



COMMUNITY RESOURCES AGENCY

Quincy Yaley, AICP
Director

Administration - Building - County Surveyor - Engineering - Environmental Health - Fleet Services - GIS - Housing - Planning - Roads - Solid Waste

AGENDA SPECIAL MEETING TUOLUMNE COUNTY PLANNING COMMISSION BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR COUNTY ADMINISTRATION CENTER 2 SOUTH GREEN STREET May 14, 2024 6:00 p.m.*

48 W. Yaney Avenue, Sonora
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*** The doors to the County Administration Center will be opened at 5:30 p.m.**

You may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370, or email (CDD@tuolumnecounty.ca.gov) for retention as part of the administrative record. Comments will not be read during the meeting.

PLANNING COMMISSION BUSINESS: 6:00 p.m.

1. Reports from Commissioners and Staff

** Reports are a brief oral report from a Committee or Commission member and/or County staff, and no Committee or Commission action will occur. This item is not intended to include in-depth presentations or reports, as those matters should be placed on an agenda for discussion**

2. Report from the Agricultural Advisory Committee Representative

3. Meeting Minutes of April 3, 2024

4. Presentation and invitation for comments regarding Tuolumne County's Prohousing Designation Program Application, Public Draft

PUBLIC COMMENT: 15 minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission.

PUBLIC HEARING: 6:00 p.m.

NEW ITEMS:

1. Public Hearing to consider amending Chapter 17.67 of the Tuolumne County Ordinance Code Title 17 related to implementation of the "Delivery of Medical Cannabis - Medicinal Cannabis Patients' Right of Access Act" and Chapter 3.40.010.K – Fee Schedule.

The Minutes, Staff Reports, and environmental documents for the items referenced in this Agenda are available for review at the Tuolumne County Community Development Department Monday

through Thursday, 8:00 a.m. 3:00 p.m., Fourth Floor, A.N. Francisco Building, 48 Yaney, Sonora, California, and online at www.tuolumnecounty.ca.gov.

Any other materials related to the items referenced in this Agenda that are provided by the County to the Planning Commissioners prior to the meeting are available for review at the Tuolumne County Community Development Department 48 Yaney, Sonora, California, and will be available at the meeting. Any materials provided to the Planning Commissioners during the meeting by the County will be available for review at the meeting, and materials provided by the public will be available for review at the Community Development Department the day following the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28CFR Part 35 ADA Title II).

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COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

UNAPPROVED

MINUTES OF THE TUOLUMNE COUNTY PLANNING COMMISSION

April 3, 2024, 6:00 PM

Board of Supervisors Chambers County Administration Center
4th Floor 2 S. Green St. Sonora, CA 95370

48 Yaney Avenue, Sonora
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PRESENT: Catherine Santa Maria, Chair; Jim Jordan, Vice Chair; Jim Cherry, Commissioner; Jerry Morrow, Commissioner

ABSENT: Linda Emerson, Commissioner; Wesley Brinegar, Commissioner; Kara Bechtle, Commissioner

STAFF: Quincy Yaley, Community Development Director; Clark Sintek, Planner II

CALL TO ORDER/WELCOME:

Chair Catherine Santa Maria called the meeting of April 3, 2024, to order at 6:00 p.m. and led the Commission and audience members in the Pledge of Allegiance.

PLANNING COMMISSION BUSINESS:

1. Reports from Commissioners and Staff

There were no reports from the Commission or staff.

2. Meeting Minutes of March 20, 2024

MOTION: To approve the March 20, 2024 Meeting Minutes

RESULT: Approved

MOVED: Commissioner Morrow

SECONDED: Commissioner Cherry

AYES: Unanimous

ABSENT: Commissioners Emerson, Brinegar and Bechtle

3. Report from the Agricultural Advisory Committee Representative

Commissioner Morrow noted there was no meeting; therefore, there was nothing to report.

PUBLIC COMMENT:

Chair Santa Maria opened the 15-minute public comment period, during which anyone wishing to could come forward and address the Commission on any item not on the printed Agenda. She indicated that there would be a two-minute time limit for public comment. Seeing no one she closed the public comment period.

PUBLIC HEARING:.

1. **FRIENDS OF THE ANIMAL COMMUNITY**, Conditional Use Permit CUP23-004 to allow the development and operation of a 5000± square foot, dog/cat rescue and kennel boarding facility on a 5.13± acre parcel zoned RE-5 (Residential Estate, Five Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code. Notice of Exemption CEQA Section 15303(c)

The project site is located at 17790 Yosemite Road, approximately 200± feet southwest of the intersection of Yosemite Road and Isom Road in the community of Sonora. Within a portion of Section 13, Township 1 North, Range 15 East, Mount Diablo Baseline and Meridian. The project site is located within Supervisorial District 3. Assessor's Parcel Number 096-150-012.

Clark Sintek, Planner II gave a PowerPoint presentation on the project location and description.

Luke Saxelby, Saxelby Acoustics reported on his findings.

Chair Santa Maria asked if there were any questions from the Commission.

Commissioner Morrow had questions for the staff.

Chair Santa Maria requested the applicant to address the Commission.

The applicant answered questions from the Commission.

Chair Santa Maria opened the public comment period and indicated that there would be a two-minute time limit for public comment.

There were member of the public who spoke in favor and in opposition of the proposed project. .

Chair Santa Maria closed the public comment period and referred the item back to the Commission.

The Commission asked additional question of staff and a discussion ensued over the support and opposition to the proposed project.

MOTION: To deny Friends of the Animal Community, Conditional Use Permit CUP23-004 to allow the development and operation of a 5000± square foot, dog/cat rescue and kennel boarding facility on a 5.13± acre parcel zoned RE-5 (Residential Estate, Five Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code.

RESULT: **Failed**

MOVED: Chair Santa Maria

SECONDED: Commissioner Morrow

AYES: Chair Santa Maria and Commissioner Morrow

NOES: Vice-Chair Jordan and Commissioner Cherry
ABSTAINS: None
ABSENT: Commissioners Emerson, Brinegar and Bechtle

MOTION: To postpone the project until the next scheduled Planning Commission Meeting.
RESULT: **Failed for Lack of Second**
MOVED: Commissioner Cherry
SECOND: None
ABSENT: Commissioner Emerson, Brinegar and Bechtle

MOTION: To send the proposed project back to staff, to work with applicant on building design.
RESULT: **Failed**
MOVED: Vice-Chair Jordan
SECONDED: Commissioner Cherry
AYES: Vice-Chair Jordan and Commissioner Cherry
NOES: Chair Santa maria and Commissioner Morrow
ABSTAINS: 0
ABSENT: Commissioners Emerson, Brinegar and Bechtle

Chair Santa Maria called for any other motion from the Commission. No other motions were given, and the Commission took no action on the agenda item.

ADJOURMENT:

Chair Santa Maria adjourns the meeting at 8:09 p.m.

APPROVED:

Quincy Yaley, AICP
Community Development Department Director

QY: rg



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

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May 14, 2024

TO: Tuolumne County Planning Commission

FROM: Quincy Yaley, Community Development Director
Tamera Blankenship, Housing Development Specialist

RE: Presentation and invitation for comments regarding Tuolumne County's Prohousing Designation Program Application, Public Draft

BACKGROUND

1. On September 5, 2023, the Board of Supervisors directed the Community Development Department to pursue the Prohousing Designation offered by the California Department of Housing and Community Development (HCD).
2. HCD's Prohousing Designation Program provides incentives to jurisdictions in the form of additional points or other preferences in scoring competitive housing, community development, and infrastructure programs. Additionally, the Prohousing Designation communicates to developers and landowners that a jurisdiction is committed to increasing housing availability and affordability. The Prohousing Designation represents a multifaceted strategy to address the current shortage of housing that is affordable and desirable for current and future residents.
3. In 2022, the Board of Supervisors adopted "Community Health and Prosperity" as a priority with the objective of "developing policies and projects to increase the supply of workforce housing" and a corresponding action item to "audit existing development processes to develop recommendations for improvement and streamlining." The Prohousing Designation Program application represents significant progress toward improving and streamlining the development process.

PROHOUSING DESIGNATION APPLICATION

4. Consistent with the priorities of the Board of Supervisors, available resources, and feasibility, CDD staff have completed an application to the Program. As required, the application documents qualifying policies and programs in each category: favorable zoning and land use, acceleration of housing production timeframes, reduction of construction and development costs, and providing financial subsidies.
5. To achieve the Prohousing Designation, Tuolumne County must score at least 30 points and demonstrate at least one policy that significantly contributes to accelerating housing production in each category. Based on the self-scoring rubric within the application, Tuolumne County currently has 45 points, with at least one policy in each of the four categories, and enhancement points as allowed for policies that qualify.
6. Many qualifying policies in the Prohousing application were enacted by adopting the Title 17 Ordinance Code Update. Proposed policies and programs are included in the Prohousing application

to complement the ordinance code updates, creating a unified and multi-faceted local strategy to increase housing production. Proposed policies and programs include:

- Reducing the minimum lot size for some zoning designations.
 - Developing pre-approved home plans.
 - Public posting of the department's performance indicators.
 - Establishing public-private partnerships for the development of employee housing.
7. The proposed policies and programs are included in the application, and the County has two years from the date of application to implement or substitute an acceptable alternative policy or program.
 8. Considered together, the enacted and proposed Prohousing policies and programs must contribute to the acceleration of housing production and affirmatively further fair housing. Tuolumne County's application has been drafted to promote the acceleration of housing production and affirmatively further fair housing as part of a comprehensive effort to meet the housing needs of current and future residents.
 9. By applying to the Prohousing Designation Program, Tuolumne County commits to continued compliance with applicable housing laws and to refrain from enacting laws, developing policies, or taking other local governmental actions that may inhibit or constrain housing production. Additionally, Tuolumne County commits itself to affirmatively furthering fair housing as required by law.

REQUESTED ACTION

10. This item is intended to inform and invite feedback regarding Tuolumne County's Prohousing Designation Program Application, Public Draft. No action is requested or required.

Attachment:

Tuolumne County Prohousing Designation Program Application Public Draft (excerpt)

Tuolumne County Prohousing Designation Program Application – Public Draft
PROPOSED POLICY COMPLETION SCHEDULE

Category Number	Concise Written Description of Proposed Policy	Key Milestones and Milestone Dates	Anticipated Completion Date	Notes
2L	Public posting of status updates on project permit approvals on the internet including number of applications received, average processing time, current processing times, and number of approvals	4/1/24 identification of data for posting 1/1/24-6/30/24 data collection 7/1/24 public posting of data	7/1/25	Will require a commitment of general funds to build and maintain the tools for reporting metrics online
3G and 3I	Pre-approved single-family home and duplex plans at a variety of sizes available at no cost to the applicant (reduces cost and time)	7/1/24 commit funds in adopted budget 9/1/24 RFP released 12/1/24 choose vendor 2/1/25 public comment period on proposed plans	4/1/25	Will require a commitment of general funds
4M	Grants to mobile home residents to repair or replace units to preserve affordable housing stock (MORE grant)	11/23 conditional award 5/6/24 resolution to accept funds 6/24 release application with 30-day deadline 9/24 begin making grant awards to residents	12/25	
4M (2)	Establish public-private partnerships to develop seasonal employee housing in high-demand visitor corridors.	Monthly meetings with employers starting 2/24 Quarterly meetings with lawmakers, utility providers, employers and county staff By 1/25, identify site and steps to establish partnership.	12/25	Will require a commitment of general funds (may be land, staff time, or other). Anticipated outcome of two entitled projects that will house a minimum of 100 seasonal employees between two locations
1I	Modification of zoning code and site and design standards to promote greater development intensity by reducing minimum lot size, reducing FAR, reducing minimum site area and further incentivizing clustered development by increasing density bonuses	4/25/24 Review with Development Process Workgroup June 2024 return to the BOS with proposed changes to zoning code and site and design standards	10/24	
3D	Accelerating innovative housing production through promotion of manufactured and modular housing through priority permit processing	Currently testing process and measuring time frames	1/25	

PROJECT PROPOSAL SCORING SHEET¹

Category Number	Concise written description of prohousing policy	Enacted or Proposed	Points	Enhancement Points	Total Points
1A	Sufficient sites to accommodate greater than 150% of current RHNA, with emphasis on sites that that promote efficient land use, reduction of VMT, and hazard mitigation.	Enacted	3	2	5
1B	Permitting duplexes by right in existing low-density, single-family residential zones, exceeding the requirements of SB 9 (promote development of underutilized large lots in R-1, encourage development in already developed areas, and increase efficiency of land use)	Enacted	3	1	4
1E	Increasing allowable density in low-density, single-family residential zones by allowing 2 single family homes per parcel, by right (promote development of underutilized large lots in R-1, encourage development in already developed areas, and increase efficiency of land use)	Enacted	2	1	3
1H	Modification of zoning code to allow for residential and mixed uses in non-residential zones including mixed-use, neighborhood commercial, and general commercial (promote efficient land use and promote infill development)	Enacted	1	1	2
1I	Modification of zoning code and site and design standards to promote greater development intensity by reducing minimum lot size, reducing FAR, reducing minimum site area, and further incentivizing clustered development by increasing density bonuses	Proposed	1	2	3
2A	Establishment of a ministerial approval process for duplex, triplex, fourplex and larger multi-family dwellings (promote efficient land use, increase housing affordable to lower-income households, increase housing choices and affordability)	Enacted	3	2	5
2E	Elimination of public hearings for projects consistent with zoning and general plan through use of Objective Design Standards	Enacted	2	1	3
2J	5-day plan check time for ADU applications	Enacted	1		1
2G	Adoption of consolidated and streamlined permit processes that eliminate public hearings and reduce the levels or approval required for projects consistent with the general plan and zoning code.	Enacted	1		1
2H	Replacement of subjective Community Design Guidelines with Objective Design Standards that simplify zoning clearance, establish certainty and improve review times	Enacted	1		1
2I	Establishment of one-stop-shop permitting process from entitlement application to certificate of occupancy through online permitting system used across departments for all approval functions	Enacted	1		1
2K	Establishment of standardized application for all entitlement applications	Enacted	1		1

¹ Excerpted from Prohousing Designation Program Application to be submitted to HCD for clarity. Public draft of Tuolumne County's application is available [here](#).

2L	Public posting of status updates on project permit approvals on the internet including number of applications received, average processing time, current processing times, and number of approvals	Proposed	1		1
3D	Accelerating innovative housing production through promotion of manufactured and modular housing through priority permit processing	Proposed	1		1
3G	Pre-approved plans for duplexes in low-density, single-family residential areas	Proposed	1		1
3I	Pre-approved single-family home plans at a variety of sizes available at no cost to the applicant (reduces cost and time)	Proposed	1		1
3I (2)	Identification of infill lots with pre-paid water capacity charges (reduces development costs and encourages infill development)	Enacted	1	1	2
3I (3)	Adoption of Building Code to allow construction and use of tiny homes as residential dwellings (Increases housing choices and affordability for lower-income households)	Enacted	1	1	2
4C	Regular use of state and federal funding to convert market rate units (residential and commercial) to units with affordability restrictions for long-term supportive housing and veterans housing (currently 30 units supported)	Enacted	2		2
4K	Providing operating subsidies for permanent supportive housing for at least 35 individuals making less than 30% AMI	Enacted	1		1
4M	Grants to mobile home residents to repair or replace units to preserve affordable housing stock (MORE grant) (reduces displacement of lower-income households and conserves existing housing stock affordable to lower-income households)	Proposed	1	1	2
4M (2)	Establish public-private partnerships to develop seasonal employee housing in high-demand visitor corridors	Proposed	1	1	2
TOTAL			31	14	45



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

May 7, 2024

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To: Tuolumne County Planning Commission

From: Quincy Yaley, AICP, Community Development Director

RE: Public Hearing to consider amending Chapter 17.67 of the Tuolumne County Ordinance Code Title 17 related to implementation of the “Delivery of Medical Cannabis - Medicinal Cannabis Patients’ Right of Access Act” and Chapter 3.40.010.K – Fee Schedule.

1. In 2022, the Legislature passed, and Gov. Gavin Newsom signed into law [SB 1186 \(Wiener\)](#), the Medicinal Cannabis Patients’ Right of Access Act (Act). Beginning January 1, 2024, the Act bars a county from adopting or enforcing any regulation that directly or indirectly prohibits retail delivery of medicinal cannabis to patients or caregivers in the county.
2. Under the Act, a county cannot adopt or enforce regulations prohibiting the “retail sale by delivery” of medicinal cannabis. This includes any regulation that has the effect of prohibiting patients within a county or their caregivers from purchasing, by delivery, sufficient medicinal cannabis to meet their demands in a timely and readily accessible manner. Examples of prohibited regulations include those that:
 - Limit the number of businesses authorized to deliver medicinal cannabis in a county.
 - Limit the operating hours of medicinal cannabis businesses.
 - Limit the number or frequency of medicinal cannabis sales by delivery.
 - Limit the types or quantities of medicinal cannabis.
 - Require the establishment of physical premises within a county.
3. The Act does not prevent a county from adopting or enforcing reasonable regulations on retail delivery of medicinal cannabis related to:
 - Zoning requirements.
 - Security or public health and safety requirements.
 - Licensing requirements.
 - Imposing or collecting applicable state or local taxes on retail sales of medicinal cannabis within a county.
 - Regulations consistent with requirements or restrictions imposed on cannabis businesses by state law or regulations issued by the California Department of Cannabis Control.
4. Currently, Tuolumne County does not allow any commercial growing, processing, sale, or manufacturing of cannabis beyond what is allowed in Chapter 17.76 of the Tuolumne County Ordinance Code ([Chapter 17.67](#)). Background on California Cannabis Legislation is available at the California Cannabis Portal at <https://cannabis.ca.gov/>. While the legislation begins at the State level, each local jurisdiction can enact cannabis laws and regulations based on many factors, including what is best for a particular community, provided those regulations do not conflict with State law.

5. On December 5, 2023, the Board of Supervisors considered SB 1186 and directed staff to prepare an ordinance that included requirements for:
- An annual permit with a fee, which would include program monitoring costs.
 - Limiting non-retail storage locations to the Light Industrial, Heavy Industrial, Heavy Commercial, and Business Park zoning districts.
 - Requiring businesses to have a buffer of 1,000 feet from schools, daycares and youth centers.
 - Limiting storage building size to 5,000 square feet.
 - Requiring security measures, including a sallyport at the entrance to the business.
 - Prohibition of delivering “cannabis accessories,” branded merchandise of the licensee, or “promotional materials.”
6. The County was not able to adopt an Ordinance Code amendment prior to SB 1186 going into effect; however, the standard local zoning regulations would apply to any potential business, cannabis or otherwise. The Community Development Department is not aware of any non-retail delivery businesses that have been opened in the unincorporated County under SB 1186 since January 1.

RECOMMENDATION

7. This report includes a draft ordinance in response to the direction from the Board of Supervisors . The Planning Commission should review the draft ordinance, provide any feedback to staff on the proposed regulations, and request any other items they want considered by the Board of Supervisors.

CHAPTER 17.6746

CANNABIS AND HEMP

Sections:

17.6746.010	Findings.
17.6746.020	Purpose and intent.
17.6746.030	Relationship to other laws.
17.6746.040	Definitions.
17.6746.050	Regulations for the personal cultivation of cannabis.
17.6746.060	Prohibited cultivation of cannabis declared a public nuisance.
17.6746.065	Commercial cannabis activities requiring a state license prohibited.
17.6746.066	Cultivation of hemp prohibited.
17.6746.070	Enforcement responsibility.

Section 17.6746.010 Findings.

The Board of Supervisors of the County of Tuolumne finds and declares as follows:

A. In 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code section 11362.5 and titled the "Compassionate Use Act of 1996").

B. The intent of Proposition 215 was to enable persons who are in need of cannabis for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances.

C. In 2004, Senate Bill 420 was enacted (codified as California Health and Safety Code section 11362.7 et seq. and titled the "Medical Marijuana Program Act") to clarify the scope of the Compassionate Use Act of 1996. The Medical Marijuana Program Act allows counties to adopt and enforce rules and regulations consistent with its provisions.

D. In 2011, Assembly Bill 2650 was enacted (codified as California Health and Safety Code section 11362.768). This law affirms that counties can adopt ordinances that restrict the location and establishment of medical cannabis collectives and cooperatives.

E. In 2015, Assembly Bills 243 and 266 and Senate Bill 643 were enacted (codified as California Business and Professions Code section 19300 et seq. and titled the "Medical Cannabis Regulation and Safety Act"). These bills also amended provisions of the Medical

Marijuana Program Act related to the cultivation of medical cannabis.

F. In 2016, the voters of the State of California approved Proposition 64 (codified as California Health and Safety Code section 11362.1 et seq. and California Business and Professions Code section 26000 et seq. and titled the "Adult Use of Marijuana Act").

G. The purpose of the Adult Use of Marijuana Act was to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical cannabis, including cannabis products, for use by adults 21 years and older, and to tax the commercial growth and retail sale of cannabis. Additionally, the Adult Use of Marijuana Act allows persons 21 years of age or older to possess, plant, cultivate, harvest, dry or process not more than six living cannabis plants within a single private residence, or upon the grounds of that private residence, at one time.

H. On June 27, 2017, Senate Bill 94 was enacted, combining the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act into the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

I. Pursuant to California Business and Professions Code section 26200(a), nothing in the Medicinal and Adult-Use Cannabis Regulation and Safety Act shall be interpreted to supersede or limit the authority of a local jurisdiction to adopt and

enforce local ordinances to completely prohibit the establishment or operation of one or more types of businesses licensed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act within the local jurisdiction. Additionally, California Health and Safety Code section 11362.2(b) authorizes the County to enact and enforce reasonable regulations regarding the personal, non-commercial cultivation of cannabis.

J. This Chapter is enacted, consistent with the Compassionate Use Act of 1996, The Medical Marijuana Program Act, and the Medical and Adult-Use Cannabis Regulation and Safety Act to protect the public health, safety, and welfare of County of Tuolumne residents in relation to the cultivation, processing, manufacture, distribution, testing, and sale of cannabis.

K. In *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, the appellate court held that neither the Compassionate Use Act nor the Medical Marijuana Program Act preempt a local jurisdiction's police power to prohibit the cultivation of cannabis within its jurisdiction.

L. Although banned in Tuolumne County under the principles of permissive zoning, cannabis grows have been operating in the County of Tuolumne for several years and have been the subject of home invasions, armed robberies with shots fired, incidents with juveniles and young adults, and closure and arrests of operators for violation of both state and federal laws, including seizure of illegal firearms. Other public entities have documented violence related to operation of cannabis grows. Cannabis cultivation attracts crime and associated violence and results in loitering, increased traffic, noise, and a loss of trade for other business located nearby. Cannabis grows have proliferated in the County of Tuolumne resulting in numerous complaints by the public to the Sheriff and members of the Board of Supervisors of prevalent malodorous conditions and safety concerns.

M. The claim of many cannabis cultivations as being designed to assist

authorized medical cannabis users fails to consider the fact many cultivations have simply served as avenues for the exportation and distribution of cannabis for illegal use. Further, cannabis cultivations have been shown to involve avoidance of environmental laws and regulations and resulted in the pollution of waters and navigable waterways in the County of Tuolumne and beyond. Cannabis cultivations are harmful to the welfare of the surrounding community and its residents and constitute a public nuisance. All of these problems seem to worsen as the cultivations become larger. Cannabis grows have been found in Tuolumne County to be of extraordinary size, measured in multiple acres or otherwise in quantity far in excess of what might be cultivated for medicinal use.

N. The federal Drug Enforcement Administration reports that various types of cannabis plants under various planting conditions may yield averages of 236 grams, or about ½ pound, to 846 grams, or nearly two pounds. The "street value" of a single cannabis plant is substantial. Pound prices for domestically produced high grade cannabis sold illegally within Northern California can range from \$1,500 to \$3,000. A single cannabis plant can easily yield \$4,000 or more in salable cannabis. One pound can yield 908 cannabis cigarettes.

O. Investigation of cultivations has revealed that some property owners claim not to know of cannabis cultivations on their property or ignore cultivations, all to the prejudice of the people in the surrounding areas, and demonstrating the need for owner responsibility for activities on their properties.

P. Cannabis cultivation in the County of Tuolumne poses an urgent and immediate threat to the public peace, health, and safety. Several cannabis cultivations have recently emerged in the County of Tuolumne which are very visible to the public, and easily accessible by the public, including children and youths. Some of these cultivations contain hidden dangers that threaten severe bodily harm or death to those who attempt to

access them. During the current harvest, and each harvest and processing season, there is an immediate threat of violent crime due to the size, location, and monetary value of these mature cannabis cultivations.

Q. According to the Tuolumne County Sheriff, the U.S. Drug Enforcement Administration, and as shown in other counties, cannabis growers may go from county to county, based on how vigorously each locale may regulate grows, fostering large criminal enterprises and prepared to accept low risk in favor of large economic reward, all to the disadvantage of the health and welfare of the local population.

R. According to the Tuolumne County Sheriff, the U.S. Drug Enforcement Administration, and as shown in other counties, cannabis cultivations create a nuisance and threaten the safety and property of nearby land owners and their families. If cannabis grows are not immediately regulated, large quantities of illegal cannabis will be introduced into the local market in the near term.

S. Cannabis, alone or in combination with food products, may constitute a unique health hazard to the public because, unlike all other ingestibles, cannabis is not presently regulated, inspected, or analyzed for contamination by the state or federal government and likely contains harmful chemicals and contaminants from unapproved sources that could endanger the already poor health of ill persons and the good health of others.

T. Cannabis varies in quality, with significant variations in the concentration of the active ingredient tetrahydrocannabinol (THC). Consumers cannot accurately ascertain the strength of the drug when they buy it. Also, it cannot be assured that customers will be adequately warned that cannabis use impairs the user's fine motor skills and negatively affects the safe operation of motor vehicles.

U. The County of Tuolumne has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, in

preserving the peace and quiet of the neighborhoods within the County and in providing access to medical cannabis for ill residents.

V. The adverse effects from cannabis cultivation and distribution may increase as the crop continues to grow, thereby requiring quick action to protect the public.

W. Other counties in California have encountered similar problems from the unregulated cannabis grows and have attempted to regulate them by ordinances after their respective boards of supervisors found such action to be necessary. Investigations have revealed that some growers have come to this County because it does not have an express regulation to deal with grows.

X. Nothing in this Chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. § 841 or to license any activity that is prohibited under said Act except as mandated by State law.

Y. Nothing in this Chapter shall be construed to: (1) allow persons to engage in conduct that endangers others or causes a public nuisance; (2) allow the use of cannabis for nonmedical purposes in excess of that authorized by the Medicinal and Adult-Use Cannabis Regulation and Safety Act; or (3) allow any activity relating to the cultivation, distribution, or consumption of cannabis that is illegal under state or federal law.

Z. On December 20, 2018, the Agriculture Improvement Act of 2018 was signed into law allowing hemp cultivation far more broadly than the previously allowed pilot programs for studying market interest in hemp-derived products. (Ord. 3389 § 2 (part), 2021)

AA. As of 11th day of January 2021 the State of California had not received approval from the United States Department of Agriculture for their hemp production plan. (Ord. 3389 § 2 (part), 2021)

BB. Prohibiting hemp cultivation will provide additional time for the County to study the impacts associated with hemp cultivation and to ensure that any regulations

and standards for hemp cultivation are consistent with State and Federal regulations which are not yet finalized. (Ord. 3389 § 2, 2021)

CC. On September 18, 2022 SB1186 was signed into law and enacted the Medicinal Cannabis Patients' Right of Access Act, which, on and after January 1, 2024 prohibits a local jurisdiction from adopting or enforcing any regulation that prohibits the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by medicinal cannabis businesses, as defined, or that has the effect of prohibiting the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers in a timely and readily accessible manner and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction, as specified.

17.-6746.020 Purpose and intent.

It is the purpose and intent of this Chapter to prohibit the commercial cultivation, processing, manufacture, distribution, testing, and sale of medical or nonmedical cannabis and hemp in order to protect the environment and preserve the public peace, health, safety, and general welfare of the citizens, residents and travelers through the County of Tuolumne and to implement reasonable regulations for the personal cultivation of cannabis, unless authorized by this chapter. (Ord. 3389 § 3, 2021)

17.-6746.030 Relationship to other laws.

This Chapter is not intended to, nor shall it be construed or given effect in a manner that causes it to apply to, any activity that is regulated by federal or state law to the extent that application of this Chapter would conflict with such law or would unduly interfere with the achievement of federal or state regulatory purposes. It is the intention of the Board that this Chapter shall be interpreted to be compatible and consistent with federal, state, and County enactments and in

furtherance of the public purposes which those enactments express. It is the intention that the provisions of this Chapter will supersede any other provisions of this Code found to be in conflict.

17.-6746.040 Definitions.

For purposes of this Chapter, these words and phrases shall be defined as follows:

- A. "Bureau" means the Bureau of Cannabis Control within the California Department of Consumer Affairs.
- B. "Cannabis" shall have the same definition as 'cannabis' as set forth in California Business and Professions Code section 26001(f) as it now reads or as amended.
- C. "Cannabis accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing,, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body, as defined by Section 11018.2 of the California Health and Safety Code.
- D. "Cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for the purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the California Health and Safety Code or a drug, as defined by Section 109925 of the California Health and Safety Code.

- E. "Cannabis Delivery Service License" means a County of Tuolumne license issued under this Section for a medicinal cannabis retailer that is closed to the public and conducts sales exclusively by delivery.
- F. "Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients, as defined by Section 11018.1 of the California Health and Safety Code.
- G. "Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products.
- H. "Customer" means a natural person 18 year of age or older who possesses a physician's recommendation.
- I. "Cultivate" or "cultivation" is the planting, growing, harvesting, drying, processing, or storage of one or more cannabis plants or any part thereof in any location and shall include the definition as set forth in California Business and Professions Code section 26001(/) as it now reads or as amended.
- J. "Delivery" means the commercial transfer of medical cannabis or medical cannabis products to a customer. Delivery must be made to a physical address that is not on publicly owned land, a school, a day care, or a youth center
- K. "Department" means the Department of Cannabis Control within the California Business, Consumer Services, and Housing Agency. Whenever "Bureau of Cannabis Control," "Bureau of Marijuana Control," "Bureau of Medical Cannabis Regulation," or "Bureau of Medical Marijuana Regulation" appears in any statute, regulation, or contract, or in any other code, it shall be construed to refer to the Department of Cannabis Control.
- L. "Edible cannabis product" means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.
- M. "Established agricultural research institution" shall have the same meaning as in Section 81000 of the California Food and Agricultural Code. (Ord. 3389 § 5 (part), 2021)
- N. "Hemp" shall have the same definition as in Section 11018.5 of the California Health and Safety Code. (Ord. 3389 § 5 (part), 2021)
- O. "Hemp cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of hemp, including activities carried out by seed breeders. (Ord. 3389 § 5 (part), 2021)
- P. "Identification card" means a document issued by the State Department of Health that identifies a person authorized to engage in the medicinal use of cannabis and the person's designated primary caregiver, if any, as defined by Section 11362.7 of the California Health and Safety Code.
- Q. "Indoor" or "indoors" means within a fully enclosed and secure structure that

has a complete roof enclosure supported by connecting walls extending from the ground to the roof, securely anchored, and in compliance with Title 15, Buildings and Construction, of this Code. The structure shall be secure against unauthorized entry, accessible only through one or more lockable doors. For purposes of this Chapter, cultivation within a detached structure accessory to the dwelling unit shall be considered indoor cultivation if the structure satisfies the requirements of this definition; otherwise, it shall be considered outdoor cultivation. Standard zoning setbacks requirements apply to all accessory structures.

- R. "Labeling" means any label or other written, printed, or graphic matter upon a cannabis product, upon its container or wrapper, or that accompanies any cannabis product.
- S. "License" means a County license issued under this Section.
- T. "Licensee" means any person holding a license under this Section.
- U. "Medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possessed a physician's recommendation.
- V. "Medicinal cannabis business" means a retailer authorized to engage in the retail sale by delivery of medicinal cannabis to medicinal cannabis patients pursuant to an M-license.
- W. "Medicinal cannabis patient" means a qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who possesses a physician's recommendation that complies with

Article 25 (commencing with Section 2525) of Chapter 5 of Division 2, or a qualified patient or primary caregiver for a qualified patient issued a valid identification card pursuant to Section 11362.71 of the Health and Safety Code.

- X. "M-License" or "Medicinal License" means a state license issued pursuant to California Business and Professions Code Sections 26000 et. seq. for commercial cannabis activity involving medicinal cannabis or medicinal cannabis products.
- Y. "Outdoor" or "outdoors" means any location that is not "indoor" or "indoors" as defined in this Chapter.
- Z. "Owner" means any of the following, as defined in Section 26001 of the Business and Professions Code:
 - a. A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
 - b. The chief executive officer of a nonprofit or other entity.
 - c. A member of the board of directors of a nonprofit.
 - d. An individual who will be participating in the direction, control, or management of the person applying for a license.
- AA. "Person" includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- BB. "Physician's recommendation" means a recommendation by a physician or surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

- CC. "Place of worship" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.
- DD. "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.
- EE. "Primary caregiver" has the same meaning as in Section 11362.7 of the Health and Safety Code.
- FF. "Purchaser" means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.
- GG. "Qualified patient" means a person who is entitled to the protections of Section 11362.5, but who does not have an identification card issued, as defined by Section 11362.7 of the Health and Safety Code.
- HH. "Retailer" means any commercial activity that engages in retail sale and delivery of cannabis or cannabis products to customers. A retailer shall have a licensed premise which is a physical location from which commercial cannabis activities are conducted. A retailer's premises shall be closed to the public. A retailer shall conduct sales exclusively by delivery, as defined in Section 26070 of the Business and Professions Code and amended by the County of Tuolumne.
- II. "Sale", "sell", and "to sell" include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.
- JJ. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a home school, vocational or professional institution of higher education, including a community or junior college, college, or university.
- KK. "School evacuation site" means any location designated by formal action of the governing body, Superintendent, or principal of any school as a location to which juveniles are to be evacuated to, or are to assemble at, in the event of an emergency or other incident at the school.
- LL. "Seed Breeder" shall have the same meaning as in Section 81000 of the California Food and Agricultural Code. (Ord. 3389 § 5 (part), 2021)
- MM. "Sensitive uses" means schools, school evacuation site, places of worship, public parks, licensed family day care home/day care center, youth-oriented facilities, public libraries, playgrounds, youth recreation centers, licensed drug or alcohol recovery facilities, licensed sober living facilities, and federal lands.
- NN. "Youth-oriented facility" means any facility that caters to or provides services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

17.6746.050 Regulations for the personal cultivation of cannabis.

A. The cultivation of cannabis for personal, non-commercial use shall be restricted by zoning district as follows:

Zoning¹	Outdoor Permitted?	Indoor Plant Allowance (Per Dwelling Unit)	Maximum Outdoor Plant Allowance (Per Parcel)²	Total Outdoor Cultivation Area (Square Feet)	Setback (Feet) Of Outdoor Cultivation
R-1, R-2, R-3, C-1, C-2, C-S, C-K, C-O, MU, BP, M-1, M-2, K, TPZ	No	6	0	N/A	N/A
RE-1, RE-2, RE-3, RE-5, RE-10	Yes	6	6	100	100
A-10, A-20, AE-37	Yes	6	12 ³	1000	100

1. Any primary zoning district not listed herein shall follow the same restrictions as set forth for the R-1 zoning district.
2. Outdoor plant allowance is not additive; any outdoor cultivation reduces the number of plants allowed to be cultivated indoors.
3. For parcels with a single occupied legal dwelling unit, a valid physician's recommendation, as defined in Business and Professions Code section 26001(ao), as may be amended from time to time, shall be required for cultivation in excess of 6 plants.

B. Regulations applicable to all personal, non-commercial cultivation.

1. Cultivation shall not be visible from any adjacent public right of way or public place.
2. Except for temporary use in case of emergency power loss, the use of generators to supply power to any system or activity associated with cannabis cultivation is prohibited.
3. The use of gas products such as, but not limited to, CO₂, butane, methane, or any other flammable or non-flammable gas for cannabis cultivation or processing is prohibited.
4. Cultivation may only occur on parcels containing a legal dwelling unit and the individual cultivating shall reside in the dwelling unit on the parcel where cultivation occurs on a

permanent basis. Cultivation is prohibited in relation to a dwelling unit with no permanent resident.

5. If the person(s) cultivating cannabis on any parcel is/are not the legal owner(s) of the parcel, such person(s) shall obtain and provide a notarized letter upon request by an enforcing officer from the legal owner(s) consenting to the cultivation of cannabis on the parcel. Nothing contained herein shall limit the property owner's right to deny or revoke permission to allow cannabis cultivation as set forth by State law.
6. All structures and equipment used for cultivation, processing or storing of cannabis for personal use shall comply with all applicable building, electrical, mechanical, plumbing, and fire code regulations as adopted by

- the County and/or State.
7. Cultivation shall comply with all applicable requirements of County, State and Federal environmental and water regulations related to water usage, storm water management and fertilizer, pesticide, herbicide, and rodenticide storage and use.
- C. Regulations for Indoor Cultivation
1. Filtration and ventilation systems shall be designed and installed to prevent the accumulation of humidity and/or mold.
 2. Indoor cultivation shall occur in such a manner as to minimize cannabis plant odors from exiting the interior of the structure. This may include odor control filtration and ventilation system(s).
 3. Light systems utilized in connection with cannabis cultivation shall comply with all applicable provisions of Title 15 of this Code, and shall be shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure.
 4. When cultivation occurs within a dwelling unit, said unit shall maintain fully functional kitchen, bathroom and bedroom. The dwelling unit shall not be used primarily or exclusively for cannabis cultivation.
 5. Cannabis cultivation shall not come within twelve (12) inches of the ceiling or any cultivation lighting.
 6. Indoor cultivation shall occur within a contiguous area, not to exceed one hundred (100) square feet. This subsection does not apply to accessory structures meeting the definition of "indoor."
 7. Accessory structures that meet the definition of "indoor" can be utilized for indoor cultivation.
- D. Regulations for Outdoor Cultivation
1. All cannabis grown outdoors shall be fully enclosed by an opaque fence at least six (6) feet in height. The fence shall provide adequate security, including but not limited to, a lockable

gate or door, to prevent unauthorized access. Landscaping, plastic sheeting, or cloth material (tarpaulins) shall not constitute an adequate fence for the purposes of this subsection. Fences greater than seven (7) feet in height may require a building permit. Fences are subject to all other applicable development standards established by this Code.

2. The cultivation area shall be contiguous using the outside boundaries of the cannabis plants and including all of the space within the boundaries. The square footage of the cultivation area is measured horizontally starting from the outermost point of the furthest cannabis plant and continuing around the outside of all cannabis plants located within the cultivation area.
 3. The outdoor cultivation of cannabis, in any amount or quantity, within one thousand (1,000) feet of any sensitive use is prohibited. The distance shall be measured in a straight line from the boundary line of the parcel upon which cannabis is cultivated to the boundary line of the parcel upon which the sensitive use is located. If the parcel on which the cannabis is being cultivated is twenty (20) acres or greater in size, the distance shall be measured from the fenced area in which the cannabis is cultivated to the boundary line of the parcel upon which the sensitive use is located.
- E. In addition to the regulations set forth in Sections B and C, accessory structures that meet the definition of "indoor" and utilize transparent or translucent building material for walls shall comply with the regulations set forth in Section D(1) and (3).

17.6746.060 Prohibited cultivation of cannabis declared a public nuisance.

Notwithstanding ~~Chapter 17.58~~ **Chapter 17.46** of this Code, the establishment, maintenance, or operation of any prohibited

cultivation of cannabis, as defined in this Chapter, within the unincorporated areas of the County of Tuolumne is declared to be a public nuisance and each property owner or other responsible person is subject to abatement and administrative penalties as provided for by this Code. In the event a new sensitive use is sited within one thousand (1000) feet of a parcel engaging in cultivation within a transparent or translucent accessory structure pursuant to Section ~~17.67.050(E)~~ **17.46.050(E)** and otherwise compliant with the provisions of this Chapter, said cultivation shall be treated as a nonconforming use pursuant to Chapter ~~17.58~~ **17.32** of this Code. In the event a new sensitive use is sited within one thousand (1000) feet of a parcel engaging in outdoor cultivation pursuant to Section ~~17.67.050(D)~~ **17.46.050(D)** and otherwise compliant with the provisions of this Chapter, the parcel shall have eighteen (18) months to convert said cultivation to indoor cultivation.

~~17.67.46.065~~ Regulations for medicinal cannabis delivery services.

- A. Any person seeking to sell and deliver medicinal cannabis from a premises located in the unincorporated area of the County of Tuolumne must first obtain and maintain a license in accordance with this Chapter prior to operating. However, medicinal cannabis delivery, originating from a retailer located outside of the unincorporated area of the County of Tuolumne, is not required to comply with the requirements of this Chapter.
- B. A Cannabis Delivery Service License is required for any retail activities for which MAUCRSA requires a State "M-Retailer" license issued by the Bureau. The Cannabis Delivery Service License is more restrictive than a State "M-Retailer" license because it requires the retailer's premises to be closed to the public and requires the retailer to conduct sales exclusively by delivery.
- C. The licensee shall comply with all applicable State laws and regulations. The licensee shall not engage in any

commercial cannabis activity which would necessitate a license for a different cannabis activity other than for delivery services.

17.46.065 Applicability.

A cannabis delivery service business is only allowable within the following zoning districts, M-1 (Light Industrial), M-2 (Heavy Industrial), C-1 (General Commercial), C-2 (Heavy Commercial), and BP (Business Park), with a Cannabis Delivery Service License.

17.46.067 Site Requirements.

- A. A cannabis delivery service business shall not be allowed within the specified distances to the following uses that are in existence at the time the license is issued. The distance specified in this Section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code, as may be amended from time to time. Specifically, the following distance requirements shall apply:
 - 1. Within a 1,000 foot radius of a school, day care center, or youth center as required by Section 26054 of the Business and Professions Code.
- B. The cannabis delivery service shall be located in a fixed structure, shall not be open to the public, and a retail storefront is prohibited. No delivery of cannabis shall occur within the structure or on the premises thereof.
- C. All cannabis delivery service businesses are limited to 5,000 square feet of gross floor area and parking shall be provided in accordance with Chapter 17.22.
- D. Landscaping shall comply with Chapter 15.28.
- E. The entire exterior ground, including the parking lot, shall be provided with lighting which is energy efficient, stationary and directed away from adjoining properties and public rights-of-way. No lighting shall spill over adjacent property lines.

- F. Any licensee operating a cannabis delivery service shall implement security measures reasonably designed to prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products from the premises. The use of exterior security cameras is allowed; however, in no cases shall window security bars be installed on the exterior of any building façade.
- G. Any licensee operating a cannabis delivery service shall prohibit public access to the facility and reasonable security measures shall be in place to preclude public access to the interior of the facility.

17.46.068 Review and action on applications.

A Cannabis Delivery Service License shall only be issued following approval of a Zoning Clearance in compliance with Chapter 17.100, and a Site Development Permit in compliance with Chapter 17.100 as applicable.

- A. Term of license. Licenses issued under this Chapter shall be valid at the licensed premises for twelve months from the date of issuance, and may be extended for another 12 months provided all of the following criteria are met:
 - 1. The licensee is in compliance with all conditions of approval and/or mitigation measures associated with a Site Development as applicable.
 - 2. The licensee is operating at the approved physical location and all operating criteria are in compliance with Section 17.46.067.
 - 3. The licensee is operating with a valid State-issued "M-retailer" license.
 - 4. The licensee complies with all applicable State laws.

B. The license may only be extended for a period of 12 months. At the end of the term of the extension, a new license will be required to be obtained.

C. If a licensee ceases to operate from the licensed physical location or premises for a period of 60 days or more, the license shall become null and void.

D. The Community Development Department shall conduct annual monitoring of each licensee to ensure the cannabis delivery service business follows all aspects of its license. Any licensees deemed not in compliance may be subject to license suspension, modification or revocation as provided in this Chapter.

E. A licensee shall be responsible for paying an annual license monitoring fee. This fee shall cover the full cost borne by the County to administer the licensing program and all responsibilities established in this Chapter.

F. Any license issued under the terms of this Chapter may be suspended, modified, or revoked by the review authority for cause including but not limited to violation of any of the requirements or provisions of this Chapter or State law, or conflicts with State law.

- 1. Except as otherwise provided in this Chapter, no license shall be suspended, modified, or revoked until written notice of the intent to consider revocation or suspension of the license has been served upon the person to whom the license was granted at least 30 days prior to the date set for such review. Such notice shall contain a brief statement of the ground to be relied upon for revoking or suspending such license. Notice may be given either by personal delivery to the person to be notified, or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, return receipt requested, addressed to the person to be notified at his/her address as it appears in his/her application for a license.
- 2. If any person or owner holding a license or acting under the authority of such license under this Chapter is convicted of a public

offense in any court for the violation of any law which relates to his or her license, the Community Development Director may revoke such license forthwith without any further action thereof, other than giving notice of revocation to the licensee.

3. If any licensee's State license is suspended, or revoked, the County license shall be deemed suspended for the same period of time as the State license, or revoked, as applicable, effective on the date of suspension or revocation of the State license.

4. The licensee shall provide notice to the Community Development Director of any suspension, revocation, or modification of the State license.

F. A licensee shall not operate under the authority of a medicinal cannabis delivery service or retailer's license at any place other than the address stated in the application for the license.

1. The license is nontransferable unless the transferee obtains an amendment to the license from the Community Development Director stating that the transferee is now the licensee. Such an amendment may only be obtained if the transferee files an application with the Community Development Department in accordance with all provisions of this Chapter accompanied by a transfer fee in an amount set by resolution of the County, and the Community Development Director determines in accordance with this Chapter that the transferee would be entitled to the issuance of an original license.

2. No license may be transferred when the Community Development Director has notified the licensee that the license has been or may be suspended or revoked.

3. Any attempt to transfer a license either directly or indirectly in violation of this Chapter is void, and the license shall be deemed revoked.

G. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of this Chapter shall be punishable in accordance with the Chapter 1.10 of this Ordinance Code.

H. All forms of on-site consumption are prohibited within a cannabis delivery service business and the general public shall be prohibited from accessing any portions of the facility and conducting any retail sales therein. This restriction does not apply to access associated with operation of the facility, including employees associated with commercial deliveries, regulatory functions, testing labs, and similar necessary business activities.

~~17.67.46.069~~ 17.46.069 Other cannabis activities requiring a state license prohibited.

The establishment, maintenance, or operation of any commercial cannabis activity, including, but not limited to, cultivation, processing, manufacture, ~~distribution~~, and testing, which would require a state license to be issued pursuant to the Medical Cannabis Regulation and Safety Act or the Adult Use of Cannabis Act, ~~except uses listed under 17.67.065~~, is prohibited within the unincorporated areas of the County of Tuolumne and declared to be a public nuisance and each property owner or other responsible person is subject to abatement and administrative penalties as provided for by this Code.

~~17.67.46.069~~ 17.070 Cultivation of hemp prohibited.

The cultivation of hemp, including the cultivation of hemp by established agricultural research institutions is prohibited in all zones. (Ord. 3389 § 4, 2021)

~~17.67.46.070~~ 17.071 Enforcement responsibility. Notwithstanding Section ~~17.72.060~~

17.104.020, this Chapter shall be enforced as provided for in Chapter 1.10 of this Code by the Code Compliance Officer and the Tuolumne County Sheriff and/or their designees. The Sheriff's primary role shall be to ensure safety and provide technical support. (Ord. 3327 § 1, 2018; Ord. 3326 § 2, 2018; Ord. 3294 § 1, 2016)

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT the Tuolumne County Planning Commission of Tuolumne County, California, will conduct a special public hearing on May 14, 2024, at 6:00 p.m., in the Board of Supervisors Chambers, 2 South Green Street, Sonora to consider the following:

Public Hearing to consider amending Chapter 17.67 of the Tuolumne County Ordinance Code Title 17 related to implementation of the “Delivery of Medical Cannabis - Medicinal Cannabis Patients’ Right of Access Act” and Chapter 3.40.010.K – Fee Schedule.

s/Quincy Yaley
Community Development Department

DO NOT PRINT TEXT BELOW THIS LINE

To Be Published

Saturday, May 4, 2024

Contact Person:

**Submitted to the Union Democrat on Thursday, May 2nd 2024,
by Rachel Gummerson, 533-5635, 533-5571, 533-5633**

Bill To:

Tuolumne County Community Development Department

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