

# ATTACHMENT E-1

## PLANNING COMMISSION'S RECOMMENDATION USE PERMIT AND CONDITIONS OF APPROVAL AMERICANA ORGANICS CANNABIS USE PERMIT ZONE FILE #2022-0090

### Project/Property Information:

Zone File: ZF #2022-0090

Project Site: 3340-78 County Road 89, Dunnigan, CA 95937 (APN: 051-203-001)

Property Owner: BKMK LLC, 78651 Talking Rock Turn, La Quinta, CA 92253

Project Applicant: Eduardo Fernandez, PO Box 599, Lewiston, CA 96052

Cannabis Business Entity: Americana Organics, Inc.

### USE PERMIT

On June 4, 2024, the Yolo County Board of Supervisors held a duly noticed public hearing to consider an appeal to the Planning Commission's decision on ZF #2022-0090 and issued this Cannabis Use Permit subject to the conditions of approval provided below. This use permit includes the following:

1. Authorization to conduct cannabis cultivation, distribution, retail non-storefront, and nursery uses as described in Zone File #2022-0090.
2. A buffer exception to allow outdoor cannabis cultivation within  $\pm 220$  feet of the residential zone boundary west of the property, but clarified that the 600-foot buffer shall apply to all existing residences located on residentially-zoned parcels.
3. Authorization to apply for issuance of a cannabis cultivation license.
4. Authorization to apply for license allocation of a distribution license, retail non-storefront license, and nursery license.

In accordance with Section 8-2.1406(E) Yolo County Code, Cannabis Use Permits are assigned to the specific location where the activity will take place. Cannabis Use Permits run with the land. As such, the Cannabis Use Permit (ZF #2022-0090) is issued to the property owner of record as of the date of approval (June 4, 2024).

### CONDITIONS OF APPROVAL

#### 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 #2022-0090. 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 #2022-0090), or as modified by the Board of Supervisors. The project site has been in cannabis cultivation since 2017. Americana Organics has cultivated up to one-acre of cannabis canopy outdoors and indoors within greenhouses. The property has been developed with six greenhouses, ±60 raised cultivation beds and hoop house frames, seven Conex shipping containers for processing and storage, a 42,000-gallon water supply tank and pressurized on-site domestic/fire hydrant distribution system, one ground water well, and various equipment, chemical, fertilizer, security control, and miscellaneous storage buildings.

Approval of this Use Permit authorizes Americana Organics to add one-acre of additional cannabis cultivation canopy, for a total of two acres of cultivation canopy, and authorizes the issuance of a nursery license, distribution license, and retail non-storefront (delivery) license. Development of the site includes one-acre of additional outdoor canopy south of the existing fenced area in the southern portion of the property, the construction of a 3,500 sf single-story metal building for drying, processing, distribution, employee bathroom and breakroom, and non-storefront retail activities, and the construction of four greenhouses that have not been finalized. Cannabis waste will be composted on-site and/or disposed of in compliance with State regulations.

The CLUO allows existing licensees to request buffer reductions and buffer exceptions if they cannot meet required buffer distances from cannabis uses to off-site CLUO sensitive land uses. Buffer reductions are reductions of up to ten percent of the required buffer distances from CLUO sensitive land uses, and buffer exceptions are reductions of more than ten percent of the required buffer distances from CLUO sensitive land uses. The required buffer for outdoor cannabis uses from off-site individual legal residences in non-residential zones, and from residential zone boundaries, is 600 feet. Americana Organics received approval for one buffer exception to allow outdoor cultivation within ±220 feet of a residential zone boundary, with clarification that the 600-foot buffer shall apply to all existing residences located on residentially-zoned parcels. Therefore, instead of applying the 600-foot buffer from the RR-2 zone boundary, the 600-foot buffer applies to the nearest extent of the dwelling unit on APN 051-202-015 measured to the nearest extent of outdoor cultivation uses on the Americana Organics project site.

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 #2022-0090) within one year of approval, unless otherwise specified in the conditions of approval, or the renewal of required license(s) shall be prohibited.
4. Non-cultivation licenses (allocated licenses: i.e., nursery, distribution, retail non-storefront) shall be obtained within two years of Use Permit approval, or they shall be returned to the pool of available licenses. In the event that a non-cultivation license(s) is inactive for a period of two consecutive years, the license shall be returned to the pool of available licenses.
5. 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.

6. 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.
7. 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.
8. Prior to the first construction activities requiring a building permit(s), Permittee shall request cultural sensitivity training with the Yocha Dehe Wintun Nation for pre-project personnel. To schedule cultural sensitivity training, prior to construction of the first structure requiring building permit(s), please contact: CRD Administrative Staff, Yocha Dehe Wintun Nation at (530) 796-3400 or [THPO@yochadehe.gov](mailto:THPO@yochadehe.gov).
9. Prior to issuance of a cultivation license for the expansion of cannabis cultivation canopy from one acre to two acres, Permittee shall consult the State Water Resources Control Board or the appropriate Regional Water Quality Control Board to ensure all project activities are enrolled in an order or waiver of waste discharge requirements. This may require amendment to the Notice of Applicability or issuance of a new Notice of Applicability. Permittee shall provide such documentation to the Planning Division and the Cannabis Unit prior to issuance of a cultivation license for the expansion of cannabis cultivation from one acre to two acres. If enrollment in an order of waste discharge requirements is not required, applicant shall provide a Notice of Non-Applicability from the State Water Resources Control Board or the appropriate Regional Water Quality Control Board.
10. 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).
11. 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**

12. Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Compliance: The Project proposes new construction and/or ground disturbing activities requiring compliance with the Yolo HCP/NCCP. The Project proponent shall apply for Yolo HCP/NCCP coverage through the Yolo Habitat Conservancy. The project proponent shall submit a Yolo HCP/NCCP Private Project application, and any required attachments, for review by the Yolo Habitat Conservancy. The Project proponent must receive a Yolo HCP/NCCP Certificate of Approval prior to ground disturbing activities occurring onsite, i.e., building or grading permit issuance. Yolo HCP/NCCP compliance includes payment of

applicable mitigation fees and implementation of Avoidance and Minimization Measures as identified by the Yolo Habitat Conservancy during the Private Project application review process.

**PUBLIC WORKS DIVISION—COMMUNITY SERVICES**

13. The applicant shall apply for a County encroachment permit for any proposed work within the county right-of-way, which includes County Road 89. Contact [ppw@yolocounty.org](mailto:ppw@yolocounty.org) for encroachment permit inquiries.
14. Prior to the issuance of grading or building permits, or within six (6) months of project approval, whichever comes first, applicant shall secure an encroachment permit to relocate the gate on the northernmost portion of lot to guarantee a 40-foot minimum clearance from edge of traveled way (Std. Dwg. 4-23, Note 8). Encroachment work may also include roadside ditch grading north/south of said driveway to tie-in with existing drainage facilities and features, as needed. The driveway approaches and culverts shall be maintained by the applicant or applicant's successor. The applicant shall reimburse the County for all activities associated with encroachment permit issuance and inspection (County Zone File ZF #2022-0090).
15. 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.
16. Signs associated with the business are not permitted in county road right-of-way.
17. 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.
18. County right-of-way shall not be used for event/business/operations parking.
19. 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.
20. 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 #2022-0090).

## **BUILDING DIVISION—COMMUNITY SERVICES**

### 21. Proposed Processing Building:

The processing building shall meet the permitting requirements for a Group F-1 building, including the installation of an accessible parking space, accessible restroom, and accessible routes. If hazardous materials exceed the threshold limits for hazardous materials listed in California Building Code Chapter 3, then the structure will have to meet the requirements for the Group H high-hazard occupancy including fire sprinklers.

### 22. Occupancy Requirements (in general):

In each structure, post the Certificate of Occupancy describing the allowed use. Do not occupy any structure with any use unless it is described on the Certificate of Occupancy. Permittee shall apply for a Change of Use/Occupancy if any other use is planned.

### 23. 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.

### 24. 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.

### 25. 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.

### 26. Fire Access:

As part of your building permit application, 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.

### 27. Fire Fighting Water Supply:

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

## **DUNNIGAN FIRE PROTECTION DISTRICT**

28. All electrical shutoffs shall be clearly marked and labeled.
29. All proposed propane/natural gas/liquefied petroleum gas (LPG) tanks must be protected by industry standard bollards, and shutoffs shall be clearly marked and labeled.
30. The main access of the building shall remain clear for fire response units with an approved gravel road capable of all-weather access.

### **ENVIRONMENTAL HEALTH DIVISION—COMMUNITY SERVICES**

31. 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.

32. 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.

Portable Toilets: Portable toilets must be stored at least 50 feet from a well.

33. 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.

34. 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.

35. 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>.

36. 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.

37. 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. [Yolo County Code Section 8-2.1406(B), (C), & (D)]
38. 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 Section 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)]
39. 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)]

It is recommended that the Permittee shall maintain a the existing ±170-foot buffer from the almond orchard to the east of the outdoor cultivation area to minimize the potential for pesticide drift from orchard spraying.

40. 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)]
41. 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)]
42. Buffers: With the exception of the approved buffer exceptions, as described in Condition of Approval #2, Permittee 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)]

43. **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)]
44. **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)]
45. **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)]
46. **Human Remains:** If human remains are discovered, permittee 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)]

47. **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)]

48. 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)]
49. 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)]
50. Employee Services: Permittee 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. Permittee shall encourage ride-sharing and encourage employees to minimize trips. [Yolo County Code Section 8-2.1408(N)]
51. 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)]

52. 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)]

53. 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)]
54. Good Neighbor Communication: Upon approval of this Use Permit, Permittee 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. Permittee 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)]
55. 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)]
56. 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).
57. 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)]
58. 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)]

59. 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)]
60. 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)]
61. 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)]

62. 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)]
63. 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.

64. 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)]
65. 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)]
66. 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. The permittee stated in application materials that they encourage all laborers to carpool. 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)]

67. Screening: Outdoor cultivation (including hoop houses) shall be screened to the maximum extent feasible to avoid visibility from public rights-of-way (the south, west, and east borders of the property, which are visible from County Road 89 and County Road 99W, are currently fenced with a six-foot tall chain link fence with green privacy slats). 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)]

68. 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. Permittee is 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)]

69. 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)]

70. 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)]

71. 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)]

72. 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)]
73. 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. Permittee 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)]
74. 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)]
75. 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)]
76. 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 #2022-0090). 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)]
77. 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)]
78. 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 8-2.1411(D)]
79. Initial Audit: Within one year of approval, Permittee shall complete an Initial Audit of the Cannabis Business Taxes for up to three fiscal years commencing July 1, 2021 in accordance with Sections 3-18.06 and 3-18.19. Permittee shall provide the auditor access to all books and records necessary to conduct the audit. Permittee shall pay any tax shortfalls identified by the audit within 90 days of completion of the audit, or pursuant to a payment schedule approved by the Treasurer-Tax Collector. The Treasurer-Tax Collector may approve reasonable extensions of the one-year time period during which to complete the audit, provided they are not the result of Permittee's delays. In the event the Permittee does not complete a required audit in full satisfaction of the Treasurer-Tax Collector or does not pay taxes in the time required by law, a hearing shall be scheduled before the Planning Commission to consider revocation of the use permit.
80. 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)]

81. 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)]

82. 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)]

ACKNOWLEDGMENT of CONDITIONS OF APPROVAL for ZONE FILE #2022-0090. I hereby concur with the conditions of approval as set forth above.

Signature of Owner/Authorized Agent:

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Eduardo Fernandez, BKMK, LLC

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Date