

Solano County

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



Agenda - Final

Tuesday, August 29, 2017

6:30 PM

Special Meeting

Board of Supervisors Chambers

Board of Supervisors

John M. Vasquez (Dist. 4), Chair
(707) 784-6129

Erin Hannigan (Dist. 1), Vice-Chair
(707) 553-5363

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(707) 784-6130

SOLANO COUNTY BOARD OF SUPERVISORS
HOUSING AUTHORITY, SPECIAL DISTRICTS,
SOLANO FACILITIES CORPORATION, AND
IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

Temporary parking permits for the County Parking Garage are available from the Board Clerk for visitors attending the Board of Supervisors' meeting for more than 2 hours.

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Non-confidential materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection at the Solano County Government Center, 6th Floor Receptionist's Desk, 675 Texas Street, Fairfield, during normal business hours.

If you wish to address any item listed on the Agenda, please submit a Speaker Card to the Board Clerk before the Board considers the specific item. Cards are available at the entrance to the Board chambers. Please limit your comments to three minutes.

AGENDA

CALL TO ORDER - 6:30 P.M.

ROLL CALL

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

APPROVAL OF THE AGENDA

LAND USE/TRANSPORTATIONResource Management:

- 1 [17-618](#) Conduct a public hearing to consider a new ordinance amending Chapter 28 (Zoning Regulations) establishing regulations for the non-commercial cultivation of cannabis for personal and caregiver uses in certain zoning districts as recommended by the County Planning Commission (with minor amendments to comply with recent changes in state law); Find that the proposed ordinance is exempt from further environmental review under Section 15061(b)(3) of Title 14 of the California Code of Regulations; and Consider adopting ordinance language amending Chapter 28, either as recommended by the Solano County Planning Commission or as modified based on proposals previously considered by the Solano County Planning Commission

Attachments: [A - Proposed Ordinance as Recommended by County Planning Commission](#)
[A1 - Exhibit A - County Code Chapter 28 Zoning Tables](#)
[B - License Types by Solano County Residential Zoning District](#)
[C - Table 1 - Regulatory Options Considered by County Planning Commission](#)
[D - Summary of Input Received During Neighborhood Watch Meetings](#)
[E - Input Received During Community Outreach & Industry Stakeholder Mtgs](#)
[F - Summary Table - Current Status of Solano Cities Cannabis Ordinances](#)
[G - Table - Current Status of Adjacent Counties Cannabis Ordinances](#)
[H - County Planning Commission Staff Reports and Minutes](#)

ADJOURN:

To the Board of Supervisors meeting of September 12, 2017 at 8:30 A.M., Board Chambers, 675 Texas Street, Fairfield, CA



Solano County

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

Agenda Submittal

Agenda #: 1 **Status:** Regular Calendar
Type: Ordinance **Department:** Board of Supervisors
File #: 17-618 **Contact:** Karen Avery, 784-3165
Agenda date: 8/29/2017 **Final action:**
Title: Conduct a public hearing to consider a new ordinance amending Chapter 28 (Zoning Regulations) establishing regulations for the non-commercial cultivation of cannabis for personal and caregiver uses in certain zoning districts as recommended by the County Planning Commission (with minor amendments to comply with recent changes in state law); Find that the proposed ordinance is exempt from further environmental review under Section 15061(b)(3) of Title 14 of the California Code of Regulations; and Consider adopting ordinance language amending Chapter 28, either as recommended by the Solano County Planning Commission or as modified based on proposals previously considered by the Solano County Planning Commission
Governing body: Board of Supervisors
District: All
Attachments: [A - Proposed Ordinance as Recommended by County Planning Commission](#)
[A1 - Exhibit A - County Code Chapter 28 Zoning Tables](#)
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[H - County Planning Commission Staff Reports and Minutes](#)

Date	Ver.	Action By	Action	Result
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Published Notice Required? Yes X No ___
Public Hearing Required? Yes X No __

DEPARTMENTAL RECOMMENDATION:

1. Conduct a Public Hearing to consider a new ordinance amending Chapter 28 (Zoning Regulations) establishing regulations for the non-commercial cultivation of cannabis for personal and caregiver uses in certain zoning districts within Unincorporated areas of Solano County as recommended by the Solano County Planning Commission (with minor amendments to comply with recent changes in state law); and
2. Find that the proposed ordinance 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; and
3. Consider and take action to adopt ordinance language amending Chapter 28 (Zoning Regulation) regulating non-commercial cultivation of cannabis for personal and caregiver uses in certain zone districts, either as recommended by the Solano County Planning Commission or as modified based on

proposals previously considered by the Solano County Planning Commission.

SUMMARY:

In recent years, the Board has addressed cannabis related issues in response to authorities granted under State Law and ongoing changes to the law. In 2013 the Board adopted a permanent ordinance prohibiting medical marijuana dispensaries in the unincorporated areas of Solano County. This provision continues in effect and no changes are recommended. In response to the passage of the Medical Cannabis Regulation and Safety Act (MCRSA) in October 2015 and Proposition 64 (Adult Use of Marijuana Act - AUMA) in November 2016, the Board, in December of 2016, approved an Interim Urgency Ordinance which prohibited the outdoor cultivation of medical cannabis and non-medical marijuana for personal use along with commercial activities associated with the cannabis industry. The Urgency Ordinance was extended by subsequent Board actions until December 6, 2017. In the ensuing period, the Planning Commission has developed a recommended ordinance addressing personal and caregiver use of cannabis (the subject of this item) and a Board Committee of Supervisors Vasquez and Hannigan was formed to explore and report out on commercial cannabis options for the unincorporated areas of Solano County. A report, along with the initial staff analysis of commercial cannabis options and issues, will be presented to the Board in September 2017.

The Planning Commission (PC) began their review of draft regulations for personal cultivation in November 2016 which included both medicinal and recreational cultivation as outlined in state law, as well as “caregiver” cultivation of medicinal cannabis. The Planning Commission held three public hearings; received reports from the Solano County Agricultural Commissioner on the horticultural and agricultural impacts of cultivating cannabis, and Solano County Public Health representatives on possible public health impacts of marijuana regulation. The PC also received updates from staff from a Community Outreach meeting held in February 2017 and an Industry Stakeholder meeting held in 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. On March 16, 2017, the PC made their formal recommendation on personal and “caregiver” cannabis cultivation as discussed below and in Attachment A. The PC is continuing to evaluate aspects of commercial cannabis licenses.

If adopted by the Board, the PC recommended Draft Ordinance, as amended to comply with recent changes to state law, would allow every parcel in a zoning district that allows a residence by-right the ability cultivate up to six (6) cannabis plants for personal use in accordance with certain health & safety standards. The Draft Ordinance would also allow a primary caregiver, as that term is defined by law, to cultivate no more than six (6) mature cannabis plants or twelve (12) immature cannabis plants per patient for up to five (5) patients, subject to a yearly administrative permit and compliance with certain health & safety standards.

The PC recommended ordinance, as modified to reflect recent changes to state law, varies in several ways from ordinance concepts considered by the Board at the time the urgency ordinance was established. Most notably, the PC draft allows outdoor personal cultivation with certain standards whereas concepts originally considered by the Board, prohibited all forms of outdoor personal cultivation, as does the current urgency ordinance. Furthermore, original concepts considered by the Board and the PC contained more standards for indoor cultivation. The Board has the option of further considering some other previously reviewed standards for inclusion in the ordinance that is ultimately adopted.

DISCUSSION:

Status of State Law and Recent Changes

After the Planning Commission 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. As a result of this law, the Planning Commission’s recommended Draft Ordinance on personal and “caregiver” cultivation has been amended to reflect these changes (Attachment A).

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.

Framework under Solano County Zoning Regulations

The County PC recommended a draft ordinance that will allow personal and “caregiver” cultivation in zoning districts which allow a residence as a primary use. This would include Rural Residential, Residential Traditional Community including Mixed Use and Multi Family, in addition Zoning Districts that allow residences by right - which includes the Exclusive Agricultural zones, the Marsh Preservation and Watershed/Conservation zones and Commercial Recreation zones. Zoning Districts that do not allow a residence by-right and therefore would not be eligible to cultivate personal use cannabis are the Industrial Water Dependent Zone (I-WD), the Industrial Agricultural Service Zone (I-AS), Commercial Highway, Commercial Neighborhood, and Commercial Service Zones. Staff has put together a series of Zoning Tables which indicates where primary dwellings are allowed by-right and where they are not permitted. (Attachment B).

The draft ordinance, as proposed by the County PC reflects the “new” state cultivation standards of no more than 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. It is intended to address reasonable health and safety regulations for such cultivation. As proposed, 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 County PC proposed ordinance does not contain a recommendation for a minimum parcel size for outdoor personal cultivation.

The draft ordinance requires “general standards” for “caregiver” cultivation regardless of whether the cultivation occurs indoors or outdoors. A complete list of these “standards” are provided in Table 1.0 “Regulatory Options Considered by Planning Commission” (Attachment C). Some of the general standards for “caregiver” cultivation in the County PC Draft Ordinance include the 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. A complete list of these standards is provided in Table 1.0 “Regulatory Options Considered by Planning Commission” (Attachment C).

Evolution of the Planning Commission Recommended Ordinance

At the November 17, 2016 County Planning Commission meeting, a draft ordinance regarding personal and “caregiver” cultivation was presented by staff reflective of standards discussed by the Board of Supervisors when the urgency ordinance was adopted in 2013. This first draft ordinance presented to PC banned all outdoor cultivation (medicinal, recreational and caregiver) and required indoor personal and medicinal growers to register with the Department of Resource Management. The first draft also required an Annual Permit from

Resource Management for indoor “caregiver” cultivation. The Commission received significant testimony during their public meeting (Attachment H - County Planning Commission Reports and Minutes) with the concerns being that the proposed ordinance was restrictive and contained standards that would be difficult to enforce. The County PC public hearing was continued to January 19, 2017 with the direction to staff to bring back additional personal cultivation options for the Planning Commission’s consideration. On January 19, 2017, staff provided a menu of regulatory options for personal and “caregiver” cultivation to the Planning Commission for their consideration. The Planning Commission reviewed each of the options, received public comment, and directed staff to revise the draft to reflect these recommendations. Staff presented a revised draft ordinance with the requested edits to the Planning Commission on March 16, 2017 and the Planning Commission voted to make a formal recommendation to the Board to adopt the Draft Ordinance (Attachment A). The Planning Commission staff reports, attachments, draft ordinances and minutes of the meetings have been distributed to the Board. Also, included with the previously distributed materials is Table 1.0 “Regulatory Options Considered by Planning Commission” which illustrates the evolution of the regulations presented at each Planning Commission meeting. (Attachment C)

Community Outreach

The Department of Resource Management maintains a list of Homeowner’s Associations for project notification purposes. Staff contacted each association with an invitation to attend an association sponsored meeting to discuss cannabis regulations; no response was received. Staff also contacted Neighborhood Watch Groups within the unincorporated area also expressing a willingness to discuss the topic of potential cannabis regulations. Staff was invited to speak at the Willotta Oaks/Green Valley Landowner’s Association meeting on June 5, 2017 and at the Horse Creek Neighborhood Meeting in Elmira on June 20, 2017. A summary of these meetings is included as Attachment D. One notable point from the Neighborhood Watch meetings was the importance of enforcement and enforceability of whatever type of cannabis regulations are adopted.

As referenced above, staff conducted a Community Outreach Meeting on February 8, 2017 to obtain public input on medical and non-medical cannabis and also receive comments on the commercial aspects of cannabis. A majority of the public were in support of allowing outdoor personal cultivation with setbacks and safety standards for indoor and outdoor cultivation.

Staff also conducted an Industry Stakeholder Meeting on March 8, 2017 to receive input on possible cannabis regulations for potential commercial cannabis regulations from cannabis industry representatives. A summary of both of these meetings is attached though the February 8th meeting summary is more relevant to the personal and caregiver ordinance that is the topic of the current PC recommended draft ordinance. (Attachment E)

Monitoring other Legislation and Regulatory Activities

Cannabis legislation continues to evolve and change. The Bureau of Marijuana Control, the Department of Food and Agriculture and the Department of Public Health all released draft regulations based on MCRSA in April of 2017. However, due to the passage of the MAUCRSA in June 2017, these departments will be drafting new regulations under the Emergency Rule Making Procedures to create regulations based on MAUCRSA. Each agency has reported that they do intend to offer temporary licenses to applicants with these temporary licenses expiring every 90 days until the final regulations are adopted. State applicants are still required to show local approvals prior to the State Departments issuing these temporary licenses.

Solano Cities

Staff has been following how the cities within Solano County are addressing personal and “caregiver” cultivation. A summary of this information can be found in Attachment F. Overall, most of the cities (Benicia, Dixon, Fairfield, Suisun, Vacaville) prohibit outdoor personal cultivation but allow indoor cultivation as provided by MAUCRSA - 6 plants grown within a private residence or in an accessory structure on the grounds of a private residence. Fairfield and Dixon are the only cities with permanent ordinances prohibiting outdoor cultivation; Benicia, Suisun and Vacaville have moratoriums in place. The City of Rio Vista allows personal

indoor cultivation in accessory structures with security standards and setbacks. Rio Vista has recently adopted an ordinance allowing dispensaries and other commercial cannabis businesses. The City of Vallejo currently has 11 dispensaries in compliance with their regulations and are currently studying the possible allowance of cultivation and manufacturing in association with those dispensaries. The City of Dixon allows personal cultivation per MAUCRSA and is moving forward with commercial cannabis businesses including dispensaries. Benicia, Suisun, and Vacaville are currently conducting public outreach and studying whether to allow or regulate types of commercial cannabis operations.

Adjacent Counties

Staff continues to monitor cannabis regulations in neighboring counties. A summary of this information can be found in Attachment G. Contra Costa County, Napa County and Sacramento County prohibit all outdoor personal cultivation. Yolo County allows outdoor personal cultivation with setbacks and location development standards as well as commercial outdoor cultivation of medical cannabis with development standards. As stated in MAUCRSA, all local jurisdictions must allow indoor personal cultivation but Napa County further limits indoor cultivation to 25 square feet. Sacramento County limits indoor medicinal cultivation for caregivers to nine plants. It appears that most counties, like Solano, are undergoing further study on regulating cannabis as state law changes and as local jurisdictions wait for final state regulations from the Department of Food and Agriculture, Department of Public Health and the Bureau of Cannabis Control.

Options to the Planning Commission Recommended Ordinance

The draft ordinance being presented to the Board reflects the final recommendations from the PC. Table 1.0 “Regulatory Options Considered by Planning Commission” (Attachment C) summarized the sequence of draft ordinances and the range of standards considered by the PC. The most significant variation is in outdoor personal cultivation. The initial draft ordinance presented to the PC prohibited outdoor personal cultivation whereas the final recommended ordinance allowed outdoor personal cultivation. The Board has the ability to choose a standard considered that was previously reviewed by the PC including the standard to prohibit outdoor personal cultivation. Board may also consider the option of blending standards between the original standards provided to the PC that was reflective of previous Board discussion and the final version recommended by the PC. Should the Board ultimately choose any of these previously considered options they will be incorporated into the final adopted ordinance. Examples of previously considered options found in Table 1.0 “Regulatory Options Considered by Planning Commission” (Attachment C):

- Prohibition of outdoor personal cultivation (November 7, 2016)
- Require annual registration with the Department of Resource Management (November 7, 2016)
- Limit the minimum parcel size for outdoor personal cultivation to 2.5 acres or larger (January 19, 2017)
- Prohibit outdoor caregiver cultivation (November 7, 2016)
- Require caregiver cultivation to be conducted indoors in a private residence or in an accessory structure such as a greenhouse (November 7, 2016)
- Require minimum parcel size for outdoor caregiver cultivation to 2.5 acres or larger (January 19, 2017)
- Require 50’ setbacks from grow sites to property boundaries for outdoor personal cultivation (January 19, 2017)

It is notable that most nearby jurisdictions strongly regulate or prohibit outdoor personal cultivation. Reasons vary but one recurring factor is the potential nuisance and safety factors associated with outdoor personal cultivation, particularly in the caregiver category due to the number of plants allowed. Potential nuisances associated with “caregiver” cultivation are security and odor. Staff believes the indoor standards recommended by the Planning Commission are reasonable and enforceable. More stringent standards for indoor cultivation for personal use are possible under the state law, but could be intrusive and would require more staff resources to carry out compliance reviews due to increased need for inspections.

Based on prior recommended provisions considered by the Board, a blend between those provisions and the current recommended Planning Commission ordinance might include a more reserved approach to outdoor

cultivation for personal and caregiver use. Either prohibiting all outdoor personal cultivation or limiting outdoor personal cultivation to parcels greater than 1 acre, 2.5 acres, or 5 acres minimum, are options corresponding to the RR 2.5 and RR 5 zone districts. Limiting outdoor personal cultivation to a larger parcel size may reduce the nuisances such as odor and security associated with outdoor personal cultivation. For informational purposes, there are approximately 1412 parcels that are larger than 1 acre but less than 2.5 acres within the unincorporated area. There are approximately 1450 parcels that are at least 2.5 acres in size and smaller than 5 acres. There are approximately 7370 parcels in the unincorporated county that are at least 5 acres are larger in size. The Board may also consider limiting outdoor “caregiver” cultivation based on parcel size or require all “caregiver” cultivation be grown within an accessory structure, such as a greenhouse, which may reduce odor and security issues. The PC ordinance allows outdoor “caregiver” cultivation on parcels of at least one acre in size with setbacks 20’ from the property boundaries. The Board could consider an increase in parcel size to further reduce potential nuisances. The Board could also require indoor cultivation within a greenhouse, on a larger parcel size, to further reduce possible nuisances associated with larger cultivation sites such as odor, security, and lighting.

ENVIRONMENTAL REVIEW:

All zones where the proposed personal use cannabis cultivation would occur are already able to have a “kitchen garden” incidental to a residential use. 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.

FINANCIAL IMPACT:

The cost to analyze County options for regulating medical and recreational cannabis activities are covered by the General Fund within the County Counsel and Department of Resource Management budgets. Implementation and enforcement of this ordinance will be initiated utilizing current staff resources. It is unknown at this time the full extent of the staff and fiscal impacts associated with building and public safety enforcement as a result of this ordinance, which could be significant.

ALTERNATIVES:

The Board may choose to:

1. Direct staff to make specific modifications to the Planning Commission recommended Draft Ordinance.
2. Refer the entire ordinance back to the Planning Commission for further study.

OTHER AGENCY INVOLVEMENT:

Solano County Department of Public Health and the Solano County Agricultural Commissioner’s Office.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION

ORDINANCE NO. 2017-_____
AN ORDINANCE AMENDING CHAPTER 28 TO ALLOW PERSONAL USE AND PRIMARY CAREGIVER CANNABIS CULTIVATION IN EVERY ZONE THAT ALLOWS A RESIDENCE BY RIGHT AND ADDING SECTION 28.82 TO REGULATE 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, 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: the premises or structure where cannabis is planted, grown, and harvested.
3. 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, non-opaque walls and roof. A greenhouse is subject to all applicable County permitting requirements.
4. 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.
5. Marijuana: see "Cannabis", above.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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. 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 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. 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. Provide 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.

- ii. Provide 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).
- iii. Plot plan of where the cultivation will occur on the parcel, or in the permanent residential accessory structure on the parcel, or in the residence on the parcel.
- iv. 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.
- v. 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.
- vi. 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.
- vii. 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.

b. 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 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.
- 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 to power any cultivation equipment is prohibited, except as an emergency back-up system. The use of extension cords in the cultivation room is likewise prohibited.

F. 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 on August 29, 2017 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

Exhibit A to Attachment A
(Tables of Allowed Uses)

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

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>	AP	AP	AP	AP	28.82
<u>Personal</u>	A	A	A	A	28.82
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. 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					
Type I	MUP	MUP	MUP	MUP	28.72.40(A) & (B)(1)
Type II	UP	UP	UP	UP	
Home occupation					
Type I	A	A	A	A	28.72.40(A) & (B)(2)
Type II	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)
D. OTHER RESIDENTIAL USES		

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				

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

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* *See Definitions Section 28-10	Permitted Uses			Land Use Regulations** **See Section 28-70.10
	RR-2.5	RR-5	RR-10	
28.72 RESIDENTIAL USES				
A. DWELLINGS				
Accessory buildings and uses ⁽¹⁾				
Accessory building greater than 2,500 square feet in size ⁽⁴⁾	MUP	MUP	MUP	28.72.10(A) & (B)(1)
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⁾	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)
Hog raising	A	A	A	28.72.30(A) & (B)(2)

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

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)
Accessory building greater than 2,500 square feet in size ⁽³⁾	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 ⁽³⁾	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							
Caregiver	AP	AP	AP	AP	AP	AP	28.82
Personal	A	A	A	A	A	A	28.82
B. TEMPORARY RESIDENTIAL USES							

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

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 USES²							
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							

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

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>	AP	AP	AP	---		28.82
<u>Personal</u>	A	A	A	---		28.82
B. TEMPORARY RESIDENTIAL USES						
None Allowed						
A. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE						
None Allowed						
C. OTHER RESIDENTIAL USES						
None Allowed						

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		
28.71 AGRICULTURAL USES		See Section 28.71
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		28.71.40
Agricultural employee housing	---	
28.72 RESIDENTIAL USES		
A. DWELLINGS		
Primary Dwelling	---	
Secondary dwelling	---	
Second Kitchen	---	
Cannabis Cultivation	---	
Caregiver	---	
Personal	---	
B. TEMPORARY RESIDENTIAL USES		28.72.20
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		
D. DWELLINGS		
Primary residence dwelling	A	28.72.10(A)
<u>Cannabis Cultivation</u>		
<u>Caregiver</u>	AP	28.82
<u>Personal</u>	A	28.82
E. TEMPORARY RESIDENTIAL USES		
<i>None Allowed</i>	- - -	
F. 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)
Cannabis Cultivation		
Caregiver	AP	28.82
Personal	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		
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		
None Allowed	- - -	
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE		
None Allowed	- - -	
D. OTHER RESIDENTIAL USES		
None Allowed	- - -	

Medicinal Adult Use Cannabis Regulation and Safety Act (MAUCRSA) Cannabis License Types
Residential Zoning Districts

MAUCRSA License Type/County Zone	Rural Residential RR 2.5 ac RR 5 ac	Residential; Traditional Community R-TC-4 thru R-TC-1 Ac	Residential Traditional Community R-TC-D-4; R-TC-D-6; Duplex	Residential Traditional Community R-TC-MF (multi-family); R-TC-MU (mixed use)	Comments/Possible Standards
Personal Cultivation Allows for persons 21 years of age or older to possess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the marijuana cannabis produced by the plants	Primary Dwelling Allowed	Primary Dwelling Allowed	Primary Dwelling Allowed	Primary Dwelling Allowed	
Caregiver Cultivation Limited to 6 mature or 12 immature plants per patient for up to 5 patients.					

Medicinal Adult Use Cannabis Regulation and Safety Act (MAUCRSA) Cannabis License Types
Agricultural/Watershed/Marsh Protection/Park Zoning Districts

MAUCRSA License Types/County Zone	Agriculture A-20, A-40, A-80, A-160	Agriculture; Suisun Marsh A-SM-80; A-SM-160	Agriculture Suisun Valley A-SV-20; ATC; ATC-NC	Watershed; and Conservation W	Marsh Protection MP Suisun Marsh Primary	Park: P	Comments/Possible Standards
Personal Cultivation Allows for persons 21 years of age or older to possess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the marijuana cannabis produced by the plants	Primary Dwelling Allowed	Primary Dwelling Allowed	Primary Dwelling Allowed	Primary Dwelling Allowed	Primary Dwelling Allowed	Primary Dwelling Allowed – Limited to 12 months	
Caregiver Cultivation Limited to 6 mature or 12 immature plants per patient for up to 5 patients.							

Medicinal Adult Use Cannabis Regulation and Safety Act (MAUCRSA) Cannabis License Types
Commercial Zoning District

MAUCRSA License Types/County Zone	Commercial-Highway; C-H Along I80 adjacent to Cities (13 acres)	Commercial-Neighborhood; C-N Sites in Homeacres & Midway Rd (6 acres)	Commercial-Recreation; C-R 4 sites RV Parks (31 acres)	Commercial-Recreation Limited; C-R-L Adjacent to Collinsville	Commercial-Service; C-S Sites in various areas of County (109 acres)	Commercial-Office; C-O No parcels zoned C-O	Comments/Possible Standards
Personal Cultivation Allows for persons 21 years of age or older to possess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the marijuana cannabis produced by the plants	Primary Dwelling Not Allowed	Primary Dwelling Not Allowed	Primary Dwelling Allowed	Primary Dwelling Allowed	Primary Dwelling Not Allowed	N/A	
Caregiver Cultivation Limited to 6 mature or 12 immature plants per patient for up to 5 patients.							

N/A= Not applicable as there is no CO zoned property in Solano County

Medicinal Adult Use Cannabis Regulations and Safety Act (MAUCRSA) Cannabis License Types Manufacturing/Industrial Zoning Districts

MAUCRSA License Type/ County Zone	Manufacturing- Limited; M-L (No acreage zoned M-L)	Manufacturing- General; M-G ½ M-G 3 (70 acres located throughout County – most adjacent to City limits)	Industrial- Water Dependent; I-WD (1,350 acres located west of Collinsville)	Industrial- Agricultural Service; I-AS (721 acres located east of Dixon)	Comments/Possible Standards
Personal Cultivation Allows for persons 21 years of age or older to possess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the marijuana cannabis produced by the plants	N/A	Allowed within Primary Dwelling A primary dwelling is allowed on parcels 20 acres or larger	Primary Dwelling Not Allowed	Primary Dwelling Not Allowed	
Caregiver Cultivation Limited to 6 mature or 12 immature plants per patient for up to 5 patients.	N/A	Allowed within Primary Dwelling A primary dwelling is allowed on parcels 20 acres or larger	Primary Dwelling Not Allowed	Primary Dwelling Not Allowed	

N/A= Not applicable as there is no ML zoned property in Solano County

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	Prohibit	<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>
<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>	<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		<ul style="list-style-type: none"> -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	<p>Outdoor cultivation may not occur on any parcel under 2.5 acres</p> <p>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</p> <p>All grow sites registered with the County to provide proof of property ownership or approval for cultivation from the property owner</p> <p>The authorized grower shall reside full-time in the residence where the cultivation occurs</p> <p>The authorized grower shall not participate in other cultivation sites in any other location within the county</p> <p>Outdoor grows must be inside an opaque, locking fence</p>	<p>Obtain Yearly Caregiver Administrative Permit</p> <p>Parcel must be at least one acre in size</p> <p>Caregiver or patient must live in residence on the property</p> <p>Grow site must be in rear 50% of parcel, canopy area 20' from property line and screened from public view or right-of-way</p> <p>Drying, curing, trimming and other activities must be in a secured area not accessible to minors</p> <p>No electrical lights permitted outdoors</p> <p>Specific limits to pesticide use</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>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>

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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	<p>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>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> <p>No use of CO2 generators in the grow room</p>	<p>back-up</p> <p>Specific limits to pesticide use</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)
		No use of fertilizers/pesticides/fungicides/herbicides not approved for use on cannabis	

Summary of Neighborhood Watch Meetings:

Green Valley/Willotta Oaks Meeting
June 5, 2017

This was a combined meeting of the two organizations with approximately 30 people in attendance. There were no comments in regards to personal cannabis cultivation regulations. Some concerns were expressed about trespass outdoor grows on larger parcels; but overall there was little concern expressed over the possibility of the County considering commercial cannabis businesses in the industrial zoned areas of the unincorporated county.

Horse Creek Neighborhood Meeting
June 20, 2017

There were nine residents in attendance. The majority of the group were not in favor of allowing any type of cannabis uses beyond what is allowed by state law. The group expressed concerns for allowing outdoor cultivation of six plants citing odor and potential for crime. Some wanted indoor grows (allowed by state) limited to inside a residence, others were okay with the indoor grows inside a residential accessory structure on the property with setbacks, odor and security standards, citing mold growth in a residence as a concern. The group wanted a registration process for anyone wishing to grow cannabis for personal use.

Overall, the main concern for any type of proposed cannabis regulations was how these proposed regulations were going to be enforced. This group has an unfavorable view of the County's current code enforcement regulations, recognizing that the current regulations do not provide for monetary punishment. If the County were to consider allowing commercial cannabis businesses, then the enforcement of the regulations should be clear, concise and costly to violators. Some suggestions included the confiscation of plants, monetary fines that increase daily for noncompliance, and liens on the offending properties. They also believed that the radius for public notification of any cannabis application received by the County should be increased from ½ mile to 5 miles due to odor drift.

Community Outreach Meeting Review
Medical Cannabis/Non-medical Marijuana Regulations
February 8, 2017
Total Attendance: 15 people

Comments on Medical Cannabis and Non-medical Marijuana

Proponents of outdoor cultivation for medical cannabis expressed that the 100sq ft. and 500sq ft. limits set out in MCRSA is not sufficient for the quantity required to address personal medical needs. If Solano County reflects State limits and restricts cultivation size, patients may not get the access to necessary medicine. Many were in favor of using the canopy of the plant as the measure for setting restrictions on personal cultivation size.

The contention was that restricting outdoor cultivation puts a financial strain on individuals to cultivate indoors. They felt indoor cultivation is not practical based on personal income and projected expenses when taken into consideration with the expected quantity needed for medical use. It was pointed out that it would be difficult to contain 6 plants indoors (recreational cultivation though AUMA) because even the growth of one individual plant can get large. Overall, the public spoke in favor of allowing both indoor cultivation and outdoor cultivation.

Another concern expressed by medical cannabis outdoor cultivation proponents is that the current emergency ordinance could interfere with the upcoming planting and cultivation season which is expected to begin between March and April. It was pointed out that, if the urgency ordinance continues through to its end date, medical cannabis patients will be denied their medicine. Buying from dispensaries or growing indoors would go beyond an individual's financial means. By comparison, growing outdoors supplies a patient with the proper quantities of medical cannabis at an affordable cost.

Some felt there should be no setback from the property line regarding outdoor cultivation for those that have a lot area that is too small. However, the consensus from the majority of those present was that a minimum setback would be beneficial. The main concern is that children and any other person under the age of 21 might be able to reach over from a neighboring property line and have access to the cultivation. Suggestions included installing a fence that was high enough to prevent access or a 10-20' setback. Setbacks may also be determined so that it is relative to the property size.

After discussing setbacks, comments from the public reflected an interest in providing any necessary safety regulations to allow indoor/outdoor cultivation. This includes standards for building and electrical safety as well as efforts to keep the plant and its products away from anyone under the age of 21 and have the security to cultivate without the threat of home invasions or theft. No further suggestions were brought forth by the public on specific regulations.

Many would like to see an ordinance that specifically addresses personal medical cannabis as well as commercial cultivation, processing, and manufacturing. Regarding personal manufacturing, a speaker suggested allowing certain non-hazardous processes to generate the quality and quantity of medical cannabis for personal use. The speaker mentioned high pressure sodium lights, natural CO₂ generators, and rosin presses as tools that can be used for personal manufacturing and should not be limited to commercial processing. Installing a CO₂ detector/alarm would be a reasonable requirement of indoor grows.

Comments on Commercial Activities for Medical Cannabis and Non-Medical Marijuana

The comments from the public reflected an interest in permits for establishing a nursery and microbusinesses. It was suggested that indoor and outdoor cultivation by any lighting (natural, artificial, and mixed lighting) should be allowed in industrial zones. Some also spoke out in favor of testing laboratory facilities. It was discussed and generally accepted that there is not enough local law enforcement directly available to foresee a secure storefront/retail/dispensary type facility in the unincorporated area.

Many speakers expressed an interest in allowing delivery of medical cannabis. Patients would like a way to have medical cannabis delivered to their residence. Testimony explained that physical disabilities and other ailments might limit the ability of a qualified patient to cultivate for themselves or drive to a dispensary. Deliveries could facilitate access to the products they need in those cases. It was also pointed out that in the event that crops fail, delivery is the next best option for someone who is in need of medical cannabis.

Other points touched on the interest for a roadside stand permit (this could potentially fall under the microbusiness category) and also expressed concern over permit costs. A speaker requested that permit costs and requirements should not make cultivation inaccessible for those patients that rely on medical cannabis. Some have requested a review of the cost of the Medical Marijuana Identification Card (issued by County Public Health) because they believe the cost is close to \$200 which they said is expensive.

Quick Summary

- More than half of those commenting supported allowing outdoor personal cultivation
- Favor of setbacks from property line for outdoor cultivation
- In favor of measuring canopy to define cultivation size
- In favor of reasonable safety standards for indoor and outdoor cultivation
- Would like to see a separate ordinance that deals specifically with medical cannabis cultivation/processing/manufacturing and keeps patients in mind
- All cultivations should be secured and out of site
- In favor of delivery of medical cannabis
- Most interested in nursery, microbusiness, and commercial cultivation permits
- Storefront/retail/dispensary type facilities are not essential
- Keep permit costs low
- Speakers expressed an interest in finding a solution soon because the "process is taking too long." Medical cannabis proponents request heightened priority for a solution because of the upcoming planting season

**Industry Stakeholder Meeting Review
Commercial Cannabis Regulations
March 08, 2017
Total Attendance: 29 people**

The meeting opened with a staff summary of the current State laws in place as Solano County moves forward to develop an ordinance on commercial activities for cannabis/marijuana businesses. The floor was opened for public comment to discuss individuals' experience with cannabis/marijuana business and to receive input on potential regulations Solano County could put in place. Meeting agendas, a packet explaining the different types of commercial licenses under AUMA/MCRSA, contact sheet for the CA Bureau of Medical Cannabis Regulation, cannabis/marijuana business surveys, and maps outlining possible zoning for cannabis/marijuana businesses were available for attendees.

A cottage farmer in partnership with Sacramento Holistic Healing Center, started the discussion by recounting her positive experience in operating an indoor cultivation site. She explained that the process for licensing and permitting for her grow took several months in order to be in compliance with the City regulations. She explained that her cultivation uses 41kW lights that run for 12 hours per day. The electricity bill comes out to about \$2,000 per month. She also noted that she has the proper air conditioning, electrical wiring, and air filtration system to prevent hazardous conditions and not cause a nuisance to neighboring locations. She spoke of ways in which Holistic Healing Center works to give back to and work with the community.

Another attendee spoke on behalf of A Therapeutic Alternative, a medical cannabis dispensary in Sacramento. She also spoke of the positive experience she has had in working with the wellness center to provide medicine for qualified patients but also its role in holding community education events, information sessions for seniors, organizing yoga and therapy sessions, homeless outreach, and community clean-up days. She also approved of setting forth business regulations that promote community wellness and security.

One gentleman with cultivation experience in Butte County spoke of the regulations he saw in place there such as acreage limits/square footage limits, property line setbacks, and allowing grandfathering in as a compliant grower when certain conditions were met. His experience has been that cannabis cultivation is best undergone in mixed-light conditions that involve a combination of indoor, greenhouse, and outdoor growing and suggests the County work to incorporate that into consideration for the future ordinance. He also mentioned that his operation was later unviable in Butte County due to a shift towards highly restrictive regulations. These increased regulations were brought on due to an increase in environmental damage in the area caused by non-regulated cultivation.

A couple of representatives of Vallejo dispensaries expressed their interest in establishing additional businesses in Solano County so long as regulations are strict enough to keep "bad players" out and manageable enough for local investors to follow through on developing their business. They also commented on seeing the possibility of allowing (indoor) cultivation in Agriculturally zoned areas because the available Manufacturing/Industrial zones were limited. Another individual stated that it would be best to limit the size of commercial cultivation to 10,000 sq. ft. to encourage economic competition amongst growers. One individual also suggested

regulations be put in place for maximum control in manufacturing operations. The discussion then led to suggesting prohibition of outdoor cultivation at least ½ mile in distance from rural residential zoning. The idea was also put forth to allow a conditional use permit for cultivation in agriculture zoning.

There was comment by one speaker involved in the agricultural production of hay in Solano County that was concerned about opening cannabis/marijuana cultivation to agricultural zones. He explained that his business would suffer from the increase in property values and the resulting increased taxation on the land if his neighbors cultivated cannabis commercially.

Additional points for concern that were brought up regarding commercial activities included the drains on the power grid for indoor/mixed-light cultivation and manufacturing businesses. There were plenty of comments regarding the impact to the environment and the importance of stewardship for the land. Speakers considered including incorporating regulations to reuse/recycle water in cultivation, supporting mixed-light and outdoor cultivations to promote a healthier environment.

Overall, people in support of permitting commercial activity expressed an interest in seeing an affordable permit process, preferably a process similar to that of a regular business permit, with straightforward parameters in place to secure compliant business operations in Solano County. Opinions showed an interest in microbusinesses and delivery permitting (so long as the delivery is discreet). Interest in a sort of roadside stand for marijuana products was brought up but this issue was not discussed at length.

At one point, a vote by show of hands was called to determine how many people were interested in outdoor cultivation. A majority, approximately 19 hands counted, voted in favor of seeing regulations to allow outdoor commercial cultivation.

Many pointed to the economic benefit of opening up to commercial cannabis activity, like that of Vallejo. One gentleman suggested that the revenue from taxing marijuana businesses not go to the general fund and instead be put towards specific projects. Some jurisdictions put marijuana tax funds towards education or youth programs. One speaker suggested that the tax revenue go toward funding cannabis research but it was pointed out that the State or Federal government, and not the County, would be charged with developing research on these issues. A contact sheet for the Bureau of Medical Cannabis Regulation was provided at the meeting to direct people with specific concerns that the County does not manage to the appropriate State authority.

There was plenty of discussion that examined the potential for black/gray market operations if the County decides to outright ban some or all types of licensing. Safety is a top concern for both proponents and opponents with regards to the establishment of marijuana business regulations. One gentleman, previous consultant to Mendocino County on similar marijuana issues, expressed success in developing regulations usually comes down to one decision: either you want these businesses or you don't. He explained that it is often difficult to pick and choose the businesses you do want without creating a comprehensive regulation scheme for all aspects of marijuana businesses because there are aspects which overlap across the industry. This seemed to be a shared sentiment by many of the business proponents in attendance.

Summary of Key Discussion Points

- Allow cultivation, manufacturing, distribution, retail, and microbusinesses
 - Outdoor is most favorable, Mixed-light is second best, Indoor is doable
- Create an affordable permitting process that sets clear regulations for businesses
- Consider and respect the community/environment in which marijuana/cannabis businesses may be licensed to operate
- Set out environmentally responsible guidelines for businesses to follow
- Consider allowing licenses for cultivation in the AG zones
- Consider a specific use for funds collected from marijuana business taxes

Summary of Solano Cities Cannabis Ordinances

City	Personal Cultivation	Storefront and Mobile Dispensaries	Commercial Cannabis
<u>Benicia</u> Municipal Code Chapter 9.60 Urgency Ordinance 17-3 in Effect	<ul style="list-style-type: none"> • A qualified patient or non-medical user may have six mature plants or 12 immature plants 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. 	<ul style="list-style-type: none"> • Dispensaries Banned. All deliveries prohibited within city limits (Municipal Code Chapter 17.84) • Except for medical marijuana, no person or entity shall deliver marijuana within the city limits 	<ul style="list-style-type: none"> • Urgency Ordinance: Prohibits commercial cultivation, delivery, distribution, transportation, manufacturing, retail, and testing facilities. • Also includes prohibition of outdoor personal and nonmedical marijuana • June 7th: City Council Meeting to discuss cannabis policies and receive presentation from HdL Companies on MCRSA and AUMA • City Council Meeting Sept 5th: Cannabis update and direction for draft ordinance
<u>Dixon</u> Municipal Code Chapter 11.13	<ul style="list-style-type: none"> • A qualified patient or primary caregiver who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use is exempt from the licensure requirements. 	<ul style="list-style-type: none"> • Limit 2 dispensaries allowed in the City at any time. (Ch. 6.12 of Municipal Code) • June 27th: City Council adopted ordinance for two dispensaries in Light Industrial and Heavy Industrial zoning districts • Delivery of medical marijuana is prohibited unless a person holds a valid medical marijuana dispensary permit 	<ul style="list-style-type: none"> • May 24th: Public Hearing on Cannabis Pilot Program for cannabis businesses Accepting submissions of "Request for Qualifications" through June 30th. No outdoor cultivation. • Measure K passed business license tax of 15% on medical marijuana businesses.
<u>Fairfield</u> Municipal Code Chapter 25.32.17	<ul style="list-style-type: none"> • 6 plant maximum cultivated indoors in secure enclosure. • Outdoor cultivation prohibited. • Written consent for indoor cultivation by property owner. Cultivation may not displace required off-street parking 	<ul style="list-style-type: none"> • Medical Marijuana Dispensaries Prohibited • All delivery of marijuana within the City of Fairfield is prohibited. • Mobile marijuana dispensaries are also prohibited 	<ul style="list-style-type: none"> • Permanent Ordinance Passed March 7th: Prohibits all commercial marijuana activity, delivery, and outdoor cultivation.

Summary of Solano Cities Cannabis Ordinances

City	Personal Cultivation	Storefront and Mobile Dispensaries	Commercial Cannabis
<u>Rio Vista</u> Municipal Code Section 17.70 August 1st: Second reading-- Ordinance Adopted	<p>Personal cultivation of no more than 6 plants allowed indoors in a private residence or in a detached, secure enclosure with cannabis cultivation use permit issued by city manager</p> <ul style="list-style-type: none"> • Cultivation within an enclosed, secured greenhouse which includes mechanical ventilation with filtration systems is permitted • The grower shall have the written consent of the property owner • Comply with CA building, electrical, and fire codes as adopted by the city 	<ul style="list-style-type: none"> • Cannabis Dispensaries are allowed in the C-2 (Community Commercial), C-3 (General Service Commercial and Industrial), B-P (Business Park), I-P-I (Industrial Park and/or Industrial) and MG (General Manufacturing) zones, with the issuance of a conditional use permit (valid for 2 years) and development agreement, which jointly, must first be reviewed and recommended by the Planning Commission for City Council approval • 600ft setback from sensitive uses • Medical Cannabis Deliveries from Authorized Dispensary Allowed with Permit • Non-Medical Cannabis Deliveries Prohibited • Mobile dispensaries are expressly prohibited 	<p>Conditional Use permit process for indoor cultivation of cannabis, medicinal plant research, manufacturing, and packaging of Cannabis products.</p> <ul style="list-style-type: none"> • Business Park (B-P) and Industrial Park and/or Industrial (I-P-I). • The Conditional Use Permit and development agreement must first be reviewed and recommended by the Planning Commission for City Council approval. • The six hundred (600) feet shall be measured from the closest property line of the school, child care center, or park to the closest property line of the commercial cultivation parcel • Any structure used for the commercial cultivation of Cannabis must have a ventilation and filtration system
<u>Suisun</u> Municipal Code Chapter 18.47	<ul style="list-style-type: none"> • Personal Cultivation as permitted by the State. • Only allows individual cultivation, this excludes caregiver/collective cultivation. 	<ul style="list-style-type: none"> • Dispensaries in all city zones are prohibited. Delivery of marijuana prohibited within city limits • Mobile Dispensaries Prohibited 	<ul style="list-style-type: none"> • March 21 City Council Staff Report: Conduct public outreach, no dispensaries, consider other businesses. • April 11: Planning Comm. Policy Discussion • June 7th: Community Discussion

Summary of Solano Cities Cannabis Ordinances

City	Personal Cultivation	Storefront and Mobile Dispensaries	Commercial Cannabis
<u>Vacaville</u> Municipal Code Chapter 9.13	<ul style="list-style-type: none"> • Cultivation of cannabis for non-commercial purposes is expressly prohibited within the City of Vacaville. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis within the City, even for medical purposes 	<ul style="list-style-type: none"> • Dispensaries Prohibited. • All deliveries of medical cannabis are expressly prohibited within the City of Vacaville. No person shall conduct any deliveries that either originate or terminate within the City 	<ul style="list-style-type: none"> • Commercial cannabis activities of all types are expressly prohibited within the City of Vacaville • August 22nd: City Council voted for new moratorium prohibiting commercial cannabis activities while staff prepares possible regulations for up to two dispensaries and cannabis manufacturing in the industrial zoned areas.
<u>Vallejo</u> Municipal Code Chapter 7.100	<ul style="list-style-type: none"> • Recognizes the need for access to medical marijuana by patients. Personal cultivation as permitted by State. 	<ul style="list-style-type: none"> • No authority to permit use of dispensary in any zone • No mobile dispensary allowed • Limited Immunity: minimum of one thousand feet from any public or private school, kindergarten through high school. 11 dispensaries are compliant with municipal code. • 9am-8pm operating hours for dispensaries • The dispensary property utilizes a sufficient odor-absorbing ventilation and exhaust system to so that odor generated by inside the property is not detected outside dispensary • Businesses must comply with city business tax rate (10% gross receipt) (Municipal Code Chapter 5.5) 	<ul style="list-style-type: none"> • The Vallejo City Council Special Study Session on Marijuana June 7th: Community input and approval to create ad hoc committee to evaluate potential cannabis ordinance options • City Council Meeting August 22nd for the first reading of an ordinance for regulations on dispensaries. Additional regulations for cultivation and manufacturing will be addressed in phases.

Adjacent County Cannabis Ordinance Status

County	Personal Cultivation	Cannabis Businesses
Solano Urgency Ordinance No. 2017-1782	<ul style="list-style-type: none"> • Interim urgency ordinance prohibits all outdoor cultivation • Indoor personal cultivation allowed for personal use is allowed inside a lawful private residence, or inside an accessory structure to a private residence • Structure must be fully enclosed and secure and plants must not be visible by normal unaided vision from a public space 	<ul style="list-style-type: none"> • Not allowable under Interim Ordinance
Napa County Code Chapter 8.10	<ul style="list-style-type: none"> • Outdoor cultivation of medical cannabis prohibited • Indoor cultivation allowed with regulations • Indoor cultivation of marijuana is permitted only on premises with single-family residential structures • No more than twenty-five contiguous square feet of cultivated area per premises allowed indoors or within a fully enclosed and secure structure • Fully enclosed structure used for cultivation shall maintain a minimum 10 foot setback from any property line • Any structure used for cultivation will have proper ventilation and odor control filtration to prevent mold damage and prevent marijuana plant odors from becoming a public nuisance 	<ul style="list-style-type: none"> • Not allowable under county code • Update on medical/commercial regulations under MCRSA and AUMA at 05/30/17 cannabis roundtable. • Upcoming Roundtable meeting in August.
Sacramento County Code Chapter 6.88	<ul style="list-style-type: none"> • Adopted current ordinance 4/11/17 (Personal Indoor Use) • Outdoor cultivation of medical cannabis prohibited. • No more than 9 plants allowed indoors for either medical (regardless of the number of qualified patients or caregivers residing in the dwelling) or non-medical use. • Cultivation only allowed within a single private residence or inside a fully enclosed and secure structure located upon the grounds of a private residence • Written consent of the property owner is obtained prior to any cultivation commencing • Compliant with Building and Fire Codes 	<ul style="list-style-type: none"> • Commercial Marijuana Businesses Prohibited in all Zoning Districts

Adjacent County Cannabis Ordinance Status

County	Personal Cultivation	Other Cannabis Businesses
<p>Contra Costa</p> <p>Interim Urgency Ordinance No. 2017-03</p>	<ul style="list-style-type: none"> • Interim urgency ordinance prohibits outdoor personal cultivation • Personal indoor grows of up to six plants as provided by AUMA allowed <ul style="list-style-type: none"> ○ The residence, and all lighting, plumbing, and electrical components used for cultivation, must comply with all applicable zoning, building, electrical, and plumbing codes and permitting requirements ○ All living marijuana plants, and all marijuana in excess of 28.5 grams produced by those plants, must be kept in a locked room and may not be visible from an adjacent property, right-of-way, street, sidewalk, or other place accessible to the public ○ The residence must be lawfully occupied by the person who cultivates the marijuana plants within the residence. If the residence is not owner-occupied, written permission from the owner of the residence must be obtained before marijuana plants may be cultivated 	<p>Interim urgency ordinance prohibits the cultivation, delivery and sale of marijuana and marijuana products</p> <p>Cannabis Regulation Workshop 04/25/17: Evaluating Regulation Options July 18: Preliminary Zoning Analysis for Cannabis Uses ➔ Zoning considerations for all commercial options July 18: Cannabis Taxation Study</p>
<p>Yolo</p> <p>County Code Title 5 Chapter 20</p>	<ul style="list-style-type: none"> • Personal cultivation allowed under MCRSA and AUMA. <ul style="list-style-type: none"> • For personal use - qualified patients (pursuant to Section 11362.5 of the Health & Safety Code) • The area of cultivation cannot exceed 100 square feet, at full plant maturity, per legal parcel. • The 100 square feet limitation is imposed regardless of the number of qualified patients residing on the property, participating directly or indirectly in or benefitting from the cultivation. • Cultivation is for personal medical use only; not for sale, distribution, donation or provision to any other person or entity • Subject to all applicable restrictions contained in Proposition 64, an adult 21 years or older may grow up to 6 plants and use non-medical marijuana inside their own residence 	<p>Commercial Cultivation of medical cannabis allowed by permit only and must be in compliance with California Regional Water Quality Control Board Central Valley Region. Cultivators participate in pilot track and trace program</p> <ul style="list-style-type: none"> - \$1,500 per Application Fee - \$7,600 Initial Permit Fee - \$1.60 per sq. ft. (CBD Dominant) / \$2.48 per sq. ft. (THC Dominant) Annual Certification Fee

Adjacent County Cannabis Ordinance Status

County	Personal Cultivation	Other Cannabis Businesses
<p>Sonoma</p> <p>County Municipal Code Chapter 26</p>	<ul style="list-style-type: none"> • Cultivation of cannabis for personal use is limited to no more than 100 square feet per residence, of which up to 6 plants can be cultivated for adult use purposes. • Cultivation of cannabis for personal use is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring • Outdoor: <ul style="list-style-type: none"> ○ Plants cannot be located in the front or side yard setback areas and cannot be visible from public streets or walkways. ○ Outdoor growing is not allowed in multi-family units or in the medium and high density residential zones (R2 and R3). • Indoor: <ul style="list-style-type: none"> ○ Indoor grows must be in an accessory structure, like a greenhouse or garage. Growing inside a residential structure is not allowed, unless there is no feasible alternative. ○ Structures cannot be in the front and side yard setback areas and must comply with setback requirements. ○ Greenhouses must be screened from public streets or walkways, and there should not be exterior evidence of cultivation. • All structures should be legally built with all applicable permits (e.g. Building, Grading, Well & Septic). • Limit access with locking doors or gates. • Equip structures with odor control filtration and ventilation systems. • Lights should be shielded and confined to the inside of the structure. • Generators are not allowed. • Comply with the Agriculture, Weights and Measures Best Management Practices for cannabis cultivation 	<p>Began accepting permit applications for medical cannabis businesses July 5, 2017 with \$2,500 fee</p> <p>Cannabis Business Tax Rates applicable to all permitted businesses</p> <p>Permitting available for nursery, cottage, indoor/outdoor/mixed light cultivation, testing/lab, manufacturing, dispensaries, distributor, and transporter businesses</p> <p>County Workshops: Cannabis Pesticide Permit (August) Cannabis water and wastewater Cultivation Infrastructure Cannabis Energy and Sustainability Cannabis Taxation Dispensary/Manufacturing/Cultivation Permitting</p>

Due to file size, the following documents can be accessed via the links in the list below, in addition to being on file with the Clerk of the Board.

[H1 - PC Staff Report from November 17, 2016 with minutes,](#)

[H2 - PC Staff Report from January 19, 2017 with minutes,](#)

[H3 - PC Staff Report from March 16, 2017 with minutes](#)