



County of Butte Measure

Arguments in Support of, or in opposition to, the proposed laws are the opinions of the authors.

L

Medical Cannabis Cultivation and Commerce Measure. Shall the ordinance entitled "Medical Cannabis Cultivation and Commerce" be adopted? Yes No

IMPARTIAL ANALYSIS OF MEASURE L

Measure L is proposed by voters in Butte County who signed an initiative petition. The measure is a proposed ordinance that establishes new regulations regarding the cultivation of medical cannabis and related commercial activities within Butte County consistent with the Medical Marijuana Regulation and Safety Act. The proposed ordinance would:

1. Repeal Chapter 34A of the Butte County Code that regulates the cultivation of medical marijuana;
2. Amend Section 24-166 of the Butte County Code that currently prohibits marijuana dispensaries and permit marijuana dispensaries within the county;
3. Require that all existing cannabis cultivations and related commercial activities comply with the new regulations within 12 months of adoption of the regulations;
4. Establish new land use requirements for the cultivation of medical cannabis and related commercial activities including:
 - a. Generally permitting outdoor, indoor, and mixed commercial cultivations in most zones including in the Agriculture Zones, Foothill Residential Zones, Rural Residential Zones, and Very Low Density Residential Zones;
 - b. Permitting commercial cultivations in all Agriculture Zones on acres greater than five acres with cultivation areas up to 25% of the total square footage of a parcel;
 - c. Permitting the distribution, transportation, and manufacturing of cannabis, and dispensary operations, in the Agriculture Zones, Foothill Residential Zones, Rural Residential Zones, Commercial and Mixed Use Zones, and Industrial Zones with a Conditional Use Permit or an Administrative Permit;
 - d. Prohibiting outdoor cultivation in the Low, Medium, Medium High, High Density, and Very High Density Residential Zones; on parcels that

are less than one-quarter acre in size regardless of zoning district; and on parcels within 1,000 feet of a K-12 public or private school or a licensed daycare facility;

- e. Permitting indoor cultivation in the Sports and Entertainment Zone with an Administrative Permit; and
 - f. Establishing an exemption in all zoning districts for personal cultivations that are 100 square feet or less for a single patient or 500 square feet or less for five patients, unless the cultivations are in a prohibited zone, in which case a Zoning Clearance would be required.
5. Establish requirements and procedures for Zoning Clearances, Administrative Use Permits, and Conditional Use Permits for the cultivation of medical cannabis and related commercial activities;
 6. Establish various design requirements for parcels that contain cannabis cultivations and related commercial activities;
 7. Require persons and entities engaged in commercial cannabis activities to obtain all required state and local licenses and permits; and
 8. Not classify cannabis as a nuisance unless a person or entity is in violation of the new regulations or a related permit.

A "yes" vote is a vote in favor of the proposed ordinance which would repeal Butte County's current regulations regarding the cultivation of medical marijuana, repeal the prohibition of marijuana dispensaries, and adopt the above provisions.

A "no" vote is a vote to reject the proposed ordinance and maintain Butte County's current regulations regarding the cultivation of medical marijuana and the prohibition of marijuana dispensaries.

The measure must be approved by a majority of the voters to take effect.

s/Bruce S. Alpert
County Counsel



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COUNTY AUDITOR-CONTROLLER'S FISCAL IMPACT STATEMENT OF MEASURE L

The Butte County Auditor-Controller has prepared the following fiscal impact analysis of Measure "L" (Medical Cannabis Cultivation and Commerce) pursuant to Election Code Section 9160. This analysis of the resulting costs and revenues of the proposed measure is based on projected requirements to fulfill the intent of the measure.

Fiscal Impact:

The fiscal impact of this measure on county government and on individuals is largely unknown, but can be projected from the following perspectives, should the ordinance pass:

First, various permit types for commercial medical cannabis activities would be established by the proposed ordinance. Revenues from fees related to the implementation of the proposed ordinance would be generated for the County. The application and permit fees would be determined based upon a cost recovery model to cover the costs of processing applications and issuing permits. For example, Conditional Use Permit application filing fees are \$6,163.69 or more, depending on processing time. A Zoning Clearance for permitted uses is charged a minimum fee of \$81.50 for half-hour reviews plus hourly rate. Estimation of exactly how many and what types of permits would be issued due to the proposed ordinance, is unknown at this time. Although the goal for fees is to cover costs, actual costs would be higher than the potential fees collected. Additionally, applications received within 12 months of the proposed ordinance passing would receive a reduction in fees, which may also result in fees not covering the full costs.

Second, commercial uses are subject to county development Impact Fees; therefore, Impact Fees revenue would increase with more applications for development. The county Impact Fees for low intensity uses are the greater of \$0.55 per square foot or \$1,130 per acre. Other non-residential uses range from \$1.30 to \$2.15 per square foot. Commercial uses in the Chico Urban Area can be up to \$17.25 per square foot. The total increase of revenues from Impact Fees is unknown.

Third, Chapter 34A of the Butte County Code is currently enforced by Butte County Department of Development Services Code Enforcement Division. The costs to enforce Section 24-166 of the Butte

County Zoning Ordinance, as amended by the proposed ordinance, would be directly related to the number of properties reported in violation of provisions of the ordinance. Additional demands for code enforcement activities would be expected because additional uses allowed under the proposed ordinance would increase public inquiries and complaints to code enforcement. It is estimated by County Department of Development Services that increased costs may range from \$80,000 to \$160,000 per year for additional code enforcement staff.

Measure L does not include any local tax provision; however, the County may impose a tax on the privilege of cultivating, dispensing, producing, processing, preparing, storing, providing, donating, selling, or distributing medical cannabis or medical cannabis products by a licensee, pursuant to Business and Professions Code Chapter 3.5 Section 19348. Such tax shall be subjected to voter approval.

David A. Houser, Butte County Auditor-Controller



County of Butte Measure

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ARGUMENT IN FAVOR OF MEASURE L

Measure L. End the adversarial politics of cannabis, focus on solutions.

Throughout its history, growing cannabis in California existed in a legal "gray area." No longer. New state laws take effect this January that will subject medical cannabis to a comprehensive licensing system for commercial cultivation, sale, distribution, and testing. Cannabis will be regulated and taxed, and income from its sale will generate major economic activity.

The Republican-controlled Congress stripped DEA funding for cannabis enforcement, upheld by the 9th Circuit Court of Appeals. The Veterans Administration approved cannabis use for PTSD and is conducting its own studies. The National Institute of Health confirms reductions in opioid addiction and death in states where medical cannabis is available, Medicare costs are down significantly in those same states.

After nearly 20 years MIA – post Prop 215 – the California legislature and governor stepped up and created a regulatory framework for use by cities and counties, the Medical Cannabis Cultivation and Commerce Act. Measure L brings Butte County into compliance with new state laws without abandoning any local controls.

The whole notion that patients can or should "grow their own" is simply unrealistic. Asking ill or elderly citizens to grow in a box is inappropriate at best. Patients deserve local access to safe, clean, tested and labeled products that meet the recommendations of their doctors. Today, many Butte County patients must commit a criminal act in order to acquire cannabis.

Measure L is the local ordinance that Butte County needs to protect patients, ensure local control, deliver local benefits.

Concerned about crime? Regulate!
Concerned about the environment? Regulate!
Concerned about children or neighborhoods? Regulate!

Prohibition creates crime and fuels a black market. Regulation is the solution.

Finally! A Solution that works for Everyone.

Vote Yes On Measure L.

s/Jessica MacKenzie, Inland Farmers Political Alliance

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE L

Vote No! Measure L is a Loser for the people of Butte County.

Notice how the author says Nothing about what's actually contained in Measure L? No specifics. No explanation of Measure L's disastrous impacts on the quality of life for Butte County residents.

Why? Because Measure L is a Giveaway to commercial marijuana growers. It puts their profits above the public good. Here are the Facts about Measure L that the marijuana industry is hiding from you:

No Local Control: Contrary to the author's false statement, Measure L does in fact eliminate three major local control protections (Measures A, G and H) which were passed by the voters of Butte County.

No Protection: Measure L creates a massive expansion of commercial cultivation and production. Outdoor grows on 25% of parcel sizes without plant limits. Indoor grows of 22,000 square feet (1/2 acre sized warehouse!) No permits required for "personal" grows.

No Safety: Measure L allows "pot shops" to operate every 1,000 feet—a much higher density than permitted for bars. The California Police Chiefs Association has found that dispensaries are associated with significant crime impacts in surrounding neighborhoods.

No Economic Benefit: Counties with the heaviest marijuana industry influence—like Humboldt and Mendocino—are among the poorest and least healthy in California. The high crime and addiction rates produced by commercial marijuana lead to poverty, Not prosperity.

Vote No on Measure L. It is a Profiteering Scheme that would unleash the worst aspects of the drug culture on our local communities.

www.ProtectButteCounty.com

s/Jerry W. Smith, Butte Co Sheriff Ret.
s/Maureen A. Kirk, Butte County Supervisor,
District 3

s/Andrew Coolidge, Chico City Council
Councilmember

s/Dr. Mark Lundberg, Physician/Doctor

s/David Daley, Vice-President, California
Cattlemen's Association/Professor



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ARGUMENT AGAINST MEASURE L

Vote No: Here we go again! Measure L is the latest profiteering scheme concocted by commercial marijuana growers who want to overturn three voter-approved ordinances that protect Butte County residents from their abusive practices.

Here's why Butte County Law Enforcement, Educators, Farmers, and Community leaders urge you to Vote No on Measure L:

Jeopardizes Public Safety: Measure L removes legal protections that the people of Butte County passed to stop pot grower abuse and protect our neighborhoods from criminal activities associated with commercial marijuana cultivation. It puts the safety of local citizens at greater risk from intimidation and violence.

Destroys Our Quality Of Life—Measure L promotes a massive expansion of commercial marijuana that will make Butte County a magnet for gangs, addicts and drug dealers. It creates a harmful drug culture that will forever change the character of our local communities.

Measure L allows marijuana to be grown on 25% of parcel sizes—subjecting neighboring residents to the constant stench of skunk-like odors produced by large outdoor grows.

Increases Neighborhood Crime: Measure L allows commercial marijuana dispensaries to operate every 1,000 feet—a density of 25 pot shops per square mile! Since dispensaries operate on a cash-only basis, they are prime targets for armed robbers.

Damages The Environment: Measure L takes away local controls that protect our environment from the destructive activities of commercial marijuana growers. It will lead to a major depletion of local water supplies, increased chemical runoff into our streams, and increased wildlife deaths due to poisoning.

Measure L is a Loser for the people of Butte County. It was written to benefit marijuana operators--Not to help medical cannabis patients. Regardless of your position on marijuana legalization, please join us in Voting No on Measure L.

www.ProtectButteCounty.com

- s/Kory Honea, Sheriff
- s/Michael L. Ramsey, District Attorney
- s/Linda L. Dahlmeier, Mayor, City of Oroville
- s/Reanette Fillmer, Chico City Council
Councilmember
- s/Clark Becker, President Butte County Farm Bureau

REBUTTAL TO ARGUMENT AGAINST MEASURE L

Vote Yes!

Opposition Flat Out Wrong

All traditional farmers seek profit, profit does not equal profiteering. A well-regulated legitimate market is proven to diminish, not increase, the negative consequences of a black market. Measure L leaves rigorous environmental oversight with the State Water Board. And Butte County retains the right to determine the number of dispensaries for itself.

Can't Leave Things As They Are

An exploding heroin epidemic, blighted properties, inadequate rural policing are only a few issues that suffered due to the \$1.4 million diverted to cannabis enforcement last year. And the arrest of local narcotics officers for absconding with confiscated cannabis and selling it across the country demonstrates just one problem with current enforcement priorities.

America

Founded on the premise that government should defend our life, liberty and property. Individual rights should be curtailed only when they infringe on others. Current Butte County practices have turned this upside-down.

Patients need dispensaries, dispensaries need medicine, medicine needs cultivators. While medical marijuana is legal in California, dispensaries and commercial cultivation are 100% banned in Butte County. Residents with prescriptions from their physicians are unable to fill them. Our current ordinance would leave only cartels and rogue growers to supply what should be a revenue-generating industry for our County.

Measure L for Liberty. Designed to create jobs, generate revenue, and benefit all Butte County citizens, no matter their position on cannabis.

Without Measure L, Butte County will be the Loser. Vote Yes on L.

www.GoButteCounty.com

s/Jessica MacKenzie, Secretary, Inland Farmer's Political Alliance



County of Butte Measure

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FULL TEXT OF MEASURE L

Exhibit A

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

MEDICAL CANNABIS CULTIVATION AND COMMERCE MEASURE

If adopted by a majority of the voters, this initiative would repeal Chapter 34A of the Butte County Code and establish new regulations regarding the cultivation of medical cannabis and related commercial activities within Butte County consistent with the Medical Marijuana Regulation and Safety Act. The proposed initiative would also amend section 24-166 of the Butte County Code that prohibits marijuana dispensaries and permit dispensaries subject to new regulations.

The new regulations would generally regulate the cultivation, manufacturing, testing, distribution, transportation, and storage of medical cannabis within the county. All existing cannabis cultivations and related commercial activities would be required to comply with the new regulations within 12 months of the adoption of the new regulations.

The new regulations would establish specific land use requirements in existing zoning districts for the cultivation of medical cannabis and related commercial activities within the county and establish requirements and procedures for zoning clearances, administrative use permits, and conditional use permits for such uses. The new regulations would also require permits for all commercial cannabis activities and would require that the scale of agricultural cannabis operations be consistent with the Medical Marijuana Regulation and Safety Act.

The new regulations would establish design requirements that vary by zoning district for parcels that contain cannabis cultivations including required permanent residences in certain zoning districts, limits on the size of cultivation areas, fencing and screening requirements, and required setbacks.

The new regulations would establish design requirements for buildings used in the distribution and manufacturing of cannabis including a requirement that buildings be reasonably secured, required filtration systems, required access for emergency personnel, required best practices to protect against damage to crops and to minimize perceived security risks, and limits on external signage.

The new regulations would establish design requirements for buildings and vehicles used in the transportation of cannabis including a requirement that buildings be reasonably secured, required filtration systems, required access for emergency personnel, a requirement that vehicles have security features to deter criminal activity, required best practices to protect against damage to crops and to minimize perceived security risks, and limits on external signage.

The new regulations would establish design requirements for dispensary operations including the disclosure of all dispensary owners and certain related criminal history information, required setbacks, a prohibition on cannabis consumption in areas where retail sales occur, limits on external signage, and required security plans and protocols.

The new regulations would require persons and entities engaged in commercial cannabis activities to obtain all required state and local licenses and permits consistent with the Medical Marijuana Regulation and Safety Act.

The new regulations would be enforced pursuant to Butte County Code section 24-251 which establishes land use permit revocation and modification procedures. Cannabis would not be classified as a nuisance unless a person or entity is in violation of the new regulations or a related permit.

Text of the Initiative

AMENDING CHAPTER 24-166 OF THE BUTTE COUNTY CODE REGARDING MEDICAL CANNABIS CULTIVATION AND COMMERCIAL USES INVOLVING MEDICAL CANNABIS

The People of the County of Butte hereby ordain as follows:

Chapter 34A is hereby repealed from the Butte County Code. The following chapter is amended in the Butte County Code and is to be renamed as follows:

CHAPTER 24-166 -- Medical Cannabis Cultivation and Commerce

24-166.1 -- AUTHORITY

The People of Butte enact this Chapter pursuant to authority granted by Article XI Section 7 of the California Constitution, Sections 25845 and 53069.4 of the California Government Code and Section 11362.83(c) of the California Health and Safety Code.

24-166.2 -- PURPOSE AND INTENT

A. The purpose of this Chapter is to regulate and restrict cannabis businesses, cultivation and other commercial cannabis activities to protect the neighborhoods, public health, safety and welfare of the residents and patients of Butte County.

B. The purpose and intent of this Chapter is also to establish land use regulations for the cultivation, manufacture, testing, distribution, transportation, and storage of medical cannabis within the County of Butte while controlling such activities in coordination with the State of California in the implementation of the Medical Marijuana Regulation and Safety Act, (hereinafter "MMRSA") (SB 643, AB 266, and AB 243 as adopted October 9, 2015).

C. The purpose and intent of this Chapter is also for the County of Butte to license, permit, and control cultivation and commercial activities involving medical marijuana as set forth in the MMRSA, including, but not limited to the provisions of Business and Professions Code Sections



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19315, 19316, 19320, 19322, 19332, and 19360 and Health and Safety Code Section 11362.777, in conjunction with state licensing requirements and local laws.

D. The purpose and intent of this Chapter is also to reduce the conditions that have the potential to create public nuisances by enacting regulations including, without limitation, restrictions as to location, type, and size of cannabis cultivation sites, the location, type, and size of commercial activities involving medical cannabis and the use of adequate screening, security, and other protective measures to more effectively control any adverse impacts associated with medical cannabis cultivation and commercial activities related to medical cannabis.

E. The purpose and intent of this Chapter is also to consider and respect the needs of qualified patients in furtherance of the public necessity, health, safety, convenience, and general welfare within the County's jurisdictional limits. Nothing in this Chapter shall be construed to authorize any use, possession, cultivation, manufacture, transportation, or distribution of cannabis or cannabis products for non-medical purposes or that is in violation of State or local law.

F. The purpose and intent of this Chapter is also to provide for continuity of County licensing, permitting and control of cannabis so that the regulation of cultivation and related activities for medical cannabis shall be applied to cultivation and related activities for cannabis that is used for recreational purposes should recreational use be legalized after the adoption of this Chapter.

G. The purpose and intent of this Chapter is also to consider and respect the needs of a fair distribution system for patients and providers that reflects the intent and purpose of MMRSA. The People of Butte recognize that the vertical integration exemptions afforded by the MMRSA to commercial cannabis businesses established before July 1, 2015 are designed to avoid disruption of established businesses, however;

1. Such exemptions from the state-mandated distribution system provide a significant financial advantage to these pre-existing commercial businesses that could create potential commercial monopolies, and;
2. The use of a date that pre-exists the adoption of the MMRSA does nothing to encourage new potential licensees to come into compliance with a system that establishes a significant disadvantage to those patient providers who operated in municipalities that have chosen to wait to establish regulations until receiving guidance from the State Legislature.
 - a. Whereas the intent and purpose of this land use ordinance is to regulate commercial cannabis activity and reduce the conditions that could create a public nuisance, and
 - b. Whereas a system that encourages black market activity would undermine these intents and purposes, and;
 - c. Whereas the State legislature has reinforced its commitment to local control of medical cannabis ordinances with the passage of AB26;
3. Therefore, all commercial cannabis activity shall be subject to the distribution requirements established by

Section 19328 of the MMRSA except as otherwise specified in this Chapter.

24-166.3 -- APPLICABILITY AND INTERPRETATION

A. The regulations in this Chapter shall apply to the location and permitting of cultivation of cannabis and commercial activities related to cannabis in zoning districts within which such use is authorized under the County Code.

B. All provisions of this Chapter shall apply regardless of whether the activities existed or occurred prior to the adoption of this Chapter unless otherwise specified in this Chapter.

C. All cultivation of cannabis, and all commercial activities related to cannabis, regardless of whether or not is has been regulated or allowed in the past, shall come into full compliance with the provisions of this Chapter within (12) months of passage of the initial ordinance establishing this Section. Properties that come into compliance in less than the initial 12-month period can apply for and receive a reduction of the initial application fees (1/12 for each month sooner than the year period.) Previous ordinance violations shall not be the sole basis for permit denial so long as the applicant comes into compliance with this Chapter.

D. Where conflict occurs within this article between the provisions of this article and any other County codes, ordinances, resolutions, guidelines or regulations, this article shall control unless otherwise specified.

E. Nothing in this Chapter is intended, nor shall is be construed, to exempt the cultivation of cannabis or commercial activities related to cannabis regulated by this Chapter from any and all applicable local and state constructions, electrical, plumbing, land use, water rights, waste-water discharge, streambed alteration, or any other environmental, building or land use standards or permitting requirements.

F. Nothing in this Chapter is intended, nor shall it be construed, to preclude a landlord or property owner from limiting or prohibiting commercial cultivation of cannabis and/or from prohibiting commercial activities related to cannabis.

24-166.4 -- SCOPE

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

24-166.5 -- DEFINITIONS

A. "Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code



County of Butte Measure

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as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extract therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

B. "Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the Health and Safety Code.

C. "Commercial cannabis activity" includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product, except as set forth in MMRSA Section 19319, related to qualifying patients and primary caregivers.

D. "Cultivation" means the same as Section 19300.5 of the MMRSA.

E. "Cultivation site" means the same as Section 19300.5 of the MMRSA.

F. "Dispensary" means the same as Section 19300.5 of the MMRSA.

G. "Distributor" means the same as Section 19300.5 of the MMRSA.

H. "Dried flower" means the same as Section 19300.5 of the MMRSA.

I. "Fence" for purposes of this Chapter, a fence shall be defined as a perimeter structure, that provides a visual barrier and an impediment to trespass; as such, any fence shall be opaque and shall be constructed of materials designed and specified for outdoor exposure. Where there is no requirement for a visual barrier, fence may also mean an open link perimeter structure so long as it meets the objectives of security and an impediment to trespass.

J. "Indoor Cultivation" means any cultivation that takes place within a fully enclosed and secure structure.

K. "Labor peace agreement" means an agreement between a licensee and a bona fide labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant's business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of

agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

L. "Live plants" means the same as Section 19300.5 of the MMRSA.

M. "Manufactured cannabis" means the same as Section 19300.5 of the MMRSA.

N. "Manufacturer" means the same as Section 19300.5 of the MMRSA. Manufacturer will exclude the use of Butane.

O. "Manufacturing site" means the same as Section 19300.5 of the MMRSA.

P. "Medical cannabis," "medical cannabis product," or "cannabis product" means the same as Section 19300.5 of the MMRSA.

Q. "Nursery" means the same as Section 19300.5 of the MMRSA.

R. "Outdoor Cultivation" means any cultivation activities that take place on a location that is not within a fully enclosed and secure structure.

S. "Permit," "local license," or "local permit" means an official document granted by a local jurisdiction that specifically authorizes a person to conduct commercial cannabis activity in the local jurisdiction.

T. "Permitting authority" means the agency responsible for the issuance, renewal, or reinstatement of the license, or the agency authorized to take disciplinary action against the license.

U. "Qualified patient" means a person who is entitled to possess medical cannabis pursuant to Health and Safety Code section 11362.5.

V. "Structure" means a hoop house, agricultural shade, greenhouse or other permitted accessory structure. Hoop houses and agricultural shade that would not require a building permit under the California Building Code will still be considered Structures under this definition.

W. "Transporter" means the same as Section 19300.5 of the MMRSA.

X. "Transport" means the same as Section 19300.5 of the MMRSA.

24-166.6 -- PERMITS AVAILABLE

A. Zoning Clearance. Generally, for all cultivation sites located in agricultural zones (see chart for reference) a Zoning Clearance shall be issued to ensure that requirements of MMRSA (if any) are adhered to. For those uses that would otherwise be exempt under 24-166.7 (C), except that they are located on a prohibited parcel under 24-166.7 (B), an applicant can receive a zoning clearance from the Planning Department with an indoor cultivation design.

1. For permitting purposes, a zoning clearance is sufficient for all areas where cultivation is permitted as an allowed use as indicated in the chart below, however



County of Butte Measure

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setback limits and all other design requirements for an administrative permit shall apply to the cultivation site.

- 2. Any zoning clearance certificate issued pursuant to this Chapter shall automatically expire after five (5) year after date of issuance, and on the anniversary of such issuance each five (5) years thereafter, unless a compliance inspection has been conducted by Code Compliance, the permitted site has been found to comply with the approval, and a renewal has been approved by the Planning Department. Renewal is deemed approved within 60 days of the aforementioned inspection dates unless the Planning Department provides written rejection specifying clearly reasons for non-renewal. Any rejections may be appealed by the certificate holder within 30 days.

B. Administrative Use Permit. An Administrative Use Permit will be required as specified in the zoning chart included in this Chapter, and will be subject to section 24-202 through 24-208.

C. Conditional Use Permit. A Conditional Use Permit will be required as specified in the zoning chart included in this Chapter, and will be subject to section 24-217 through 24-225.

D. All applicants who have submitted complete applications to the County prior to July 1, 2017, shall be allowed to cultivate, manufacture, and dispense medical cannabis or medical cannabis products, with all commercial cannabis activity being conducted by a single qualified business. This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

24.166.7 -- LOCATION AND PREFERENCE ORDER

A. Permit Required. A permit is required for any commercial cannabis cultivation or other commercial cannabis activities. The scale of agricultural endeavors shall be consistent with the provisions of the MMRSA. As specified below, each zoning district in Butte County will have specific uses and permits required for cannabis.

B. Prohibited Zoning Districts. No outdoor cultivation will be allowed on any parcel that is zoned LDR, MDR, MHDR, HDR, or VHD, or that is less than ¼ acre in size regardless of zoning classification, or if the property is located within 1,000 feet of a K-12 public or private school or licensed daycare facility. No cultivation will be allowed in GC, NC, CC, REC, SE, AIR, RPB or PD. In the SE zoning district indoor cultivation will be allowed with an Administrative Permit. Distribution, Transportation, Manufacturing or Dispensary use will be prohibited unless a Conditional Use Permit is issued.

C. Exemptions from permitting. No permitting will be required, and it will be deemed a permitted use in all zooming districts for personal cultivations sites that are 100 sq feet or smaller for a single patient, and up to 500 sq feet for up to five patients, however if a parcel is prohibited under Subsection (B), then a zoning clearance will be required by this code.

D. Administrative Use Permit. An administrative use permit will be issued by the Planning Commission for all commercial cannabis activity located in specific zoning designations as delineated in the zoning chart 24-166.7(F), so long as all design requirements established in Section 24-166.8 (A) are met and following the parameters established by the MMRSA. Such permits will be valid for a total of three years, and the applicant must submit a compliance statement within sixty days (60) of the anniversary of the issuance of the permit. Failure to submit the compliance statement could be grounds to terminate the permit under Section 24-251 of the Butte County Zoning Ordinance.

E. Conditional Use Permit. A conditional use permit will be issued for specific commercial cannabis uses, as delineated in the chart below. All design requirements established in Section 24-166.8 (B) must be met and must follow the parameters established by MMRSA. Such permits will be valid for a total of five years, and the applicant must submit a compliance statement within sixty days (60) of the bi-annual anniversary of the issuance of the permit. Failure to submit the compliance statement could be grounds to terminate the permit under Section 24-251 of the Butte County Zoning Ordinance.

F. ZONING CHART Zoning Classification Allowable Uses

| | Cultiv- -ation | Distrib- -ution | Transp- -ortation | Manu- -factur- -ing | Dispen- -sary |
|-------|-------------------|--------------------|----------------------|---------------------------|------------------|
| AG | P | C | C | C | C |
| AS | P | C | C | C | C |
| TM | P | C | C | C | C |
| TPZ | X | X | X | X | X |
| RC | X | C | C | C | C |
| FR | P | C | C | C | C |
| FCR | P | C | C | C | C |
| RR | P | C | C | C | C |
| RCR | P | C | C | C | C |
| VLDR | P | C | C | C | C |
| VLDCR | P | C | C | C | C |
| LDR | X | X | X | X | X |
| MDR | X | X | X | X | X |
| MHDR | X | X | X | X | X |
| HDR | X | X | X | X | X |
| VHD | X | X | X | X | X |
| GC | C | C | C | C | C |
| NC | C | C | C | C | C |
| CC | C | C | C | C | C |
| REC | C | C | C | C | C |
| SE | C | C | C | C | C |
| MU | C | C | C | C | C |
| LI | A | A | A | A | A |
| GI | A | A | A | A | A |
| HI | A | A | A | A | A |
| PB | X | X | X | X | X |
| AIR | C | C | C | C | C |
| RPB | C | C | C | C | C |
| PD | C | C | C | C | C |



County of Butte Measure

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P=Permitted with Zoning Clearance;
A=Administrative Use Permit;
C=Conditional Use Permit;
X=Prohibited

“AG” Agriculture; “AS” Agriculture Service; “TM” Timber Mountain; “TPZ” Timber Production Zone; “RC” Resource Conservation; “FR” Foothill Residential; “FCR” Foothill Country Residential; “RR” Rural Residential; “RCR” Rural Country Residential; “VLDR” Very Low Density Residential; “VLDCR” Very Low Density Country Residential; “LDR” Low Density Residential; “MDR” Medium Density Residential; “MHDR” Medium High Density Residential; “HDR” High Density Residential; “VHDR” Very High Density Residential; “GC” General Commercial; “NC” Neighborhood Commercial; “CC” Community Commercial; “REC” Recreation Commercial; “SE” Sports Entertainment; “MU” Mixed Use; “LI” Light Industrial; “GI” General Industrial; “HI” Heavy Industrial; “PB” Public; “AIR” Airport; “RBP” Research and Business Park; “PD” Planned Development

24-166.8 -- DESIGN REQUIREMENTS FOR CULTIVATION

A. Permit Zoning Clearance Design Requirements. The cultivation of cannabis on any parcel that allows agricultural use will only require a zoning clearance. To obtain a zoning clearance, the parcel must meet the following design requirements:

1. Each parcel must be a minimum of five acres.
 - a. Where a conforming cultivation operation was in place prior to November 4, 2014 on a parcel of at least two acres but less than five acres, the applicant will be permitted to cultivate with a zoning clearance if the applicant meets the design requirements for a Permitted Zoning Clearance.
2. A permanent residence is required on all parcels. All parcels must also have a permitted well or legal water source and permitted wastewater system. Where contiguous parcels are owned by the same individual or entity, a single residence shall meet this requirement.
3. A six foot fence is required to enclose the cultivation area. Fence material is intended to screen from neighboring public access views and for security. For larger parcels without public visibility, an open link fence will be sufficient, so long as landscaping is used to decrease visibility.
4. All cultivation areas shall be secured in a manner as to discourage access by trespassers and children.
5. Cultivation area shall not exceed 25% of the total square footage of a contiguous parcel, and can not exceed the canopy allowed by the MMRSA for the cultivation permit tier that is sought by the applicant.
6. Cultivation can be outdoor, indoor or mixed. For indoor cultivation, the structure must be permitted per the California Building Code. A hoop house will not require a building permit so long as the frame is metal or wood. No PVC pipe hoop house will be allowed for cultivation of cannabis.

7. Set-backs. All cultivation areas shall be set-back from all property lines at least 50 feet from all property lines. A 1000 foot set-back is required from any property that contains a school, registered child care facility or church. The set-back is determined from the property line of the parcel containing that specified use and the perimeter of the cultivation area.

B. Administrative Use Permit Design Requirements:

1. A permanent residence is required on any parcel that is to be cultivated within a residentially zoned district. Where contiguous parcels are owned by the same individual or entity, a single residence shall meet this requirement.
2. No residential home is required on agriculturally zoned parcels (AE and A/RR), however security measures must be installed at all access points to the property that is cultivated.
3. The area of cultivation shall be located as shown on the application site plan, set back at least one hundred (100) feet from any property line, and the parcel shall be at least one thousand (1,000) feet from any parcel containing a school, licensed child care or church measured using the shortest distance between the property lines of the respective parcel and the cultivation site.
4. For cultivation sites, the total canopy area of cultivation cannot occupy more than 25% of the parcel’s total square footage.
5. Any cultivation site shall be fully enclosed by a six-foot tall fence of a material and strength that reasonably prevents access by trespassers and children and provides adequate screening to prevent the cannabis plants from being viewed by members of the public present on public roads, public lands and properties, and parcels containing schools K-12.
6. Access to the cultivation area shall be controlled by a gate and lock system of reasonable durability and strength to reasonably prevent against access by trespassers and children.

C. Conditional Use Permit Design Requirements:

1. All Administrative Use Permit design requirements are incorporated into the Conditional Use Design requirements as well as the following:
 - a. A permanent residence is required on any parcel that is to be cultivated within a residentially zoned district. Where contiguous parcels are owned by the same individual or entity, a single residence shall meet this requirement.
 - b. No residential home is required on agriculturally zoned parcels (AE and A/RR), however security measures must be installed at all access point to the property that is cultivated.
 - c. A Knox box must be installed at all permitted buildings, excluding residences, to allow for emergency personnel entrance.
 - d. Comply with any and all applicable laws or regulations related to the use, storage, and disposal of pesticides.



County of Butte Measure

Arguments in Support of, or in opposition to, the proposed laws are the opinions of the authors.

- e. Comply with the terms of any applicable permit or plan allowing agricultural cultivation in a Timberland Preserve Zone.
- f. Refrain from the improper storage of or use of any fertilizer, pesticide, fungicide, rodenticide, or herbicide.
- g. Meet any specific, additional operating procedures and measures as may be imposed as conditions of approval by the county to ensure that the cultivation is consistent with protection of the health, safety and welfare of the community and will not adversely affect surrounding uses.

24-166.9 -- DESIGN REQUIREMENTS FOR DISTRIBUTION

A. All buildings used to house the collection of cannabis for distribution will meet the following design requirements:

- 1. All buildings must be reasonably secured to prevent entrance by trespassers and children.
- 2. A Filtration system will be installed to minimize odors escaping from the building.
- 3. A Knox box will be installed on the exterior of the building to allow access for emergency personnel.
- 4. A business license is required for all distribution activities.
- 5. A Best Practices manual is required for the handling and distribution that will ensure protection against damage to the crops, and to minimize perceived security risks.
- 6. Comply with any and all applicable laws or regulations related to the use, storage, and disposal of pesticides.
- 7. Refrain from the improper storage of or use of any fertilizer, pesticide, fungicide, rodenticide, or herbicide.
- 8. Meet any specific, additional operating procedures and measures as may be imposed as conditions of approval by the county to ensure that the cultivation is consistent with protection of the health, safety and welfare of the community and will not adversely affect surrounding uses.
- 9. No external signage will be allowed unless permitted separately under 24-98 through 24-109 of this code.

24-166.10 -- DESIGN REQUIREMENTS FOR MANUFACTURING

A. All buildings used to house the collection of cannabis for manufacturing will meet the following design requirements:

- 1. A commercial building is required for all commercial manufacturing licenses. Licenses for residential buildings will not be permitted.
- 2. All buildings must be reasonably secured to prevent entrance by trespassers and children.
- 3. A Filtration system will be installed to minimize odors escaping from the building.
- 4. A Knox box will be installed on the exterior of the building to allow access for emergency personnel.
- 5. A business license is required for all manufacturing activities.
- 6. A Best Practices manual is required for manufacturing procedures that will ensure protection against damage to the crops, and to minimize security risks. Manufacturing processes shall be limited to proven,

non-volatile extraction methods. At no time will butane or any other volatile extraction method be allowed.

- 7. Comply with any and all applicable laws or regulations related to the use, storage, and disposal of hazardous materials. A Hazardous Material Permit will be required for any materials that are stored on the premises.
- 8. Meet any specific, additional operating procedures and measure as may be imposed as conditions of approval by the county to ensure that the cultivation is consistent with protection of the health, safety and welfare of the community and will not adversely affect surrounding uses.
- 9. No external signage will be allowed unless permitted separately under 24-98 through 24-109 of this code.

24-166.11 -- DESIGN REQUIREMENTS FOR TRANSPORTATION

A. All buildings and vehicles used in the transportation of cannabis will meet the following design requirements:

- 1. A commercial building is required for all commercial transportation licenses. Licenses for residential buildings will not be permitted.
- 2. All buildings must be reasonably secured to prevent entrance by trespassers and children.
- 3. A Filtration system will be installed to minimize odors escaping from the building.
- 4. A Knox box will be installed on the exterior of the building to allow access for emergency personnel.
- 5. A business license is required for all transportation activities.
- 6. All vehicles will have security features to deter criminal activity.
- 7. All vehicles will be properly licensed. At no time will personal vehicles be used for the transportation of cannabis unless it is for personal use.
- 8. A Best Practices manual is required for the handling and distribution that will ensure protection against damage to the crops, and to minimize perceived security risks.
- 9. Meet any specific, additional operating procedures and measures as may be imposed as conditions of approval by the county to ensure that the cultivation is consistent with protection of the health, safety and welfare of the community and will not adversely affect surrounding uses.
- 10. No external signage will be allowed unless permitted separately under 24-98 through 24-109 of this code.

24-166.12 -- DESIGN REQUIREMENTS FOR DISPENSARY

A. All Dispensary operations will meet the following design qualification standards:

- 1. A commercial building is required for all dispensary licenses. Licenses for residential buildings will not be permitted.
- 2. The Dispensary owners must be disclosed at the time of the application, and all prior convictions of all owners for crimes of moral turpitude or felony within the past 10 years must be disclosed with the



County of Butte Measure

Arguments in Support of, or in opposition to, the proposed laws are the opinions of the authors.

application. A prior conviction will not be the sole reason grounds for denial of a permit.

3. The Dispensary shall not be located within 1000 feet of another dispensary, a school, a licensed child care facility, church or public park.
4. Consumption of cannabis products shall not be allowed in the same location as that in which retail sales occur.
5. No external signage will be allowed unless permitted separately under 24-98 through 24-109 of this code.
6. A full security plan and protocol will be used which include security personnel, video systems and locking mechanisms to ensure that only licensed patients are allowed access to the building.
7. It shall be unlawful for any person to act as a medical cannabis dispensary without a license for the location at which retail medical cannabis dispensing is to occur. No person will be licensed for retail dispensing of medical cannabis at other than a fixed location. No license will be allowed for retail dispensing of medical cannabis from vehicles.
8. Nothing in this chapter shall be construed to grand any Licensee any status or right other than the right to be licensed to operate a medical cannabis dispensary. Nothing in this chapter shall be construed to render inapplicable, supersede or apply in lieu of any other provision of applicable State of California law.
9. The provisions of this chapter are in addition to normal business licensing requirements set forth by the County. A licensed medical cannabis dispensary shall be subject to the requirements of both the Butte County Treasurer and Tax Collector's Office standard business licensing requirements and this chapter.

24-166.13 -- APPLICATION PERMIT REQUIREMENTS:

A. Permitted Zoning Clearance. All applicants for a Permitted Zoning Clearance shall fill out an application administered by the Planning Department which captures, at a minimum, the following information:

1. The applicant's personal name, physical address, mailing address (if different), and phone.
2. If the applicant is not the record title owner of the parcel for which a certificate or permit is sought, written consent of the owner of the parcel with original signature and notary acknowledgement. If the owner of the parcel is an entity, the written consent must be accompanied by a document demonstrating that the individual providing it is legally authorized to confer that permission on behalf of the entity.
3. Statement of how the cultivation meets the design requirements as detailed in section 24-166.08(A).
4. For any medical marijuana business with five (5) or more employees (as defined in the California Business and Professions Code, Section 19322(6)), the application must provide a sworn statement that the business will enter into, or demonstrate that it has already entered into, and will abide by the terms of a labor peace agreement.

B. Administrative Use Permit. All applicants for an Administrative Use Permit shall fill out an application administered by the Planning Department which captures, at a minimum, the following information:

1. The applicant's business name, physical address, mailing address (if different), and phone.
2. The applicant's personal name, physical address, mailing address (if different), and phone.
3. If the applicant is not the record title owner of the parcel for which a certificate or permit is sought, written consent of the owner of the parcel with original signature and notary acknowledgement. If the owner of the parcel is an entity, the written consent must be accompanied by a document demonstrating that the individual providing it is legally authorized to confer that permission on behalf of the entity.
4. If not the owner or applicant, the name, physical address, mailing address, and contact phone number of a designated adult individual permanently residing in an inhabited dwelling on the parcel containing the cultivation site (or on a contiguous parcel under common ownership) and his/her written consent to serve as an emergency contact.
5. Site plan showing the entire parcel, the location and area for all cultivation on the parcel, with dimensions of each area to be used for cultivation and setbacks from property lines.
7. A security plan describing how the cultivation area will be secure against access by trespassers, including discussion of all fencing, screening, gating, locks, lighting, cameras, and alarms.
8. Copy of the statement of water diversion, or other permit, license, or registration filed with the California Water Resources Control Board, Division of Water Rights, if applicable.
9. Description of legal water source, irrigation plan, and projected water usage.
10. For any medical marijuana business with five (5) or more employees (as defined in the California Business and Professions Code, Section 19322(6)), the application must provide a sworn statement that the business will enter into, or demonstrate that it has already entered into, and will abide by the terms of a labor peace agreement.

C. Conditional Use Permit. All applicants for a Conditional Use Permits shall fill out an application administered by the Planning Department that captures, at a minimum, the following information:

1. The applicant's business name, physical address, mailing address (if different), and phone.
2. The applicant's personal name, physical address, mailing address (if different), and phone.
3. If the applicant is not the record title owner of the parcel for which a certificate or permit is sought, written consent of the owner of the parcel with original signature and notary acknowledgement. If the owner of the parcel is an entity, the written consent must be accompanied by a document demonstrating that the individual providing it is legally authorized to confer that permission on behalf of the entity.



County of Butte Measure

Arguments in Support of, or in opposition to, the proposed laws are the opinions of the authors.

4. If not the owner or applicant, the name, physical address, mailing address, and contact phone number of a designated adult individual permanently residing in an inhabited dwelling on the parcel containing the cultivation site (or on a contiguous parcel under common ownership) and his/her written consent to serve as an emergency contact.
5. If a conditional use permit is required, a signed indemnification agreement executed by both the applicant and landowner. If the applicant and/or landowner is an entity, the agreement must be accompanied by a document demonstrating that the individual executing it is legally authorized to confer that permission on behalf of the entity.
6. If the applicant is a business entity, a date- marked printout from the California Board of Equalization's "Business Search" website indicating that the entity is currently listed as "Active" with the Board of Equalization.
7. Site plan showing the entire parcel, the location and area for all cultivation on the parcel, with dimensions of each area to be used for cultivation and setbacks from property lines.
9. Copy of the statement of water diversion, or other permit, license, or registration filed with the California Water Resources Control Board, Division of Water Rights, if applicable.
10. Description of legal water source, irrigation plan, and projected water usage.
11. For any cultivation operation whose cultivation activities will occupy and/or disturb more than 1000 square feet, a copy of the Notice of Intent and Monitoring Self-Certification and other documents filed with the Central Valley Regional Water Quality Control Board demonstrating enrollment in its Cannabis Cultivation Waste Discharge Regulatory Program pursuant to General Order R5-2015-0113, or any substantially equivalent rules or orders that may be subsequently adopted by the County or other responsible agency.
12. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish and Wildlife.
13. If the source of water includes a well, a copy of the well permit.
14. If the quantities of pesticides or other hazardous materials are such that a permit is required through Environmental Health, a copy of that permit.
15. Possession of a current, valid business license issued by the County, where one is required.
16. For a Dispensary the following additional documents are required:
 - a. Criminal History disclosure.
 - b. Best Practices Security Plan.
17. For any medical marijuana business with five (5) or more employees (as defined in the California Business and Professions Codes, Section 19322(6)), the application must provide a sworn statement that the

business will enter into, or demonstrate that it has already entered into, and will abide by the terms of a labor peace agreement.

24-166.14 -- ADDITIONAL BUSINESS LICENSING REQUIREMENTS FOR COMMERCIAL CANNABIS ACTIVITY OTHER THAN CULTIVATION IN PERMITTED ZONES

A. This section shall not apply until State Licenses are available to be obtained as per MMRSa or any other state regulation that is enacted after the enactment of this regulation and January 1, 2018.

B. Except as otherwise set forth in this Chapter, it shall be unlawful for any person or entity to operate, in or upon any property, commercial cannabis activity without first obtaining all required State licenses and a business license or permit issued by the County. Failure to timely obtain required State licenses or permits shall be grounds for suspension or revocation of any permit of license issued by the County. Upon the date of implementation of regulations by a State licensing authority, unless otherwise set forth in this Chapter, no person shall engage in commercial cannabis activity without processing all applicable State licenses and all applicable County and municipal permits and licenses. Revocation of a State license shall constitute grounds for the County to suspend or revoke any permit or license issued by the County.

24-166.15 -- ENFORCEMENT, PENALTIES, FEES, & LEGAL PROVISIONS

Enforcement of this Article is subject to Butte County Code Section 24-251 and all applicable penalties and fees. For this purpose, cannabis will not be classified as a nuisance, unless the permit holder is in violation of this chapter, or the conditions set forth on their permit.

24-166.16 -- SEVERABILITY

If any section, subsection, sentence, clause or phrase or word of this Ordinance 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 Ordinance. The People of Butte hereby declare that they would have passed and adopted this Ordinance 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.