

## Article 14: Cannabis Land Use Ordinance

### 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.

(Ord. 1541, eff. October 14, 2021)

### 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.

(Ord. 1541, eff. October 14, 2021)

### Sec. 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 takes effect 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(EE) 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.

(Ord. 1541, eff. October 14, 2021)

**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 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)).

(Ord. 1541, eff. October 14, 2021; as amended by § 2, Ord. 1545, eff. January 6, 2022; as amended by § 2, Ord. 1558, eff. December 22, 2022)

**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.*

(Ord. 1541, eff. October 14, 2021)

**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)

**ftnt 1 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.

(Ord. 1541, eff. October 14, 2021)

**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 (AN, A-X, A-I, A-C) <sup>13</sup>	Res Zones (RR-5, RR-2, R-L, RM, 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
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State Cannabis License Type	Max Canopy Area <sup>5</sup>	State License Type <sup>14</sup> and Agency	Agric Zones (AN, A-X, A-I, A-C) <sup>13</sup>	Res Zones (RR-5, RR-2, R-L, RM, 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
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 – Nonvolatile	N/A	6, DCC	UP(M)	N	N	N	UP(M)	
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)	Title 8, Chapter 2, Article 14
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.

(Ord. 1541, eff. October 14, 2021; as amended by § 2, Ord. 1545, eff. January 6, 2022)

#### **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 nonagricultural 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
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
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.

(Ord. 1541, eff. October 14, 2021; as amended by § 2, Ord. 1545, eff. January 6, 2022)

### **Sec. 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).

(Ord. 1541, eff. October 14, 2021)

### **Sec. 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(l), 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.

(Ord. 1541, eff. October 14, 2021; as amended by § 2, Ord. 1545, eff. January 6, 2022)

**Sec. 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.

(Ord. 1541, eff. October 14, 2021)

### **Sec. 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.

(Ord. 1541, eff. October 14, 2021)

**Sec. 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.

(Ord. 1541, eff. October 14, 2021)