Solano County

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

Agenda - Final

Thursday, November 17, 2016

7:00 PM

Board of Supervisors Chambers

Planning Commission

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

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

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

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

AGENDA

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF THE MINUTES

PC 16-027 Minutes of September 15, 2016

Attachments: Draft minutes

ITEMS FROM THE PUBLIC:

This is your opportunity to address the Commission on a matter not heard on the Agenda, but it must be within the subject matter jurisdiction of the Commission. Please submit a Speaker Card before the first speaker is called and limit your comments to five

minutes. Items from the public will be taken under consideration without discussion by the Commission and may be referred to staff.

REGULAR CALENDAR

1 **PC 16-028** Public hearing to consider an appeal of the Director of Resource Management's determination (LUD-16-01-Bubbling Wells) that a pet crematorium is not a permitted use in the Exclusive Agricultural (A-40) Zoning District. (Project Planner: Jim Leland)

Attachments:
- B - LUD-16-01 (BubblingWell) Final
- C - APPEAL by Cannon Partners 10 03 2016
- D - Miscellaneous Letters
- E - Table 28 21 A

2 **PC 16-029** Public hearing to decide whether to recommend that the Board of Supervisors adopt an ordinance to amend Chapter 28 (Zoning Regulations) to allow for non-commercial cultivation of cannabis for personal and caregiver use indoors in all zones that allow a residence, and to ban outdoor cultivation of cannabis for personal and caregiver use; to collect public input on whether the County should consider allowing some types commercial cannabis activity in the manufacturing and industrial zones such as indoor cultivation and cannabis testing laboratories and prohibiting all other commercial cannabis activities in the unincorporated county.

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

ANNOUNCEMENTS AND REPORTS

ADJOURN

To the Planning Commission meeting of December 1, 2016 at 7:00 P.M., Board Chambers, 675 Texas Street, Fairfield, CA

Solano County

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

Agenda Submittal

Agenda #:		**Status:**	PC Minutes
Type:	PC-Document	**Department:**	Planning Commission
File #:	PC 16-027	**Contact:**	
Agenda date:	11/17/2016	**Final Action:**	
Title:	Minutes of September 15, 2016		
Governing body:			
District:			
Attachments:	Draft minutes		

Date:	Ver.	Action By:	Action:	Result:

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of September 15, 2016

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

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

EXCUSED: None

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Jim Laughlin, Deputy County Counsel; Eric Wilberg, Planner Associate; and Diane Gilliland, Acting Planning Commission Clerk

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

Approval of the Agenda
The Agenda was approved with no additions or deletions.

Approval of the Minutes
The minutes of the regular meeting of June 16, 2016 were approved as prepared.

Items from the Public
There was no one from the public wishing to speak.

Regular Calendar

Item No. 1.
PUBLIC HEARING to consider Lot Line Adjustment Application No. LLA-16-02 and Certificate of Compliance Application No. CC-16-02 of **Ellis Ranch, LLC** to reconfigure interior parcel lines between three contiguous lots. The entire property is entered into Williamson Act Contract No. 657. The property is located at 5177 Williams Road, 2 miles northwest of the City of Fairfield, within the Suisun Valley Agriculture "A-SV-20" Zoning District, APN's: 0149-070-240, 250, 260, 270, 280 and 290. Lot line adjustments are ministerial projects, and therefore are not held to the provisions and requirements of CEQA per CEQA Section 21080 (b)(1). (Project Planner: Eric Wilberg)

Eric Wilberg gave a brief summary of staff's written report. The applicant proposes to reconfigure interior property lines of three contiguous parcels under common ownership. The purpose of the lot line adjustment is to reconfigure the lots to align with the vineyard layout as well as Williams Road which traverses through two of the lots. The adjustment would reconfigure proposed Parcel One to lie east of Williams Road and proposed Parcels Two and Three to the west of the road. The common parcel line between proposed Parcels Two and

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Three would also follow the existing vineyard layout. Staff recommended approval of the project.

Brian Sousa, land surveyor for the applicant explained that currently the property is made up of three parcels divided by the road; the east property is hilly and the west side is flat. There are potentially two different ag uses for the different sites. Mr. Sousa noted that the applicant has leased the property to a vineyard grower who has a contract to plant vineyards on the east side and a separate contract to plant vineyards on the west side. The applicant wants to make sure that the property lines match the two different contracts; one on the east side of the road and one on the west side so if in the future they decide to sell the property, they have the ability to do so without delay.

Chairwoman Cayler opened the public hearing. Since there was no one from the public wishing to speak, the public hearing was closed.

Commissioner Rhoads-Poston stated that a couple of years ago she had inquired if there were any updates that were planned to the geological studies of reclassifying ag soils in the county. She commented that the commission has heard statements in the past from farmers about how the classification of the land is dated back to the 1950s, and she wanted to know if there is any progress on updating those land classifications.

Mike Yankovich stated that the state is not in the process of updating those studies. He said that they would not reclassify the soils unless there was a special need presented. Mr. Yankovich noted that the county's ag committee is looking at trying to get what they call a Land Evaluation and Site Analysis, and as a result of some bargaining, that analysis is currently happening. It appears they may be able get some funds to use to develop the system to use for Solano County, but he was not clear when that would take place.

Commissioner Castellblanch said that he is aware of talk in Sonoma County about inadequate water for the vineyards and wanted to know if Solano County is approaching that discussion or have concern due to inadequate water supply relevant to vineyards.

Mr. Yankovich stated that the state has passed some laws with regard to water basins and those basins have been rated. The Fairfield Suisun basin has received a positive rating, that being no problems with the water or water levels. He commented that there is a sufficient amount of surface water from Lake Berryessa which the cities of Fairfield and Vacaville use, and SID being one of the main purveyors of water based out of Berryessa. It appears right now to be sufficient with regard to the amount and quality of water. Mr. Yankovich stated that there is some work being done with regard to neighboring Yolo County because there is a portion of the northeastern part of the county that is not in that same basin but is shared with Yolo County.

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Walker to adopt the resolution and approve Lot Line Adjustment Application No. LLA-16-02 subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4640)

ANNOUNCEMENTS and REPORTS

There were no announcements and reports.

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

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Solano County

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Agenda Submittal

Agenda #:	1	**Status:**	PC-Regular
Type:	PC-Document	**Department:**	Planning Commission
File #:	PC 16-028	**Contact:**	
Agenda date:	11/17/2016	**Final Action:**	
Title:	Public hearing to consider an appeal of the Director of Resource Management's determination (LUD-16-01-Bubbling Wells) that a pet crematorium is not a permitted use in the Exclusive Agricultural (A-40) Zoning District. (Project Planner: Jim Leland)		
Governing body:			
District:			
Attachments:	B - LUD-16-01 (BubblingWell) Final, C - APPEAL by Cannon Partners 10 03 2016, D - Miscellaneous Letters, E - Table 28 21 A		

Date:	Ver.	Action By:	Action:	Result:

Published Notice Required? Yes __X__ No ___
Public Hearing Required? Yes __X__ No ___

RECOMMENDATION:

Staff recommends that the Planning Commission deny the appeal of Land Use Determination LUD-16-01 and uphold the director's determination that a pet crematorium is not a permitted use within the Exclusive Agricultural (A-40) District.

ANALYSIS:

Background

Chapter 28 (Zoning Regulations) of the County Code establishes a variety of Zoning Districts which apply to lands within the unincorporated county. For each of these zoning districts, the Zoning Regulations provide a table that lists of variety of land uses and identifies whether the land use is allowed by right, authorized upon issuance of a permit, or prohibited within the district. In addition, Chapter 28 outlines permitting and appeal procedures applicable under relevant circumstances.

When a property owner applies for a land use permit, the application must identify the type of land use being proposed and describe various details about the proposed use. If the type of land use being proposed does not exactly match one of the types of land uses listed in the table for the zoning district, the Director must determine whether the proposed use is substantially similar to one of the listed land uses. If the Director determines that the proposed land use is substantially similar to a use listed in the table, then the Department will process the application as if it were for that listed use, applying the same development standards as are applicable to the listed use. The Department will make a recommendation on the application based on the Director's determination, but the Planning Commission may disagree with the Director's determination and find that the

proposed use is not substantially similar to the listed use.

If the Director determines that the proposed use is not substantially similar to any of the uses listed in the table for the zoning district, then the proposed use is a land use that is prohibited in the zoning district. (Chapter 28, section 28.70.20(B).) The applicant may appeal the Director's determination to the Planning Commission. The Planning Commission may either uphold the Director's determination or make a new determination that the proposed use is in fact substantially similar to one of the uses in the table. The Planning Commission's determination then becomes the governing determination.

Cannon Partners owns land within the Exclusive Agricultural (A-40) District. During discussions with the Department, Cannon Partners indicated their desire to relocate the Bubbling Well pet crematorium from their site on Peabody Road in Fairfield to their site on North Gate Road. Staff indicated that a pet crematorium was not a permitted land use in the A-40 Zoning District.
On September 27, 2016, the Director of Resource Management issued his determination (LUD-16-01) that a crematorium is a "general service" use and is permitted in the Commercial Service (C-S) District, but a crematorium is not substantially similar to a slaughterhouse or any other land use listed in Table 28.21A for the Exclusive Agricultural (A-40) District and is therefore a prohibited land use in that district (Section 28.70.20(B)).

Analysis

Existing Zoning
The project is being proposed on lands located within the Exclusive Agriculture (A-40) District.
Nature of the Proposed Use
The project consists of a pet crematorium. Crematories are generally defined as facilities and equipment in which cremation takes place. Crematories are usually found in conjunction with funeral homes, morgues, or cemeteries, or in stand-alone facilities. In this particular instance, the crematorium is a stand-alone facility providing business-to-business cremation services between veterinarian businesses and Bubbling Well Pet Memorial Park in Napa County. For purposes of the County's zoning regulations, the land use is a commercial land use that primarily provides business-to-business services to another commercial enterprise (veterinarians) and/or, on occasion, to the general public.

Zoning Consistency
The general purpose of the business discussed above is consistent with the purpose of the Commercial-Service District, provided below:

> **"28.41.11.E. Commercial Service (C-S) District**
> The C-S district is designed to provide an area for commercial services of an extensive or heavy nature in support of industrial, construction, or other business activities."

Within the Commercial-Service District, this type of business is contained within the meaning of the general service uses land use listed in Table 28.41.A as defined below:

> "**General service uses.** An auto repair garage, blacksmith shop, cabinet shop, coppersmith shop, electrical repair shop, machine shop, plating works, plumbing shop, sheet metal shop, upholstering shop, welding shop, woodmill, and similar uses." - *Section 28.01*

General service uses are listed in Table 28.41A as allowed by right within the Commercial Service (C-S) Zoning District, subject to the performance standards listed in Section(s) 28.76.20(A).

In addition, the Bubbling Well crematorium used to be located in the Commercial-Service Zoning District along Peabody Road prior to the property being annexed into the City of Fairfield.

Applicant's Argument
The applicant initially advanced the argument that the proposed crematorium is allowed in the Exclusive Agricultural District as a "similar use" to a slaughterhouse. Pursuant to Table 28.21 A (Table of Allowed Uses) slaughterhouses are permissible in the Exclusive Agricultural District upon the issuance of a use permit.
The Exclusive Agricultural District states in Section 28.21.11 Purpose of Agricultural Districts, that the "Board of Supervisors has determined that the promotion and preservation of agriculture is of vital interest to the county". A slaughterhouse is an agricultural use, listed under the Agricultural Heading and Animal Operations sub-heading in Table 28.21A. Slaughterhouses exist to kill or dress animals for the production of meat. Slaughterhouses are a part of the agricultural process of producing food or fiber. Crematoriums are not a part of an agricultural process which is engaged in the production of food or fiber.

PLANNING COMMISSION ALTERNATIVES

The Planning Commission is empowered to conduct hearings on the appeal of land use determinations made by the Director of Resource Management. The Planning Commission may choose to take one of the two following actions:

1. Deny the Appeal of Land Use Determination LUD-16-01 and uphold the director's determination that a pet crematorium is not a permitted use within the Exclusive Agricultural (A-40) District or,

2. Determine that a pet crematorium is similar to a slaughterhouse or another permissible use within the Exclusive Agricultural District and may be permitted under the same permitting requirements applicable to the other similar use.

ATTACHMENTS:
Exhibit A - Draft Resolution (to be distributed at a later date)
Exhibit B - Land Use Determination LUD-16-01
Exhibit C - Appeal by Cannon Partners
Exhibit D - Miscellaneous Letters
Exhibit E - Table 28.21 A Uses

BILL EMLEN
Director
TERRY SCHMIDTBAUER
Assistant Director
MIKE YANKOVICH
Planning Services Manager

DEPARTMENT OF RESOURCE MANAGEMENT

SOLANO COUNTY

Planning Services Division

675 Texas Street, Suite 5500
Fairfield, CA 94533-6342
(707) 784-6765
Fax (707) 784-4805

www.solanocounty.com

Land Use Determination

The Director of Resource Management has reviewed your application for a use permit to construct and operate an animal mortuary or crematorium on property within the A-40 Exclusive Agriculture zoning district (APN 0166-050-100). The Director has determined that your proposed land use is not a permitted use within the A-40 District.

Analysis of Pertinent Zoning Regulations:

Existing Zoning

The project is being proposed on lands located within the Exclusive Agriculture (A-40) District.

Nature of the Proposed Use

The project consists of a pet crematorium. Crematories are generally defined as facilities and equipment in which cremation takes place. Crematories are usually found in conjunction with funeral homes, morgues, or cemeteries, or in stand-alone facilities. In this particular instance, the crematorium is a stand-alone facility providing business-to-business cremation services between veterinarian businesses and Bubbling Well Pet Memorial Park in Napa County. For purposes of the County's zoning regulations, the land use is a commercial land use that primarily provides business-to-business services to another commercial enterprise (veterinarians) and/or, on occasion, to the general public.

Zoning Consistency

The general purpose of the business discussed above is consistent with the purpose of the Commercial-Service District, provided below:

> **"28.41.11.E. Commercial Service (C-S) District**
> The C-S district is designed to provide an area for commercial services of an extensive or heavy nature in support of industrial, construction, or other business activities."

Within the Commercial-Service District, this type of business is contained within the meaning of the general service uses land use listed in Table 28.41.A as defined below:

> "**General service uses.** An auto repair garage, blacksmith shop, cabinet shop, coppersmith shop, electrical repair shop, machine shop, plating works, plumbing shop, sheet metal shop, upholstering shop, welding shop, woodmill, and similar uses." – *Section 28.01*

General service uses are listed in Table 28.41A as allowed by right within the Commercial Service (C-S) Zoning District, subject to the performance standards listed in Section(s) 28.76.20(A).

As a result, the Director has **determined** that a crematorium is a general service use and is permitted in the Commercial Service (C-S) District.

Prohibited in the Exclusive Agricultural (A-40) District

General service use is not a listed use in Table 28.21A in the Exclusive Agricultural (A-40a) District. Under the construction of Chapter 28 (Zoning Regulations), any land use which is not listed within a particular district is prohibited in that district (Section 28.70.20B).

Applicant's Argument

The applicant has advanced the argument that the proposed crematorium is allowed in the Exclusive Agricultural District as a "similar use" to a slaughterhouse. Pursuant to Table 28.21 A (Table of Allowed Uses) slaughterhouses are permissible in the Exclusive Agricultural District upon the issuance of a use permit.

The Exclusive Agricultural District states in Section 28.21.11 Purpose of Agricultural Districts, that the "Board of Supervisors has determined that the promotion and preservation of agriculture is of vital interest to the county". A slaughterhouse is an agricultural use, listed under the Agricultural Heading and Animal Operations sub-heading in Table 28.21A. Slaughterhouses exist to kill or dress animals for the production of meat. Slaughterhouses are a part of the agricultural process of producing food or fiber. Crematoriums are not a part of an agricultural process which is engaged in the production of food or fiber.

As a result, the Director has **determined** that a crematorium is not a similar use to a slaughterhouse and is not permitted in the Exclusive Agricultural (A-40) District.

DEPARTMENT OF RESOURCE MANAGEMENT
Planning Services Division
675 Texas Street, Suite 5500, Fairfield, CA 94533
Phone (707) 784-6765 Fax (707) 784-4805
www.solanocounty.com

RECEIVED
OCT 03 2016
COUNTY OF SOLANO
RESOURCE MANAGEMENT

APPEAL REQUEST FORM

1. Name of Appellant: Canon Partners Telephone: 426-0100

   Email address: jandrews@asbproperties.com

2. Mailing Address: 1107 Kentucky St. City: Fairfield State: CA Zip: 94533

3. Appealed to: ☒ Planning Commission ☐ Board of Supervisors

4. Appeal Fee: $150.00 _____ Receipt # _____

5. State the application name and reason(s) why the decision making body erred in its decision. Attach additional sheets if necessary:

Bubbling Wells by Canon Partners

See attached

Appellants Signature: _____ Date: 9-30-16

The Application is Bubbling Wells applied for by Canon Partners

We feel that Bubbling Wells is a compatible use for Solano County's exclusive agriculture zoning. It provides benefits to ranchers and farmers as well as veterinary clinics and the SPCA. It also provides a county wide needed service to the public. But an animal crematorium is not sited as an approved use in the Zoning Guidelines. We think it is such a unique business nobody would of thought to put it in the Agriculture Zoning allowed uses list. But it is very compatible and is a like use in our opinion.

The Determination that Bubbling Wells should be in a Commercial service district and is a General Service use was made by the Planning department. However an animal crematorium is not specifically named as an allowed use in the Commercial service allowed use list. Again, because Bubbling Wells is such unique business its determination as a like use is open to wide interpretation.

We appreciate the time and effort put into this by the planning departments staff. It was a very fast and efficient process. However we believe an animal crematorium is compatible with Agriculture zoning and would like to appeal to the planning commission.

BILL EMLEN
Director

TERRY SCHMIDTBAUER
Assistant Director

MIKE YANKOVICH
Planning Services Manager

DEPARTMENT OF RESOURCE MANAGEMENT

SOLANO COUNTY

675 Texas Street, Suite 5500
Fairfield, CA 94533-6342
(707) 784-6765
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www.solanocounty.com

Planning Services Division

September 27, 2016

Frank Andrews
Cannon Station LLC
1107 Kentucky Street
Fairfield, CA 94533

Mr. Andrews,

The Department of Resource Management has reviewed your letter of August 30, 2016 re: the relocation of the Bubbling Wells Pet Crematorium (Bubbling Wells) to property in the unincorporated county which is Zoned Exclusive Agriculture (A-40). Earlier this year Jim Leland, Principal Planner with the Department, discussed with you, by telephone the land use suitability of the Bubbling Well project and conveyed the Department's opinion that it would not be a permitted use within the Exclusive Agricultural (A-40) District.

In your letter of August 30th, you express the intent to appeal that determination and ask the Planning Commission to consider whether or not the pet crematorium is a permissible use in the A-40 District.

I am providing you with the sequence of events which must occur for you to avail yourself of that opportunity:

1. The Director of Resource Management issues a formal land use determination (See Attachment A)
2. Within 10 days of receipt of the Director's determination, you must file an appeal with the Department of Resource Management and pay an appeal fee of $150.00.
3. The Department will schedule an appeal hearing for an upcoming Planning Commission Regular Meeting for consideration.

These are the steps remaining to accommodate your request. Please do not hesitate to contact my office if you have further questions on the process.

Regards,

_____

Bill Emlen
Director of Resource Management

SAEED IRAVANI Building Official Building & Safety
MIKE YANKOVICH Program Manager Planning Services
JAG SAHOTA Manager Environmental Health
SU KRISHNAN Senior Staff Analyst Administrative Services
MATT TUGGLE Engineering Manager Public Works Engineering
CHARLES BOWERS Operations Manager Public Works Operations
CHRIS DRAKE Parks Services Manager Parks
ROBERTA GOULART Water & Natural Resources Program Manager

Land Development **CANON PARTNERS, LLC** *Project Management*

Telephone
(707) 426-0100

E-mail
fandrews@asbproperties.com

Fax
(707) 426-0318

August 30, 2016

Solano County
Department of Resource Management
675 Texas St., Suite 5500
Fairfield, CA 94533

To Bill Emlen, Director of Resource Management, Solano County:

I am writing in respect to the determination that Bubbling Wells is a use that is compatible in our opinion with Solano County Agriculture zoning. While the zoning ordinance doesn't specifically call out animal crematoriums it does allow uses that are less agriculture related in nature then the service Bubbling Wells provides. Uses like recycling yards, concrete and asphalt batch plants, oil and gas wells, surface mines and wind turbine.

Solano county allows Veterinary clinics on land zoned Agriculture. A farm animal or pet may receive medical treatment at a Veterinary clinic on land zoned Agriculture but if the family dog, cat or horse should pass away while under that clinics care it cannot be humanely cremated at a facility located on the same Agriculture zoned land.

Solano county allows slaughter houses on land zoned Agriculture. This of course makes sense as the animals are raised on Ag land. And a slaughter house in town is not practical or desirable to most people. An animal crematorium is less of an impact to its surrounding area then a slaughter house and serves a necessary function to humanely cremate pets loved by their families or livestock.

We believe cremation is a more humane and safe way to dispose of livestock that may have died from an infectious disease then simply leaving the carcass in the field or burying it on the farm. While not a large scale operation, Bubbling Wells offers a service that farmers, ranchers and dairies need.

So currently in Solano County on land zoned for Agriculture uses you can raise animals, treat animals at a Veterinary clinic, slaughter livestock and poultry but you cannot cremate the remains of the family pet or livestock.

Bubbling Wells has been family owned and operated for 30 years. It is a small family business that has worked with and received recommendations from the Solano county SPCA and local Veterinary clinics. We believe the service it provides is not only compatible with Solano counties Agriculture zoning but an essential service that farmers, ranchers, veterinarians and all residents need.

So, we respectfully request the Solano County Planning Commission take under consideration and find the Bubbling Wells facility is an acceptable use in an Agriculture zone. We have attached letters of recommendation to this letter.

Thank you,
Jason Andrews

1107 Kentucky Street, Fairfield, CA 94533

Bubbling Well Pet Memorial Park

overlooking the beautiful Napa Valley

2402 Atlas Peak Road, Napa, California 94558
(707) 255-3456

Bubbling Well Pet Memorial Park

Bubbling Well Pet Memorial Park's animal/pet cremation facility located At 5054 Peabody Road in Fairfield, CA is seeking to relocate its Solano County operations to another location due to the encroachment and impending conflict resulting from the initial phases of development of the adjacent Canon Station residential area of the Fairfield Train Station Specific Plan.

The Bubbling Well Solano facility, owned and operated for over 30 years by founder John Calvin Harberts and his family, have pioneered the humane treatment of deceased pets and farm animals by introducing both private and communal cremation services to families and local pet owner Veterinary Clinics and Hospitals, Pet Emergency Centers, the SPCA of Solano County as well as for the pets and discarded animals from the Solano County Animal Control. These same services are provided to like facilities through out the Bay Area.
Our company provides a valuable and indispensable method of dealing with a difficult, and most times very emotional process. As sensitive and important an issue the process of assisting the pet owners and care providers with these services can be, the location of these types of facilities can at times and over time as communities grow, come in conflict with surrounding neighbors and land uses.

Unfortunately, that time has come for the Bubbling Well facility in Solano County.

Please consider our request to determine the business is an allowable use In an agriculture zone so that Bubbling Well can relocate to a new location and remain able to provide these most useful services to the community.

Dan C. Harberts

SOLANO-NAPA PET
EMERGENCY CLINIC

April 14, 2016

To Whom It May Concern:

Thank you for taking the time to read my letter and listening to my support for Bubbling Wells.

I am one of the partners and Practice Manager for Solano-Napa Pet Emergency Clinic, located in Fairfield. I have had the opportunity to work with Bubbling Wells for over 20 years. We made the decision to switch to Bubbling Wells because of their customer service, integrity and they are a local business, that employees locals.

When we made the switch to Bubbling Wells, we did not do it because they were less expensive we did it because we were impressed with their business and knew that when we sent clients pets to them they would be handled in an appropriate and loving manner. We found that our clients loved having their pets stay close and they were comforted in knowing that they would be returning to them quickly. We have never had to deal with a mix up or lost cremations; which is a nightmare to let a client know that we did not know where their pet was and we would not be returning their ashes to them. This was a common occurrence when we had a company out of Sacramento. Bubbling Wells has made the hardest part of our job run seamlessly.

Unfortunately emergency clinics experience a high volume of euthanasia's due to many circumstances. Dan, in true character, has given me is cell phone number and I can call him any time and he will come to our business and help relieve our freezer. This is true customer service and it is a lost art in business.

Please keep Bubbling Wells in our community. They are a business that serves all of Solano County and one we cannot do without.

Sincerely,

Laurie K Davis

Laurie K Davis
Owner and Practice Manager

4437 Central Place, Suite B3, Fairfield, California 94534 • tel: 707.864.1444 • fax: 707.864.8038 • www.solanopetemergency.com

Society for the Prevention of Cruelty to Animals
Of Solano County

April 8, 2016

I am pleased to write a letter on behalf of Bubbling Well Pet Memorial Park.

The SPCA of Solano County has had a long standing, beneficial partnership with Dan Harberts and Bubbling Well. We have found Dan to be professional when dealing with our specific needs.

In addition through our facility, Bubbling Well has picked up pets from Humane Animal Services. I am happy to recommend Bubbling Well and hope to continue our partnership for many more years.

Sincerely,

Deborah Dillon

Shelter Director

SPCA of Solano County

P.O. Box 356 – VACAVILLE, CALIFORNIA 95696 – (707)448-7722 – WWW.SOLANOSPCA.COM

Land Development **CANON PARTNERS, LLC** *Project Management*

Telephone (707) 426-0100
E-mail fandrews@asbproperties.com
Fax (707) 426-0318

August 30, 2016

Solano County
Department of Resource Management
675 Texas St., Suite 5500
Fairfield, CA 94533

To Bill Emlen, Director of Resource Management, Solano County:

I am writing in respect to the determination that Bubbling Wells is a use that is compatible in our opinion with Solano County Agriculture zoning. While the zoning ordinance doesn't specifically call out animal crematoriums it does allow uses that are less agriculture related in nature then the service Bubbling Wells provides. Uses like recycling yards, concrete and asphalt batch plants, oil and gas wells, surface mines and wind turbine.

Solano county allows Veterinary clinics on land zoned Agriculture. A farm animal or pet may receive medical treatment at a Veterinary clinic on land zoned Agriculture but if the family dog, cat or horse should pass away while under that clinics care it cannot be humanely cremated at a facility located on the same Agriculture zoned land.

Solano county allows slaughter houses on land zoned Agriculture. This of course makes sense as the animals are raised on Ag land. And a slaughter house in town is not practical or desirable to most people. An animal crematorium is less of an impact to its surrounding area then a slaughter house and serves a necessary function to humanely cremate pets loved by their families or livestock.

We believe cremation is a more humane and safe way to dispose of livestock that may have died from an infectious disease then simply leaving the carcass in the field or burying it on the farm. While not a large scale operation, Bubbling Wells offers a service that farmers, ranchers and dairies need.

So currently in Solano County on land zoned for Agriculture uses you can raise animals, treat animals at a Veterinary clinic, slaughter livestock and poultry but you cannot cremate the remains of the family pet or livestock.

Bubbling Wells has been family owned and operated for 30 years. It is a small family business that has worked with and received recommendations from the Solano county SPCA and local Veterinary clinics. We believe the service it provides is not only compatible with Solano counties Agriculture zoning but an essential service that farmers, ranchers, veterinarians and all residents need.

So, we respectfully request the Solano County Planning Commission take under consideration and find the Bubbling Wells facility is an acceptable use in an Agriculture zone. We have attached letters of recommendation to this letter.

Thank you,
Jason Andrews

1107 Kentucky Street, Fairfield, CA 94533

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**	
AGRICULTURAL USES					
A. CROP PRODUCTION AND GRAZING					
Agricultural accessory structures	A	A	A	A	28.71.10(B)(1)
Cultivated and irrigated farming	A	A	A	A	28.71.10
Non-irrigated and non-cultivated farming, Grazing	A	A	A	A	28.71.10
Grazing or pastured livestock	A	A	A	A	28.71.10
Pastured Poultry					
Not adjacent to a R District	A	A	A	A	28.71.30(A) & (B)(4)
Adjacent to a R District	MUP	MUP	MUP	MUP	
With an agricultural commercial kitchen	MUP	MUP	MUP	MUP	
With sales	MUP	MUP	MUP	MUP	
With special events	MUP	MUP	MUP	MUP	28.71.30(A) & (B)(4); 28.73.30(A) & (B)(6)
With more than 4 crowing fowl	UP	UP	UP	UP	28.71.30(A) & (B)(4)
B. AGRICULTURAL PROCESSING USES					
Agricultural processing facility					
Small Agricultural Processing Facility	AP	AP	AP	AP	28.71.20(A) & (B)(1)
Medium Agricultural Processing Facility	MUP	MUP	MUP	MUP	
Large Agricultural Processing Facility	UP	UP	UP	UP	
With Special Events (existing facility)					
6 per year max, and 150 persons or less	A	A	A	A	28.71.20(A) & (B)(1); 28.73.30(A) & (B)(6)
12 per year max, and 150 persons or less	AP	AP	AP	AP	
More than 12 per year, or more than 150 persons	MUP	MUP	MUP	MUP	
Aquaculture					
Small Aquaculture Facility	AP	AP	AP	AP	28.71.20(A)

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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**	
AGRICULTURAL USES					
Medium Aquaculture Facility	MUP	MUP	MUP	MUP	28.71.20(A)
Large Aquaculture Facility	UP	UP	UP	UP	
Nursery with public sales [(6)]	A	A	A	A	28.71.20(A) & (B)(2)
Winery - *25% or greater on-site grapes*					
Winery, small	A	A	A	A	28.71.20(A) & (B)(3)
Winery, medium	AP	AP	AP	AP	
Winery, large	UP	UP	UP	UP	
Winery with less than *25% on-site grapes*	UP	UP	UP	UP	28.71.20(A) & (B)(3)
Winery *with Special Events*					
6 per year max, and 150 persons or less	A	A	A	A	28.71.20(A) & (B)(3); 28.73.30(A) & (B)(6)
12 per year max, and 150 persons or less	AP	AP	AP	AP	
More than 12 per year, or more than 150 persons	MUP	MUP	MUP	MUP	
C. ANIMAL FACILITIES AND OPERATIONS					
Confined animal facility, including dairy					
Small	MUP	MUP	MUP	MUP	28.71.30(A) & (B)(1)
Medium and Large	UP	UP	UP	UP	
Fowl and Poultry Ranch					
Small (100 - 1,000 birds)	MUP	MUP	MUP	MUP	28.71.30(A) & (B)(2)
Large (1,001 birds or more)	UP	UP	UP	UP	
Hog Ranch					
Small (20 - 100 hogs)	AP	AP	AP	AP	28.71.30(A) & (B)(3)
Medium (101 - 750 hogs)	MUP	MUP	MUP	MUP	
Large (751 hogs or more)	UP	UP	UP	UP	
Slaughterhouse					
Small Slaughterhouse (1,000 head per year or less)	MUP	MUP	MUP	MUP	28.71.30(A) & (B)(5)
Large Slaughterhouse (More than 1,000 head per	UP	UP	UP	UP	28.71.30(A) & (B)(5)

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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**	
AGRICULTURAL USES					
year)					
D. OTHER AGRICULTURAL OPERATIONS					
Agricultural employee housing	AP	AP	AP	AP	28.71.40(A) & (B)(1)
Commercial auction and agricultural equipment sales, temporary	MUP	MUP	MUP	MUP	28.71.40(A) & (B)(2)
HCD Agricultural employee housing	A	A	A	A	28.71.40(A) & (B)(3)
Labor Camp	A	A	A	A	28.71.40(A) & (B)(4)
Temporary Commercial Coach	AP	AP	AP	AP	28.71.40(A) & (B)(5)

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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)
B. TEMPORARY RESIDENTIAL USES					
Security quarters for a construction site (commercial coach, manufactured home or recreational vehicle)	AP	AP	AP	AP	28.72.20(A) & (B)(1)
Temporary Manufactured Home Storage	AP	AP	AP	AP	28.72.20(A) & (B)(4)
Temporary single family home	AP	AP	AP	AP	28.72.20(A) & (B)(6)
C. C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE					
Small Kennel or Cattery	AP	AP	AP	AP	28.72.30(A) & (B)(3)
Stable, private	A	A	A	A	28.72.30(A) & (B)(5)
D. OTHER RESIDENTIAL USES					
Cottage Industry					
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	

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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	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES					
A. RECREATION USES					
Boating or swimming facility on existing waterway	UP	UP	UP	UP	28.73.10(A)
Hunting or fishing club	UP	UP	UP	UP	28.73.10(A) & (B)(1)
Public open space area	- - -	- - -	A	A	28.73.10(A)
Stable, public without horse shows	UP	UP	UP	UP	28.73.10(A) & (B)(3)
B. EDUCATION USES					
Agricultural education					
Minor Facility	AP	AP	AP	AP	28.73.20(A) & (B)(1)
Major Facility	MUP	MUP	MUP	MUP	
C. PUBLIC ASSEMBLY USES					
Limited special event	- - -	- - -	UP	- - -	28.73.30(A) & (B)(3)
Public Stable with Horse shows	UP	UP	UP	UP	28.73.30(A) & (B)(5)
Special Events Facility (other than Winery or Agricultural Processing Facility)					
6 per year max, and 150 persons or less	AP	AP	AP	AP	28.73.30(A) & (B)(6)
12 per year max, and 150 persons or less	MUP	MUP	MUP	MUP	
More than 12 per year, or more than 150 persons	UP	UP	UP	UP	
With Off-Site Parking	MUP	MUP	MUP	MUP	

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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**	
RETAIL AND OFFICE USES					
A. RETAIL USES					
Farm/Ranch Supply Store	MUP	MUP	MUP	MUP	28.74.10(A) & (B)(5)
Roadside Stand					
1,000 square feet or less in size	A	A	A	A	28.74.10(A) & (B)(8)
Between 1,000 and 2,500 square feet	AP	AP	AP	AP	
Greater than 2,500 square feet in size	MUP	MUP	MUP	MUP	
Non-agricultural product sales, less than 10%.	A	A	A	A	
Non-agricultural product sales, between 10% and 25%	MUP	MUP	MUP	MUP	
Non-agricultural product sales, greater than 25%	UP	UP	UP	UP	
Any of the above with a Certified Farmers Market					
Small Certified Farmers Market	AP	AP	AP	AP	28.74.10(A) & (B)(8); 28.75.20(A) & (B)(2)
Medium Certified Farmers Market	MUP	MUP	MUP	MUP	
Large Certified Farmers Market	- - -	- - -	- - -	- - -	
B. OFFICE USES					
Agricultural Research Facility					
Small (less than 20,000 sq. ft.)	AP	AP	AP	AP	28.74.20(A) & (B)(1)
Medium (between 20,000 and 40,000 sq. ft.)	MUP	MUP	MUP	MUP	
Large (more than 40,000 sq. ft.)	UP	UP	UP	UP	

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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**	
TOURIST USES					
A. AGRITOURISM					
Agricultural homestay	A	A	A	A	28.75.10(A) & (B)(1)
B. TEMPORARY AGRITOURISM					
Amusement and entertainment uses	MUP	MUP	MUP	MUP	28.75.20(A) & (B)(1)
Certified Farmers Market					
Small Certified Farmers Market	AP	AP	AP	AP	28.75.20(A) & (B)(2)
Medium Certified Farmers Market	MUP	MUP	MUP	MUP	
Large Certified Farmers Market	- - -	- - -	- - -	- - -	
Seasonal sales lot	MUP	MUP	MUP	MUP	28.75.20(A) & (B)(3)

TABLE 28.21A TABLE OF ALLOWED USES for THE EXCLUSIVE AGRICULTURAL DISTRICT

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**	
COMMERCIAL SERVICE USES					
A. AGRICULTURAL SERVICES					
Agricultural Commercial Kitchen	MUP	MUP	MUP	MUP	28.76.10(A) & (B)(1)
Agricultural trucking services and facility					
Small (1 to 5 trucks)	AP	AP	AP	AP	28.76.10(A) & (B)(2)
Medium (between 6 and 10 trucks)	MUP	MUP	MUP	MUP	
Large (11 or more trucks)	UP	UP	UP	UP	
Airfield or heliport, Agricultural	MUP	MUP	MUP	MUP	28.76.10(A)
Commercial farm equipment fabrication and repair	MUP	MUP	MUP	MUP	
Custom farm services, e.g. hay baling	MUP	MUP	MUP	MUP	
Storage and sale of agricultural service products(fertilizer/fuel)	UP	UP	UP	UP	
B. COMMERCIAL SERVICES					
Large Animal Hospital or Veterinary Clinic	MUP	MUP	MUP	MUP	28.76.20(A) & (B)(1)
Kennel or Cattery, Large	MUP	MUP	MUP	MUP	28.76.20(A) & (B)(2)
Transitional Commercial	MUP	- - -	- - -	- - -	28.76.20(A) & (B)(3)

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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**	
INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES					
A. Industrial, Manufacturing and Processing Uses	- - -	- - -	- - -	- - -	
Transitional Industrial	MUP	- - -	- - -	- - -	28.77.10(A) & (B) (4)
B. Wholesale Uses	- - -	- - -	- - -	- - -	

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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**	
COMMUNICATION AND INFRASTUCTURE USES					
A. COMMUNICATION USES					
Wireless communication facilities					
Co-locations	MUP	MUP	MUP	MUP	28.78.10(A) & 28.81
New towers	UP	UP	UP	UP	
B. INFRASTRUCTURE USES					
Commercial wind turbine generator	UP	UP	UP	UP	28.80
Injection well	UP	UP	UP	UP	28.78.20(A) & (B)(4)
Non-commercial wind turbine					
100 feet or less in height	A	A	A	A	28.80
Over 100 feet in height	MUP	MUP	MUP	MUP	
Oil or gas well	AP	AP	AP	AP	28.78.20(A) & (B)(7)
Pipeline, transmission or distribution line, in R.O.W.	A	A	A	A	28.78.20(A) & (B)(8)
Refuse, disposal, incineration, recycling or composting (10)	UP	UP	UP	UP	28.78.20(B)(3)
Surface mining operation	UP	UP	UP	UP	28.78.20(A)
Utility facility or infrastructure, outside of R.O.W.	UP	UP	UP	UP	28.78.20(A) & (B)(9)
C. PUBLIC SERVICE USES					
Public service facility	UP	UP	UP	UP	28.78.30(A) & (B)(4)

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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**	
COMMUNICATION AND INFRASTUCTURE USES					
D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE					
Concrete/asphaltic concrete mixing plant	MUP	MUP	MUP	MUP	28.78.40(A) & (B)(2)
Construction storage yard	MUP	MUP	MUP	MUP	28.78.40(A) & (B)(2)
Construction office, storage, stockpiling, or construction yard for public infrastructure project	MUP	MUP	MUP	MUP	28.78.40(A) & (B)(3)
Meteorological Tower, 100 feet or less in height	AP	AP	AP	AP	28.78.20(A) & (B)(6)
Meteorological Tower, greater than 100 feet in height	MUP	MUP	MUP	MUP	

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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**	
RESOURCE PROTECTION USES					
A. RESOURCE PROTECTION USES					
Conservation and Mitigation Bank	UP	UP	UP	UP	28.79.10(A)

Solano County

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

Agenda Submittal

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

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

Governing body: Planning Commission

District:

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

Date:	Ver.	Action By:	Action:	Result:

Public Hearing Required? Yes _X___ No ____

RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a public hearing to consider recommending that the Board of Supervisors adopt an ordinance to amend Chapter 28 (Zoning Regulations) to:

    a. Allow for non-commercial cultivation of cannabis for personal and caregiver use indoors in all zones that allow a residence;

    b. Ban outdoor cultivation of cannabis for personal and caregiver use;

2. Prohibit all other commercial cannabis activities in the unincorporated area of the County except those listed above

3. Receive public input on whether the County should continue to evaluate potential commercial cannabis activity in the manufacturing and industrial zones such as:
    i. Limited cultivation indoors
    ii. Cannabis testing laboratories

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

EXECUTIVE SUMMARY:

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

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

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

ENVIRONMENTAL ANALYSIS:

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

BACKGROUND - Previous County Actions:

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

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

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

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

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

DISCUSSION:

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

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

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

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

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

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

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

Meetings

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

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

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

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

Monitoring other Legislation and Regulatory Activities

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

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

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

STAFF RECOMMENDATION

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

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

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

ATTACHMENTS:

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

ORDINANCE NO. 2016-_____

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

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

SECTION I. Findings

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

A. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies cannabis as a Schedule I Drug; as such, it is unlawful, under federal law, for any person to cultivate, manufacture, distribute, dispense, or possess cannabis, whether for medical or recreational purposes.

B. In 1996, the voters of the State of California approved Proposition 215, the Compassionate Use Act (Health and Safety Code Section 11362.5), which was intended to provide a defense to criminal charges for the cultivation and possession of medical cannabis by a seriously ill patient, or the patient's primary caregiver, for the patient's personal use. The Compassionate Use Act further provided that nothing in it shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of cannabis for non-medical purposes.

C. SB 420, the Medical Marijuana Program Act (Health and Safety Code Section 11362.7 *et seq*.), was enacted in 2004 to expand and clarify the scope of Proposition 215 by creating the Medical Marijuana Identification Card program, creating reasonable regulations for cultivating, processing, transporting and administering medical cannabis, as well as limiting the amount of medical cannabis a qualified individual may possess.

D. SB 420 defines a "primary caregiver" as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person.

E. The State enacted the Medical Marijuana Regulation and Safety Act (MMRSA) on September 11, 2015 (SB 643, AB 266, and AB 243), instituting a comprehensive state-level licensure and regulatory scheme for cultivation, manufacturing, distribution, transportation, laboratory testing, and dispensing of medical cannabis. Although MMRSA provides that patients may cultivate up to 100 square feet of cannabis for their personal use, and caregivers may cultivate up to 500 square feet of cannabis for the personal use of up to five patients, cities and counties retain local regulatory authority over medical cannabis, including personal cultivation.

F. The Governor signed SB 837 on June 27, 2016, changing references to the term "marijuana" in MMRSA to "cannabis" and renaming MMRSA the "Medical Cannabis Regulation and Safety Act" (MCRSA).

DRAFT

G. On November 8, 2016, Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) was enacted by the voters to decriminalize and regulate commercial and non-commercial recreational cannabis. AUMA provides that cities and counties retain local regulatory control over recreational cannabis, but personal cultivation of up to six plants must be allowed inside a private residence or in a secured structure on the grounds of a private residence.

H. In response to MCRSA and AUMA, the Board of Supervisors, at an open public meeting, directed staff to bring forward a zoning ordinance allowing but regulating medical and recreational personal cannabis cultivation indoors for personal use within the jurisdictional boundaries of Solano County.

I. The unregulated cultivation of cannabis in the unincorporated area of Solano County can adversely affect the health, safety, and well-being of the County, its residents and environment. Comprehensive civil regulation of premises used for personal cannabis cultivation, including zoning regulation, is proper and necessary to reduce the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated cannabis cultivation.

J. Children are particularly vulnerable to the effects of cannabis use and the presence of cannabis plants or products is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children, such as schools, parks, and other similar locations.

K. Outdoor cannabis cultivation, especially within the remote areas, is creating significant impacts to California's surface and groundwater resources. The State Water Resources Control Board, the San Francisco Regional Water Quality Control Board, the Central Valley Regional Water Quality Control Board and the Department of Fish and Wildlife have seen a dramatic increase in the number of cannabis cultivation operations, and corresponding increases in impacts to water supply and water quality, including the discharges into water of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. The sources of these impacts result from unpermitted and unregulated timber clearing, road development, stream diversion for irrigation, land grading, erosion of disturbed surfaces and stream banks, and temporary human occupancy without proper sanitary facilities.

L. The ability to cultivate cannabis plants for medical or recreational purposes conferred by MCRSA and AUMA does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter in coordination with MCRSA and AUMA, the County intends to minimize the risks and complaints regarding fire, odor, crime and pollution caused or threatened by the unregulated cultivation of cannabis in the unincorporated area of Solano County.

M. Nothing herein shall be construed to allow the cultivation or use or allow any activity relating to the cultivation or use of cannabis that is otherwise illegal under State law.

SECTION II.

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

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

RESIDENTIAL USES			
DWELLINGS:			
Primary			
Secondary			
Indoor Personal Cannabis Cultivation	A=allowed by right	Section	28.82

SECTION III.

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

28.82 Indoor Personal Cannabis Cultivation Uses

A. General Requirements.

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

2. Personal cultivation of cannabis outdoors, as defined herein, is prohibited.

B. Definitions

1. Cannabis: all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. “Cannabis” also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purpose of this section, “cannabis” does not mean “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code. Cannabis is classified as an agricultural product separately from other agricultural crops.

2. Cannabis Cultivation: any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis for medical or personal use that is intended for use by a) medical cannabis patients in accordance with the Medical Cannabis Regulation and Safety Act (MCRSA) for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215); or b) recreational cannabis users in accordance with the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA).

3. Cannabis Cultivation Indoors: indoor cultivation of cannabis exclusively using artificial lighting.

4. Cannabis Cultivation Outdoor: outdoor cultivation of cannabis exclusively outdoors, using natural light and not within a structure. Cultivation inside a hoophouse, greenhouse or similar shall be deemed outdoor cultivation.
5. Canopy (plant): the square footage dedicated to live plant production, such as maintaining mother plants, propagating plants from seed, clones, including plants in vegetative or flowering states.

6. Caregiver Cultivation: cultivation by a primary caregiver of up to 500 square feet of medical cannabis for up to 5 individuals with "Medical Marijuana Identification Cards" or qualified patients.

7. Cultivation Room: the premises, leased area, property, location or structure where cannabis is planted, grown, harvested, dried, cured, graded, and trimmed for personal use.

8. Medical Marijuana Identification Card: document issued by the State Department of Health Services that identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.

9. Primary Caregiver: an individual who is designated by a qualified patient or by a person with a Medical Marijuana Identification Card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person, as defined in Health & Safety Code section 11362.7(d), as may be amended.

10. Qualified Patient: a person who is entitled to the protections of Health and Safety Code section 11362.5, but who does not have a Medical Marijuana Identification Card, as defined in Health and Safety Code section 11362.7(f), as may be amended.

C. <u>Personal Cultivation Amounts</u>

1. Individuals over 18 with a Medical Marijuana Identification Card may cultivate up to 100 square feet of medical cannabis for their own use inside a private residence or in a permanent residential accessory structure located on the grounds of a private residence.

2. Individuals designated as the primary caregiver of individual(s) with a Medical Marijuana Identification Car" may cultivate up to 500 square feet of medical cannabis inside a private residence or in a permanent residential accessory structure on the grounds of a private residence for up to 5 card-holders upon obtaining a permit from the County.

3. Individuals over 21 may cultivate up to 6 cannabis plants for their own recreational use inside a private residence or in a permanent residential accessory structure located on the grounds of a private residence.

D. <u>Personal Cultivation Standards</u>

1. The cultivation must occur indoors in either a residence or in a permanent residential accessory structure on the grounds of a residence that is occupied by the person for whom the cannabis is intended.

2. The cultivation must occur in a secured and locked room that is not accessible to household visitors or children.

3. No one under 18 may enter a medical cannabis cultivation room, and no one under 21 may enter a recreational cannabis cultivation room.

4. Cultivation may not occur in both a residence and a permanent residential accessory structure on the grounds of a residence.

5. No sign of cannabis cultivation shall be visible from outside of the cultivation room.

6. The residence or the permanent residential accessory structure on the grounds of the residence used for cultivation must have a building permit and comply with all building, electrical, fire, and other codes adopted by the County. The Building Official shall refer the building permit application to the Director of Resource Management, appropriate Fire District and law enforcement agencies for review and approval.

7. Light from the indoor cultivation must not be visible from outside the cultivation room. Indoor grow lights shall not exceed one thousand two hundred (1,200 W) watts per 100 square feet of growing space and shall comply with the building, electrical and fire codes as adopted by the County.

8. Gas products (including, but not limited to CO2, butane, propane, and natural gas) or ozone generators shall not be used in or for any cultivation room.

9. No open flame or burning of any substance may occur in the cultivation room.

10. Personal cannabis cultivator shall prevent cannabis plant odor from becoming a public nuisance to surrounding properties or the public. A public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public. Should the operation be determined a public nuisance, a filtered ventilation system shall be installed, operated and maintained to minimize the odor impacts.

11. The cultivation room must be solely devoted to cultivation and may not be used for any other purpose such as sleeping, cooking, bathing, hobbies, or recreation.

12. The use of generators to power any cultivation equipment is prohibited, except as an emergency back-up system.

13. The cultivation site must have an on-site water supply source adequate to meet all on-site uses.

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

E. Registration

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

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

F. Permitting

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

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

G. Fees

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

H. Confidentiality

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

I. Enforcement

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

SECTION IV. Environmental Determination.

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

SECTION V. Severability.

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

SECTION VI. Effective Date.

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

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

AYES: Supervisors _____

_____

NOES: Supervisors _____

EXCUSED: Supervisors _____

_____
ERIN HANNIGAN, Chairwoman
Solano County Board of Supervisors

ATTEST:
Birgitta E. Corsello, Clerk
Board of Supervisors

By: _____
Jeanette Neiger, Chief Deputy Clerk

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)
Cannabis Cultivation					
Caregiver	AP	AP	AP	AP	28.82
Personal					
Medical	A	A	A	A	28.82
Recreational	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 See Definitions Section 28.10	**Permit Requirements** **A-SM-80 & A-SM-160 Zoning Districts**	**Land Use Regulations** 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		
Not adjacent to a R District	A	28.71.10(A) & (B)(4)
Adjacent to a R District	MUP	28.71.10(A) & (B)(4)
With an agricultural commercial kitchen	- - -	
With sales	- - -	
With Special events	- - -	
With more than 4 crowing fowl	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)
Cannabis Cultivation		
Caregiver	AP	28.82
Personal		
Medical	A	28.82
Recreational	A	28.82
B. TEMPORARY RESIDENTIAL USES		
Temporary single family dwelling	AP	28.72.20(A) & (B)(6)
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE		
Small kennels and catteries	AP	28.72.30(A) & (B)(3)

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

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

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

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	
Cannabis Cultivation				
Caregiver	AP	AP	AP	28.82
Personal				
Medical	A	A	A	28.82
Recreational	A	A	A	28.82
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	A	A	A	28.72.30(A) & (B)(1)

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

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

- - - = Prohibited

ALLOWED USES* *See Definitions Section 28-10	**Permitted Uses**					**Land Use Regulations**** **See Section 28-70.10
	R-TC-1AC	**R-TC-20**	**R-TC-15**	**R-TC-10**	**R-TC-6**	
AGRICULTURAL USES						
A. CROP PRODUCTION						
Cultivated and irrigated farming	A	A	A	A	- - -	
Non-irrigated and non-cultivated farming	A	A	A	A	- - -	
RESIDENTIAL USES						
A. DWELLINGS						
Accessory buildings and uses[1]						28.72.10 (A) & (B)(1)
Accessory building greater than 2,500 square feet in size[2]	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[2]	MUP	MUP	MUP	MUP	MUP	28.72.10 (A) & (B)(1)
Duplex	- - -	- - -	- - -	- - -	- - -	28.72.10(A)
Dwelling group	- - -	- - -	- - -	- - -	- - -	28.72.10 (A) & (B)(2)
Guest house	- - -	- - -	- - -	- - -	- - -	28.72.10 (A) & (B)(6)
Multifamily Dwelling	- - -	- - -	- - -	- - -	- - -	28.72.10(A)
Primary dwelling	A	A	A	A	A	28.72.10(A)
Rooming and boarding house	- - -	- - -	- - -	- - -	- - -	
Secondary dwelling	A	A	A	A	A	28.72.10 (A) & (B)(6).
Second kitchen	AP	AP	AP	AP	AP	28.72.10 (A) & (B)(7)
Transitional Housing/Supportive Housing [5]	A	A	A	A	A	
Cannabis Cultivation						
Caregiver	AP	AP	AP	AP	AP	28.82
Personal						
Medical	A	A	A	A	A	28.82
Recreational	A	A	A	A	A	28.82

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

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

- - - = Prohibited

ALLOWED USES* *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							
Medical	A	A	A	A	A	A	28.82
Recreational	A	A	A	A	A	A	28.82

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

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

ALLOWED USES* *See Definition Section 28-10	Permitted Uses						Land Use Regulations** **See Section 28.70.10
	C-H	C-N	C-R	C-R-L[6]	C-S	C-O	
28.71 AGRICULTURAL USES [2]							
A. CROP PRODUCTION							
Accessory uses and structures	---	---	A	A	---	---	28.71.10(A) & (B)(1)
Crop Production	---	---	A	---	---	---	28.71.10(A)
Non-irrigated and non-cultivated farming	---	---	---	A	---		28.71.10(A)
Grazing	---	---	A	A	---	---	28.71.10(A)
B. AGRICULTURAL PROCESSING USES							
On-site Agricultural Processing	---	---	A	---	---	---	28.71.20(A) & (B)(1)
28.72 RESIDENTIAL USES							
A. DWELLINGS							
Primary Dwelling	---	---	A	A	---	---	28.72.10
Emergency Shelter	---	---	---	---	A	---	
Cannabis Cultivation							
Caregiver	---	---	AP	AP	---	---	28.82
Personal							
Medical	---	---	A	A	---	---	28.82
Recreational	---	---	A	A	---	---	28.82
B. TEMPORARY RESIDENTIAL USES							
None Allowed							
C. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE							
None Allowed							
D. OTHER RESIDENTIAL USES							
None Allowed							

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

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

- - - = Prohibited

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

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* *See Definitions Section 28-10	Permitted Uses	Land Use Regulations
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		
Medical	---	
Recreational	---	
B. TEMPORARY RESIDENTIAL USES		28.72.20

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		
None Allowed	- - -	
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)
Cannabis Cultivation		
Caregiver	AP	28.82
Personal		
Medical	A	28.82
Recreational	A	28.82
E. TEMPORARY RESIDENTIAL USES		
None Allowed	- - -	
F. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE		
Private stable	A	28.72.30(A) & (B)(5)
D. OTHER RESIDENTIAL USES		
None Allowed	- - -	

Table 28.52A TABLE OF ALLOWED USES

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

ALLOWED USES See Definitions Section 28.10	Permit Requirements MP[1] Zoning District	Land Use Regulations 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		
Medical	A	28.82
Recreational	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		

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)
Cannabis Cultivation		
Caregiver	AP	28.82
Personal		
Medical	A	28.82
Recreational	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	- - -	

Summary of State Marijuana Regulations

Medical Marijuana

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

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

State	California	Oregon	Washington	Colorado	Hawaii
Impacts Since Legislation	Estimated that there are 715,133 patients in CA though registration is not mandatory – Some estimates are up to 1.1 million Since MCRSA passed, many jurisdictions considering local regulation.	Current MM card holders: 78,045 37,017 caregivers 48,699 growers 33,194 grow sites 1705 physicians Since legalization of recreational marijuana, difficult to find impacts specific to medicinal marijuana.	Since July 1, 2016: Adult cards: 10,696 Minor cards – 25 Provider Cards – 725 More information available on recreation vs medicinal See recreational chart	As of 8/31/16 102.830 patients 2,710 caregivers More information available on recreational vs medicinal See recreational chart	No information found – possibly too soon to report

Summary of State Marijuana Regulations

Recreational Marijuana

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

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

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

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

Current/Proposed Local Ordinances
Medical Marijuana

November 10, 2016

City of Vacaville

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

City of Suisun

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

City of Rio Vista

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

City of Dixon

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

City of Benicia

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

City of Vallejo

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

Types of Commercial Cannabis Licenses

Outdoor Commercial Cultivation (no use of artificial light)

License types based on size of grow operation:

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

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

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

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

Type 5 – greater than 1 acre of total canopy size on one premises (no state licenses to be issued prior to Jan.1, 2023)[1]

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

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

Staff recommendation: Ban all outdoor cultivation in the unincorporated County

[1] Use of italics indicates it is a part of the Adult use of Marijuana Act, Proposition 64.

Indoor Cultivation (exclusive use of artificial light)

License types based on size of grow operation:

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

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

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

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

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

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

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

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

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

License types based on size of grow operation:

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

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

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

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

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

Pro: Economic opportunity; less energy use than indoor only

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

Staff recommendation: Ban

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

Nursery

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

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

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

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

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

Manufacturing

Type 6 – Manufacturing Level 1

Production of medical cannabis products using nonvolatile substances

Pro: Economic opportunity, potential for few neighborhood nuisance impacts while fostering small businesses

Con: Marijuana not a food or a drug and unknown what regulations state will impose; potential for nuisance impacts due to storage of raw and finished cannabis products; waste product issues

Staff recommendation: Allow with use permit in manufacturing and industrial zones

Type 7 – Manufacturing Level 2

Production of medical cannabis products using volatile substances. State will limit the number of these licenses. *Volatile solvents mean volatile organic compounds, including explosive gasses, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O2 or H2, and dangerous poisons, toxins or carcinogens, such as Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene.*

Pro: Economic opportunity

Con: Potential for explosion/fire if not done correctly; potential for nuisance impacts due to storage of raw and finished marijuana products; waste product issues

Staff recommendation: Ban

Testing Laboratories

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

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

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

Staff recommendation: Allow with use permit in select zones

Distributors

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

Pro: Economic opportunity

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

Staff recommendation: Ban

Transporter

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

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

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

Staff recommendation: Ban

Microbusiness

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

***Pro**: Economic opportunity*

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

PLANNING COMMISSION
DRAFT SUMMARY OF ALLOWED LAND USES AND PERMIT REQUIREMENTS FOR CANNABIS USES

			Agricultural			Conservation		Rural Residential	Traditional Community Residential				Commercial						Industrial			
LAND USE	SIZE LIMIT (Maximum Square Feet of total Canopy or cultivation size)	STATE LICENSE TYPE	Exclusive Ag	Ag-Suisun Marsh	Ag-Suisun Valley	Watershed Conservation	Marsh Protection Park	Rural Residential	Residential 4000 sf to 1 acre	Duplex	Multi Family	Mixed Use	Commercial Highway	Commercial Neighborhood	Commercial Recreation	Commercial Recreation Limited	Commercial Service	Commercial Office	Manufacturing Limited	General Manufacturing	Industrial Water Dependent	Industrial Ag Service
			A20, A40, A80, A160	A-SM 80, A-SM 160	A-SV-20, ATC, ATC-NC	W	MP, P	RR-2.5, RR-5, R-10	RTC-4 RTC-1AC	RTC-Duplex	RTC-MF	RTC-MU	CH	CN	CR	CRL	CS	CO	ML	MG 1/2 MG3	IWD	IAS
Cannabis Uses																						
Nursery	Per use permit																					
Wholesale (outdoor)		4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Wholesale (indoor only)		4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	UP	—	UP
Outdoor Cultivation																						
Personal	6 plants[1] (recreational) or 100sf (medical)	exempt	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Caregiver	500sf (medical)		—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Cottage	25 plants	1C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Specialty Outdoor	5,000sf or 50 plants	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Small Outdoor	5,001 – 10,000	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Medium Outdoor	10,001 – 43,560	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Large Outdoor	Over 1 acre	5	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Indoor Cultivation																						
Personal	6 plants[1] (recreational) or 100sf (medical)	exempt	A	A	A	A	A	A	A	A	A	A	—	—	A	A	—	—	—	A	—	—
Caregiver	500sf (medical)	exempt	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	—	—	AP	AP	—	—	—	AP	—	—
Cottage	500sf	1C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	UP	—	UP
Specialty Indoor	501 – 5,000sf	1A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	UP	—	UP
Small Indoor	5,001 – 10,000sf	2A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	UP	—	UP
Medium Indoor	10,001 – 22,000	3A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Large Indoor	Over 1 acre	5A	—	—	—	—	—	—	—	—	—	—	—	—	—	—						
Mixed Light / Greenhouse Cultivation																						
Personal	6 plants[1] (recreational) or 100sf (medical)	exempt	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Cottage	2,500sf	1C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Specialty Mixed Light	2,501 – 5,000sf	1B	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Small Mixed Light	5,000 – 10,000sf	2B	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Medium Mixed Light	10,001 – 22,000sf	3B	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Large Mixed Light	Over 1 acre	5B																				
Testing/Laboratories	Per use permit	8	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	UP	—	UP
Manufacturing	Per use permit		—																			
Level 1 – nonvolatile solvents		6	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	UP	—	UP
Level 2 – volatile solvents		7	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dispensary/Retail Sales																						
Storefront and Delivery		10	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dispensary, max 3 retail sites		10A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Distributor	Per use permit	11	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Transporter – not in AUMA	Per use permit	12	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Microbusiness		12	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

TYPE OF PERMIT REQUIRED	
A	Allowed Use – Ministerial; CEQA exempt; Building Permit only (with clearances and subject to standards and registration per Sec. 28.82)
AP	Permitted Use if standards met – CEQA exempt; Zoning Clearance Permit and Building Permit only
MUP	Minor Use Permit; CEQA applies unless Categorical Exemption; can add conditions
UP	Use Permit – noticed hearing before Planning Commission; CEQA; can add conditions
---	Use not allowed

1. A total of 6 plants per residence (recreational) up to a maximum of 100 square feet (medical).

Public Health Position regarding Marijuana Use

October 24, 2016

BACKGROUND

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

Adverse Health Impacts and Other Risks of Direct Use

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

Health Impacts of Exposure to Secondhand Marijuana Smoke
Secondhand marijuana smoke contains many of the same chemicals and carcinogens as secondhand tobacco smoke and thus poses similar health consequences as direct use.

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

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

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

Taxes or fees received should be earmarked for the following:

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

SOLANO COUNTY PLANNING COMMISSION
RESOLUTION NO. ____

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The proposed amendments to the Zoning Regulations are consistent with the General Plan; and

3. The proposed amendments to the Zoning Regulations will promote the general welfare of the County by clarifying particular uses and the appropriate standards for those uses within the various zoning districts in order to serve the needs of the public without detriment to the surrounding area.

NOW THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above Recitations are true and correct; and

2. The Planning Commission of the County of Solano does hereby recommend that the Board of Supervisors adopt the proposed amendments to the zoning code and enact the revisions to Chapter 28 (Exhibit A).

****

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on November 17, 2016 by the following vote:

AYES: Commissioners _____

_____

NOES: Commissioners _____

ABSTAIN: Commissioners _____

ABSENT: Commissioners _____

By: _____

Bill Emlen, Secretary

DRAFT