

Solano County

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



Agenda - Final

Thursday, September 21, 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 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

[PC 17-036](#) Minutes of the Meeting of August 3, 2017

Attachments: [minutes](#)

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 17-037](#) Public Hearing to consider specific modifications to the Planning Commission recommended ordinance amending Chapter 28 (Zoning Regulations) regulating non-commercial personal and caregiver cannabis cultivation that include a ban on outdoor cannabis cultivation, redefining greenhouse cannabis cultivation as indoor cultivation, and the addition of an exemption process to allow outdoor cannabis cultivation for the needs of medicinal patients. (Project Planner: Karen Avery)

Attachments: [A - Draft PC Resolution 9.21.17](#)
[Exhibit A to Attachment A - Draft Cannabis Ord](#)
[Attachment A to Exhibit A - tables of allowed uses](#)
[B - Table 1 - Regulatory Options PC Comparison](#)

ANNOUNCEMENTS AND REPORTS

ADJOURN

To the Planning Commission meeting of October 5, 2017 at 7:00 P.M., Board Chambers, 675 Texas Street, Fairfield, CA



Solano County

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

Agenda Submittal

Agenda #:
Type: PC-Document
File #: PC 17-036
Agenda date: 9/21/2017
Title: Minutes of the Meeting of August 3, 2017

Status: PC Minutes
Department: Planning Commission
Contact:
Final action:

Governing body:

District:

Attachments: [minutes](#)

Date	Ver.	Action By	Action	Result
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MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of August 3, 2017

The regular meeting of the Solano County Planning Commission was held in the Solano County Administration Center, Board of Supervisors' Chambers (1st floor), 675 Texas Street, Fairfield, California.

PRESENT: Commissioners Rhoads-Poston, Walker, Hollingsworth, Bauer, and Chairperson Cayler

EXCUSED: None

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Davina Smith, Deputy County Counsel; Jim Leland, Principal Planner; Karen Avery, Senior Planner; Nick Burton, Public Works Engineering; and Kristine Sowards, Planning Commission Clerk

Chairperson Cayler called the meeting to order at 7:00 p.m. with a salute to the flag. Roll call was taken and a quorum was present.

Approval of the Agenda

The Agenda was approved with no additions or deletions.

Approval of the Minutes

The minutes of the regular meeting of July 6, 2017 were approved as prepared.

Items from the Public

There was no one from the public wishing to speak.

Regular Calendar

Item No 1

PUBLIC HEARING to consider Minor Revision No. 1 to Use Permit No. U-06-23 of Elmira Baptist Church for the construction of a new 5400 square foot sanctuary, re-model of existing church facilities and parking lot improvements located at 6111 California Pacific Road, in the unincorporated community of Elmira, in an "RTC-20" Residential Traditional Community Zoning District, APN 0142-041-030. (Project Planner: Karen Avery) **Staff Recommendation:** Approval

Karen Avery provided a brief presentation of staff's written report. The report stated that the applicant is proposing to construct a 5,400 sq. ft. sanctuary as a phased construction project. The proposed sanctuary will be adjacent to the two existing buildings. The proposed sanctuary will accommodate a 230 non-fixed seat auditorium, staff offices, bookstore for church members and a break room for staff and church members. Upon completion of construction of the proposed sanctuary, the applicant proposes to modify the existing stucco building (former sanctuary) to accommodate the need for classrooms and additional restrooms. None of the existing buildings on the site are to be demolished. Ms. Avery also

provided some detail with regard to ingress and egress, parking, and the phasing of the project.

The staff report indicated that Church services are held on Sunday with two main services; one at 9:45 a.m. and the second at 11:00 a.m. The smaller services are held at 6:00 p.m. on Sunday and 7:00 p.m. on Wednesday. Current attendance at the smaller services is 40-60 parishioners; attendance at the main services is between 100-125 parishioners. No changes to the schedule of services are being proposed.

Since there were no questions of staff, Chairperson Cayler opened the public hearing.

The applicant, Jesse Harder appeared before the commission. He stated that they are excited to get the project underway due to their need for a larger facility which allows them to better function as a family church. Mr. Harder agreed with all of the conditions as recommended by staff.

Ms. Avery noted for the commission that condition nos. 4 and 6 in the resolution were duplicates and therefore condition no. 6 would be removed.

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Kelly Rhoads-Poston to adopt the Negative Declaration and approve Minor Revision No. 1 to U-06-23 subject to the recommended findings and conditions of approval. The motion passed unanimously. (Resolution No. 4648)

Item No 2

PUBLIC HEARING to consider Use Permit Application No. U-16-04 of Caymus Suisun Winery for the construction of a large winery and related uses located at 4991 Suisun Valley Road, approximately 450 feet north of Mankas Corner Road in an "A-SV-20" Agriculture-Suisun Valley Zoning District. (APN's: 0149-060-080 and 0149-060-050). The Planning Commission will also be considering adoption of a Mitigated Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Jim Leland) **Staff recommendation:** Approval

Jim Leland provided a brief overview of the written staff report. The report indicated that Caymus Suisun Winery is proposing to construct a large winery with related uses, including tasting, retail sales, marketing and special events on two parcels totaling approximately 29 acres located at 4991 Suisun Valley Road. The proposed winery will have an ultimate production capacity of 200,000 gallons of wine per year and will be built in two phases. This project will allow Caymus Vineyards to introduce new production capacity in Solano County from vineyards under contract, owned, leased and in development from local and other sources. The staff report described in detail the phasing of the project. During harvest season (July through October) the facility will operate 24 hours a day and seven days per week. During non-harvest season (November through June) the facility will operate from 5:00 am until 11:00 pm, seven days per week.

Mr. Leland noted that several letters were received from the public with regard to the negative declaration that was circulated for review. He summarized the comments that were raised in the letters which included concerns about the scale of the proposed development; deficiencies in the County's General Plan, the Suisun Strategic Plan and Zoning with respect to wineries and agritourism; inadequate enforcement of existing permits and regulations; the need for

mitigation for traffic and noise impacts; and the need for an impact analysis for the wastewater system. Mr. Leland stated that in order to resolve ambiguity that was brought out by the public comment period staff made several changes to the conditions of approval to clear up where there were some inconsistencies that made it unclear to the reader exactly what was being approved. The revised conditions were distributed to the commission prior to the hearing.

Commissioner Walker spoke to a comment in the Suisun Valley Strategic Plan that states planned improvements for Suisun Valley will handle the expected increase in vehicle traffic volumes over the next 20 years. He wanted to know if there is actually any work being done from the time the plan was published in 2011.

Mr. Yankovich responded by saying that there are currently some improvements taking place at Mankas Corner where signage is still being installed. He said the plan itself calls for other extensive type improvements but considering the infrastructure at Mankas Corner it is limited. He said the idea in terms of the strategic plan was to identify what type of improvements would be required and start putting forth a plan that would address those through some type of resource, either identified through federal or state or even local funding. He said this would be something that will take time and the improvements would be incremental.

Nick Burton, Public Works Engineering, spoke further on the subject of area improvements currently taking place. He noted that road improvements for bicycle paths have been made with the widening and overlay of roads along Rockville Road from the city limit to Abernathy Road. He stated that Mankas Corner would be the next phase in a few years. Mr. Burton said that by the end of the plan the full pavement width will be extended out to include 5 to 6 foot bike paths with new overlay.

Commissioner Rhoads-Poston inquired about the reference made in the strategic plan regarding parking in the Mankas Corner area. Mr. Burton noted that there have been a few stalls added at Mankas Corner. He stated that the plan does not include for any additional parking to be constructed. He explained that the county has looked into a few options but have been unable to pursue them due to the inability to acquire the necessary land. He believed there is still discussion taking place privately to expand parking off-site which would be outside of the right-of-way, but was not able to speak specifically on the subject.

Commissioner Rhoads-Poston inquired if there were any other locations along Suisun Valley Road where stop signs were anticipated.

Mr. Burton noted that staff is presenting a proposal to the Board of Supervisors at their next meeting asking for approval to install a three-way stop at the Mankas Corner location. He briefly spoke to the criteria used to establish a multi-way stop commenting that once a particular threshold is reached a multi-stop would be established as a safety enhancement.

Commissioner Hollingsworth spoke of the applicant's plan to accommodate overflow parking and wanted to know if that parking area already exists. Mr. Leland explained that should the permit be approved, the next stage would be the submittal of building permits for the phases. He stated that each time a building permit is submitted staff would perform a parking analysis. Mr. Leland noted that the site has plenty of room onsite to handle overflow parking for their largest event.

Commissioner Hollingsworth wanted to know if after the project is built out if the applicant would be required to turn the intersection into a four-way stop. Mr. Leland responded by saying that at the present time there will be a three-way stop because those roads are public streets where the county can erect stop signs. When the property owner connects the private road to the county's system, then they would be required to put in the fourth stop sign on their property.

Chairperson Cayler opened the floor for comments from the project applicant.

Mike Carlson, vice president and general counsel to Caymus Vineyards and Cordelia Winery, LLC, appeared before the commission. He stated that when they first evaluated this site as a potential winery and tasting room one of the things that was critical was not only that it is in a central location in Suisun Valley, but the idea of taking an old historic dry yard site with existing buildings and impermeable surfaces and converting that to a winery with a tasting room was more attractive to them than taking a vineyard away from the valley. They felt that this was a nice feature to the property with the history lending itself to the valley and preserving the old pole barn look. Mr. Carlson stated that the barrel building that they envision preserve that look and they feel that is a nice fit with the area. He noted that they have spent a lot of time looking at traffic and safety and with the four-way stop that will eventually be installed and an entrance into the Anselmo property as well as their property is an improvement that will benefit the public at large. Mr. Carlson spoke briefly to the types of events, phasing of the project and product production.

Both Charlie Wagner and Jenny Wagner spoke before the commission. They shared some family history and noted their excitement to become a part of the valley and to explore the area and experiment with different planting varieties. Ms. Wagner stated that farming and winemaking is a major focus for them and they have a long term vision. Mr. Wagner stated that they care a lot about aesthetics and have given a lot of thought to making sure this winery fits into the surroundings and becomes part of the community.

Chuck Wagner, proprietor of Caymus Vineyards stated that they started their search in Solano County for a location of a winery in 2012. They were lucky and relocated some of their production from Napa Valley and elsewhere to a site along Cordelia Road. He said very soon after that the Suisun Valley drew them in; the beauty of the Upper Valley, the wines, the climate and all the rest. He said in 2014 they began making wine from Suisun Valley grapes. He said they believe in the future of the Suisun Valley as a premier wine region of California, noting that exceptional natural conditions exist in the valley for making fine wine along with a great community of people. Mr. Wagner stated that their efforts in Solano County represent a long term investment and deep commitment by him and his family. He felt Suisun Valley may be at a critical turning point. He commented that with the agricultural preserve in place, the strategic plan allowing for ATC's, the valley's natural beauty, and with the community of farmers, the valley is perfectly positioned for even greater success. He hoped the diversity of farming would continue.

Commissioner Bauer inquired about the hours of operation during crush season and if the operation will be noisy. Mr. Wagner stated that the facility would generally operate during the daytime unless, due to inclement weather, operate over night. Mr. Wagner noted that he currently lives in close proximity to his winery in Napa which is about the same distance from Caymus Suisun Winery to its closest neighbor and he did not feel it was noisy, commenting that he sleeps very well at night.

Chairperson Cayler opened the floor for public comment.

The following individuals spoke in favor of the project (*the names were transcribed from speaker cards that were submitted by the public therefore some misspellings may occur in the translation*): Brad Rowland, Suisun Valley; Roger King, Suisun Valley Vintner Growers Association; Kim and Ron Loney, Fairfield; Cliff and Lisa Howard, Fairfield; Linda and Stephen Tenbrink, Fairfield; Wayne Senalik; Brett Johnson; Suzanne and Lee Pilipson, St. Helena; Chris Livadas; Laura Brasfield, Napa; Jeff Anselmo, Fairfield; Brian Babcock, Fairfield; Dan and Marguerite Capp, Fairfield; Frank Andrews, Suisun Valley; Howard Babcock; Gary Falati, Fairfield; Ron Lanza, Fairfield; Derrick Lum, Fairfield.

There were various reasons given in support of the project. The reasons stated were, but are not limited to, the project applicants being long time area winemakers who have contributed to the local community and are an asset to the Valley by helping create jobs. They draw in customers to complement the existing wineries, restaurants and merchants and positively impact the economy. They are a benefit to the local school due to the educational opportunities and hands-on learning they can provide. They help with the preservation of agricultural land and are active in community fundraising activities. There were several comments made with regard to traffic and how the amount of traffic is generated mainly from the school and area commuters. It was also stated that noise is not an issue and the operation would not increase the noise levels that already exist. The resident that would reside the closest distance to the winery was not worried about noise. One speaker stated that Suisun Valley is unique to grape growing and noted the importance of branding Suisun Valley in order for it to be successful.

The following individuals spoke in opposition to the project (*the names were transcribed from speaker cards that were submitted by the public therefore some misspellings may occur in the translation*): Mary Browning, Fairfield; Annie McDonnell, Fairfield; Valerie Dodini, Fairfield.

There were various reasons given in opposition to the project. The reasons stated were, but are not limited to, concern with noise, an increase in traffic, and health and safety risks to the children of Suisun Valley School. One speaker noted the attractive nuisance that would exist by the applicant's proposal to place a historic tractor on site in plain view of the school. There was concern about the danger of people driving under the influence, the impacts of ongoing construction due to dust and noise and traffic, and with the construction taking place immediately across from the school, the construction site could become a further attractive nuisance to school children. There was concern about groundwater impacts if there is need for additional wells in the area. One speaker noted that Wooden Valley Road is already saturated with traffic not to mention the increased danger to cyclists. There was reference made to a past lawsuit that was settled by Caymus for overproduction of what their permit allowed. She wondered what would stop that from happening at this site. There was concern about adequate road width and funding to support infrastructure, also possible long term effects of the use of pesticides. One speaker commented that the proposed location is inadequate and is larger than anything originally allowed for in the Strategic Plan and General Plan. She said there is enormous infrastructure cost that will never be recouped and there is no road funding. There was a mention made that not all profits from the winery will remain in the area if wine is exported out of state. One speaker suggested forming a citizens committee to share ideas and options to address some of these issues.

Since there were no further speakers, Chairperson Cayler closed the public hearing.

Commissioner Rhoads-Poston stated that this proposal sounds like a great project. She commented that when the Suisun Valley Strategic Plan was adopted there was a great amount of public comment and a lot of discussion that took place so that it would be a great plan for the Suisun Valley.

Commissioner Walker thanked staff for all their follow up work and for making modifications to the conditions as a result of public input. He stated that public comments are important to the commission and helps in the decision making process and leads to further research and better understanding among the commission. Commissioner Walker stated that this project sounds like it will be a big win for Suisun Valley.

Commissioner Hollingsworth said that this is the first time he has seen this many people come forward to support a project. He stated that he drove out to the site recently and observed that the facility is old but is organized and the fact that the applicant is going to restore the area without adding to the footprint is a major reason he thought the objections to the size was not relevant. Commissioner Hollingsworth commented that since discovering the wineries in the Suisun Valley he was amazed at the affordability of the wines compared to Napa. He said that he agrees the three-way stop is necessary because traffic in the area does appear to be bad.

Commissioner Bauer stated that she sees a lot of very positive aspects about this proposal. She said she likes the idea of this operation being family run and that it would create jobs and help keep revenue in the valley, but she noted her concern with the amount of traffic and the size of the facility and therefore could not vote in favor of the project as it stands.

Chairperson Cayler thanked the audience for attending and for the positive feedback. She stated that she feels this project is a plus for Solano County and a plus for Suisun Valley.

Commissioner Rhoads-Poston said that she would be interested in knowing if any studies have ever been done with regard to putting a stop sign on Suisun Valley Road at Wooden Valley. Public Works staff noted that they would put together information with regard to that request and provide it to the commission at a later date.

A motion was made by Commissioner Kelly Rhoads-Poston and seconded by Commissioner Hollingsworth to adopt the Mitigated Negative Declaration and approve Use Permit Application No. U-16-04 subject to the recommended conditions of approval as amended. The motion passed 4-1 with Commissioner Bauer dissenting. (Resolution No. 4649)

ANNOUNCEMENTS and REPORTS

There were no announcements or reports.

Since there was no further business, the meeting was **adjourned**.

March of 2017, in which staff received public input on possible regulations on personal and “caregiver” cultivation as well as comments on commercial types of cannabis regulations. After a public hearing on March 16, 2017, the PC made their formal recommendation to the Board of Supervisors on personal and “caregiver” cannabis cultivation.

Since the time that the PC made their formal recommendation in March, there have been changes to state law in regards to cannabis regulation. The PC approved draft ordinance was amended to reflect these changes and was included in the draft ordinance submitted to the Board of Supervisors for their consideration at a special Board of Supervisors meeting on August 29, 2017.

On August 29, 2017, the Board of Supervisors held a public hearing on the Planning Commission’s recommended draft ordinance amending Chapter 28 (Zoning Regulations) for personal and caregiver cultivation. After Board discussion and public comment, the Board requested several modifications to the Planning Commission-recommended ordinance: ban of all outdoor cannabis cultivation (personal and caregiver), redefine greenhouse cannabis cultivation as indoor cultivation; and add an exemption process to allow limited outdoor cannabis cultivation for medicinal patients.

As one or more of these modifications were not previously considered by the Planning Commission, the modifications must now go before the Planning Commission for their report and recommendation pursuant to Government Code section 65857.

ENVIRONMENTAL ANALYSIS:

All zones where the proposed personal use of cannabis cultivation would occur are already able to have a “kitchen garden” incidental to a residential use. Growing six mature cannabis plants and/or twelve immature cannabis plants are similar to the establishment of a kitchen garden. In accordance with the California Environmental Quality Act (CEQA), it has been determined that this project is exempt from further environmental review under Section 15061(b)(3) of Title 14 of the California Code of Regulations because there is no possibility that the project may have a significant effect on the environment.

DISCUSSION:

Status of State Law and Recent Changes

As mentioned above, after the Planning Commission (PC) issued their recommendation in March 2017, SB 94 (referred to as MAUCRSA - Medicinal Adult Use Cannabis Regulation and Safety Act) was signed by Governor Brown on June 27, 2017. The primary purpose of MAUCRSA was to try to combine the Medical Cannabis Regulation and Safety Act (MCRSA) and the Adult Use of Marijuana Act (AUMA) to harmonize the laws regulating medicinal and recreational cannabis.

Previously, under state law medical cannabis cultivation for personal use was limited to a maximum of 100 square feet of canopy, while cultivation of personal recreational cannabis was limited to six (6) plants. Under MAUCRSA references to medical and recreational cannabis were eliminated in favor of calling both types of cultivation “personal cultivation”. Also, the amount of cannabis that can be cultivated for individual personal medicinal and recreational use is now the same - 6 plants. Instead of 500 square feet for “caregiver” cultivation for up to five patients, MAUCRSA allows a caregiver to cultivate no more than six (6) mature plants or twelve (12) immature plants per patient for up to five (5) patients. The amended ordinance includes the new state cultivation amounts of no more than to six (6) mature plants for non-commercial personal cultivation and “caregiver” cultivation of no more

than six (6) mature plants or twelve (12) immature plants for up to five (5) patients.

MAUCRSA continues to allow local jurisdictions to regulate or even ban both outdoor cultivation of personal and “caregiver” cultivation. MAUCRSA continues to allow local jurisdictions to ban indoor “caregiver” cultivation. However, MAUCRSA does not allow local jurisdictions to ban indoor cultivation for personal use. Local jurisdictions must allow indoor cultivation of up to six plants within a private residence or in an accessory structure on the grounds of a private residence. Local jurisdictions can further regulate indoor cultivation if they choose.

The PC recommended draft ordinance would allow personal and “caregiver” cultivation in zoning districts that allow a residence as a primary use, this would include Rural Residential, Residential Traditional Community including Mixed Use and Multi Family, the Exclusive Agricultural zones, the Marsh Preservation and Watershed/Conservation zones as well as Commercial Recreation zones. The zones that do not allow a residence by-right and therefore would not be eligible to cultivate personal use cannabis are in the Industrial Water Dependent Zone (I-WD), the Industrial Agricultural Service Zone (I-AS), Commercial Highway, Commercial Neighborhood, and Commercial Service Zones.

Planning Commission Draft Ordinance

Personal or Medicinal Cultivation:

The PC draft ordinance allows outdoor cultivation for both personal and caregiver cultivation. Personal cultivation of up to six (6) plants may occur outdoors if it occurs on a parcel with a residence inhabited by the person for whom the cannabis is intended; on the rear 50% of the parcel, screened from public view and with no part of the cannabis plant within ten (10) feet of any property line or easement. The PC recommended ordinance did not include a minimum parcel size for outdoor personal cultivation.

Caregiver Cultivation:

The PC draft ordinance requires general standards for “caregiver” cultivation regardless of whether the cultivation occurs indoors or outdoors. A complete list of these standards is provided in Table 1.0 “Regulatory Options Considered by Planning Commission” (Attachment C). Some of the general standards for “caregiver” cultivation in the PC Draft Ordinance include a requirement that the cultivator obtain a yearly Administrative Permit from the Department of Resource Management, pay permit fees, and provide proof of ownership or landlord permission.

Modified Draft Ordinance

The Board recommended amending the PC draft ordinance to omit outdoor cultivation of both personal and caregiver cultivation citing concern for potential impacts to neighbors. Additional standards were added to the requirements of the administrative permit for caregiver cultivation to decrease the potential for nuisances created from caregiver cultivation. However, the Board recommended that cannabis cultivation within a greenhouse located on the grounds of a residence should be considered indoor cultivation and not outdoor cultivation as stated in the PC draft ordinance. The Board also recommended that there be an exception request process available for medicinal patients who wish to cultivate a limited number of medicinal cannabis plants outdoors.

Staff has amended the draft ordinance to reflect these modifications. See, Exhibit A of Attachment A. (Strikethrough indicates removal; underlined represents addition). The following is a synopsis of the proposed modifications.

Section III. Section 28.82 A. General Requirements

- Removal of allowance of outdoor cultivation for personal and primary caregivers

Section III. 28.82 B. Definitions

- Definitions have been updated to clarify cultivation room
- Addition of the exception for medicinal cannabis outdoor cultivation
- Addition of greenhouse cultivation to the definition of what is defined as indoor cannabis cultivation
- Removal of greenhouse in the definition of outdoor cannabis cultivation

Section III. 28.82 D. Personal Cannabis Cultivation Standards

- Removal of outdoor cannabis cultivation language
- Addition of language clarifying greenhouse cultivation and lighting restrictions

Section III.28.82 E. Primary Caregiver Cultivation

- Clarification of application requirements for filing an Administrative Permit
- Removal of outdoor caregiver cannabis cultivation language
- Clarification of greenhouse cultivation and lighting restrictions
- Additional standards were added to the Administrative Permit to reduce potential nuisances

Section III.28.82 F. Exception for Medicinal Cannabis Outdoor Cultivation

- Addition of language describing the process for applying for an exception
- Limiting exception to two (2) plants to be grown outdoors
- Clarifies the items required by the applicant for consideration for an exception
 - Proof of ownership or landlord permission
 - Proof of medicinal need
- Plot plan where medicinal outdoor cultivation would occur (10' from property lines and within 150' of residence
 - Payment of fee
 - Notification of contiguous neighbors/10-day issuance if no opposition
- Explanation of hearing process if contiguous neighbor appeals exemption request
 - Explanation of granting exception request

RECOMMENDATION:

The scope of the review by the Planning Commission is limited to the modifications described above and which are shown in the attached amended draft ordinance. The Planning Commission's previous recommendation as to the non-modified portions of the ordinance and the recommendation regarding the California Environmental Quality Act (CEQA) remain in place and are not subject to further study by the Planning Commission. Staff recommends that the Planning Commission consider the modifications to the ordinance and recommend the Board approve the amended draft ordinance to the Board for approval.

ATTACHMENTS:

- A. Draft Resolution with Exhibit A - Modified Ordinance

B. Table 1.0 “Regulatory Options Considered by Planning Commission”

**SOLANO COUNTY PLANNING COMMISSION
RESOLUTION NO. _____**

**RECOMMENDING ADOPTION OF AN ORDINANCE AMENDING CHAPTER 28 TO ALLOW
NON-COMMERCIAL PERSONAL USE AND PRIMARY CAREGIVER CANNABIS
CULTIVATION IN EVERY ZONE THAT ALLOWS A RESIDENCE AS A PRIMARY USE AND
ADDING SECTION 28.82 TO REGULATE NON-COMMERCIAL CANNABIS CULTIVATION
FOR PERSONAL USE AND PRIMARY CAREGIVER CULTIVATION 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 indoor 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 primary 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, Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) was signed by the Governor on June 27, 2017 and was generally intended to impose the same requirements on both medicinal and recreational cannabis, where possible; and

WHEREAS, MAUCRSA provided that a recreational cannabis user could cultivate up to six (6) cannabis plant, a patient could cultivate up to six (6) mature and twelve (12) immature cannabis plants, and a caregiver of a patient could cultivate up to six (6) mature and twelve (12) immature plants for up to five (5) patients; and

WHEREAS, MAUCRSA provided that such cultivation amounts would be exempt from state commercial cannabis activity licensing requirements as long as the cultivator was in compliance with both when done the cultivator was in compliance with Business and Professions Code section 26033 and Health and Safety Code section 11362.1; 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 Board of Supervisors enacted a moratorium on commercial marijuana activities and personal and caregiver outdoor cultivation on December 6, 2016 and extended it on January 10, 2017, allowing the County time to gather public input and consider how best to regulate cannabis locally under MCRSA, AUMA, MAUCRSA and to consider the regulations that the State of California are drafting; and

WHEREAS, the Board of Supervisors, at public meetings on November 1, 2016 and January 24, 2017 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, the Solano County Planning Commission held public meetings on November 17, 2016 and January 19, 2017 to invite public comment and discuss potential reasonable regulations for personal and caregiver cultivation of cannabis; and

WHEREAS, on February 8, 2017, County staff held a community meeting to hear from the public regarding reasonable regulations for personal cultivation and caregiver cultivation; and

WHEREAS, the Solano County Planning Commission recommended the Board of Supervisors adopt amendments regarding non-commercial personal and caregiver cannabis cultivation to the Chapter 28 Zoning Regulations on March 16, 2017; and

WHEREAS, during a noticed public meeting on August 29, 2017, the Board of Supervisors reviewed and discussed the Planning Commission's recommendation and the proposed ordinance and after receiving public comment, directed staff to amend the Planning Commission-recommended ordinance to include one or more modifications that had not been reviewed and considered by the Planning Commission; and

WHEREAS, in compliance with Government Code section 65857, the Board of Supervisor's modifications to the proposed ordinance has been referred to the Planning Commission for a report and recommendation; and

WHEREAS, on September 21, 2017 the Planning Commission reviewed and discussed the Board of Supervisor's modifications and received public comment and a staff report.

NOW THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above Recitations are true and correct; and
2. The Planning Commission does hereby report and recommend that the Board of Supervisors adopt the proposed modifications to the amendments to Chapter 28 of the zoning code (Exhibit A).

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on September 21, 2017 by the following vote:

AYES:	Commissioners	_____

NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
EXCUSED:	Commissioners	_____

By: _____
Bill Emlen, Secretary

DRAFT

ORDINANCE NO. 2017-_____

AN ORDINANCE AMENDING CHAPTER 28 TO ALLOW NON-COMMERCIAL PERSONAL USE AND PRIMARY CAREGIVER CANNABIS CULTIVATION IN EVERY ZONE THAT ALLOWS A RESIDENCE AS A PRIMARY USE AND ADDING SECTION 28.82 TO REGULATE NON-COMMERCIAL CANNABIS CULTIVATION FOR PERSONAL USE AND PRIMARY CAREGIVER CULTIVATION IN UNINCORPORATED SOLANO COUNTY

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

SECTION I. Findings

- 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. The Medical Marijuana Regulation and Safety Act (MMRSA, later changed to MCRSA by SB 837) was enacted 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.
- E. In response to the new state laws regulating medicinal cannabis, the Board of Supervisors directed staff to develop and bring forward a zoning ordinance regulating medicinal cannabis cultivation for personal use within the jurisdictional boundaries of Solano County
- F. 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 provided that cities and counties retain local regulatory control over commercial recreational cannabis, but that 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.

- G. In order to preserve the status quo pending the creation and adoption of local regulations in response to MCRSA and AUMA, the Board of Supervisors on December 6, 2016 adopted interim urgency ordinance number 2016-1781 prohibiting all commercial cannabis and marijuana activities, as well as the outdoor cultivation of cannabis and marijuana for personal use. This prohibition on personal outdoor cultivation was numbered in ordinance 2016-1781 as section 4 and entitled "Interim Prohibition of Outdoor Cultivation of Marijuana for Personal Use". The Board extended ordinance number 2016-1781 in its entirety on January 10, 2017.
- H. The Solano County Planning Commission held public hearings on November 17, 2016, January 19, 2017 and March 16, 2017 regarding personal cultivation of medical and recreational cannabis, during which the Commissioners took public comment and reviewed and considered a large number of possible regulations in the draft personal cannabis cultivation ordinance. On March 16th, the Planning Commission recommended the Board of Supervisors adopt the personal cultivation ordinance.
- I. However, on June 27, 2017, the Governor signed the Medicinal and Adult Use of Cannabis Regulation and Safety Act ("MAUCRSA" or "SB 94"), which merged the medical and recreational cannabis laws to the extent possible.
- J. MAUCRSA resulted in minor changes that needed to be made to the Planning Commission approved draft ordinance in order to comply with this new state law.
- K. Regulation in this area is needed because the unregulated personal cultivation of cannabis in the unincorporated area of Solano County has the potential to adversely affect the health, safety, and well-being of the County, its residents and the 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.
- L. Children are particularly vulnerable to the effects of cannabis use and the unregulated presence of cannabis plants or finished cannabis is an attractive nuisance for children.
- M. The ability to cultivate cannabis plants for non-commercial personal use conferred by MAUCRSA, 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 MAUCRSA, 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.
- N. 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 or County law.
- O. 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.

SECTION II.

The Residential Allowed Uses in the Tables of Allowed Uses in sections 28.21, 28.22, 28.23, 28.31, 28.32, 28.41, 28.42, 28.43, 28.51, 28.52, 28.61 of Article II, Chapter 28 are hereby amended as depicted in Attachment A to allow by right personal cultivation of cannabis plants in a residence, or in an accessory structure on the grounds of a residence ~~or outdoors on the grounds of a residence~~, subject to the land use regulations at section 28.82, in all zones where a residence is a principally permitted use. Primary caregiver cultivation is allowed with an administrative permit in in all zones where a residence is a principally permitted use, subject to the land use regulations at 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 Personal Cannabis Cultivation and Primary Caregiver Cultivation Uses

A. General Requirements.

1. Personal and primary caregiver 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 applicable standards in this Chapter and complies with all state and county laws.
- ~~2. Personal and primary caregiver cannabis cultivation outdoors on the grounds of a residence shall be allowed if it meets the applicable standards in this Chapter and complies with all state and county laws.~~

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, as defined by Section 11018 of the Health and Safety Code as may be amended. Cannabis is classified as an agricultural product separately from other agricultural crops or commodities.
2. Cultivation Room: a fully enclosed and lockable room inside the premises or structure where cannabis is planted, grown, and harvested.
3. Exception for Medicinal Cannabis Outdoor Cultivation: process by which a qualified patient, as defined herein, may request an exception to the general prohibition on outdoor cannabis cultivation to cultivate a limited number of medicinal cannabis plants outdoors.

4. Greenhouse: A structure designed to control the heat and humidity of the growing environment of plants. To be deemed a greenhouse under this section, the structure must be fully enclosed, able to be secured with a lock and have rigid walls and a roof designed to let sunlight through. A greenhouse is subject to all applicable County permitting requirements.
5. Indoor Cannabis Cultivation: cultivation of cannabis using artificial lighting inside a structure that can be secured with a lock and which has a permanent floor, walls, and roof. Cannabis cultivation in a greenhouse that conforms to the requirement of this section shall be deemed indoor cannabis cultivation.
6. Marijuana: see “Cannabis”, above.
7. Outdoor Cannabis Cultivation: cultivation of cannabis occurring exclusively outdoors, using natural light and not within a structure. Cultivation inside a hoop house, ~~greenhouse~~ or similar shall be deemed outdoor cultivation.
8. Personal Cannabis Cultivation or Personal Cannabis: any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis in compliance with state and county law by a) medicinal cannabis patients in accordance with Health and Safety Code section 11362.77(a) and Business and Professions Code section 26033(a), as may be amended, or b) recreational cannabis users in accordance with Health & Safety Code section 11362.1(a)(3), as may be amended. Such cultivation shall not be considered a commercial activity only as long as it is in compliance with this Article and state law.
9. Primary Caregiver Cultivation or Caregiver Cultivation: any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis by a designated primary caregiver for up to five qualified patients in compliance with county and state laws, including Health and Safety Code section 11362.77(a) and 11362.7(d), as may be amended. Such cultivation shall not be considered a commercial activity only as long as it is in compliance with this Article, as well as Business and Professions Code section 26033(b) and Health and Code section 11362.765(c), as they may be amended.
10. Primary Caregiver Administrative Permit: a permit that must be obtained by a primary caregiver prior to cultivating for qualified patients or holders of Medical Marijuana Identification Cards. This permit shall be issued pursuant to the requirements of section 28.101 (Administrative Permit) and this section.
11. Primary Caregiver or Caregiver: an individual designated by a qualified patient 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.
12. Qualified Patient: a person who is entitled to the protections of Health and Safety Code section 11362.5 and possesses either a Medicinal Cannabis Identification Card or a

Medicinal Cannabis Physician's Recommendation as defined in Health and Safety Code sections 11362.7(c) and (f), as may be amended.

C. Personal and Caregiver Cultivation Amounts

The following amounts of personal and caregiver cannabis may be cultivated so long as the cultivation is in compliance with county and state law and regulations and the Cultivation Standards provided herein:

1. Qualified patients may cultivate up to six (6) mature or twelve (12) immature cannabis plants for their own use ~~outside~~, inside a private residence, or in a permanent residential accessory structure located on the grounds of a private residence in compliance with the Personal Cannabis Cultivation Standards.
2. A primary caregiver of qualified patients may cultivate up to six (6) mature or twelve (12) immature cannabis plants per qualified patient ~~outside~~, inside a private residence, or in a permanent residential accessory structure on the grounds of a private residence in compliance with the Caregiver Cultivation Standards and upon obtaining a Primary Caregiver Administrative Permit.
3. Individuals may cultivate up to six (6) cannabis plants for their own use ~~outside~~, inside a private residence, or in a permanent residential accessory structure located on the grounds of a private residence in compliance with the Personal Cannabis Cultivation Standards.

D. Personal Cannabis Cultivation Standards

1. ~~Outdoor Cannabis Cultivation~~

- ~~a. The outdoor cultivation must occur on a parcel with an inhabited residence. The residence must be occupied by the person for whom the personal use cannabis grown on that parcel is intended.~~
- ~~b. Outdoor personal cannabis cultivation must occur in the rear 50% of the parcel.~~
- ~~c. All parts of the cannabis plant must be at least 10 feet from any property line or easement and must be screened from public view.~~
- ~~d. The location of outdoor cannabis drying, curing, and trimming activities must be in a fenced and secured area that is not accessible to household visitors or underage individuals.~~

2. 1. Indoor Cannabis Cultivation

- a. The indoor cultivation of personal use cannabis must occur within either an inhabited residence or in a permanent residential accessory structure on the grounds of an inhabited residence. The residence must be occupied by the person for whom the personal use cannabis grown on that parcel is intended.
- b. The location of indoor cannabis cultivation, drying, curing, ~~and trimming,~~ and other processing activities must be in a secured room not accessible to visitors or underage individuals.
- c. Gas products (including, but not limited to CO2, butane, propane, and natural gas) or ozone generators shall not be used in any cultivation room.
- d. No open flame or burning of any substance may occur in the cultivation room.
- e. In the event electric lights are used in a greenhouse to cultivate cannabis, the lights must be either turned off between the hours of 9 p.m. and 6 a.m. or the greenhouse must be shielded so that any such light is not visible from a contiguous property.

E. Primary Caregiver Cultivation

1. Primary Caregiver Administrative Permit

- a. All individuals who intend to cultivate cannabis as a primary caregiver must obtain a yearly administrative permit from the Department of Resource Management in compliance with the requirements of this section and section 28.101. The following shall be provided by an applicant, along with any other information required in section 28.101, in order to process a caregiver cultivation administrative permit:
 - i. Completed Primary Caregiver Administrative Permit application.
 - ii. Proof of legal ownership of the parcel or written documentation from a landlord that the applicant has permission to cultivate cannabis as a caregiver at the subject location.
 - iii. Proof of caregiver status and the total number of patients for whom the primary caregiver cultivates cannabis. Information identifying any patient will not be retained and caregiver status shall be verified solely for the purposes of ensuring compliance with and eligibility for a Primary Caregiver Administrative Permit in compliance with Business and Professions Code section 26162(a).
 - iv. Plot plan of the parcel where the cultivation will occur, ~~on the parcel, or including the location of the cultivation room or greenhouse in the permanent residential accessory structure on the parcel, or in the residence on the parcel.~~

- v. Signed acknowledgement that County personnel will schedule a site visit with the applicant to review compliance with the Primary Caregiver Cultivation Standards, as well as any applicable requirements of the County Code.
- vi. Signed acknowledgement that the primary caregiver operation shall not generate traffic in excess of that normally associated with the residential use of the property and that no patients shall visit the site between the hours of 8 p.m. and 8 a.m.
- vii. Signed acknowledgement that the primary caregiver cannabis cultivation site shall not generate noise, odor, dust, glare, vibration, or electrical interference to neighboring properties or constitute a nuisance, or be detrimental to the health, safety, peace, morals, comfort or general welfare of the public.
- viii. Signed acknowledgement that a Primary Caregiver Administrative 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.
- ix. Signed acknowledgement that a caregiver cultivation administrative permit may be denied or revoked in the event the cultivation does not occur in compliance with the requirements of County code and state law.
- x. Payment of a fee, as established by the Board of Supervisors, to recover the reasonable costs of administering this administrative permit program.

2. Primary Caregiver Cultivation Standards

~~a. Outdoor Caregiver Cultivation~~

- ~~i. Upon obtaining a yearly Primary Caregiver Administrative Permit, caregiver cultivation may occur outdoors on a parcel one acre or larger that has a residence inhabited by the primary caregiver cultivating the medicinal cannabis or at least one patient for whom the medicinal cannabis is intended.~~
- ~~ii. Caregiver cultivation must occur in the rear 50% of the parcel and any cannabis canopy area must be at least 20 feet from any property line or easement and must be screened from public view and or public right of way.~~
- ~~iii. Drying, curing, trimming, and any other cannabis processing activities must be in a secured area not accessible to visitors or underage individuals.~~

~~iv. Electrical lights shall not be used for outdoor cannabis cultivation.~~

a. Indoor Caregiver Cultivation

- i. Upon obtaining a yearly Primary Caregiver Administrative Permit, a primary caregiver may cultivate medicinal cannabis in an inhabited residence or in a permanent residential accessory structure or a greenhouse on the grounds of an inhabited residence. The primary caregiver cultivating the medicinal cannabis or at least one patient for whom the medicinal cannabis is intended must inhabit the residence.
- ii. Window coverings must be utilized in the indoor cultivation room to minimize, to the extent possible, light pollution from grow lights. In the event electric lights are used in a greenhouse to cultivate cannabis, the lights must be either turned off between the hours of 9 p.m. and 6 a.m. or the greenhouse must be shielded so that any such light is not visible from a contiguous property.
- iii. Gas products (including, but not limited to CO₂, butane, propane, and natural gas) or ozone generators shall not be used in any cultivation room.
- iv. No open flame or burning of any substance may occur in the cultivation room.
- v. The use of generators or extension cords to power any cultivation equipment is prohibited, except as an emergency back-up system. .
- vi. Cultivation, drying, curing, trimming, and any other cannabis processing activities must be in a secured area not accessible to visitors or underage individuals.

F. Exception for Medicinal Cannabis Outdoor Cultivation

1. A qualified patient, as defined herein, may request an exception to the general prohibition on outdoor cannabis cultivation to cultivate two (2) medicinal cannabis plants outdoors on a yearly basis. In no case will a qualified patient cultivate more than six (6) mature or (12) immature cannabis plants total on a parcel regardless of whether the patient's cannabis cultivation occurs indoors or outdoors.
 - a. To apply for an exception request, the qualified patient or their caregiver must submit the following:
 - i. Completed Exception Request form.

- ii. Proof of legal ownership of the parcel or written documentation from a landlord that the applicant has permission to cultivate medicinal cannabis.
 - iii. Proof of qualified patient status. Information identifying any patient will not be retained and patient status shall be verified solely for the purposes of ensuring compliance with and eligibility for an Exception for Medicinal Outdoor Cultivation in compliance with Business and Professions Code section 26162(a).
 - iv. Plot plan of the parcel where the medicinal outdoor cultivation will occur, indicating that the outdoor cultivation area is at least ten (10) feet from any property line and within 150 feet of a residence on the parcel.
 - v. Payment of a fee, as established by the Board of Supervisors, to recover the reasonable costs of administering this program.
2. Upon receiving all required information and fees, the County shall provide notice of the Exception for Medicinal Cannabis Exception Request to all contiguous neighbors of the parcel for which the exception is requested. This notice shall provide ten (10) business days for a contiguous neighbor to request a hearing on the Exception Request. In the event no timely request for a hearing is made, the Exception shall be granted. An approved Exception shall expire one (1) year after being granted.
3. In the event a hearing is requested by a contiguous neighbor, the zoning administrator shall set the Exception Request for a hearing. Both the contiguous neighbor and the Exception Request applicant may present relevant evidence and testimony at the hearing
 - a. Factors that may be considered by the zoning administrator in granting or denying an Exception Request include, but are not limited to:
 - i. Placement of the outdoor cultivation site in relation to structures on the parcel or on contiguous properties;
 - ii. Physical characteristics of the property proposed for an Exception Request, as well as contiguous properties;
 - iii. The presence of sensitive receptors, such as child care facilities and schools; and
 - iv. History of compliance with County Codes and the existence of any code enforcement cases regarding the property.

- b. In granting an Exception Request, the Zoning Administrator may impose any reasonable conditions upon the outdoor medicinal cannabis cultivation.
- c. Any decision to grant or deny an Exception Request shall be in writing and shall become effective on the date of mailing the decision by U.S. Post.

G. Enforcement

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

SECTION IV. Repeal of Section 4 “Interim Prohibition of Outdoor Cultivation of Marijuana for Personal Use” of Ordinance Number 2016-1781.

The Board of Supervisors now repeals section 4 of Ordinance 2016-1781. The remaining sections of Ordinance 2016-1781 shall be unaffected by this action.

SECTION V. Environmental Determination.

In accordance with the California Environmental Quality Act (CEQA), it has been determined that this project is exempt from further environmental review under Section 15061(b)(3) of Title 14 of the California Code of Regulations because there is no possibility that the project may have a significant effect on the environment. The Director of Resource Management is directed to file a Notice of Exemption in accordance with CEQA.

SECTION VI. 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 VII. 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 _____

JOHN M. VASQUEZ, Chair
Solano County Board of Supervisors

ATTEST:
Birgitta E. Corsello, Clerk
Board of Supervisors

By: _____
Jeanette Neiger, Chief Deputy Clerk

TABLE 28.21A TABLE OF ALLOWED USES

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

- - - = Prohibited

ALLOWED USES* *See Definitions Section 28-01	Permit Requirements				Land Use Regulations** **See Section 28-70.10
	A-40	A-80	A-20	A-160	
RESIDENTIAL USES					
A. DWELLINGS					
Primary dwelling	A	A	A	A	28.72.10(A)
Secondary dwelling	A	A	A	A	28.72.10(A) & (B)(6)
Second Kitchen	AP	AP	AP	AP	28.72.10(A) & (B)(7)
<u>Cannabis Cultivation</u>					
<u>Caregiver</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>28.82</u>
<u>Personal</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>28.82</u>
B. TEMPORARY RESIDENTIAL USES					
Security quarters for a construction site (commercial coach, manufactured home or recreational vehicle)	AP	AP	AP	AP	28.72.20(A) & (B)(1)
Temporary Manufactured Home Storage	AP	AP	AP	AP	28.72.20(A) & (B)(4)
Temporary single family home	AP	AP	AP	AP	28.72.20(A) & (B)(6)
C. C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE					
Small Kennel or Cattery	AP	AP	AP	AP	28.72.30(A) & (B)(3)
Stable, private	A	A	A	A	28.72.30(A) & (B)(5)
D. OTHER RESIDENTIAL USES					
Cottage Industry					
<i>Type I</i>	MUP	MUP	MUP	MUP	28.72.40(A) & (B)(1)
<i>Type II</i>	UP	UP	UP	UP	
Home occupation					
<i>Type I</i>	A	A	A	A	28.72.40(A) & (B)(2)
<i>Type II</i>	AP	AP	AP	AP	

Table 28.22A TABLE OF ALLOWED USES

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

ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	A-SM-80 & A-SM-160 Zoning Districts	See Section 28.70.10
28.71 AGRICULTURAL USES		
A. CROP PRODUCTION AND GRAZING		
Agricultural accessory buildings	A	28.71(A) & (B)(1)
Cultivated and irrigated farming	A ⁽²⁾	
Non-irrigated and non-cultivated farming	A ⁽²⁾	
Grazing	A ⁽²⁾	
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. AGRICULTURAL PROCESSING USES		
None allowed		
C. ANIMAL FACILITIES AND OPERATIONS		
None allowed		
D. OTHER AGRICULTURAL OPERATIONS		
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)
28.72 RESIDENTIAL USES		
A. DWELLINGS		
Primary Dwelling ⁽³⁾	A	28.72.10(A)
Secondary Dwelling	A	28.72.10(A) & (B)(6)
Second Kitchen	AP	28.72.10(A) & (B)(7)
<u>Cannabis Cultivation</u>		
<u>Caregiver</u>	<u>AP</u>	<u>28.82</u>
<u>Personal</u>	<u>A</u>	<u>28.82</u>
B. TEMPORARY RESIDENTIAL USES		
Temporary single family dwelling	AP	28.72.20(A) & (B)(6)
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE		
Small kennels and catteries	AP	28.72.30(A) & (B)(3)

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				
ALLOWED USES*				
*See Definitions Section 28-10				
	A-SV-20	ATC	ATC-NC	Land Use Regulations** ** See Section 28-70.10
RESIDENTIAL USES				
Accessory buildings and uses ⁽⁷⁾	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
Temporary Accommodations				
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
<u>Cannabis Cultivation</u>				
<u>Caregiver</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>28.82</u>
<u>Personal</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>28.82</u>
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES				

TABLE 28.31A TABLE OF ALLOWED USES

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 Definitions Section 28-10				**See Section 28-70.10
	RR-2.5	RR-5	RR-10	
28.72 RESIDENTIAL USES				
A. DWELLINGS				
Accessory buildings and uses ⁽¹⁾				
<i>Accessory building greater than 2,500 square feet in size⁽⁴⁾</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⁽²⁾</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 ⁽⁴⁾	A	A	A	
<u>Cannabis Cultivation</u>				
<u>Caregiver</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>28.82</u>
<u>Personal</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>28.82</u>
B. TEMPORARY RESIDENTIAL USES				
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 ⁽³⁾	MUP	MUP	MUP	28.72.20(B)(6)
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE				
Grazing or keeping of animals other than hogs, not exceeding two animal units per net acre of ownership	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

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

- - - = Prohibited

ALLOWED USES* *See Definitions Section 28-10	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	
AGRICULTURAL USES						
A. CROP PRODUCTION						
Cultivated and irrigated farming	A	A	A	A	- - -	
Non-irrigated and non-cultivated farming	A	A	A	A	- - -	
RESIDENTIAL USES						
A. DWELLINGS						
Accessory buildings and uses ⁽¹⁾						28.72.10 (A) & (B)(1)
<i>Accessory building greater than 2,500 square feet in size⁽²⁾</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⁽²⁾</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 ⁽⁵⁾	A	A	A	A	A	
Cannabis Cultivation						
<u>Caregiver</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>28.82</u>
<u>Personal</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>28.82</u>
B. TEMPORARY RESIDENTIAL USES						
Temporary emergency dwelling	AP	AP	AP	AP	AP	28.72.20 (A) & (B)(3)

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* *See Definitions Section 28-10	Permitted Uses						Land Use Regulations** **See Section 28-70.10
	R-TC-5	R-TC-4 ⁽¹⁾	R-TC-D-4	R-TC-D-6	R-TC-MF	R-TC-MU	
AGRICULTURAL USES							
A. CROP PRODUCTION							
Cultivated and irrigated farming	---	---	---	---	---	---	
Non-irrigated and non-cultivated farming	---	---	---	---	---	---	
RESIDENTIAL USES							
A. DWELLINGS							
Accessory buildings and uses ⁽²⁾							28.72.10 (A) & (B)(1)
<i>Accessory building greater than 2,500 square feet in size⁽³⁾</i>	A	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⁽³⁾</i>	MUP	MUP	MUP	MUP	MUP	MUP	28.72.10 (A) & (B)(1)
Duplex	---	---	A	A	A	---	28.72.10(A)
Dwelling group	---	---	---	---	A	---	28.72.10(A) & (B)(1)
Guest house	---	---	---	---	---	---	
Multifamily Dwelling	---	---	---	---	A	A	28.72.10(A)
Primary dwelling	A	A	A	A	A	A	28.72.10(A)
Rooming and boarding house	---	---	---	---	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	---	
Cannabis Cultivation							
<u>Caregiver</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>28.82</u>
<u>Personal</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>28.82</u>
B. TEMPORARY RESIDENTIAL USES							

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

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	Permitted Uses						Land Use Regulations** **See Section 28.70.10
	C-H	C-N	C-R	C-R-L ⁽⁶⁾	C-S	C-O	
28.71 AGRICULTURAL USES ²							
A. CROP PRODUCTION							
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. AGRICULTURAL PROCESSING USES							
On-site Agricultural Processing	---	---	A	---	---	---	28.71.20(A) & (B)(1)
28.72 RESIDENTIAL USES							
A. DWELLINGS							
Primary Dwelling	---	---	A	A	---	---	28.72.10
Emergency Shelter	---	---	---	---	A	---	
<u>Cannabis Cultivation</u>							
<u>Caregiver</u>	---	---	AP	AP	---	---	28.82
<u>Personal</u>	---	---	A	A	---	---	28.82
B. TEMPORARY RESIDENTIAL USES							
None Allowed							
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE							
None Allowed							
D. OTHER RESIDENTIAL USES							
None Allowed							

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

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

- - - = Prohibited

ALLOWED USES* *See Definitions Section 28-10	Permitted Uses					Land Use Regulations** **See Section 28-70.10
	M-L	M-G-1/2	M-G-3	I-WD ⁸		
28.71 AGRICULTURAL USES						
A. CROP PRODUCTION						
Crop Production and Grazing	A	- - -	- - -	- - -		
Non-irrigated and non-cultivated farming, grazing	- - -	- - -	- - -	A ⁵		
B. AGRICULTURAL PROCESSING USES						
None Allowed						
C. ANIMAL FACILITIES AND OPERATIONS						
Confined Animal Facility	- - -	- - -	- - -	UP ⁶⁵		28.73.30(A) & (B)(1)
Fowl and Poultry Ranch	- - -	- - -	- - -	UP ⁶⁵		28.73.30(A) & (B)(2)
28.72 RESIDENTIAL USES						
A. DWELLINGS						
Primary residence	A ¹	A ^{1,4}	A ^{1,4}	- - -		28.72.10(A)
<u>Cannabis Cultivation</u>						
<u>Caregiver</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>- - -</u>		<u>28.82</u>
<u>Personal</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>- -</u>		<u>28.82</u>
B. TEMPORARY RESIDENTIAL USES						
None Allowed						
A. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE						
None Allowed						
C. OTHER RESIDENTIAL USES						
None Allowed						

A. 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* *See Definitions Section 28-10	Permitted Uses	Land Use Regulations
28.71 AGRICULTURAL USES		
A. CROP PRODUCTION AND GRAZING		
Crop production	A	28.71.10A
Grazing	A	28.71.10A
B. AGRICULTURAL PROCESSING USES		
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)
C. ANIMAL FACILITIES AND OPERATIONS		
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)
D. OTHER AGRICULTURAL OPERATIONS		
Agricultural employee housing	---	28.71.40
28.72 RESIDENTIAL USES		
A. DWELLINGS		
Primary Dwelling	---	
Secondary dwelling	---	
Second Kitchen	---	
<u>Cannabis Cultivation</u>	---	
<u>Caregiver</u>	---	
<u>Personal</u>	---	
B. TEMPORARY RESIDENTIAL USES		
Security quarters for a construction site (commercial coach, manufactured home or recreational vehicle)	AP	28.72.20(A) & (B)(1)
Temporary Manufactured Home Storage	AP	28.72.20(A) & (B)(4)

TABLE 28.51A TABLE OF ALLOWED USES

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

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

Table 28.52A TABLE OF ALLOWED USES

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

ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	MP ⁽¹⁾ Zoning District	See Section 28.70.10
28.71 AGRICULTURAL USES		
A. CROP PRODUCTION AND GRAZING		
Non-irrigated and non-cultivated farming	A ⁽²⁾	
Grazing	A ⁽²⁾	
B. AGRICULTURAL PROCESSING USES		
None allowed		
C. ANIMAL FACILITIES AND OPERATIONS		
None allowed		
D. OTHER AGRICULTURAL OPERATIONS		
Agricultural employee housing	UP	28.71.40(A) & (B)(1)
28.72 RESIDENTIAL USES		
A. DWELLINGS		
Primary Dwelling ⁽³⁾	A	28.72.10(A)
<u>Cannabis Cultivation</u>		
<u>Caregiver</u>	<u>AP</u>	<u>28.82</u>
<u>Personal</u>	<u>A</u>	<u>28.82</u>
B. TEMPORARY RESIDENTIAL USES		
None allowed		
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE		
None allowed		
D. OTHER RESIDENTIAL USES		
None allowed		
28.73 RECREATION, EDUCATION, AND PUBLIC ASSEMBLY USES		
A. RECREATION USES		
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. EDUCATION USES		
Marsh Education	UP	28.73.20(A)
C. PUBLIC ASSEMBLY USES		
None allowed		
28.74 RETAIL AND OFFICE USES		
A. RETAIL USES		
None Allowed		
B. OFFICE USES		
Marsh research facility	UP	28.74.20(A)
28.75 TOURIST USES		
None Allowed		
28.76 COMMERCIAL SERVICE USES		
None Allowed		
28.77 INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES		
None Allowed		

TABLE 28.61A TABLE OF ALLOWED USES

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

Table 1.0 – Regulatory Options Considered by Planning Commission and Final Draft Personal/Caregiver Cannabis Regulations

Planning Commission Draft Regulations	Initial Staff Recommendations to PC November 17, 2016	Second Hearing and Staff Recommendations to PC January 19, 2017	Final PC Hearing March 16, 2017 (Planning Commission Recommended Ordinance Standards)
<p>Personal Indoor Cultivation –</p> <p>Must allow indoor personal cultivation of 6 plants within a private residence or within an accessory structure on the grounds of a private residence.</p>	<p>Annual Registration required with Department of Resource Management</p> <p>Must submit proof of ownership of the property or written landlord permission</p> <p>Names of persons occupying property</p> <p>Grow must be in locked, secured room</p> <p>Plot plan indicating location of grow room</p> <p>Only one grow room allowed and grow room must solely be used as a grow room</p> <p>Must obtain building permit for changes needed to establish grow room (electrical, etc.)</p> <p>Maximum wattage restricted to 1200 watts per 100 sf of cannabis</p>	<p>All cultivation sites must be registered with Department of Resource Management or Public Health</p> <p>Show proof of ownership or landlord approval</p> <p>Authorized grower must live in residence</p> <p>Indoor cultivation room must be secured with a lock</p> <p>No other activities may take place in the indoor cultivation room beyond cultivation and processing of cannabis</p> <p>Any alterations must follow CA Building/Electrical/Fire Codes and may require Building permit</p> <p>Any alterations to structure or electrical system must be done pursuant to adopted code and have finalized permit</p> <p>Total lights must be CFLs or LEDs or must have alternative energy system</p> <p>No maximum size on reflectors</p>	<p>Cultivation must occur within either inhabited residence or in a permanent residential accessory structure on the grounds of an inhabited residence; residence must be occupied by the person growing cannabis</p> <p>Indoor cultivation, drying, curing, and trimming activities must be in secured room not accessible to minors</p> <p>No gas products including CO2, butane, propane and natural gas or ozone generators shall be used in cultivation room</p> <p>No open flame or burning of any substance allowed in cultivation room</p>

Table 1.0 – Regulatory Options Considered by Planning Commission and Final Draft Personal/Caregiver Cannabis Regulations

Planning Commission Draft Regulations	Initial Staff Recommendations to PC November 17, 2016	Second Hearing and Staff Recommendations to PC January 19, 2017	Final PC Hearing March 16, 2017 (Planning Commission Recommended Ordinance Standards)
Personal Indoor Cultivation (continued)	<p>Light cannot be visible from outside room</p> <p>No gas products including CO2, butane, propane and natural gas or ozone generators shall be used in cultivation room</p> <p>No open flame or burning of any substance allowed in cultivation room</p> <p>No odor shall leave the site; if odor a nuisance may require filtered ventilation system to be installed</p> <p>Signed consent for County personnel inspection with 24-hour notice</p>	<p>No cannabis visible from outside grow room</p> <p>No use of CO2 generators in the grow room</p> <p>No use of fertilizers/pesticides/fungicides/herbicides not approved for use on cannabis</p> <p>Grow room must have a working air filtration system to insure odors are not detectable from exterior of grow room</p>	
Personal Outdoor Cultivation	<p align="center">Prohibit</p>	<p>Grower must live on-site</p> <p>Must register with County to show proof of ownership or landlord approval</p> <p>Grow site must be 50’ from any property line</p>	<p>Parcel must have residence on-site and residence must be occupied by the person growing cannabis</p> <p>Cultivation site must be on rear 50% of parcel; canopy must be 10’ from property line and must be screened from public view and/or right-of-way</p>

Table 1.0 – Regulatory Options Considered by Planning Commission and Final Draft Personal/Caregiver Cannabis Regulations

Planning Commission Draft Regulations	Initial Staff Recommendations to PC November 17, 2016	Second Hearing and Staff Recommendations to PC January 19, 2017	Final PC Hearing March 16, 2017 (Planning Commission Recommended Ordinance Standards)
		<p>Only allowed on 2.5 acre or larger parcels</p> <p>Grow site must be behind opaque locked fence</p> <p>Cannabis cannot be visible from fenced enclosure</p> <p>Must have water catchment system if not on public water</p>	<p>Location for drying, curing, and trimming activities must be in a fenced, secured area not accessible to household visitors or underage individuals</p>
Caregiver Cultivation (General Standards – applies to Indoor and Outdoor Caregiver Cultivation) (6 mature plants or 12 immature plants) per patient for up to 5 patients	<p>Annual Permit required from Department of Resource Management</p> <p>Permit would include name of person growing</p> <p>Copy of Medical Marijuana ID cards and contact info for the patients that the cannabis is being cultivated for</p> <p>Plot plan of grow room; location in dwelling/accessory structure</p> <p>Signed consent for County staff</p>	<p>*Did not establish specific general standards for caregiver cultivation instead see all options considered in outdoor and indoor cultivation listed above and below.</p>	<p>Caregiver must obtain a yearly Administrative Permit from Dept. of Resource Management with following requirements:</p> <ul style="list-style-type: none"> - Proof of legal ownership or written permission from landlord that the applicant has permission to cultivate cannabis as a caregiver at the subject location - Copies of medical marijuana ID numbers for each individual the primary caregiver is cultivating for - Plot plan of cultivation site - County personnel will schedule site visit to review compliance with standards

Table 1.0 – Regulatory Options Considered by Planning Commission and Final Draft Personal/Caregiver Cannabis Regulations

Planning Commission Draft Regulations	Initial Staff Recommendations to PC November 17, 2016	Second Hearing and Staff Recommendations to PC January 19, 2017	Final PC Hearing March 16, 2017 (Planning Commission Recommended Ordinance Standards)
	inspection with 24-hour notice		-Permit expires after one year -Permit may be denied or revoked if out of compliance -Must pay permit fee
Caregiver Outdoor Cultivation - (6 mature plants or 12 immature plants) per patient for up to 5 patients	Prohibit	Outdoor cultivation may not occur on any parcel under 2.5 acres All cultivation sites must be registered with Resource Management or Public Health and declare under penalty of perjury that they comply with all local and state regulations All grow sites registered with the County to provide proof of property ownership or approval for cultivation from the property owner The authorized grower shall reside full-time in the residence where the cultivation occurs The authorized grower shall not participate in other cultivation sites in any other location within the county Outdoor grows must be inside an opaque, locking fence	Obtain Yearly Caregiver Administrative Permit Parcel must be at least one acre in size Caregiver or patient must live in residence on the property Grow site must be in rear 50% of parcel, canopy area 20' from property line and screened from public view or right-of-way Drying, curing, trimming and other activities must be in a secured area not accessible to minors No electrical lights permitted outdoors Specific limits to pesticide use

Table 1.0 – Regulatory Options Considered by Planning Commission and Final Draft Personal/Caregiver Cannabis Regulations

Planning Commission Draft Regulations	Initial Staff Recommendations to PC November 17, 2016	Second Hearing and Staff Recommendations to PC January 19, 2017	Final PC Hearing March 16, 2017 (Planning Commission Recommended Ordinance Standards)
		<p>No use of any fertilizers/pesticides/rodenticides/fungicides/herbicides that are not approved for use on marijuana</p> <p>Outdoor cultivation may not occur within 50 feet of any property line or easement for road traffic or pedestrian access</p>	
Indoor Caregiver Cultivation (6 mature plants or 12 immature plants) per patient for up to 5 patients	<p>Annual Permit required from Department of Resource Management</p> <p>Permit would include name of person growing</p> <p>Copy of Medical Marijuana ID cards and contact info for the patients that the cannabis is being cultivated for</p> <p>Plot plan of grow room; location in dwelling/accessory structure</p> <p>Signed consent for County personnel inspection with 24-hour</p>	<p>All cultivation sites must be registered with Department of Resource Management</p> <p>Show proof of ownership or landlord approval</p> <p>Authorized grower must live in residence</p> <p>Indoor cultivation room must be secured with a lock</p> <p>No other activities may take place in the indoor cultivation room beyond cultivation and processing of cannabis</p> <p>Any alterations must follow CA</p>	<p>Obtain yearly Caregiver Permit</p> <p>Caregiver or patient must live in residence on the property</p> <p>Window coverings must be utilized to minimize light pollution from grow lights</p> <p>No gas products including CO2, butane, propane and natural gas or ozone generators shall not be used in cultivation room</p> <p>No open flame or burning allowed in cultivation room</p> <p>No generators except for emergency</p>

Table 1.0 – Regulatory Options Considered by Planning Commission and Final Draft Personal/Caregiver Cannabis Regulations

Planning Commission Draft Regulations	Initial Staff Recommendations to PC November 17, 2016	Second Hearing and Staff Recommendations to PC January 19, 2017	Final PC Hearing March 16, 2017 (Planning Commission Recommended Ordinance Standards)
Indoor Caregiver Cultivation (6 mature plants or 12 immature plants) per patient for up to 5 patients	notice	Building/Electrical/Fire Codes and may require Building permit Any alterations to structure or electrical system must be done pursuant to adopted code and have finalized permit Total lights must be CFLs or LEDs or must have alternative energy system No maximum size on reflectors No cannabis visible from outside grow room No use of CO2 generators in the grow room No use of fertilizers/pesticides/fungicides/herbicides not approved for use on cannabis Grow room must have a working air filtration system to insure odors are not detectable from exterior of grow room No use of CO2 generators in the grow room	back-up Specific limits to pesticide use

Table 1.0 – Regulatory Options Considered by Planning Commission and Final Draft Personal/Caregiver Cannabis Regulations

Planning Commission Draft Regulations	Initial Staff Recommendations to PC November 17, 2016	Second Hearing and Staff Recommendations to PC January 19, 2017	Final PC Hearing March 16, 2017 (Planning Commission Recommended Ordinance Standards)
		No use of fertilizers/pesticides/fungicides/herbicides not approved for use on cannabis	