

ORDINANCE NO. 1564**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF YOLO EXTENDING CERTAIN USE PERMIT TIMEFRAMES IN THE
CANNABIS LAND USE ORDINANCE**

The Board of Supervisors of the County of Yolo hereby ordains as follows:

SECTION 1. Background and Findings. The Board of Supervisors adopted the Cannabis Land Use Ordinance (“CLUO”) on September 14, 2021, after a series of public hearings. The CLUO includes deadlines to apply for a conditional use permit that the Board of Supervisors has determined to modify for certain prospective applicants, as set forth in this Ordinance, that have previously applied for an Early Development Agreement. Licensing renewal periods are also extended by one year for existing licensees with a pending use permit application. Further, minor edits have been made to the CLUO to correct references and citations to the County’s Cannabis Licensing Ordinance. The Board of Supervisors finds that the change in application and licensing timeframes will balance processing workload for County staff, allow applicant(s) to seek a use permit and comply with the CLUO instead of seeking an Early Development Agreement, allow licensees with a pending use permit application to continue cultivating under a validly-issued license until the use permit is acted upon, and otherwise promote a stable regulatory and economic climate for the local cannabis industry.

SECTION 2. Amendments to Cannabis Land Use Ordinance. Yolo County Code Section 8-2.1403, Definitions; Section 8-2.1404, Applicability; Section 8-2.1408, Specific Use Requirements and Performance Standards; and Section 8-2.1410, Application Submittal and Processing are hereby amended as shown in Exhibit 1.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. Conflicting Enactments. To the extent that there is any conflict between the provisions of this Ordinance and the provisions of any other County Code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

SECTION 5. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Davis Enterprise together with the names of members of the Board of Supervisors voting for and against the same.

Introduced at a Board of Supervisors regular meeting held on November 7, 2023, and subsequently approved following a second reading on November 21, 2023, by the following vote:

AYES: **Frerichs, Vixie Sandy, Provenza, Barajas, Villegas.**

NOES: **None.**

ABSENT: **None.**

ABSTENTION: **None.**



Oscar E. Villegas, Chair
Yolo County Board of Supervisors

Attest: Julie Dachtler, Senior Deputy Clerk
Yolo County Board of Supervisors

Approved as to Form:
Philip J. Pogledich, County Counsel

By: _____
Deputy (Seal)



By: _____
Cedric Hopkins, Senior Deputy

Exhibit 1: CLUO Amendments

Exhibit 1 of Attachment A

Excerpted Sections of County Code

Title 8 Land Development and Zoning, Chapter 2 Zoning Regulations, Article 14 Cannabis Land Use Ordinance

Sec. 8-2.1403 Definitions

- F. Canopy – See Section ~~5-20.03(L)~~12-04.03(I) 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.
- T. Nurseries – See Section ~~5-20.03(Y)~~12-04.03(LL).
- W. Premises – See Section ~~5-20.03(EE)~~12-04.03(OO) of the YCC.

Sec. 8-2.1404 Applicability

- 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).

Early Implementation Development Agreement applications for which an Environmental Impact Report or Negative Declaration has been prepared under the California Environmental Quality Act (CEQA) seeking a use permit pursuant to Section 8-2.1410(J)(1)(a) (Category 6).

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, 6) 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 continue to seek license renewal ~~for the 2023 license year~~ and continue to operate with a validly issued license through March 31, ~~2024-2025~~ (Categories 1 and 2) or through March 31, ~~2025-2026~~ (~~Category-Categories 4 and 6~~). 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 for categories 1, 2, 4 and 6, the existing license(s) shall expire on March 31, 2024 (Categories 1 and 2) or March 31, 2025 (Category 4) at the end of the regular license term, 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.

Sec. 8-2.1408 Specific Use Requirements and Performance Standards

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~~12-04.17.

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.

Sec. 8-2.1410 Application Submittal and Processing

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, with the exception of an applicant that applies for a use permit under the provisions set forth in Section 8-2.1404(B). 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.
 - a. If an early Development Agreement applicant seeks a use permit in compliance with Section 8-2.1404(B), the Early Implementation Development Agreement application shall be considered null and void.
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