

Cover Letter
to the Calaveras Cannabis Regulatory Coalition
Draft Proposed Ordinance
with Commentary

Greetings CCRC member, concerned citizen, government official, or other reader,

My name is Matthew Clark, and I had the privilege of working with a remarkable group of County residents this year. We called ourselves the CCRC, or the Calaveras Cannabis Regulatory Coalition, and we organized in the hopes of ending the cycles of rampant cannabis industry growth and reactionary attempts at an outright ban. We believed that a middle way was available to regulate cannabis for the good of the entire county.

I believe this time was remarkably productive and successful, and I'd like to thank everyone who came with your open minds and your wonderful ideas.

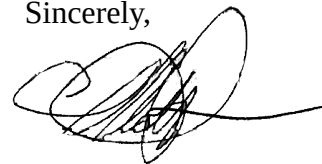
Attached is the ordinance I drafted with those discussions in mind. It is meant to memorialize and embody the excellent ideas and solutions that were proposed and debated every Thursday morning for hours on end.

I have also included a commentary to explain and introduce the attached ordinance. The ordinance is, after all, an ordinance. It is not meant to be easy to read.

If you are so inclined as to read the ordinance, it is also attached. I recommend you begin at section 17.05.160, where the substantive provisions begin.

Please feel free to respond with any questions or concerns at matthewpclark@gmail.com.

Sincerely,



-Matthew Clark
CCRC Facilitator

COMMENTARY ON THE DRAFT PROPOSED ORDINANCE
by Matthew Clark, lead drafter.

PART I: Comments by Section.

Section	Comment
17.95.100, 130 and 140	Intentionally left blank.
17.95.120	A different take on the findings in the Urgency Ordinance, with inclusion of all Urgency Ordinance language that may enable or justify the ordinance.
17.95.150	Definitions. Most are borrowed from state law.
17.95.160	<p>Qualified Operators. This system is borrowed from the California Bureau of Security and Investigative Services, which also monitors high-risk activities. Under that system, owners of a security business must pass a background check and be enrolled in the Qualified Operator (QO) system (BSIS calls them Qualified Managers) <i>before</i> applying for a license.</p> <p>This system is advantageous because:</p> <ul style="list-style-type: none"> • It provides the Sheriff’s Department with initial and independent review of applicants’ criminal records prior to any cannabis license application. • It minimizes the need for coordination between departments, since Planning can simply look up all applicants and reject any that aren’t on the list. <p>In addition to QOs, <i>everyone</i> will need to have an ID badge or “lanyard” in order to be present at a cannabis facility. This ordinance breaks “everyone” down into 4 categories:</p> <ol style="list-style-type: none"> 1. QOs as discussed. 2. Workers, who must have their Driver’s Licenses submitted to the Sheriff. This provision also assists in limiting the number of workers for smaller parcels elsewhere in the ordinance. 3. Visitors, who must be entered in a log, and are limited to 6 at a time. 4. Contractors, who must pass a background check just like a QO.
17.05.170	Reserved. This section originally contained provisions on an independent committee to review and prepare codes, regulations and other necessary rules for the orderly and safe operation of all cannabis facilities. I think this is a good idea and have left this section available for such a purpose.

17.95.180	<p>Effect of the Urgency Ordinance. This section terminates the Urgency Ordinance, with provisions for the smooth transition of Approved, Pending and Denied applicants, as well as those on the wait list.</p> <p>Some registrants under the Urgency Ordinance will be unable to comply with this Ordinance. This is especially true for RR parcels. Such registrants will be given 5 years to move their facility to an appropriate parcel.</p>
17.95.190	<p>General Provisions. This section largely mimics the Urgency Ordinance in subsection A, but then moves on in subsection B to provide clear rules for the transfer of licenses.</p> <p>It is the drafter’s opinion that licenses should be freely available to any applicant who meets the requirements of the Chapter, however, it is unreasonable to think that our current political climate will embrace this. As such, <u>clear rules for transfer are needed to allow reasonable changes while eliminating loopholes</u> and other opportunities for abuse and evasion. The rules in this section are designed to meet this underlined standard.</p>
17.95.200	<p>License Types.</p> <p>These mostly follow state law, but are different in some significant respects, including:</p> <ul style="list-style-type: none"> • The categories in the attached ordinance distinguish between “Open-Air” and “Fully-Enclosed” instead of the State categories of “Outdoor,” “Mixed-Light” and “Indoor.” It is the drafter’s experience that many farms operate on the borders of these state categories, and that in practice it always makes sense just to sign up as Mixed-Light. This has created confusion in County processing and identification of these facilities. <p style="padding-left: 40px;">On the ground, a facility is either fully enclosed within four walls and a roof, with complete blockage of visibility and odor-reduction equipment, or it doesn’t have these things and is thereby far more likely to be the cause for complaint from residents. This ordinance separates facilities accordingly.</p> <p style="padding-left: 40px;">It is only after careful consideration that I have deviated from State law categories. Those State license types will not go away because of this ordinance, but Planning can simply require applicants to declare the State licenses to be applied for, as a question in the application.</p> <ul style="list-style-type: none"> • “Processing” licenses are available, but only to cooperatives of County cultivators. These are facilities to cure, dry and trim cannabis, which is a part of “cultivation” under state law. Despite the clamour over the “airport” site, Processing facilities are an excellent idea. They bring workers to facilities on major roads, with appropriate work environments, and away from smaller roads

	<p>and backcountry areas.</p> <ul style="list-style-type: none"> • The proposed state regulations provide support for the “Kitchen-Only” Type 6 manufacturing license made available by this Ordinance. • Support for CBD extractors is support for a genuinely medical form of cannabis that is seriously underrepresented in the cannabis industry. • Microbusiness support is crucial for maintaining the activities of Calaveras’ cottage industries, and the farms that remained small despite the UO, and the farms that most genuinely provided cannabis directly to patients in the spirit of Prop 215 and SB 420.
17.95.205	<p>Fees. No comment.</p>
17.95.210	<p>Locational Requirements.</p> <p>In addition to the commentary in Part II below (Responses to FEIR), there are some things worth pointing out:</p> <ul style="list-style-type: none"> • A “Cannabis Facility” is NOT a parcel. A parcel contains cannabis facilities. This is in line with state law, which calls them “Premises” instead of “Cannabis Facilities.” This distinction is seen throughout the Ordinance. • Maximums listed are for PARCELS. It includes the max that can be grown Open-Air (as opposed to Fully-Enclosed, see section 17.95.200 for the difference). It also includes a separate parcel max. So an A1 zone can grow 1 acre outdoor, and <i>another</i> 1 acre indoor. It cannot grow 2 acres outdoor. • Some zones allow cultivation in excess of any currently-available state license. These parcels would require multiple licenses, i.e. multiple facilities. Type 5 licenses are coming in 2023 which allow unlimited size. • No one may own more than 2 acres of cultivation in the County. • The increased A1 zone canopy maximums are a critical part of a smooth relocation of UO-registered RR parcels to more appropriate zones.
17.95.220	<p>Cannabis License Applications.</p> <p>Requirements of a License Application. The following are more robust than the UO:</p> <ul style="list-style-type: none"> • Site Plans have increased minimum requirements, • Standard Operating Procedures have increased minimum requirements,

	<ul style="list-style-type: none"> Site Plans have rules for the delineation of Cannabis Facilities from the rest of the parcel, and rules for how to separate utilities shared by the facility and the rest of the parcel. <p>A MORATORIUM ON ALL NEW LICENSES is included, with a few exceptions.</p>
17.95.230	<p>Operational Requirements. Additional specific requirements for the operation of Cannabis facilities. It is important to note that statewide regulations are coming or already prepared, and that they are quite particular. The requirements here are designed to address specific problems encountered by Calaveras County under the Urgency Ordinance.</p> <p>Perhaps most importantly, a “Mini Track-and-Trace” is here to assist the county in ensuring cannabis produced in the County is not sold unlawfully. There was no such provision under the UO.</p>
17.95.240-250	These mostly mimic the UO.
17.95.260	<p>Revocation and Suspension of Licenses.</p> <p>These are designed to ensure the County has the tools needed to shut down unlawful or hazardous sites, while protecting licensees from unclear or capricious punitive action.</p>
17.95.270-310	Copied from UO.

Commentary, PART II:

Commentary on how this ordinance meets Alternative 4 of the FEIR, Section 6.3.4, p. 2-5 to 2-6.

FEIR: 1. Only organic cannabis cultivation activities would be allowed.

RESPONSE: The limitations on agricultural practices under California State Commercial Cannabis law are strict. Organic certification is Federally regulated and not available to cannabis companies as of the drafting of this Ordinance. No further restrictions should be added.

FEIR: 2. Rural Residential (RR) would be removed as an acceptable zone within which outdoor and indoor cultivation could occur.

RESPONSE: The attached draft proposed ordinance does allow commercial indoor on RR greater than 10 acres, and outdoor on RR greater than 40 acres. In addition, there are restrictions on the number of Cannabis Workers that may be present at the facility. This, along with

the availability of Processing centers under the attached ordinance, should substantially reduce traffic and other negative impacts in these zones.

FEIR 3. Additional restrictions would be placed on allowable Rural Agricultural (RA) parcels. Outdoor cultivation would be conditionally allowed on parcels of ten acres or more; indoor cultivation would be conditionally allowed on parcels of five acres or more. Project-level CEQA analysis would be required for all applications received for parcels zoned RA.

RESPONSE: The zoning matrix in Table I on p. 25-26 of the attached ordinance meets these recommendations.

FEIR: 4. Cultivation would be allowed on Unclassified (U) parcels with additional project-level CEQA review and a change in zoning.

RESPONSE: The attached ordinance treats U parcels as A1 parcels. It is the drafter's experience that U parcels tend to be in remote locations that do not present the problems recognized with RA/RR zones. They have therefore been treated as appropriate places to pursue commercial cultivation. A thorough analysis of each U zone is beyond the scope of this draft proposed ordinance.

FEIR: 5. On Industrial (I) parcels, only indoor cultivation with odor filtration and 200-foot setbacks from residential uses would be allowed.

RESPONSE: The attached ordinance only allows indoor. Indoor facilities are fully-enclosed by definition, which includes a requirement of odor control.

FEIR: 6. Within Community Centers and Community Plan Areas, only indoor cultivation with utility- provided water and odor filtration would be allowed.

RESPONSE: Community Centers and Community Plan Areas are not adjusted separately by the attached ordinance. It is expected that such areas will largely contain R1 and small parcel RR/RA zones, which would strictly limit any cultivation.

FEIR: 7. Setback requirements would be increased to 200 feet from property lines for outdoor cultivation.

RESPONSE: The attached ordinance provides for 100 foot setbacks and visibility requirements.

FEIR: 8. Commercial operations would only be allowed along publicly-maintained state highways or public county roads.

RESPONSE: The response to Item 2 regarding maximum number of workers and Processing centers should provide adequate mitigation, in the drafter's opinion.

**CCRC Draft Proposed Ordinance
for the Calaveras County Code, amending:**

Chapter 17.95 – Cannabis

Sections

- 17.95.100 Authority**
- 17.95.110 Purpose and Intent**
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- 17.95.230 Operational Requirements**
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- 17.95.260 Revocation and Suspension of Cannabis Licenses**
- 17.95.270 Summary Abatement**
- 17.95.280 Administrative Fines and Penalties**
- 17.95.290 Release of Liability and Hold Harmless**
- 17.95.300 Severability**
- 17.95.310 CEQA**

17.95.100 Authority

17.95.110 Purpose and Intent

A. The purpose and intent of this Chapter is to establish a lasting regulatory system to standardize, normalize and monitor all aspects of the Cannabis industry in the County in a manner that:

1. Removes criminal associations from Commercial Cannabis,
2. Is consistent with California Commercial Cannabis Law as defined herein,

3. Protects public health, safety and the welfare of residents in the County, and,
4. Provides clarity and stability for development of an orderly cannabis industry in Calaveras County.

17.95.120 Findings

A. FINDINGS REGARDING THE FEDERAL LEGAL STATUS OF CANNABIS

1. Cannabis Prohibition in the United States began in the early half of the twentieth century. Until then, cannabis had been an important crop and was used for industrial, medical and recreational purposes. Its industrial use was the most common of these uses at that time, and records of cannabis grown for industrial purposes in the U.S. date back to the colonial era. Despite the history and longstanding economic importance of cannabis, The Marijuana Tax Act of 1957 effectively banned its use and sale. The 1957 Act was ultimately found unconstitutional by the US Supreme Court in *Leary v. United States* in 1969, and the Act was overturned by the US Congress the next year.

2. Current Prohibition at the Federal level proceeds under the Controlled Substances Act (“CSA”) of 1970, 21 U.S.C. § 801 et seq.. The inclusion of cannabis in Schedule I of that act was challenged by the official 1972 “Schafer Commission” report (The Report of the National Commission on Marihuana and Drug Abuse, commissioned by President Richard M. Nixon, March, 1972). The Schafer Commission did not support placing cannabis on Schedule I, and even doubted the inclusion of cannabis as an illicit substance altogether. Despite the official status of the Schafer Commission report, its recommendations were not followed and cannabis remains on Schedule I today.

3. In recent years there has been dramatic resistance at all levels of government and society to the Federal CSA Schedule I classification, along with the other measures prohibiting or punishing the use of cannabis and the businesses that supply that use. The State of California is currently a member of a majority states that allows some form of cannabis use in direct contradiction to the CSA and the wording of Schedule I. At the Federal level, action has already been taken through the Rohrabacher-Farr amendment to limit Federal interference with these state cannabis programs. Bills to further limit Prohibition appear likely to continue, and several have been introduced already with this purpose (e.g. HR 331, HR 714/2373, HR 715, HR 975, HR 1227). There is currently a Congressional Cannabis Caucus, whose membership includes Rep. Dana Rohrabacher of California. Calaveras County finds that these factors indicate a tremendous pressure to limit or even end cannabis Prohibition at the Federal level. Despite Prohibition, Calaveras has a long history of cannabis cultivation dating to and before the Controlled Substances Act of 1970. For this reason and for the reasons stated elsewhere in this section, Calaveras County is acting to regulate cannabis despite the provisions of the Controlled Substances Act.

B. FINDINGS REGARDING THE LEGAL STATUS OF CANNABIS IN THE STATE OF CALIFORNIA

1. Attempts to limit Prohibition in California began quickly after passage of the Controlled Substances Act, most notably through Proposition 19 of 1972. The first enacted change came in 1996 when the voters of the State of California approved Proposition 215, "The Compassionate Use Act", (hereinafter "CUA" or "Prop 215") (codified as Health and Safety Code Section 11362.5), which intended to decriminalize medical cannabis use, and to extend related protections to those who cultivated and prepared cannabis remedies for medical users. The CUA accomplished this by creating an affirmative defense to cannabis crimes in California.

2. The State enacted SB 420 in 2004 (known as the "Medical Marijuana Program Act", codified as Health and Safety Code Section 11362.7 et seq.) to expand and clarify the scope of the 1996 CUA and in an attempt to provide guidelines for lawful cultivation, processing, transporting and administering of marijuana, as well as limitations on the amount of marijuana a qualified individual may possess. This SB 420/Prop 215 system provided the collective model which was in use until the enactment of MMRSA in 2015.

3. The State enacted the Medical Marijuana Regulation and Safety Act (MMRSA) in 2015. That Act was since renamed the Medical Cannabis Regulation and Safety Act (MCRSA). MCRSA provided California with its first well-formed system of cannabis legalization and regulation. With it, California instituted a comprehensive regulatory scheme for commercial cultivation, manufacturing, distribution, transportation, laboratory testing, and dispensing of medical cannabis.

4. In the November 2016 general election, the people of California passed AUMA as Proposition 64, the Adult Use of Marijuana Act. AUMA opened adult use in the State of California for individuals over the age of 21 without medical approval.

5. On June 27, 2017, Governor Brown signed MAUCRSA, passed by the Legislature as SB 94, which is the Medical and Adult-Use of Cannabis Regulatory and Safety Act. MAUCRSA unites its predecessors, MCRSA and AUMA, into a single Act.

C. FINDINGS REGARDING CANNABIS ACTIVITY AS A PERMITTED LAND USE

1. Calaveras County's geographic and climatic conditions are some of the most conducive to cannabis cultivation found in the entire world. The arid environment discourages the mold and other fungal contaminants. Despite this aridity, Calaveras provides adequate precipitation for an abundant and healthy crop. Calaveras has mild winters allowing multiple harvests per year with minimal infrastructure. These conditions make this County an attractive location to pursue cannabis cultivation, and should ensure that properly regulated cannabis from Calaveras County will be a successful and profitable crop.

2. Children (minor under the age of 18) are particularly vulnerable to the effects of cannabis use and the presence of cannabis plants or products is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children (including schools, parks, and other similar locations).

3. The unregulated cultivation of cannabis in the unincorporated area of Calaveras County can adversely affect the health, safety, and well-being of the County, its residents and environment.

Comprehensive civil regulation of premises used for cannabis cultivation, including zoning regulation, is proper and necessary to reduce the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated cannabis cultivation, and that are especially significant if the amount of cannabis cultivated on a single premises is not regulated and substantial amounts of cannabis are thereby allowed to be concentrated in densely populated areas.

4. Comprehensive regulation of premises used for cannabis cultivation or commercial activities related to cannabis is proper and necessary to address the risks and adverse impacts as stated herein, that are especially significant if the amount of cannabis cultivated on a single premises is not regulated and substantial amounts of cannabis are thereby allowed to be concentrated in one place.

5. Comprehensive regulation of commercial activities related to cannabis, including but not limited to the manufacture of cannabis products, distribution of cannabis, storage of cannabis, testing of cannabis, and commercial transport of cannabis, is proper and necessary to address the risks and adverse impacts associated with such activities, which include but are not limited to risks related to the concentration of large amounts of cannabis on a single premises, fire hazards, and toxin release hazards.

6. Cannabis cultivation is creating unwanted impacts to California's surface and groundwater resources. Calaveras County has a legitimate interest in analyzing and limiting impacts to water supply and water quality, including the discharge of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. The sources of these impacts result from unpermitted and unregulated timber clearing, road development, stream diversion for irrigation, land grading, erosion of disturbed surfaces and stream banks, and temporary human occupancy without proper sanitary facilities.

7. The immunities from certain prosecution provided to qualified patients and their primary caregivers under State law to cultivate cannabis plants for medical purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter in coordination with MAUCRSA, the County is hoping to minimize the risks of fire, odor, crime and pollution caused or threatened by the unregulated cultivation of cannabis in the unincorporated area of Calaveras County.

8. Nothing in this Chapter shall be construed to allow any activity relating to the cultivation, distribution, or consumption of cannabis that is otherwise illegal under State law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the County of Calaveras, Calaveras County District Attorney, the Attorney General of State of California, or the United States of America.

9. California Business and Professions Code §19515 expressly states that the chapter added to the Business and Professions Code pursuant to the MCRSA shall not 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".

10. California Business and Professions Code §19516(a) expressly states, "Pursuant to Section 7 of Article XI of the California Constitution, a city, county, or city and county may adopt ordinances that establish additional standards, requirements, and regulations for local licenses and permits for

commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, testing, security, and worker protections established by the state shall be the minimum standards for all licensees statewide.”

11. California Business and Professions Code §19516(c) expressly states, “Nothing in this chapter, or any regulations promulgated thereunder, shall be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law, including, but not limited to, Section 7 of Article XI of the California Constitution.

12. California Business and Professions Code §19520(d) expressly states that “local jurisdictions retain the power to assess fees and taxes, as applicable, on facilities that are licensed pursuant to this chapter and the business activities of those licenses”.

17.95.130 Applicability and Interpretation

17.95.140 Scope

17.95.150 Definitions

A. DEFINITIONS ADOPTED BY DEFAULT FROM CALIFORNIA COMMERCIAL CANNABIS LAW

1. All definitions in Business and Professions Code §19300.5 are hereby adopted for use throughout this Chapter unless another meaning is expressly provided by this Chapter.

2. All definitions in the California Health and Safety code relating to Cannabis are hereby adopted for use throughout this Chapter unless another meaning is expressly provided in this Chapter.

B. DEFINITIONS SPECIFIC TO THIS CHAPTER

1. “California Commercial Cannabis Law” means all statutes, regulations, enforceable guidelines, rules, judicial opinions and other laws of the State of California regarding Cannabis. It particularly means MAUCRSA, unless that Act has been repealed, renamed or otherwise modified so that it is no longer the primary source of Cannabis law in California.

2. “Cannabis” has the same meaning as that found in California Commercial Cannabis Law. In addition, all of the following specific terms are subcategories of the term “Cannabis:”

- a. “Clone” or “Cutting” means a cannabis plant that has not entered the flower stage of its life cycle, and is less than 12” as measured from the surface of the soil or other medium in which that plant is planted to the plant’s highest point.
- b. “Immature Plant” means a plant that is not a Mature Plant, and includes but is not limited to Propagation Mothers and Clones.

- c. “Flower Cycle” means the period of time during which a Cannabis plant produces and develops flower nodes as new growth, and is mutually exclusive with the term “Vegetative Cycle” as defined herein.
- d. “Mature Plant” means a single Cannabis plant in its flower stage or planted in such a way that it indicates an intent for that plant to enter the flower stage. Mature Plants are measured by their expected maximum Canopy size.
- e. “Raw Cannabis” means any and all harvested plants bearing fully-developed trichomes, that have not been Manufactured in any way. It includes but is not limited to flowers, leaves, trim, stems, larff, duff, stalks, trichomes, kief and other unextracted parts of the Cannabis plant.
- f. “Plant” means each individual Cannabis organism as identified by the plant having a single stalk entering the ground from which all or almost all growth above ground is supported.
- g. “Processed Cannabis” means Raw Cannabis that has been cleaned, trimmed, cured or otherwise Processed such that it is ready for transfer to another Licensee or customer, or purchaser.
- h. “Propogation Mother” means a Cannabis plant that has not entered the flower stage of its life cycle, and is intended not to enter the flower stage of its life cycle so that it may be used for the creation of “clones” or “cuttings” to produce new individual plants.
- i. “Vegetative Cycle” means the period of time during which a Cannabis plant does not produce or develop flowers, and is mutually exclusive with the term “Flower Cycle” as defined herein.

3. “Cannabis Activity” or “Activity” if another meaning is not clearly indicated, means any activity involving the presence of actual Cannabis, other than Processed Cannabis under the possession and control of an individual for that individual’s personal use. Cannabis Activities may be identified by the type of Facility, such as Cultivation Activity, Manufacturing Activity, etc.: activities so identified are all “Cannabis Activities.”

4. “Cannabis Facility” or “Facility” if another meaning is not clearly indicated, has same meaning as “Premises” in MAUCRSA (currently Bus&Prof Code Section 26001 (ap)) and these terms may be used interchangeably throughout this Chapter. Cannabis Facilities may be identified by the type of Facility, such as Cultivation Facility, Manufacturing Facility, etc.: facilities so identified are all “Cannabis Facilities.”

- a. “Open-Air” means a facility that does not meet the definition of Fully-Enclosed.
- b. “Fully-Enclosed” means a Cannabis Facility or portion of a Cannabis Facility that is surrounded on all sides, including the walls, roof and floor by ground, walls or other features which throughly perform all of the following:
 - i. Completely block all light from exiting the Fully-Enclosed area.
 - ii. Substantially reduce odors emanating from the Fully-Enclosed area.
 - iii. Reduce all noise emanating from the Fully-Enclosed area to acceptable levels.

- iv. Lock or otherwise secure the Fully-Enclosed entity from any children or trespassers.
- v. Block all visibility of any Cannabis Activity from neighboring parcels, public roads, rights-of-way, or easements.
- vi. Cultivation sites qualify as Fully-Enclosed if they can meet these standards only during the Flower Cycle of all plants within the Fully-Enclosed area.
- vii. Cultivation sites qualify as Fully-Enclosed if they can meet the standards in subsection B(X)(a)(i) & (ii) above only between the times from a half hour after sunset to a half hour before sunrise on any given day.

5. “Cannabis Business” means any person operating a Cannabis Facility in Calaveras County. Cannabis Businesses may be identified by the type of License, such as Cultivation Business, Manufacturing Business, etc.: businesses so identified are all “Cannabis Businesses” for use within this Chapter.

6. “Cannabis License” or “License,” if another license is not clearly indicated, means any of the licenses created by this Chapter. This term does not include licenses to operate a cannabis dispensary. Cannabis Licenses may be identified by the type of License, such as Cultivation License, Manufacturing License, etc.: licenses so identified are all “Cannabis Licenses.”

7. “Cannabis Worker” means all individuals engaged in or supporting a Cannabis Activity on behalf of a licensee on a licensed parcel, whether paid or unpaid, unless that individual is or is employed by an independent contractor whose work is not directly related to the Cannabis activity: well-drillers, construction workers, earthmoving or terracing crews, even if most or all of that contractor’s business comes from Cannabis Businesses.

8. “Canopy” means the area from outer leaf to outer leaf of fully mature plants at the time of harvest. Solid fences, plastic sheeting, walls, or other structures that serve as a complete barrier to plant growth are the limit of an outer leaf.

9. "Code" means the Calaveras County Code.

10. "Code Enforcement Officer" means any person employed by the County of Calaveras and appointed to the position of code enforcement officer.

11. "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 removing, correcting or otherwise abating any violation, including administrative penalties of this Chapter.

12. “County” or “the County” means Calaveras County.

14. “County Official” means any employee, contractor or agent acting under the direction or control or through contract with the County and any of its agencies or departments.

15. "Enforcement Official" means a Code Enforcement Officer or the Sheriff, or the authorized deputies or designees of either, each of whom is independently authorized to enforce this Chapter.

16. "Entity" has the same definition as "Person" except that it does not mean an individual.

17. "Individual" means a human being and not a business entity or other organization.

18. "Licensed Parcel" means a parcel on which a Cannabis License has been approved or for which an application has been made.

19. "Licensee" means a person who holds a License pursuant to this Chapter.

20. "Manufacture" means to subject cannabis plants to water, alcohol, oil, solvents, pressure, heat or other processes to separate THC, CBD and other active chemical compounds in Cannabis from the vegetative and other matter. It also includes Cannabis Activities that bundle parts of the Cannabis plant using paper, tobacco leaves or other materials to create joints, blunts or other Cannabis products ready for use by the consumer without additional paraphernalia.

21. "Manufactured Cannabis" means all Edible Cannabis Products, Cannabis concentrates, joints or other any Cannabis products intended for immediate use without the assistance of Cannabis accessories, pipes, or other paraphernalia.

22. "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.

23. "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.

24. "Residence" shall have the same meaning as "Dwelling" for purposes of this Chapter.

25. "Qualified Operator" means a person who has successfully enrolled in the Qualified Operator list according to the provisions of this Chapter.

26. "Sheriff" or "Sheriff's Office" means the Calaveras County Sheriff's Office or the authorized representatives thereof.

27. "Zoning clearance certificate", for purposes of this Chapter, means a ministerial, over-the-counter certificate of compliance provided by the Planning Department after a complete application has been filed pursuant to 17.93.200 and after verification that the proposed use is compatible with the parcel's zoning and the applicable development standards.

17.95.160 Qualified Operators and other Individuals at Cannabis Facilities

A. QUALIFIED OPERATORS

1. The Sheriff shall prepare and maintain a list of Qualified Operators. Enrollment in the Qualified Operator list shall not constitute a license or other authorization to engage in any Cannabis Activity of any kind in the County.

2. No Individual shall be an Owner as defined in California Business and Professions Code Section 26001(al) of a Cannabis Facility or License, unless that individual first successfully enrolls in the Qualified Operator list.

3. All persons seeking admission to the Qualified Operator list shall submit fingerprints to the Sheriff and be subject to criminal background checks conducted by the Sheriff.

4. All persons seeking admission to the Qualified Operator list shall indicate whether they intend to seek a License in their own name or as the principal of a business entity or business entities which will hold the license. The application for enrollment must include the name of the business entity or entities and declare Qualified Operator's relationship to any and all entities, e.g. President, Board Member, or Owner.

5. All persons seeking admission to the Qualified Operator list shall provide the Sheriff with the individual's name, phone number, residential address and mailing address, and the address or APN of each Cannabis Facility at which the individual is to be a Qualified Operator.

6. The Sheriff may charge a fee for each application to enroll in the Qualified Operator list, which may include the costs of creating Qualified Operator Identification Badges for the applicant.

7. The Sheriff may deny or revoke enrollment in the Qualified Operator list to any individual if the Sheriff finds that the individual has been convicted of an offense that is substantially related to the qualifications, functions, or duties of a Qualified Operator, except that if the Sheriff determines that the applicant is otherwise suitable to be a Qualified Operator, and granting the license would not compromise public safety, the Sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant for enrollment based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the Sheriff shall include, but not be limited to, the following:

- a. A felony or violent misdemeanor conviction, as specified in subdivision (c) of Section 667.5 of the California Penal Code.
- b. A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.
- c. A felony conviction involving fraud, deceit, or embezzlement.

- d. A felony or misdemeanor conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
- e. A felony conviction for drug trafficking with enhancements pursuant to Sections 11370.4 or 11379.8.
- f. Except as provided in subsection (A)(7)(d) & (e) of this Section, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of Cannabis is not considered substantially related, and shall not be the sole ground for denial of a license. Conviction for any Cannabis felony subsequent to licensure shall be grounds for removal from the Qualified Operator list.
- g. The applicant or an entity under his or her control has been subject to fines or penalties for cultivation or production of a controlled substance on public or private lands pursuant to Sections 12025 or 12025.1 of the California Fish and Game Code.

8. An applicant for enrollment in the Qualified Operator program who had his or her application rejected by the Sheriff under this Chapter, or who has been removed from the Qualified Operator list, may reapply for enrollment at any time.

9. Enrollment in the Qualified Operator program shall last for one year from the date enrollment was approved by the Sheriff's Department.

10. Upon enrollment, the Sheriff's Department shall issue a Qualified Operator Identification Badge to the Qualified Operator to be worn by the Qualified Operator at all times while within a Cannabis Facility. It shall show, at a minimum, all of the following:

- a. The name of the Qualified Operator,
- b. A photograph of the Qualified Operator,
- c. The addresses or APNs of each Cannabis Facility where the Identification Badge is valid.

B. CANNABIS WORKERS.

1. A Licensee must notify the Sheriff's Department of the names of all Cannabis Workers that will be present at a Cannabis Facility, along with a color copy of that Cannabis Worker's valid California Drivers License or other acceptable form of identification.

2. The Sheriff shall issue a Cannabis Worker Identification Badge for each and every Cannabis Worker to be worn by the Cannabis Worker at all times while within a Cannabis Facility. It shall show, at a minimum, all of the following:

- a. The name of the Cannabis Worker,

- b. A photograph of the Cannabis Worker,
 - c. The addresses or APNs of each Cannabis Facility where the Identification Badge is valid.
3. The Sheriff may apply a reasonable fee for review and creation of each Identification Badge.

C. VISITOR IDENTIFICATION BADGES.

1. The Sheriff shall issue six Visitor Identification Badges to each Cannabis Licensee for each Cannabis Facility held by the Licensee under this Chapter for use by the Licensee in admitting visitors to the site under this Chapter.

2. Cannabis Licensees may receive additional Visitor Identification Badges by submitting an application to and receiving approval from the Sheriff's Department. Such application shall indicate that their Cannabis Facility has been made or will be made available to County or State officials, Supervisors, consultants, or members of the media or public for visitation, not including inspections required by the Urgency Ordinance or this Chapter, with the intent to educate the County and the public on the proper operation of a Cannabis Business.

- a. The Licensee shall describe the nature and benefit of these visits, and the expected or customary number of visitors per visit.
- b. Upon approval of the request for increased visitors, the Sheriff's Department may issue as many Visitor Identification Badges to the Licensee of the Cannabis Facility as the Sheriff finds may be necessary or beneficial to the continued use of the Cannabis Facility for educational purposes.
- c. The Sheriff may make additional Visitor Identification Badges temporary, or attach any such other conditions as he or she finds will benefit the safety of the public and the visitors to the Cannabis Facility.
- d. In considering a request made under this subsection, the Sheriff may request and consider statements from any visitors regarding the educational benefit of the visit.

D. CONTRACTOR IDENTIFICATION BADGES

1. Contractor Identification Badges shall be made available by the Sheriff's Department to anyone who provides services used frequently by Cannabis Businesses, including but not limited to well drillers, building contractors, fencing contractors, earthmovers and excavators.

2. Contractor Identification Badges shall be available only to individuals enrolled in the Qualified Operator list under this Chapter.

3. Individuals applying for a Contractor Identification Badge shall describe the nature of their profession and show business licenses, trade licensing or bonding, or other indications that they are members of that profession.

4. Contractor Identification Badges shall be valid at any and all Cannabis Facilities in the County, or the Sheriff may restrict the validity to certain Cannabis License types.

5. Contractor's Identification Badges shall display, at a minimum:

- a. The Contractor's name,
- b. A photograph of the Contractor,
- c. The Cannabis License types at which the Identification Badge is valid or invalid.

6. Contractors without a valid Contractor Identification Badge shall be considered visitors at any Cannabis Facility.

7. Individuals may not use a Contractor Identification Badge at a Cannabis Facility owned by that individual.

17.95.180 Effect of the Urgency Ordinance

A. IMMEDIATE STOP TO ALL CANNABIS ACTIVITIES

1. All Cannabis Activities in Calaveras County shall cease and shall not resume until the person engaging in that Cannabis Activity has obtained a valid Cannabis License under this Chapter for the Facility where the Activity will occur, except as otherwise provided herein.

2. Processing and evaluation of registrations under the provisions of the Urgency Ordinance shall cease immediately. County officials shall use the provisions of this new Chapter for all Cannabis License matters.

B. PROVISIONS APPLICABLE TO ALL REGISTRATION APPLICANTS UNDER THE URGENCY ORDINANCE

1. All applicants who submitted to and passed a background check issued by the County Sheriff's Department under the Urgency Ordinance shall be automatically enrolled in the Qualified Operator program for a period of one year from the date this Chapter is enacted. This provision applies regardless of whether the individual's registration was approved, pending or denied.

2. Unless the Urgency Ordinance application was denied, any applicant under the Urgency Ordinance whose Cannabis Facility or Facilities as registered under the Urgency Ordinance cannot meet the requirements of this Chapter because of changed zoning requirements or other provisions,

shall be allowed to relocate its Cultivation License to another parcel in Calaveras County where Cannabis Cultivation is an allowed use.

- a. Commercial Cannabis Activities on the new Cannabis Facility must commence prior to January 1, 2023; and,
- b. The new site shall be fully compliant with the provisions of this Chapter prior to commencement of Commercial Cannabis Activities at the new Cannabis Facility.
- c. The relocated Cannabis Facility is not limited to the canopy size of the Cannabis Facility licensed under the Urgency Ordinance.

C. REGISTRANTS APPROVED UNDER THE URGENCY ORDINANCE

1. An applicant on a parcel whose registration was approved under the Urgency Ordinance shall be allowed to continue operating under the terms of their registration, except that they shall be allowed to operate for two years from the validation of that registration rather than the one year called for in the Urgency Ordinance.

2. Any revocation of their license shall proceed only under the provisions of this new Chapter.

3. All approved registrants who have not had their Cannabis License revoked prior to December 1, 2017 shall receive notice from the Planning Department sent via certified mail no later than December 5, 2017, indicating that their Cannabis Facility meets the standards of local authorization for purposes of California Commercial Cannabis Law.

4. Notices of Validated Registrations issued under the Urgency Ordinance shall constitute local authorization for purposes of California Commercial Cannabis Law for a period of two years from the date of said Notice.

5. Approved registrants may submit new Plot Plans showing the Cannabis Facility separated from other areas of the Licensed Parcel pursuant to this Chapter and California Commercial Cannabis Law.

D. REGISTRANTS PENDING UNDER THE URGENCY ORDINANCE

1. An applicant on a parcel whose registration was pending under the Urgency Ordinance shall be allowed to apply for a Cannabis License commensurate with the terms of their Urgency Ordinance registration application.

2. The County shall waive all application fees under Section 17.95.205 of this Chapter.

3. Pending applicants shall have 180 days from the enactment of this Chapter to submit materials meeting the requirements of this Chapter.

4. Pending applicants shall be allowed to continue operating unless their Application under this new Chapter is denied according to the procedures in this Chapter or the deadline for submitting materials in subsection D(3) above has passed.

5. Pending applications shall be considered a local permit or other authorization for purposes of California Commercial Cannabis Law until denied, rescinded or otherwise rendered invalid.

E. REGISTRANTS DENIED UNDER THE URGENCY ORDINANCE

1. An applicant on a parcel whose registration was denied under the Urgency Ordinance shall be allowed to apply for a Cannabis License allowable on their parcel under this Chapter.

- a. The right to reapply offered by this Chapter shall terminate 90 days after the enactment of this Chapter.
- b. No Cannabis Activity may proceed on the denied parcel until a new License is approved pursuant to this Chapter.
- b. The applicant shall provide a copy of the Planning Department's denial letter, and show reasons why the grounds for denial have been remedied.
- c. No fees shall be waived and the registrant shall pay all applicable fees under this Chapter for the Cannabis License application.
- d. If the maximum allowable Canopy size for the subject parcel is not commensurate with the original Urgency Ordinance application, the applicant may, before January 1, 2022, apply for one cultivation license on a parcel elsewhere in the County where Cultivation is allowed. No Cannabis Activity on the new parcel to be licensed may commence until the proposed Cannabis Facility meets the requirements for the zone of the new site and the new license is approved for that parcel.

2. The Planning Director shall reject the reapplication by a denied registrant under this Chapter if the Planning Director finds that the original Urgency Ordinance application was denied for any of the following reasons:

- a. The parcel to be licensed is not the same as the parcel for which the Urgency Ordinance was made, or that the parcel has been sold or otherwise transferred.
- b. Any or all owners of the entity or the individuals proposed to own the Cannabis License under this Chapter are not the same as the those identified in the Urgency Ordinance application.
- c. The original application was denied because of environmental damage, unsafe or unsanitary Cannabis Worker conditions, undocumented Cannabis Workers, violation County Code or other law if such violations may constitute a felony, or other serious threats to public health and safety. In making such a determination, the Planning

Director may request and rely on recommendations from the Sheriff's Department, District Attorney, Building Department and Code Compliance, or other County or State officials, agencies or departments.

F. WAIT LISTED PARCELS UNDER THE URGENCY ORDINANCE

1. Persons who submitted wait-list requests prior to September 15, 2017 to the Planning Department pursuant to section 17.95.165(N)(16) may, within 180 days of the enactment of this Chapter, submit materials to the Planning Department satisfying the requirements of this Chapter for a Cannabis License to Cultivate on the parcel identified in the Wait List letter.

2. The Planning Director shall reject the application if the Planning Director finds that the parcel to be licensed is not the same as the parcel wait listed under the Urgency Ordinance, or that the parcel has been sold or otherwise transferred since the wait-list letter was submitted.

3. Applicants under this section may only apply for a Cultivation License allowable on their parcel under this new Chapter.

4. Upon expiration of the 180-day period called for by this section, the Wait List called for by the Urgency Ordinance shall be dissolved and any rights 17.95.165(N)(16) may create shall terminate.

17.95.190 General Provisions

A. GENERAL DEVELOPMENT PROVISIONS

1. This subsection (A) applies to all Cannabis Businesses requiring a license pursuant to this Chapter.

2. All Cannabis Businesses shall operate in compliance with this Chapter and all other applicable state and local laws and regulations.

3. Cannabis Businesses shall be allowed only in specifically enumerated zones (see Section 17.95.210) and only with a zoning clearance certificate issued by the Planning Department. Operating a Cannabis Business in any other zoning district in the County of Calaveras is prohibited.

4. Notwithstanding subsection (A)(3) above, the Planning Director may alter or modify the terms of any License if the applicant obtains a conditional use permit for the alteration or modification issued pursuant to Chapter 17.82 of the Calaveras County Code.

5. The fact that an applicant possesses other types of state or county permits, licenses, or other entitlements does not exempt the applicant from the requirement of obtaining a zoning clearance

certificate or conditional use permit from the County of Calaveras to engage in commercial cannabis within the jurisdiction of the County.

6. Cannabis Businesses shall at all times be operated in such a way as to ensure the health and safety of employees, independent contractors, visitors to the area, neighboring property owners, and end users of cannabis; to protect the environment from harm to streams, fish, and wildlife; and to ensure that all commercial cannabis in the County is properly recorded, tested, taxed and otherwise regulated.

7. At least 51% of the voting shares or percentage ownership of a for-profit business, or at least 51% of the seats on the Board of Directors of a non-profit entity with neither stock nor ownership, must at all times be held by individuals who have resided in Calaveras County for at least 5 years, or individuals identified as owners or Directors in registration materials received by the Planning Department under the Urgency Ordinance.

8. All Cannabis Licenses issued under this Chapter shall expire one year from the date issued, unless a different term is expressly given by another provision of this Chapter.

9. No Qualified Operator may own more than two acres of Cannabis Canopy in Calaveras County, inclusive of the Canopies of all Cannabis Facilities owned by the Qualified Operator within the County.

B. TRANSFER, ALTERATION, AMENDMENT OR OTHER CHANGES TO A CANNABIS LICENSE OR FACILITY

1. Cannabis Licenses and Facilities may not be transferred, altered, amended or changed except as provided in this Section B.

2. The Planning Director may impose a fee to process changes to a license under this section. This fee may be separate from and additional to any other license fees.

3. No changes under this Section shall in any way function to move any Cannabis Facility to another parcel or substantially alter the Cannabis Facilities on the Licensed Parcel.

4. No license may be amended to allow a Cannabis Activity other than a Cannabis Activity allowed by the original license.

5. Licensees seeking to transfer a license to a different entity or individual must notify the Planning Director in advance of any such proposed changes and shall identify each and every Qualified Operator involved in the proposed transfer, and shall receive authorization in writing from the Planning Director in advance of such changes. The Planning Director may reject any such transfer if he or she finds any of the following:

- a. A person who must be a Qualified Operator of the license proposed for transfer was not disclosed or the information relating to that owner or entity is incomplete, false or misleading.

- b. A person who must be a Qualified Operator of the subject license under this Chapter failed to enroll in the Qualified Operator program prior to the notifying the County of the proposed change.
- c. A business entity or other organization involved in the transfer is not properly formed, is inactive, or has a record of noncompliance with any state or local agency that is reasonably related to the duties of a licensee under this Chapter.
- d. The transferred license violates any other provision of this Chapter or other applicable law.

6. A business entity or other organization or association that holds a permit under this Chapter may make changes to its Board of Directors, officers or other owners only if:

- a. All new individuals have successfully enrolled in the Qualified Operator program prior to submitting the proposal in Section 5(b) below.
- b. The Licensee notifies the Planning Department in advance of the proposed change and the Planning Director does not reject the proposed change. The Planning Director may reject the proposed change if he or she finds any of the following:
 - i. An owner or entity involved in the transfer was not disclosed or the information relating to that owner or entity is incomplete, false or misleading.
 - ii. An individual who would be an owner upon transfer is not a Qualified Operator.
 - iii. The change in ownership violates any other provision of this Chapter, or any other local, state or federal law or regulation.

7. Changes to Canopy size at a Cannabis Facility shall be allowed at any time, provided the proposed Canopy size does not exceed the size allowed by the Licensee's State license for that Facility. Changes to canopy size shall result in a corresponding change in square footage tax assessed on the parcel for the semi-annual (six-month) period after notice of the change, provided notice of the change was delivered to the Planning Department at least 45 days prior to the end of the semi-annual period. The Canopy in cultivation may not increase until the tax period in which the change is effective has begun.

8. Changes to a Cannabis Facility other than Canopy size adjustments under Section 7 above shall be allowed only if:

- a. The Planning Department is notified in advance of any construction or other execution of changes.
- b. New Plot Plans meeting the standards in Section 17.95.220 are submitted.

- c. The Planning Director finds that the changes to the Facility are not substantial. Substantial changes include, but are not limited to:
 - i. Any change that would result in the need for a different State license type than the one originally applied for, unless the change is for a reduction in Canopy size.
 - ii. Any change that would require new environmental planning assessments under CEQA or the California Regional Water Quality Control Board Region 5 Order No. R5-2015-0113.
- d. The Planning Director finds that the changes to the Facility would violate the provisions of this Chapter or other applicable law.

17.95.200 License Types

A. CULTIVATION LICENSES

1. Provisions applicable to all Cultivation license types:

- a. Only Type 4 Nursery licensees may sell or otherwise transfer seeds or immature plants to another licensee or person.
- b. Cultivation licensees other than Type 4 licensees may possess and cultivate seeds and immature plants only for use at the Cannabis Facility on which they were grown.
- c. Where a license category allows for a choice between a plant count and a canopy square footage, the choice shall be made by the licensee and identified in the plot plan and/or other license application submissions.
- d. Licenses shall bear a clear designation indicating whether the license is for commercial adult-use cannabis activity as distinct from commercial medical cannabis activity by prominently affixing an “A” or “M,” respectively. Examples of such a designation include, but are not limited to, “A-Type 1” or “M-Type 1.” Except as specifically specified in this Chapter, the requirements for A-licenses and M-licenses shall be the same. Type 8 Testing Laboratory licenses shall not bear this designation, and may test samples from medical or adult-use licensees.
- e. A parcel may contain multiple Cannabis Facilities provided each Cannabis Facility meets the standards of a separate and distinct “Premises” under California Commercial Cannabis Law. The aggregate canopy size of all licenses on a parcel in the County may not exceed the Maximum Canopy Size per Parcel as identified in Table I at Section 17.95.210 of this Chapter.

2. Cultivation license types to be issued by the Planning Department under this division shall include all of the following:

- a. Type A-P: “Adult Personal Use,” for cultivation not to exceed 6 plants Open-Air or 100 square feet Fully-Enclosed. An applicant for an Adult Personal Use license may not sell or otherwise transfer any cannabis or cannabis product.
- b. Type M-P: “Medical Use,” for cultivation not to exceed 12 plants Open-Air or 200 square feet Fully-Enclosed. An applicant for a Medical Use license may sell or otherwise transfer cannabis or cannabis product only to one other individual with a medical recommendation or prescription from a licensed California medical doctor upon a thorough medical evaluation. The individual to whom the cannabis is to be sold or otherwise transferred shall be identified in the application for the Medical Use license and may not change without approval by the Planning Director.
- c. Type 1C-Open: “Cottage Open-Air,” for cultivation not to exceed 25 mature plants in an Open-Air garden. Cottage Open-Air licensees shall comply with the following provisions:
 - i. The licensee shall not possess more than 6 “clone mother” plants on the licensed parcel.
 - ii. The licensee shall not possess more than 60 clones on the licensed parcel.
 - iii. Sections (i) and (ii) above may be in addition to the 25 mature plants. The location of any plants in sections (i) and (ii) above must be identified as Cannabis Facilities in the license registration materials.
 - iv. No more than 3 Cannabis Workers shall be present on the licensee’s cannabis facilities for that licensed parcel at any given time. The Department of Agriculture, upon approval of the Planning Director, may expand this requirement if they find that the licensed parcel is a permanent residence for more than 3 Cannabis Workers.
 - v. These provisions shall not be read to excuse a licensee from any other requirement of law.
- d. Type 1C-Enclosed: “Cottage Fully-Enclosed,” for cultivation not to exceed 2,500 square feet in a Fully-Enclosed garden. Cottage Fully-Enclosed licensees shall comply with the following provisions:
 - i. The licensee shall not possess more than 6 “clone mother” plants on the licensed parcel.
 - ii. The licensee shall not possess more than 60 clones on the licensed parcel.
 - iii. Sections (i) and (ii) above may be in addition to the canopy square footage. The location of any plants in sections (i) and (ii) above must be identified as Cannabis Facilities in the license registration materials.

- iv. No more than 3 cannabis workers shall be present on the licensee’s cannabis facilities for that licensed parcel at any given time. The Department of Agriculture, upon approval of the Planning Director, may expand this requirement if they find that the licensed parcel is a permanent residence for more than 3 Cannabis Workers.
 - v. These provisions shall not be read to excuse a licensee from any other requirement of law.
- e. Type 1-Open and Type 1B-Open: “Specialty Open-Air,” for cultivation of more than 25 mature plants or 2,500 square feet, with a maximum of 50 mature plants or 5,000 square feet. Small Open-Air licensees shall comply with the following provisions:
- i. The licensee shall not possess more than 10 “clone mother” plants on the licensed parcel.
 - ii. The licensee shall not possess more than 120 clones on the licensed parcel.
 - iii. Sections (i) and (ii) above may be in addition to the 50 mature plants. The location of any plants in sections (i) and (ii) above must be identified as Cannabis Facilities in the license registration materials.
 - iv. No more than 3 cannabis workers shall be present on the licensee’s cannabis facilities for that licensed parcel at any given time.
 - v. These provisions shall not be read to excuse a licensee from any other requirement of law.
- f. Type 1-Enclosed, Type 1A-Enclosed, Type 1B-Enclosed: “Specialty Fully-Enclosed,” for cultivation of more than 2,500 square feet, with a maximum of 5,000 square feet. Small Fully-Enclosed licensees shall comply with the following provisions:
- i. The licensee shall not possess more than 10 “clone mother” plants on the licensed parcel.
 - ii. The licensee shall not possess more than 120 clones on the licensed parcel.
 - iii. Sections (i) and (ii) above may be in addition to the canopy square footage. The location of any plants in sections (i) and (ii) above must be identified as Cannabis Facilities in the license registration materials.
 - iv. No more than 3 cannabis workers shall be present on the licensee’s cannabis facilities for that licensed parcel at any given time.
 - v. These provisions shall not be read to excuse a licensee from any other requirement of law.

- g. Type 2-Open and Type 2B-Open: “Small Open-Air,” for cultivation of more than 50 mature plants or 5,000 square feet, not to exceed 10,000 square feet. Small Open-Air licensees shall comply with the following provisions:
 - i. The location of immature plants shall be identified as cannabis facilities and the canopy of those immature plants shall be included in the square footage of the canopy.
 - ii. No more than 10 cannabis workers shall be present on the licensee’s cannabis facilities for that licensed parcel at any given time.
 - iii. These provisions shall not be read to excuse a licensee from any other requirement of law.
- h. Type 2-Enclosed, Type 2A-Enclosed, Type 2B-Enclosed: “Small Fully-Enclosed,” for cultivation of more than 5,000 square feet, with a maximum of 10,000 square feet. Small Fully-Enclosed licensees shall comply with the following provisions:
 - i. The location of immature plants shall be identified as cannabis facilities and the canopy of those immature plants shall be included in the square footage of the canopy.
 - ii. No more than 10 cannabis workers shall be present on the licensee’s cannabis facilities for that licensed parcel at any given time.
 - iii. These provisions shall not be read to excuse a licensee from any other requirement of law.
- i. Type 3-Open and Type 3B-Open, “Large Open-Air,” for cultivation of more than 10,000 square feet, with a maximum of one acre. Large Open-Air licensees shall comply with the following provisions:
 - i. The location of immature plants shall be identified as cannabis facilities and the canopy of those immature plants shall be included in the square footage of the canopy.
 - ii. These provisions shall not be read to excuse a licensee from any other requirement of law.
 - iii. Large Open-Air licensees may be limited to 22,000 square feet under state law if they use artificial light.
- j. Type 3-Enclosed, Type 3A-Enclosed, Type 3B-Enclosed, “Large Fully-Enclosed,” for cultivation of more than 10,000 square feet, with a maximum of one acre. Large Fully-Enclosed licensees shall comply with the following provisions:

- i. The location of immature plants shall be identified as cannabis facilities and the canopy of those immature plants shall be included in the square footage of the canopy.
 - ii. These provisions shall not be read to excuse a licensee from any other requirement of law.
 - iii. Large fully-enclosed licensees may be limited to 22,000 square feet under State law if they use artificial light.
- k. Type 4, “Nursery” for cultivation operations in which no Cannabis plant is allowed or intended to enter the flower stage of its life cycle.
 - i. Total canopy for all plants shall not exceed one acre.
 - ii. Plants may be Open-Air or Fully-Enclosed and may use any light source.
- l. “Processing” for the curing, drying, grading trimming or other preparation of Cannabis from Raw Cannabis to Processed Cannabis.
 - i. No living Cannabis plant may be present within a Cannabis Facility licensed for Processing.
 - ii. Processing facilities must be Fully Enclosed.
 - iii. A Processing license shall not be required on a parcel licensed as a Type 1, 1A, 1B, 1C, 2, 2A, 2B, 3, 3A or 3B cultivator, provided processing areas on the licensed parcel are identified as Cannabis Facilities in the cultivation application and only Cannabis from the Canopy of the Cannabis Facility is processed at that Cannabis Facility.
 - iv. No Cannabis Activities requiring a Type 6 or 7 Manufacturing license may be conducted at a Processing facility, except for naturally occurring accidental concentrates produced during normal Processing procedures.
 - v. Only Cannabis Cooperatives formed pursuant to the California Business and Professions Code, Division 10, Chapter 22, and whose bylaws limit membership to cultivation licensees within Calaveras County may apply for a Processing license.

B. MANUFACTURING LICENSES.

1. The county manufacturing license types to be issued by the Planning Department under this Chapter shall include all of the following:

- a. Type 6: “Nonvolatile Manufacturing.” Except as expressly provided by this Chapter, Type 6 licenses shall have the same requirements as Type 6 State licenses in the California Business and Professions Code Section 26130(1).
 - i. Type 6 Manufacturing licenses may be applied for as “Kitchen” licenses, in which case the Planning Director may issue the license with the condition that the

Licensee shall not engage in any Extraction of Cannabis whatsoever other than that occurring in a normal process of cooking to make Edible Products, mixing and blending to make Topical Products, or similar activity.

- ii. Type 6 Manufacturing licenses, may apply to be “CBD-only,” in which case the Planning Director may issue the license with the condition that the Licensee shall not engage in any Cannabis Activity where the end product has a THC content greater than 3%.
- b. Type 7: “Volatile Manufacturing.” Except as expressly provided by this Chapter, Type 7 licenses shall have the same requirements as the State license of the same name, as found in the California Business and Professions Code Section 26130(2).
- c. Type 6-Temporary and Type 7-Temporary licenses for manufacturing sites may be issued by the Cannabis Facility Safety Committee for the benefit of creating regulations for manufacturing in the County.

C. TYPE 8 TESTING LABORATORIES

Except as expressly provided by this Chapter, Type 8 licenses shall have the same requirements as the State license of the same name, as found in the California Business and Professions Code Section 26130(2). Testing laboratories shall be Fully-Enclosed.

D. TYPE 10: RETAILERS.

Retailers or dispensaries are regulated separately under Chapter 17.91 of the County Code.

E. TYPE 11: DISTRIBUTOR.

Except as expressly provided by this Chapter, Type 10 licenses shall have the same requirements as the State license of the same name, as found in the California Business and Professions Code Section 26130(2). Distribution facilities shall be Fully-Enclosed.

F. TYPE 12: MICROBUSINESS.

1. Microbusiness licenses shall be issued only to applicants if each and every Owner’s total ownership of Cannabis Facilities in the County, inclusive of all such facilities, is less than or equal to the following:

- a. Cultivation not exceeding 10,000 square feet, inclusive of all Licensee’s Cannabis Facilities on any and all Licensed Parcels in the County.
- b. Nonvolatile Manufacturing not to exceed one such Facility in the County.

2. Provisions applicable to Microbusiness licenses:

- a. Licensees whose Cannabis Facilities within the County meet the standards in Section (F) (1) above shall pay the single fee identified for Microbusiness, which shall cover all licensee’s Cannabis Facilities within the County.
- b. License applicants who desire a Microbusiness License must submit complete materials satisfying the requirements for each Cannabis Facility based on its use.
- c. License applicants shall clearly indicate in their application materials that they intend for their facilities in the County to be registered as a single Microbusiness, rather than multiple individual licenses.
- d. Microbusiness applicants shall exercise all of the rights to sell to end-users and transport product granted to those licensees under California Commercial Cannabis Law.

17.85.205 License Fees

Application materials for all Cannabis Licenses shall include the appropriate fee for the License type described in the following table:

License	Adult Use Fee	Medical Fee
A-P	\$100.00	NA
M-P	NA	\$200.00
1C	\$500.00	\$500.00
1, 1A and 1B	\$1,000.00	\$1,000.00
2, 2A and 2B	\$5,000.00	\$5,000.00
3, 3A and 3B	\$5,000.00	\$5,000.00
4	\$5,000.00	\$5,000.00
6 – No Conditions	\$5,000.00	\$5,000.00
6 – Kitchen Only	\$5,000.00	\$5,000.00
6 – CBD Only	NA	\$250.00
8	\$5,000.00	
11	TBD	TBD
12	\$3,000.00	\$3,000.00

17.95.210 Locational Requirements

A. LOCATIONAL REQUIREMENTS FOR ALL LICENSES

1. A Licensed Parcel may contain may contain multiple Cultivation Licenses/Facilities provided:

- a. Each Cannabis Facility on the parcel is separately licensed.

b. Each Cannabis Facility on the parcel must independently meet all of the requirements for that type of facility on the relevant parcel.

B. CANOPY LIMITS FOR CULTIVATION

1. The Canopy cultivated on a parcel shall at no time exceed the Canopy size listed in Table I of this Section.

2. Nothing in this Chapter shall be construed to increase or expand the amount of Canopy allowed to a Licensee under California Commercial Cannabis Law or other State law.

3. "NA" in Table I below indicates that no Canopy of that type may be allowed in the corresponding zone.

4. Parcels which are in zones that are divided in the tables below by separate rows indicating separate parcel sizes shall be deemed to have the parcel size identified in their zoning designation. E.g. a parcel in a RR-20 zone shall be licensed as though it is a 20 acre parcel, regardless of its actual size.

5. All sizes are in square feet and represent a maximum Canopy size for a Single Parcel, based on the columns as labelled.

6. For licensees authorized and choosing to use a plant count instead of a Canopy, each plant is deemed to be 100 square feet of canopy, and licensees shall limit their plant counts accordingly regardless of the actual size of the plants. Such licensees shall not be penalized if their plants grow to be greater than 100 square feet, as long as the total number of plants is less than or equal to the plant limit.

7. Cultivation in Recreation (REC) zones shall be allowed based on rows for Rural Agriculture (RA) zones in Table I corresponding to the parcel size of the Licensed Parcel.

8. Cultivation in Timber Production Zones (TPZ), General Forest Zones (GF) and Agriculture Preserve Zones (AP) shall be allowed based on rows for Agriculture (A1) zones in Table I corresponding to the parcel size of the Licensed Parcel.

9. No Canopy is allowed in zones other than those listed in Table I or in Sections f-g above.

10. Open-Air Canopy on the parcel may not exceed the Max Open-Air Canopy identified in Table I. Total Canopy may not exceed the Max Fully-Enclosed Canopy size in Table I, inclusive of all Canopy whether Open-Air or Fully-Enclosed.

11. Table I applies to all Cultivation licenses identified in Section 17.95.200(1), except Processing licenses.

TABLE 1: MAXIMUM CANOPY FOR CULTIVATION

Zoning	Maximum Canopy Per Parcel		Other Limitations
	Max Open-Air	Max per Parcel	
R1, 2 & 3	NA	A-P	
RR – 0-2.99	NA	A-P	Max 3 Cannabis Worker:
RR – 3-4.99	NA	A-P	Max 3 Cannabis Worker:
RR – 5-9.99	A-P	2500	Max 3 Cannabis Worker:
RR – 10-19.99	M-P	5000	Max 3 Cannabis Worker:
RR – 20-39.99	M-P	10000	Max 6 Cannabis Worker:
RR – 40-159.99	22000	22000	
RR – 160 or more	1 acre	1 acre	
RA – less than 5	A-P	M-P	Max 3 Cannabis Worker:
RA – 5-9.99	A-P	10000	Max 6 Cannabis Worker:
RA – 10 or more	22000	1 acre	
A1 – less than 10	1 acre	1 acre	
A1 – 10-39.99	1 acre	2 acres	
A1 – 40 or more	10 acres	10 acres	
U – less than 80	22000	1 acre	
U – 80 or more	10 acres	10 acres	
M1 & M2	NA	1 acre	
C2	NA	1 acre	

C. NON-CULTIVATION CANNABIS LICENSES AND PROCESSING LICENSES

1. Other Cannabis License types that are not Cultivation or that are Processing may be allowed on a Licensed Parcel determined by the zoning classification of the parcel on which the activity is to be

conducted and the type of State License required for that operation pursuant to State Commercial Cannabis Law.

2. Cannabis Activities are allowed only in accordance with Table II where “R” signifies that the type of Cannabis Activity may be allowed in that zone and “NA” means that the type of Cannabis Activity is not allowed in that zone.

- a. Nothing in this Chapter shall be construed to increase or expand a Licensee’s rights under California Commercial Cannabis Law or other State law.
- b. Parcels which are in zones that are divided in the tables below by separate rows indicating separate parcel sizes shall have be deemed to have the parcel size identified in their zoning designation. E.g. a parcel in a RR-20 zone shall be licensed as though it is a 20 acre parcel, regardless of its actual size.
- c. “Kitchen-Only” in Table II means that the Licensee must apply for and obtain their License with the conditions described in 17.95.200(2)(b)(i)
- d. Cannabis Activities identified in the columns of Table II are not allowed in zones other than those listed in in the rows of Table II.
- e. Table II applies to all licenses identified in Sections 17.95.200(B)-(E), except Processing licenses.

TABLE II: ALLOWED ZONES FOR NON-CULTIVATION LICENSES

Zone	Processing	Type 6 Mfg	Type 7 Mfg	Type 8 Lab	Type 11 Dist
A1	R	R	NA	NA	NA
U, AP, GF & REC	NA	R	NA	NA	NA
RA	NA	R	NA	NA	NA
RR > 10 ac	NA	Kitchen Only	NA	NA	NA
M1	R	R	R	R	R
M2	R	R	R	R	R
M4	R	NA	NA	R	R
C2	R	R	NA	R	R
C1	NA	Kitchen Only	NA	R	NA

17.95.220 Cannabis License Applications

A. CANNABIS LICENSE APPLICATION REQUIREMENTS

1. Any and all Owners of a Company, or the Owner of an individually held license, shall be enrolled with the Sheriff's Department as Qualified Operators prior to submitting any application materials. All Qualified Owners shall be identified by name in the application materials, and shall provide a copy of his or her California Driver's License or other acceptable form of identification.

2. If the person to own the license is a Business Entity, then the Licensee's application materials shall include the name of the entity and the entity's identification number with the Secretary of State of the State of the state in which the entity was formed.

3. Cannabis License applicants shall, in their application materials, submit a recorded deed proving the applicant's ownership of the Licensed Parcel or a signed and dated lease demonstrating the applicant's right to possess the Cannabis Facility.

4. Cannabis License applicants shall, in their application materials, submit notarized Indemnifications and other documents as required by Section 17.95.290 of this Chapter.

5. Cannabis License applicants shall, in their application materials, prepare and submit a plot plan or plot plans which show, at a minimum, all of the following:

- a. The location of all Cannabis Facilities, as well as ingress and egress to the Cannabis Facility.
 - i. If no areas are specifically identified as Cannabis Facilities in the plot plan, then the entire parcel shall be considered the Cannabis Facility.
 - ii. Cannabis Facilities must be specifically delineated, and shall meet the standards of "Premises" in California Commercial Cannabis Law.
 - iii. If water, electric, gas or other utilities are shared between a Cannabis Facility and other areas on a Licensed Parcel, then any tap, line, pipe or other conduit for delivering utilities to the Cannabis Facility shall be separately metered, and all conduits coming from that separate meter shall be identified as part of the Cannabis Facility. If such distinctions cannot be made then the entire utility system shall be deemed part of the Cannabis Facility and identified accordingly in the application materials.
 - iv. Each and every area of the Cannabis Facility shall be identified by its use, e.g., manufacturing room, employee break room, trimming area, canopy area, clone and immature plant area, ingress/egress, etc.
- b. All Canopy areas, with accurate and precise measurements.
- c. The location of a legal water source.
- d. Nearby public roads and the locations of structures or property features which block vision to any nearby public road.

- e. The location and a description of any structure, terrace, or other property feature requiring a permit or other authorization from a County agency.
- f. The location of any security features, or features that may impede access by County officials, or pose a risk to their safety.
- g. The location of any chemicals, firearms, animals, machinery, or other features that require a permit or other authorization from a County agency or other government agency, or that may pose a risk to the safety of County officials inspecting the site.
- h. All power sources for the Cannabis Facility, whether the power company meter for the Cannabis Facility or generator.

6. Cannabis License applicants shall prepare and submit a Facility Development Report and Standard Operating Procedures, which describe, at a minimum, all of the following:

- a. All structures on the proposed Cannabis Facility.
- b. All lights used that are not within a Fully-Enclosed structure.
- c. All equipment, structures, or other features that reduce odor.
- d. A description of security measures used.
- e. All locations where Cannabis may be stored.
- f. The expected volume of harvest or manufacture for Cultivation and Manufacturing Licenses.
- g. The expected dates of harvests for Cultivation licensees.
- h. The hours of operation.
- i. A description of any terracing or earthmoving, and an inventory of any commercial tree species to be removed after the enactment of this Chapter, within the bounds of the Cannabis Facility.
- j. A description of the legal water source. If water is to be delivered to the site from a source outside the Licensed Parcel, then a contract with a reputable licensed water supplier shall be included in the Operating Procedures, and the licensee shall maintain records of all deliveries for a period of no less than two years from the date of the record. Licensees shall submit all such records to the Planning Department or other government agency upon request.
- k. An estimate of monthly water usage, electrical usage and other utility usage for that Cannabis Facility.

1. A description of all power generators, their output, noise level during operation, necessary permits, and structures or features housing them, particularly of those structures or features which reduce the noise from the generator.

B. REVIEW OF MATERIALS BY THE COUNTY OFFICIALS

The Planning Director may reject any application if he or she finds any of the following:

1. The registration materials are inadequate by failing to include all of the items in Section A above, or failing to provide reasons why said items are not included, or the materials do not describe the Facility with particularity and clarity, or are false or misleading. Where materials are missing, the Planning Director shall notify the applicant and provide a reasonable period of time to produce satisfactory materials.

2. The Planning Director finds that a Qualified Operator or person required to be a Qualified Operator is missing from the application, or the persons identified are not Qualified Operators or the names and identifications provided are false or misleading, or the relationship of the individual to the applicant is not the same as that listed in the Qualified Operator list.

3. The fee for licensing was not included or was inadequate.

4. The registration materials describe a Facility that will be a nuisance, or a threat to public health and safety or the environment, or will otherwise violate any provision of applicable law.

C. NUMBER OF LICENSES ISSUED AND TIMEFRAME FOR ISSUANCE

1. There shall be a moratorium on the issuance of Cultivation Licenses other than those identified in Section 17.95.180 above until such time as those registrations have been substantially processed under this Chapter.

- a. The Planning Department shall process Cannabis Licenses under this Chapter for all registrants under the Urgency Ordinance pursuant to Section 17.95.180.

- b. The Planning Department and all other County agencies and departments shall make every endeavor to have all Licenses processed and Notices of Local Authorization sufficient to satisfy State license requirements available on or before December 1, 2017 for all registrants under the Urgency Ordinance who have not been rejected pursuant to this Chapter.

2. Notwithstanding subsection (C)(1) of this section, Processing Licenses shall be made available immediately.

3. Notwithstanding subsection (C)(1) of this section, Cannabis Licensees whose Canopy meets the requirements for a Type 12 Microbusiness license shall be allowed to immediately apply for approval of a Cannabis Facility meeting the standards of a Type 6 Manufacturing Facility.

17.95.230 Operational Requirements

- A. CANNABIS ACTIVITIES SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF 17.95.190(A).
- B. ALL CANNABIS FACILITIES SHALL BE SUBJECT TO THE FOLLOWING ADDITIONAL PROVISIONS:
1. No Cannabis Facility or Cannabis Activity shall be visible from a public road or thoroughfare. Fences, walls or other structures blocking visibility must do in such a way that all Cannabis and Cannabis Activity is completely hidden from view from all public roads.
 2. No signage that is visible from a public road or thoroughfare may contain words indicating that the licensed parcel is a Cannabis Facility, or that contains images of Cannabis leaves or other parts of the plant, except that a Type 8 or Type 11 licensee may include the name of the business as registered with the Secretary of State or as appearing on the Calaveras Business License.
 3. All persons present at a Cannabis Facility, other than County Officials inspecting or otherwise investigating the Cannabis Facility, shall be required to hold and properly display a current Identification Badge issued by the Sheriff's Department at all times. Proper display of the Identification Badge shall consist of wearing the badge in a plainly visible manner, at or above the waist, and with the photo of the individual visible. Identification Badges are void if altered, obscured, damaged, or defaced in any manner.
 - a. The Identification Badges of Qualified Operators and Cannabis Workers shall only be valid for the Individual to whom that Identification Badge was issued, and only at the Cannabis Facilities listed on the Identification Badge.
 - b. All visitors to the Cannabis Facility, as well as any Cannabis Workers whose names and acceptable forms of identification have been submitted to the Sheriff's Department and are pending receipt of a Cannabis Worker Identification Badge, must obtain a Visitor Identification Badge from management that shall at all times remain visible while within the Cannabis Facility.
 - i. The number of visitors who may be present at a Cannabis Facility at any given time is limited to the number of Visitor Identification Badges issued by the Sheriff's Department to the licensee of that Cannabis Facility.
 - ii. Visitors present within the Cannabis Facility shall at all times be escorted by a Qualified Operator or Cannabis Worker of the Cannabis Business.

- iii. The Licensee shall maintain a log of all visitor activity at the Cannabis Facility, and the purpose of the visit, and shall make such logs available for inspection by County Officials.
- iv. All visitors admitted into a Cannabis Facility must provide acceptable proof of age and must be at least 21 years of age if present at an adult-use Cannabis Facility. For a medical Cannabis Facility, the visitor may instead provide verifiable documentation that he or she is in possession of a valid doctor's recommendation.
- v. The Licensee shall check a California Driver's License or other acceptable form of photographic identification for all visitors to verify that the photograph resembles the individual and that the name on the identification matches the name in the visitor log.

4. No Cannabis Facility shall be within 600 feet of a "sensitive use" as that term is defined in Calaveras County Code section 17.91.060(B), measured using the shortest distance from any point on the Cannabis Facility to the property line of the parcel containing the sensitive use.

5. No one shall reside on a Cannabis Facility unless the Cannabis Facility is a Microbusiness.

6. All Cannabis Businesses shall obtain a business license prior to engaging in any Cannabis Activity, regardless of whether a business license would normally be required for that activity under the County code for similar activities not involving Cannabis. The Business License Application shall clearly state that the business is a Cannabis Business.

C. ALL CULTIVATION FACILITIES SHALL BE SUBJECT TO THE FOLLOWING ADDITIONAL PROVISIONS:

1. Lights on an Open-Air Facility must have hoods or other shielding to prevent light trespass into the night sky and glare onto adjoining properties, road rights-of-way, and easements.

2. Canopy in an Open-Air Facility must be fully surrounded by a fence, at least six feet tall, of a material and strength that reasonably prevents access by trespassers and children, and all gates must be secured by a be a lock of reasonable strength to reasonably prevent access by trespassers and children.

3. No Canopy may be within 100 feet of the property line, unless permission is granted by the owner of the adjacent property whose property line would be within 100 feet. Adjacent owners may withdraw this permission at any time, and upon said withdrawal, the Licensee shall be required to adjust the Facility pursuant to 17.95.190(B)(8), and make the notification required under subsection (a) of that section within 30 days of receipt of the adjacent owner's withdrawn permission. The Licensee shall have the Canopy moved within 30 days of the Planning Department's approval of the changes.

4. The square footage of actual Canopy at a Facility shall at no point exceed the square footage of taxed Canopy for the Facility at any point during the semi-annual period to which that Canopy size and corresponding tax rate is applied under Section 17.95.190(B)(7).

5. The Cultivation Facility must operate and be organized at all times in a way that substantially corresponds to the plot plans and operating procedures included in the application materials.

6. Cultivation Licensees shall report the following information in intervals not less frequent than once per year to the Planning Department:

- a. The volume of Processed Cannabis produced for sale or other transfer on the Cannabis Facility.
- b. Pictures, photographs or other documentation of clear reasons which reasonably justify or explain any failure by the Cannabis Facility to produce one pound of Processed Cannabis per one-hundred (100) square feet of Canopy.

7. This subsection C shall terminate and have no effect upon successful implementation of the Track and Trace program identified in California Commercial Cannabis Law.

D. ALL MANUFACTURING FACILITIES SHALL BE SUBJECT TO THE FOLLOWING ADDITIONAL PROVISIONS:

1. Manufacturers shall report the following information in intervals not less frequent than every three months to the Planning Department:

- a. A list of Licensed Cultivators from whom they have received Cannabis to manufacture, specified by the county of origin and the address or by the Calaveras County Cannabis License identification number.
- b. An accurate accounting of the amount and types of products produced.

2. This subsection D shall terminate and have no effect upon successful implementation of the Track and Trace program identified in California Commercial Cannabis Law.

F. ALL CANNABIS FACILITIES ARE SUBJECT AT ALL TIMES TO CALIFORNIA COMMERCIAL CANNABIS LAW AND ALL OTHER APPLICABLE LAWS.

17.95.240 Nuisance Declared

Other than Cannabis Activities on a Licensed Facility operating in accordance with this Chapter, all Cannabis Activities, in any amount or quantity, whether medical or adult-use, are hereby declared to be unlawful in all zones and a public nuisance that may be abated and subject to enforcement pursuant to Article 2 of this Chapter.

17.95.250 Enforcement

A. Any violation of this Chapter, including but not limited to failure to obtain and maintain in good standing any required registration specified in this Chapter, shall be subject to injunction, abatement or any other administrative, criminal or civil remedy available to the County under the applicable State and County laws, including but not limited to Government Code §25845, Chapter 8.06 of the Calaveras County Code, and Business and Professions Code §19318 and §19360. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the County of Calaveras or any other governmental entity to enforce County ordinances, including but not limited to Chapter 17.100 of the Calaveras County Code, or to abate any and all nuisances, or employ any remedy available at law or equity.

B. Issuance of a warning shall not be a requirement prior to enforcement of any provision of this Chapter.

C. Each person or entity violating this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, on which any violation of any provision of this Chapter is committed, continued, or permitted by any such person or entity. Any violation which persists for more than one day is deemed a continuing violation.

17.95.260 Revocation and Suspension of Cannabis Licenses

A. SUSPENSION OF LICENSES

1. Suspension of a Cannabis License pursuant to this Section shall not be imposed unless the Planning Director finds the operation of the Cannabis Facility or Cannabis Activities on the Licensed Parcel may constitute a felony, nuisance or a threat to public health, safety, or the welfare of the residents of the County.

2. The Planning Director may, upon finding violations meeting the standards in Subsection (A) (1) above, suspend a License.

- a. Suspended Cannabis Licensees shall receive no increase in the term of their License nor relief from fees or other costs identified in this Chapter.
- b. The following provisions apply to Suspended Cultivation Licenses only:
 - i. Within 15 days of the date postmarked on the Notice of Suspension, Licensee shall deliver any Cannabis produced on the suspended Licensed Parcel to the Sheriff's Department to be held in custody by the Sheriff.
 - ii. The Sheriff or Planning Director may order additional safeguards such as law enforcement oversight of harvests, or delivery of video, photographs or other records of harvest, and the suspended Licensee shall bear the costs of these additional safeguards and records.

iii. Suspended Licensees shall be allowed to provide evidence of abatement of all Cannabis cultivation on the suspended Facilities in lieu of paying any fees or costs under this subsection.

c. Cannabis Activities identified in Table II of Section 17.95.210 of this Chapter shall cease within 15 days of the date postmarked on the Notice of Suspension.

2. The Planning Director shall promptly rescind any Suspension upon receiving evidence sufficient to show that the noncompliance leading to the suspension has ceased and is unlikely to resume.

C. REVOCATION OF LICENSES

1. Revocation of Licenses shall occur only if the Planning Director finds that the Licensee's non-compliance with this Chapter or other applicable laws is repeated, ongoing or unremediable, and causes a threat to public health, safety or the welfare of the residents of the County.

2. When the License for a Cannabis Facility has been revoked by the Planning Director, the Licensee shall cease all Cannabis Activity on the Cannabis Facility within 15 days of the notice of revocation unless appealed under subsection D of this section.

D. REVOCATION OR SUSPENSION OF A LICENSE MAY BE APPEALED PURSUANT TO CALAVERAS COUNTY CODE § 17.98.020.

E. REPORTS TO STATE LICENSING AUTHORITIES

The Planning Director shall prepare written procedures to report all revocations to the appropriate State cannabis licensing authority under California Commercial Cannabis Law, and shall report all revocations pursuant to those procedures.

17.95.270 Summary Abatement

A. Notwithstanding any other provision of this Chapter, when any unlawful medical marijuana cultivation constitutes an immediate threat to the public health or safety, and where there is insufficient time to 1) obtain an inspection warrant; and 2) comply with the abatement procedures set out in Chapter 8.06 of the Calaveras County Code to mitigate that threat, the Enforcement Official may direct any officer or employee of the County to summarily abate the nuisance.

B. The Enforcement Official shall make reasonable efforts to notify the owner and/or the alleged violator.

C. The County may recover its costs for summarily abating that nuisance in the manner set forth Chapter 8.06.

17.95.280 Administrative Fines and Penalties

- A. In addition to the actual abatement and/or administrative costs incurred by the County in enforcing this Chapter, and also in addition to the costs of custody, monitoring and probation of suspended licenses under this Chapter, any person who has been issued a notice of violation of the operational requirements in Section 17.95.230 and fails to abate such violation within the reasonable timeframes specified in the notice, shall be assessed an administrative fine of no more than \$1,000 per day for the duration of the noncompliance, or \$1,000 per day per individual present in a Cannabis Facility without a valid Identification Badge as described in Section 17.95.160.
- B. Any and all administrative fines pursuant to this Section shall be assessed immediately upon the expiration of the deadline specified in the notice of violation and shall continue to accrue daily until the violation has been fully abated and verified by the Enforcing Officer.

17.95.290 Release of Liability and Hold Harmless

As a condition of obtaining a License for any a Cannabis Facility pursuant to this Chapter, the registrant and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Calaveras and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agencies, boards, planning commission or board of supervisors arising from the County's registration of the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.

17.95.300 Severability

If any section, subsection, sentence, clause or phrase or word of this Chapter is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors hereby declares that it would have passed and adopted this Chapter and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

17.95.310 CEQA

This Chapter and the projects it mandates are exempt from the California Environmental Quality Act pursuant to California Commercial Cannabis Law, Bus&Prof Code § 26055(h).