

# **Solano County**

*675 Texas Street  
Fairfield, California 94533  
[www.solanocounty.com](http://www.solanocounty.com)*



## **Agenda - Final**

**Thursday, January 19, 2017**

**7:00 PM**

**Board of Supervisors Chambers**

**Planning Commission**

Any person wishing to address any item listed on the Agenda may do so by submitting a Speaker Card to the Clerk before the Commission considers the specific item. Cards are available at the entrance to the meeting chambers. Please limit your comments to five (5) minutes. For items not listed on the Agenda, please see "Items From the Public".

All actions of the Solano County Planning Commission can be appealed to the Board of Supervisors in writing within 10 days of the decision to be appealed. The fee for appeal is \$150.

Any person wishing to review the application(s) and accompanying information may do so at the Solano County Department of Resource Management, Planning Division, 675 Texas Street, Suite 5500, Fairfield, CA. Non-confidential materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours and on our website at [www.solanocounty.com](http://www.solanocounty.com) under Departments, Resource Management, Boards and Commissions.

The County of Solano does not discriminate against persons with disabilities and is an accessible facility. If you wish to attend this meeting and you will require assistance in order to participate, please contact Kristine Sowards, Department of Resource Management at (707) 784-6765 at least 24 hours in advance of the event to make reasonable arrangements to ensure accessibility to this meeting.

## **AGENDA**

### **CALL TO ORDER**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

### **APPROVAL OF AGENDA**

### **APPROVAL OF THE MINUTES**

**There are no minutes for approval at this time.**

### **ITEMS FROM THE PUBLIC:**

*This is your opportunity to address the Commission on a matter not heard on the Agenda, but it must be within the subject matter jurisdiction of the Commission. Please submit a Speaker Card before the first speaker is called and limit your comments to five minutes. Items from the public will be taken under consideration without discussion by the Commission and may be referred to staff.*

## REGULAR CALENDAR

- 1      [PC 17-004](#)      Conduct a continued public hearing, no action or formal recommendation is anticipated, to collect public input on how the County should regulate indoor and outdoor personal and caregiver cultivation of medical cannabis and non-medical marijuana in all zones that allow a residence; and to collect public input on whether the County should consider allowing three types of commercial marijuana activity in the manufacturing and industrial zones: 1) cultivation indoors up to 10,000 sq. ft., 2) non-volatile-solvent marijuana manufacturing, and 3) marijuana testing laboratories; and prohibiting all other commercial marijuana activities in the unincorporated county. Receive presentations from the Solano County's Department of Agriculture and Department of Public Health; and Consider designating one or two representatives of the Planning Commission to assist staff in collecting cannabis/marijuana data and report back to the full Commission. (Project Planner: Karen Avery)

**Attachments:**    [A - PC staff report for November 17, 2016 \(Marijuana\)](#)  
                              [B - Possible Regulations for Personal Grows](#)  
                              [C - Parcels under 1 acre](#)  
                              [C - Parcels over 2.5 acres](#)  
                              [C - Parcels over 5 acres](#)

## ANNOUNCEMENTS AND REPORTS

### ADJOURN

*To the Planning Commission meeting of February 2, 2017 at 7:00 P.M., Board Chambers, 675 Texas Street, Fairfield, CA*



**SUMMARY:**

Solano County is considering adopting regulations for personal cultivation of medical cannabis and nonmedical marijuana. The draft regulations are to reflect both the Medical Cannabis Regulation and Safety Act (MCRSA) and the Adult Use of Marijuana Act (AUMA) both of which allow local jurisdictions to further regulate cannabis/marijuana. Currently, the focus is on personal cultivation as indoor personal cultivation cannot be prohibited by local jurisdictions per AUMA.

The Board of Supervisors considered this issue and directed staff to develop an ordinance on personal cultivation. Staff prepared and presented a draft ordinance to the Planning Commission on November 17, 2016. After listening to input from the public and after discussion amongst the Commissioners, the Planning Commission meeting was continued to January 19, 2017. The Planning Commission wanted additional time to evaluate personal cultivation regulatory options and in particular additional options in regards to outdoor cultivation.

**DISCUSSION:**

At its meeting of November 17, 2016, the Planning Commission was presented with a report and draft ordinance that would allow non-commercial cultivation of cannabis for personal and caregiver use indoors in all zones that allow a residence and to prohibit outdoor cultivation of cannabis for personal and caregiver use. The draft ordinance included maximum personal cultivation amounts, various personal cultivation standards, a registration requirement, a permitting requirement, fees, confidentiality and enforcement sections. The Commission was to also receive public input on whether the County should consider allowing some types of commercial cannabis activity in the manufacturing and industrial zones such as indoor cultivation and cannabis testing laboratories and prohibiting all other commercial cannabis activities in the unincorporated County.

The focus of the public comments was in regard to personal cultivation. During the meeting, eleven speakers addressed the Commission with comments ranging from allowing outdoor cultivation with little or no standards to enacting a prohibition of outdoor cultivation. Generally, the commenters stated that outdoor cultivation is the preferred way of growing cannabis because it takes less energy, less water, less environmental impacts and less equipment. The registration requirement in the ordinance was considered by some to invade privacy rights particularly the requirements to register annually and to allow inspections of the cultivation site upon 24-hour notice. However, under AUMA registration with the local Public Health Department is mandatory to be exempt from certain state-imposed recreational marijuana taxes.

The Commission considered these public comments in their initial deliberations and expressed interest in further exploring potential allowance of outdoor cultivation noting that the parcel area sizes in the unincorporated County were generally larger than parcels in the cities, particularly parcels of 2 ½ acres or more with inclusion of standards. The Commission also expressed interest in exploring the potential negative consequences of only allowing indoor cultivation. Rather than make a formal recommendation to the Board, the Commission decided to continue the deliberation until January 19<sup>th</sup> and asked staff to research and provide further information on indoor and outdoor cultivation options.

Since the Planning Commission meeting, the Board of Supervisors met on December 6, 2016 and adopted a new 45-day Interim Urgency Ordinance to prohibit the commercial cultivation of medical cannabis and nonmedical marijuana; the commercial delivery, distribution, transportation, manufacturing, retail operations and testing of medical cannabis and nonmedical marijuana; and the outdoor cultivation of medical cannabis or non-medical marijuana for personal use. The Board felt it necessary to adopt the ordinance while work is being conducted to put a permanent ordinance in place within the 10 month 15-day timeline. Also during the December 6<sup>th</sup> Board meeting, the Board appointed two representatives to work with staff in researching and developing marijuana regulations - Chair Vasquez and Supervisor Hannigan.

On January 10, 2017, the Board adopted a 10 month and 15-day extension of this Interim Urgency Ordinance. The Board also indicated that they wish to have a permanent ordinance regulating marijuana activities in place prior to the expiration of this 10 month 15-day extension.

As mentioned above, developing regulations for personal cultivation of both medical cannabis and nonmedical marijuana is considered the most immediate to consider. Since the November 17<sup>th</sup> Planning Commission meeting, staff met with the Ag Commissioner, representatives from the County's Environmental Health Division, Building Division, Public Health Department and law enforcement and fire officials to discuss possible regulations. Some options discussed are included below:

### **Possible Regulatory Options**

The purpose of regulating personal marijuana and medical cannabis cultivation is to alleviate or minimize to the extent possible negative impacts that can arise from this activity. Attached is a list of possible regulatory options for the Commission to consider (Attachment B). Staff's expectation is that items will be added to and deleted from this list based on input from the Commission and the public. Below is a brief discussion of some of these options at this point.

#### Outdoor Cultivation

Both MCRSA and AUMA allow local jurisdictions to prohibit outdoor cultivation. When considering regulations for outdoor personal cultivation, current goals include preventing theft and trespassing especially from underage individuals and preventing nuisances such as odor to neighbors. AUMA requires that a grow site be "within a locked space and not visible by normal unaided vision from a public place". There are several options when considering how to regulate outdoor cultivation such as establishing setbacks from the property lines for grow gardens, screening the grow site, establishing a minimum parcel size requirement for outdoor cultivation. Current development setbacks for most County parcels range from 30' to 60' from the front property line, 10' to 20' from the side property lines and 10' to 25' from the rear property line. Establishing setbacks for the grow site could be an option. Screening may include a 6' privacy fence that could be locked and secured. Limiting outdoor cultivation on parcels greater than 2.5 acres to minimize nuisances such as odor could also be considered. Maps indicating the parcels within the unincorporated County that are 1 acre and smaller, 2.5+ acres and 5+ acres are attached.

#### Indoor Cultivation

AUMA does allow local jurisdictions to "reasonably regulate" indoor cultivation within a private residence. One concern with indoor cultivation in a private residence is the health and safety of the occupants. Indoor cultivation can require grow lights, water, and chemical agents such as fungicides or pesticides that if improperly used could lead to mold growth, fire dangers, and even chemical-related poisoning. To ensure the safety of occupants, proof of adherence to Building, Fire and Safety Codes could be required. Also, limiting cultivation to one room that would be inaccessible to minors could be considered. And finally, requiring that chemical agents not be used for personal cultivation could keep both the users of marijuana and the occupants of the property it's grown on safe from chemical-related injuries.

#### Commercial Cultivation, Non-solvent Manufacturing and Testing Facilities

Staff believes that if these types of uses are to be considered for operation within the unincorporated area, that they only be allowed in areas zoned manufacturing. Staff believes a conditional use permit should be required with a set of operating standards for each type business. Those operating standards could include, odor control, security, setbacks, etc. Staff would benefit from feedback from the public and Planning Commission with regards drafting regulations for these types of cannabis/marijuana businesses.

### **Presentations**

Agricultural Commissioner, Jim Allan will be speaking on behalf of the Solano County Agriculture Department giving an agricultural perspective of the new laws and how they may affect the Agriculture Department's operations.

Robin Cox and Felicia Flores-Workman will be speaking on behalf of the Solano County Public Health Department about how the new laws may affect Health and Social Service programs.

**Community Outreach**

Staff will be hosting a community meeting regarding personal cultivation and a discussion on possible regulatory standards for indoor and outdoor cultivation. Staff is organizing an Industry Stakeholders meeting to receive feedback and input regarding regulating commercial aspects of cannabis/marijuana. Staff will be reporting back to the Planning Commission and Board on the outcome of these meetings.

**STAFF RECOMMENDATION**

Staff is asking the Planning Commission to review and make recommendations for regulating personal cultivation of medical cannabis and nonmedical marijuana specific to MCRSA and AUMA. Staff does not expect the Commission to make a formal recommendation at this meeting as more information is expected to be gathered and developed in the next six months.

The Planning Commission may wish to consider selecting one or two representatives of the Planning Commission to assist staff in collecting data and researching possible cannabis/marijuana regulations.

**ATTACHMENTS:**

- A. Planning Commission Staff Report of November 17, 2016 including attachments
- B. Possible Regulations for Personal Cultivation
- C. Maps of 1 acre or smaller, 2.5+ acres and 5.0+ acres parcels



# Solano County

675 Texas Street  
Fairfield, California 94533  
www.solanocounty.com

## Agenda Submittal

<b>Agenda #:</b>	2	<b>Status:</b>	PC-Regular
<b>Type:</b>	PC-Document	<b>Department:</b>	Planning Commission
<b>File #:</b>	PC 16-029	<b>Contact:</b>	Karen Avery
<b>Agenda date:</b>	11/17/2016	<b>Final Action:</b>	

**Title:** Public hearing to decide whether to recommend that the Board of Supervisors adopt an ordinance to amend Chapter 28 (Zoning Regulations) to allow for non-commercial cultivation of cannabis for personal and caregiver use indoors in all zones that allow a residence, and to ban outdoor cultivation of cannabis for personal and caregiver use; to collect public input on whether the County should consider allowing some types commercial cannabis activity in the manufacturing and industrial zones such as indoor cultivation and cannabis testing laboratories and prohibiting all other commercial cannabis activities in the unincorporated county.

**Governing body:** Planning Commission

**District:**

**Attachments:** A - Draft Personal Cannabis Cultivation Ordinance, A - Exhibit A for Attachment A, B - Medical Marijuana-Summary of other States Regulations, C - Recreational Marijuana-Summary of other States Regulations, D - Local Jurisdiction Summary 11102016, E - Types of Commercial Cannabis Licenses - 11092016, F - Summary Cannabis Permit Requirements, G - AUMA BRIEF PH Position, H - DRAFT PC Cannabis Resolution

Date:	Ver.	Action By:	Action:	Result:
-------	------	------------	---------	---------

Public Hearing Required?    Yes  X  No    

**RECOMMENDATION:**

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a public hearing to consider recommending that the Board of Supervisors adopt an ordinance to amend Chapter 28 (Zoning Regulations) to:
  - a. Allow for non-commercial cultivation of cannabis for personal and caregiver use indoors in all zones that allow a residence;
  - b. Ban outdoor cultivation of cannabis for personal and caregiver use;
2. Prohibit all other commercial cannabis activities in the unincorporated area of the County except those listed above
3. Receive public input on whether the County should continue to evaluate potential commercial cannabis activity in the manufacturing and industrial zones such as:
  - i. Limited cultivation indoors
  - ii. Cannabis testing laboratories

4. Determine the project (Zoning Ordinance) is exempt from further environmental review under the General Rule Exemption of Section 15060(c)(2) of Title 14 of the California Code of Regulations because the project will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**EXECUTIVE SUMMARY:**

Solano County is considering adopting regulations for personal cannabis cultivation to prohibit outdoor cultivation, requiring instead that all personal cultivation occur inside the user's residence or other permanent building on the parcel that contains a residence. The draft regulations are to reflect both the Medical Cannabis and Safety Regulations Act (MCRSA) and the Adult Use of Marijuana Act (AUMA) which allow local jurisdictions to further regulate cannabis.

The Board of Supervisors considered this issue and has directed staff to develop an ordinance on personal cultivation. Attachment A highlights the specific Board recommendations.

Staff is also researching the possibility of allowing some type of commercial cannabis activity such as laboratory/testing and indoor cultivation of less than 10,000 sf. Currently, the County has adopted an interim urgency ordinance that prohibits the commercial cultivation, testing, manufacture, distribution, sales, transportation and delivery of medical cannabis in the unincorporated areas of the county.

**ENVIRONMENTAL ANALYSIS:**

The project (zoning ordinance) is exempt from further environmental review under the General Rule Exemption of Section 15060(c)(2) of Title 14 of the California Code of Regulations because the project will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**BACKGROUND - Previous County Actions:**

On February 9, 2016, the Solano County Board of Supervisors adopted a 10 month and 15 day extension of an interim urgency ordinance prohibiting the commercial cultivation, delivery, distribution, transportation, manufacturing and development of testing facilities for medical cannabis in unincorporated Solano County. This was in response to the Medical Marijuana Regulation and Safety Act (MMRSA) which went into effect on January 1, 2016 - (Note: MMRSA has now been renamed the Medical Cannabis Regulation and Safety Act - MCRSA). The urgency ordinance will expire on January 4, 2017 unless extended. Previously, the Board had adopted a Zoning Ordinance Amendment prohibiting medical cannabis dispensaries in all zoning districts in unincorporated Solano County and that ordinance has been and will continue to be in effect unless amended.

On August 2, 2016, staff gave an update to the Board on the public outreach and general research conducted by staff on cannabis legislation. At that time, the Board also introduced and later adopted an ordinance imposing a business license tax of up to 15% on the gross receipts on any medical and non-medical cannabis businesses in Solano County. As this ordinance proposed a tax, it was placed on the November 8th ballot as Measure C and was approved by voters.

On November 1, 2016, pursuant to Board direction, staff expanded upon the information regarding impacts of recreational and medical cannabis use in other states where it has been legalized and the current regulation of medical cannabis in other local jurisdictions (Attachments B, C and D - *Summary of State Marijuana Regulations - Medical Marijuana, Summary of State Marijuana Regulations - Recreational Marijuana and Current/Proposed Local Ordinances- distributed earlier*). Staff has also been following the efforts by the State of California to promulgate medical cannabis regulations as required by MCRSA. It is clear the State has much more work to do given the scope and complexity of these new rules. The passage

of the recreational cannabis measure titled the Adult Use of Marijuana Act (AUMA)(Proposition 64 on the November 8th ballot) further complicates the evaluation of options.

Given that Solano County currently has not addressed the issue of personal cultivation of cannabis in prior ordinance adoptions (the ordinance prohibiting dispensaries and the current urgency ordinance prohibiting many other forms of commercial medical cannabis activities), and the fact that Proposition 64 will preclude local jurisdictions from prohibiting indoor cultivation for personal use, staff believes the most immediate action should be to establish rules for indoor personal cultivation while banning all outdoor cultivation, whether for commercial or personal purposes. The Board has directed staff to draft an ordinance regulating personal cannabis cultivation. As a result of review of the expanded information and anticipated changes to State law, the Board directed staff to prepare a permanent ordinance addressing personal cultivation, banning outdoor cultivation and examining standards for indoor cultivation. The attached ordinance reflects this direction and includes a range of standards for consideration. The Board asked for a comprehensive set of standards which may be refined as a result of public comment and discussion. The Planning Commission will be making the initial recommendation on these standards that will ultimately be considered by the Board.

**DISCUSSION:**

MCRSA requires that the State adopt regulations and create a licensing program for commercial cannabis activities, such as the cultivation, distribution, and transportation of medical cannabis. MCRSA also contains specific provisions that allow local governments to enact ordinances further regulating or prohibiting these types of commercial cannabis activities within their local jurisdictions. The County's Interim Urgency Ordinance currently bans commercial cultivation, delivery, distribution, transportation, manufacturing and testing facilities for medical cannabis. The County currently does not regulate personal cultivation of medical cannabis beyond what is allowed per MCRSA which is 100 square feet for personal cultivation (indoor or outdoor) and 500 square feet (indoor or outdoor) for caregivers with up to 5 patients. The Interim Urgency Ordinance is set to expire on January 4, 2017. (The Board previously approved Ordinance 2013-1736 banning medical cannabis dispensaries which remains in effect.)

On June 28, 2016, AUMA which proposes to legalize recreational cannabis for adults over the age of 21 qualified for the November 2016 ballot as Proposition 64. AUMA is patterned after MCRSA in that it will regulate adult use of recreational cannabis using most of the same type of licenses as medical cannabis for recreational cannabis. MCRSA includes 12 different licenses involving cultivation, nursery, manufacturing, testing, dispensary, distribution and transportation. (See Attachment E, *Types of Commercial Cannabis Licenses*).

However, commercial cannabis activities under AUMA differ from MCRSA in that AUMA allows a "microbusiness" which is vertical integration of several license types; and a provision for large scale cultivation (over 1 acre in size). Descriptions of these licenses are included in Attachment E - *Types of Commercial Cannabis Licenses*.

AUMA also differs with MCRSA on personal and caregiver cultivation. AUMA of course, has no provision for caregiver cultivation, and it allows personal indoor cultivation of recreational cannabis by right in a residence or in an outbuilding of a residence. Instead of using square footage limits like MCRSA, AUMA allow 6 plants per residence as opposed to MCRSA's 100 square feet.

Like MCRSA, AUMA allows for local control of cannabis with one exception. AUMA does not allow local jurisdictions to ban private residential indoor cultivation or indoor cultivation on the grounds of a residence. Therefore, at a minimum, the County will have to allow indoor cultivation in a residence or in a secured building on the grounds of a residence. AUMA does allow the County to "reasonably regulate" personal cultivation.

Staff prepared a table which illustrates a summary of the County zoning districts and the type of possible

permit the County could require for cannabis uses (See Attachment F - *Summary of Allowed Land Uses and Permit Requirements for Cannabis Uses*). Since AUMA does not allow local jurisdictions to ban indoor personal cultivation in a private residence, the tables show exactly what zone districts allow dwellings and where personal cultivation would be allowed by AUMA. The table also describes which district could support indoor commercial cultivation and research/testing facilities should the County consider allowing some type of commercial cannabis businesses.

#### Meetings

Staff has met with Health and Social Services and Sheriff's staff to gain insight as to their stance on MCRSA and AUMA. Both agencies have recommended that the Board adopt a permanent ordinance prohibiting commercial cultivation, delivery, distribution facilities, transportation facilities, manufacturing, processing and testing facilities in Solano County. Public Health has submitted a position paper addressing cannabis use (Attachment G - *Public Health Position Paper*) which outlines their concerns with cannabis and potential impacts to public health.

Staff met with Solano Agricultural Commissioner Jim Allan to discuss medical cannabis cultivation in Solano County and how other Agricultural Commissioners were handling the new MCRSA regulations. It was noted that there are some counties choosing to regulate and other choosing to completely prohibit all aspects of the commercial cannabis industry.

Staff met with the Agricultural Advisory Committee (AAC) and found that no member was in favor of outdoor or indoor cultivation of medical cannabis on agricultural zoned properties citing nuisance impacts on their property, including odors, trespassing, and the potential for criminal activity that may be associated with commercial cultivation sites. Attendees concluded that if the County chooses to regulate commercial cultivation that it should only be allowed indoors on industrial zoned properties with set standards for security and public safety. A majority of members were supportive of personal cultivation of medical cannabis as long as there were standards set by the County for mitigation of nuisance impacts, safety and security.

Staff met with the Solano County Farm Bureau and found most members were also against indoor or outdoor commercial cultivation of medical cannabis on agriculturally zoned properties. Concerns over security of their property, trespassing and crime/theft of their farm equipment were given as reasons. Some members believed that indoor commercial cultivation might be feasible in an industrial zone with additional county permitting that would require security and other measures to reduce potential nuisances or criminal activity.

#### Monitoring other Legislation and Regulatory Activities

Staff continues to monitor other jurisdictions as they move forward with establishing cannabis regulations. Most of the cities within Solano County have banned commercial cultivation of medical cannabis as well as distribution, testing, processing, and manufacturing as described in MCRSA. The City of Vallejo has established regulations regarding existing dispensaries. City staff will be reporting back to the Vallejo Council in the future with potential regulations regarding on-site cultivation and delivery service for their permitted dispensaries. Both the cities of Benicia and Rio Vista regulate personal medical cannabis cultivation. Rio Vista requires registration with their police official and requires the grow area to be indoors and secured. Benicia requires the grow area to meet specific setbacks. The City of Dixon recently approved an ordinance repealing a ban on commercial cannabis activity and allowing two dispensaries to operate within the city limits of Dixon. See *Attachment D- Current/Proposed Local Ordinances (previously distributed)*.

As directed by the Board, staff researched and compared California medical cannabis legislation with Colorado, Oregon, Washington and Hawaii. Comparisons were made on local control, taxes, personal cultivation, caregiver cultivation, dispensaries and impacts since legislation. Staff also researched and compared the proposed AUMA regulations with regulations of states that have legalized recreational cannabis. These states include Oregon, Washington, Colorado and Alaska. Staff compared local control,

tax rates, personal cultivation, commercial cultivation, dispensaries/retail stores, and impacts since legalization. Both of these comparison tables are included as Attachment B & C (*Summary of State Marijuana Regulations - Medical Marijuana, Summary of State Marijuana Regulations - Recreational Marijuana - previously distributed*)

#### **STAFF RECOMMENDATION**

Staff has been and continues to research how other jurisdictions are approaching personal cannabis cultivation especially since AUMA has passed and the County is losing the ability to ban personal cultivation in private residences.

Since the current interim urgency ordinance does not address personal cultivation as defined by MCRSA and AUMA and based upon feedback, staff believes that addressing personal cannabis cultivation should be done now.

Staff is asking the Planning Commission to review and recommend adoption to the Board of the Personal Cannabis Cultivation Ordinance (Attachment A/Exhibit A) addressing personal cultivation specific to MCRSA and AUMA.

#### **ATTACHMENTS:**

- A. Draft Ordinance with Exhibit A - Draft Personal Cannabis Cultivation Ordinance
- B. Summary of State Marijuana Regulations - Medical Marijuana (previously distributed)
- C. Summary of State Marijuana Regulations - Recreation Marijuana (previously distributed)
- D. Current/Proposed Local Ordinances (previously distributed)
- E. Types of Commercial Cannabis Licenses
- F. Summary of Allowed Land Uses & Permit Requirements for Cannabis Users
- G. Public Health Position Paper
- H. Draft Resolution

ORDINANCE NO. 2016-\_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 28.21, 28.22, 28.23, 28.24, 28.30, 28.31, 28.32, 28.40, 28.41, 28.42, 28.43, 28.50, 28.51, 28.52, 28.61 AND ADDING SECTION 28.82 TO REGULATE CANNABIS CULTIVATION FOR PERSONAL USE IN UNINCORPORATED SOLANO COUNTY**

---

The Board of Supervisors of Solano County do hereby ordain as follows:

SECTION I. Findings

The Board finds and declares that the adoption of this Ordinance is necessary and desirable to ensure that environmental, public health, safety and nuisance factors related to the cultivation of cannabis for personal use are adequately addressed.

- A. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies cannabis as a Schedule I Drug; as such, it is unlawful, under federal law, for any person to cultivate, manufacture, distribute, dispense, or possess cannabis, whether for medical or recreational purposes.
- B. In 1996, the voters of the State of California approved Proposition 215, the Compassionate Use Act (Health and Safety Code Section 11362.5), which was intended to provide a defense to criminal charges for the cultivation and possession of medical cannabis by a seriously ill patient, or the patient's primary caregiver, for the patient's personal use. The Compassionate Use Act further provided that nothing in it shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of cannabis for non-medical purposes.
- C. SB 420, the Medical Marijuana Program Act (Health and Safety Code Section 11362.7 et seq.), was enacted in 2004 to expand and clarify the scope of Proposition 215 by creating the Medical Marijuana Identification Card program, creating reasonable regulations for cultivating, processing, transporting and administering medical cannabis, as well as limiting the amount of medical cannabis a qualified individual may possess.
- D. SB 420 defines a "primary caregiver" as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person.
- E. The State enacted the Medical Marijuana Regulation and Safety Act (MMRSA) on September 11, 2015 (SB 643, AB 266, and AB 243), instituting a comprehensive state-level licensure and regulatory scheme for cultivation, manufacturing, distribution, transportation, laboratory testing, and dispensing of medical cannabis. Although MMRSA provides that patients may cultivate up to 100 square feet of cannabis for their personal use, and caregivers may cultivate up to 500 square feet of cannabis for the personal use of up to five patients, cities and counties retain local regulatory authority over medical cannabis, including personal cultivation.
- F. The Governor signed SB 837 on June 27, 2016, changing references to the term "marijuana" in MMRSA to "cannabis" and renaming MMRSA the "Medical Cannabis Regulation and Safety Act" (MCRSA).

- G. On November 8, 2016, Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) was enacted by the voters to decriminalize and regulate commercial and non-commercial recreational cannabis. AUMA provides that cities and counties retain local regulatory control over recreational cannabis, but personal cultivation of up to six plants must be allowed inside a private residence or in a secured structure on the grounds of a private residence.
- H. In response to MCRSA and AUMA, the Board of Supervisors, at an open public meeting, directed staff to bring forward a zoning ordinance allowing but regulating medical and recreational personal cannabis cultivation indoors for personal use within the jurisdictional boundaries of Solano County.
- I. The unregulated cultivation of cannabis in the unincorporated area of Solano County can adversely affect the health, safety, and well-being of the County, its residents and environment. Comprehensive civil regulation of premises used for personal cannabis cultivation, including zoning regulation, is proper and necessary to reduce the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated cannabis cultivation.
- J. Children are particularly vulnerable to the effects of cannabis use and the presence of cannabis plants or products is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children, such as schools, parks, and other similar locations.
- K. Outdoor cannabis cultivation, especially within the remote areas, is creating significant impacts to California's surface and groundwater resources. The State Water Resources Control Board, the San Francisco Regional Water Quality Control Board, the Central Valley Regional Water Quality Control Board and the Department of Fish and Wildlife have seen a dramatic increase in the number of cannabis cultivation operations, and corresponding increases in impacts to water supply and water quality, including the discharges into water of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. The sources of these impacts result from unpermitted and unregulated timber clearing, road development, stream diversion for irrigation, land grading, erosion of disturbed surfaces and stream banks, and temporary human occupancy without proper sanitary facilities.
- L. The ability to cultivate cannabis plants for medical or recreational purposes conferred by MCRSA and AUMA does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter in coordination with MCRSA and AUMA, the County intends to minimize the risks and complaints regarding fire, odor, crime and pollution caused or threatened by the unregulated cultivation of cannabis in the unincorporated area of Solano County.
- M. Nothing herein shall be construed to allow the cultivation or use or allow any activity relating to the cultivation or use of cannabis that is otherwise illegal under State law.

## SECTION II.

The Residential Allowed Uses in the Tables of Allowed Uses in sections 28.21, 28.22, 28.23, 28.24, 28.30, 28.31, 28.32, 28.40, 28.41, 28.42, 28.43, 28.50, 28.51, 28.52, 28.61 of Article II, Chapter 28 are hereby amended to include indoor cultivation of cannabis in a residence or on the grounds of a

residence, subject to the land use regulations at section 28.82, in all zones where a residence is a use allowed by right as shown below:

RESIDENTIAL USES

DWELLINGS:

Primary

Secondary

Indoor Personal Cannabis Cultivation                      A=allowed by right                      Section 28.82

SECTION III.

Section 28.82 is added to Article III, Chapter 28 of the Solano County Code to read as follows:

28.82 Indoor Personal Cannabis Cultivation Uses

A. General Requirements.

1. Personal cannabis cultivation indoors in a residence or inside a permanent residential accessory structure on the grounds of a residence shall be allowed if it meets the standards in the applicable zoning districts and complies with all applicable California and County laws.
2. Personal cultivation of cannabis outdoors, as defined herein, is prohibited.

B. Definitions

1. Cannabis: all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this section, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.
2. Cannabis Cultivation: any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis for medical or personal use that is intended for use by a) medical cannabis patients in accordance with the Medical Cannabis Regulation and Safety Act (MCRSA) for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215); or b) recreational cannabis users in accordance with the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA).
3. Cannabis Cultivation Indoors: indoor cultivation of cannabis exclusively using artificial lighting.

4. Cannabis Cultivation Outdoor: outdoor cultivation of cannabis exclusively outdoors, using natural light and not within a structure. Cultivation inside a hoop house, greenhouse or similar shall be deemed outdoor cultivation.
5. Canopy (plant): the square footage dedicated to live plant production, such as maintaining mother plants, propagating plants from seed, clones, including plants in vegetative or flowering states.
6. Caregiver Cultivation: cultivation by a primary caregiver of up to 500 square feet of medical cannabis for up to 5 individuals with "Medical Marijuana Identification Cards" or qualified patients.
7. Cultivation Room: the premises, leased area, property, location or structure where cannabis is planted, grown, harvested, dried, cured, graded, and trimmed for personal use.
8. Medical Marijuana Identification Card: document issued by the State Department of Health Services that identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.
9. Primary Caregiver: an individual who is designated by a qualified patient or by a person with a Medical Marijuana Identification Card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person, as defined in Health & Safety Code section 11362.7(d), as may be amended.
10. Qualified Patient: a person who is entitled to the protections of Health and Safety Code section 11362.5, but who does not have a Medical Marijuana Identification Card, as defined in Health and Safety Code section 11362.7(f), as may be amended.

#### C. Personal Cultivation Amounts

1. Individuals over 18 with a Medical Marijuana Identification Card may cultivate up to 100 square feet of medical cannabis for their own use inside a private residence or in a permanent residential accessory structure located on the grounds of a private residence.
2. Individuals designated as the primary caregiver of individual(s) with a Medical Marijuana Identification Card may cultivate up to 500 square feet of medical cannabis inside a private residence or in a permanent residential accessory structure on the grounds of a private residence for up to 5 card-holders upon obtaining a permit from the County.
3. Individuals over 21 may cultivate up to 6 cannabis plants for their own recreational use inside a private residence or in a permanent residential accessory structure located on the grounds of a private residence.

#### D. Personal Cultivation Standards

1. The cultivation must occur indoors in either a residence or in a permanent residential accessory structure on the grounds of a residence that is occupied by the person for whom the cannabis is intended.
2. The cultivation must occur in a secured and locked room that is not accessible to household visitors or children.
3. No one under 18 may enter a medical cannabis cultivation room, and no one under 21 may enter a recreational cannabis cultivation room.
4. Cultivation may not occur in both a residence and a permanent residential accessory structure on the grounds of a residence.
5. No sign of cannabis cultivation shall be visible from outside of the cultivation room.
6. The residence or the permanent residential accessory structure on the grounds of the residence used for cultivation must have a building permit and comply with all building, electrical, fire, and other codes adopted by the County. The Building Official shall refer the building permit application to the Director of Resource Management, appropriate Fire District and law enforcement agencies for review and approval.
7. Light from the indoor cultivation must not be visible from outside the cultivation room. Indoor grow lights shall not exceed one thousand two hundred (1,200 W) watts per 100 square feet of growing space and shall comply with the building, electrical and fire codes as adopted by the County.
8. Gas products (including, but not limited to CO<sub>2</sub>, butane, propane, and natural gas) or ozone generators shall not be used in or for any cultivation room.
9. No open flame or burning of any substance may occur in the cultivation room.
10. Personal cannabis cultivator shall prevent cannabis plant odor from becoming a public nuisance to surrounding properties or the public. A public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public. Should the operation be determined a public nuisance, a filtered ventilation system shall be installed, operated and maintained to minimize the odor impacts.
11. The cultivation room must be solely devoted to cultivation and may not be used for any other purpose such as sleeping, cooking, bathing, hobbies, or recreation.
12. The use of generators to power any cultivation equipment is prohibited, except as an emergency back-up system.
13. The cultivation site must have an on-site water supply source adequate to meet all on-site uses.

14. The use of pesticides, fungicides, and other substances not approved for use on cannabis shall not be used or allowed on the cultivation site.

#### E. Registration

All individuals who intend to cultivate cannabis for personal use must register yearly and supply the County with the following information:

- a. Proof of legal ownership of the parcel or written documentation from a landlord that the applicant has permission to cultivate cannabis at the subject location.
- b. The name of each person occupying or having possession of the premises where cultivation will occur.
- c. Plot plan of where the cultivation will occur on the property.
- d. Signed consent form authorizing County personnel to conduct an inspection of the cultivation site upon 24 hours' notice.
- e. Declaration signed under penalty of perjury that the applicant will abide by the requirements of state law and this Chapter.
- f. Acknowledgement that registration automatically expires after one year, at which time a new application for registration must be made and that no cultivation may occur prior to issuance of registration or if the registration has expired.

#### F. Permitting

All individuals who intend to cultivate cannabis as a primary caregiver must obtain a yearly permit from the County and supply the following information:

- a. Proof of legal ownership of the parcel or written documentation from a landlord that the applicant has permission to cultivate cannabis at the subject location.
- b. The name of each person occupying or having possession of the premises where cultivation will occur.
- c. A copy of the Medical Marijuana Identification Card and contact information for each individual the primary caregiver is cultivating for.
- d. Plot plan of where the cultivation will occur on the property.
- e. Signed consent form authorizing County personnel to conduct an inspection of the cultivation site upon 24 hours' notice.
- f. Declaration signed under penalty of perjury that the applicant will abide by the requirements of state law and this Chapter.
- g. Acknowledgement that a permit automatically expires after one year, at which time a new permit application must be made, and that no caregiver cultivation may occur prior to issuance of a permit or if the permit has expired.

#### G. Fees

The Board may establish a fee required to be paid upon submitting a registration or permit application as provided herein to recover the reasonable costs of administering this section.

H. Confidentiality

To the extent permitted by law, any personal or medical information submitted with a cannabis cultivation registration application or permit application shall be kept confidential and shall only be used for purposes of administering this section.

I. Enforcement

It is hereby declared unlawful and a public nuisance for any person to cultivate cannabis for personal use except as provided for in this Chapter. The County may elect to pursue any and all available administrative remedies and civil causes of action to enforce this Section.

SECTION IV. Environmental Determination.

In accordance with the California Environmental Quality Act (CEQA), it has been determined that the project is exempt from further environmental review under the General Rule Exemption of Section 15060(c)(2) of Title 14 of the California Code of Regulations because the project will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Director of Resource Management is directed to file a Notice of Exemption in accordance with CEQA.

SECTION V. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion(s) of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION VI. Effective Date.

This Ordinance and all amendments to the Solano County Code as set forth within shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of Board adoption. This Ordinance shall be published once before the expiration of fifteen (15) days after adoption, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation published in Solano County, California.

\*\*\*\*\*

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on \_\_\_\_\_ by the following vote:

AYES: Supervisors \_\_\_\_\_

\_\_\_\_\_

NOES: Supervisors \_\_\_\_\_

EXCUSED: Supervisors \_\_\_\_\_

\_\_\_\_\_  
ERIN HANNIGAN, Chairwoman  
Solano County Board of Supervisors

ATTEST:  
Birgitta E. Corsello, Clerk  
Board of Supervisors

By: \_\_\_\_\_  
Jeanette Neiger, Chief Deputy Clerk

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

TABLE 28.21A TABLE OF ALLOWED USES

ALLOWED USES*	Permit Requirements			Land Use Regulations**
	A-40	A-80	A-20	
*See Definitions Section 28-01				
<b>RESIDENTIAL USES</b>				
<b>A. DWELLINGS</b>				
Primary dwelling	A	A	A	28.72.10(A)
Secondary dwelling	A	A	A	28.72.10(A) & (B)(6)
Second Kitchen	AP	AP	AP	28.72.10(A) & (B)(7)
Cannabis Cultivation				
Caregiver	AP	AP	AP	28.82
Personal				
Medical	A	A	A	28.82
Recreational	A	A	A	28.82
<b>B. TEMPORARY RESIDENTIAL USES</b>				
Security quarters for a construction site (commercial coach, manufactured home or recreational vehicle)	AP	AP	AP	28.72.20(A) & (B)(1)
Temporary Manufactured Home Storage	AP	AP	AP	28.72.20(A) & (B)(4)
Temporary single family home	AP	AP	AP	28.72.20(A) & (B)(6)
<b>C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>				
Small Kennel or Cattery	AP	AP	AP	28.72.30(A) & (B)(3)
Stable, private	A	A	A	28.72.30(A) & (B)(5)
<b>D. OTHER RESIDENTIAL USES</b>				
Cottage Industry				
Type I	MUP	MUP	MUP	28.72.40(A) & (B)(1)
Type II	UP	UP	UP	
Home occupation				
Type I	A	A	A	28.72.40(A) & (B)(2)
Type II	AP	AP	AP	

28.21 Exclusive Agricultural (A) Districts

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

<b>Table 28.22A TABLE OF ALLOWED USES</b>		
A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit, UP = Use Permit, --- = Prohibited		
<b>ALLOWED USES</b>	<b>Permit Requirements</b>	<b>Land Use Regulations</b>
See Definitions Section 28.10	A-SM-80 & A-SM-160 Zoning Districts	See Section 28.70.10
<b>28.71 AGRICULTURAL USES</b>		
<b>A. CROP PRODUCTION AND GRAZING</b>		
Agricultural accessory buildings	A	28.71(A) & (B)(1)
Cultivated and irrigated farming	A <sup>(2)</sup>	
Non-irrigated and non-cultivated farming	A <sup>(2)</sup>	
Grazing	A <sup>(2)</sup>	
Pastured Poultry		
<i>Not adjacent to a R District</i>	A	28.71.10(A) & (B)(4)
<i>Adjacent to a R District</i>	MUP	28.71.10(A) & (B)(4)
<i>With an agricultural commercial kitchen</i>	---	
<i>With sales</i>	---	
<i>With Special events</i>	---	
<i>With more than 4 crowing fowl</i>	UP	28.71.10(A) & (B)(4)
<b>B. AGRICULTURAL PROCESSING USES</b>		
None allowed		
<b>C. ANIMAL FACILITIES AND OPERATIONS</b>		
None allowed		
<b>D. OTHER AGRICULTURAL OPERATIONS</b>		
Agricultural employee housing	AP	28.71.40(A) & (B)(1)
HCD Agricultural employee housing	A	28.71.40(A) & (B)(3)
Temporary commercial coach	AP	28.71.40(A) & (B)(5)
<b>28.72 RESIDENTIAL USES</b>		
<b>A. DWELLINGS</b>		
Primary Dwelling <sup>(3)</sup>	A	28.72.10(A)
Secondary Dwelling	A	28.72.10(A) & (B)(6)
Second Kitchen	AP	28.72.10(A) & (B)(7)
<b>Cannabis Cultivation</b>		
<i>Caregiver</i>	AP	28.82
<i>Personal</i>		
<i>Medical</i>	A	28.82
<i>Recreational</i>	A	28.82
<b>B. TEMPORARY RESIDENTIAL USES</b>		
Temporary single family dwelling	AP	28.72.20(A) & (B)(6)
<b>C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>		
Small kennels and catteries	AP	28.72.30(A) & (B)(3)

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

**TABLE 28-23A Table of Allowed Uses and Permit Requirements (continued)**

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, - - - = Prohibited

<b>ALLOWED USES*</b> *See Definitions Section 28-10				
	<b>A-SV-20</b>	<b>ATC</b>	<b>ATC-NC</b>	<b>Land Use Regulations**</b> **See Section 28-70.10
<b>RESIDENTIAL USES</b>				
Accessory buildings and uses <sup>(7)</sup>	A	A	A	28.72.10(A) & (B)(1)
Agricultural employee housing	AP	---	---	28.23.50.20
HCD Agricultural employee housing	AP	---	---	
Cottage Industry	UP	UP	---	28.72.40(A) & (B)(1)
Home occupation	A/AP	A/AP	---	28.72.40(A) & (B)(2)
Primary dwelling	A	AP	AP	28.72.10(A)
Secondary dwelling	A	---	---	28.23.50.20
Small Kennel or Cattery	AP	---	---	28.72.30(A) & (B)(3)
Stable, private (9 horses or less)	A	A	---	28.72.30(A) & (B)(5)
Storage, manufactured home (one per parcel)	A	A	---	28.23.70.40
<b>Temporary Accommodations</b>				
Security quarters for a business operation (commercial coach, manufactured home or recreational vehicle)	AP	AP	AP	28.23.50.20
Temporary single family home	UP	UP	---	28.23.70.30
Temporary storage of a mobile home	AP	AP	AP	28.23.50.20
<b>Cannabis Cultivation</b>				
<i>Caregiver</i>	AP	AP	AP	28.82
<i>Personal</i>				
<i>Medical</i>	A	A	A	28.82
<i>Recreational</i>	A	A	A	28.82

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

TABLE 28.31A TABLE OF ALLOWED USES

ALLOWED USES*	Permitted Uses			Land Use Regulations** ** See Section 28-70.10
	RR-2.5	RR-5	RR-10	
A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, - - - = Prohibited				
<b>ALLOWED USES*</b>				
*See Definitions Section 28-10				
<b>28.72 RESIDENTIAL USES</b>				
<b>A. DWELLINGS</b>				
Accessory buildings and uses <sup>(1)</sup>				
<i>Accessory building greater than 2,500 square feet in size<sup>(4)</sup></i>	MUP	MUP	MUP	28.72.10(A) & (B)(1)
<i>Accessory buildings, in aggregate: 1) greater than 2,500 square feet in size combined on a lot 4 acres or less; or, 2) greater than 5,000 square feet in size combined on a lot greater than 4 acres<sup>(2)</sup></i>	MUP	MUP	MUP	28.72.10(A) & (B)(1)
Guest house	- - -	- - -	- - -	
Primary dwelling	A	A	A	28.72.10 (A)
Rooming and boarding of not more than 3 persons per dwelling unit	A	A	A	28.72.10(A)
Secondary dwelling	A	A	A	28.72.10(A) & (B)(6)
Transitional Housing/Supportive Housing <sup>(4)</sup>	A	A	A	
Cannabis Cultivation	AP	AP	AP	28.82
<i>Caregiver</i>				
<i>Personal</i>				
<i>Medical</i>	A	A	A	28.82
<i>Recreational</i>	A	A	A	28.82
<b>B. TEMPORARY RESIDENTIAL USES</b>				
Temporary manufactured home storage	AP	AP	AP	28.72.20(A) & (B)(4)
Temporary occupancy of existing dwelling while replacement dwelling is under construction	A	A	A	28.70.20(B)(5)
Temporary single-family dwelling <sup>(3)</sup>	MUP	MUP	MUP	28.72.20(B)(6)
<b>C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>				
Grazing or keeping of animals other than hogs, not	A	A	A	28.72.30(A) & (B)(1)

TABLE 28.32A ALLOWED USES: R-TC-1AC, R-TC-20, R-TC-15, R-TC-10, R-TC-6 DISTRICTS

ALLOWED USES*	Permitted Uses					Land Use Regulations** ** See Section 28-70.10
	R-TC-1AC	R-TC-20	R-TC-15	R-TC-10	R-TC-6	
A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, - - - = Prohibited						
<b>ALLOWED USES*</b>						
* See Definitions Section 28-10						
<b>AGRICULTURAL USES</b>						
<b>A. CROP PRODUCTION</b>						
Cultivated and irrigated farming	A	A	A	A	---	
Non-irrigated and non-cultivated farming	A	A	A	A	---	
<b>RESIDENTIAL USES</b>						
<b>A. DWELLINGS</b>						
Accessory buildings and uses <sup>(1)</sup>						28.72.10 (A) & (B)(1)
<i>Accessory building greater than 2,500 square feet in size<sup>(2)</sup></i>	A	A	A	A	A	28.72.10 (A) & (B)(1)
<i>Accessory buildings, aggregate: 1) greater than 2,500 square feet in size combined on a lot 4 acres or less; or, 2) greater than 5,000 square feet in size combined on a lot greater than 4 acres<sup>(2)</sup></i>	MUP	MUP	MUP	MUP	MUP	28.72.10 (A) & (B)(1)
Duplex	---	---	---	---	---	28.72.10(A)
Dwelling group	---	---	---	---	---	28.72.10 (A) & (B)(2)
Guest house	---	---	---	---	---	28.72.10 (A) & (B)(6)
Multifamily Dwelling	---	---	---	---	---	28.72.10(A)
Primary dwelling	A	A	A	A	A	28.72.10(A)
Rooming and boarding house	---	---	---	---	---	
Secondary dwelling	A	A	A	A	A	28.72.10 (A) & (B)(6).
Second kitchen	AP	AP	AP	AP	AP	28.72.10 (A) & (B)(7)
Transitional Housing/Supportive Housing <sup>(5)</sup>	A	A	A	A	A	
Cannabis Cultivation						
Caregiver	AP	AP	AP	AP	AP	28.82
Personal						
Medical	A	A	A	A	A	28.82
Recreational	A	A	A	A	A	28.82

**Table 28.32B ALLOWED USES: R-TC-5, R-TC-4 R-TC-D, R-TC-MF, R-TC-MU DISTRICTS**

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt,  
 - - - = Prohibited

ALLOWED USES*	Permitted Uses							Land Use Regulations** **See Section 28-70.10
	R-TC-5	R-TC-4 <sup>(1)</sup>	R-TC-D-4	R-TC-D-6	R-TC-MF	R-TC-MU		
*See Definitions Section 28-10								
<b>AGRICULTURAL USES</b>								
<b>A. CROP PRODUCTION</b>								
Cultivated and irrigated farming	---	---	---	---	---	---	---	
Non-irrigated and non-cultivated farming	---	---	---	---	---	---	---	
<b>RESIDENTIAL USES</b>								
<b>A. DWELLINGS</b>								
Accessory buildings and uses <sup>(2)</sup>								28.72.10 (A) & (B)(1)
Accessory building greater than 2,500 square feet in size <sup>(3)</sup>	A	A	A	A	A	A	A	28.72.10 (A) & (B)(1)
Accessory buildings, aggregate: 1) greater than 2,500 square feet in size combined on a lot 4 acres or less; or, 2) greater than 5,000 square feet in size combined on a lot greater than 4 acres <sup>(3)</sup>	MUP	MUP	MUP	MUP	MUP	MUP	MUP	28.72.10 (A) & (B)(1)
Duplex	---	---	A	A	A	A	---	28.72.10(A)
Dwelling group	---	---	---	---	A	A	---	28.72.10(A) & (B)(1)
Guest house	---	---	---	---	---	---	---	
Multifamily Dwelling	---	---	---	---	---	---	---	
Primary dwelling	A	A	A	A	A	A	A	28.72.10(A)
Rooming and boarding house	---	---	---	---	A	A	---	28.72.10(A)
Secondary dwelling	A	A	---	---	---	---	---	28.72.10(A) & (B)(6)
Second kitchen	AP	AP	---	---	---	---	---	28.72.10(A) & (B)(7)
Single Room Occupancy Hotel	---	---	---	---	A	A	---	
Cannabis Cultivation								
Caregiver	AP	AP	AP	AP	AP	AP	AP	28.82
Personal								
Medical	A	A	A	A	A	A	A	28.82
Recreational	A	A	A	A	A	A	A	28.82

SOLANO COUNTY CODE -- CHAPTER 28 -- ZONING REGULATIONS

TABLE 28.41A ALLOWED USES: (C-H), (C-N), (C-R), (C-R-L), (C-S), (C-O) DISTRICTS

ALLOWED USES*	Permitted Uses							Land Use Regulations** **See Section 28.70.10
	C-H	C-N	C-R	C-R-L <sup>(6)</sup>	C-S	C-O		
<b>28.71 AGRICULTURAL USES<sup>2</sup></b>								
<b>A. CROP PRODUCTION</b>								
Accessory uses and structures	---	---	A	A	---	---	28.71.10(A) & (B)(1)	
Crop Production	---	---	A	---	---	---	28.71.10(A)	
Non-irrigated and non-cultivated farming	---	---	---	A	---	---	28.71.10(A)	
Grazing	---	---	A	A	---	---	28.71.10(A)	
<b>B. AGRICULTURAL PROCESSING USES</b>								
On-site Agricultural Processing	---	---	A	---	---	---	28.71.20(A) & (B)(1)	
<b>28.72 RESIDENTIAL USES</b>								
<b>A. DWELLINGS</b>								
Primary Dwelling	---	---	A	A	---	---	28.72.10	
Emergency Shelter	---	---	---	---	A	---		
Cannabis Cultivation								
Caregiver	---	---	AP	AP	---	---	28.82	
Personal								
Medical	---	---	A	A	---	---	28.82	
Recreational	---	---	A	A	---	---	28.82	
<b>B. TEMPORARY RESIDENTIAL USES</b>								
None Allowed								
<b>C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>								
None Allowed								
<b>D. OTHER RESIDENTIAL USES</b>								
None Allowed								

A= Allowed by right, AP= Administrative Permit, MUP= Minor use permit, PD = Planned Unit Development, UP= Use permit, E=Exempt, - = Prohibited

ALLOWED USES\*  
\*See Definition Section 28-10

ALLOWED USES*	Permitted Uses							Land Use Regulations** **See Section 28.70.10
	C-H	C-N	C-R	C-R-L <sup>(6)</sup>	C-S	C-O		
<b>28.71 AGRICULTURAL USES<sup>2</sup></b>								
<b>A. CROP PRODUCTION</b>								
Accessory uses and structures	---	---	A	A	---	---	28.71.10(A) & (B)(1)	
Crop Production	---	---	A	---	---	---	28.71.10(A)	
Non-irrigated and non-cultivated farming	---	---	---	A	---	---	28.71.10(A)	
Grazing	---	---	A	A	---	---	28.71.10(A)	
<b>B. AGRICULTURAL PROCESSING USES</b>								
On-site Agricultural Processing	---	---	A	---	---	---	28.71.20(A) & (B)(1)	
<b>28.72 RESIDENTIAL USES</b>								
<b>A. DWELLINGS</b>								
Primary Dwelling	---	---	A	A	---	---	28.72.10	
Emergency Shelter	---	---	---	---	A	---		
Cannabis Cultivation								
Caregiver	---	---	AP	AP	---	---	28.82	
Personal								
Medical	---	---	A	A	---	---	28.82	
Recreational	---	---	A	A	---	---	28.82	
<b>B. TEMPORARY RESIDENTIAL USES</b>								
None Allowed								
<b>C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>								
None Allowed								
<b>D. OTHER RESIDENTIAL USES</b>								
None Allowed								

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

**TABLE 28.42A ALLOWED USES: (M-L), (M-G), (I-WD) DISTRICTS**

ALLOWED USES*	Permitted Uses					Land Use Regulations**
	M-L	M-G-1/2	M-G-3	I-WD <sup>8</sup>		
A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, --- = Prohibited						
* See Definitions Section 28-10						
<b>28.71 AGRICULTURAL USES</b>						
<b>A. CROP PRODUCTION</b>						
Crop Production and Grazing	A	---	---	---	---	
Non-irrigated and non-cultivated farming, grazing	---	---	---	A <sup>5</sup>		
<b>B. AGRICULTURAL PROCESSING USES</b>						
None Allowed						
<b>C. ANIMAL FACILITIES AND OPERATIONS</b>						
Confined Animal Facility	---	---	---	UP <sup>65</sup>		28.73.30(A) & (B)(1)
Fowl and Poultry Ranch	---	---	---	UP <sup>65</sup>		28.73.30(A) & (B)(2)
<b>28.72 RESIDENTIAL USES</b>						
<b>A. DWELLINGS</b>						
Primary residence	A <sup>1</sup>	A <sup>1,4</sup>	A <sup>1,4</sup>	---		28.72.10(A)
Cannabis Cultivation						
Caregiver	AP	AP	AP	---		28.82
Personal						
Medical	A	A	A	---		28.82
Recreational	A	A	A	---		28.82
<b>B. TEMPORARY RESIDENTIAL USES</b>						
None Allowed						
<b>A. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>						
None Allowed						
<b>C. OTHER RESIDENTIAL USES</b>						

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

**J. TABLE 28.43A TABLE OF ALLOWED USES**

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, PUD = Planned Unit Development, UP= Use Permit, E=Exempt, --- = Prohibited

ALLOWED USES*	Permitted Uses	Land Use Regulations
*See Definitions Section 28-10		
<b>28.71 AGRICULTURAL USES</b>		See Section 28.71
<b>A. CROP PRODUCTION AND GRAZING</b>		
Crop production	A	28.71.10A
Grazing	A	28.71.10A
<b>B. AGRICULTURAL PROCESSING USES</b>		
Agricultural processing	A	28.71.20(A) & (B)(1)
Aquaculture	A	28.71.20(A)
Nurseries	A	28.71.20(A) & (B)(2)
Winery	A	28.71.20(A) & (B)(3); 28.73.30(A)
<b>C. ANIMAL FACILITIES AND OPERATIONS</b>		
Confined animal facility	---	
Fowl and poultry ranch	---	
Pastured Poultry	---	
Hog Farm	---	
Slaughterhouse	A	28.71.30(A) & (B)(5)
Livestock Auction Yard	A	28.71.40(A) & (B)(6)
<b>D. OTHER AGRICULTURAL OPERATIONS</b>		28.71.40
Agricultural employee housing	---	
<b>28.72 RESIDENTIAL USES</b>		
<b>A. DWELLINGS</b>		
Primary Dwelling	---	
Secondary dwelling	---	
Second Kitchen	---	
<b>Cannabis Cultivation</b>		
<i>Caregiver</i>	---	
<i>Personal</i>	---	
<i>Medical</i>	---	
<i>Recreational</i>	---	
<b>B. TEMPORARY RESIDENTIAL USES</b>		28.72.20

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

**TABLE 28.51A TABLE OF ALLOWED USES**

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, - - - = Prohibited		
<b>ALLOWED USES*</b> *See Definitions Section 28-10	<b>Permitted Uses</b>	<b>Land Use Regulations**</b> **See Section 28-70.10
	W District	
<b>28.71 AGRICULTURAL USES</b>		
<b>E. CROP PRODUCTION AND GRAZING</b>		
Crop Production	A	28.70.10
Grazing	A	28.70.10
<b>F. AGRICULTURAL PROCESSING USES</b>		
<i>None Allowed</i>	- - -	
<b>G. ANIMAL FACILITIES AND OPERATIONS</b>		
Fowl and Poultry Ranch	UP <sup>1</sup>	28.71.30(B)(2)
<b>H. OTHER AGRICULTURAL OPERATIONS</b>		
Additional One-Family Homes for persons employed in agriculture	UP	28.71.40(A)
<b>28.72 RESIDENTIAL USES</b>		
<b>D. DWELLINGS</b>		
Primary residence dwelling	A	28.72.10(A)
<b>Cannabis Cultivation</b>		
<i>Caregiver</i>	AP	28.82
<i>Personal</i>		
<i>Medical</i>	A	28.82
<i>Recreational</i>	A	28.82
<b>E. TEMPORARY RESIDENTIAL USES</b>		
<i>None Allowed</i>	- - -	
<b>F. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>		
Private stable	A	28.72.30(A) & (B)(5)
<b>D. OTHER RESIDENTIAL USES</b>		
<i>None Allowed</i>	- - -	

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

<b>Table 28.52A TABLE OF ALLOWED USES</b>		
A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit, UP = Use Permit, - - - = Prohibited		
<b>ALLOWED USES</b>	<b>Permit Requirements</b>	<b>Land Use Regulations</b>
See Definitions Section 28.10	MP <sup>(1)</sup> Zoning District	See Section 28.70.10
<b>28.71 AGRICULTURAL USES</b>		
<b>A. CROP PRODUCTION AND GRAZING</b>		
Non-irrigated and non-cultivated farming	A <sup>(2)</sup>	
Grazing	A <sup>(2)</sup>	
<b>B. AGRICULTURAL PROCESSING USES</b>		
None allowed		
<b>C. ANIMAL FACILITIES AND OPERATIONS</b>		
None allowed		
<b>D. OTHER AGRICULTURAL OPERATIONS</b>		
Agricultural employee housing	UP	28.71.40(A) & (B)(1)
<b>28.72 RESIDENTIAL USES</b>		
<b>A. DWELLINGS</b>		
Primary Dwelling <sup>(3)</sup>	A	28.72.10(A)
Cannabis Cultivation		
<i>Caregiver</i>	AP	28.82
<i>Personal</i>		
<i>Medical</i>	A	28.82
<i>Recreational</i>	A	28.82
<b>B. TEMPORARY RESIDENTIAL USES</b>		
None allowed		
<b>C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>		
None allowed		
<b>D. OTHER RESIDENTIAL USES</b>		
None allowed		
<b>28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES</b>		
<b>A. RECREATION USES</b>		
Complementary Commercial Facility	UP	28.73.10(A)
Marsh oriented recreation	UP	28.73.10(A)
Public open space area	A	28.73.10(A)
<b>B. EDUCATION USES</b>		
Marsh Education	UP	28.73.20(A)
<b>C. PUBLIC ASSEMBLY USES</b>		
None allowed		
<b>28.74 RETAIL AND OFFICE USES</b>		
<b>A. RETAIL USES</b>		
None Allowed		
<b>B. OFFICE USES</b>		
Marsh research facility	UP	28.74.20(A)
<b>28.75 TOURIST USES</b>		
None Allowed		
<b>28.76 COMMERCIAL SERVICE USES</b>		
None Allowed		

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

**TABLE 28.61A TABLE OF ALLOWED USES**

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, - - - = Prohibited		
<b>ALLOWED USES*</b> *See Definitions Section 28-10	<b>Permitted Uses</b>	<b>Land Use Regulations**</b> ** See Section 28-70.10
	<b>P District</b>	
<b>28.71 AGRICULTURAL USES</b>		
<b>A. CROP PRODUCTION AND GRAZING</b>		28.71.10
Agricultural Accessory structures	A	28.71.10(A) & (B)(1)
Crop Production	A	28.71.10(A)
Grazing	A	28.71.10(A)
<b>B. AGRICULTURAL PROCESSING USES</b>		
On-site Agricultural Processing	- - -	28.71.20(A) & (B)(1)
<b>C. ANIMAL FACILITIES AND OPERATIONS</b>		
None Allowed	- - -	
<b>D. OTHER AGRICULTURAL OPERATIONS</b>		
None Allowed	- - -	
<b>28.72 RESIDENTIAL USES</b>		
<b>A. DWELLINGS</b>		28.72.10
Primary Dwelling	A <sup>1</sup>	28.72.10(A)
<b>Cannabis Cultivation</b>		
<i>Caregiver</i>	AP	28.82
<i>Personal</i>		
<i>Medical</i>	A	28.82
<i>Recreational</i>	A	28.82
<b>B. TEMPORARY RESIDENTIAL USES</b>		
<i>None Allowed</i>	- - -	
<b>C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>		
<i>None Allowed</i>	- - -	
<b>D. OTHER RESIDENTIAL USES</b>		
<i>None Allowed</i>	- - -	

# Summary of State Marijuana Regulations

## Medical Marijuana

<u>State</u>	<b>California</b>	<b>Oregon</b>	<b>Washington</b>	<b>Colorado</b>	<b>Hawaii</b>
<b>Legalization Legislation</b>	Compassionate Care Act 1996 Most recently – Medical Cannabis Regulation and Safety Act – Oct. 2015	Oregon Medical Marijuana Act Ballot Measure 67 - 1998	Cannabis Patient Protection Act - April 2015	Amendment 20 November 2000 Subsequent updates	Medical Marijuana Registry Program – Act 228 (2000) Medical Marijuana Dispensary Program – Act 241 (2015)
<b>General Info</b>	Allows 10 types of cultivation licenses including a nursery Two types of manufacturing licenses – non-volatile and volatile Testing License Distributor License and Transporter License Dispensary License	Regulated by Oregon Health Authority: Dispensary Registration, Processor Registration, Cannabis Tracking System, Product Testing, Concentration Limits, Labeling of Products and Youth Prevention Programs	Regulated by Washington State Department of Health Reviews applications and issues cards Qualified patients between 18-21, with valid card, can enter and buy medical marijuana from retailer.	Regulated by Public Health Most medical marijuana retail/cultivators are moving towards recreational marijuana business models. 3 Types of Licenses: 1. Medical Marijuana Center License 2. Medical Marijuana Optional Premises Cultivation License 3. Medical Marijuana Infused Products Manufacturing License	Regulated by the Dept. of Health. Use Registry Program- Patients must register for 329 card or MIM card Must use cannabis tracking system
<b>Local Control</b>	Yes	Yes	Yes	Yes	No
<b>Tax Rate</b>	MCRSA did not create new taxes Board of Equalization imposes 7.5-10% sales and use tax Local governments can impose their own tax Prop 64 – imposes 15% excise tax on both medical and recreational marijuana	Medical Marijuana Sales are not taxed	Exempt until June 30, 2017	2.9% state sales tax 3-10% local sales tax	No info found

<u>State</u>	California	Oregon	Washington	Colorado	Hawaii
<b>Personal Cultivation</b>	Up to 100 sq. ft. for personal consumption	No limit on immature or seedlings; 6 mature plants	For personal medical uses only May grow up to 15 plants.	6 plants per person/no more than 3 flowering  No more than 12 total per residence  Fully enclosed and locked space – indoors or outdoors	Limit of 7 plants shared jointly between caregiver and patient.  No more than 4 ounces of useable marijuana between a registered patient and caregiver.  Plants must be tagged with 329 ID Card number.  Only one grow site per registered patient
<b>Caregiver Cultivation</b>	Up to 500 sq. ft. for use for 5 or fewer patients  Can be indoors or outdoors	Registration required with Oregon Health Authority Urban gardens zoned residential are allowed 12 plants Non-urban residential are allowed 48 plants	Patient Cooperatives – 4 patients per provider Patients can only participate in one cooperative. Cooperatives may grow up to the total number of plants authorized for each patient, max of 60 plants. Are limited to one grow per parcel. Must register with Liquor & Cannabis Board	Caregivers must: Be over 18 Be CO resident Cannot be patient's physician Cannot have a primary caregiver of their own  36 plants per patient and no more than 99  Must register as a caregiver	One caregiver per patient and one patient per caregiver sharing 7 plants. See above.
<b>Dispensary</b>	Will require a state license and local license.  600' from school  Must have security measures  Deliveries can only be made from licensed dispensaries	Regulated by Oregon Public Health Authority  Requires application/approval, background checks and reporting requirements.  Cannot be within 1000 ft. of school  No deliveries allowed	Each dispensary must have Certified Medical Marijuana Consultant trained to assist patients. Cannot give medical advice but can tell how to use product and give safety instructions  No deliveries allowed.	Must obtain License from State  Over 21 and 2 year resident  Fees – Application - \$7,000 to \$15,000 License Fee - \$5,200 - \$13,200  No delivery – only caregivers can deliver to patient	5 yr residency requirement Up to 8 licenses initially – 3 for Honolulu, 2 for each Hawaii and Maui and one for Kauai.  Each licensee can operate two retail dispensing locations and 2 cultivation "production" centers with no more than 3000 plants. No edibles allowed to be sold in dispensaries. Tinctures, ointments, lotions ok. No transportation between islands by dispensaries.

<u>State</u>	California	Oregon	Washington	Colorado	Hawaii
<b>Impacts Since Legislation</b>	<p>Estimated that there are 715,133 patients in CA though registration is not mandatory – Some estimates are up to 1.1 million</p> <p>Since MCRSA passed, many jurisdictions considering local regulation.</p>	<p>Current MM card holders: 78,045 37,017 caregivers 48,699 growers 33,194 grow sites 1705 physicians</p> <p>Since legalization of recreational marijuana, difficult to find impacts specific to medicinal marijuana.</p>	<p>Since July 1, 2016: Adult cards: 10,696 Minor cards – 25 Provider Cards – 725</p> <p>More information available on recreation vs medicinal See recreational chart</p>	<p>As of 8/31/16 102,830 patients 2,710 caregivers</p> <p>More information available on recreational vs medicinal See recreational chart</p>	<p>No information found – possibly too soon to report</p>

# Summary of State Marijuana Regulations

## Recreational Marijuana

State	California	Oregon	Washington	Colorado	Alaska
<b>Legalization</b>	On-Ballot Proposition 64 – Adult Use of Marijuana Act AUMA (Adults 21 and older)	Measure 91 on November 4, 2014	Initiative 502 in 2012 Recreational Sales began July 8, 2014	Amendment 64 – non-medical November 11, 2012	Measure 2 on November 4, 2014
<b>General Info</b>	Similar to MCRSA - establishes a licensing program for cultivation, manufacturing, testing, retailers, distribution and micro business. (eliminates transporting) Micro-business – small operators can cultivate, distribute, and be a level 1 manufacturer and retailer.	Regulated by the Oregon Liquor Control Commission Industry Licensing Cannabis Tracking System Marijuana Worker Permits Enforcement of licensed location Must be over 21 to purchase recreational marijuana	Regulated by Washington State Liquor and Cannabis Board Must be 21 to purchase recreational marijuana	Merged Medical and Recreational - first only allowing medical dispensaries to sale recreational Must be 21 to purchase recreational marijuana	Regulated by Alaska's Marijuana Control Board Must be over 21 to purchase recreational marijuana.
<b>Local Control</b>	Yes – Jurisdictions can limit and/or ban commercial aspects of recreational marijuana. However, cannot ban personal cultivation but can regulate indoor and had further restrictions.	Yes, in cities and counties where 55% or more voted against legalization - they can "opt" out. Others less than 55% would have to put the issue on a local ballot.  Those cities/counties that have opted out, do not receive a share of the tax revenue generated from marijuana sales.	Can prohibit or designate appropriate zones; however, the State Liquor and Cannabis Board has the final authority to grant or deny a license  Local jurisdictions can file objections of a particular location but it's up to LCB to make decision.	Yes – local governments can restrict or ban the sale of recreational marijuana	Yes; many cities are currently conducting public outreach regarding local regulations.
<b>Tax Rate</b>	\$9.25 for marijuana flowers \$2.75 for marijuana leaves 15% retail excise tax on top of existing CA sales tax. Prop 64 – imposes 15% excise tax on both medical and recreational marijuana	Taxation regulated by Oregon Department of Revenue – Current rate is 25% but will be replaced by rate from 17-20%. Cities and counties can add up to 3% more	37% current 30% July 2017 25% 2019	2.9% sales tax Local sales tax to 10% retail	\$50 per ounce of marijuana – imposed when marijuana is sold or transferred from marijuana cultivation facility to retail store or marijuana product manufacturing facility.

<u>State</u>	California	Oregon	Washington	Colorado	Alaska
<b>Personal Cultivation</b>	6 plants - grown indoors - fully enclosed and secure. Private dwelling or accessory structure on grounds with private residence.	4 plants per household and grown out of public view No registration with Oregon Liquor Control Commission if under 4 plants Must be secured from minors at all times Cannabis odor must be controlled so it is not noticeable in public Cannot sell without license	Illegal - marijuana must be purchased from state licensed retailer	Up to 6 plants per person/no more than 3 flowering No more than 12 total per residence Fully enclosed and locked space - indoors or outdoors Not within 1,000 ft of school No one under 21 should have access to the plants or participate in harvest	Adults over 21 can cultivate up to 6 plants per person with no more than 3 flowering at a time Landlords may restrict if written in the lease Illegal to sale without a license but adults may share up to 1 oz with other adults
<b>Commercial Cultivation</b>	License types are similar to MCRSA. Adds Type 5 licenses for large cultivators of more than 22,000 sf of indoor/outdoor grow areas. The licenses can't be issued until after January 1, 2023.	2- year residency requirement for applicants Must register with the Oregon Liquor Control Commission	Requires state licenses for all sellers, distributors and producers of marijuana. Does not allow a producer or processor to also be a retailer.	Requires state licenses and also must meet local jurisdictions requirements	No groups or collectives are allowed to cultivate large amounts of marijuana
<b>Dispensaries or Retail Stores</b>	Yes, retail stores are included as needing a license - Type 10 (retailer) AUMA adds daycares and youth centers to setback requirements and gives discretion to local authorities to reduce the distance.	Currently, only sold at licensed medical marijuana retail locations. Expect retail licenses for recreational sales by 12/31/16.	Must be 1000 ft. from school, daycare, recreation center, library, public transit center, arcade, Public park No on-site consumption	Must receive a state license. State law limits store hours from 8 - midnight. Local jurisdictions can set restrictions.	No delivery is permitted. Referred to as retail marijuana stores

<u>State</u>	California	Oregon	Washington	Colorado	Alaska
<b>State Licensing</b>	<p>Yes, very similar to MCRSA – Licenses for cultivation, manufacturing, testing, dispensing, distribution.</p> <p>Adds microbusiness and large cultivators.</p>	<p>Licensed growers can produce, process and sell their own cannabis at retail locations.</p> <p>Fees are up to \$5,750 depending on the license type.</p> <p>Uses a Cannabis Tracking System – .25 to .45 per tag.</p>	<p>3 Tiers –            Marijuana Producer            Marijuana Processor            Marijuana Retailer</p> <p>Applications fees are \$26 and \$1,062 for renewal for all 3 licenses</p> <p>Not permitted to have all 3 licenses – No vertical integration</p> <p>Caps licensing to 334 recreational stores, distributed according to population</p>	<p>4 types of Retail Marijuana Business Licenses:            1. Retail Marijuana Store            2. Retail Marijuana Product Manufacturing            3. Retail Marijuana Cultivation            4. Retail Marijuana Testing Facility.</p> <p>Between \$2,750 to \$14,000 annually with initial deposit of \$5,000.</p> <p>Obtain approval from State first then apply for city/county approval</p>	<p>Must go to State first for licensing before going thru local permitting process.</p> <p>Process includes public noticing, application materials, notification of local governments, and approval from Marijuana Control Board.</p> <p>6 types of marijuana establishment licenses:            1. Retail Marijuana Store            2. Standard Cultivation Facility            3. Limited Cultivation Facility            4. Marijuana Product Manufacturing Facility            5. Marijuana Concentrate Manufacturing Facility            6. Testing Facility</p> <p>Application Fees \$1000.00-\$5000            Fingerprinting required.            Uses a marijuana inventory tracking system.</p> <p>Operator can have multiple licenses except testing facility – must be independent of all other license types.</p>

<u>State</u>	California	Oregon	Washington	Colorado	Alaska
<b>Impacts since Legalization</b>	Not applicable	<p>Increase in drivers under the influence of marijuana</p> <p>Increase in ER visits due to overconsumption</p> <p>Oregon has collected 14.9 million in tax revenue</p>	<p>Increase in the number of drivers testing positive for THC.</p> <p>Decrease in number of low-level marijuana offenses</p> <p>Collected \$83 million in marijuana tax revenues</p>	<p>Since first state to legalize marijuana – brought people to state in search of work in industry which resulted in increase of the homeless population.</p> <p>Increase in drivers under the influence of marijuana</p> <p>Neighboring states have seen increase of marijuana from CO in their states</p>	<p>Alaska is just getting started – first cultivator license was issued in Anchorage in September.</p>

## Current/Proposed Local Ordinances Medical Marijuana

November 10, 2016

### City of Vacaville

- Adopted "No Grow" Ordinance which bans all commercial cannabis cultivation, dispensary and delivery.
- Includes a ban on personal cultivation for 48 months with a sunset clause.

### City of Suisun

- Bans marijuana dispensaries, mobile marijuana dispensaries and cultivation EXCEPT for personal individual cultivation as permitted by State law.

### City of Rio Vista

- Prohibits deliveries and mobile dispensaries and regulates cultivation.
- Allows outdoor cultivation in enclosed detached structure (no kitchen, no bathroom) of 120 sq. ft. or less with a 10' setback from property line and defers to State law for # of plants. Must have medical recommendation from physician and obtain license from Police Chief.
- On November 15, 2016, the City Council will consider a 45-day moratorium on outdoor cultivation of marijuana and prohibiting the retail sale of non-medical marijuana.

### City of Dixon

- Prohibits commercial cannabis activity including cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or medical cannabis product.
- Does not regulate activities of qualified patients and primary caregivers.
- In September 2016, Council approved an ordinance to repeal the ban on commercial cannabis activity while maintaining the ban on commercial cultivation. The ordinance will allow two dispensaries to operate within the city limits of Dixon.
- Measure K was passed by the voters which allows a business license tax of 15% on medical marijuana businesses.

### City of Benicia

- Prohibits dispensaries, deliveries, and commercial cultivation.
- Allows indoor cultivation in a fully enclosed structure if there is no visual or olfactory evidence of cultivation detectable from the public right of way or from adjoining properties.
- Requires a qualified patient to live on the parcel and no more than 6 mature plants and 12 immature plants per the State Guidelines and per qualified patient.
- Will revisit delivery at a future date.

### City of Vallejo

- Currently has ten compliant dispensaries meaning the dispensary was operating prior to April 2013, paid taxes and have obtained building, fire approval including ventilation updates.
- Has established an advisory group (16-20 members) that is currently reviewing the creation of cultivation, delivery and other marijuana business regulations.

# Types of Commercial Cannabis Licenses

## Outdoor Commercial Cultivation (no use of artificial light)



### License types based on size of grow operation:

Type 1 – up to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on non-contiguous plots

Type 1C – up to 25 mature plants for outdoor cultivation on one premises

Type 2 – between 5,001 and 10,000 square feet of total canopy on one premises

Type 3 - between 10,001 square feet to 1 acre of total canopy size on one premises

*Type 5 – greater than 1 acre of total canopy size on one premises (no state licenses to be issued prior to Jan.1, 2023)<sup>1</sup>*

**Pro:** Plants should be grown outdoors; much less energy usage than indoor grows; economic opportunity

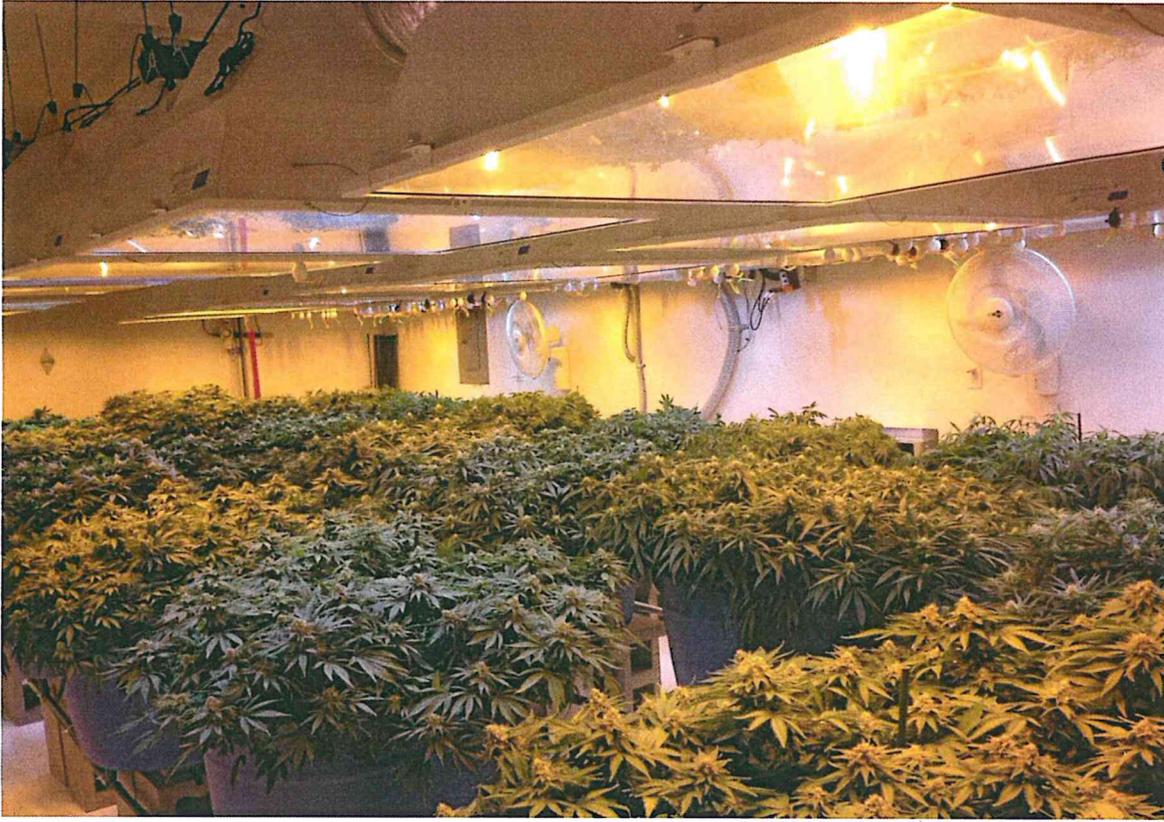
**Con:** High potential for nuisance impacts (smell, crime, trespassing); high water usage; potential to increase costs of ag land; waste processing

**Staff recommendation:** Ban all outdoor cultivation in the unincorporated County

---

<sup>1</sup> Use of italics indicates it is a part of the Adult use of Marijuana Act, Proposition 64.

## Indoor Cultivation (exclusive use of artificial light)



### License types based on size of grow operation:

Type 1A – up to 5,000 square feet of total canopy size on one premises

Type 1C – up to 500 square feet or less of total canopy size on one premises

Type 2A – between 5,001 and 10,000 square feet of total canopy on one premises

Type 3A - between 10,001 square feet to 22,000 of total canopy size on one premises

*Type 5A – greater than 22,000 of total canopy size on one premises (no state licenses to be issued prior to Jan.1, 2023)*

**Pro:** Minimize nuisance impacts (smell, crime, trespassing); economic opportunity

**Con:** High energy usage; need to re-circulate or otherwise “clean” nutrient-rich water; waste processing

**Staff recommendation:** Allow with use permit, indoors, up to 10,000 sq. feet in Industrial and Manufacturing zones.

**Mixed-Light Cultivation** (combination of natural and supplemental lighting at a maximum threshold to be determined by the State)



**License types based on size of grow operation:**

Type 1B – up to 5,000 square feet of total canopy size on one premises

Type 1C – up to 2,000 square feet of total canopy size on one premises

Type 2B – between 5,001 and 10,000 square feet of total canopy on one premises

Type 3B - between 10,001 square feet to 22,000 of total canopy size on one premises

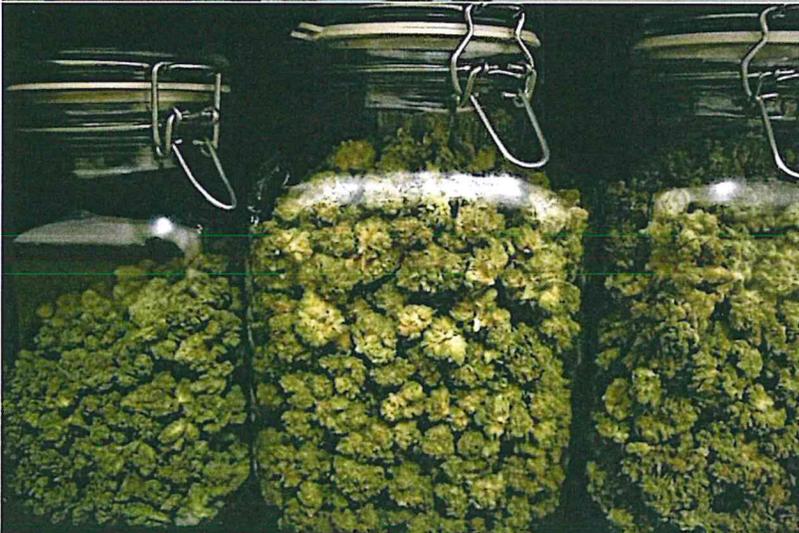
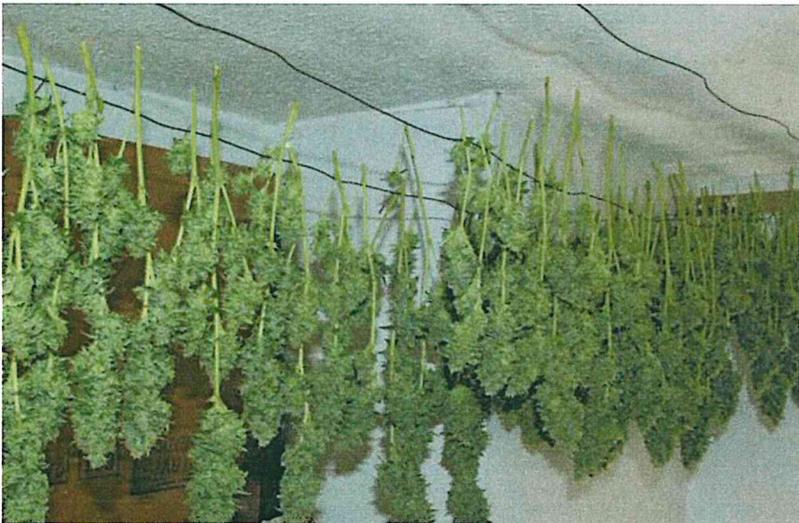
*Type 5B – greater than 22,000 of total canopy size on one premises (no state licenses to be issued prior to Jan.1, 2023)*

**Pro:** Economic opportunity; less energy use than indoor only

**Con:** High potential for nuisance impacts (smell, crime, trespassing); high water usage; potential to increase costs of ag land; waste processing; high energy usage; light pollution

**Staff recommendation:** Ban

Cultivation includes trimming, drying, and curing cannabis “buds”



## Nursery



Type 4 – produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis. Can transport cannabis plants without a transporter license.

Because this type of cultivation primarily takes place indoors, it has the same impacts as indoor cultivation

**Pro:** Minimize nuisance impacts (smell, crime, trespassing); economic opportunity

**Con:** High energy usage; need to re-circulate or otherwise “clean” nutrient-rich water; waste processing

**Staff Recommendation:** Allow with use permit, indoors, up to 10,000 sq. feet in Industrial and Manufacturing zones.



## Testing Laboratories



Type 8 – Testing of all commercial cannabis and cannabis products.

**Pros:** Potentially low-profile marijuana business with minimal nuisance impacts; economic opportunity

**Cons:** Some amount of traffic from transporters; potential for crime due to storage of small amounts of cannabis and cannabis products; waste issues

**Staff recommendation:** Allow with use permit in select zones

## Distributors



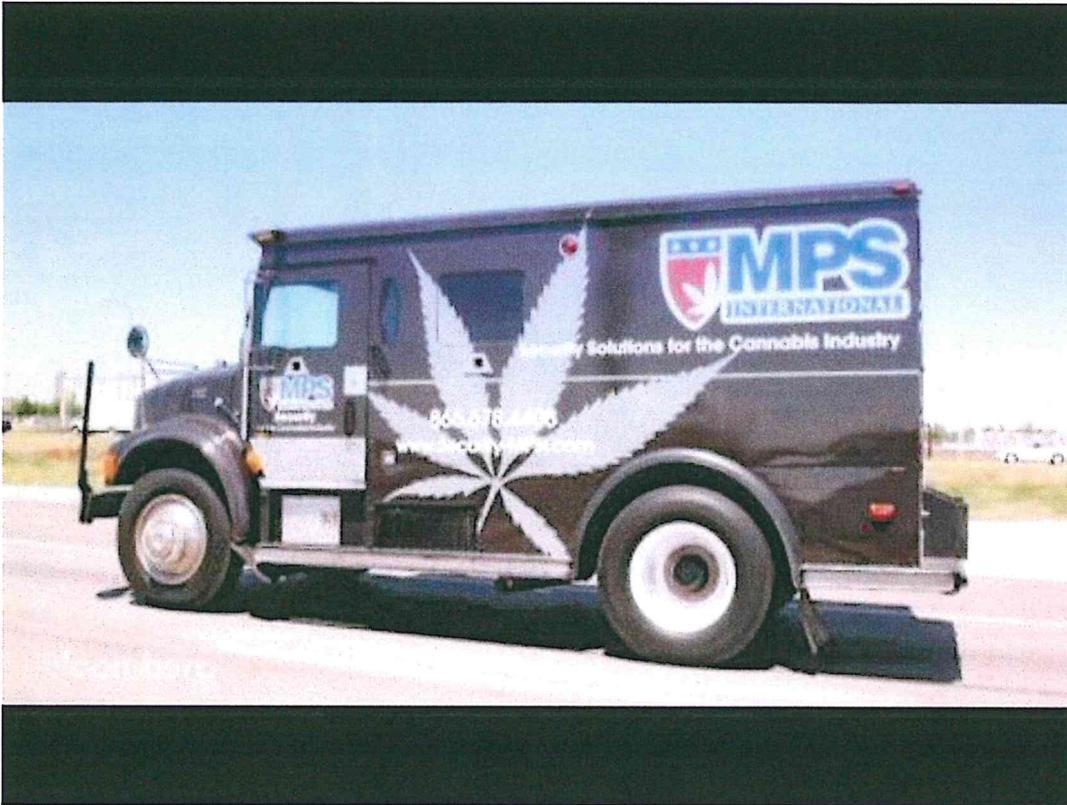
Type 11 – Only entity that can distribute cannabis and cannabis products from manufacturers/cultivators to dispensaries. A distributor must also hold a transporter (Type 12) license.

**Pro:** Economic opportunity

**Con:** Potential target for crime, given the storage of large quantities of cannabis and cannabis products

**Staff recommendation:** Ban

## Transporter



Type 12 – Transports cannabis and cannabis products between licensees. *No transporter licenses in Prop 64.*

**Pro:** Economic opportunity; good location with proximity to major road systems and population centers

**Con:** Potential for noise and traffic; potential that criminals would target

**Staff recommendation:** Ban

**Microbusiness**



***Type 12** - Cultivation of marijuana (indoors or outdoors) on an area less than 10,000 square feet, level 1 manufacturer, distributor and retailer. Can deliver cannabis to retail customers and on-site consumption may also be allowed. Allows for vertical integration for a cannabis business.*

***Pro:** Economic opportunity*

***Con:** Potential for nuisance impacts (smell, crime, trespassing); requires operator to be knowledgeable about regulations across many different cannabis activities*



## **Public Health Position regarding Marijuana Use**

**October 24, 2016**

### **BACKGROUND**

In November 2013 H&SS presented a position statement regarding the establishment of medical marijuana dispensaries in unincorporated areas of Solano County. This current document represents Public Health's position that recognizes and respects California law with respect to medical marijuana use; in contrast Public Health does not favor increased access to marijuana for recreational purposes because of the consequent health problems posed to individual users and the general public.

### **Adverse Health Impacts and Other Risks of Direct Use**

- Increased risk for cardiovascular, cerebrovascular and respiratory disease
- Increased testicular cancer risk
- Decreased fertility in women and men (reduced sperm count)
- Changes to the developing brain in areas involved in executive functions like memory, attention, learning, retention, and impulse control
- Decreased Intelligence Quotient of heavy and early onset users
- Impaired school performance and increased likelihood of dropping out of high school
- Increased risk of anxiety disorders, psychoses, suicidal thoughts and depression especially among adolescents and young adults
- Transmission of THC (tetrahydrocannabinol), the chemical responsible for most of marijuana psychological effects, through the placenta and through breast milk with consequent impacts on the fetus and infants
- Impaired judgment
- Increased traffic collisions due to impaired driving
- Impacts on drug free work place related to users not being aware of the duration of THC presence in urine and that non-users with secondhand exposure may be unaware that their urine will also be positive for an extended period
- Marijuana dependency and a gateway to tobacco and other drug use
- Increased incidence of fires and home explosions caused by manufacturing of butane hash oil often resulting in death or severe burn injuries
- Risk of children ingesting edible marijuana products

### **Health Impacts of Exposure to Secondhand Marijuana Smoke**

Secondhand marijuana smoke contains many of the same chemicals and carcinogens as secondhand tobacco smoke and thus poses similar health consequences as direct use.

- An experiment in which nonsmokers were exposed to secondhand marijuana smoke resulted in detectable cannabinoid levels in blood and urine.
- Exposure to secondhand marijuana smoke adversely affects cardiovascular health and impairs blood vessel function.

### **Additional Concerns**

- Nonexistence of an adequate way to measure marijuana impairment in drivers
- Marijuana today has more than 5 times the amount of THC than it did in 1960.
- Changing community norms regarding marijuana use can decrease youth perception of harm of marijuana use and thus could lead to increased youth marijuana use
- The Board of Supervisors has been working for over 16 years on the express goal of achieving the lowest rates of use of Alcohol, Tobacco and Other Drugs (ATOD) by youth in California.
  - Solano County's *Strategic Prevention Plan for Alcohol, Tobacco, and Other Drug Prevention FY 2012/13 through FY 2017/18* identifies marijuana use among youth as a concern based on trends of increased youth use, decreased perception of harm and reported ease of access. As a result the plan contains the following goal and objectives:
    - Reduce the access and availability of marijuana to youth in Solano County.
      - By June 30, 2018, implement in 4 jurisdictions a campaign to reduce access and availability to marijuana.
      - By June 30, 2018, reduce the percentage of 11<sup>th</sup> graders who report marijuana use is easy or fairly easy to obtain from 74% to 69%, the % reported in 2009 for California 11<sup>th</sup> graders. (California Healthy Kids Survey)
      - By June 30, 2018, reduce the percentage of 11<sup>th</sup> grade students who report past 30 day marijuana use from 23% to 19%, the % reported in 2009 for California 11<sup>th</sup> graders. (California Healthy Kids Survey)

- Should recreational use of marijuana be approved by voters, Public Health supports that significant restrictions should be established and rigorously applied. Restrictions should include but not be limited to the following:
  - Restrict the density of marijuana retail outlets as well as designating that marijuana outlets cannot be located within 1000 feet of each other or of the following:
    - a school, vocational school, college or university (public or private)
    - child care facility
    - library
    - playground
    - public park
    - youth center
    - public swimming pool
    - video arcade family; or
    - similar facility in which minors commonly congregate.
  - Specify minimum distances of marijuana establishments from the following:
    - Private residences
    - Churches
    - Substance abuse treatment centers
  - Establish security measures which include safe monitoring of the premises, which may include security personnel and/or security cameras
  - Restrict hours of operation
  - Prohibit price promotions
  - Enforcement mechanisms that ensure that non-compliant establishments have their permit rescinded after repeated violations within a specific look-back period
  - Place restrictions on promotion, advertising and signage

Taxes or fees received should be earmarked for the following:

- Targeted education regarding the much higher potency of THC in 2016 compared to prior decades, the risks of use to adolescents as well as pregnant and breastfeeding women, as well as exposure of non-users to secondhand smoke exposure
- Targeted education to couples of childbearing age regarding decreased fertility, increased risk of stillbirth and impairment of brain development
- Surveillance of health impacts
- Adolescent and adult substance abuse treatment
- Adolescent and adult mental health services

**SOLANO COUNTY PLANNING COMMISSION  
RESOLUTION NO. \_\_\_\_\_**

RECOMMENDING ADOPTION OF AN ORDINANCE AMENDING SECTIONS 28.21, 28.22,  
28.23, 28.24, 28.30, 28.31, 28.32, 28.40, 28.41, 28.42, 28.43, 28.50, 28.51, 28.52, 28.61 AND  
ADDING SECTION 28.82 TO REGULATE CANNABIS CULTIVATION FOR PERSONAL USE  
IN UNINCORPORATED SOLANO COUNTY

---

WHEREAS, Proposition 64 decriminalizing the use, possession, and cultivation of recreational cannabis in the State of California was passed by voters on November 8, 2016; and

WHEREAS, Proposition 64 mandates that, at a minimum, an individual be allowed to cultivate up to 6 cannabis plants for recreational use in a residence or in a locked, secured structure on the grounds of a residence; and

WHEREAS, Proposition 64 permits a city or county to enact reasonable regulations on personal cannabis cultivation, although the city or county may not ban such personal cultivation; and

WHEREAS the Medical Marijuana Regulation and Safety Act (MMRSA) was enacted on September 11, 2015 (the Act was renamed the "Medical Cannabis Regulation and Safety Act" (MCRSA) on June 27, 2016) to provide a comprehensive state-wide licensure and regulatory scheme for medical cannabis; and

WHEREAS, MCRSA allows a medical cannabis patient to cultivate up to 100 square feet of cannabis for personal use and a designated caregiver to cultivate up to 500 square feet of cannabis for up to 5 patients' use; and

WHEREAS, MCRSA permits a city or county to regulate or ban such personal or caregiver cultivation of medical cannabis; and

WHEREAS, the Board of Supervisors, at public meetings on August 2 and November 1, 2016 has expressed a desire to apply reasonable regulations to personal cultivation and caregiver cultivation in order to mitigate potential nuisance impacts of cannabis cultivation; and

WHEREAS, there are currently no provisions regulating or explicitly allowing for cultivation of personal or caregiver cannabis in the Solano County Zoning Regulations; and

WHEREAS, the Solano County Planning Commission during the course of a duly noticed public hearing as required by Government Code section 65854, considered the proposed amendments to the Chapter 28 Zoning Regulations (Exhibit A) on November 16, 2016; and

WHEREAS, at this hearing the Planning Commission received a report and materials from the Department of Resource Management and the proposed amendments were explained and discussed and comments were invited from persons in attendance; and

WHEREAS, after due consideration, the Planning Commission has made the following findings:



# Possible Regulations for Personal Grows<sup>1</sup>

## Potential Regulatory Goals:

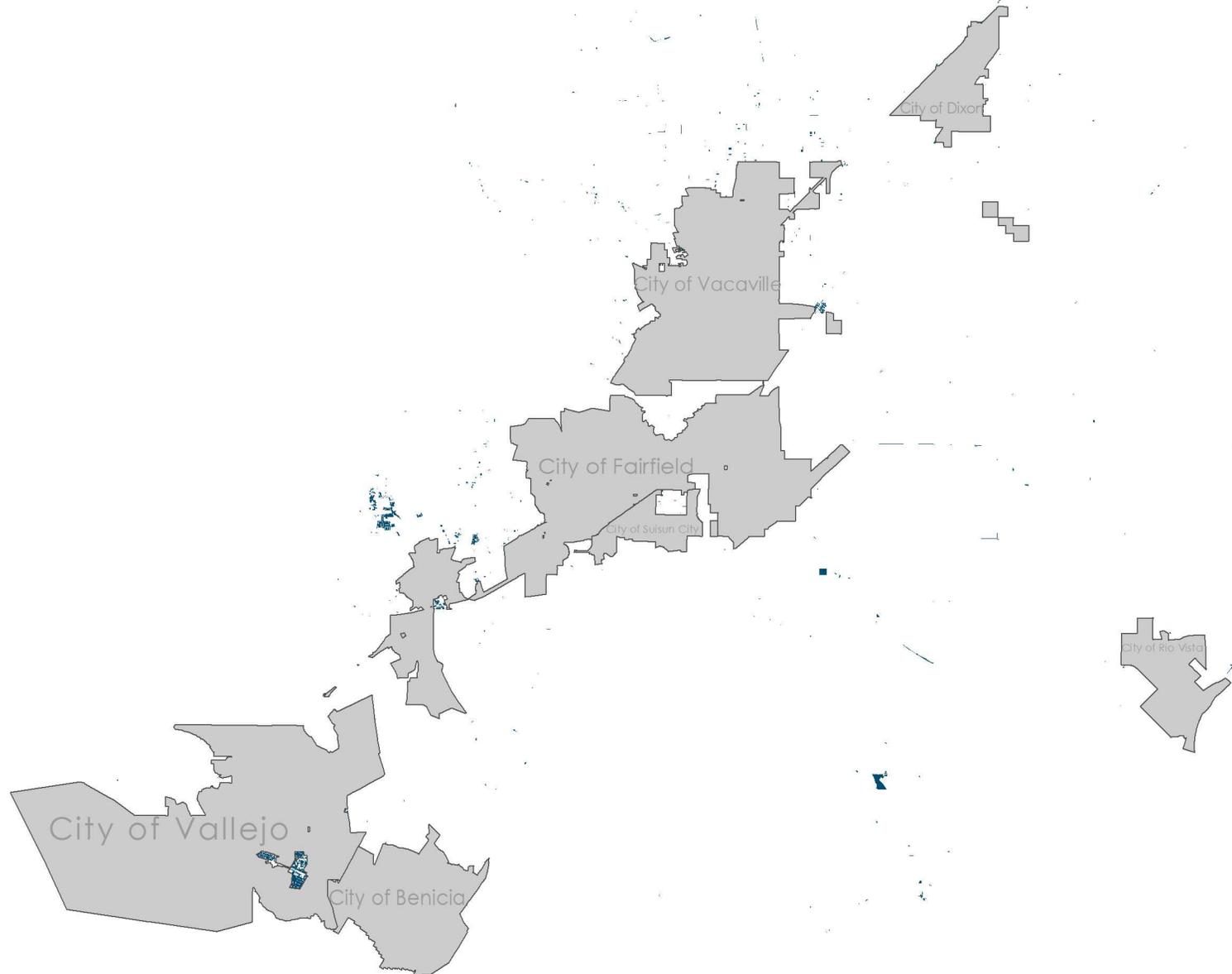
1. prevention of theft and trespassing
  2. prevent access to plants by underage and unauthorized individuals
  3. minimize health risks associated with cultivation
  4. prevent neighborhood impacts from cultivation, such as odor
  5. minimize or mitigate electrical demand from indoor or mixed light grows
  6. minimize or mitigate water demands
  7. compliance with building, electrical and fire codes
  8. “organic” marijuana
- 
- A) If property not on public water system, must have water catchment system. (6)
- B) If lights are used to cultivate marijuana, the lights must be CFLs or LEDs, or the cultivator must have alternative energy system (such as solar or wind) to alleviate electrical loads. (5)
- C) Total lights must be kept under a maximum wattage. (3, 5, 7)
- D) No maximum size on reflectors. (5, 7)
- E) No burning of any substance in the grow room. (3, 7)
- F) No use of CO2 generators in the grow room. (3)
- G) Outdoor grows must be inside an opaque, locking fence. (1, 2)
- H) No marijuana may be visible from outside the room or fenced enclosure it is grown in. (1, 2)
- I) Indoor cultivation room must be secured with a lock. (1, 2, 3)
- J) No other activities may take place in the indoor cultivation room beyond cultivation and processing of marijuana. (1, 3, 4)
- K) No use of any fertilizers/pesticides/rodenticides/fungicides/herbicides that are not approved for use on marijuana (3,4,8)

---

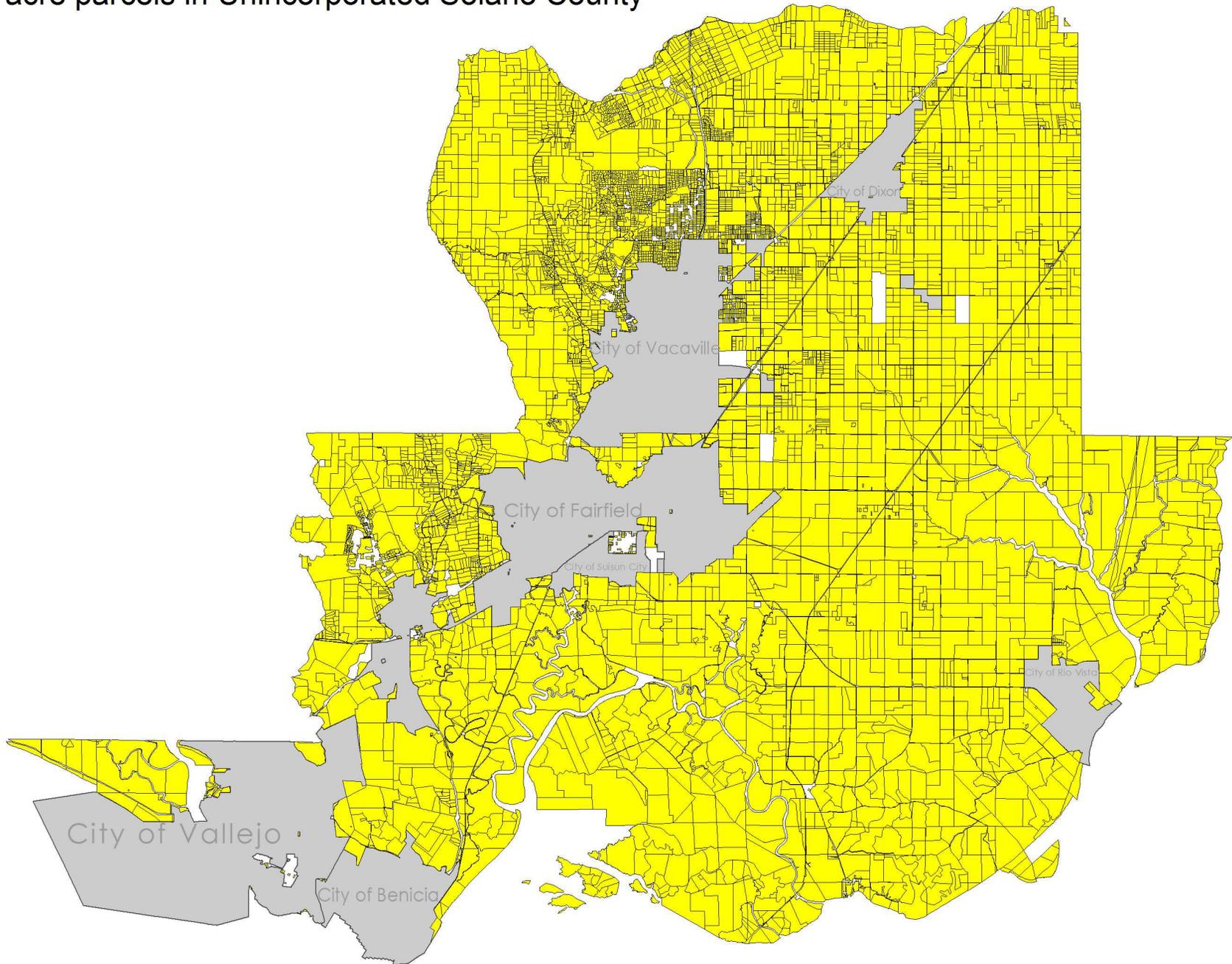
<sup>1</sup> AUMA requires that the grow site be secured and located on the grounds of a residence or within a residence

- L) Any alterations to the structure or electrical system or the means of ingress and egress of a grow room must be done pursuant to current adopted code and have a finalized permit. (3, 4, 7)
- M) Indoor cultivation room must have a working air filtration system sized to insure that odors are not detectable from the exterior of the structure the grow room is located in. (1, 2, 3 4)
- N) Outdoor cultivation may not occur within 50 feet of any property line or easement for road traffic or pedestrian access. (1, 2, 4)
- O) Outdoor cultivation may not occur on any parcel under 2.5 acres. (1, 2, 4)
- P) Require all cultivation sites within the unincorporated county to register with Resource Management or Public Health and declare under penalty of perjury that they comply with all local and state regulations. (3, 7)
- Q) Require all grow sites registered with the County to provide proof of property ownership or approval for cultivation from property owner. (7)
- R) The authorized grower shall reside full-time in the residence where the cultivation occurs. (1, 2, 4)
- S) The authorized grower shall not participate in other cultivations sites in any other location within the county. (1, 2, 4)
- T) If cultivation occurs within residence, the residence shall primarily be maintained as a residence. (1, 2, 4, 5, 7)

# Parcels 1 acre or less in Unincorporated Solano County



## 2.5+ acre parcels in Unincorporated Solano County



# 5.0+ acre parcels in Unincorporated Solano County

