

ATTACHMENT E

CONDITIONS OF APPROVAL DIAMOND BACK GENETICS CANNABIS USE PERMIT ZONE FILE #2022-0087

PLANNING DIVISION—COMMUNITY SERVICES

1. Permittee shall comply with all applicable laws, policies, and regulations at the County, State, and Federal level. The project shall be developed in compliance with applicable State and local regulations, and all adopted Conditions of Approval for Zone File #2022-0087. These Conditions of Approval shall be included in any construction documents. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.
2. The development and operation of the site, including construction and/or placement of structures, shall be as described in the staff report for this Use Permit (ZF #2022-0087), or as modified by the Planning Commission. The project site has been in cannabis cultivation since 2017. Diamond Back Genetics (DBG) has maintained State and County licenses to cultivate up to one-acre of cannabis canopy outdoors and in greenhouses. However, due to buffer restrictions from identified sensitive land uses, DBG will move all cultivation activities into greenhouses upon approval of the use permit. No new structures have been proposed—DBG will use six existing greenhouses for flowering and vegetation, three outfitted shipping containers for drying and one container for nursery, a shed for product quarantine, and a shed for fertilizer storage. It is noted that although DBG holds valid licenses to allow up to one-acre of mature cannabis canopy, by moving cultivation operations into greenhouses, the mature canopy will be approximately 9,000 sf.

Any subsequent substantive changes in the project description may require an amendment to this Use Permit, with approval by the Zoning Administrator, Planning Commission, or Board of Supervisors, at the discretion of the Director.

3. The project site shall be brought into compliance with the requirements and conditions of this Use Permit (ZF #2022-0087) within one year of approval, unless otherwise specified in the conditions of approval, or the renewal of required license(s) shall be prohibited.
4. This project shall be constructed in a manner consistent with the development requirements for Agricultural Intensive (A-N) Zones, set forth in Title 8, Chapter 2, Article 3 of the Yolo County Code, and the Specific Use Requirements and Performance Standards, set forth in Title 8, Chapter 2, Article 14 (Cannabis Land Use Ordinance) of the Yolo County Code.
5. Any structures used by the public, including employees and temporary workers, are required to be fully permitted and shall be classified with respect to the occupancy group and the listed use, as determined by the Chief Building Official.
6. The property owner and/or operator(s) shall maintain the site in such a manner, and with such frequency, to ensure for public health, safety, and general welfare.
7. Prior to the first construction activities requiring a building permit(s) (i.e., new restroom/septic system), Permittee shall request cultural sensitivity training with the Yocha Dehe Wintun Nation for

pre-project personnel. To schedule cultural sensitivity training please contact: CRD Administrative Staff, Yocha Dehe Wintun Nation at (530) 796-3400 or THPO@yochadehe.gov.

8. The applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations (Yolo County Code Sections 8-2.1409(E) and 8-2.212.5).
9. The County shall promptly notify the applicant of any claim, action, or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to the action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation (Yolo County Code Section 8-2.212.5).

YOLO HABITAT CONSERVANCY

10. Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Compliance: The Project does not propose any construction or ground disturbing activities requiring payment of landcover mitigation fees or implementation of Avoidance and Minimization Measures, therefore no Yolo HCP/NCCP compliance is required. Any future request to modify or amend ZF #2022-0087 will be reviewed in accordance with the Yolo Habitat Conservation Plan/Natural Community Conservation Plan permit review process.

PUBLIC WORKS DIVISION—COMMUNITY SERVICES

11. The applicant shall apply for a County encroachment permit for any proposed work within the County right-of-way (County Road 79B) and shall reimburse the County for all activities associated with encroachment permit issuance and inspections (County Zone File No. ZF2022-0087).
12. Driveway visibility shall be maintained per Yolo County Improvement Standards Drawing #4-13 at a minimum. Landowners are responsible for tree maintenance along the property frontage to County roads.
13. Signs associated with the business are not permitted in county road right-of-way.
14. Provide ongoing maintenance of gravel parking areas and access roads, including but not limited to, stabilizing any areas that have eroded, preventing the downstream conveyance of sediment, and providing dust control.
15. County right-of-way shall not be used for event/business/operations parking.
16. If the development disturbs one acre or more of land, the developer must obtain coverage under California's "National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (State General Permit)" for controlling construction activities that may adversely affect water quality. State General

Permit coverage requires preparation of a Storm Water Pollution Prevention Plan (SWPPP). The developer shall provide Yolo County its State-issued Waste Discharge Identification Number (WDID #), and pay associated fees, prior to issuance of a County building or grading permit.

17. The applicant shall file a Record of Survey, prepared by a licensed surveyor in the State of California, whenever any of the following instances occur:
- A legal description has been prepared that is based upon a new field survey disclosing data that does not appear on any previously filed Subdivision Map, Parcel Map, Record of Survey, or other official map.
 - Permanent monuments have been set marking any boundary.
 - Additional right-of-way was dedicated to the County.

The applicant shall reimburse the County for all activities associated with County Surveyor review (ZF #2022-0087).

BUILDING DIVISION—COMMUNITY SERVICES

18. Permits Required:

Building and Fire permits shall be required for all construction or change of occupancy classification, including demolition, grading and other site improvements. The application and construction documents shall be in compliance with state and local regulations, including the California Building Code, California Residential Code, California Fire Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, and California Green Building Code.

19. Optional Preapplication Meeting:

Due to the limited information provided on an application for a planning permit, a detailed analysis of building code requirements is not always possible. Your licensed design professional will ensure code compliance for use and occupancy classification, construction type, fire resistant construction, fire protection systems, egress, disabled access, structural requirements, and any other required code compliance measures. If the project has unique features that require a code interpretation you may schedule a preapplication meeting with the Building Division.

20. Fees:

The applicant shall pay the appropriate fees prior to issuance of building permits, including but not limited to applicable permit fees, school and fire district fees, county facility (FSA) fees, and Environmental Health fees.

21. Fire Access:

As part of future building permit applications, submit a plan showing site access for fire engines in compliance with the California Fire Code. Ensure fire apparatus access is available within 150 feet of all portions of the building. Fire apparatus access roads must be a minimum of 20 feet (with no parking permitted on either side.) Fire apparatus access roads must maintain a minimum turning radii of 20 feet interior / 40 feet exterior and be provided with dead-end turnarounds as necessary.

22. Fire Fighting Water Supply

As part of future building permit applications, provide calculations for the proposed water supply for fire suppression. Provide a list of commodities, classifications, and locations for review.

23. Wildland-Urban Interface:

The entire parcel is within the Wildland-Urban Interface. Although no new structures are proposed, should any structure(s) be proposed in the future, the new structure(s) shall meet the requirements of California Building Code Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure).

ENVIRONMENTAL HEALTH DIVISION—COMMUNITY SERVICES

24. 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.

25. Wastewater System:

Cultivation with onsite processing operations: Businesses engaging in cultivation and onsite processing activities including trimming, drying, curing, grading, storing, packaging and labeling of non-manufactured product incidental to the operation shall provide flushable toilets and hand washing facilities connected to a sewer system or an approved Onsite Wastewater Treatment System (OWTS; aka septic system). The following is important information involving septic systems:

- A septic system shall be installed with an approved YCEH Septic Installation Permit after an approved Site/Soil Evaluation. If an existing septic system is proposed for use, it shall first be approved by YCEH. Contact YCEH to submit a Site Evaluation Request and for more information regarding the process.
- Please avoid all activities over septic systems that could negatively affect the performance of the system. These activities include, but are not limited to, vehicular traffic/driving/parking, over-watering, placing large items that could reduce the aerobic treatment capability of the system, etc.
- Any unused septic system on the parcel shall be abandoned under permit.
- There should be adequate reserved land space for a septic replacement area.

All cesspools are prohibited by County Code. Cesspools shall be abandoned and replaced with an approved septic system under approved YCEH permits.

Wastewater Strength: OWTS (aka septic systems) are approved to treat only domestic wastewater and not industrial wastewater. Any wastewater from any other source (e.g., wastewater from processing) would be considered industrial waste, regulated by the State Regional Water Quality Control Board and is not approved to be discharged into the OWTS.

26. Water Wells:

To protect groundwater or surface water, proper backflow devices shall be installed, maintained, and tested for all wells where water is used to mix agricultural applications or any chemicals.

27. Drinking Water System (Public or State Smalls):

Prior to operation, a complete current YCEH Water System Determination Form shall be submitted to YCEH for review and approval. Also, an SB1263 Acknowledgement form will need to be signed and submitted.

By definition, Public Water System means a system for the provision of water for **human consumption** through pipes or other constructed conveyances that has 15 or more **service connections** or regularly

serves at least 25 individuals daily at least 60 days out of the year. State Small Water System means a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year. Human Consumption means the use of water for drinking, bathing, or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes.

28. Hazardous Materials:

Contact our office to speak with a Hazardous Material Specialist for more information prior to the following:

- a) Handling hazardous materials in quantities greater than 55-gallons for liquids, 500-pounds for solids, or 200-cubic feet for compressed gases, or
- b) Generating any quantity of hazardous waste at the facility a Hazardous Materials/Waste Application Package (Business Plan) must be completed and submitted to YCEH. Starting January 1, 2013, this must be done by going to the California Environmental Reporting System (CERS) web site (<http://cers.calepa.ca.gov/>), creating an account, entering required hazardous materials information, and submitting the information for approval by YCEH. For assistance with CERS, please visit our web site at <https://www.yolocounty.org/government/general-government-departments/community-services/environmental-health-division/hazardous-materials-programs/california-environmental-reporting-system-cers> or call YCEH at (530) 666-8646 and ask to speak to a Hazmat Specialist. The reporting threshold for certain gases has been raised per SB 1261. In addition, if extremely hazardous materials or radiological materials are handled at a facility, the business may be subject to this program even if the minimum quantities indicated are not met.
- c) Prior to above ground storage tanks (AST) or containers with an aggregate storage capacity of 1,320-gallons or more in containers 55-gallons and larger for liquid petroleum products being present at the facility, a Spill Prevention, Control, and Countermeasure (SPCC) Plan must be prepared, implemented, and retained on site. This requirement does not apply to propane. This must be done before beginning operations. For further information, please see: <https://www.yolocounty.org/government/general-government-departments/community-services/environmental-health-division/hazardous-materials-programs/aboveground-storage-tank-program>.

29. Solid Waste:

Cannabis waste is a green waste material which is compostable and is regulated as a type of solid waste. Composting green waste material requires a Solid Waste Facility Permit with the exception of the following:

- An activity is excluded if it handles agricultural material derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

CANNABIS LAND USE ORDINANCE COMPLIANCE CONDITIONS OF APPROVAL

The Conditions below incorporate standards and regulations from the Cannabis Land Use Ordinance (CLUO) with code reference citations. Where applicable, clarification has been added that apply to the specific project. Please note that the Permittee is responsible for complying with the entirety of the CLUO.

30. License Requirement: Each cannabis use requires an applicable State and County license(s). Permittee shall maintain a State Cannabis License(s) and County Cannabis License(s) in good standing for each allowable cannabis use. Rights to the Diamond Back Genetics license 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. [Yolo County Code Section 8-2.1406(B), (C), (D), & (G)]
31. 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) of the Yolo County Code. 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. [Yolo County Code Section 8-2.1406(K)]
32. Agricultural Applications: Permittee 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, for use of fertilizers, herbicides, pesticides, rodenticides, fumigants, and other inputs/applications for improved agricultural performance. Permittee shall implement the Pest Management Plan required pursuant to Section 16310 of the Department of Cannabis Control (DCC) Regulations, as applicable. Permittee 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. [Yolo County Code Section 8-2.1408(A)]

Permittee shall maintain an Operator ID (chemical spray permit) with the County Agriculture Department throughout the life of the permit as required based on chemicals listed in Permittee's Pest Management Plan.
33. Agricultural Maintenance: Permittee shall implement procedures to ensure that any areas in non-agricultural use will be properly maintained (e.g., weed abatement, pest management, etc.) to, among other things, avoid maintenance deficiencies that impair or otherwise conflict with agriculture on other nearby properties. [Yolo County Code Section 8-2.1408(B)]
34. Backflow Prevention: Permittee shall ensure that proper backflow devices are installed, maintained, and tested for all wells where water is used to mix agricultural applications or any chemicals. [Yolo County Code Section 8-2.1408(C)]
35. Buffers: Permittees shall at all times maintain buffers between cannabis uses and identified sensitive land uses as set forth in Yolo County Code Section 8-2.1408(E). [Yolo County Code Section 8-2.1408(E)]
36. 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. [Yolo County Code Section 8-2.1408(F)]

37. Cultural Resources: 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. [Yolo County Code Section 8-2.1408(H)(1)]
38. 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. [Yolo County Code Section 8-2.1408(H)(2)]
39. 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. 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. [Yolo County Code Section 8-2.1408(H)(3)]

40. 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. Per DCC Regulation 15011(a)(3), Permittee shall maintain evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources

Control Board or the appropriate Regional Water Quality Control Board. Acceptable documentation for evidence of enrollment may be a Notice of Applicability letter. Acceptable documentation that enrollment is not necessary may be a Notice of Non-Applicability. [Yolo County Code Section 8-2.1408(J)]

41. Driveway Access: Driveway approaches to County and State maintained roads shall be per current County Improvement Standards or Caltrans requirements, as applicable (see Public Works Conditions, above). Driveways shall have an all-weather surface, such as compacted gravel. 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. Access considerations identified in Section 8-1.802 of the County Code shall apply. [Yolo County Code Section 8-2.1408(K)]
42. Dust Control: Permittee shall implement dust control measures in compliance with the Yolo-Solano Air Quality Management District requirements for any new construction or site disturbance activities. Permittee shall control dust in the cultivation area consistent with standard agricultural practices. [Yolo County Code Section 8-2.1408(L)]
43. 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 ride-sharing and encourage employees to minimize trips. [Yolo County Code Section 8-2.1408(N)]
44. Energy Use: A permanent power source is required (e.g. electric utility, or solar/wind with battery back-up). Within six months of project approval, Permittee shall obtain utility power from VCE ultra green or equivalent standard (100 percent renewable and 100 percent carbon-free). Permittee shall provide evidence to the Planning Division upon satisfaction of this requirement.

In compliance with EIR MM GHG-1, Permittee shall ensure energy efficient measures are implemented for irrigation pumps used for cannabis uses (i.e., ensuring electrical power to irrigation pump(s) is from 100 percent renewable and 100 percent carbon free source). Water efficiency requirements shall be implemented for cannabis buildings with plumbing. This may be achieved through compliance with CALGreen Building Standards. Further, lighting used in cannabis structures shall utilize LED lighting, or equivalent or more efficient technology. (EIR MM GHG-1) [Yolo County Code Section 8-2.1408(O)]

45. 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. Permittee shall manage vegetation and maintain fire breaks to minimize fire danger. [Yolo County Code Section 8-2.1408(Q)]
46. 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. Any use of generators for temporary or emergency use shall meet the applicable requirements of the Yolo-

Solano Air Quality Management District and with Section 16306 of the DCC Regulations. [Yolo County Code Section 8-2.1408(T)]

47. Good Neighbor Communication: Upon approval of this Use Permit, Permittees shall provide property owners and residents/tenants within 1,000 feet of the property line with 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. If necessary, the County may require mediation as a means of resolving disputes among neighbors, to be paid by the Permittee. [Yolo County Code Section 8-2.1408(U)]

48. 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. If grading or land disturbance is proposed, Permittee 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. 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. [Yolo County Code Section 8-2.1408(V)]

49. Hoop Houses: Hoop houses shall only 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. [Yolo County Code Section 8-2.1408(X)]

Limited-Use Greenhouses that have a flexible, lightweight, and fire-resistant membrane may be used for outdoor cultivation upon approval by the building official either through a streamlined permitting process or permit exemption. Said limited-use greenhouses do not contain plumbing, lighting, flooring, or concrete foundations (or similar stabilizing material).

50. Landscaping: Landscaping (if provided with any new or existing structures), 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. [Yolo County Code Section 8-2.1408(Y)]

51. 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. 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. 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. [Yolo County Code Section 8-2.1408(Z)]

52. Noise Control: Permittee 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:

- a. 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.
- b. 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.
- c. 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) [Yolo County Code Section 8-2.1408(BB)]

53. Nuisance (General): 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. [Yolo County Code Section 8-2.1408(CC)]

54. Nuisance (Odor Control): 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 Section 8-2.1408(CC)(2). 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.

Please refer to CLUO Section 8-2.1408(CC)(1-8) for details on the enforcement procedure related to odor complaints and investigations. [Yolo County Code Section 8-2.1408(CC)(1)]

55. Odor Control: Permittee shall implement the administrative and engineering controls (if applicable), and best management practices outlined in the Odor Control Plan prepared for the site. If necessary to ensure compliance with the less than 7:1 D/T standard for indoor and mixed light uses, the Permittee shall 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 less than 7:1 D/T standard; or other odor control system/methods which effectively minimizes odor to a level compliant with the allowable threshold. If necessary to ensure compliance with the less than 7:1 D/T standard for outdoor activities, Permittee shall: plant different plant strains (less skunky); reduce size of cultivation area; relocate outdoor activities indoors or in a mixed light facility (may require Use Permit Amendment); incorporate site design or other technological changes; install vegetative barriers or odor mitigating crops; and/or other methods proven to be effective and accepted by the County. [Yolo County Code Section 8-2.1408(DD)]
56. Operating Hours: Outdoor cultivation and indoor or mixed light cultivation activities may be conducted seven days per week, 24-hours per day. [Yolo County Code Section 8-2.1408(EE)]

Generally, hours of operation for ancillary processing uses, are from 7:00am to 7:00pm.

57. 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. [Yolo County Code Section 8-2.1408(FF)]
58. Processing: 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 the CLUO, and provided odor and security are adequately addressed. Processing may not occur within hoop houses. [Yolo County Code Section 8-2.1408(HH)]
59. 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. Permittee shall continue to encourage carpooling and other methods to minimize trips.

As proposed, the project does not trigger the preparation of a traffic assessment (i.e., the permittee stated there will be less than 100 new vehicle trips per day). Should the project ever exceed 100 daily trips, the permittee shall prepare a traffic assessment. 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. [Yolo County Code Section 8-2.1408(JJ)]

60. Screening: Outdoor cultivation (including hoop houses) shall be screened to the maximum extent feasible to avoid visibility from public rights-of-way (the Permittee does not propose outdoor cultivation due to 1,000-foot buffer requirements from off-site residence(s) in the Capay Valley, and therefore does not propose screening fencing). Fencing, generally, shall not exceed a height of seven (7) feet. 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 is not proposed, however, may be allowed through a Use Permit amendment process if it is determined to not diminish the visual quality of the site or surrounding area. Razor wire is prohibited. If vegetative screening is proposed, it is subject to approval by the County Agricultural Commissioner and shall meet the requirements of Section 8-2.1408(KK) of the CLUO. [Yolo County Code Section 8-2.1408(KK)]

61. Security: Permittee shall secure the site in accordance with the approved site-specific Security Plan (Security Plans are treated as confidential pursuant to Section 6255(a) of the California Government Code). Failure to secure a site pursuant to the Security Plan may be grounds for revocation. The Security Plan address the following, as applicable: perimeter security; lighting; cameras; floor plan; cannabis and cash storage; location access; daily cannabis sales limits; employee security training/education and inventory control; security guards/personnel; transportation; delivery security; inventory tracking; and waste disposal.

A fully functional, operating, site security system with cameras operating 24-hours a day, seven days a week, is required. 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. [Yolo County Code Section 8-2.1408(LL)]

62. Setbacks: Principal and accessory uses shall maintain minimum setbacks from property boundaries consistent with the requirements of the A-N zone.

Permittee 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. [Yolo County Code Section 8-2.1408(MM)]

63. Signage and Advertising: Permittee 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). [Yolo County Code Section 8-2.1408(NN)]

64. 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. [Yolo County Code Section 8-2.1408(OO)]

65. Site Maintenance: 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. [Yolo County Code Section 8-2.1408(PP)]

66. Trailers and Shipping Containers: All required building permits shall be obtained for trailers and shipping containers for temporary or permanent use (Note that semi-truck trailers are not structures and therefore non-permittable and cannot be used for storage, processing, or other related cannabis uses). 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. [Yolo County Code Section 8-2.1408(QQ)]
67. 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, the CLUO does not prevent 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. [Yolo County Code Section 8-2.1408(RR)]
68. 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. Permittee shall ensure compliance with Section 17223 of the DCC Regulations (as applicable), which includes the preparation and submission of a Cannabis Waste Management Plan. The Cannabis Waste Management Plan shall be maintained and kept up to date. [Yolo County Code Section 8-2.1408(SS)]
69. Annual Reporting: Permittee shall report annually to the County, on July 1 of each year starting the first July in the year after permit issuance, using a template or format approved by the County, regarding compliance with the Cannabis Use Permit requirements (Conditions of Approval for ZF #2022-0087). Additionally, Permittee shall maintain monthly inventory records for four years from the date created (or any longer period that may be required by state laws or regulations) and shall make available to the County upon request. [Yolo County Code Section 8-2.1411(A)]
70. Inspections:
 - a. 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.
 - b. Property owner(s) and permittee 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.

- c. Applicant(s) and Permittee must cooperate with employees and investigators of the County who are conducting inspections or investigations relevant to the enforcement of this Article.
- d. Interference in the performance of an inspection by any means is grounds for revocation. [Yolo County Code Section 8-2.1411(B)]

71. Fees for Annual Reporting and Inspections: Permittee shall pay any required fees for review and approval of annual reporting, inspections, and required public meetings or hearings. [Yolo County Code Section 8-2.1408(D)]

72. Revocation or Modification: A Cannabis Use Permit may be revoked or modified as provided by the provisions of Yolo County Code 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:

- a. Any act or omission by a property owner or permittee in contravention of the provisions of the CLUO;
- b. 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;
- c. 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;
- d. Cessation of all uses authorized by the Cannabis Use Permit for a period of three or more consecutive years;
- e. Failure to continue to pay monetary or other obligations described in Section 8-2.1410(E), including applicable taxes, as they become due; or
- f. Failure to comply with any requirement of this or other applicable sections of the County Code or with State law. [Yolo County Code Section 8-2.1412(A)]

73. Enforcement: The remedies provided by the CLUO are cumulative and in addition to any other remedies available at law or in equity, including the County Code Enforcement Ordinance.

- a. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of the CLUO. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the CLUO shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.
- b. Any condition caused or allowed to exist in violation of any of the provisions of the CLUO 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.

- c. 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 the CLUO 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. [Yolo County Code Section 8-2.1412(B)]

74. 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 Condition, “abandonment” shall mean failure to obtain a County Cannabis License to cultivate on the permitted cultivation site for three consecutive years. [Yolo County Code Section 8-2.1412(C)]