

APPLICANT(S)

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PROPERTY OWNER: Not Applicable, but both the applicant and representative are property owners in Tehama County. Proposal is a Countywide Ordinance Applicable to All Zoning Districts.

Properties affected may be sewerred, on septic systems, on a public water system or serviced by well water or other legal water source.

Properties affected may be under a Williamson Act Contract.

DESCRIPTION OF PROPOSED PROJECT: The proposed Rezone requires the repeal of seven previously adopted ordinances regulating the cultivation, sales and manufacture of cannabis. Furthermore, the proposed Rezone establishes new regulations that:

- a) Regulate personal and commercial cannabis cultivation, distribution, sales, manufacturing and testing in a manner that is consistent with State law and which promotes the health, safety, and general welfare of the residents and businesses in the unincorporated areas of Tehama County;**
- b) Provide clear guidance to law enforcement, regulators, license holders, and the community at large as to what is legally permitted in Tehama County in relation to Cannabis Cultivation, Distribution, Sales, Manufacturing and Testing Limitations for Personal and Commercial Purposes;**
- c) Protect the rights and welfare of Qualified Patients or their designated Primary Caregivers who cultivate medical cannabis for the personal medical use of the Qualified Patient in accordance with the Compassionate Use Act and the Medical Marijuana Program Act; and**

d) Protect the rights and welfare of all citizens pursuant to the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

ENVIRONMENTAL INFORMATION FORM

- I. **PROJECT TYPE & DESCRIPTION:** The proposed rezone contains amendments to the General Provisions Chapter of the Tehama County Zoning Code which provide limitations related to personal and commercial cannabis cultivation, distribution, sales, manufacturing and testing upon all land classifications including residential, commercial, industrial and agricultural within the unincorporated areas of the County.

1. Project Title: REZONE APN: All APNs.
2. Proposed Purposes and Intent, Findings, Repeal Sections and Text of Proposed Ordinance is attached.
3. The project will not occur in phases.

II. **ENVIRONMENTAL SETTING**

1. The project involves the entirety of the County.
2. Photographs not applicable.
3. The existing uses of the project include all uses presently existing in the unincorporated areas of the County.
4. The existing Land Uses are all those in existence in the County.
5. Topography: Includes all topography, soil types and geology found to exist in the County.
6. Existing drainage courses or eroded areas include all river, stream, lake or drainages existing within the County.
7. Vegetation types include all types of flora found to exist in its natural or man-made state in the County.
8. Existing wildlife includes all animals found in the County.
9. The project includes areas that may have cemeteries, structures, or other items of historical or archeological interest in all areas of the County.
10. The proposed ordinance would allow the personal and collective outdoor or mixed light cultivation of cannabis plants for recreational and medical uses shall be permitted in AG-1, AG-2, AG-3, AG-4, RE and R1 Zoning Districts, provided that;
 - The number of plants or area of plant canopy permitted does not exceed the limits set by the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) or the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).
 - The total area of cannabis plant canopy shall not exceed 3% of the premises as defined in Section 17.04.464 of the Tehama County Code;
 - The cultivation area shall be less than 1,000 square feet, in all cases;
 - The cultivation area shall be securely confined and locked within a secured location that is neither visible, nor accessible to the public (such as a chain link enclosure with privacy slats or a fenced greenhouse);

- The cultivation area shall not be closer than twenty-five feet to any street or property line.
- Personal Cannabis cultivation for recreational and medicinal uses shall not be made available for commercial purposes, or offered for sale on the premises.

ALL COMMERCIAL OUTDOOR OR MIXED LIGHT CULTIVATION OF CANNABIS PLANTS FOR RECREATIONAL AND MEDICINAL PURPOSES, COMMERCIAL OUTDOOR CANNABIS CULTIVATION FOR HEMP PRODUCTION PURPOSES, COMMERCIAL DISTRIBUTION AND SALES OF CANNABIS FOR RECREATIONAL AND MEDICINAL PURPOSES, COMMERCIAL MANUFACTURING OF NON-VOLATILE CANNABIS PLANT CONVERSIONS FOR RECREATIONAL AND MEDICINAL PURPOSES AND TESTING LABORATORIES, COMMERCIAL MANUFACTURING OF VOLATILE MARIJUANA PLANT CONVERSIONS FOR RECREATIONAL AND MEDICINAL PURPOSES, MAY BE ALLOWED IN SPECIFIC ZONING DISTRICTS;

- UPON SECURING A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 17.70 OF THE TEHAMA COUNTY CODE.
- THE USES WILL BE SUBJECT TO THE MEDICAL AND ADULT USE OF CANNABIS REGULATION AND SAFETY ACT (M.A.U.C.R.S.A.).
- THE OPERATIONS WILL BE SUBJECT TO SPECIFIC CANOPY LIMITATIONS, PROPERTY LINE AND ROAD FRONTAGE SETBACKS, AND SETBACKS FROM YOUTH ORIENTED AREAS.
- THE ORDINANCE EXPRESSLY PROHIBITS ALL OUTDOOR CANNABIS CULTIVATION AND THE DISTRIBUTION OR SALES OF CANNABIS IN THE R-2, R-3, R-4, G-R, AV, PF, PA, NR, FS AND TPZ ZONING DISTRICTS.

11. STUDIES/REFERENCES/CITATIONS USED TO DEVELOP PROJECT:

- Tehama County General Plan
- Tehama County Municipal Code
- Compassionate Use Act of 1996 (Prop 215)
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=11362.5
- Medical Marijuana Program Act (SB 420)
ftp://www.leginfo.ca.gov/pub/03-04/bill/sen/sb_0401-0450/sb_420_bill_20031012_chaptered.html
- Proposition 64: The Adult Use of Marijuana Act (MAUCRSA)
<https://www.ringgenberglaw.com/prop-64-complete-text-of-proposition-64/>

- SB 94 Cannabis: Medicinal and adult use.
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=20172_0180SB94
- CA State Water Board Cannabis Cultivation Programs/ Waste Discharge Regulatory Program.
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/finaladoptedcango101717.pdf
- California Department of Food and Agriculture Final Program Environmental Impact Report.
<https://www.cdfa.ca.gov/calcannabis/PEIR.html>
- California State Treasurer’s Office: Banking Access Strategies for Cannabis-Related Businesses.
<http://www.treasurer.ca.gov/cbwg/resources/reports/110717-cannabis-report.pdf>
- The American Herbal Products Association (AHPA) Recommendations for Regulators- Cannabis Operations.
http://www.ahpa.org/Portals/0/pdfs/AHPA_Recommendations_for_Regulators_Cannabis_Operations.pdf
- Local Sales and Use Taxes.
[https://ballotpedia.org/Humboldt_County,_California,_Marijuana_Cultivation_on_Tax,_Measure_S_\(November_2016\)](https://ballotpedia.org/Humboldt_County,_California,_Marijuana_Cultivation_on_Tax,_Measure_S_(November_2016))
- Crime Statistics.
http://www.rand.org/content/dam/rand/pubs/technical_reports/2011/RAND_TR987.pdf
- 600 Foot Setback. <https://www.cannalawblog.com/california-cannabis-cultivation-licensing-rules/>

III. SERVICES

1. Electrical, Natural gas, water supply, sewage disposal and solid waste disposal will be provided as currently exists for the personal and collective outdoor or mixed light cultivation of cannabis plants for recreational and medical uses. Electrical, Natural gas, water supply, sewage disposal and solid waste disposal for all other permitted uses as provided by this ordinance will be identified and scrutinized through the Use Permit process.
2. No extensions of service are anticipated.

IV. INDUSTRIAL, COMMERCIAL AND MANUFACTURING USES

1. Total numbers of employees will be established at time of Use Permit Application.

2. Types of equipment and/or machines to be used will be established at time of Use Permit Application.
3. The number of on-site parking spaces for each operation will be established at time of Use Permit Application.
4. Types of materials, chemicals, and/or products to be processed, packaged, tested or stored will be established at time of Use Permit Application.
5. Any hazardous substances to be used on the project site will be established at time of Use Permit Application.
6. The estimate of type and amount of air emissions or odors will be established at time of Use Permit Application.
7. Determination of whether the project will change the ambient noise levels for adjacent properties will be established at time of Use Permit Application.

PROPOSED MITIGATION MEASURES.

1. For all uses that require securing a Use Permit, it is recommended that a Condition Monitoring Plan Fee be established. Said fee shall not exceed the fees set by the State for granting and monitoring State licenses meeting the Cultivation License Types defined in Sections 26050 and 26061 of the Business and Professions Code and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

The purpose of the fee is to fund the monitoring costs incurred by the County for insuring that all conditions required by each specific Use Permit are being met.

REZONE TO AMEND THE COUNTY MUNICIPAL CODE; BY REPEALING ORDINANCES 1924, 1929, 1936, 1946, 1957, 1980 and 2040; AND TO AMEND THE TEHAMA COUNTY CODE BY ADDING CHAPTER 17.08.090 TO CHAPTER 17.08 - GENERAL PROVISIONS AND EXCEPTIONS ENTITLED; 17.08.090 ESTABLISHMENT OF CANNABIS CULTIVATION, DISTRIBUTION, SALES, MANUFACTURING AND TESTING LIMITATIONS FOR PERSONAL AND COMMERCIAL PURPOSES.

Updated 11-30-17

SECTION 1

Purposes and Intents.

The purposes and intents of this Chapter are to:

- a) Regulate personal and commercial cannabis cultivation, distribution, sales, manufacturing and testing in a manner that is consistent with State law and which promotes the health, safety, and general welfare of the residents and businesses in the unincorporated areas of Tehama County;
- b) Provide clear guidance to law enforcement, regulators, license holders, and the community at large as to what is legally permitted in Tehama County in relation to Cannabis Cultivation, Distribution, Sales and Manufacturing Limitations for Personal and Commercial Purposes;
- c) Protect the rights and welfare of Qualified Patients or their designated Primary Caregivers who cultivate medical cannabis for the personal medical use of the Qualified Patient in accordance with the Compassionate Use Act and the Medical Marijuana Program Act; and
- d) Protect the rights and welfare of all citizens pursuant to the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

Nothing in this Chapter shall be construed to allow:

- a) Any activity relating to the cultivation, distribution or consumption of marijuana that is otherwise illegal under State law.

Findings.

(A)

There is a legitimate need for medical cannabis in California. A study published in 2014 shows that 1.4 million Californians have used medical cannabis and an overwhelming majority of those users (92%) believe cannabis helped treat the symptoms of a serious medical condition (“Prevalence of medical marijuana use in California, 2012”, *Drug and Alcohol Review* (2014), DOI 10.1111/dar. 12207).

(B)

The voters of the State of California approved Proposition 215, the Compassionate Use Act of 1996 (codified as Health and Safety Code Section 11362.5), in 1996. That Act calls on “federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.”

(C)

The intent of the C.U.A. was to enable persons who are in need of cannabis for medical purposes, to use it without fear of criminal prosecution or other forms of sanction. California's Supreme Court has ruled on numerous occasions that qualified individuals under the C.U.A. are entitled to Qualified Immunity from certain statutes, through the assertion of an Affirmative Defense to criminal charges, or applied as a civil remedy to sanctions (*People v. Mower, People v. Frazier, People v. Konow, et. al.*) Furthermore, California's Supreme Court has ruled that qualified individuals may cultivate and possess cannabis in amounts that are reasonably related to the current / ongoing medical needs of the patient(s) (*People v. Kelly*).

(D)

In 2004, the Legislature enacted Senate Bill 420 (codified as California Health and Safety Code sections 11362.7 et seq., and referred to as the "Medical Marijuana Program Act", or M.M.P.A.) to clarify the scope of Proposition 215, and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with an affirmative defense to certain specified State criminal and civil statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to "adopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly or administratively enforce such ordinances. Additionally, California's Civil Courts have ruled that violations of local ordinances cannot be charged as criminal misdemeanors (*Kirby v. Fresno*).

(E)

In the fall of 2015, the California Legislature passed and the Governor signed three significant pieces of legislation regarding medical marijuana. AB 266, AB 243, and SB 643 created a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis. Importantly, all licenses which could be issued by the state for such activities may first be approved by local governments. These laws went into effect January 1, 2016. However, the state indicated it needed until January 1, 2018 to create the new agencies that would be administering such a new licensing system, and to draft and adopt new regulations regarding the licensing that will occur. To date, these regulations have been published and State and Local Licensing Agencies have undertaken their Environmental Impact Reports and have received public comments. These regulations should be finalized sometime by early 2018.

(F)

On November 8, 2016, the voters of California adopted Proposition 64. Proposition 64 allows the recreational possession and use of cannabis and cannabis products. As part of that initiative, commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of cannabis was authorized. Like the legislative enactments the year before on medicinal marijuana, Proposition 64 created a new comprehensive state licensing system which would go into effect on January 1, 2018. To date, California's Legislature and Governor have adopted new legislation, collectively known as "the Medical and Adult Use of Cannabis Regulation and Safety Act" (M.A.U.C.R.S.A.).

Unlike the legislative enactment the year before related to medical marijuana, legislative silence on the issue of commercial recreational cannabis activities by local government could nevertheless result in the issuance of state licenses to conduct such activities. Once State licenses are issued in 2018, all local jurisdictions that have not adopted local licensing regulations shall implement California's regulations, by default.

(G)

California voters have enacted state law legalizing both medical and recreational uses of cannabis. Unregulated and irresponsible cultivation, distribution, sales and manufacturing of cannabis can threaten the health and safety of the people of Tehama County. Many counties and cities have minimized these associated risks through the regulation and licensing of cannabis activities. Regulation of lawful cannabis activities maintains the culture of the county while creating increased opportunities for citizens who wish to participate in California's cannabis industry. By allowing cannabis activities, the county will benefit from licensing fees and additional tax revenues, jobs growth and stimulation of the local economy. The adoption of the proposed ordinance will signify the County's willingness to honor the will of the people and California laws to provide a safe method for people to obtain cannabis.

(H)

The county contains areas with special characteristics, which include; timber production areas receiving substantial precipitation and subject to significant sediment runoff, natural habitat and primary flood areas containing sensitive habitats, highly productive agricultural areas within the Farmland Security Zone, general recreation areas set aside for outdoor family oriented recreational activities, private airports and multi-family residential areas, which provide conditions that are unfavorable to cannabis cultivation, commercial distribution and processing because these activities could result in significant environmental impacts.

(I)

The unregulated cultivation of cannabis in the unincorporated area of Tehama County can adversely affect the health, safety, and well-being of the County and its residents. Comprehensive regulation of premises used for cannabis cultivation, for both commercial and personal purposes, is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment and indoor electrical fire hazards that may result from unregulated cannabis cultivation.

(J)

Commercial Cultivation of any amount of cannabis at locations or premises within six hundred feet (M.A.U.C.R.S.A.) of schools, day care centers, day care homes, recreation centers, youth centers, libraries or public parks, creates unique risks that the cannabis plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles.

(K)

It is the intent of this chapter to implement State law by providing a means for regulating the cultivation of cannabis, including hemp, in a manner that is consistent with State law and which balances the needs of qualified patients and their primary caregivers,

cannabis farmers and processors, and promotes the health, safety, and welfare of the residents and businesses within the unincorporated territory of the County of Tehama.

(L)

This chapter is intended to be consistent with the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.), and towards that end, is not intended to prohibit persons from individually, collectively, or cooperatively exercising any right otherwise granted by State law. Rather, the intent and purpose of this chapter is to establish reasonable regulations upon the manner in which cannabis may be cultivated for personal or commercial purposes, including restrictions on the amount of cannabis that may be cultivated in any location or premises as determined by specific zoning designations of the Tehama County Municipal Code, in order to protect the public health, safety, and welfare in Tehama County.

(M)

The American Herbal Products Association (AHPA), the leading voice in herbal products industry, published recommendations for regulators regarding medical cannabis cultivation and other activity in 2014. These recommendations show that the indoor and outdoor commercial cultivation of medical cannabis can be conducted in a manner that is safe, secure, and sustainable.

(N)

Research conducted by various non-governmental organizations, universities, polling firms, peer review journals and think tanks, show that sensible regulations for medical cannabis preserve safe and legal access for consumers, while reducing crime and the negative impacts associated with criminal diversions of cannabis into the black market. Specifically, all evidence thus far has shown that communities with a fully regulated cannabis industry: have decreased property crime rates in areas with licensed operations; have decreased the rates of opioid dependency and overdose deaths, and; have decreased the rates of teenage cannabis use, when compared to communities without a regulated cannabis industry.

(O)

The County of Tehama is currently \$12 million in debt. The emerging new cannabis industry in California represents a significant growth in local jobs for every community that embraces regulated access to cannabis. The alternative is to literally surrender all cannabis revenues to the black market and prohibition industries. The commercial cultivation, distribution, sales and manufacturing of medical and recreational cannabis can generate a much-needed revenue stream for the County of Tehama.

(P)

According to the Environmental Impact Report issued by the California Department of Food and Agriculture, rogue actions undertaken by various law enforcement agencies have now been categorized as a negative environmental impact to the emerging cannabis industry.

(Q)

The proposed amendment the Tehama County Zoning Code to include Chapter 17.08.090 is consistent with the Tehama County General Plan and its Land Use Classifications.

(R)

The proposed amendment the Tehama County Zoning Code for the Establishment of Cannabis Cultivation, Distribution, Sales, Manufacturing and Testing Limitations for Personal and Commercial Purposes is compatible with the various zoning designations included in the text of the amendment and provides for policies that will support compatibility findings for projects requiring further environmental review under Chapter 17.70, Use Permits.

(S)

We therefore adopt the following Sections to ensure the protection of the legitimate public interest in regulating the legal uses of medical and recreational cannabis in Tehama County.

SECTION 2

Repeal Ordinance 1924, approved 9-15-2009, An interim urgency ordinance of the Board of Supervisors of the County of Tehama temporarily prohibiting the establishment or operation of marijuana dispensaries, Chapter 17.08.070 et al of the Tehama County Code.

SECTION 3

Repeal Ordinance 1929, approved 10-27-2009, An ordinance of the Board of Supervisors of the County of Tehama extending Ordinance Number 1924 and temporarily prohibiting the establishment or operation of marijuana dispensaries, Chapter 17.08.070 et al of the Tehama County Code.

SECTION 4

Repeal Ordinance 1936, approved 4-6-2010, An ordinance of the Board of Supervisors of the County of Tehama adding Chapter 9.06 to the Tehama County Code pertaining to marijuana cultivation, Chapter 9.06.010-9.06.220 of the Tehama County Code.

SECTION 5

Repeal Ordinance 1946, approved 8-31-2010, An urgency ordinance of the Board of Supervisors of the County of Tehama extending Ordinance Numbers 1924 and 1929 and temporarily prohibiting the establishment or operation of marijuana dispensaries, Chapter 17.08.070 et al of the Tehama County Code.

SECTION 6

Repeal Ordinance 1957, approved 6-28-2011, an ordinance to Prohibit marijuana dispensaries, Chapter 17.09.010-17.09.050 of the Tehama County Code.

SECTION 7

Repeal Ordinance 1980, approved 8-6-13, an ordinance amending Ordinance 1936, Chapter 9.06.010-9.06.220 of the Tehama County Code.

SECTION 8

Repeal Ordinance 2040, approved 5-2-17, an ordinance amending Chapter 9.06 of the Tehama County Code pertaining to Marijuana Cultivation, Chapter 9.06.010-9.06.230 of the Tehama County Code

SECTION 9

Amend the Tehama County Code by adding Chapter 17.08.090 to Chapter 17.08 - GENERAL PROVISIONS AND EXCEPTIONS entitled;

17.08.090 Establishment of Cannabis Cultivation, Distribution, Sales, Manufacturing and Testing Limitations for Personal and Commercial Purposes.

A. Personal and collective outdoor or mixed light Cannabis cultivation for recreational and medicinal purposes. The personal and collective outdoor or mixed light cultivation of cannabis plants for recreational and medical uses shall be permitted in AG-1, AG-2, AG-3, AG-4, RE and R1 Zoning Districts, provided that;

1. The number of plants or area of plant canopy permitted does not exceed the limits set by the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) or the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

2. The total area of cannabis plant canopy shall not exceed 3% of the premises as defined in Section 17.04.464 of the Tehama County Code;

3. The cultivation area shall be less than 1,000 square feet, in all cases;

4. The cultivation area shall be securely confined and locked within a secured location that is neither visible, nor accessible to the public (such as a chain link enclosure with privacy slats or a fenced greenhouse);

5. The cultivation area shall not be closer than twenty-five feet to any street or property line.

6. Personal Cannabis cultivation for recreational and medicinal uses shall not be made available for commercial purposes, or offered for sale on the premises.

B. Commercial outdoor or mixed light Cannabis cultivation for recreational and medicinal purposes. The commercial outdoor or mixed light cultivation of cannabis plants for recreational and medicinal purposes, meeting the Cultivation License Types defined in Sections 26050 and 26061 of the Business and Professions Code shall be permitted in R-1, AG-1, AG-2, AG-3, P-D, M-1 and M-2 Zoning Districts, provided that;

1. Only Specialty Cottage Outdoor and Specialty Cottage Mixed-Light licenses are permitted on parcels exceeding five acres in size, in areas classified as Rural Large Lot and Rural Small Lot Residential in the Tehama County General Plan and designated as R-1 Zoning District, provided that;

- a. The total area of cannabis plant canopy shall not exceed 3% of the premises as defined in Section 17.04.464 of the Tehama County Code;
- b. The cultivation area shall be less than 2,500 square feet, in all cases;
- c. The cultivation area shall be securely confined and locked within a secured location that is neither visible, nor accessible to the public (such as a chain link enclosure with privacy slats or a fenced greenhouse);
- d. The cultivation area shall not be closer than twenty-five feet to any street or property line.
- e. The operation shall require the securing of a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission;
- f. The Specialty Cottage Outdoor or Mixed-Light operation shall meet all State requirements for Commercial cultivation as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.);
- g. The operation shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library or public park.

2. Specialty, Small and Medium Outdoor and Mixed-Light Licenses, Nursery, Processor and Producing Dispensary Licenses, meeting the Cultivation License Types defined in Sections 26050 and 26061 of the Business and Professions Code are permitted in AG-1, AG-2, AG-3, P-D, M-1 and M-2 Zoning Districts, provided that;

- a. The total plant canopy permitted does not exceed the limits set by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

- b. The cultivation area shall not exceed 10% of the premises as defined in Section 17.04.464 of the Tehama County Code;
- c. The cultivation area shall be securely confined and locked within a secured location that is neither visible, nor accessible to the public (such as a chain link enclosure with privacy slats or a fenced greenhouse);
- d. The cultivation area shall not be closer than twenty-five feet to any street or property line;
- e. The operation shall require the securing of a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission;
- f. Every commercial cannabis farm shall meet all State requirements for Commercial cultivation as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.);
- g. Each commercial cannabis farm shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library or public park.

C. Commercial outdoor Cannabis cultivation for Hemp production purposes.

Outdoor cultivation of cannabis plants for Hemp production purposes shall be permitted in the AG-4; Agricultural-Capay Zoning District, provided that;

- 1. The total plant canopy permitted does not to exceed the limits set by the California Industrial Hemp Farming Act.
- 2. The cultivation area and operations meet all the requirements set by the California Industrial Hemp Farming Act;
- 3. The cultivation area shall not be closer than twenty-five feet to any street;
- 4. The Commercial Hemp Farms secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission;
- 5. Commercial Hemp Farms shall not be located within one mile (5,280 feet) of an existing Commercial Cannabis farming operation permitted pursuant to this Section.

D. Commercial distribution and sales of Cannabis for recreational and medicinal purposes. Commercial distribution and retail sales of recreational and medical cannabis shall be permitted in C-1, C-2, C-3, C-4, P-D, M-1 and M-2 Zoning Districts, provided that;

1. The distributor or dispensary secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission and Board of Supervisors;

2. The operation meets all State requirements for commercial distribution or retail sales, as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

3. The operation shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library, or public park.

E. Commercial manufacturing of non-volatile Cannabis plant conversions for recreational and medicinal purposes and Testing Laboratories. Commercial manufacturing of non-volatile cannabis plant conversions for recreational and medical purposes and testing laboratories shall be permitted in a C-2, C-3, P-D, M-1 and M-2 Zoning Districts, provided that;

1. The non-volatile manufacturer or testing laboratory secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission and Board of Supervisors;

2. The operation shall meet all State requirements for commercial non-volatile manufacturing of cannabis products or testing laboratory as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

3. The operation shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library, or public park.

F. Commercial Manufacturing of Volatile Marijuana Plant Conversions for recreational and medicinal purposes. Commercial manufacturing of volatile marijuana plant conversions for recreational and medical purposes shall be permitted in an M-1 and M-2 Zoning Districts, provided that;

1. The volatile manufacturer secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission and Board of Supervisors;

2. The operation shall meet all State requirements for commercial volatile manufacturing of cannabis products as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.).

3. The operation shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library or public park.

G. Outdoor Cannabis Cultivation, Distribution and Sales Prohibited. All outdoor cannabis cultivation and the distribution or sales of cannabis are prohibited in the R-2, R-3, R-4, G-R, AV, PF, PA, NR, FS and TPZ Zoning Districts.

H. Personal Indoor Cannabis cultivation for recreational and medicinal purposes. Personal indoor Cannabis cultivation for recreational and medicinal purposes is allowed in all permitted dwelling units in all Zoning Districts, provided that;

1. The legal resident(s) of the dwelling unit(s) meet the requirements of the Compassionate Use Act (C.U.A.), the Medical Marijuana Program Act (M.M.P.A.) and the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.). Only legal residents may personally cultivate cannabis within the residence.

2. Personal Cannabis cultivation for recreational and medicinal uses shall not be made available for commercial purposes, or offered for sale on the premises.

I. Commercial Indoor Cannabis cultivation for recreational and medicinal purposes. Commercial Indoor Cannabis cultivation, meeting the Indoor Cultivation License Types defined in Sections 26050 and 26061 of the Business and Professions Code for recreational and medicinal purposes shall be permitted in the M-1 and M-2 Zoning Districts, provided that:

1. The operation secures a Conditional Use Permit pursuant to Chapter 17.70 of the Tehama County Code and approval of the Tehama County Planning Commission;

2. Every commercial cannabis farm shall meet all State requirements for Commercial cultivation as required by the Medical and Adult Use of Cannabis Regulation and Safety Act (M.A.U.C.R.S.A.);

3. Each commercial cannabis farm shall not be located within six hundred (600) feet of a school, day care center, day care home, recreation center, youth center, library, or public park.

J. Violations and Penalties. Any violation(s) of any provision(s) of this measure / ordinance, by any individual(s), whether in their personal or professional capacities, shall constitute an Infraction.

K. Severability. If any provision(s) of this measure / ordinance or the application thereof to any person(s) or circumstance(s) is/are held invalid, that invalidity shall not affect other provisions or applications of this measure / ordinance, which can be given effect without the invalid provision(s) or application(s), and to this end, the provisions and applications of this measure / ordinance are severable.

L. Date of Implementation. This measure / ordinance shall take effect sixty (60) days after the date of its adoption.