



Plumas County Cannabis Ordinance - DRAFT

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SECTION 1. Background and Findings

- A. In 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5 and titled the "Compassionate Use Act of 1996").
- B. The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances.
- C. In 2004, Senate Bill 420 was enacted (codified as California Health and Safety Code section 11362.7 et seq. and titled the "Medical Marijuana Program Act") to clarify the scope of the Compassionate Use Act of 1996. The Medical Marijuana Program Act allowed counties to adopt and enforce rules and regulations consistent with its provisions.
- D. In 2011, Assembly bill 2650 was enacted (codified as California Health and Safety Code section 11362.768). This law affirmed that counties can adopt ordinances that restrict the location and establishment of medical marijuana collectives and cooperatives.
- E. On October 9, 2015 Governor Brown signed into law the Medical Cannabis Regulation and Safety Act (MCRSA). The MCRSA is a package of three separate bills (AB 243, AB 266, and SB 643), enacted by the legislature on September 11, 2015 that established a comprehensive regulatory framework for the cultivation, production, transportation, testing, sale and taxation of medical marijuana in California.
- F. On June 1, 2016, the California State Assembly passed AB 2516 to refine the licensing structure established under the MCRSA. Recognizing that many cannabis farmers across California grow only a handful of plants on relatively small plots of land, this bill created a new license category, Type 1C, "specialty cottage". This license type allows for 2500 square feet or less of total canopy size for outdoor or mixed light cultivation, and 500 square feet or less of total canopy size for indoor cultivation.
- G. On November 8, 2016, California voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA), allowing residents who are 21 and older to possess, transport, buy and use up to an ounce of cannabis for recreational purposes and allow individuals to grow as many as six plants.
- H. Pursuant to California Business and Professions Code section 19315(a), nothing in MCRSA shall be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local permit or licensing requirements.
- I. This Ordinance is enacted, consistent with the Compassionate Use Act of 1996, the Medical Marijuana Program Act, the Medical Cannabis Regulation and Safety Act and the Adult Use



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of Marijuana Act to protect the public health, safety, and welfare of Plumas County residents in relation to cultivation and sales of marijuana.

- J. Unregulated Cannabis Cultivation has been shown to sometimes involve avoidance of environmental laws and regulations and resulted in the pollution of water and navigable waterways in the State of California. Unregulated cannabis cultivation can be harmful to the welfare of the surrounding community and its residents and constitute a public nuisance.
- K. The rights of qualified patients and adult users under State law to cultivate cannabis does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this chapter, the County will achieve a reduction in the harms caused or threatened by unregulated cultivation of cannabis in the unincorporated area of Plumas County.
- L. It is the purpose and intent of the Ordinance to implement State law by providing a means for regulating the cultivation of cannabis that is consistent with state law and which balances the needs of medical patients and responsible adult users, and promote the health, safety, and welfare of the residents and businesses within the unincorporated area of Plumas County.
- M. The County of Plumas realizes that allowing a closely regulated cannabis industry in the County has the potential to benefit its economy.
- N. Plumas County has the highest opioid overdose rates of any county in California. Research has shown that cannabis can reduce opioid addiction.
- O. Nothing in this Ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 841 or to license any activity that is prohibited under said Act except as mandated by State law.
- P. Nothing in this Ordinance shall be construed to: (1) allow persons to engage in conduct that endangers others or causes a public nuisance, or (2) allow any activity relating to the cultivation, distribution, or consumption of cannabis that is illegal under state or federal law.

SECTION 2. Authority

The Plumas County Board of Supervisors enacts this chapter pursuant to authority granted by Article XI Section 7 of the California Constitution, Sections 25845 and 53069.4 of the California Government Code and Section 11362.83(c) of the California Health and Safety Code.

SECTION 3. Purpose and Intent

- A. The purpose and intent of this chapter is to establish land use regulations concerning the cultivation, manufacture, testing, distribution, transportation, and storage of cannabis within

Sunday, January 15, 2017

Commented [1]: Plumas currently has 10.6% unemployment (820 people). The PCGC estimates there are 200 growers today and with the right ordinance, this could easily be 400. 400 legal jobs will greatly benefit the Plumas economy.

<http://www.centerforjobs.org/profiles/county/plumas/>

Commented [2]: Matt our numbers are not the same. Plumas population is 18,409 and at 10.6% unemployment (up almost 3% from my last mention of this) there are 1,841 unemployed persons.

<http://www.census.gov/quickfacts/table/HSG030210/06063>

<https://data.bls.gov/map/MapToolServlet>

The lowest unemployment rate in California goes to San Mateo at 2.7%. To become the lowest unemployment rate in California we need to create 1,453 jobs.

Commented [3]: Also, is the assumption that each licensed grower will employ themselves plus 1 person?

Commented [4]: Hi Kimmy - the unemployment rate is always calculated as a percent of the civilian labor force, not of the total population. In December, the Plumas labor force was 7,740 and there were 820 unemployed in the county, giving a 10.6% unemployment rate. Please see these figures from the EDD: <http://www.labormarketinfo.ca.gov/file/1fmonth/plumapds.pdf>

Commented [5]: Hi Matt, I did not know that. I learned something today :) And it makes me happy to know that there are even less people who need jobs than i though. Thanks

Commented [6]: And what about the 200 licenses would equal 400 jobs?



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the County of Plumas in order to limit and regulate such activities in coordination with the State of California in the implementation of the MCRSA and the AUMA.

- B. The purpose and intent of this chapter is also to address the County of Plumas' prerogative to license, permit, and regulate cultivation and commercial activities involving cannabis as set forth in the MCRSA and the AUMA in conjunction with state licensing requirements and local laws, in order to protect the public health, safety, and welfare of the residents of Plumas County, and to reduce or eliminate any adverse environmental effects of existing cannabis cultivation or commercial activities involving cannabis in the County of Plumas, and to prevent adverse environmental effects of any new cannabis cultivation or commercial activities involving cannabis which may be permitted in the future in accordance with this chapter and State law.
- C. The purpose and intent of this chapter is also to reduce conditions that create public nuisances by enacting regulations including restrictions as to location, type, and size of cannabis cultivation sites, the location, type, and size of commercial activities involving cannabis and the use of adequate screening, security, and other protective measures to effectively control the adverse impacts associated with cannabis cultivation and commercial activities related to cannabis.
- D. The purpose and intent of this chapter is also to consider and respect the needs of qualified medical cannabis patients and responsible adult users in furtherance of the public necessity, health, safety, convenience, and general welfare within the Board's jurisdictional limits. Nothing in this chapter shall be construed to authorize any use, possession, cultivation, manufacture, transportation, or distribution of cannabis or cannabis products that is in violation of law.

SECTION 4. Scope

The provisions of this chapter shall apply generally to all property throughout the unincorporated area of the County of Plumas.

SECTION 5. Definitions

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter:

- A. "**Accessory Structure**" means a structure that is incidental and subordinate to the principal building on the property and is physically detached from the principal building. Accessory structures must be on the same property as the building or use to which they are accessory.



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- B. "**Agricultural Commissioner**" or "Agricultural Commissioner's Office" means the Plumas County Agricultural Commissioner's Office or the authorized representatives thereof.
- C. "**Attorney General's Guidelines**" means guidelines for the security and non-diversion of cannabis grown for medical use issued by the Attorney General in August 2008
- D. "**Cannabis**" or "Marijuana" means 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 hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" or "Marijuana" 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 purposes of this chapter, "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.
- E. "**Canopy**" shall mean the square footage physically consumed with live cannabis plants.
- F. "**Caregiver**" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 Health and Safety Code.
- G. "**Code**" means the Plumas County Code.
- H. "**Code Enforcement Officer**" means any person employed by the County of Plumas and appointed to the position of code enforcement officer.
- I. "**Commercial marijuana activity**" or "Commercial activities involving medical marijuana" means either:
- a. 1) Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis for medical or recreational use, including nurseries, that is intended to be transported, processed, manufactured, distributed, dispensed, delivered, or sold in accordance with MCRSA and/or AUMA.
 - b. 2) Any cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of commercial cannabis or a commercial cannabis product in accordance with MCRSA and/or AUMA.
- J. "**Commercial cannabis cultivation**" shall have the same meaning as Section 5 (G)(1) of the Plumas County Code.
- K. "**Costs of Enforcement**" or "Enforcement Costs" means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts required pursuant to the enforcement of this chapter, which include but are not limited to: administrative overhead, salaries and expenses incurred by County Officers, site inspections, investigations, notices, telephone contacts and correspondence, conducting hearings, as well as time expended by County staff in calculating the above expenses. The costs also include the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from any decision rendered by any hearing body, the costs of judicially abating a violation, and all costs associated with



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removing, correcting or otherwise abating any violation, including administrative penalties of this chapter.

- L. **"County"** means the County of Plumas.
- M. **"Cultivation site"** means the location or a facility where medical/commercial cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities in conformance with MCRSA and/or AUMA or, to the extent that the activity is exempt from MCRSA and/or AUMA, in conformance with local laws and regulations.
- N. **"Delivery"** has the same meaning as in Business and Professions Code §19300.5(m).
- O. **"Dispensary"**, "Medical Marijuana Dispensary", "Medical Cannabis Dispensary" or "Commercial Cannabis Dispensary", for purposes of this chapter, has the same meaning as in Business and Professions Code §19300.5(n).
- P. **"Distribution"** has the same meaning as in Business and Professions Code §19300.5(p)
- Q. **"Distributor"** has the same meaning as in Business and Professions Code §19300.5(q).
- R. **"Dwelling"**, for purposes of this chapter, means a building intended for human habitation that has been legally established, permitted and certified as a single-family or multi-family dwelling.
- S. **"Enforcement Official"** means a County Code Enforcement Officer, the County Agricultural Commissioner, or the County Sheriff, or the authorized deputies or designees of any of these officials, each of whom is independently authorized to enforce this chapter.
- T. **"Entity"** has the same definition as "Person" except that it does not mean an individual.
- U. **"Greenhouse"** means a completely enclosed structure whose structural members are made of pre- formed, rigid construction materials. The walls, roof, and ends are typically covered using a transparent material that is fixed in place, which allows solar radiation to penetrate the surface and affect the growing environment of the plants inside.
- V. **"Identification card"** shall have the same meaning as "Identification card" as defined in the California Health and Safety Code, commencing with Section 11362.7(g).
- W. **"Indoors"** means within a fully enclosed and secure structure that complies with the California Building Code (CBC), as adopted by the County of Plumas, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached.
- X. **"License"**, "License Classification", or "License Type" means a state-issued license as described in Business and Professions Code §19300.7.
- Y. **"Licensee"** has the same meaning as in Business and Professions Code §19300.5(x).
- Z. **"Manufactured cannabis"** or "Manufactured cannabis products" has the same meaning as "Manufactured cannabis" in Business and Professions Code §19300.5(ac).
- AA. **"Manufacturer"** has the same meaning as in Business and Professions Code §19300.5(ad)

Commented [7]: Could we change this to cultivation premises to be more in line with language used in AUMA?

Commented [8]: I do think we need to update all of these definitions as soon as the State issues their rules, which will include definitions.

Commented [9]: For now I think leave it as cultivation site because that's what the CDFA folks are calling it...

Commented [10]: Gotcha

Commented [11]: Accessory structure is the language used in AUMA. Possible definition: A structure that is incidental and subordinate to the principal building on the property and is physically detached from the principal building. Accessory structures must be on the same property as the building or use to which they are accessory.

Commented [12]: Added it. Kim, should that read at the end ... building "or" or "for" use to which they are accessory?

Commented [13]: I saw it earlier, but now I cant find it.

Commented [14]: Still waiting for clarification from you on accessory structure, can you please site where you got the definition? is it "or" or "for"? To me "for" makes more sense. I thought maybe you made a typo.



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- BB. **"Marijuana plant"** means any mature or immature marijuana plant including the stalks of the plant, or any marijuana seedling, that is capable of producing marijuana. A "mature" marijuana plant is one whose sex can be determined by visual inspection.
- CC. **"Medical cannabis"**, "medical cannabis product", or "cannabis product" has the same meaning as in Business and Professions Code §19300.5(af).
- DD. **"Medical Marijuana Collective"** means qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients who associate by written agreement, or form a cooperative in accordance with Section 12300 of the Corporations Code within the unincorporated area of the County in order to collectively or cooperatively cultivate, store, and/or dispense cannabis for medical purposes, as provided in Health and Safety Code Section 11362.775. The term collective shall include "cooperative" unless the context clearly indicates otherwise.
- EE. **"Mixed Light"** means the use of both natural and artificial or supplemental lighting sources during the growing cycle to cultivate cannabis for medical or recreational use.
- FF. **"Mobile delivery"** has the same meaning as the first sentence of Business and Professions Code §19300.5(m).
- GG. **"Nursery"** has the same meaning as in Business and Professions Code §19300.5(ag).
- HH. **"Outdoor"** means any cultivation site that uses no artificial or supplemental lighting to cultivate cannabis for medical or recreational use. Use of supplemental lighting to maintain vegetative starts or immature plants prior to transplanting outdoors shall be considered consistent with this definition.
- II. **"Parcel"** means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code) and also means any parcel that is described, recorded and kept in official County records specifically including documents and maps used by the County Assessor's Office, the County Tax Collector's Office and the County Recorder's Office.
- JJ. **"Permittee"** means a person (or persons) issued a permit to cultivate cannabis in Plumas County pursuant to the entirety of this chapter.
- KK. **"Person"** has the same meaning as "Person" in Business and Professions Code §19300.5(ah).
- LL. **"Person with an identification card"** shall have the same meaning as "Person with an identification card" as defined in the California Health and Safety Code, commencing with Section 11362.7(c)
- MM. **"Personal cultivator"** a person who cultivates and possesses cannabis exclusively for his or her personal medical or recreational use of six (6) cannabis plants, but who does not provide, donate, sell, or distribute cannabis to any other person or entity.



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- NN. **"Primary Caregiver"** shall have the same meaning as "primary caregiver" as defined in the California Health and Safety Code, commencing with Section 11362.7(d), and as further defined in the California Supreme Court decision People v. Mentch (2008) 45 Ca1.4th 274.
- OO. **"Primary caregiver cultivation"** means cannabis cultivation of up to 6 plants per qualified patient or person with an identification card by a person who cultivates, possesses, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than two individuals for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code. "Transport" for purposes of this subsection does not have the same meaning as (VV).
- PP. **"Public View"** shall mean as viewed at ground level, without the use of a ladder or similar device, from any place the general public has a lawful right to be including the public right of way, a public way or neighboring premises.
- QQ. **Qualified Patient** shall have the same meaning as "qualified patient" as defined in the California Health and Safety Code, commencing with Section 11362.7(f).
- RR. ~~"Resident" a person who lives in Plumas County permanently or on a long term basis, other than a "transitory or temporary purpose".~~
- SS. **"Residence"** shall have the same meaning as "Dwelling" for purposes of this chapter.
- TT. **"School"** shall mean any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes (Health and Safety Code 11362).
- UU. **"Sheriff"** or "Sheriff's Office" means the Plumas County Sheriff's Office or the authorized representatives thereof.
- VV. **"Testing laboratory"** has the same meaning as in Business and Professions Code §19300.5(ak).
- WW. **"Total canopy size"** means the total gross area in square feet consumed by live cannabis plants.
- XX. **"Transport"** or "transportation", for purposes of this chapter, has the same meaning as in Business and Professions Code §19300.5(am)
- YY. **"Transporter"** has the same meaning as in Business and Professions Code §19300.5(an).
- ZZ. **"Volatile solvent"**: Volatile solvents may include but is not limited to: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O2 or H2; and (2) dangerous poisons, toxins, or carcinogens, such as Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene as determined by the Fire Marshall.

Commented [15]: As much as it breaks my heart, Health and Safety Code lists Iso-propyl Alcohol between methanol and Methylene Chloride. h&s code 11362.3 (7) (d)
At least for now

Commented [16]: I guess we add it for now, and hope they change it.

Commented [17]: HEALTH AND SAFETY CODE 11362.2
(d) For purposes of this section, "volatile solvent" means volatile organic compounds, including: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O2 or H2; and (2) dangerous poisons, toxins, or carcinogens, such as Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Trichloro-ethylene.

Commented [18]: yeah, ok...lol.



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AAA. "Zoning clearance certificate", for purposes of this chapter, means a ministerial, over-the-counter certificate of compliance provided by the Planning Department after verification that the proposed use is compatible with the parcel's zoning and the applicable development standards.

SECTION 6. Medical Marijuana Collectives

Medical marijuana collectives currently operate to produce medical cannabis for seriously ill Californians under an array of State law and guidelines established for that purpose, including Proposition 215 and Senate Bill 420 (2004). Under the provisions of MCRSA, the current collective/cooperative model for the production and dispensing of medical cannabis remains in effect until the moment an entity obtains the required State license issued under MCRSA for that activity. From that point forward, the State regulations developed in response to MCRSA will define the operational model for any entity conducting activities related to commercial medical cannabis cultivation.

Additionally, Health and Safety Code section 11362.775 (b) mandates that the current collective/cooperative model in California, as detailed above, will be repealed one (1) year from the date that the Department of Consumer Affairs posts on its public internet webpage a notice stating that State licenses are being issued for activities covered under MCRSA, at which point Health and Safety Code Section 11362.775 (a) will sunset. In addition to obtaining any required cultivation permit pursuant to this chapter, medical marijuana collectives engaged in cultivation shall also comply with all of the following:

- A. Operate on a non-profit basis as set forth in Section IV B.1. of the Attorney General's Guidelines.
- B. Employ only persons who are at least twenty one (21) years of age and comply with all applicable state and federal requirements relating to the payment of payroll taxes including federal and state income taxes and/or contributions for unemployment insurance, state workers' compensation and liability laws.
- C. Follow the membership and verification guidelines as set forth in Section IV B.3. of the Attorney General's Guidelines, except that wherever "should" appears it shall be replaced with "shall".
- D. Require all prospective members to complete and sign a written membership application acknowledging and agreeing to abide by all the rules of the collective and all applicable requirements of this Section.



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- E. Prohibit sales to non-members as set forth in Section IV B.5. of the Attorney General's Guidelines.
- F. Allow reimbursements and allocations of medical cannabis as set forth in Section IV B.6. of the Attorney General's Guidelines.
- G. Possess cannabis only in amounts consistent with the medical needs of the members of the collective; and only cultivate cannabis consistent with the limits set forth by Senate Bill 420.

SECTION 7. Personal Cultivation - Specific Requirements

Any person growing 6 plants or less for adult recreational use as defined under Prop. 64, medical patients growing up to 100 square feet of cannabis for their own medical use, and caregivers growing up to 200 square feet for other patients, shall be classified as a "Personal Cultivator". Under **NO** circumstances may a Personal Cultivator sell or profit from the cannabis he or she grows.

There shall be no more than one personal cannabis cultivation per residence, except that there may be no more than two personal medical cultivations at a residence.

The maximum plants allowed for cultivation on the parcel shall be:

- a. For a personal cultivation, 6 plants. **If the parcel is less than one-third acre in size, no more than 3 plants outdoors or 6 plants indoors may be grown, providing all other requirements can be met. If the parcel is more than one-third acre in size, 6 plants may be grown outdoors, providing all other requirements can be met.**
- b. For a medical patient cultivation, 100 sq ft.
- c. For caregiver cultivation, 100 sq ft per patient, for a maximum of two patients. Caregiver cultivation may only occur on property owned or leased by the caregiver or authorized patient for whom the medical cannabis is cultivated.

A Personal Cultivator may grow his/her personal cannabis in **ANY** zone. All building code requirements must be met and no permit or fees shall be required for these personal grows.

Personal Cultivation-Indoor

All building code requirements must be met

Commented [HB19]: Based on discussion at 5/25/17 meeting.



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Personal Cultivation-Outdoor

- A. Outdoor cultivation sites must be set back at least ten feet (10') from any property line.
- B. Secured accessory structure or greenhouses must follow all building code requirements and be at least five feet (5') from property line.
- C. The proposed cultivation site shall be at least 50' from the edge of pavement of a paved public roadway.
- D. Access to the cultivation site shall be controlled to reasonably prevent against access by trespassers.
- E. If cultivating in residential zones, the proposed cultivation site shall be fully enclosed by a 7' fence with a lockable gate. It must be constructed of a material and strength that reasonably prevents against access by trespassers and adequate screening to prevent the cannabis plants from being viewed. In all other zones, if the proposed cultivation is in public view, it must be obscured by a 7' fence.

SECTION 8. Commercial Cannabis Permits

Following is a list of commercial cannabis permits that shall be available through the Plumas County **Planning Department**. ~~Agricultural Commissioner's office~~. **Comment: It is unclear as to which County office to make the application. The Agricultural Commissioner may, under an agreement with the Department of Agriculture, issue the state permit. The Planning Department needs to issue for kind of zoning clearance/Site Development Permit/Minor Use or Development Permit/Special Use Permit. So which County office does a person seeking a permit start with?**

"Type 1C" for outdoor/mixed light cultivation of a maximum of 2,500 square feet of total canopy size on one legal parcel.

"Type 1C-A" for indoor cultivation using exclusively artificial lighting not to exceed 500 square feet of total canopy size within a structure or structures on one legal parcel.

"Type 1" for outdoor cultivation using no artificial lighting of 2,501 to 5,000 square feet of total canopy size on one legal parcel.

"Type 1A" for indoor cultivation using exclusively artificial lighting 501 to 5,000 square feet of total canopy size within a structure or structures on one legal parcel.

Commented [20]: A seven foot fence along a property line in residential areas doesn't comply with the county fence code, which calls for a six foot fence. 6 - 8 foot fences require a building permit, and over 6' has to have a five foot setback from property lines, difficult, if not impossible in many residential areas. In regard to "being viewed", viewed from where? If my neighbor has a two story house and can peer into my yard from an upstairs window, does this constitute "being viewed"?

Commented [21]: They changed this a few years ago. I constructed a fence right on a property line last year. I contacted Building dept and they verified it is now 7 foot with no permit required.

Commented [22]: Can we just ask for a fence that precludes view from public space in conjunction with county regulations? A one-size-fits-all fence isn't going to work in every zone. I do not know outdoor grows like most, but if a plant grows higher than a fence...then what? Its cut? Is canopy netting an option at that point?

Commented [23]: I just re-read the public view definition and it says from ground level.

Commented [24]: This is what Randy Hicks from Plumas County Building Department, told me the county adopted and the fence can be right on a property line:
 Calif. Residential Code 2013:
 R105.2 Work exempt from permit.
 Permits shall not be required for the following.
 Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:
 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15m2).
 2. Fences not over 7 feet (2134 mm) high.

Commented [25]: A determination discussion on what constitutes as an appropriate fence is necessary such as a wooden fence or a cyclone fence with a visual barrier attached to it the use of Barbwire etc.

Commented [26]: Isn't the fact that it needs to preclude view a simple enough requirement? Why tell people how they need to do it? Maybe they want to grow ivy on it, build it in brick, or out of artwork?



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“**Type 1B**” for cultivation using a combination of natural and supplemental artificial lighting (mixed light) of 2,501 to 5,000 square feet of total canopy size within a structure or structures on one legal parcel.

“**Type 2**” for outdoor cultivation using no artificial lighting of 5,001 to 10,000 square feet of total canopy size on one legal parcel.

“**Type 2A**” for indoor cultivation using exclusively artificial lighting having a cumulative total canopy size within a structure or structures of 5,001 to 10,000 square feet on one legal parcel.

“**Type 2B**” for cultivation using a combination of natural and supplemental artificial lighting (mixed light) of 5,001 to 10,000 square feet of total canopy size within a structure or structures on one legal parcel.

“**Type 3**” for outdoor cultivation using no artificial lighting of 10,001 to 1 acre of total canopy size on one legal parcel

“**Type 3A**” for indoor cultivation using exclusively artificial lighting having a cumulative canopy size within a structure or structures of 10,001 to 22,000 square feet on one legal parcel.

“**Type 3B**” for cultivation using a combination of natural and supplemental artificial lighting (mixed light) of 10,001 to 22,000 square feet of total canopy size within a structure or structures on one legal parcel.

“**Type 4**” for the cultivation of cannabis solely as a nursery product to be sold to a permittee, a qualified patient or a primary caregiver, or adult user. The nursery product may take the form of vegetative and non-flowering starts or may be in the form of seeds. The cumulative canopy size shall not exceed 22,000 square feet on one legal parcel.

“**Type 5**” for outdoor cultivation using no artificial lighting of 44,000 square feet or more of total canopy size on one legal parcel.

“**Type 5A**” for indoor cultivation using exclusively artificial lighting having a cumulative canopy size within a structure or structures of 22,000 square feet or more on one legal parcel.

“**Type 5B**” for cultivation using a combination of natural and supplemental artificial lighting (mixed light) of 22,000 square feet or more of cultivation area within a structure or structures on one legal parcel.

Commented [27]: What is the reason that a start has to be non-flowering? And how is something like this going to be enforced? I've seen many, many small plants over the years which have a flower here and there.

Commented [28]: I think it is to differentiate between nurseries and growers. Clones should not have flowers on them

Commented [29]: I feel the need to put something in here that states flowering plants may be used to cultivate seeds. Also, once a plant has flowers, regardless of its size, it is now flowering. It is no longer a clone or in a vegetative state



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~~Note—Type 5, 5A and 5B are not available from the State before January 1, 2023. The County of Plumas shall revisit by January 1, 2022, one (1) year prior to implementation.~~

“**Type 6**” (Manufacturer Level 1) sites that manufacture marijuana products using nonvolatile solvents, or no solvents.

“**Type 7**” (Manufacturer Level 2) sites that manufacture marijuana products using volatile solvents.

“**Type 8**” (Testing) for testing cannabis and cannabis products.

“**Type 10**” (Retailer/Dispensary) for the retail sale of cannabis or cannabis products. This license shall allow for delivery where expressly authorized by local ordinance.

“**Type 11**” (Distributor) for the distribution of cannabis and cannabis product. Licensee shall be bonded and insured at a level not less than the minimum established by the licensing authorities.

“**Type 12**” (Microbusiness) the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer under this division, provided such licensee complies with all requirements imposed by this division on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.

Commented [30]: We can revisit to allow type 5 in 2022. If you leave the door open till then, this county will be fighting type 5 corporations....good luck with that. Why do you think Randy gets calls everyday wanting to know what we have approved? They are waiting for this green light to buy up our land.

Commented [31]: NO TYPE 5

SECTION 9. Commercial Cultivation Permits – Specific Requirements

This section contains specific requirements that apply to each of the cultivation permit types listed in Section 8. Additional zoning permit requirements may apply for each of the below cultivation permit types, which vary based on how the legal parcel is zoned. Cultivation permit applications will be referred to the Planning Department to determine zoning compliance **or other permit requirements, such as a Special Use Permit. See comment on permitting above.**

These cultivation permits are for the production of flowering commercial cannabis plants and for nurseries, as specifically defined in Section 5. A permittee producing flowering commercial cannabis plants may maintain a clone room or area where they may propagate their own starts from existing stock on hand. Clones produced in this manner shall be for the exclusive and personal use of the permittee only and the sale of such clones is expressly prohibited. The



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square footage of cultivation area dedicated to such a vegetative start (clone) production area will be included in measuring the cumulative total canopy size allowed under a given permit.

Setbacks

A. The cultivation site must be set back at least twenty five (25) feet from the property line for residential, suburban and agricultural zoned grows. In industrial and commercial zones, the cultivation site must be set back at least ten (10) feet from the property line.

B. The proposed cultivation site shall be at least 50' from the edge of pavement of a public roadway

C. The distance from any school to the nearest point of the cultivation site shall be at least 600 feet.

In addition to any other requirements listed in this chapter, the following limitations and requirements shall apply to cultivation permits issued pursuant to this chapter:

1) "Type 1C" permits: (Small, outdoor/mixed light)

1. Shall be issued to qualifying applicants for a maximum of 2,500 square feet of total canopy size or the limitation on total canopy size from Section 10 related to parcel size, whichever is smaller.
2. The legal parcel where cultivation is occurring must have one of the following zoning designations:
 - i) Zones that require Special Use Permit (SUP): 7-R, 3-R, 2-R, M-R, C-1, C-2, C-3, R-C, Rec-P, Rec-1, Rec-3, Rec-10, Rec-20, I-1, I-2.
 - ii) Zones that require Zoning Clearance Certificate (ZCC): S-1, S-3, R-10, R-20, AP, GA, GF, M.

3. A (1/3) acre minimum required parcel size.

4. A seven (7) foot tall fence is required if cultivation site is in a residential zone.

5. A seven (7) foot tall fence is required if in any public view or neighboring parcel can view cultivation site. It must be constructed of a material and strength that reasonably prevents against access by trespassers and adequate screening to prevent the cannabis plants from being viewed.

6. All lights used for the "mixed light" cultivation of cannabis shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed

Commented [32]: I am hoping that the state gets their wording changed in the near future to make this legit. And when it does, I believe it should state, "from any school property line"

Commented [33]: If anyone likes clarification, call CDFA. This language came from the horse's mouth.

Commented [34]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

Commented [35]: As I think most people know by now, the zoning is broken into the categories that currently allow agriculture/horticulture, and those that do not. This is how other counties did it. But get your point.

Commented [36]: Again, a seven foot fence is too much.



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the boundaries of the legal parcel upon which they are placed between 30 minutes after sunset and 30 minutes before sunrise.

7. The permittee shall facilitate at least one on-site compliance inspection, and additional inspections if deemed necessary, ~~with at least 24 hours prior notice,~~ to be conducted by the Agricultural Commissioner **and/or Planning Department**, ~~during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).~~ The permittee shall ~~notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.~~

2) "Type 1C-A" permits: (Small, indoor (artificial light only))

1. Shall be issued to qualifying applicants for a maximum of 500 square feet of total canopy size or the limitation on total canopy size from Section 10 related to parcel size, whichever is smaller.
2. All structures used shall be constructed in a manner so as to fully contain any light or light glare involved in the cultivation process.
3. The legal parcel where cultivation is occurring must have one of the following zoning designations:
 - i) Zones that require Special Use Permit (SUP): 7-R, 3-R, 2-R, M-R, C-1, C-2, C-3, R-C, R-P, Rec-1, Rec-3, Rec-10, Rec-20, I-1, I-2, OS.
 - ii) Zones that require Zoning Clearance Certificate (ZCC): S-1, S-3, R-10, R-20, AP, GA, GF, M.

4. The permittee shall facilitate at least one on-site compliance inspection, and additional inspections if deemed necessary, ~~with at least 24 hours prior notice,~~ to be conducted by the Agricultural Commissioner **and/or the Planning Department**, ~~during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).~~ The permittee shall ~~notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.~~

3) "Type 1" permits: (Small, outdoor (natural light only))

1. Shall be issued to qualifying applicants for a maximum of 5,000 square feet of total canopy size or the limitation on total canopy size from Section 10 related to parcel size, whichever is smaller.
2. The legal parcel where cultivation is occurring must have one of the following zoning designations:

Commented [37]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.



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- i) ~~Zones that require Special Use Permit (SUP): 2-R, 3-R, 7-R, M-R, C-1, C-2, C-3, R-C, Rec-P, Rec-1, Rec-3, Rec-10, Rec-20, Rec-OS, OS, L, TPZ, I-1, I-2.~~
- ii) ~~Zones that require Zoning Clearance Certificate (ZCC): S-1, S-3, R-10, R-20, AP, GA, GF, M.~~

Commented [HB38]: Updated to reflect matrix 6/29/17

Commented [39]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

- 3. The permittee shall facilitate at least one on-site compliance inspection, and additional inspections if deemed necessary, ~~with at least 24 hours prior notice,~~ to be conducted by the Agricultural Commissioner **and/or the Planning Department.** ~~during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.~~
- 4. A seven (7) foot tall fence is required if in any public view or neighboring parcel can view cultivation site. It must be constructed of a material and strength that reasonably prevents against access by trespassers and adequate screening to prevent the cannabis plants from being viewed.

4) "Type 1A" permits: (Small, indoor (artificial light only))

- a) Shall be issued to qualifying applicants for a cumulative maximum of 5,000 square feet of total canopy size within a structure or structures on or the limitation on total canopy size from Section 10 related to parcel size, whichever is smaller.
- b) All structures used shall be constructed in a manner so as to fully contain any light or light glare involved in the cultivation process.
- c) The legal parcel where cultivation is occurring must have one of the following zoning designations:
 - i) ~~Zones that require Special Use Permit (SUP): 7-R, 3-R, 2-R, M-R, C-1, C-2, C-3, R-C, R-P, Rec-1, Rec-3, Rec-10, Rec-20, I-1, I-2, OS.~~
 - ii) ~~Zones that require Zoning Clearance Certificate (ZCC): S-1, S-3, R-10, R-20, AP, GA, GF, M.~~

Commented [HB40]: Updated to reflect matrix 6/28/17

Commented [41]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

- d) The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, ~~with at least 24 hours prior notice,~~ to be conducted by the Agricultural Commissioner **and/or Planning Department.** ~~during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.~~



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5) "Type 1B" permits: (Small, mixed light sources)

- a) Shall be issued to qualifying applicants for a cumulative maximum of 5,000 square feet of total canopy size within a structure or structures or the limitation on total canopy size from Section 10 related to parcel size, whichever is smaller.
- b) The legal parcel where cultivation is occurring must have one of the following zoning designations:
 - i) Zones that require Special Use Permit (SUP): ~~7-R, 3-R, 2-R, M-R, C-1, C-2, C-3, R-C, R-P, Rec-1, Rec-3, Rec-10, Rec-20~~, I-1, I-2, ~~OS~~.
 - ii) Zones that require Zoning Clearance Certificate (ZCC): S-1, S-3, R-10, R-20, AP, GA, GF, M.
- c) The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, ~~with at least 24 hours prior notice~~, to be conducted by the Agricultural Commissioner ~~and/or Planning Department~~ during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.
- d) A seven (7) foot tall fence is required if in any public view or neighboring parcel can view cultivation site. It must be constructed of a material and strength that reasonably prevents against access by trespassers and adequate screening to prevent the cannabis plants from being viewed.
- e) All lights used for the "mixed light" cultivation of cannabis shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed between 30 minutes after sunset and 30 minutes before sunrise.

Commented [HB42]: Updated to reflect matrix 6/28/17

Commented [43]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

6) "Type 2" permits: (Small, outdoor (natural light only))

- a) Shall be issued to qualifying applicants for a maximum of 5000 square feet of total canopy size or the limitation on total canopy size from Section 10 related to parcel size, whichever is smaller.
- b) The legal parcel where cultivation is occurring must have one of the following zoning designations:



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- i) Zones that require Special Use Permit (SUP): ~~7-R, 3-R, 2-R, M-R, C-1, C-2, C-3, R-C, Rec-P, Rec-1, Rec-3, Rec-10, Rec-20~~, I-1, I-2, ~~OS~~.
- ii) Zones that require Zoning Clearance Certificate (ZCC): S-1, S-3, R-10, R-20, AP, GA, GF, M.

Commented [HB44]: Updated to reflect matrix 6/28/17

Commented [45]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

- c) The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, ~~with at least 24 hours prior notice~~, to be conducted by the Agricultural Commissioner ~~and/or the Planning Department~~ during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall ~~notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.~~
- d) A seven (7) foot tall fence is required if in any public view or neighboring parcel can view cultivation site. It must be constructed of a material and strength that reasonably prevents against access by trespassers and adequate screening to prevent the cannabis plants from being viewed.

7) "Type 2A" permits: (Small, indoor (artificial light only))

- a) Shall be issued to qualifying applicants for a cumulative maximum of 10,000 square feet of total canopy size within a structure or structures or the limitation on total canopy size from Section 10 related to parcel size, whichever is smaller.
- b) All structures used shall be constructed in a manner so as to fully contain any light or light glare involved in the cultivation process.
- c) The legal parcel where cultivation is occurring must have one of the following zoning designations:

- i) Zones that require Special Use Permit (SUP): ~~7-R, 3-R, 2-R, M-R, C-1, C-2, C-3, R-C, Rec-P, Rec-1, Rec-3, Rec-10, Rec-20~~, I-1, I-2, ~~OS~~.
- ii) Zones that require Zoning Clearance Certificate (ZCC): S-1, S-3, R-10, R-20, AP, GA, GF, M.

Commented [HB46]: Updated to reflect matrix 6/28/17

Commented [47]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

- d) The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, ~~with at least 24 hours prior notice~~, to be conducted by the Agricultural Commissioner ~~and/or the Planning Department~~ during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall ~~notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.~~



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8) "Type 2B" permits: (Small, mixed light sources)

- a) Shall be issued to qualifying applicants for a cumulative maximum of 10,000 square feet of total canopy size within a structure or structures or the limitation on total canopy size from Section 10 related to parcel size, whichever is smaller.
- b) The legal parcel where cultivation is occurring must have one of the following zoning designations:
 - i) ~~Zones that require Special Use Permit (SUP): 7-R, 3-R, 2-R, M-R, C-1, C-2, C-3, R-C, R-P, Rec-1, Rec-3, Rec-10, Rec-20, I-1, I-2, OS.~~
 - ii) ~~Zones that require Zoning Clearance Certificate (ZCC): S-1, S-3, R-10, R-20, AP, GA, GF, M.~~

Commented [HB48]: Updated to reflect matrix 6/28/17

Commented [49]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

- c) ~~The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, with at least 24 hours prior notice, to be conducted by the Agricultural Commissioner and/or the Planning Department, during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The permittee shall notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.~~
- d) A seven (7) foot tall fence is required if in any public view or neighboring parcel can view cultivation site. It must be constructed of a material and strength that reasonably prevents against access by trespassers and adequate screening to prevent the cannabis plants from being viewed.
- e) All lights used for the "mixed light" cultivation of cannabis shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed between 30 minutes after sunset and 30 minutes before sunrise.

9) "Type 3" permits: (Medium, outdoor (natural light only))

- a) Shall be issued to qualifying applicants for a maximum of 1 acre of total canopy size or the limitation on total canopy size from Section 10 related to parcel size, whichever is smaller.
- b) The legal parcel where cultivation is occurring must have one of the following zoning designations:
 - i) ~~Zones that require Special Use Permit (SUP): 7-R, 3-R, 2-R, M-R, C-1, C-2, C-3, R-C, R-P, Rec-1, Rec-3, Rec-10, Rec-20, I-1, I-2, OS.~~

Commented [HB50]: Updated to reflect matrix 6/28/17



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ii) Zones that require Zoning Clearance Certificate (ZCC): S-1, S-3, R-10, R-20, AP, GA, GF, M.

Commented [51]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

- c) The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, ~~with at least 24 hours prior notice,~~ to be conducted by the Agricultural Commissioner ~~and/or the Planning Department, during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).~~ The permittee shall ~~notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.~~
- d) A seven (7) foot tall fence is required if in any public view or neighboring parcel can view cultivation site. It must be constructed of a material and strength that reasonably prevents against access by trespassers and adequate screening to prevent the cannabis plants from being viewed.

10) "Type 3A" permits: (Medium, indoor (artificial light only))

- a) Shall be issued to qualifying applicants for a cumulative maximum of 22,000 square feet of total canopy size within a structure or structures or the limitation on total canopy size from Section 10 related to parcel size, whichever is smaller.
- b) ~~The legal parcels where cultivation is occurring will be allowed only in industrial zoning.~~ **Zones that require Special Use Permits:** I-1, I-2. ~~A Special Use Permit shall be required.~~ **Zones that require Zoning Clearance Certificate (ZCC):** S-1, S-3, R-10, R-20, AP, GA, GF, M.

Commented [HB52]: Updated to reflect zoning matrix 6/28/17

- c) All structures used shall be constructed in a manner so as to fully contain any light or light glare involved in the cultivation process.
- d) The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, ~~with at least 24 hours prior notice,~~ to be conducted by the Agricultural Commissioner ~~and/or the Planning Department, during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).~~ The permittee shall ~~notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.~~

11) "Type 3B" permits: (Medium, mixed light sources)

- a) Shall be issued to qualifying applicants for a cumulative maximum of 22,000 square feet of total canopy size within a structure or structures or the limitation on total canopy size from Section 10 related to parcel size, whichever is smaller.



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- b) The legal parcel where cultivation is occurring must have one of the following zoning designations:
- i) Zones that require Special Use Permit (SUP): I-1, I-2.
 - ii) Zones that require Zoning Clearance Certificate (ZCC): S-1, S-3, R-10, R-20, AP, GA, GF, M.
- c) The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, ~~with at least 24 hours prior notice~~, to be conducted by the Agricultural Commissioner ~~and/or the Planning Department~~. ~~during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays)~~. ~~The permittee shall notify the appropriate county official, at least 30 days prior to harvest, to schedule an annual on-site compliance inspection.~~
- d) A seven (7) foot tall fence is required if in any public view or neighboring parcel can view cultivation site. It must be constructed of a material and strength that reasonably prevents against access by trespassers and adequate screening to prevent the cannabis plants from being viewed.
- e) All lights used for the “mixed light” cultivation of cannabis shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed between 30 minutes after sunset and 30 minutes before sunrise.
- 12) **“Type 4”** permits: (Nursery)
- a) Type 4 permits shall be issued to qualifying applicants for a cumulative maximum of 22,000 square feet of total canopy size within a structure or structures or the limitation on total canopy size from Section 10 related to parcel size, whichever is smaller.
 - b) If the permittee is approved as a nursery, the permittee shall produce only tissue culture starts, vegetative starts (clones), seeds, or immature plants for the planting, propagation, and cultivation of cannabis by other permittees or state license holders or exempt individuals. If the permittee is approved as a nursery (the production of tissue cultures, clones, seeds, and immature plants), no consumable cannabis product of any kind shall be derived from the plants being cultivated under this permit.
 - c) If the permittee is producing seeds, the cannabis plants intended to be grown to maturity for seed production shall be entered into the same track and trace program as all other commercial cultivation licenses to document the end use

Commented [53]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.



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(processing or dispensing) or destruction of the cannabis plant material (flowers, leaf, stalk, etc.) derived from the plants once the seeds have been extracted.

- d) A maximum of 10,000 square feet of total canopy size may be dedicated to cannabis seed production under this permit. This total canopy size shall be considered equivalent to cultivation area and counted towards the maximum allowable square footage allowed under this permit.
- e) The legal parcel where cultivation is occurring must have one of the following zoning designations:
 - i) Zones that require Special Use Permit (SUP): I-1, I-2,
 - ii) Zones that require Zoning Clearance Certificate (ZCC): S-1, S-3, R-10, R-20, AP, GA, GF, M.
- f) Those using “mixed light” for the cultivation of cannabis shall use lights shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the legal parcel upon which they are placed between 30 minutes after sunset and 30 minutes before sunrise.
- g) The permittee shall facilitate one (1) on-site compliance inspection annually, and additional inspections if deemed necessary, ~~with at least 24 hours prior notice~~, to be conducted by the Agricultural Commissioner **and/or the Planning Department**, during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). ~~The permittee shall notify the appropriate county official to schedule the annual on-site compliance inspection.~~

Commented [54]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

SECTION 10. Limitations on commercial cannabis total canopy size for all licenses

There shall be limitations on the allowable total canopy size on any given size parcel(s), except for industrial zoned property.

Acreage of adjoining parcels under common ownership may be combined for purposes of calculating “total acreage”.

The following is the maximum square footage of total canopy size allowed:

Parcel(s) less than 1/3 acre: 500 square feet indoor, none allowed outdoor.

Parcel(s) at least 1/3 acre but less than 2 acres: 500 square feet indoor, 2500 square feet outdoor/mixed light.



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Parcel(s) at least 2 acre but less than 3 acres: 5,000 square feet indoor, 5,000 square feet outdoor/mixed light.

Parcel(s) at least 3 acres but less than 10 acres: 10,000 square feet indoor, 10,000 square feet outdoor/mixed light.

Parcel(s) 10 acres or larger: Cultivation area may not exceed 10% of total acreage and in no circumstance exceed four (4) acres of total canopy size.

Allowable number of commercial cannabis cultivation permits

Cooperative grow sites: To allow cultivators who may be prevented from growing due to zoning or other environmental restrictions, cooperative grow sites shall be allowed on properly zone and sized parcels. These cooperative grow sites may only take place on parcels with a total acreage equaling or exceeding twenty (20) acres. Each cooperative cultivator shall enter into a written lease with landowner, and the cooperative cultivator shall be responsible for all permitting and licensing requirements, unless otherwise provided pursuant to the terms of the lease. Cultivation area limitations shall be **exactly** the same as **specified in the paragraph** above, i.e. 10% of total acreage and no more than 4 acres. The maximum number of cooperative growers allowed at one cooperative grow site on any parcel shall be ten (10).

Permits per person: No more than four (4) commercial cannabis activity permits of any type may be issued to a single person, as defined herein, regardless if activities take place at different locations. For purposes of this limitation, any natural person who owns or controls any interest, directly or indirectly, in a firm, partnership, joint venture, association, cooperative, collective, corporation, limited liability company, estate trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, shall be collectively considered a single person with those entities.

SECTION 11. Cannabis Cultivation Permit Fee Schedule (Annual Renewal)

Annual Fee Schedule:

Commented [55]: This section is not necessary. Once the working group has established zoning this will be covered. If for some reason this section proves necessary, these determinations need to be decided by the group. It currently appears to have been written to feed into the following paragraph concerning cooperative grow sites.

Commented [56]: It was written to mirror other counties' attempt to keep all grow sites to a reasonable ratio to that of the entire acreage. To prevent folks from slamming their property with nothing but cannabis. And to prevent public backlash after the fact and we end up like Calaveras.

Commented [57]: IMO we are going to end up like Calaveras because we will have no restrictions on residency. However, thats just my opinion and a different section, lol.
So Harry, can you help me understand... why we feel the need to constantly mirror other counties? I understand its important to look at what other counties have done and see what is or is not working, but I get flustered with constantly seeing or hearing...this is what so-and-so did. We are Plumas...not every other county. We dont need to do something just because another county did it. If we get to a place where we agree on what licenses go in what zones...then this is not needed. Otherwise we can agree on something like this to assign zones, but then it still doesnt need to be part of the ordinance does it? Im not trying to be a pain, i am trying to understand.

Commented [58]: Let me re-phrase: To prevent folks from slamming their property with nothing but cannabis and pissing the neighbors off and creating a public backlash.

Commented [59]: The number of permits allowed has already been stated as mostly unrestricted in AUMA, but will be restricted by population and monopolies. Why do we want further restrictions?

Commented [60]: I am not sure I follow this. First, I am all for cooperative grows. That said, is this saying each rented area is to follow zoning of the whole 20+ acre lot? Or are the renters to follow zoning for the space they are renting?
I ask because if you have 20 acres, rent out ten 2 acr...

Commented [61]: All together. Perhaps the word "Total" is needed before Cultivation area limitation shall...

Commented [62]: Let me guess...someone somewhere decided 4 was a good limit? Or maybe some other county did theirs this way? I would like to discuss this at the meeting.

Commented [63]: If we allowed unlimited licenses, then this would effectively be type5 grows today, which we are deferring until 2023



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Cottage (2500 sq' outdoor or mixed light, 500 sq' indoor): \$500
Specialty small (5000 sq'): \$1,000
Small (10,000 sq'): \$2,000
Medium (44,000 sq' outdoor, 22,000 sq' mixed light or indoor): \$5,000
Nursery (22,000 sq'): \$5,000
Microbusiness (10,000 sq'): \$5,000

~~[NOTE, FINAL FEES WILL DEPEND ON COST OF PROGRAM ADMIN AND WILL BE CALCULATED BY COUNTY OFFICIALS]~~

SECTION 12. Commercial Cultivation Permit Application Review

Any person or entity that wishes to engage in commercial cultivation of cannabis for medical or recreational use shall submit an application to the Planning Department. Applications for Commercial Cultivation Permits shall be made upon such forms and accompanied by such plans and documents as may be prescribed by the Planning Department so as to assure the fullest practical presentation of facts for the review of the application. An application fee will be due at the time the application is submitted and is non-refundable.

Applicants for a Commercial Cultivation Permit shall provide the following information on, or as an attachment to, the application:

- A. The name, business and residential address, and phone number(s) of the applicant.
- B. If the applicant is not the record title owner of the legal parcel, written consent from the owner allowing the cultivation of cannabis on their property by the applicant with original signature of the record title owner.
- C. Written evidence that each person applying for the permit and any other person who will be engaged in the management of the cultivation site is at least twenty-one (21) years of age;
- D. ~~Provide applicable zoning permit from Planning Department (zoning clearance certificate, minor use permit, or special use permit). This section seems unnecessary as this section is providing standards for a permit application to the Planning Department.~~
- E. Site plan, drawn to standard scale, showing the entire legal parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the legal parcel, with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or

Commented [64]: In the event that Plumas ends up in a position similar to Calaveras County, is it possible to refund 75%, or something like that, should the county of Plumas determine they are going to ban cannabis prior to the issuance of state licenses?



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surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. The site plan shall include dimensions showing that the distance from any school to the nearest point of the cultivation area is at least 600 feet.

- F. A cultivation and operations plan which includes elements that meet or exceed the minimum legal standards for the following: water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides and other regulated products to be used on the legal parcel. Any fuel, fertilizer, pesticides, or other substance toxic to wildlife, children, or pets, must be stored in a secured and locked structure or device. The plan will also provide a description of cultivation activities including, but not limited to, permit type, cultivation area, soil/media importation and management, schedule of activities during each month of the growing and harvesting season.
- G. Copy of the statement of water diversion, or other permit, license or registration filed with California Water Resources Control Board, Division of Water Rights, if applicable.
- H. An irrigation plan and projected water usage for the proposed cultivation activities, as well as a description of legal water source, if not covered by item (G).
- I. Copy of Notice of Intent and Monitoring Self-Certification and any other documents filed with the Central Valley Regional Water Quality Control Board (CVRWQCB) demonstrating enrollment in and compliance with (or proof of exemption from) Tier 1, 2 or 3, or any substantially equivalent rule that may be subsequently adopted by the County of Plumas or other responsible agency.
- J. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, show proof they have notified the California Department of Fish and Wildlife (CDFW) pursuant to §1602 of the Fish and Game Code and provide a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife.
- K. If the source of water is a well, a copy of the County well permit **or other documentation from the Plumas County Department of Environmental Health**, if available.
- L. A copy of a State of California Driver's License or Identification Card for each person applying for the permit. ~~and any other person who will be engaged in the management of the cultivation operation.~~
- M. Evidence that the applicant ~~or any individual engaged in the management of, or employed by, the cultivator~~ has not been convicted of a violent felony as defined in Penal Code section 667.5 (c) within the State of California, or a crime that would have constituted a violent felony as defined in Penal Code section 667.5 (c) if committed in the

Commented [65]: Addressed below

Commented [66]: The felony restrictions in AUMA only refer to applicants for licenses. Why does this say persons in management? Isn't a manager an employee? An employee that can be hired or fired by the owners and does not hold ownership? How is this getting justified? If a company has to hire and fire several management personnel before they run smoothly, they now would have to reapply every time.



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State of California and is not currently on parole or felony probation. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

- N. A statement describing the proposed security measures for the facility that shall be sufficient to ensure the safety of members and employees and protect the premises from theft. **Note: Security measures may be defined by the state. Review potential security measures. Discuss more.**

Commented [67]: What is sufficient should be defined. I would like to see a video surveillance system and alarm system, unless there is to be staff on the property 24 hours a day.

From Sonoma County cannabis ordinance:

A Site Security Plan shall be required subject to review and approval by the Planning Department. All Site Security Plans shall be held in a confidential file, exempt for disclosure as a public record pursuant to Government Code Section 6255(a). Security cameras shall be motion-sensor and be installed with the capacity to record activity beneath the canopy but shall not be visible from surrounding parcels and shall not be pointed at or recording activity on surrounding parcels. Surveillance video shall be kept for a minimum of 30 days. Video must use standard industry format to support criminal investigations. Motion-sensor lighting and alarms shall be installed to insure the safety of persons and to protect the premises from theft. All outdoor and mixed light cultivation sites shall be screened by native, fire resistant vegetation and fenced with locking gates consistent with height limitations (7 feet). Fencing shall be consistent with the surrounding area and shall not diminish the visual quality of the site or surrounding area. Razor wire and similar fencing is discouraged and shall not be permitted. Weapons and firearms at the cultivation site are prohibited. Security measures shall be designed to ensure emergency access in compliance with fire safe standards. All structures used for cultivation shall have locking doors to prevent free access.

- O. If the applicant is organized as a corporation, the applicant shall set forth the name of the corporation exactly as shown in its Articles of Incorporation, and the names and residence addresses of each of the officers and/or directors. If the applicant is organized as a partnership, the application shall set forth the name and residence address of each of the partners, including the general partner and any limited partners. Copies of the Articles of Incorporation or Partnership Agreement shall be attached to the application.
- P. The Planning Department is hereby authorized to require in the permit application any other information reasonably related to the application including, but not limited to, any information necessary to discover the truth of the matters set forth in the application.
- Q. Apply for and obtain a Board of Equalization Seller's Permit.
- R. Written consent from applicant for an onsite pre-permit inspection of the legal parcel by County officials at a prearranged date and time in consultation with the applicant prior to



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the approval of a permit to cultivate commercial cannabis. ~~and at least once annually thereafter.~~

- S. For all indoor/mixed light cultivation facilities, identify the source of electrical power and plan for compliance with applicable Building Codes. Also, provide documentation that addresses the handling of waste discharge from the grow location of items including, but not limited to nutrients, spent growing media, unused containers and other associated hardware, supplies, and garbage. **RW: Use of renewable energy sources are encouraged. More discussion needed here as energy use will be a CEQA issue.**
- T. If the application would include the conversion of timberland as defined under California Public Resources Code section 4526, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection ("CalFire"). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, the applicant must provide evidence that environmental impacts have been mitigated, to the extent feasible, as required by the resource protection agencies including CalFire, the CVRWQCB and the CDFW.
- U. ~~If applicable, clearance from CalFire related to compliance with the requirements of California Public Resources Code Section 4290 and any implementing regulations.~~
- V. For activities that involve construction and other work in Waters of the United States, that are not otherwise exempt or excluded, include a copy of a federal Clean Water Act (CWA) Section 404 permit obtained from the Army Corps of Engineers and a CWA Section 401 water quality certification from the CVRWQCB.

SECTION 13. Permit Inspection and Issuance

- A) The Planning Department shall issue a Cultivation Permit pursuant to this chapter only:
 - h) Following the referral to and clearance or permit approval pursuant to this chapter; and
 - i) After the Agricultural Commissioner's Office, and other County and State agency staff, as appropriate, have performed a pre-permit site inspection to confirm adherence to the requirements established in this chapter.
- B) ~~Any inspector shall be required to provide and wear a coverall protective disposable Tyvek suit for any on-site inspections in order to minimize cross contamination between cultivation sites.~~ **Any inspectors shall take all necessary precautions to minimize cross contamination between cultivations sites. Note: Review state standards as they are developed.**
- C) As a condition of approval for any cultivation permit, the owner or permittee shall indemnify and hold harmless the County of Plumas and its agents, officers, elected officials, and



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employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the commercial cultivation of cannabis for medical or recreational use and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the commercial cultivation of cannabis for medical or recreational use.

- D) If, during the pre-permit site inspection, violations of any building or other health, safety or other state or county statute, ordinance, or regulation are discovered, the applicant shall be required to submit a written plan to remediate, abate, or cure the violations at the earliest feasible date, but in no event more than one (1) year after the date of issuance of the Cultivation Permit; said plan shall be signed by the applicant, approved by the relevant enforcement agency or agencies, and compliance with said plan shall be a condition of the Cultivation Permit.
- E) Cultivation permits shall remain valid for one (1) year from the date of issuance, subject to any enforcement action or other action that may result in earlier suspension or revocation.
- Note:** Look at renewal process. From Sonoma County: The operator must apply for permit renewal prior to the expiration date of the limited term permit. No property interest, vested right, or entitlement to receive a future permit to operate a medical cannabis use shall ever inure to the benefit of such permit holder as such permits are revocable.

SECTION 14. Performance Standards

All Cultivation Permits issued by the Planning Department shall obligate the permittee to comply with the following performance standards:

- A. Cultivation shall be located as shown on the approved application site plan and in compliance with all provisions of this chapter and any permit issued pursuant to this chapter.
- B. Once they become available, possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA and/or AUMA, and regulations promulgated thereunder covering a similar cannabis activity. **A copy of this license shall be provided by the applicant to Plumas County.**
- C. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, including obtaining and complying with any applicable and approved permit, license or registration or the annual filing of a statement of diversion and use of surface water from a stream, river, underground



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stream, or other watercourse required by Water Code Section 5 101. **A copy of this license shall be provided by the applicant to Plumas County.**

- D. Alternative power sources shall be used if available, before utilization of a generator as main power source. If a generator is used, it must have sufficient muffling to minimize noise pollution to neighboring parcels. The combined decibel level for all noise sources measured at the property line shall not exceed **the ambient noise levels as specified in the Plumas County General Plan.**~~60 decibels (60 decibels is the equivalent of normal conversation between two people at 3 feet away).~~
- E. Establish and maintain enrollment in Tier 1, 2 or 3 with the Central Valley Regional Water Quality Control Board (CVRWQB).
- F. Maintain the applicable "Defensible Space" protocols and distances, as established by the California Department of Forestry and Fire Protection around structures located on the legal parcel. **From Sonoma County: The operator shall prepare and implement a Fire Prevention Plan for construction and ongoing operations and submit the plan to the Planning Department. The Fire Prevention Plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), vegetation management and fire break maintenance around all structures.**
- G. Comply with the terms of any applicable Streambed Alteration Permit obtained from the California Department of Fish & Wildlife.
- H. All weighing and measuring devices shall be type approved by California Department of Food and Agriculture, Division of Measurement Standards and issued either a California Type Evaluation Program (CTEP) Certificate of Approval (COA) or a National Type Evaluation Program (NTEP) Certificate of Conformance (CC) before commercial use. All weighing and measuring devices **used for commercial purposes** shall be **registered inspected** by the **County Sealer of Weights and Measures as per Plumas County Code. Agricultural Commissioner.**
- I. An annual on-site compliance inspection, as detailed by the permit type, by the Agricultural Commissioner's **and/or the Planning Department office.**
- J. Any use of pesticide products shall be consistent with State law and regulations enforced by the California Department of Pesticide Regulation and the Agricultural Commissioner. **Before any pesticides are purchased or applied, an operator identification number must be obtained from the Agricultural Commissioner and pesticide use reports must be submitted to that office.**~~'s Office. At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to~~



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~~use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and are either registered and labeled for a broad enough use to include use on cannabis, or exempt from registration requirements as a minimum risk pesticide under the Federal Insecticide Fungicide Rodenticide Act section 25(b) and California~~

- Provide required personal protective equipment
- Provide required training and access to pesticide labels and safety information; and
- Properly store, handle, and dispose of pesticides.

- K. Code of Regulations, Title 3, Section 6147. All product labelling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters. All agricultural use pesticides and concentrated fertilizers, amendments, and similar materials shall be stored in a locked, hard-faced enclosure to prevent unauthorized entry by humans and to exclude large animals that may be attracted by odors.
- L. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations and in such a way that no spillage occurs.
- M. Pay all applicable fees for application, consultations, and inspections.
- N. Comply with any conditions that may apply as a result of zoning clearance certificate, minor use permit, or special use permit.
- O. From Sonoma County: All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor lighting and mixed light operations shall be fully contained so that little or no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
- P. From Sonoma County: All indoor, greenhouse and mixed light cultivation operations and any drying, aging, trimming and packaging facilities shall be equipped with order control filtration and ventilation system(s) to control odors, humidity, and mold. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities. **Review further**
- Q. From Sonoma County: Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA and California Agricultural Labors Relations Act.



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SECTION 15. Cultivation Site Inspections: Violations and Enforcement

If the Agricultural Commissioner's office determines that the site does not comply with the requirements established by this chapter, the inspector shall serve notice to the permit holder with a written statement identifying the items not in compliance, and may suggest action(s) that the permit holder may take to cure the noncompliance(s). Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The time frame allowed for the permit holder to take appropriate actions to cure the noncompliance shall be the shortest feasible time frame as determined by the inspector. The Agricultural Commissioner's office may amend the time frame if deemed inappropriate. A re-inspection by the Agricultural Commissioner's office inspector will be required to confirm and document the curative measure(s) taken by the permit holder. It is the responsibility of the permit holder to facilitate the above mentioned reinspection by the end of the allowed timeframe. Failure to request re-inspection or to cure any items of noncompliance shall initiate an unscheduled compliance inspection from the Department of Agriculture. Inspection fees shall be charged to the permittee for any additional compliance inspections required beyond those regularly scheduled. All additional inspection fees shall consist of the hourly rate for an inspector from the Department of Agriculture for the travel and inspection time plus the standard IRS mileage rate for travel distance.

If the non-compliance(s) are substantiated during the unscheduled compliance inspection above, the Department of Agriculture shall notify other public agencies or County departments, including the Planning Department, of these findings. The cultivation permit issued pursuant to this chapter shall be in suspension pending a final compliance re-inspection from the Department of Agriculture within seven (7) days. This final re-inspection will be to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request and facilitate this final re-inspection or to cure any items of noncompliance shall terminate the cultivation permit through the issuance of a "Notice to Terminate Permit". The permit shall be terminated immediately upon the expiration of any appeal period or, if an appeal to this determination and action is filed.

The County shall additionally notify any state license authority, as defined by the MCRSA and AUMA, whenever the County cultivation permit has been suspended or terminated, as appropriate.

SECTION 16. Cultivation Site Inspections and Appeals



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If a "Notice to Terminate Permit" is issued to a permittee by the Agricultural Commissioner's office, the permittee may appeal said notice within ten (10) days after delivery. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The appeal shall be made in writing, on a form provided by the Agricultural Commissioner's Office. ~~The fee for filing the appeal is \$100.00.~~

SECTION 17. Commercial Non-Cultivation Permits – Specific Requirements

- A. **"Type 6"** (Manufacturer Level 1) sites that manufacture marijuana products using nonvolatile solvents, or no solvents.
 - i. The legal parcel where manufacturing is occurring must have one of the following zoning designations:
 1. Zones that require Special Use Permit (SUP): I-1, I-2.
 2. Zones that require Zoning Clearance Certificate (ZCC): 2-R, 3-R, 7-R, MR, S-1, S-3, R-10, R-20, C-1, C-2, C-3, I-1, I-2, GA, GF.
 - ii. The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, with at least 24 hours prior notice, to be conducted by the Department of Environmental Health during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). **Check Cottage Industry rules. Pending state rules. Review home business and home industry rules.**

- B. **"Type 7"** (Manufacturer Level 2) sites that manufacture marijuana products using volatile solvents
 - i. The legal parcel where manufacturing is occurring must have one of the following zoning designations:
 1. Zones that require Special Use Permit (SUP): I-1, I-2.
 2. Zones that require Zoning Clearance Certificate (ZCC): 2-R, 3-R, 7-R, M-R, S-1, S-3, R-10, R-20, C-1, C-2, C-3, I-1, I-2, GA, GF.
 - ii. The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, ~~with at least 24 hours prior notice,~~ to be conducted by the Department of Environmental Health during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).

Commented [68]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

Commented [69]: See zoning comments above

Commented [70]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

Commented [71]: See zoning comments above

Commented [HB72]: Updated to reflect matrix 6/28/17

Commented [73]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

Commented [74]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

Commented [75]: See zoning comments above

Commented [76]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

Commented [77]: See zoning comments above

Commented [HB78]: Updated to reflect matrix 6/28/17

Commented [79]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.



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- C. **“Type 8”** (Testing) for testing cannabis and cannabis products.
 - i. The legal parcel where testing is occurring must have one of the following zoning designations:
 1. Zones that require Special Use Permit (SUP): I-1, I-2.
 2. Zones that require Zoning Clearance Certificate (ZCC): C-1, C-2, C-3, I-1, I-2.
 - ii. The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, with at least 24 hours prior notice, to be conducted by the Department of Environmental Health during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).

Commented [80]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

Commented [HB81]: Updated to reflect matrix 6/28/17

- D. **“Type 10”** (Retailer/Dispensary) for the retail sale of cannabis or cannabis products. This license shall allow for delivery from a permitted Dispensary.
 - i. The legal parcel where retailing is occurring, or delivery is initiating must have one of the following zoning designations:
 1. Zones that require Special Use Permit (SUP): I-1, I-2.
 2. Zones that require Zoning Clearance Certificate (ZCC): C-1, C-2, C-3. State rules may dictate.
 - ii. The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, with at least 24 hours prior notice, to be conducted by the Department of Environmental Health during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).

Commented [82]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

Commented [HB83]: Updated to reflect matrix 6/28/17. SUP in C-1, C-2, C-3 or no? Randy had as requirement in text.

- E. **“Type 11”** (Distributor) for the distribution of cannabis and cannabis product. Licensee shall be bonded and insured at a level no less the minimum established by the licensing authorities.
 - i. The legal parcel where retailing is occurring, or delivery is initiating must have one of the following zoning designations:
 1. Zones that require Special Use Permit (SUP): I-1, I-2.
 2. Zones that require Zoning Clearance Certificate (ZCC): C-1, C-2, C-3, I-1, I-2.
 - ii. The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, with at least 24 hours prior

Commented [HB84]: Updated to reflect matrix 6/28/17

Commented [85]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

Commented [86]: See zoning comment above



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notice, to be conducted by the Department of Environmental Health during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).

- F. **“Type 12”** (Microbusiness) the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer under this division, provided such licensee complies with all requirements imposed by this division on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.
 - i. The legal parcel where cultivation, distribution, manufacturing and retailing is occurring must have one of the following zoning designations:
 1. Zones that require Special Use Permit (SUP): I-1, I-2.
 2. Zones that require Zoning Clearance Certificate (ZCC): S-1, S-3, R-10, R-20, C-1, C-2, C-3, ~~I-1, I-2~~, AP, GA.
 - ii. The permittee shall facilitate the annual on-site compliance inspection, and additional inspections if deemed necessary, with at least 24 hours prior notice, to be conducted by the Department of Environmental Health during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).

Commented [HB87]: Updated to reflect matrix 6/28/17

Commented [88]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

Commented [89]: I do not agree or disagree with this zoning list. However, I feel the working group needs to discuss and agree on the zones before they are agreed to in this document.

SECTION 18. Cannabis Dispensary Standards

1. Purpose. This section provides the location and operational standards for any cannabis dispensary within the unincorporated county in order to promote the health, safety, and general welfare of its residents and businesses.
2. Customers: Dispensaries will serve qualified medical patients recreational users once legal under California State Law
3. Permit Requirements. A special use permit from the County Planning Department shall be required for any cannabis dispensary.
4. Compliance with Operating Plan and Conditions Required. A cannabis dispensary shall submit, as a part of the special use permit application, an operating plan that specifies the manner in which operations will be handled and security provided and hours and days of operation. Any medical cannabis dispensary approved under this section shall be operated in conformance with the approved operating plan and shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval to ensure that the operation of the dispensary is consistent with protection of the health, safety and welfare of the community, qualified patients, and primary caregivers, and will not adversely affect surrounding uses.

Commented [90]: How is an employer to know before hand how many employees they will hire? If the number changes, is this a cause to suspend a permit? Likewise, how will a business owner know how many customers she may have before even opening? These conditions seem almost impossible to meet, and I don't see the purpose of them.

Commented [91]: I took out some specifics about employee and customer counts and also took out the section about needing to check medical scripts - thats all in state law and is not relevant with prop 64



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5. Exercise and Renewal of Permit. A special use permit annual renewal may be approved by the planning director only if all of the following findings are made:
 - a. The use has been conducted in accordance with this section, with the dispensary's approved operating plan, and with all applicable use permit conditions of approval;
 - b. There are no outstanding violations of health, safety, or land use.
6. Signed Affidavit. The property owner and applicant, if other than the property owner, shall sign the application for the special use permit, and shall include affidavits agreeing to abide by and conform to the conditions of the use permit and all provisions of the Plumas County Code pertaining to the establishment and operation of the cannabis dispensary use, including, but not limited to, the provisions of this section. The affidavit(s) shall acknowledge that the approval of the cannabis dispensary special use permit shall in no way permit any activity contrary to the Plumas County Code, or any activity which is in violation of any applicable laws.
7. Location Requirements.
 - a. ~~A cannabis dispensary shall not be within one hundred feet (100') of a residential zoning district.~~
 - b. A cannabis dispensary shall not be within six hundred feet (600') of a school.
8. Operating Standards. The following are the minimum development criteria and operational standards applicable to any cannabis dispensary use:
 - a. The building in which the dispensary is located shall comply with all applicable local, state and federal rules, regulations, and laws including, but not limited to, building codes and accessibility requirements;
 - b. The dispensary shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. The applicant shall submit a security plan for review and approval. The Security Plan shall remain confidential.
 - c. No person shall be allowed onto the premises unless they are an employee, vendor or contractor of the dispensary, a primary caregiver, and/or a qualified patient or an employee of an agency having jurisdiction monitoring or investigating the terms of regulatory compliance. If the dispensary denies entry for monitoring and inspection to any employee of an agency having jurisdiction, the dispensary may be closed. In strict accordance with California Health and Safety Code Section 11362.5 et seq. no person under the age of eighteen (18) shall be allowed on the dispensary site. All persons entering the site shall present a photo identification and shall establish proof of doctor's recommendation except as representing a regulatory agency or once recreational use is allowed by California State Law. The operating plan submitted as a part of the use permit application



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shall specify how this provision will be complied with and enforced; **What about recreational?**

Commented [92]: Should this be updated since this is also describing the rec use allowed by the state now?

- d. No dispensary shall hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises;
- e. An exhaust and ventilation system shall be utilized to prevent off-site odors;
- f. A dispensary may sell live starter plants, clones and seeds from qualified nurseries. A dispensary may sell manufactured cannabis, including edible product, tinctures and concentrates. It may also sell vaporizing and smoking devices and other merchandise. Dispensaries cannot sell tobacco or alcohol.
- g. No dispensary may increase in size without amending the special use permit. The size limitation shall be included in the operational plan;
- h. Cannabis delivery services may only be allowed from a permitted cannabis dispensary. **What about state law?**

Commented [93]: Doesn't Prop 64 also forbid dispensaries from selling tobacco products?

Commented [94]: AB64

SECTION 19: Dispensary On-site Consumption Permit

- A. An applicant must obtain an on-site consumption permit from the Planning Department in order for cannabis to be consumed on the premises of the dispensary.
- B. An on-site consumption permit may be issued at the discretion of the Planning Director to dispensaries in good standing and based on an **evaluative point system** that takes into consideration the operating history and business practices of the applicant, and any other factors that are deemed necessary to promote the peace, order and welfare of the public.
- C. An application for an on-site consumption permit may be denied for failure to meet requirements of the County Building Code. County Fire Code. County Planning Code, and/or any violation of State or local law relevant to the operation of dispensaries.
- ~~D.~~ The Planning Director shall establish conditions of approval for each onsite consumption permit, including but not limited to a parking plan, ventilation plan, and set hours of operation. **Set hours of operation may only be adjusted by submitting a written request to and obtaining approval from the Planning Department.**

Commented [95]: Who makes the point system, is there an example? Do we as the group get any say or vision of what this system will be?

Commented [96]: I would like to see what it is we are approving.

Commented [97]: Could this also go with section 18?

SECTION 20. Public Nuisance

- A. All of the remedies provided for in this chapter shall be cumulative and not exclusive for violations of this chapter. Any violation of this chapter, including, but not limited to failure to obtain and maintain in good standing any permit required by this chapter, compliance



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with any required element on which a permit was issued pursuant to this chapter, or any violation of the provisions of this chapter where a permit is not required, shall be, and the same hereby is declared to be, a public nuisance and unlawful and shall be subject to injunction, abatement or any other administrative or civil remedy available to the County under the applicable state and county laws, including but not limited to those set forth in Plumas County Code, MCRSA, and AUMA .

- B. The County may abate the violations of this chapter in accordance with the provisions of County Code Section _____ or by the prosecution of a civil action, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this chapter or requiring compliance with other terms.
- C. The County may also abate the violation of this chapter through the abatement process established by Government Code Section 25845.

SECTION 21. Attorneys' Fees

Pursuant to Government Code Section 25845(c), in any action, administrative proceeding, or matter commenced by the County to abate a nuisance, or to collect the cost of abatement or any penalty or fee related thereto, the prevailing party shall recover its attorneys' fees. The recovery of attorneys' fees under this Section is limited to those actions, administrative proceedings, or matters in which the County chooses at the initiation of the action, administrative proceeding, or matter to seek the recovery of its own attorneys' fees. In no event shall an award of attorneys' fees under this Section exceed the reasonable amount of attorneys' fees incurred by the County in the action or proceeding. **Indemnification**

SECTION 22. Confidentiality

~~To the fullest extent authorized by state and federal law, all use information received by and/or generated by the operation of this chapter has always been intended to be treated and held by the county as confidential information. Notwithstanding the foregoing, information provided to the county may be released as required by law, judicial order, or subpoena, and could be used in criminal prosecution.~~ **County Counsel.**

SECTION 23. Severability

If any provision of this chapter, or the application thereof, is held invalid, that invalidity shall not affect any other provision or application of this chapter that can be given effect



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without the invalid provisions or application; and to this end, the provisions or application of this Section are severable. **County Counsel**

SECTION 23. Zoning Matrix Summary

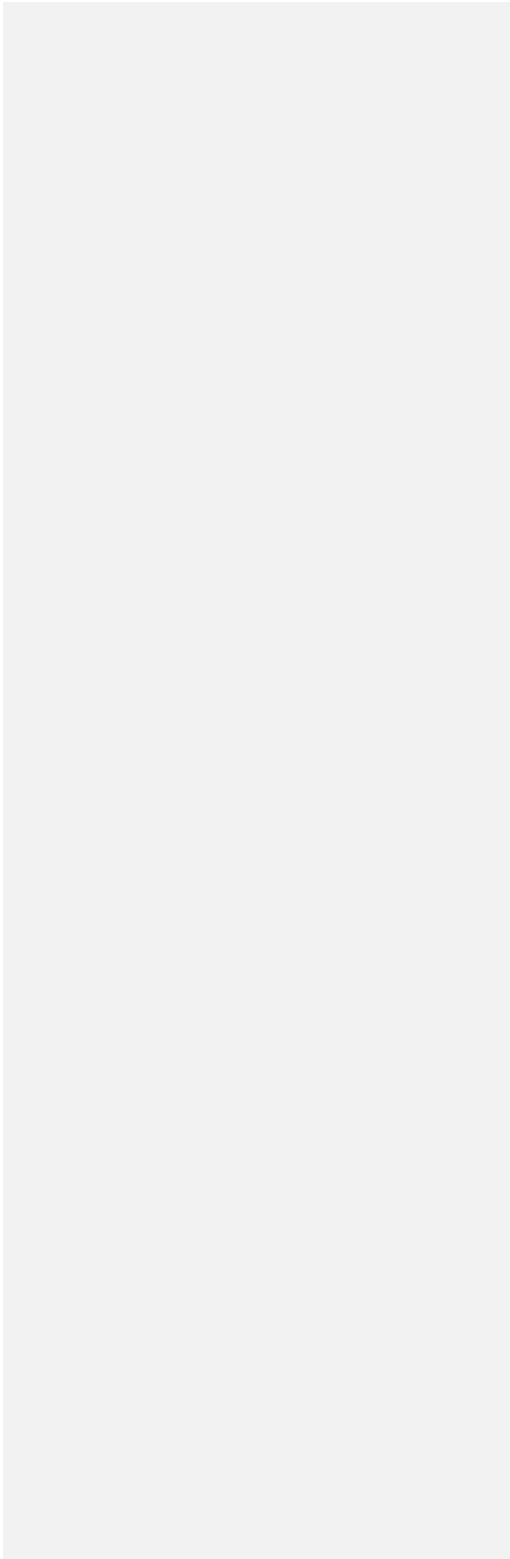
For an easier to view matrix, see this link:

<https://docs.google.com/spreadsheets/d/1JWwwkj-WJPEPUI5SR7PSQoUqmUoPmac6wKXiA-B8th0/edit?usp=sharing>

Commented [98]: Think about removing all grows from I-1 and I-2

Commented [99]: Clarification from the planning department on exactly what permit types are needed for what specific zones would be extremely helpful

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Land Use	Zoning Types																				
	Medium Density Area (6000-12000)	Single-Family Residential	Residential	Suburban	Rural	Commercial	Recreational	Industrial	Agriculture	Other											
Personal Cultivation	6 Plants	Exempt																			
Outdoor																					
Type 1C																					
Cottage	2500	1C	SUP	SUP	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC
Outdoor/Mixed Light																					
Indoor																					
Type 1A	500	1C	SUP	SUP	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC	ZCC
Small	5000	1																			
Indoor																					
Type 1A	5000	1A																			
Small																					
Indoor																					
Type 1B	5000	1B																			
Specialty Mixed-Light																					
Outdoor																					
Type 2	10,000	2																			
Outdoor																					
Type 2A	10,000	2A																			
Indoor																					
Small	10,000	2B																			
Mixed-Light																					
Small	10,000	2B																			
Indoor																					
Type 3	44,000	3																			
Medium																					
Indoor																					
Type 3A	22,000	3																			
Medium																					
Indoor																					
Type 3B	22,000	3																			
Mixed-Light																					
Indoor																					
Type 4	22,000	4																			
Nursery																					
Type 5	22,000	5																			
Large																					
Type 5A	>44,000	5																			
Large																					
Type 5B	>22,000	5																			
Mixed-Light																					
Large																					
Type 6	>22,000	5																			
Manufacturer 1 (non-volatile)																					
Manufacturer 2 (volatile)																					
Type 8																					
Manufacturer 2 (volatile)																					
Type 9																					
Manufacturer 2 (volatile)																					
Type 10																					
Retailer/Dispensary																					
Type 11																					
Indoor																					
Type 12	10,000	12																			
Microbusiness																					

*When calculating setbacks, cultivator may combine adjacent parcels to meet requirements, as long as combined parcels are under same ownership.

ZCC	Zoning Clearance Certificate
SUP	Special Use Permit
---	Not Permitted