturing														PS
[Some rows removed]	-	-	-	-	-	-	-	-	-	-	-	-	-	-

12

13

## 14 § 1-19-8.240. ACCESSORY USES ON RESIDENTIAL PROPERTIES.

\*\*\*\*\*

(A) Customary accessory uses permitted on residential properties include the following.

\*\*\*\*\*

(5) Home occupations.

(a) *General home occupation standards.* All home occupations shall comply with the following conditions.

[Subsections (1) through (9) remain unchanged.]

10. Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility are not permissible home occupation uses.

\*\*\*\*\*

**§ 1-19-8.404. CANNABIS DISPENSARY, CANNABIS GROWING FACILITY, AND CANNABIS PROCESSING FACILITY.**

**§ 1-19-8.404.1. SCOPE.**

The provisions of this division shall apply to:

(1) All Cannabis Dispensaries, Cannabis Growing Facilities, and Cannabis Processing Facilities legally established in the County prior to January 1, 2023, for which an application is received for an expansion of use, and;

(2) All applications for establishing a new Cannabis Dispensary, Cannabis Growing Facility, or Cannabis Processing Facility.

**§ 1-19-8.404.2. CANNABIS DISPENSARY.**

The following provisions shall apply to a Cannabis Dispensary.

(A) A Cannabis Dispensary may not be located:

(1) Within 1,500 feet of an existing school, park, library, playground, recreation center, childcare center, and family childcare home.

(2) Within 1,500 feet of a property owned by Frederick County Government or owned by the Frederick County Board of Education that is planned to be used for a school, park, library, playground, or recreation center in the future.

(3) Within 1,500 feet of a property identified on the Comprehensive Plan as a future school, library, recreation center, park, or similar use that is intended to be used for a public purpose.

(4) Within 1,000 feet of another Cannabis Dispensary.

(B) The distance requirements under subsection (A) above shall be measured using a direct line between the nearest property lines.

(C) A Cannabis Dispensary may not operate as a home occupation.

(D) The Cannabis Dispensary use, requirements, and restrictions apply to operations under a standard cannabis license issued by the state as well as operations under a micro license issued by the state.

## **§ 1-19-8.404.3. CANNABIS GROWING FACILITY.**

The following provisions shall apply to a Cannabis Growing Facility.

(A) A Cannabis Growing Facility may not operate as a home occupation.

(B) Performance Standards:

(1) In the LI and GI districts, the performance standards under §1-19-7.610 shall apply.

(2) In the ORI district, the performance standards under §1-19-7.620 shall apply.

(C) Growing shall be conducted indoors.

(D) Security fencing shall be screened from view by the use of vegetative landscaping.

(E) The Cannabis Growing Facility use, requirements, and restrictions apply to operations under a standard cannabis license issued by the state as well as operations under a micro license issued by the state.

(F) A Cannabis Growing Facility may include an accessory Cannabis Processing Facility use and an accessory Cannabis Dispensary use subject to meeting the requirements under §1-19-8.250.1.

## **§ 1-19-8.404.4. CANNABIS PROCESSING FACILITY.**

The following provisions shall apply to a Cannabis Processing Facility.

(A) A Cannabis Processing Facility may not operate as a home occupation.

(B) Performance Standards:

(1) In the LI and GI districts, the performance standards under §1-19-7.610 shall apply.

(2) In the ORI district, the performance standards under §1-19-7.620 shall apply.

(C) Security fencing shall be screened from view by the use of vegetative landscaping.

(D) The Cannabis Processing Facility use, requirements, and restrictions apply to operations under a standard cannabis license issued by the state as well as operations under a micro license issued by the state.

(E) A Cannabis Processing Facility may include an accessory Cannabis Dispensary use and an accessory Cannabis Growing Facility use subject to meeting the requirements under § 1-19-8.404 and §1-19-8.250.1.

## **§ 1-19-8.404.5. CANNABIS ON-SITE CONSUMPTION FACILITY.**

Cannabis On-Site Consumption Facilities are not permitted.

## **§ 1-19-11.100. DEFINITIONS.**

**[Subsection (A) remains unchanged.]**

(B) In this chapter the following terms are used as defined unless otherwise apparent from the context.

\*\*\*\*\*

**CANNABIS.** The plant cannabis sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis. Cannabis includes cannabis products. Cannabis does not include hemp or hemp products, as defined in the MD. Code Ann., Agricultural Article.

**CANNABIS DISPENSARY.** An entity licensed by the state that acquires, possesses, repackages, transports, sells, distributes, or dispenses, cannabis or cannabis products, including tinctures, aerosols, oils, and ointments, related supplies, and educational materials for use by qualifying patients, caregivers, or consumers through a storefront.

1     **CANNABIS GROWING FACILITY.** An entity licensed by the state that cultivates and  
2     packages cannabis and is authorized by the state to provide cannabis to other cannabis licensees  
3     and registered independent testing laboratories.

4  
5     **CANNABIS MICRO LICENSE.** A license issued by the state in accordance with § 36–  
6     401(c)(2) of the Alcoholic Beverages Article of the Maryland Annotated Code, Medical and Adult  
7     Use Cannabis Title. A micro license authorizes the holder of the license:

- 8             (i)     for growers, to operate not more than 10,000 square feet of indoor canopy or its  
9                     equivalent;  
10            (ii)    for processors, to process not more than 1,000 pounds of cannabis per year; and  
11            (iii)   for dispensaries, to operate a delivery service that sells cannabis or cannabis  
12                     products without a physical storefront, provided that the licensee employs not more  
13                     than 10 employees.

14  
15     **CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT.** An entity licensed by the state  
16     to distribute cannabis or cannabis products for on–site consumption other than consumption by  
17     smoking indoors.

18  
19     **CANNABIS PROCESSING FACILITY.** An entity licensed by the state that transforms  
20     cannabis into another product or an extract and packages and labels the cannabis product and is  
21     authorized by the state to provide cannabis to licensed dispensaries and registered independent  
22     testing laboratories.

23                     \*\*\*\*\*  
24  
25

To: Office of the County Executive

Date: 09/05/2023

Division Director: Deborah A. Carpenter

Approved: Deborah A. Carpenter

DocuSigned by:

33C22500EBE742B...

From: Michael Wilkins

Division: Planning &amp; Permitting

Phone #: 301-6002329

Please verify you have attached the correct documents

Staff Report Topic:Staff Memo: ☒Attachments: Yes: ☒No: ☐

Amendments to Chapter 1-19 of the Frederick County Code (Zoning Ordinance) To Add Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility as new uses

Time Sensitive? Yes ☐ (if yes, deadline for approval: \_\_\_\_\_) No ☒Action Requested by Executive's Office: Signature Requested ☒ OR Information Only ☐Staff Report Review:

This staff report has been thoroughly reviewed first by the appropriate divisions/agencies noted on Page 2 followed by those outlined below:

	Name	Signature	Date
Budget Office	Kelly Weaver	<u>Kelly Weaver</u> DocuSigned by: 15B09697D28946D...	9/8/2023
Finance Division	Erin White	<u>Erin White</u> DocuSigned by: 2138DCA88D9E4DA...	9/8/2023
County Attorney's Office	Kathy L Mitchell	<u>Kathy L Mitchell</u> DocuSigned by: 77ADE83DC263487...	9/8/2023

Refer to County Council? Yes ☐ No ☒

(County Attorney's Office to complete)

Chief Administrative Officer	John Peterson	<u>John Peterson</u> DocuSigned by: 0090FF05084D71...	9/11/2023
County Executive	Jessica Fitzwater	<u>Jessica Fitzwater</u> DocuSigned by: 32F7AAE4DF204E6...	9/11/2023

Forward to Council? Yes ☒ No ☐

(County Executive to complete)



Other Reviewers:

Title	Name	Signature	Date
3. Director, Dept Development Review	Michael Wilkins	<div>DocuSigned by: <i>Michael Wilkins</i> 1B3F9558DFA748B...</div>	9/7/2023
4. Legislative Director	Victoria Venable	<div>DocuSigned by: <i>Victoria Venable</i> 2D089227B21D4E5...</div>	9/8/2023
5.			
6.			
7.			
8.			
9.			
10.			

Comments:

From	Date	Comment
J. Fitzwater	09/11/2023	For consistency's sake, move 1-19.8.404.2.(C) to letter (A) to match the next two sections and re-letter. Also- might be good to label the reference to 1-19-8.250.1 on page 3 as [CUSTOMARY ACCESSORY USES]
Joyce Grossnickle	9/12/2023	On the concurrence form the Co. Atty's. Office accidentally checked "no" to "Refer to County Council" instead of "yes." Staff will advance the staff report to the County Council staff for scheduling purposes.



## FREDERICK COUNTY GOVERNMENT

### DIVISION OF PLANNING & PERMITTING

Deborah A. Carpenter, AICP, Division Director

**TO:** County Council

**THROUGH:** County Executive Jessica Fitzwater

**FROM:** Deborah Carpenter, Division Director, Planning & Permitting Division  
Michael Wilkins, Director, Development Review and Planning Department

**DATE:** September 5, 2023

**SUBJECT:** Amendments to Chapter 1-19 of the Frederick County Code (Zoning Ordinance) To Add Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility as new uses

#### ISSUE:

Should the County amend the Zoning Ordinance (Chapter 1-19) to establish regulations for new cannabis production, processing, and sales facilities pursuant to Senate Bill 516 (Cannabis Reform)?

#### BACKGROUND:

The Frederick County Zoning Ordinance (Chapter 1-19 of the County Code) does not provide for cannabis related uses. In 2017, the Department of Development Review established a Medical Cannabis Operations policy that documented the approval process for any facility proposing to produce, process, or sell medical cannabis in the County. Medical Cannabis Dispensary was reviewed as a “pharmacy” and Growing and Processing Facilities were reviewed as a “Limited Manufacturing and Assembly” use.

On May 3, 2023, Governor Moore signed Senate Bill 516 (Cannabis Reform) into law. This law permits existing medical cannabis licensees to begin growing, processing, and selling cannabis for non-medical adult use, subject to the State’s license conversion procedures. Section 36-405(C) of the adopted law states; “*The use of a facility by a cannabis licensee is not required to be submitted to, or approved by, a County or Municipal Zoning Board, Authority, or unit if it was properly zoned and operating on or before January 1, 2023*”.

Senate Bill 516 also provides for the issuance of new cannabis licenses for the production, processing, and sales of adult use cannabis. These licenses will be issued in phases; the first application period will begin in Fall 2023 with awards being issued in January 2024. The second application period will begin as early as May 2024. Licenses will be issued based on codified State criteria through a lottery system.

Staff from the Division of Planning and Permitting, Office of Economic Development, County Attorney’s Office, and the County Executive’s Office reviewed the provisions of the State law and conducted research to determine how the County may adapt to the expansion of the cannabis industry.

**ANALYSIS:**

State law identifies four types of cannabis facilities:

- Growing:
  - Defined as an entity that cultivates or packages cannabis and is authorized to provide cannabis to other cannabis licensees.
  - A standard license from the Maryland Cannabis Administration (MCA) allows a grower to operate a facility that grows up to 300,000 square feet of indoor canopy or its equivalent.
  - A Micro License is available for growers to operate not more than 10,000 square feet of indoor canopy or its equivalent.
  - 1 square foot of indoor canopy is equal to 4 square feet of outdoor canopy.
- Processing:
  - Defined as a facility that transforms cannabis into another product or an extract and packages and labels the end product. Processors are also permitted to provide cannabis to licensed dispensaries.
  - A standard license from the MCA permits the processing of more than 1,000 lbs. of cannabis each year.
  - A Micro License is available for processing no more than 1,000 lbs. of cannabis per year.
- Dispensary:
  - Defined as an entity that acquires, possesses, transfers, transports, sells, distributes, or dispenses cannabis or cannabis products.
  - A Micro License is available for this use, which allows the operation of a delivery service that sells cannabis or cannabis products without a physical storefront, with a limitation of no more than 10 employees.
- On-site consumption
  - Defined as the distribution of cannabis or cannabis product for on-site consumption, excluding consumption by smoking.
  - 
  - Prohibitions include;
    - Cultivating, processing, or adding cannabis to food that is prepared or served on the premises.
    - Smoking or vaping of tobacco products.
    - Smoking cannabis on the licensed premises.
    - Uses that require a separate growing, processing, or dispensing license.
    - Serving alcohol.
  - Although smoking cannabis is prohibited, a jurisdiction may allow (or disallow) vaping indoors and outdoors.

State Law establishes some limitations on a local jurisdiction's authority to regulate this industry.

- A local jurisdiction may;
  - Establish "reasonable" zoning requirements for cannabis businesses.
  - Prohibit or regulate on-site consumption facilities.
- A local jurisdiction may not;
  - Establish zoning or other requirements that "unduly burden" a cannabis licensee.

- Impose licensing, operating, or other fees or requirements that are disproportionately greater or more burdensome than those imposed on other businesses with a similar impact.
- Prohibit transportation through or deliveries within the jurisdiction by cannabis businesses located in other jurisdictions.
- Negotiate for money, donations, in-kind contributions, services, or anything of value to the local jurisdiction.
- Per State law, dispensaries may not be located within 1,000 feet of another dispensary.
- The State law also requires a distance of 500 ft. between new dispensaries and existing schools, parks, libraries, playgrounds, recreation centers, childcare centers, and family childcare homes.

The attached Bill establishes reasonable zoning requirements for cannabis businesses. ([Attachment 1](#))

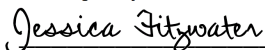
- Cannabis Dispensaries, Cannabis Growing Facilities, and Cannabis Processing Facilities are proposed to be permitted in the same zoning districts where medical dispensaries, growing facilities, and processing facilities were permitted prior to SB 516.
- This Bill does not permit growing facilities in the AG Zone. The workgroup discussed this issue and consulted the Farm Bureau but felt that with current facility requirements (security, lighting, etc.), this use would not be appropriate in the AG Zone.
- The proposed definitions are taken from State Law.
- This Bill proposes a 1,500 ft. separation distance between a Cannabis Dispensary and existing schools, parks, libraries, playgrounds, recreation centers, childcare centers, and family childcare homes. The workgroup reviewed maps illustrating 500 ft., 1,000 ft., and 1,500 ft. buffers from existing schools, parks, libraries, playgrounds, recreation centers, childcare centers, and family childcare homes and found that a 1,500 ft. buffer did not significantly reduce available sites in the zoning districts where this use may be permitted. ([Attachment 2](#))
- This Bill also proposes to establish a 1,500 ft. buffer between a Cannabis Dispensary and any property owned by the County, Board of Education, or identified on the Comprehensive Plan as a future school, library, recreation center, park, or similar use that is intended to be used for a public purpose in the future. County Staff believe this provision will help prevent a cannabis business from becoming a nonconforming use by locating too close to an identified future public facility and will also maintain the intent of the State law by applying a distance requirement from planned public facilities.
- This Bill proposes to apply the same requirements for standard-license operations as well as micro-licenses. Under the State law provisions, the activities allowed under the micro-licenses would qualify as a home occupation per County Zoning regulations. County Staff does not support growing, processing, or dispensing cannabis as a home occupation.
- SB 516 authorizes the State to issue 50 on-site consumption licenses statewide. State Law provides local jurisdictions with the authority to approve or disapprove this use. This Bill proposes to prohibit on-site consumption facilities. It is the opinion of County Staff that permitting this use may create Zoning enforcement concerns or public nuisance issues. Any regulation adopted by the County that is not a State requirement would become a County enforcement issue. For example, if a facility was serving alcohol, it would be a violation of State law and would be a State enforcement issue. If the County elected to prohibit vaping indoors or outdoors, it would be a County enforcement action since the State law does not prohibit outdoor vaping. If outdoor vaping were permitted, it has the potential to impact adjoining businesses.

**RECOMMENDATION:**

Staff recommends that the County Council adopt the attached Bill to amend Chapter 1-19 of the County Code (Zoning Ordinance) to add Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility as new uses.

Approve? Yes   X        No           

DocuSigned by:



**Jessica Fitzwater, County Executive**  
**Frederick County, Maryland**

9/11/2023**Date****FINANCIAL IMPACT:** No**ATTACHMENT(S):**Attachment 1 – Draft BillAttachment 2 – Maps Illustrating Various Buffer Distances



Bill No. \_\_\_\_\_

Concerning: Amendments to Chapter 1-19 (Zoning Ordinance) for Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility.

Introduced: \_\_\_\_\_

Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

Expires: \_\_\_\_\_

Frederick County Code, Chapter 1-19Section(s) 5.310, 8.240, 8.404, & 11.100

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Brad Young on behalf of County Executive Jessica Fitzwater

**AN ACT** to: Create definitions and approval criteria for Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility in response to the statewide legalization of adult-use cannabis.

Date Council Approved: \_\_\_\_\_ Date Transmitted to Executive: \_\_\_\_\_

Executive: \_\_\_\_\_ Date Received: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

Date returned to Council by County Executive with no action: \_\_\_\_\_

By amending:

Frederick County Code, Chapter 1-19 Section(s) 5.310, 8.240, 8.404, & 11.100

Other: \_\_\_\_\_

**Boldface**Underlining

[Single boldface brackets]

\* \* \*

*Heading or defined term.**Added to existing law.**Deleted from existing law.**Existing law unaffected by bill.*

Bill No. \_\_\_\_\_

WHEREAS the Zoning Ordinance does not include definitions or regulations for cannabis related uses; and

WHEREAS the State of Maryland adopted Senate Bill 516- Cannabis Reform, which allows local jurisdictions to “establish reasonable zoning requirements for cannabis businesses” that do not “unduly burden a cannabis licensee”; and

WHEREAS the County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to adopt definitions and approval criteria for Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility in response to the statewide legalization of adult-use cannabis.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

---

Brad Young, President  
County Council of Frederick County,  
Maryland

---

Underlining indicates matter added to existing law.

[Single boldface brackets and ~~striketrough~~] indicate matter deleted from existing law.

\*\*\* - indicates existing law unaffected by bill.



- 1 **§ 1-19-5.310. USE TABLE.**
- 2 (A) Permitted uses and required development review.
- 3 P Principal permitted use subject to design regulations
- 4 PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-
- 5 19-3.300 through 1-19-3.300.4
- 6 E Principal permitted use as a special exception with site development plan approval. See §§ 1-
- 7 19-8.320 and following
- 8 T Permitted as temporary use as a special exception. See § 1-19-8.300
- 9 X Permitted as temporary use only. See § 1-19-8.700
- 10 SW Solid Waste Floating Zone
- 11 A blank indicates that the use is not permitted under any situation

*****														
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
Commercial Uses - Retail														
<b>[Some rows removed]</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Book and magazine									PS	PS	PS			
Camera									PS	PS	PS			
<u>Cannabis Dispensary</u>									<u>PS</u>	<u>PS</u>	<u>PS</u>			
Convenience stores									PS	PS	PS		PS	PS
Department store or variety store									PS	PS	PS			
<b>[Some rows removed]</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-
*****														
Industrial Uses														
<u>Cannabis Growing Facility</u>												<u>PS</u>	<u>PS</u>	<u>PS</u>
<u>Cannabis Processing Facility</u>												<u>PS</u>	<u>PS</u>	<u>PS</u>
Limited manufacturing and assembly use												PS	PS	PS
General manufacturing														PS
<b>[Some rows removed]</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-

12

\*\*\*\*\*

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\*\*\* - indicates existing law unaffected by bill.

**§ 1-19-8.240. ACCESSORY USES ON RESIDENTIAL PROPERTIES.**

(A) Customary accessory uses permitted on residential properties include the following.

\*\*\*\*\*

(5) Home occupations.

(a) *General home occupation standards.* All home occupations shall comply with the following conditions.

**[Subsections (1) through (9) remain unchanged.]**

10. Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility are not permissible home occupation uses.

\*\*\*\*\*

**§ 1-19-8.404. CANNABIS DISPENSARY, CANNABIS GROWING FACILITY, AND CANNABIS PROCESSING FACILITY.**

**§ 1-19-8.404.1. SCOPE.**

The provisions of this division shall apply to:

(1) All Cannabis Dispensaries, Cannabis Growing Facilities, and Cannabis Processing Facilities legally established in the County prior to January 1, 2023, for which an application is received for an expansion of use, and;

(2) All applications for establishing a new Cannabis Dispensary, Cannabis Growing Facility, or Cannabis Processing Facility.

**§ 1-19-8.404.2. CANNABIS DISPENSARY.**

The following provisions shall apply to a Cannabis Dispensary.

(A) A Cannabis Dispensary may not be located:

(1) Within 1,500 feet of an existing school, park, library, playground, recreation center, childcare center, and family childcare home.

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\*\*\* - indicates existing law unaffected by bill.

(2) Within 1,500 feet of a property owned by Frederick County Government or owned by the Frederick County Board of Education that is planned to be used for a school, park, library, playground, or recreation center in the future.

(3) Within 1,500 feet of a property identified on the Comprehensive Plan as a future school, library, recreation center, park, or similar use that is intended to be used for a public purpose.

(4) Within 1,000 feet of another Cannabis Dispensary.

(B) The distance requirements under subsection (A) above shall be measured using a direct line between the nearest property lines.

(C) A Cannabis Dispensary may not operate as a home occupation.

(D) The Cannabis Dispensary use, requirements, and restrictions apply to operations under a standard cannabis license issued by the state as well as operations under a micro license issued by the state.

### **§ 1-19-8.404.3. CANNABIS GROWING FACILITY.**

The following provisions shall apply to a Cannabis Growing Facility.

(A) A Cannabis Growing Facility may not operate as a home occupation.

(B) Performance Standards:

(1) In the LI and GI districts, the performance standards under §1-19-7.610 shall apply.

(2) In the ORI district, the performance standards under §1-19-7.620 shall apply.

(C) Growing shall be conducted indoors.

(D) Security fencing shall be screened from view by the use of vegetative landscaping.

(E) The Cannabis Growing Facility use, requirements, and restrictions apply to operations under a standard cannabis license issued by the state as well as operations under a micro license issued by the state.

(F) A Cannabis Growing Facility may include an accessory Cannabis Processing Facility use and an accessory Cannabis Dispensary use subject to meeting the requirements under §1-19-8.250.1.

### **§ 1-19-8.404.4. CANNABIS PROCESSING FACILITY.**

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\*\*\* - indicates existing law unaffected by bill.

1 The following provisions shall apply to a Cannabis Processing Facility.

2 (A) A Cannabis Processing Facility may not operate as a home occupation.

3 (B) Performance Standards:

4 (1) In the LI and GI districts, the performance standards under §1-19-7.610 shall apply.

5 (2) In the ORI district, the performance standards under §1-19-7.620 shall apply.

6 (C) Security fencing shall be screened from view by the use of vegetative landscaping.

7 (D) The Cannabis Processing Facility use, requirements, and restrictions apply to operations  
8 under a standard cannabis license issued by the state as well as operations under a micro  
9 license issued by the state.

10 (E) A Cannabis Processing Facility may include an accessory Cannabis Dispensary use and an  
11 accessory Cannabis Growing Facility use subject to meeting the requirements under § 1-  
12 19-8.404 and §1-19-8.250.1.

13  
14 **§ 1-19-8.404.5. CANNABIS ON-SITE CONSUMPTION FACILITY.**

15 Cannabis On-Site Consumption Facilities are not permitted.

16  
17 **§ 1-19-11.100. DEFINITIONS.**

18 [Subsection (A) remains unchanged.]

19 (B) In this chapter the following terms are used as defined unless otherwise apparent from the  
20 context.

21 \*\*\*\*\*

22 **CANNABIS.** The plant cannabis sativa L. and any part of the plant, including all derivatives,  
23 extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a  
24 delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis. Cannabis  
25 includes cannabis products. Cannabis does not include hemp or hemp products, as defined in the  
26 MD. Code Ann., Agricultural Article.

27  
28 **CANNABIS DISPENSARY.** An entity licensed by the state that acquires, possesses,  
29 repackages, transports, sells, distributes, or dispenses, cannabis or cannabis products, including

---

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\*\*\* - indicates existing law unaffected by bill.

tinctures, aerosols, oils, and ointments, related supplies, and educational materials for use by qualifying patients, caregivers, or consumers through a storefront.

**CANNABIS GROWING FACILITY.** An entity licensed by the state that cultivates and packages cannabis and is authorized by the state to provide cannabis to other cannabis licensees and registered independent testing laboratories.

**CANNABIS MICRO LICENSE.** A license issued by the state in accordance with § 36–401(c)(2) of the Alcoholic Beverages Article of the Maryland Annotated Code, Medical and Adult Use Cannabis Title. A micro license authorizes the holder of the license:

- (i) for growers, to operate not more than 10,000 square feet of indoor canopy or its equivalent;
- (ii) for processors, to process not more than 1,000 pounds of cannabis per year; and
- (iii) for dispensaries, to operate a delivery service that sells cannabis or cannabis products without a physical storefront, provided that the licensee employs not more than 10 employees.

**CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT.** An entity licensed by the state to distribute cannabis or cannabis products for on–site consumption other than consumption by smoking indoors.

**CANNABIS PROCESSING FACILITY.** An entity licensed by the state that transforms cannabis into another product or an extract and packages and labels the cannabis product and is authorized by the state to provide cannabis to licensed dispensaries and registered independent testing laboratories.

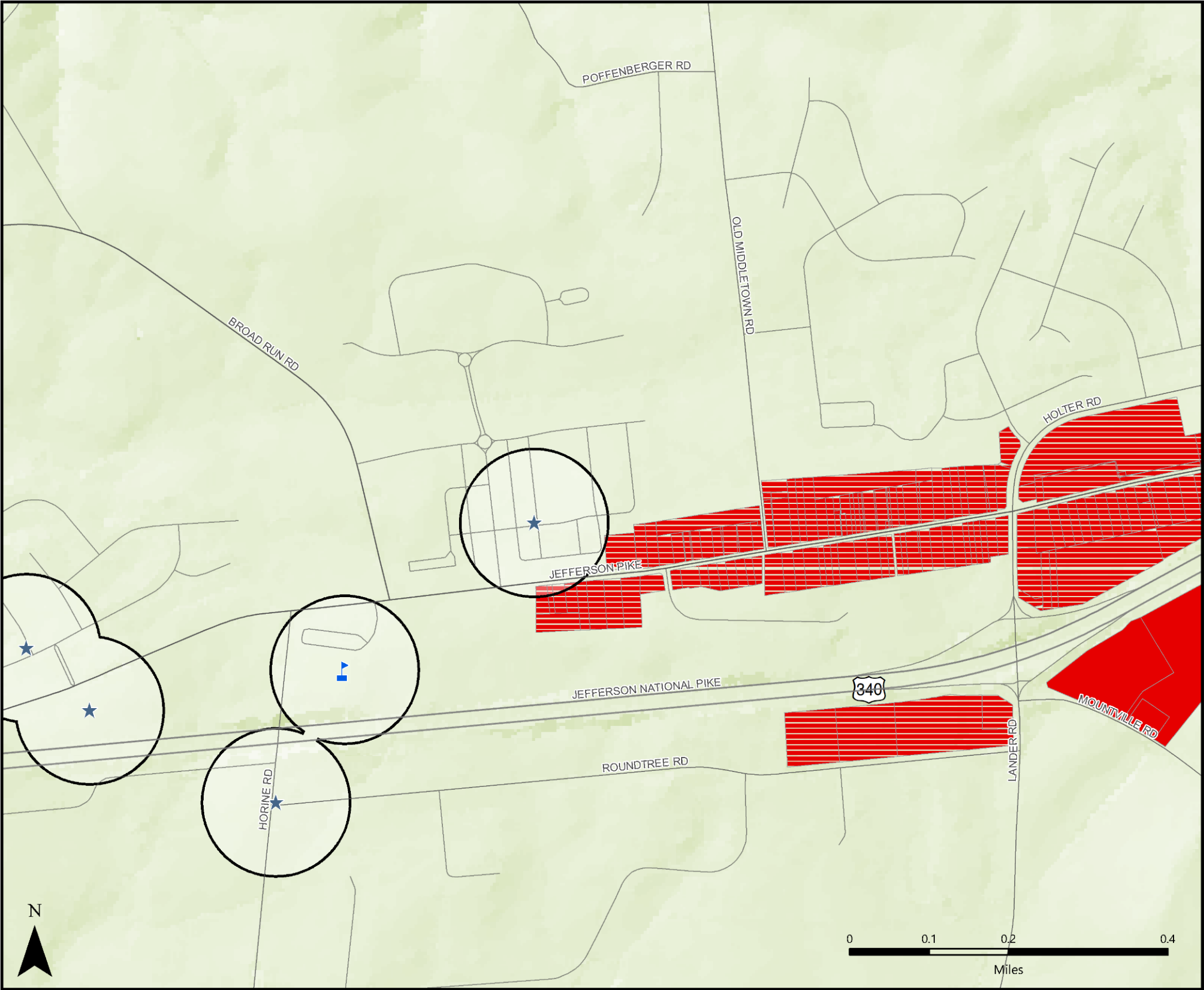
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Frederick County, Maryland  
Division  
August 31, 2023  
Frederick County GIS

## Jefferson

### Cannabis Workgroup

### 500' Buffers

- ★ LICENSED CARE PROVIDERS
- ▤ ELEMENTARY
- ▤ HIGH
- ▤ MIDDLE
- ▤ PRIMARY
- ▤ SPECIAL
- ▤ LIBRARIES
- 🌲 PARKS

**Zoning Districts**

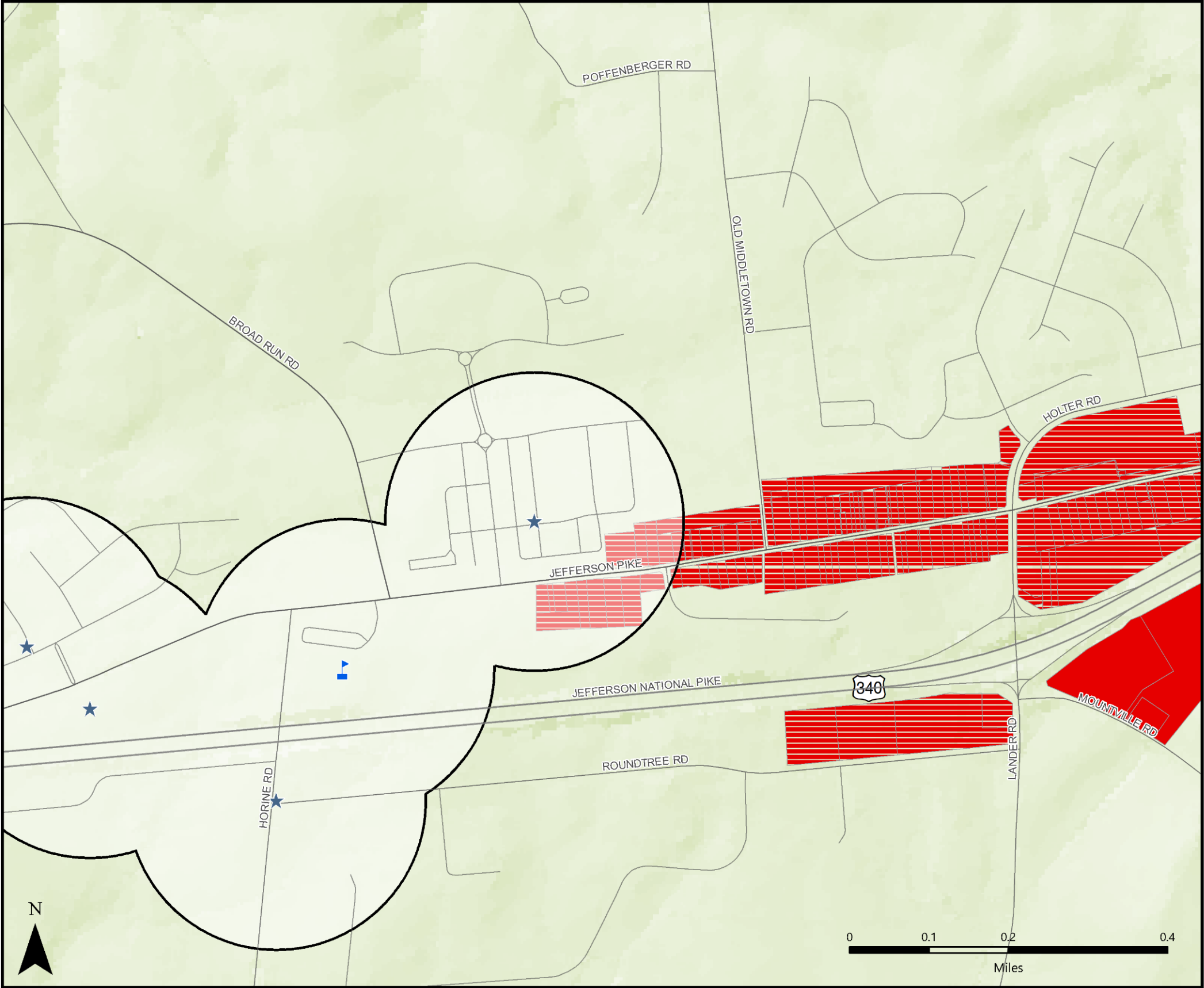
- VC – Village Center
- GC – General Commercial

Projection: NAD 1983 State Plane Maryland FIPS 1900 Feet  
While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. Printed August 31, 2023



Map Id: 502





Frederick County, Maryland  
Division  
August 31, 2023  
Frederick County GIS

# Jefferson

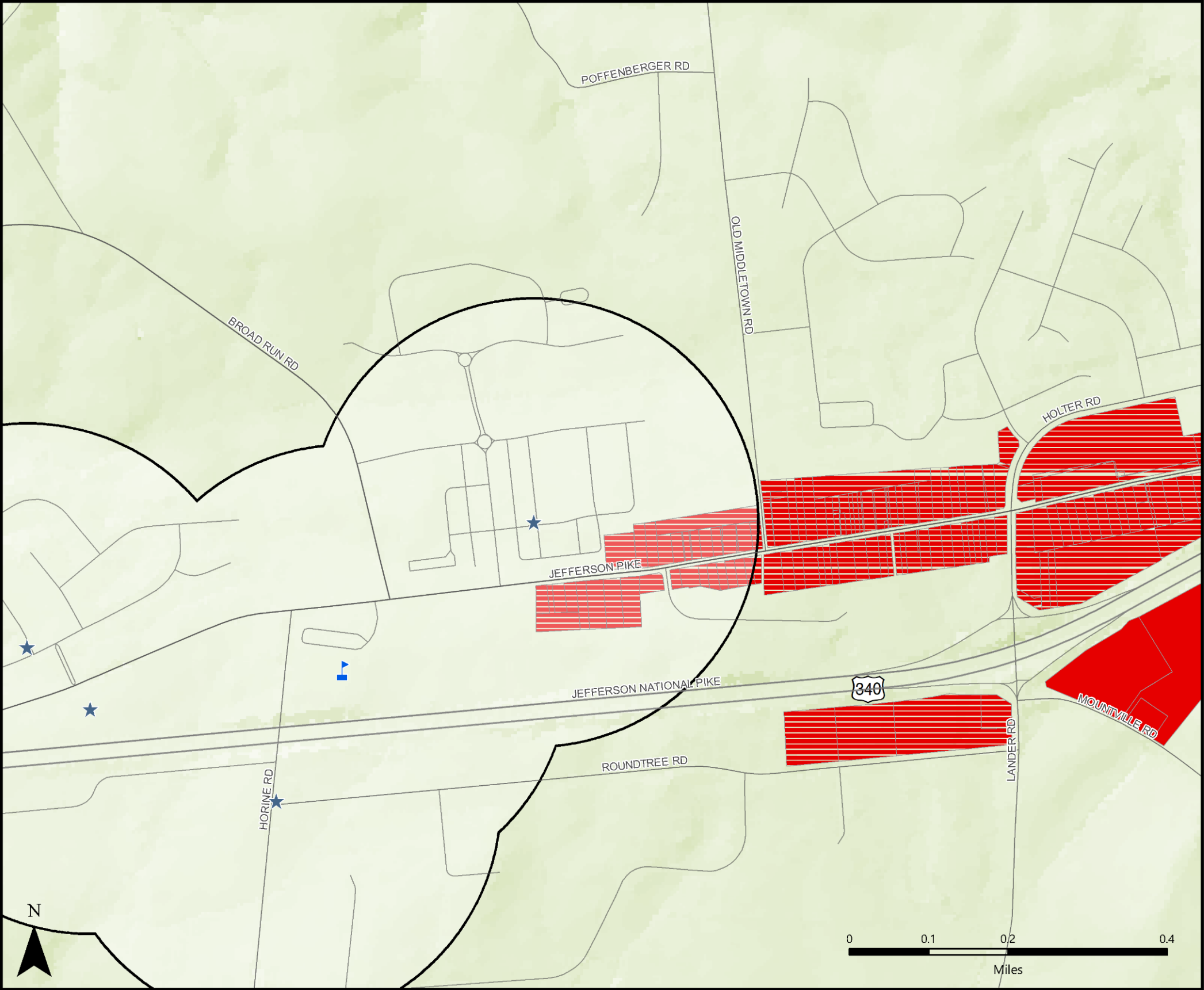
*Cannabis Workgroup*  
*1,000' Buffers*

- ★ LICENSED CARE PROVIDERS
- ▤ ELEMENTARY
- ▤ HIGH
- ▤ MIDDLE
- ▤ PRIMARY
- ▤ SPECIAL
- ▤ LIBRARIES
- 🌲 PARKS

**Zoning Districts**  
■ VC – Village Center  
■ GC – General Commercial

Projection: NAD 1983 State Plane Maryland FIPS 1900 Feet  
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Map Id: 502





Frederick County, Maryland  
Division  
August 31, 2023  
Frederick County GIS

# Jefferson

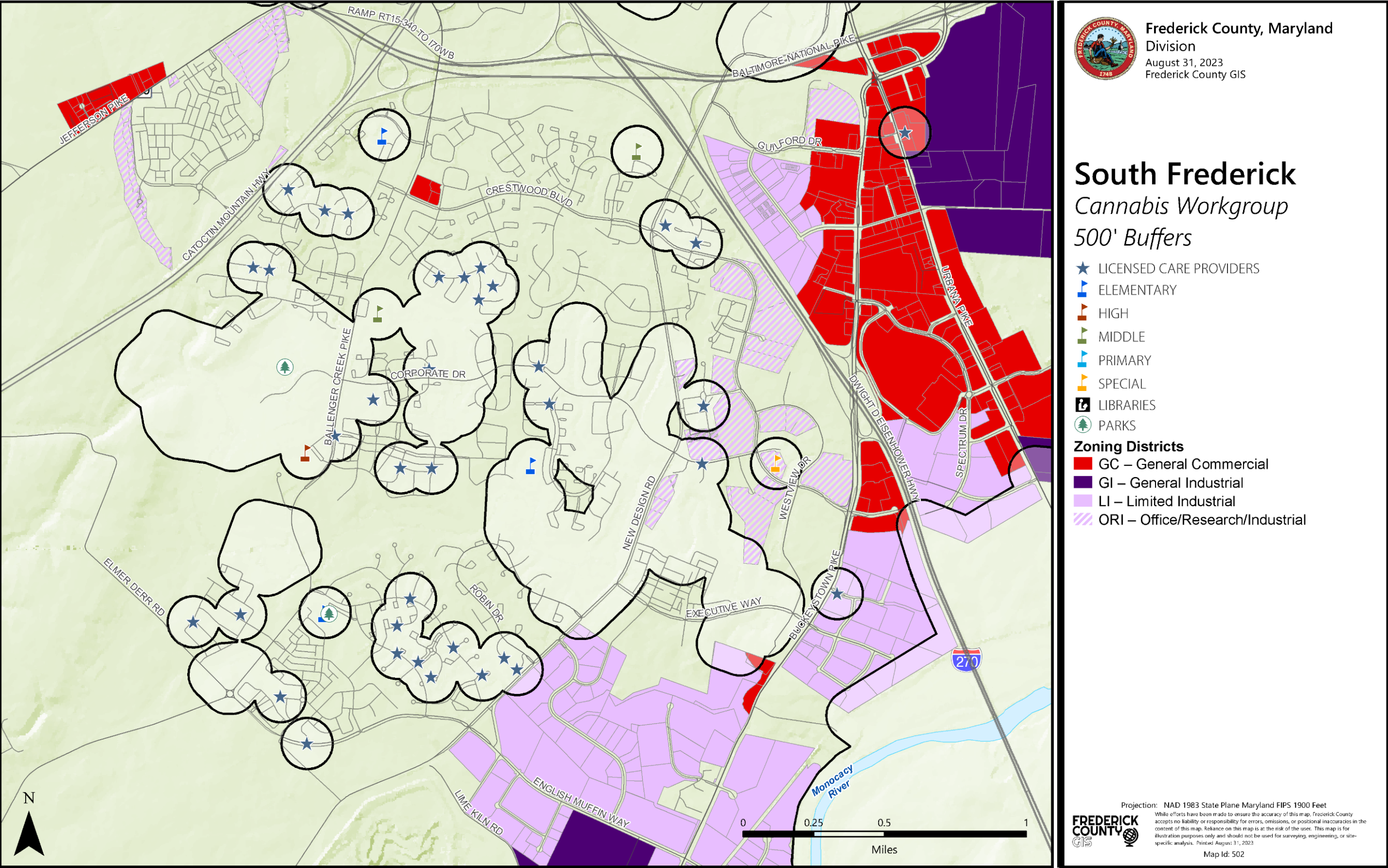
## Cannabis Workgroup

### 1500' Buffers

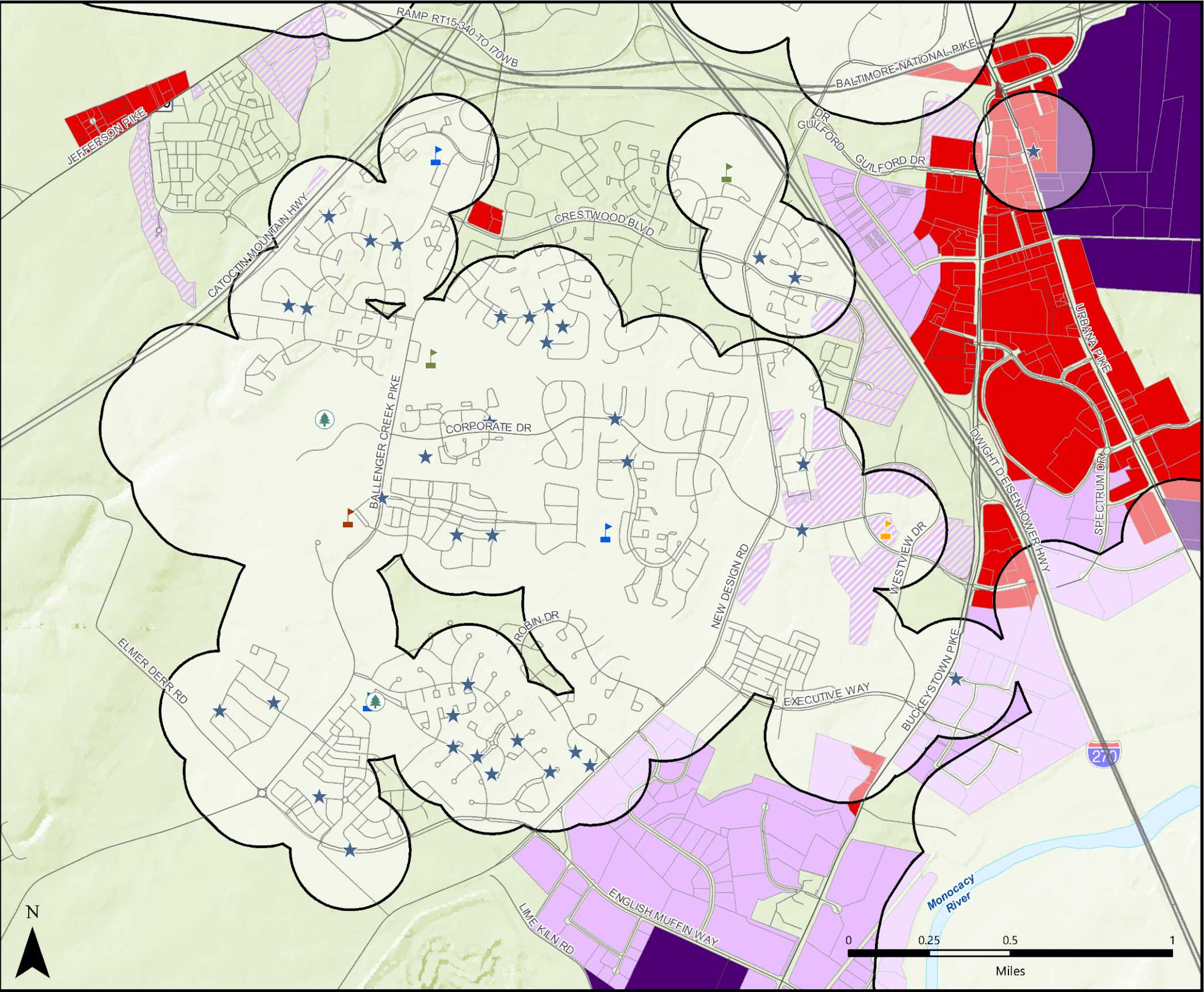
- ★ LICENSED CARE PROVIDERS
- ▢ ELEMENTARY
- ▢ HIGH
- ▢ MIDDLE
- ▢ PRIMARY
- ▢ SPECIAL
- ▢ LIBRARIES
- ▢ PARKS

**Zoning Districts**  
▢ VC – Village Center  
▢ GC – General Commercial

Projection: NAD 1983 State Plane Maryland FIPS 1900 Feet  
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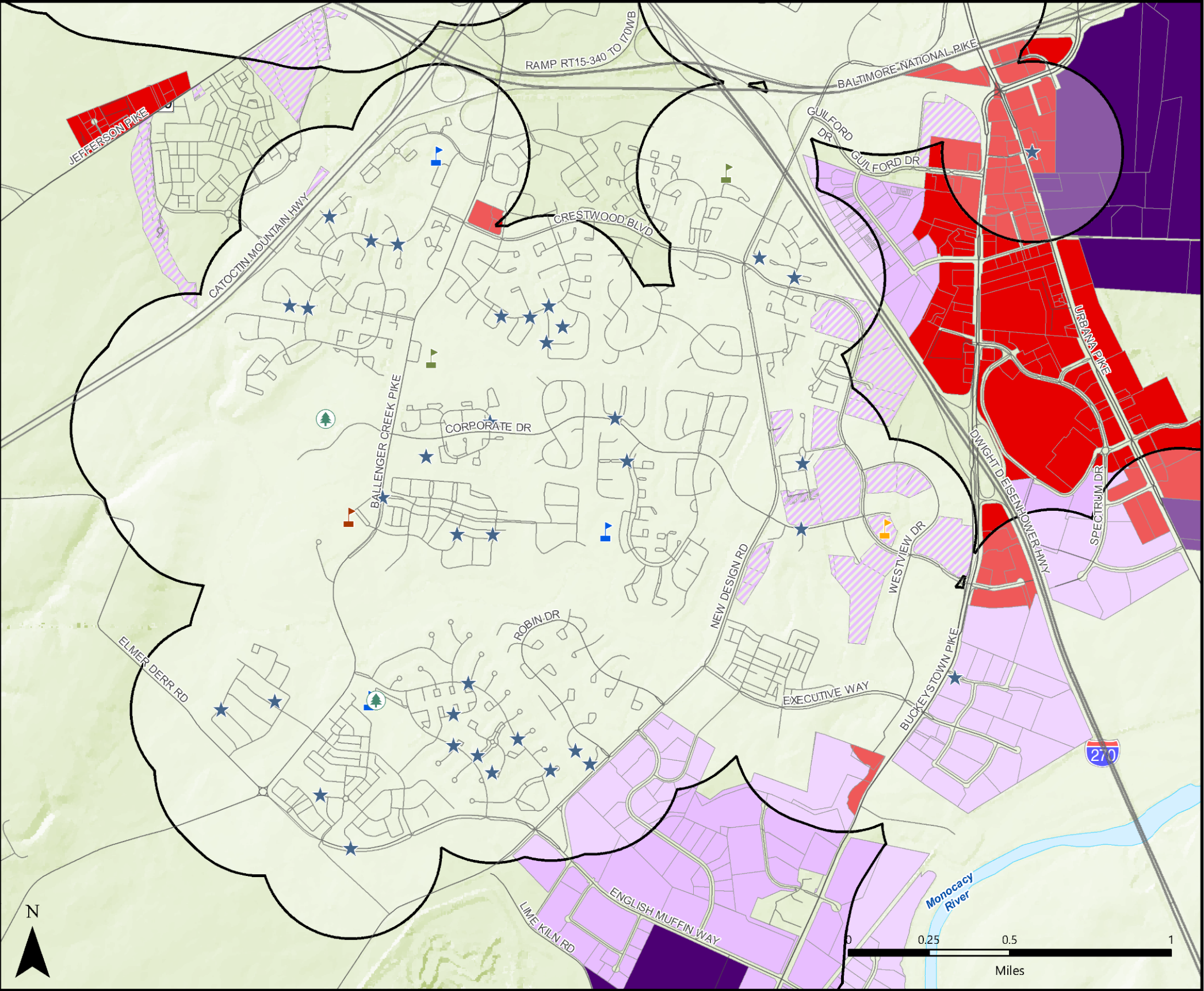
Frederick County, Maryland  
Division  
August 31, 2023  
Frederick County GIS

# South Frederick Cannabis Workgroup 1,000' Buffers

- ★ LICENSED CARE PROVIDERS
- ▤ ELEMENTARY
- ▤ HIGH
- ▤ MIDDLE
- ▤ PRIMARY
- ▤ SPECIAL
- 📖 LIBRARIES
- 🌲 PARKS

- Zoning Districts**
- GC – General Commercial
  - GI – General Industrial
  - LI – Limited Industrial
  - ORI – Office/Research/Industrial





Frederick County, Maryland  
Division  
August 31, 2023  
Frederick County GIS

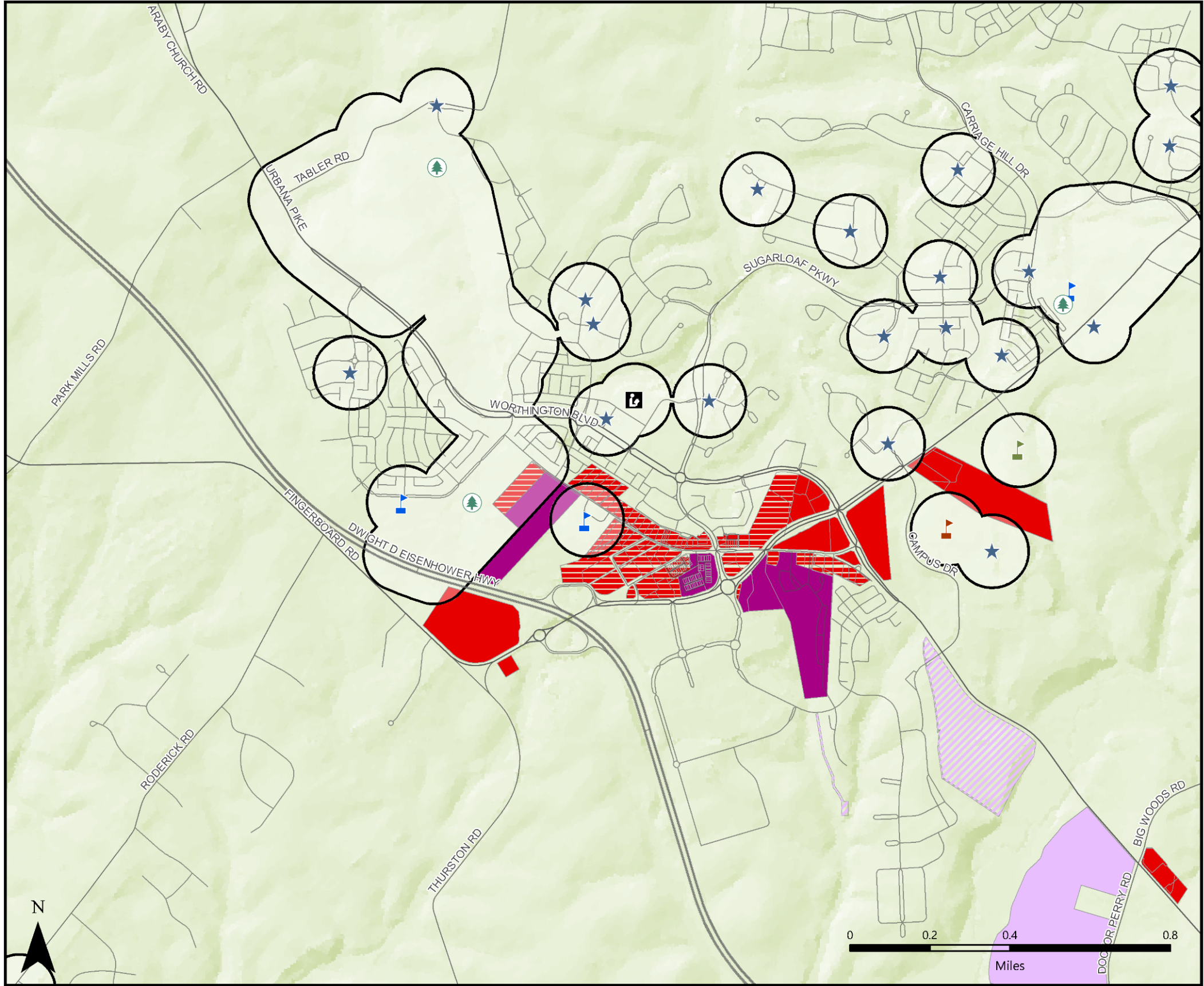
# South Frederick Cannabis Workgroup 1500' Buffers

- ★ LICENSED CARE PROVIDERS
- ▲ ELEMENTARY
- ▲ HIGH
- ▲ MIDDLE
- ▲ PRIMARY
- ▲ SPECIAL
- 📖 LIBRARIES
- 🌲 PARKS

- Zoning Districts**
- GC – General Commercial
  - GI – General Industrial
  - LI – Limited Industrial
  - ORI – Office/Research/Industrial

Projection: NAD 1983 State Plane Maryland FIPS 1900 Feet  
While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. Printed August 31, 2023  
Map Id: 502





Frederick County, Maryland  
Division  
August 31, 2023  
Frederick County GIS

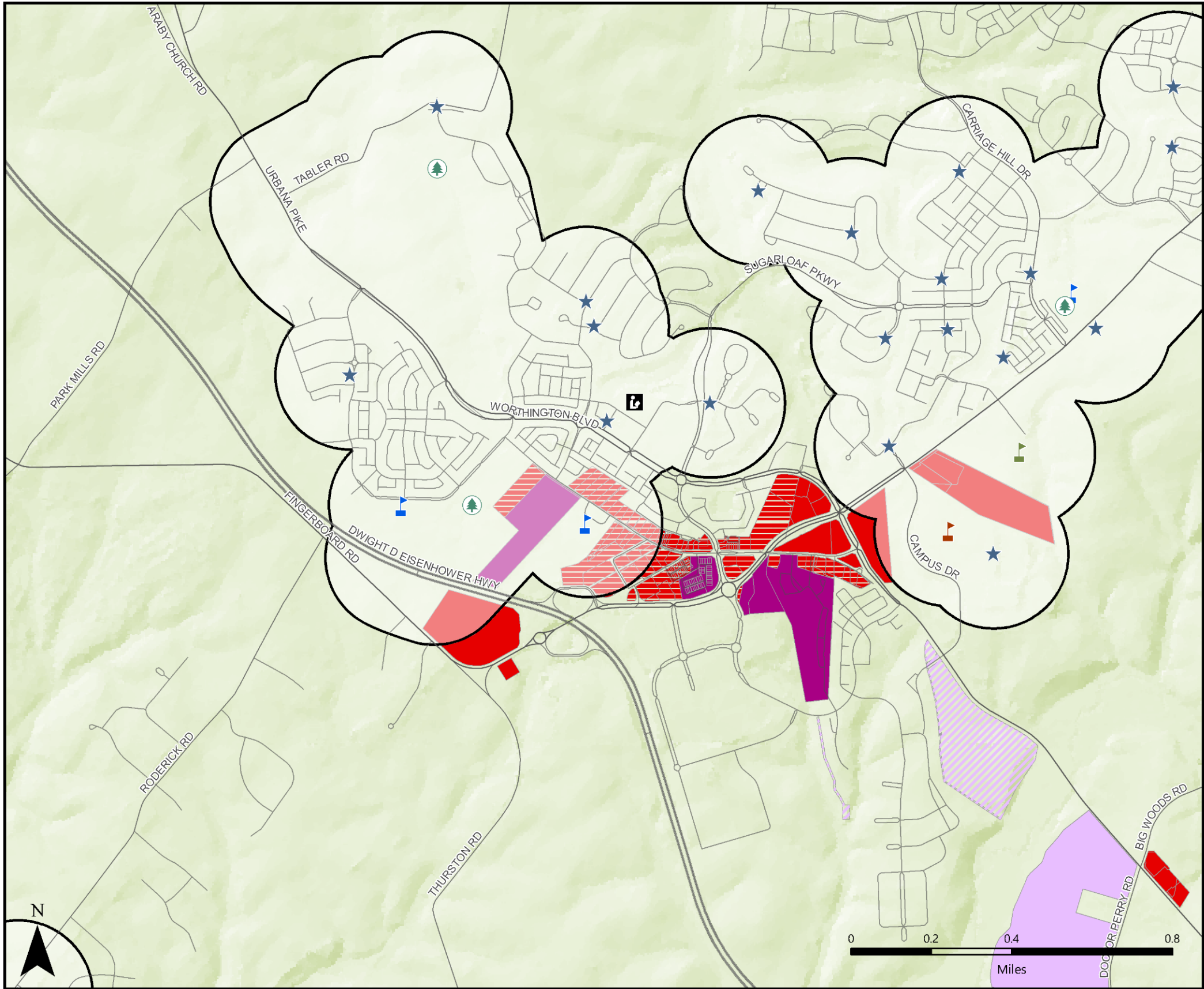
## Urbana Cannabis Workgroup 500' Buffers

- ★ LICENSED CARE PROVIDERS
- ▮ ELEMENTARY
- ▮ HIGH
- ▮ MIDDLE
- ▮ PRIMARY
- ▮ SPECIAL
- ▮ LIBRARIES
- ▮ PARKS

- Zoning Districts**
- ▮ VC – Village Center
  - ▮ GC – General Commercial
  - ▮ LI – Limited Industrial
  - ▮ ORI – Office/Research/Industrial
  - ▮ MX - Mixed Use

Projection: NAD 1983 State Plane Maryland FIPS 1900 Feet  
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Frederick County, Maryland  
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# Urbana

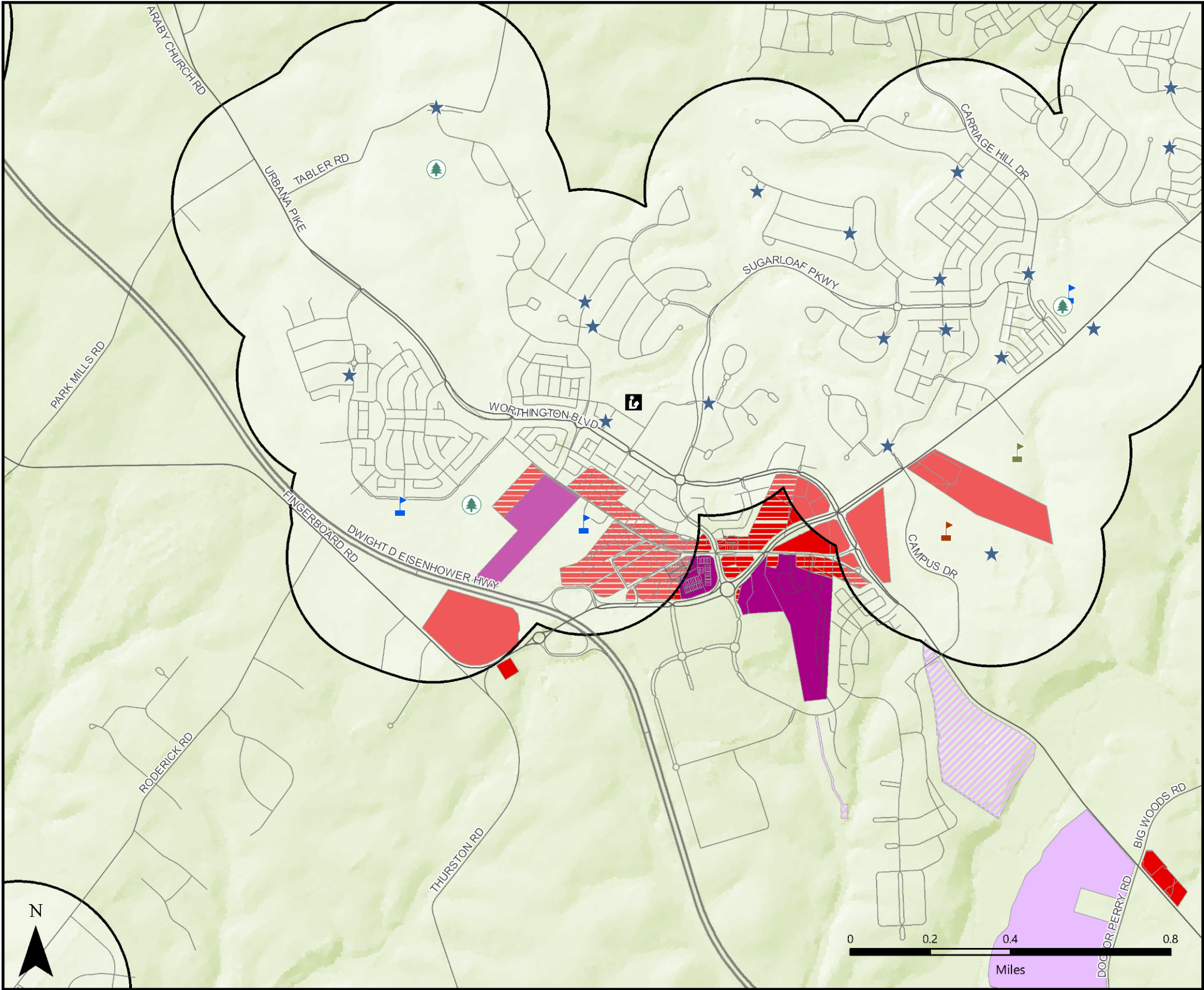
## Cannabis Workgroup

### 1,000' Buffers

- ★ LICENSED CARE PROVIDERS
- ▮ ELEMENTARY
- ▮ HIGH
- ▮ MIDDLE
- ▮ PRIMARY
- ▮ SPECIAL
- 📖 LIBRARIES
- 🌲 PARKS

- Zoning Districts**
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  - GC – General Commercial
  - LI – Limited Industrial
  - ORI – Office/Research/Industrial
  - MX - Mixed Use

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Frederick County, Maryland  
Division  
August 31, 2023  
Frederick County GIS

## Urbana

### Cannabis Workgroup

### 1500' Buffers

- ★ LICENSED CARE PROVIDERS
- ▤ ELEMENTARY
- ▤ HIGH
- ▤ MIDDLE
- ▤ PRIMARY
- ▤ SPECIAL
- 📖 LIBRARIES
- 🌲 PARKS

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**FREDERICK COUNTY GIS**

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Map Id: 502



**As adopted September 14, 2021, and amended 12/7/2021, 10/25/2022, 11/22/2022**  
**CANNABIS LAND USE ORDINANCE (CLUO)**

**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 is 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 additional 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 directly conflicts with a requirement of the Zoning Regulations, the requirement of the Cannabis Land Use Ordinance 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) – All cannabis uses and operations must be fully compliant with applicable licensing requirements set forth therein.

**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, The Control, Regulate and Tax Audit Use of Marijuana, in 2016.

## **Section 8-2.1403 Definitions**

- A. General Information – 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. Buffer Easements – Executed agreements between willing neighbors to accept smaller buffer distances, subject to oversight and acceptance by the County.
- C. Buffer Exemptions – Automatic approval of existing buffers (“grandfathering”). Buffer exemptions are not allowed under this Article.
- D. Buffer Exceptions -- Discretionary reduction of greater than ten percent for buffers based on the specific conditions at the site.
- E. Buffer Reductions – Discretionary reduction of up to ten percent for buffers based on the specific conditions at the site.
- F. Canopy – See Section 5-20.03(L) of the Yolo County Code. With the exception of co-location, the maximum cultivation canopy at any site shall not exceed two-acres. Cultivation in the Capay Valley is limited to the canopy approved for each licensee as of the effective date of this article.
- G. Capay Valley – This area shall be defined as the Capay Valley General Plan Study Area (not including the “Common Overlapping Area”) as established in the Capay Valley Area Plan.
- H. CESA/ESA – California Endangered Species Act and federal Endangered Species Act, respectively.
- I. Clarksburg – This area shall be defined as the growth boundary for the town of Clarksburg as established in the General Plan
- J. Co-Location – The issuance of more than one cannabis license to different ownerships or business entities on the same or contiguous parcels.
- K. Cultivation Site – Area approved for cultivation and related activities.

- L. 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.
- M. Edible – Manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including but not limited to chewing gum.
- N. Existing Licensees – Holders of a validly issued license on June 29, 2021, and license applications received as of June 29, 2021 for which all fees have been paid.
- O. Farm Dwelling – Pursuant to General Plan Policy LU-3.1, any residence located on land zoned and/or designated for agricultural use.
- P. 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.
- Q. 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.
- R. Indoor(s) – Within a fully enclosed and secure structure that complies with the California Building Code (CBC), as adopted by the County, 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.
- S. 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.
- T. Nurseries – See Section 5-20.03(Y).
- U. Permittee – The individual or entity operating pursuant to the Cannabis Use Permit.
- V. Outdoor(s) – Any location that is not "indoor(s)". For the purposes of this article, cultivation in fields and in hoop houses is considered outdoor operations.
- W. Premises – See Section 5-20.03(E) of the YCC.

- X. Public Park – An area of land used for community recreation with accommodations for children such as playground equipment and/or swimming facilities or that is regularly used by children, that is owned or operated by a public entity, County-owned campgrounds, and the Yolo Bypass Wildlife Area headquarters. Natural and/or open space areas, including State or Federal designated parks and forestlands as recognized within the Yolo County General Plan, are not included within this definition.
- Y. Qualified Odor Professional – An individual or firm accepted by the Director as having expert qualifications in the analysis and control of odor, particularly cannabis odor. Expertise should include knowledge of the science of odors and odor control/abatement, experience with odor control technologies, and experience monitoring, modeling, and/or regulating odor.
- Z. Sensitive Land Use – As defined in Section 8-2.1408(E), Buffers, of this article.
- AA. Shipping container – See Section 8-2.1408(QQ), Trailers and Shipping Containers, of this article.
- BB. Trailer – See Section 8-2.1408(QQ), Trailers and Shipping Containers, of this article.
- CC. Vertical Integration – Operations under the same ownership that hold more than one category of license use type.
- DD. YCC – Yolo County Code of Ordinances
- EE. Yolo HCP/NCCP – Yolo Habitat Conservation Plan/Natural Community Conservation Plan implemented by the Yolo Habitat Conservancy
- FF. Youth Center – See Section 11353.1 of the California Health and Safety Code.

## **Sec. 8-2.1404 Applicability**

- A. Effective Date -- The requirements of this article are effective 30 days after adoption.
- B. Regulatory Transition Period – Existing Licensees in good standing are eligible for license renewal in accordance with this Subsection and all other licensing requirements. Existing Licensees outside of the Capay Valley seeking non-cultivation license types shall apply for a Pre-Application Review between January 3, 2022 and January 31, 2022. In addition, Existing Licensees shall adhere to the following deadlines for submission of a complete use permit application:

### **By December 16, 2022**

Existing Licensees located within the Capay Valley (Category 1) that do not seek relocation outside the Capay Valley

Existing Licensees located outside Capay Valley that intend to seek non-cultivation license types (Category 2).

### **By December 15, 2023**

Existing Licensees located outside Capay Valley that are required by the CLUO to relocate (i.e., those located on residentially-zoned land) (Category 3)

Existing Licensees outside Capay Valley that do not seek additional non-cultivation license types (Category 4)

Existing Licensees located within the Capay Valley (Category 5) that seek relocation outside the Capay Valley (note: cannot renew a cultivation license in 2023)

Existing Licensees that do not timely apply for a use permit shall be precluded from license renewal in 2023 (Category 1) or 2024 (Categories 2, 4) and the cultivation license allocation for these licensees shall be returned to the pool of available licenses for use permit recipients. Category 3 licensees may not renew their license for 2023 or thereafter for cultivation at their current sites irrespective of whether they apply for a use permit in an alternative location. Category 5 licensees may not renew their license for 2023.

With the exception of Category 3 and 5 licensees, Existing Licensees with a timely, complete application that is pending in the use permit process may seek license renewal for the 2023 license year and continue to operate with a validly issued license through March 31, 2024 (Categories 1 and 2) or through March 31, 2025 (Category 4). If a use permit for an existing site is granted, the site shall be brought into compliance with the requirements and conditions of the permit within one year of approval, or the renewal of required license(s) shall be prohibited and the license allocation shall be returned to the pool of available licenses. If a use permit is denied, the existing license(s) shall expire on March 31, 2024 (Categories 1 and 2) or March 31, 2025 (Category 4), renewal of the license(s) shall be prohibited, and the license allocation shall be returned to the pool of available licenses. New licensees may apply for available use permit/licenses (if any), after processing of Existing Licensees is substantially underway, on a date to be determined by the Director.

- 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 all operations including the storage of harvested cannabis, on or prior to the deadlines set forth in Subsection B, above.
- D. Non-Conforming Uses – Prior to the relocation deadlines established in subparagraph (C) above, legally licensed cannabis activities that are not in compliance with the terms of this article shall be considered legal non-conforming uses if otherwise conducted in accordance with all applicable state and local legal requirements. After the relocation deadlines established in subparagraph (C) above, non-conforming cannabis activities are illegal and shall be discontinued and may 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 apply only to cannabis related 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. Strict Standards and Interpretation – 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.
- I. Unspecified Cannabis Activities – Any use not expressly permitted in this article is prohibited.
- J. Buffers – Cannabis uses, shall be exempted from the buffer requirements of Section 8-2.1408(E) (Buffers) of this article if new identified sensitive land uses locate within otherwise applicable buffer distances subsequent to use permit issuance (see Section 8-2.1408(E)).

## **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 Regulations, 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
  - 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 Section 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 licensees, must also obtain a County Business License.
- E. County Cannabis Use Permit Requirement – Each commercial cannabis use requires a Cannabis Use Permit as identified in Section 8-2.1407, Table of Cannabis Development Regulations, of this article. The Cannabis Use Permit is assigned to the specific location where the activity will take place. Cannabis Use Permits run with the land.
- F. Personal Use Exemption – Personal medical and adult use cannabis activities require no licenses or permits, provided they are legally conducted in compliance with 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 as established in this article. Each site may have no more than one Cannabis Use Permit. A permittee may have multiple license types under one Use Permit, provided they are specifically authorized in the permit or subsequent permit amendment.

The Board will select a procedure for allocation of Use Permits and/or licenses in instances where demand does or is expected to exceed the available number of permits/licenses. Various methods may be used to allocate limited permits and/or licenses to otherwise compliant applicants. These methods may include a lottery which would be conducted following final action by the Planning Commission on Use Permits and the conclusion of applicable appeal periods. Once a permit and license have been granted, subject to continued regulatory compliance, the license allocation will be considered secured and annual license renewal will not be subject to subsequent competitive (lottery or similar) allocation requirements.

The total number of Cannabis Use Permits issued by the County shall not exceed 65, of which no more than 5 may be located in the Capay Valley. Once allocated, rights to licenses in the Capay Valley cannot be transferred or sold to another licensee, and if not exercised will be returned to the allocation pool for use outside of the Capay Valley. Should any use permit in the Capay Valley be voided, rescinded, revoked, abandoned, or become inactive or equivalent, it may not be reissued to another party and the total number of allowed permits for the Capay Valley shall be reduced by one.

The number of licenses shall be allocated by use type not to exceed the following:

Personal (indoor or outdoor) = no permits/licenses required; unlimited

Cultivation (indoor or outdoor) = 49

Nurseries<sup>1</sup> = 5 (0 in Capay Valley)

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<sup>1</sup> On-site ancillary facilities serving site production only are not subject to cap.

Processing<sup>1</sup> = 7 (0 in Capay Valley)

Manufacturing = 6 (0 in Capay Valley)

Testing = 2 (0 in Capay Valley)

Distribution = 7 (0 in Capay Valley)

Retail (Store front) = 5 (0 in Capay Valley and 0 in Clarksburg) (applications not allowed for two years from the effective date of this article)

Retail (Non-Storefront) = 10 (0 in Capay Valley) (must be associated with a Yolo Cannabis Use Permit)

Special Cannabis Event = 0

Microbusiness = 5 (0 in Capay Valley)

- H. Over-Concentration – The Capay Valley area is hereby identified as an area of over-concentration and shall be limited to no more than five Cannabis Use Permits. New or relocating Cannabis Use Permits are not allowed in the Capay Valley. The remaining unincorporated area of the County shall not be considered over-concentrated based on Existing Licenses. New/relocated cannabis operators shall not be allowed in any other area of the County with seven Cannabis Use Permits in any six-mile diameter area. The determination of over-concentration for new/relocating permittees will be based on the order in which applications have been determined to be complete.

The determination of whether an area is or is not over-concentrated shall be based on the number of Cannabis Use Permits issued within the area, subject to the following. All cannabis uses at a vertically integrated site shall be counted as “one” for the purposes of determining over-concentration. Each owner/entity at a co-located site shall be counted individually (i.e., separately) for the purposes of determining over-concentration. Each operation covered by a development agreement approved through the “early” development agreement process that predated this article shall also count toward the limitation.

The Director shall establish procedures to implement this section by ensuring the efficient and orderly processing of Cannabis Use Permits in areas of over-concentration, consistent with the adopted CLUO. The procedures shall ensure that Cannabis Use Permit applications within any identified area of over-concentration will be processed simultaneously during the transition to the CLUO to enable consideration of community specific issues and to facilitate community involvement, and be processed prior to the consideration of applications not in over-concentrated areas. (EIR MM OVC-1a, I-V and OVC-1b)

- I. Revocability – Cannabis Use Permits are revocable, as set forth more fully in Section 8-2.1412.
- 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. All 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 expiration or be subject to abatement by the County at the sole cost and expense of the permittee. Use permits for outdoor cultivation within a city sphere-of-influence shall be conditioned to expire within one year following annexation.

- K. Vested Rights – Unless otherwise required by California law, no County Cannabis License or Cannabis Use Permit establishes a property interest, vested right, or entitlement beyond the authorization to conduct the cannabis uses specifically identified in the permit for the term provided therein, subject to the permit's conditions and the requirements of any applicable State and County laws and regulations, and subject to County's ability to terminate the cannabis program under 8-2.1409(C). The Permittee and the Cannabis Use Permit shall be subject to all duly adopted amendments to State and County law or regulation, including amendments to this article and the administrative policies adopted thereunder.
- L. Findings for Approval or Denial – The decision-making authority 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.
    - a. The population in the area has been taken into consideration.
    - b. The crime rate in the area has been taken into consideration.
    - c. The record of nuisance abatements in area has been taken into consideration.
    - d. Community character has been taken into consideration.
    - e. Community support has been taken into consideration.
  - 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 compliance history of the applicant and/or operator has been taken into consideration.

10. Parcel size and proposed uses on the non-cannabis portion(s) of the parcel have been taken into consideration.
11. Subject matter input relevant to the specific location or proposed project from County department and division heads, and the Cannabis Unit have been taken into consideration. This shall include information and recommendations from the Agricultural Commissioner relevant to compatibility of proposed cannabis cultivation with adjoining non-cannabis crops.
12. Other cultural, social, equity, and environmental justice concerns deemed applicable by the County have been taken into consideration. (EIR MM OVC-1c)
13. 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.

## Sec. 8-2.1407 Table of Cannabis Development Regulations<sup>11</sup>

State Cannabis License Type	Max Canopy Area <sup>5</sup>	State License Type <sup>14</sup> and Agency	Agric Zones (A-N, A-X, A-I, A-C) <sup>13</sup>	Res Zones (RR-5, RR-2, R-L, R-M, R-H) <sup>13</sup>	Comm Zones (C-L, DMX) <sup>13</sup>	Comm Zones (C-G, C-H) <sup>13</sup>	Indus Zones (I-L, I-H) <sup>13</sup>	Special Use Regulations
Personal								
Personal – Outdoor	≤6 plants per DU	Exempt	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	Title 8, Chapter 2, Article 14
Personal – Indoor	≤6 plants per DU	Exempt	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	
Cultivation <sup>3</sup> , Nurseries, and Processing								
Specialty Cottage – Outdoor <sup>9</sup>	< 25 mature plants	1C, DCC	UP(M) <sup>17</sup>	N	N	N	N	Title 8, Chapter 2, Article 14
Specialty Cottage – Indoor	≤500 sf	1C, DCC	UP(M)	N	N	UP(M)	UP(M)	
Specialty Cottage – Mixed Light <sup>4</sup>	≤2,500 sf	1C, DCC	UP(M)	N	N	UP(M)	UP(M)	
Specialty – Outdoor <sup>9</sup>	≤5,000 sf or ≤50 mature plants	1, DCC	UP(M) <sup>17</sup>	N	N	N	N	
Specialty – Indoor	501 to 5,000 sf	1A, DCC	UP(M)	N	N	UP(M)	UP(M)	
Specialty – Mixed Light <sup>4</sup>	2,501 to 5,000 sf	1B, DCC	UP(M)	N	N	UP(M)	UP(M)	
Small – Outdoor <sup>9</sup>	5,001 to 10,000 sf	2, DCC	UP(M) <sup>17</sup>	N	N	N	N	
Small – Indoor	5,001 to 10,000 sf	2A, DCC	UP(M)	N	N	UP(M)	UP(M)	
Small – Mixed Light <sup>4</sup>	5,001 to 10,000 sf	2B, DCC	UP(M)	N	N	UP(M)	UP(M)	
Medium – Outdoor <sup>9</sup>	10,001 to 43,560 sf	3 <sup>8</sup> , DCC	UP(M) <sup>17</sup>	N	N	N	N	
Medium – Indoor	10,001 to 22,000 sf	3A <sup>8</sup> , DCC	UP(M)	N	N	UP(M)	UP(M)	
Medium – Mixed Light <sup>4</sup>	10,001 to 22,000	3B <sup>8</sup> , DCC	UP(M)	N	N	UP(M)	UP(M)	
Large <sup>2</sup> – Outdoor <sup>9</sup>	>43,561 sf <sup>16</sup>	5, DCC	N	N	N	N	N	
Large <sup>2</sup> – Indoor	>22,001 sf <sup>16</sup>	5A, DCC	N	N	N	N	N	
Large <sup>2</sup> – Mixed Light <sup>4</sup>	>22,001 sf <sup>16</sup>	5B, DCC	N	N	N	N	N	
Nursery – Outdoor, Indoor or Mixed Light	Unlimited	4 <sup>7</sup> , DCC	UP(M) <sup>17</sup>	N	N	N	UP(M)	Title 8, Chapter 2, Article 14

# EXHIBIT C

Processing Only <sup>6</sup>	N/A	Not Assigned, DCC	UP(M)	N	N	UP(M)	UP(M)	
Manufacturing, Testing, and Distribution <sup>12</sup>								
Manufacturing – Non-volatile	N/A	6, DCC	UP(M)	N	N	N	UP(M)	Title 8, Chapter 2, Article 14
Manufacturing -- Volatile	N/A	7, DCC	UP(M)	N	N	N	UP(M)	
Manufacturing -- Infusion	N/A	6N, DCC	UP(M)	N	N	N	UP(M)	
Manufacturing – Packaging and Labeling	N/A	6P, DCC	UP(M)	N	N	UP(M)	UP(M)	
Testing/Laboratory	N/A	8, DCC	UP(M)	N	N	N	UP(M)	
Distribution	N/A	11(M) <sup>10</sup> , DCC	UP(M)	N	N	UP(M)	UP(M)	
Distribution – Transport Only	N/A	12(M) <sup>10</sup> , DCC	UP(M)	N	N	UP(M)	UP(M)	
Retail								
Retail – Storefront	N/A	10(M) <sup>10</sup> and 10A(M), DCC	N	N	UP(M)	UP(M)	UP(M)	Title 8, Chapter 2, Article 14
Retail – Non-Storefront	N/A	9(M) <sup>10</sup> , DCC	UP(M)	N	N	UP(M)	UP(M)	
Special Cannabis Event <sup>15</sup>	N/A	14(M) <sup>10</sup> , DCC	N	N	N	N	N	
Microbusiness								
Microbusiness	<10,000 sf	12(M) <sup>10</sup> , DCC	UP(M)	N	N	UP(M)	UP(M)	Title 8, Chapter 2, Article 14

## Acronyms:

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

DCC = Department of Cannabis Control

DU = dwelling unit

N = Not Allowed

sf = square feet

UP(M) = Major Use Permit

43,560 sf = one acre

Notes:

1. In, or on the lot containing, a legal residential unit, with landlord's permission pursuant to Section 8-2.1406(F), Personal Use Exemption, of this article. Each person cultivating personal cannabis shall maintain his/her principal place of residence in a dwelling on the parcel on which the cultivation occurs.
2. DCC 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 two-acre cultivation limit (indoor or outdoor) 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. DCC will issue a limited number of Type 3 State licenses (Section 16209 of the DCC 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. Distribution ancillary to other licensed and permitted cannabis activities does not require a separate County business license.
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. Outdoor cultivation within the growth boundaries identified in the General Plan for unincorporated towns is prohibited.

# EXHIBIT C

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## **Sec. 8-2.1408 Specific Use Requirements and Performance Standards**

The following specific use requirements or standards are applicable to the use types authorized by this article. All references to laws and regulations of the State of California shall be deemed to include any duly-adopted amendments to such laws and regulations.

- 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/or other responsible official. Cultivators, nurseries, and processing licensees shall implement the Pest Management Plan required pursuant to Section 16310 of the DCC Regulations, as applicable. Cultivators, nurseries, and processing licensees shall comply with pesticide laws and regulations as enforced by the Department of Pesticide Regulation pursuant to Section 16307, Pesticide Use Requirements, of the DCC Regulations.
- B. **Agricultural Maintenance** – Permittees operating 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 that any areas in non-agricultural use will be properly maintained (e.g. weed abatement, pest management, etc.) to, among other things, avoid maintenance deficiencies that impair or otherwise 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 in Section 8-2.1410(C)(2).
  - 1. **Reconnaissance-Level Survey** – Applicants shall include with their Use Permit application 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 California Natural Diversity Database and the California Native Plant Society 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 special-status plants, special-status wildlife, suitable habitat for these species, or sensitive habitats are identified as being impacted by the cannabis use, items 2 through 7 below will apply.
2. Species Covered under the Yolo HCP/NCCP – If species covered under the Yolo HCP/NCCP are identified as being impacted by the cannabis use, the applicant shall satisfy the requirements of the HCP/NCCP to the extent it is applicable.
  - a. If species covered under the Yolo HCP/NCCP that are not listed under CESA or ESA or are only listed under CESA are identified as being impacted by the cannabis use, payment of Yolo HCP/NCCP mitigation fees and implementation of applicable HCP/NCCP avoidance and minimization measures are required if applicable.
  - b. If species covered under the Yolo HCP/NCCP that are also listed under both CESA and ESA or only under ESA are identified as being impacted by 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 Yolo 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 identified as being impacted by 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" are identified as being impacted by the cannabis use, the applicant will retain a qualified biologist to conduct protocol-level surveys for these species for which established, current surveying 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 as being impacted by the cannabis use, 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 are identified as being impacted by 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 acquired.
  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)
  5. 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.
  6. Cannabis activities determined by the County to be covered activities under the Delta Plan developed by the Delta Stewardship Council 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.
  7. Cannabis Permit applicants 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 lakes, perennial ponds, rivers, creeks, sloughs, and perennial streams as 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 – Unless otherwise identified, the following buffers are required between any cannabis use and any identified sensitive land use:

CLUO Sensitive Land Use	Buffers for Outdoor Uses <sup>1-6</sup>	Measure Buffer From
Off-site individual legal residences located on parcels under separate ownership in any non-residential zone	600 ft for Existing Licensees  1,000 ft for new or relocating licensees  1,000 ft in Capay Valley	Building
Residentially zoned land	600 ft for Existing Licensees  1,000 ft for new or relocating licensees  1,500 ft from residentially zoned land within city limits, residential areas contiguous to City limits (El Macero, Willowbank, Royal Oaks Mobile Home Park, and Westucky), and residentially zoned land within town growth boundaries (Clarksburg, Dunnigan, Esparto, Knights Landing, Madison, Yolo, Zamora) for new or relocating licensees <sup>8</sup>  1,000 ft in Capay Valley	Zone boundary
Public parks	600 ft for Existing Licensees  1,000 ft for new or relocating licensees  1,000 ft in Capay Valley	Parcel
Licensed day cares	600 ft for Existing Licensees  1,000 ft for new or relocating licensees  1,000 ft in Capay Valley	Building
Recognized places of worship		
Public or licensed private schools		
Licensed treatment facilities for drugs or alcohol		
Licensed youth centers		
Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government	1,000 ft <sup>7</sup>	Parcel
Tribal Cultural Resources	1,000 ft <sup>7</sup>	Resource boundary

CLUO Sensitive Land Use	Buffers for Indoor Uses	Measure Buffer From
Off-site individual legal residences located on parcels under separate ownership in any non-residential zone; residentially zoned land; public parks; licensed day cares; recognized places of worship; public or licensed private schools; licensed treatment facilities for drugs or alcohol; and licensed youth centers	None for Existing Licensees  100 ft for new or relocating licensees <sup>9</sup>  100 ft in Capay Valley (Existing Licensees, new structures)	As shown above by sensitive land use
Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government; and Tribal Cultural Resources	1,000 ft	As shown above by sensitive land use

**Notes:**

1. Buffers applied to residences on non-residentially zoned parcels, 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 residentially zoned land shall be measured from the closest point of the residential zone boundary to the closest point of any structure or outdoor area containing cannabis.
3. Buffers applied to public parks and Tribal trust land shall be measured from the closest point of the parcel boundary to the closest point of any structure or outdoor area containing cannabis.
4. Buffer Reductions – When deliberating a Cannabis Use Permit application for Existing Licensees only, reductions of up to ten percent of the required buffer distances described above may be approved by the County based on consideration of project-specific and/or site-specific factors, including but not limited to considerations of compatibility with surrounding land uses. Buffer reductions cannot be used on buffers from Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government, buffers from Tribal Cultural Resources or buffers in the Capay Valley.
5. Buffer Exceptions – When deliberating a Cannabis Use Permit application for Existing Licensees only, reductions of more than ten percent of the required buffer distances described above may be approved by the County based on consideration of project-specific and/or site-specific factors including but not limited to considerations of compatibility with surrounding land uses. Buffer exceptions cannot be used on buffers from Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government, buffers from Tribal Cultural Resources, or buffers in the Capay Valley.
6. Buffer Easements – On a case-by-case basis, at the discretion of the County, in conjunction with consideration of a Cannabis Use Permit, for Existing Licensees only, buffer easements on neighboring property(ies) may be considered as an alternative to compliance with the identified required buffers. The easement must be approved by the County, be in effect so long as the Cannabis Use Permit is in effect, and shall be recorded in the chain of title for the affected property(ies) using a template approved by County Counsel. Buffer easements cannot be utilized in the Capay Valley.
7. Applies to all cannabis uses (indoor and outdoor)
8. Only applies outside of Capay Valley.
9. Notwithstanding any other provisions of this article, the requirement for a 100-foot buffer between indoor cannabis uses and identified sensitive land uses shall apply to any indoor cannabis structure for which a building permit was issued after the effective date of this article whether undertaken by existing, new, or relocated licensees; and the

licensee may request approval of a reduction of up to ten percent of this buffer in conjunction with an application for a new or amended Cannabis Use Permit.

- 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. 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 typical 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 licensee. Sharing of infrastructure, security, and operations is permitted subject to review and approval through the Cannabis Use Permit process, and consistency with State law. The combined operations cannot exceed the terms of the permit for the site. No minimum site size or maximum number of licenses applies beyond what is required by state law.
- 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, and 8-2.1410(C.1) of this article, applicants shall submit a Cultural Resource Survey (if required) to determine the potential for Tribal cultural, archeological, or historical 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 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, and/or historic) 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 and appropriate steps are taken in accordance with the subsections below. A minimum 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 Cultural Resources – If Tribal cultural resources are encountered all work in the area shall cease, resources shall be accorded culturally appropriate dignity, removal, reinterment, 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). For resources that remain in place, a 1,000 foot buffer shall be provided.
3. Human Remains – If human remains are discovered, permittees shall comply with Section 7050.5 of the California Health and Safety Code. Cultivation, grading/excavation, or other soil disturbance activities shall be immediately halted at the location of human remains 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 or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours and disposition shall be as specified by Commission and in accordance with applicable requirements of State law.

Native American remains shall be accorded culturally appropriate dignity, removal, reinterment, 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 California Government Code; Section 21082.3(c)(1) of the Public Resources Code; and Section 15120(d) of the California Environmental Quality Act (CEQA) Guidelines.
  5. Tribal Consultation – Pursuant to Section 21080.3.1 of the Public Resources Code any applications for which a negative declaration, mitigated negative declaration, or EIR is prepared must comply with Section 21080.3.1(b) of the Public Resources Code 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. Notwithstanding this requirement, Section 8-2.1408(E) imposes a larger buffer by restricting cannabis land uses within 1,000 feet of a Tribal cultural resource.
- I. Delivery Services – Retail Non-Storefront (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 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. All license types shall submit evidence of compliance with DCC Section 15011(a)(3) related to waste discharge, as applicable.

- 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. 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. electric utility, or solar/wind with battery back-up). 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 be conditioned to achieve VCEA ultra green or equivalent standard (100 percent renewable and 100 percent carbon-free).

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, Section 8-2.1408(KK).
- Q. Fire Protection – All uses shall comply with the California Building, Electrical and Fire Codes as adopted by the County, including existing requirements for 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 comply with all applicable requirements of the Delta Plan.
- S. Functionally Equivalent Standards – The County decision-making body may allow compliance with any of the requirements/standards of this Section through functional equivalent means 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 (including diesel-powered refrigerated units) as the sole or permanent source of power for equipment and/or facilities for all cannabis use types is prohibited. All licensees must satisfy applicable requirements of the Yolo-Solano Air Quality Management District. Cultivators, nurseries and processing licensees must also demonstrate compliance with Section 16306, Generator Requirements, of the DCC 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 the site and operation of the activity. Permittees shall generally respond to legitimate neighbor contacts, within one business day. The method of communication may be a phone number, email, or website (containing contact information), as proposed by the permittee and approved by the County. A method that generates 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, including license renewal, 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 among neighbors, to be paid by the Permittee.
- 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 permit approval is grounds for denial/revocation of any County Cannabis Use Permit and/or County Cannabis License. Grading and/or land clearing requires the issuance of a County Grading Permit, if applicable, and must be conducted subject to a State construction storm water permit if applicable. Cultivators, nurseries and processing 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 California Health and Safety Code). 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 Title 22 Division 4.5 of the California Code of Regulations.
- 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 (Section 8-2.1408(KK)).
- 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. Cultivators, nurseries and processing licensees must comply with Section 16304(a)(6) of the DCC 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 from sunset to sunrise to preclude nighttime glow, pursuant to Section 16304(a)(7) of the DCC 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 (1) the property line of any residentially zoned area or (2) in the case of agricultural land, any occupied residential structure not on the same parcel as the cannabis operation. 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 dilution-to-threshold (D/T) ratio of seven parts clean or filtered air to one-part filtered odorous air (7:1) or stronger 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 ordinance amendment of the Board of Supervisors, 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 (i) the County enforcement officer 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 verifies 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 regardless of whether any complaints are received provided County officials or employees observe and verify 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/or revocation of the County Cannabis Use Permit and/or County Cannabis License pursuant to the process below.

5. The County applies a three-level enforcement 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. An alert shall identify the problem, identify relevant code sections, discuss the abatement process, and identify corrective action. A 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.
6. Subject to subsection 7 below, if at any time during the enforcement system identified above in subsection 5, the County enforcement officer determines that a violation of other 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 such a matter, the County enforcement officer may bypass the citation process and take immediate steps to address the matter, 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 presumed 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 dilution-to-threshold (D/T) ratio of less than seven parts clean or filtered air to one-part odorous air (7:1) at the property line of the site. This D/T standard may be modified by ordinance amendment of the Board of Supervisors, 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. As further defined in Section 8-2.1408(CC), cannabis odor below this threshold shall be considered acceptable and shall not be considered a nuisance.

All cannabis uses must maintain 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: 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 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 in the form of an Odor Control Plan:
    - 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/controlling 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 at the property line of the site.
    - d. A wind pattern evaluation of each Cannabis Use Permit application shall be submitted as part of the Odor Control Plan. This evaluation shall 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 shall identify sensitive land uses (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. (EIR MM AQ-4)
  3. 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 a form approved by the Cannabis Unit, be in effect so long as the Cannabis Use Permit is in effect, and shall be recorded in the chain of title for the affected property(ies).
- 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 – Personal use is allowed as described in Section 11362.2 of the California Health and Safety Code and Chapter 4 of Title 12 of the Yolo County Code. Buffers as specified in Section 8-2.1408(E) of this article shall not apply to plants grown for personal use. Personal use is restricted to medicinal and adult recreational use only, sales are prohibited, and non-cultivation uses are prohibited.

- 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 and/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(KK) 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 (adopted February 2010; as amended), e.g. 100 new daily trips or more, applicants will prepare a traffic assessment for consideration as part of their use permit 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 a part of the Use Permit application. In situations where a project would substantially and adversely alter physical or operational conditions on a County roadway, roadway improvements (e.g. safety improvements) or other circulation improvements will be required as appropriate.

The permittee shall install/undertake appropriate roadway improvements 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 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. Fencing, generally, shall not exceed a height of seven (7) feet. Requests for height above seven (7) feet may be permitted as part of the Cannabis Use Permit, if it is found that the size, shape, topography, location of the site, or orientation of structures on adjacent properties justifies such modification, and the property where the fencing is modified will not cause detriment to the surrounding area nor a safety hazard for the use of adjacent properties or roadways.
  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. Fencing shall be opaque and constructed of durable materials. Linear barbed wire at the six-foot level or above may be allowed on a case-by-case basis through the Cannabis Use Permit process or Cannabis Use Permit amendment process if it is determined to not diminish the visual quality of the site or surrounding area. Razor wire fencing is prohibited.
  6. Sites not visible from public rights-of-way are not required to be screened, unless determined by the County 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 required. Cannabis Use Permit applicants 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. All gates, doors, and windows of structures and facilities used for cannabis activities shall be locked/secured. Permittees are responsible to prohibit individuals from loitering on the premises if they are not engaged in activity expressly related to the activity/operations. 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 California Government Code because the public interest served by maintaining the confidentiality of such security plans clearly outweighs the public interest served by disclosing the record. Failure to secure a site pursuant to the security plan may be grounds for revocation. All license types shall submit evidence of compliance with DCC Article 5, Security Measures, commencing with Section 15042, as applicable.
- 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 lakes, perennial ponds, rivers, creeks, sloughs, and perennial streams, as set forth in Policy CO-2.22 of the General Plan, as applicable. Cultivators, nurseries and processing licensees shall comply with the State Regional Water Quality Control Board required 600-foot setback from Tribal Cultural Resources, as applicable. Notwithstanding this requirement, Section 8-2.1408(E) imposes a larger buffer by restricting cannabis land uses within 1,000 feet of a Tribal cultural resource.
- 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 California Business and Professions Code 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 a reasonably safe condition, including securing all necessary licenses and permits for this work. The site shall be kept free of litter, clutter, 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 – All required building permits shall be obtained for trailers and shipping containers for temporary or permanent use. These uses may not encroach into required setbacks. Permittees shall comply with Section 8-2.1012 (Commercial Coaches) and Section 8-2.1013 (Manufactured or Mobile Homes and Trailers) of the County Zoning Regulations if applicable. Use of recreation vehicles, campers, motorhomes, or other such vehicles for cannabis-related activities is 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, in furtherance of a cannabis use is prohibited. Notwithstanding the foregoing, nothing in this section prevents the removal of trees in response to a safety, disease, or similar concern that is verified in writing by an arborist or similarly qualified individual.
- SS. Waste Management – Cannabis waste, trash, and garbage must be stored so as not to create a public nuisance and must be regularly removed from the facility to an appropriately permitted disposal facility. All licensees shall satisfy the requirements of Section 17223, Waste Management, of the DCC Regulations (as applicable), which includes submission of a Cannabis Waste Management Plan.
- TT. Wastewater Discharge – Access to adequate washing and 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 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 or entity from holding or 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, or other standard applicable under State or local law, the site must comply with public water system requirements and obtain a water supply permit from the Division of Environmental Health. All licensees shall comply with Section 16311, Supplemental Water Source Information, of the DCC Regulations, as applicable.

## **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.
- C. Ability of County to Deposit Cannabis-Related Funds – All Cannabis Use Permit applicants and Permittees acknowledge that the County’s cannabis program and the issuance of any permit under this article is conditioned on the County’s ability to deposit funds received from cannabis-related businesses, including for payment of permit fees, applicable taxes, and fines and abatement costs. 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, and County Counsel shall approve the form and content of all related conditions:
  - 1. Indemnification – Each Permittee shall indemnify the County from all claims, damages, etc. associated with the issuance of any permit to the Permittee or the Permittee’s operation of the

cannabis activities. As directed by County Counsel, the indemnification shall satisfy or exceed the requirements of Section 8-2.212.5, Indemnification, of the County Zoning Regulations.

2. Agreement to Defend – Each Permittee shall agree to defend, at its sole expense and with counsel acceptable to the County Counsel, any action against the County, its agents, officers, and employees related to the approval and implementation of a Cannabis Use Permit.
- F. Delta Plan and Delta Land Use and Resource Management Plan (LURMP) – 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) and the Delta Land Use and Resource Management Plan (LURMP).

#### **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. Cannabis Use Permits shall be considered 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.

Pursuant to Section 8-2.1410(I), all cannabis use permits for qualified Existing Licensees in the Capay Valley are required to be processed as a batch and acted on at the same hearing. Should an appeal be filed challenging a denial of a cannabis use permit for an Existing Licensee located in the Capay Valley, this will have the effect of staying the actions on all cannabis use permits for Existing Licensees in the Capay Valley. The stay will extend through the end of the County's appeal process, but would not extend through any related litigation. Should an appeal be filed challenging an approval of a cannabis use permit for an Existing Licensee located in the Capay Valley, this will not result in a stay on the actions on all cannabis use permits for Existing Licensees in the Capay Valley.

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 or appropriate County staff shall review, verify, and investigate all information in the application and prepare a report for the decision-making body 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. These are minimum requirements and additional application materials will be required. 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 Existing Licensees outside of the Capay Valley seeking non-cultivation license types shall participate in a Cannabis Pre-Application Review process. Existing Licensees in the Capay Valley, and those outside of the Capay Valley seeking only cultivation license types are encouraged to apply for Pre-Application Review, but not required. The purpose of the Cannabis Pre-Application Review is to determine demand for limited non-cultivation license types, allow for Tribal Cultural Resources assessment, and identify potential constraints for relocation sites (e.g., buffers, over-concentration, electrical supply, etc.).
- 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 (this survey is not required if minor or no site grading or soil disturbance will occur).
  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.

- 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, licenses, or approvals where the property upon which the use or structure is proposed is in violation of the County Code.
- H. Application Completeness –
  - 1. Pursuant to Section 65943 of the California Government Code, the County shall determine in writing whether an application is complete within 30 days of acceptance for filing. While conducting this review for completeness, the staff shall be alert for environmental issues that might require preparation of an EIR or that may require additional explanation by the applicant (CEQA Guidelines Section 15060).
  - 2. If the application is found to be incomplete within the 30-day review period, a letter shall be immediately sent to the applicant describing why the application is incomplete and identifying the actions necessary to ensure completeness. The applicant has thirty (30) days thereafter to provide the requested information and the County has 15 days from receipt of such information to determine whether the application as amended is complete. If the application is again determined to be incomplete, the applicant shall be provided with immediate written notice and one final 15-day period to submit identified information. The County shall determine in writing if the final submittal constitutes a complete application. If the application remains incomplete, it shall be deemed withdrawn, and a notice of the withdrawal shall be sent to the applicant. The applicant may appeal the final determination of completeness to the Planning Commission pursuant to Section 8-2.225.
- I. Application Processing in Capay Valley -- All cannabis use permits for qualified Existing Licensees in the Capay Valley shall be processed as a batch and acted on at the same hearing.
- J. Development Agreements –
  - 1. Early Implementation Development Agreements – This term refers to Development Agreements executed by the County with cannabis cultivators prior to the effective date of this article, pursuant to the Early Implementation Development Agreements Policy approved by the County Board of Supervisors on March 6, 2018. Any application under the Early Implementation Development Agreements policy for which a CEQA environmental impact report, mitigated negative declaration, or negative declaration has been released for public comment prior to the effective date of this article shall be exempt. At the conclusion of the term of the agreement, or at any point after adoption of this article that a substantive amendment of an executed 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 developed by the County, and adapted for the particular purpose.
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
- K. 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.
- L. 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 of the project site.

#### **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 Cannabis Use Permit requirements
  2. Compliance with CEQA Mitigation Measures, as applicable
  3. Compliance with Development Agreement requirements, as applicable
  4. Monthly Inventory Records – These records shall be maintained for four years from the date created (or any longer period that may be required by state laws or regulations) and shall be timely provided to the County upon request.
- B. Inspections –
  1. Recordings made by security cameras at any cannabis business shall be maintained for a period of not less than 30 days and shall be made available and accessible to the County Cannabis Unit

and/or Sheriff's Office and any other County official charged with enforcing the provisions of the Yolo County Code immediately upon request for review and copying, even in the absence of a search warrant, subpoena, or court order.

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 Article and the Cannabis 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 Article.
  4. Interference in the performance of an inspection by any means is grounds for revocation.
- C. Presentation to Decisionmakers – Pursuant to Section 8-2.1413, every two years County staff will present to the 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), a Cannabis Use Permit may, following a noticed public hearing, 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 Article;
  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;
  4. Cessation of all uses authorized by the Cannabis Use Permit for a period of three or more consecutive years;
  5. Failure to continue to pay monetary or other obligations described in Section 8-2.1410(E), including applicable taxes, as they become due; or
  6. 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 Article are cumulative and in addition to any other remedies available at law or in equity, including the County Code Enforcement Ordinance.
1. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Article. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Article 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 Article 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 day that a violation of this article exists 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, any violation of this Article 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 and that are not adaptable to non-cannabis permitted use of the site, 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, cannabis waste products, imported soil or soil amendments not incorporated into native soil, generators, pumps, and structures.

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. 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**

Every two years following 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. The first assessment of effectiveness will include consideration of whether the County should further encourage or require indoor cannabis cultivation.