

1 BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

2 ORDINANCE NO. 3084

3 AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 27 OF THE LAKE COUNTY  
4 CODE TO ALLOW AMENDMENTS TO ARTICLE 27 PERTAINING TO ADULT  
5 PERSONAL USE, QUALIFIED PATIENT AND PRIMARY CAREGIVER  
6 CULTIVATION, COMMERCIAL CANNABIS CULTIVATION, TYPE 6 NON-  
7 VOLATILE CANNABIS MANUFACTURING AND TO ESTABLISH A PERMIT  
8 PROCESS FOR MICROBUSINESS AND AMENDMENTS TO ARTICLE 18 AND 19 TO  
9 ESTABLISH A PERMIT PROCESS FOR RETAIL SALES OF CANNABIS.

10 WHEREAS, the proposed amendments are consistent the provisions of the Lake County  
11 General Plan and Zoning Ordinance.

12 WHEREAS, this proposed amendments are necessary to protect the health and safety and  
13 welfare of the County.

14  
15 WHEREAS, the amendments to these Articles will advance the goals of the County by  
16 supporting local and emerging businesses in the County.

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18 WHEREAS, amendments would allow for the streamlined processing of commercial  
19 cannabis operations.

20  
21 WHEREAS, the project will not result in any significant adverse environmental impacts,  
22 and the project is exempt from CEQA.

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24 THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE, STATE OF  
25 CALIFORNIA, ORDAINS AS FOLLOWS:

26  
27 **Section 1.** Subsection (h) of Section 18.5 of Chapter 21 of the Lake County Code is hereby  
28 added, and shall read as follows:

29  
30 “Retail sales of Cannabis”.

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32 **Section 2.** Subsection (o) of Section 19.3 of Chapter 21 of the Lake County Code is hereby  
33 added, and shall read as follows:

34  
35 “Retail sales of Cannabis.

36  
37 **Section 3.** Subsection (z) of Section 27.3 of Chapter 21 of the Lake County Code is hereby  
38 amended, and shall read as follows:

39  
40 Adult Personal Use, Qualified Patient, and Primary Caregiver Cannabis Cultivation  
41 (Ord. 2072,04/19/2018)  
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- 43 1. Development Standards and Restrictions  
44 i. The cultivation of cannabis for non-commercial Adult, Qualified

1 Patient, and Primary Caregiver Use is a residential accessory use.

2 ii. On parcels five (5) acres or less in size and on all lots within a  
3 community growth boundary, the cultivation of cannabis shall be  
4 conducted: In a detached accessory building, i.e. a shed or  
5 greenhouse, grow room that is located in the principal structure, or in  
6 a greenhouse with mixed light.

7 iii. On parcels greater than five acres in size not located within a  
8 community growth boundary, the cultivation of cannabis shall be  
9 conducted in a detached accessory building, i.e. a shed or greenhouse,  
10 a grow room that is located in the principal structure, a greenhouse  
11 with mixed-light, or an outdoor fenced area.

12 iv. For adult use cultivation, the area of the accessory building, indoor  
13 grow room or outdoor cultivation area shall not exceed 100 square  
14 feet in size regardless of the number of adults living in the residence.  
15 For qualified patients and primary caregivers' more than one  
16 accessory building, grow room, or individual outdoor cultivation area  
17 100 square feet in size is allowed but cannot exceed the number of  
18 qualified patients which is limited to six per parcel. Hoop-houses are  
19 prohibited.

20 v. For parcels that are located both within and not within a community  
21 growth boundary, such outdoor cultivation is only allowed on the  
22 portion of the property not located within a community growth  
23 boundary which exceeds five acres in size.

24 vi. Outdoor cultivation not located within a greenhouse is prohibited  
25 within a 1,000 feet of:

26 (a) any public or private school, grades K through 12;

27 (b) a developed public park containing playground equipment;

28 (c) a drug or alcohol rehabilitation facility; or

29 (d) A licensed child care facility or nursery school, church or  
30 youth-oriented facility catering to or providing services  
31 primarily intended for minors.

32 The distance specified in this section shall be measured  
33 horizontally from the property line of the school, park,  
34 rehabilitation facility, licensed child care facility, nursery  
35 school, or youth-oriented facility, to the cultivation site.

36 vii. Cannabis plant limitations:

37 (a) Qualified patient and primary caregiver: No more than six (6)  
38 mature cannabis plants or twelve (12) immature cannabis plants  
39 per qualified patient may be planted, cultivated, harvested,  
40 dried, or processed at any one time

41 (b) Personal adult use: No more than six (6) cannabis plants per  
42 residence on a lot of record may be planted, cultivated,

1 harvested, dried, or processed at any one time regardless of the  
2 number of adults living in the residence.

3 viii. Setbacks:

4 (a) Outdoor cultivation on parcels five (5) acres or greater in size  
5 not located within a community growth boundary shall be  
6 setback at least 75 feet from all property lines and at least 150  
7 feet from an offsite residence.

8 ix. Protection of minors: Cannabis cultivation areas shall not be  
9 accessible to juveniles who are not qualified patients or primary  
10 caregivers residing on the lot of record. The entrance to a shed, grow  
11 room, greenhouse, or outdoor area shall be locked to prevent access  
12 by minors.

13 x. The processing of cannabis includes the drying of cannabis and  
14 manufacturing that only utilizes processes that are either solvent less  
15 or that employ only nonflammable, nontoxic solvents that are  
16 generally recognized as safe pursuant to the federal Food, Drug, and  
17 Cosmetic Act (21 U.S.C. Sec. 301 et seq.).

18 xi. The living plants and any cannabis produced by the plants in excess  
19 of 28.5 grams shall be kept within the private residence or in a locked  
20 space, and not visible by normal unaided vision from a public place.

21 xii. Indoor cultivation and mixed light cultivation lighting shall not  
22 exceed 1,200 watts and shall conform to all applicable electrical  
23 codes. Outdoor cultivation areas, other than a greenhouse with mixed  
24 light shall not have any supplemental lighting.

25 xiii. A greenhouse with mixed light shall have the ability to enclose the  
26 greenhouse at night to prevent the transmission of light beyond the  
27 greenhouse.

28 xiv. A grow room shall only occur within a legal structure that meets the  
29 definition of Indoor and complies with all applicable provisions of the  
30 County's General Plan, Zoning Ordinance, and California Building  
31 Code.

32 xv. Single family dwelling, duplex, triplex accessory use, apartment or  
33 manufactured home park accessory use:

34 Any accessory structure, i.e. a shed or greenhouse, used for cultivation  
35 and processing of cannabis on a lot of record zoned for single family  
36 or a lot of record zoned for two or multi-family with a single  
37 residential structure, duplex, or triplex as the primary structure shall:

38 (a) Be located on the same lot of record as the residence occupied  
39 by the qualified patient, primary caregiver, or the adult using  
40 the cannabis grown on-site.

41 (b) Be fully enclosed by a fence at least six (6) feet in height. On  
42 lots greater than 5 acres outdoor cultivation not located within

- 1 a greenhouse, shall be enclosed by an opaque (not transparent  
2 or translucent) fence. The Director may waive the requirement  
3 for an opaque fence and allow a non- opaque fence if the  
4 cultivation site cannot be seen from adjacent properties or by  
5 the public due to topography or vegetation.
- 6 (c) Be secure against unauthorized entry and accessible only  
7 through lockable doors and/or gates. Within an apartment or  
8 manufactured home park if the accessory use is designed as a  
9 cultivation area or grow room each such area shall have a  
10 separate entry and lock.
- 11 (d) Be equipped with an odor-control filtration and ventilation  
12 system(s) adequate to prevent cannabis plant odors from exiting  
13 the interior of the structure.
- 14 (e) Be painted in similar colors to the primary residence.
- 15 (f) A greenhouse shall be a prefabricated structure constructed for  
16 nursery or agricultural purposes which has a frame constructed  
17 of metal and the panels must be polycarbonate or other similar  
18 material which is no less than four (4) millimeters thick. The  
19 walls shall be opaque so that a person cannot see inside the  
20 greenhouse. Hoop-houses are prohibited.
- 21 (g) Not exceed 100 square feet.
- 22 (h) For apartment or manufactured home park use not to exceed  
23 100 square feet per separate cultivation area or grow room
- 24 (i) Not create an odor, humidity or mold problem on the premises  
25 or on adjacent premises.
- 26 (j) Cultivation within any detached accessory structure that does  
27 not meet the definition of Indoor or within a greenhouse shall  
28 be considered outdoor cultivation.
- 29 The following shall only apply to apartment or Manufactured Home  
30 Park uses:
- 31 (k) If a greenhouse is used, it shall have opaque walls so that a  
32 person cannot see inside the greenhouse.
- 33 (l) The number of rooms for the cultivation and processing of  
34 cannabis in and/or group of, accessory structures cannot exceed  
35 the total number of residential units on the lot of record.
- 36 (m) An adult tenant, qualified patient, or primary caregiver shall not  
37 use, rent, or lease more than one cultivation area or grow room  
38 for the cultivation of processing of cannabis at a time.
- 39 (n) The owner of the apartment building or manufactured home  
40 park shall maintain records of which tenant used, rented, or  
41 leased which room in the accessory structure.

- 1 (o) Each room for the cultivation and processing of cannabis shall
- 2 have an individual water and electrical usage meter.
- 3 (p) The zoning permit shall include the requirement of an annual
- 4 compliance monitoring inspection. Included in the inspection
- 5 shall be an inspection of the tenant use, rental, or lease records
- 6 and the water and electrical records for each grow room.
- 7 (q) Outdoor cultivation is prohibited. Cultivation within any
- 8 detached accessory structure that does not meet the definition
- 9 of Indoor or within a greenhouse shall be considered outdoor
- 10 cultivation.
- 11 (r) If the premises is rented or leased, written approval shall be
- 12 obtained from the property owner(s), containing the property
- 13 owner(s) notarized signature that authorizes the tenant or lessee
- 14 to cultivate cannabis at the site. A copy of the written approval
- 15 shall be maintained by the tenant or lessee and made available
- 16 for review by enforcement officials upon request. Written
- 17 approvals shall be renewed annually.
- 18 (s) Cultivation of cannabis is an accessory use to an existing
- 19 residential structure occupied by the qualified patient, primary
- 20 caregiver, or the adult using the cannabis grown on-site. Only
- 21 residents of the mobile home park or their primary caregiver
- 22 may cultivate cannabis on-site.
- 23 (t) Protection of Minors: Cannabis cultivation areas shall not be
- 24 accessible to juveniles who are not qualified patients or primary
- 25 caregivers. The entrance to a shed, grow room, greenhouse, or
- 26 outdoor area shall be locked to prevent access by minors.
- 27 (u) The processing of cannabis to make a concentrated cannabis
- 28 extract using a volatile solvent is prohibited.
- 29 (v) Indoor cultivation shall occur only within a legal structure that
- 30 meets the definition of indoor and complies with all applicable
- 31 provisions of the County's General Plan, Zoning Ordinance,
- 32 and California Building Code.

33 2 Permits required

34 i. Cannabis indoor cultivation and cannabis mixed-light cultivation:

- 35 (a) All applicable building permits shall be obtained.
- 36 (b) Adult, qualified patient, and primary caregiver cannabis
- 37 cultivation on a single family lot does not require a zoning
- 38 permit.
- 39 (c) Any accessory structure, i.e. a shed or greenhouse, used for
- 40 cultivation of cannabis on a lot of record zoned for multi- family
- 41 with an apartment building or a manufactured home park
- 42 requires a zoning permit.

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**Section 4.** Subsection (at) of Section 27.13 of Chapter 21 of the Lake County Code is hereby amended, and shall read as follows:

(at) Commercial Cannabis Cultivation: (Ord. No. 3073, 04/19/2018)

1. Development standards, general requirements, and restrictions
  - i. Development standards

License	Minimum Lot Size (acres)	Setback from property line	Setback from off-site residences	Number of Living Cannabis Plants	Number of Mature Cannabis Plants	Minimum fence height (feet)	Maximum fence height (feet)	Maximum canopy area (Sq. ft.)
M-Type 1 A-Type 1	20	100	200	75	50	6	8	5,000
M-Type 1A, A-Type 1A, M-Type 1B, A-Type 1B	20	100	200	N/A	N/A	6	8	5,000
M-Type 1C mixed light	5	100	200	N/A	N/A	6	8	2,500
M-Type 1C outdoor	5	100	200	50	25	6	8	2,500
M – Type 1C indoor	5	100	200	N/A	N/A	6	8	500
A-Type 1C Mixed light	5	100	200	N/A	N/A	6	8	2,500
A – Type 1C outdoor	5	100	200	50	25	6	8	2,500
A – Type 1C indoor	5	100	200	N/A	N/A	6	8	500

M – Type 2, A-Type 2, M -Type 2A, A-Type 2A, M – Type 2B, and A – Type 2B	20	100	200	N/A	N/A	6	8	10,000
M – Type 3 and A – Type 3	20	100	200	N/A	N/A	6	8	43,560
M – Type 3A, A-Type 3A, M- Type 3B, A – Type 3B, M-Type 4, and A – Type 4	20	100	200	N/A	N/A	6	8	22,000

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ii. General Requirements

- (a) State licensure and permits as required. A person or entity shall not engage in the commercial cultivation of cannabis without first obtaining a Lake County minor or major use permit, a state cannabis cultivation license, and applicable permits such as from Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, the State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs, as appropriate.
- (b) Should there be a delay in the State’s issuance of a state cannabis cultivation license, which delay is solely caused by the State, the applicant may be granted a minor or major use permit if all other applicable State permits have been obtained. When said minor or major use permit is granted by the County, the permittee shall be deemed authorized by the County of Lake to engage in cannabis cultivation operations in the County of Lake. In all such cases of State licensing delay where a minor or major use permit is granted, said minor or major use permit shall be reviewed one (1) year after its issuance if the permittee has not already submitted proof of state licensure within that time. If the permittee is unable to provide proof of a valid state cannabis cultivation license at the time of that one-year review, the County minor or major use permit may be subject to review and action, up to and including, revocation. For purposes of this provision, a delay is solely caused by the State if the license

1 applicant has submitted an application to the State deemed to  
2 be complete and has no compliance conditions outstanding that  
3 would preclude the State's issuance of a cannabis cultivation  
4 license. Nothing in this provision is intended in any way to  
5 supplant or be contrary to the licensing requirements of State  
6 law.

7 (c) The Department shall notify the Bureau of Cannabis Control  
8 and/or Cal Cannabis Cultivation Licensing Division upon  
9 revocation of any local license, permit, or authorization for a  
10 permittee to engage in commercial cannabis activity within the  
11 local jurisdiction.

12 (d) Records

13 a. An applicant shall keep accurate records of commercial  
14 cannabis activity.

15 b. All records related to commercial cannabis activity as  
16 defined by the state licensing authorities shall be  
17 maintained for a minimum of seven years.

18 c. The County may examine the books and records of an  
19 applicant and inspect the premises of a permittee when  
20 the County deems necessary to perform its duties under  
21 this division. All inspections shall be conducted during  
22 standard business hours of the permitted facility or at  
23 any other reasonable time.

24 d. Applicants shall keep records identified by the County  
25 on the premises of the location permitted. The County  
26 may make any examination of the records of any  
27 applicant. Applicants shall also provide and deliver  
28 copies of such documents to the County upon request.

29 e. An applicant, or its agent or employee, that refuses,  
30 impedes, obstructs, or interferes with an inspection of  
31 the premises or records of the applicant pursuant to this  
32 section, has engaged in a violation of this article.

33 (e) Applicant

34 If the applicant is other than a natural person (including  
35 general partnerships of more than one individual natural  
36 person), the applicant must provide documentation regarding  
37 the nature of the entity and the names of the individual natural  
38 persons who manage, own or control the entity. The most  
39 common entities are corporations, limited liability companies  
40 (LLCs), limited partnerships (LPs), or trusts. These entities  
41 can be multi-layered and/or interlocking, e.g. a corporation  
42 can be owned by another corporation. If that is the case,  
43 documents for those other related entities are needed until the



1 individual natural persons who manage, own or control the  
2 entities can be identified.

3 a. For Corporations:

- 4 (1) Articles of Incorporation – file stamped by the  
5 state agency where incorporated.
- 6 (2) If not a California Corporation, the registration  
7 filed to do business in California must be  
8 stamped by the CA Secretary of State.
- 9 (3) A list of the officers and directors of the  
10 corporation (this could be a single person).
- 11 (4) The agent for service of process and business  
12 office address in California.
- 13 (5) A list of the shareholders of the corporation  
14 (again, it could be a single person and the same  
15 as the officer/director). If it is a large, publicly  
16 held corporation with many shareholders,  
17 contact the Department for direction.
- 18 (6) If a non-profit mutual benefit corporation  
19 (common under pre-MMRSA practice for  
20 cannabis operations), a list of the members  
21 instead of the shareholders.
- 22 (7) A resolution of the board of directors  
23 authorizing the individual who will sign the  
24 application and other documents on behalf of  
25 the corporation to do so.

26 b. For Cannabis Cooperative Associations:

- 27 (1) Articles of Incorporation – file stamped by the  
28 state agency where incorporated.
- 29 (2) A list of the officers and directors of the  
30 corporation.
- 31 (3) The agent for service of process and business  
32 office address in California.
- 33 (4) A list of the shareholders of the cooperative  
34 association. For the purpose of associations  
35 organized without shares of stock, the members  
36 shall be deemed to be “shareholders” as the  
37 term is used in the General Corporation Law.
- 38 (5) By-laws
- 39 (6) A resolution of the Board of Directors  
40 authorizing the individual who will sign the  
41 application and other documents on behalf of

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the corporation to do so.

c. For Limited Liability Companies:

- (1) Articles of Organization – file stamped by the state agency where formed If not a California LLC, or the registration to do business in California file stamped by the CA Secretary of State.
- (2) A list of the managing member or members of the company.
- (3) The agent for service of process and business office address in California.
- (4) A list of any other members of the company.
- (5) The application and other documents submitted on behalf of the LLC must be signed by a managing member.

d. For Limited Partnerships:

- (1) Certificate of Limited Partnership – file stamped by the state agency where filed.
- (2) If not a California LP, the registration to do business in California file must be stamped by the CA Secretary of State.
- (3) The identity of the General Partner or partners.
- (4) The agent for service of process and business office address in California.
- (5) A list of the limited partners of the LP.
- (6) The application and other documents submitted on behalf of the LP must be signed by a general partner.

e. For Trusts:

- (1) The Declaration of Trust or Statement of Trust.
- (2) The name and address of the Trustee or trustees.
- (3) A list of the names beneficiaries of the trust with a vested interest in the property held by the trust (check with County Counsel for explanation and details if needed).
- (4) The application and other documents submitted on behalf of the trust must be signed by a Trustee.

(f) Background Checks:

1 *All applicants and employees shall undergo a background*  
2 *check by the Lake County Sheriff Department. An individual*  
3 *may fail the background check if employee has been convicted*  
4 *of an offense that is substantially related to the qualifications,*  
5 *functions, or duties of the business or profession for which the*  
6 *application is made, except that if the sheriff determines that*  
7 *the applicant or permittee is otherwise suitable to be issued a*  
8 *license and granting the license would not compromise public*  
9 *safety, the sheriff shall conduct a thorough review of the nature*  
10 *of the crime, conviction, circumstances, and evidence of*  
11 *rehabilitation of the applicant, and shall evaluate the*  
12 *suitability of the applicant or permittee be issued a license*  
13 *based on the evidence found through the review. In*  
14 *determining which offenses are substantially related to the*  
15 *qualifications, functions, or duties of the business or*  
16 *profession for which the application is made, the sheriff shall*  
17 *include, but not be limited to, the conditions described in*  
18 *Section 26057 of the California Business and Professions*  
19 *Code.*

20 (g) Application for Background Clearance for a County Permit

21 (1) An applicant for a commercial cannabis cultivation  
22 permit shall do all of the following:

23 (i) Each applicant and employee shall  
24 electronically submit to the Department of  
25 Justice fingerprint images and related  
26 information required by the Department of  
27 Justice for the purpose of obtaining information  
28 as to the existence and content of a record of  
29 state or federal convictions and arrests, and  
30 information as to the existence and content of a  
31 record of state or federal convictions and arrests  
32 for which the Department of Justice establishes  
33 that the person is free on bail or on his or her  
34 own recognizance, pending trial or appeal.

35 (ii) The Sheriff's Office shall request from the  
36 Department of Justice subsequent notification  
37 service, as provided pursuant to Section 11105.2  
38 of the Penal Code, for applicants.

39 (iii) The applicant will be responsible to pay any fee  
40 the Department of Justice charges as set by the  
41 Department of Justice and sufficient to cover the  
42 reasonable cost of processing the requests  
43 described in this paragraph.

44 (h) Qualifications for a Minor or Major Use Permit:

1 *The County may deny a minor or major use permit (permit) or*  
2 *the renewal of a permit if any of the following conditions*  
3 *apply:*

4 (1) Failure to comply with the provisions of this chapter or  
5 any rule or regulation adopted pursuant to this chapter,  
6 including but not limited to, any requirement imposed  
7 to protect natural resources, in-stream flow, water  
8 quality, and fish and wildlife.

9 (2) The applicant has failed to provide information  
10 required by the Lake County Zoning Ordinance.

11 (3) The applicant, owner, or permittee has been convicted  
12 of an offense that is substantially related to the  
13 qualifications, functions, or duties of the business or  
14 profession for which the application is made, except  
15 that if the Lake County Sheriff finds that the applicant,  
16 owner, or permittee is otherwise suitable to be issued a  
17 permit, and granting the permit would not compromise  
18 public safety, the Lake County Sheriff shall conduct a  
19 thorough review of the nature of the crime, conviction,  
20 circumstances, and evidence of rehabilitation of the  
21 applicant or owner, and shall evaluate the suitability of  
22 the applicant, owner, or permittee to be issued a permit  
23 based on the evidence found through the review.

24 (i) Property Owner's Approval:

25 *If the property where the cannabis activity is to be located is*  
26 *not owned by the applicant, written approval shall be obtained*  
27 *from the property owner(s), containing the property owner(s)*  
28 *notarized signature that authorizes the tenant or lessee to*  
29 *cultivate cannabis at the site. A copy of the written approval*  
30 *shall be maintained by the tenant or lessee and made available*  
31 *for review by enforcement officials upon request. Written*  
32 *approvals shall be renewed annually.*

33 (j) Collocation of Permits and Clustering

34 *Multiple Cultivation permits may be allowed on a single parcel*  
35 *provided that each permit meets the minimum acreage*  
36 *requirement and all other development standards. Clustering*  
37 *a cultivation site across multiple contiguous parcels may be*  
38 *permitted when all of the following criteria are met:*

39 (1) All parcels must qualify for a commercial cannabis  
40 cultivation permit independently,

41 (2) Title interest on all parcels shall be held under the same  
42 identical ownership.

43 (3) All required cultivation setbacks shall be maintained

1 from exterior property lines and the cultivation site  
2 may be permitted to cross contiguous property lines,

- 3 (4) A deed restriction prohibiting commercial cannabis  
4 cultivation shall be recorded on each parcel where  
5 density has been transferred.

6 (k) Permitted activities:

7 *The following uses in connection with the cultivation of*  
8 *cannabis:*

- 9 (1) Cultivation of cannabis  
10 (2) Cannabis processing such as drying, curing, grading,  
11 packaging, or trimming  
12 (3) Accessory uses related to the planting, growing,  
13 harvesting, drying, curing, grading, or the trimming of  
14 cannabis.

15 (l) Operating Hours:

16 *Deliveries and pick-ups are restricted as follows:*

- 17 (1) Monday through Saturday: 9:00 a.m. - 7:00 p.m.  
18 Sunday: 12:00 p.m. - 5:00 p.m.

19 (m) Duration of Permits:

20 *Commercial cannabis cultivation permit duration: not to*  
21 *exceed ten (10) years.*

22 (n) Track and Trace:

23 *All permittees shall comply with the State of California Track*  
24 *and Trace requirements.*

25 (o) Weights and Measures

26 *All permittees shall comply with the State of California*  
27 *Weights and Measures requirements found in the California*  
28 *Food and Agriculture Code, California Code of Regulations,*  
29 *and the California Business and Professions Code.*

30 (p) Access Standards

- 31 (1) Any site where a cannabis related activity is  
32 permitted shall have access to a public road or a  
33 recorded easement that allows for, but not limited to,  
34 delivery trucks, emergency vehicles, sheriff and other  
35 law enforcement officers, and government employees  
36 who are responsible for inspection or enforcement  
37 actions. Driveway encroachments onto County-  
38 maintained roadways shall be constructed to current  
39 County standards and shall be constructed with an  
40 encroachment permit obtained from the Department of

Public Works.

(2) All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body.

(3) The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district.

(4) Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public. Gates constructed across public access easements are subject to removal per State Street and Highway Codes.

iii. Prohibited Activities

(a) Tree Removal

*The removal of any commercial tree species as defined by the California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (Quercus species) or Tan Oak (Notholithocarpus spices.) for the purpose of developing a cannabis cultivation site should be avoided and minimized. This shall not include the pruning of any such tree species for the health of the tree or the removal of such trees if necessary for safety or disease concerns.*

(b) Water use

*The utilization of water that has been or is illegally diverted from any lake, spring, wetland, stream, creek, vernal pool, or river is prohibited. Cultivation site shall not be connected to public water.*

(c) Odor

*Cannabis related permits shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.*

(d) Electrical Generators

*The indoor or mixed-light cultivation of cannabis shall not rely on a personal gasoline, diesel, propane, or similar fuels, powered generator as a primary source of power and shall only allow properly permitted (when applicable) generators*

1 *for temporary use in the event of a power outage or emergency*  
2 *that is beyond the permittee's control.*

3 (e) Lights

4 *All lights used for cannabis related permits including indoor*  
5 *or mixed light cultivation of cannabis shall be fully contained*  
6 *within structures or otherwise shielded to fully contain any*  
7 *light or glare involved in the cultivation process. Artificial*  
8 *light shall be completely shielded between sunset and sunrise.*

9 *Security lighting shall be motion activated and all outdoor*  
10 *lighting shall be shielded and downcast or otherwise*  
11 *positioned in a manner that will not shine light or allow light*  
12 *glare to exceed the boundaries of the lot of record upon which*  
13 *they are placed.*

14 (f) Pesticide

15 *The use any pesticide that has been banned for use in the state*  
16 *is prohibited.*

17 iv. Protection of Minors

18 (a) No permittee shall:

- 19 a. Sell, transfer or give cannabis or cannabis products to  
20 persons under 21 years of age;  
21 b. Allow any person under 21 years of age into the  
22 cultivation area;  
23 c. Employ or retain persons under 21 years of age.

24 v. Commercial Cannabis Cultivation Exclusion Areas

25 *Commercial cannabis cultivation is prohibited within a 1,000 feet of*  
26 *the following areas or uses:*

- 27 a. Community Growth Boundary as described in the Lake  
28 County General Plan,  
29 b. SOS combining district,  
30 c. Public lands,  
31 d. An incorporated city sphere of influence, unless the  
32 applicant can provide a letter of support from the City.  
33 e. Any public or private school, grades K through 12,  
34 f. A developed public park containing playground  
35 equipment,  
36 g. A drug or alcohol rehabilitation facility, or  
37 h. A licensed child care facility or nursery school, church

1 or youth-oriented facility catering to or providing  
2 services primarily intended for minors.

3 i. Federal Indian Trust Lands, unless the applicant can  
4 provide a letter of support from the Federal Indian  
5 Trust Landholder.

6 j. The distance specified in this section shall be measured  
7 horizontally from the areas or uses to the cannabis  
8 cultivation site.

9 vi. Within areas designated as prime farmland, farmland of statewide  
10 importance, unique farmland, and farmland of local importance as  
11 depicted on the current Lake County Important Farmland prepared by  
12 the State of California Department of Conservation Farmland  
13 Mapping and Monitoring Program commercial cannabis cultivation  
14 shall be limited to indoor, mixed light, and greenhouses that are  
15 equipped with filtrations systems that prevents the movement of odors,  
16 pesticides, and other air borne contaminates out of or into the structure.  
17 The permitting authority may allow outdoor cultivation outside a  
18 greenhouse if the prime farmland, farmland of statewide importance,  
19 unique farmland, and farmland of local importance are isolated areas  
20 that are not connected to a large system of such lands.

21 2. Permitting process

22 i. Permits

23 (a) There are two different permit types for the commercial  
24 cultivation of cannabis:

25 a. Minor Use Permit: A minor use permit is required for  
26 the following cannabis cultivation licenses: M – Type  
27 1, A – Type 1, M – Type 1A, A – Type 1A, M – Type  
28 1B, A – Type 1B, M – Type 1C, A – Type 1C, M –  
29 Type 2, A – Type 2, M – Type 2A, A – Type 2A, M –  
30 Type 2B, A – Type 2B, M – Type 4, or A – Type 4  
31 licenses

32 b. Major Use Permit: A major use permit is required for  
33 the following cannabis cultivation licenses: M – Type  
34 3, A – Type 3, M – Type 3A, A – Type 3A, M- Type  
35 3B, or A – Type 3B licenses

36 (b) Minor and Major Use Permits for Commercial cannabis  
37 cultivation

38 a. A person interested in applying for a cannabis  
39 cultivation use permit shall be enrolled with the  
40 applicable Regional Water Quality Control Board or  
41 State Water Resources Control Board for water quality  
42 protection programs or written verification from the  
43 appropriate board that enrollment is not necessary.



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- b. The applicant shall schedule and pay the fee for a pre-application conference with the Department prior to the submittal of an application for a use permit. Questions regarding a specific application will only be addressed at a pre-application conference. No later than two weeks prior to the pre- application conference, the applicant shall provide the department:
- (1) A map showing the lot of record showing where the cultivation site is located and the Assessor's Parcel Number (APN) for the lot of record.
  - (2) Sketch of the proposed cultivation site including the location of the canopy area, full cultivation site, access, existing structures on the lot of record, any water bodies and/or water courses,
  - (3) A statement as to which State license the applicant intends to submit an application.
  - (4) Responses to the following performance standards questions:
    - (i) Has the applicant applied to the Cal Cannabis Cultivation Licensing Division for a cultivation license if the application relates to an existing site?
    - (ii) Is the cultivation site located outside a floodplain?
    - (iii) Do all aspects of the project not require a grading permit? How many cubic yards of soil is proposed for removal?
    - (iv) Does the applicant have a legal, on- site source of water?
    - (v) Does the applicant agree to monitor water use and share the data with the County?
    - (vi) Does the applicant agree to make water source available to Cal Fire for firefighting?
    - (vii) Has the applicant conducted a cultural/archeological survey of the property?
    - (viii) Does the applicant agree to monitor energy use and share the data with the County?

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- (ix) Does the applicant agree to monitor vegetative waste generation and share the data with the County?
- (x) Does the applicant agree to monitor solid waste generation and share the data with the County?
- (xi) Does the applicant agree to monitor water quality of storm water runoff and share the data with the County?
- (xii) Any questions that the applicant may have regarding the permitting process or what is required for the submittal.
- (xiii) Do you plan on using CO2 enhancement?

c. At the pre-application conference the Department will provide:

- (1) A determination of the legal lot of record status or request additional information to make such determination. The lot of record where the cultivation site is located is required to be a legal lot of record.
- (2) A determination of current compliance with Chapters 5, 13, 17, 21, 23, 26, 29 or 30 of the Lake County Code. Compliance with these chapters is required to submit an application.
- (3) A determination of the performance standards score based on the response to the performance standards questions. A minimum score of 75% is required to submit an application.
- (4) A response to the questions submitted with the pre-application conference application.
- (5) An outline of the information required for the application.

d. Permit application supplemental information

*The use permit application, in addition to the requirements of Article 55, shall include the following additional information:*

- (1) The legal business name of the applicant entity;
- (2) The license type, pursuant to the California Department of Food and Agriculture cannabis cultivation program regulations, for which the applicant is applying and whether the

- 1 application is for an M-license or A-license;
- 2 (3) A list of all the types, including the license  
3 numbers of valid licenses, from the department  
4 and other cannabis licensing authorities that the  
5 applicant already holds;
- 6 (4) The physical address of the premises;
- 7 (5) The mailing address of the applicant;
- 8 (6) A designated responsible party, who shall also  
9 be an owner, with legal authority to bind the  
10 applicant entity, and the primary contact for the  
11 application. The following information shall be  
12 provided for the designated responsible party:  
13 full legal name, title, mailing address, primary  
14 contact phone number, email address, and a  
15 copy of the owner's government-issued  
16 identification. Acceptable forms of  
17 identification are a document issued by a  
18 federal, state, county, or municipal  
19 government, including, but not limited to, a  
20 driver's license or passport, that contains the  
21 name, date of birth, physical description, and  
22 picture of the individual;
- 23 (7) An individual or entity serving as agent for  
24 service of process for the applicant. The  
25 following information shall be provided for the  
26 agent for service of process: full legal name,  
27 mailing address, primary contact phone  
28 number, and email address;
- 29 (8) A complete list of every owner of the applicant  
30 entity. Each individual owner shall submit the  
31 following information:
- 32 (i) Full legal name;
- 33
- 34 (ii) Title within the applicant entity;
- 35 (iii) Home address;
- 36 (iv) Primary phone number;
- 37 (v) Email address;
- 38 (vi) Date ownership interest in the applicant  
39 entity was acquired;
- 40 (vii) Percentage of the ownership interest  
41 held in the applicant entity by the

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- owner;
- (viii) A list of all the valid licenses, including license type(s) and license number(s), from the department and other cannabis licensing authorities that the owner is listed as either an owner or financial interest holder;
- (ix) A copy of their government-issued identification. Acceptable forms of identification are a document issued by a federal, state, county, or municipal government that includes the name, date of birth, physical description, and picture of the person, such as a driver's license or passport.
- (x) For applicants that are a cannabis cooperative as defined by Division 10, Chapter 22 (commencing with section 26220) of the Business and Professions Code, identification of all members.
- (xi) Evidence that the applicant entity has the legal right to occupy and use the proposed location.
- (xii) Evidence of enrollment with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs or written verification from the appropriate board that enrollment is not necessary;
- (xiii) Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;
- (xiv) For indoor and mixed light license types, identification of all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation;

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- (xv) Identification of all water sources used for cultivation activities and the estimated volume of water used on a monthly basis.
  - (xvi) An attestation that the local fire department has been notified of the cultivation site if the applicant entity is an indoor license type;
  - (xvii) If construction is proposed, Building Elevations shall be submitted
- (9) Project description:
- The project description shall provide adequate information to evaluate the impacts of the proposed project and consists of three parts: a site plan, a written description section, and a property management section.
- (10) Site Plan: A site plan is a graphic representation of the project consisting of maps, site plans, or drawings prepared by a design professional consistent with the requirements of the Department pursuant to Article 55.5.
- (i) This section shall include a map of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool on the lot of record of land or within 200 feet of the lot of record and a 100-foot setback from
  - (ii) The use of fertilizer shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge.
  - (iii) The use of pesticides shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full

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lake level of 7.79 feet on the Rumsey Gauge.

- (iv) Include A map of any private drinking water well, a 100 foot setback from any identified private drinking water well, The map shall also include any public water supply well on the lot of record or within 200 feet of the lot of record and a 200 foot setback from any public water supply well.
  - (v) Pursuant to the California Health and Safety Code, the use of hazardous materials shall be prohibited except for limited quantities of hazardous materials that are below State threshold levels of 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas. The production of any Hazardous Waste as part of the cultivation process is prohibited.
  - (vi) A topographic map of the parcel where the permitted activity is located with contours no greater than forty (40) feet.
- (11) Written Description: A written section which shall support the graphic representations and shall, at a minimum, include:
- (i) A project description;
  - (ii) The present zoning;
  - (iii) A list and description of all uses shown on the site plan;
  - (iv) A development schedule indicating the approximate date when construction of the project can be expected to begin and be completed for each phase of the project; including the permit phase;
  - (v) A statement of the applicant's proposal for solid waste disposal, vegetative waste disposal, storm water management, growing medium management, fish and wildlife protection, water resources protection, energy use, water use, pest management, fertilizer use, property management, grading, organic farming,

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and protection of cultural resources;

(vi) Quantitative data for the development including but not limited to: Gross and net acreage; the approximate dimensions and location of structures for each district or area; employee statistics; support services required; traffic generation data based on anticipated uses; parking and loading requirements; and outdoor storage requirements based on anticipated uses;

(vii) Supplemental information, if applicable:

(a) Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights.

(b) Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast or Central Valley Regional Water Quality Board.

(c) Streambed Alteration Permit obtained from the Department of Fish and Wildlife.

(d) Copy of County of Lake well permit, state well permit, or well logs.

(e) If the lot of record is zoned TPZ, or involves conversion of timberland, a copy of less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL- FIRE. Alternately for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing the landowner has completed a civil

1 or criminal process and/or  
2 entered into a negotiated  
3 settlement with CAL-FIRE.

4 (viii) Other pertinent information as required  
5 by the Director.

6 (12) A Management Plan section Described in  
7 subsection 3 below.

8  
9 e. Minor and Major Use Permit required findings

10 *In addition to the findings required for a minor use*  
11 *permit (Article 50.4) or major use permit (Article 51.4),*  
12 *the following findings shall be made:*

13 (1) The proposed use complies with all  
14 development standards described in Section 1.  
15 i.

16 (2) The applicant is qualified to make the  
17 application described in Section 1.ii.(g).

18 (3) The application complies with the  
19 qualifications for a permit described in Section  
20 1.ii. (i).

21 (c) Early activation

22 *In addition to the requirements of Article 27.4, the following*  
23 *requirements apply:*

24 a. The applicant shall be qualified to receive a permit  
25 pursuant to Subsection 1.ii. (g).

26 b. Evidence of enrollment with the applicable Regional  
27 Water Quality Control Board or State Water Resources  
28 Control Board for water quality protection programs or  
29 written verification from the appropriate board that  
30 enrollment is not necessary

31 c. The applicant shall have filed an application for a minor  
32 or major use permit application, as appropriate, for the  
33 same project that has been determined to be complete  
34 by the Department.

35 3. Property Management Plan

36 All permittees shall prepare a Property Management Plan. The intent of said  
37 plan is to identify and locate all existing cannabis and non-cannabis related  
38 uses on the property, Identify and locate all proposed cannabis and non-  
39 cannabis related uses on the property, and describe how all cannabis and non-  
40 cannabis related uses will be managed in the future. The property management  
41 plan shall demonstrate how the operation of the commercial cannabis



1 cultivation site will not harm the public health, safety, and welfare or the  
2 natural environment of Lake County.

3 The plan will consist of the following sections:

4 i. Air Quality

5 (a) Intent: All cannabis permittees shall not degrade the County's  
6 air quality as determined by the Lake County Air Quality  
7 Management District (LCAQMD).

8 (b) In this section, permittees shall identify any equipment or  
9 activity that may cause, or potentially cause the issuance of air  
10 contaminates including odor and shall identify measures to be  
11 taken to reduce, control or eliminate the issuance of air  
12 contaminants, including odors.

13 (c) All cannabis permittees shall obtain an Authority to Construct  
14 permit, if necessary, pursuant to LCAQMD Rules and  
15 Regulations, prior to the construction of the facility described  
16 in the Property Management Plan.

17 (d) All cannabis permittees shall obtain Authority to Construct  
18 Permit pursuant to LCAQMD Rules and Regulations, if  
19 applicable, to operate any article, machine, equipment or other  
20 contrivance which causes or may cause the issuance of an air  
21 contaminant.

22 (e) All permittees shall maintain an Authority to Construct or  
23 Permit to Operate for the life of the project, until the operation  
24 is closed and equipment is removed.

25 (f) The applicant shall prepare an odor response program that  
26 includes (but is not limited to):

27 a. Designating an individual(s) who is/are responsible for  
28 responding to odor complaints 24 hours per day/seven  
29 (7) days a week, including holidays.

30 b. Providing property owners and residents of property  
31 within a 1,000 foot radius of the cannabis facility, with  
32 the contact information of the individual responsible  
33 for responding to odor complaints.

34 c. Policies and procedures describing the actions to be  
35 taken when an odor complaint is received, including  
36 the training provided to the responsible party on how  
37 to respond to an odor complaint.

38 d. The description of potential mitigation methods to be  
39 implemented for reducing odors, including add- on air  
40 pollution control equipment.

41 e. Contingency measures to mitigate/curtail odor and  
42 other emissions in the event the methods described

1 above are inadequate to fully prevent offsite nuisance  
2 conditions.

3 ii. Grounds.

4 (a) The permittee shall establish and implement written  
5 procedures to ensure that the grounds of the premises  
6 controlled by the permittee are kept in a condition that prevents  
7 the contamination of components and cannabis products. The  
8 methods for adequate maintenance of the grounds shall include  
9 at minimum:

10 a. The proper storage of equipment, removal of litter  
11 and waste, and cutting of weeds or grass so that the  
12 premises shall not constitute an attractant, breeding  
13 place, or harborage for pests.

14 b. The proper maintenance of roads, yards, and  
15 parking lots so that these areas shall not constitute a  
16 source of contamination in areas where cannabis  
17 products are handled or transported.

18 c. The provision of adequate draining areas in order  
19 to prevent contamination by seepage, foot-borne filth,  
20 or the breeding of pests due to unsanitary conditions.

21 d. The provision and maintenance of waste treatment  
22 systems so as to prevent contamination in areas where  
23 cannabis products may be exposed to such a system's  
24 waste or waste by-products.

25 (b) If the lot of record is bordered by grounds outside the  
26 applicant's control that are not maintained in the manner  
27 described in subsections (i) through (iv) of this section,  
28 inspection, extermination, and other reasonable care shall be  
29 exercised within the lot of record in order to eliminate any  
30 pests, dirt, and/or filth that pose a source of cannabis product  
31 contamination.

32 (c) Any other information as may be requested by the Director  
33 and/or by the Planning Commission.

34 iii. Security

35 (a) Intent: To minimize criminal activity, provide for safe and  
36 secure working environments, protect private property, and to  
37 prevent damage to the environment. The Applicant shall  
38 provide adequate security on the premises, as approved by the  
39 Sheriff and pursuant to this section, including lighting and  
40 alarms, to ensure the safety of persons and to protect the  
41 premises from theft.

42 (b) Security Plan

*This section shall include at a minimum:*

- a. A description of the security measures to be taken to:
  - (1) Prevent access to the cultivation site by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:
    - (i) Establishing physical barriers to secure perimeter access and all points of entry (such as locking primary entrances with commercial- grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);
    - (ii) Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;
    - (iii) Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;
    - (iv) Maintaining the premises such that visibility and security monitoring of the premises is possible; and
    - (v) Establishing procedures for the investigation of suspicious activities.
  - (2) Prevent theft or loss of cannabis and cannabis products. This includes but is not limited to:
    - (i) Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the cultivation process;
    - (ii) Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;
    - (iii) Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and
    - (iv) Providing designated areas in which personnel may store and access personal items.

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- (3) Identification of emergency contact(s) that is/are available 24 hours/seven (7) days a week including holidays. The plan shall include the name, phone number and facsimile number or email address of an individual working on the commercial cultivation premises, to whom notice of problems associated with the operation of the commercial cultivation establishment can be provided. The commercial cultivation establishment shall keep this information current at all times. The applicant shall make every good faith effort to encourage neighborhood residents to call this designated person to resolve operating problems, if any, before any calls or complaints are made to the County.
- (4) The permittee shall maintain a record of all complaints and resolution of complaints and provide a tally and summary of issues in the annual Performance Review Report.
- (5) A description of fences, location of access points, and how access is controlled.
- (6) Video Surveillance.
  - (i) At a minimum, permitted premises shall have a complete digital video surveillance system with a minimum camera resolution of 1080 pixel. The video surveillance system shall be capable of recording all pre-determined surveillance areas in any lighting conditions.
  - (ii) The video surveillance system shall be capable of supporting remote access by the permittee.
  - (iii) To the extent reasonably possible, all video surveillance cameras shall be installed in a manner that prevents intentional obstruction, tampering with, and/or disabling.
  - (iv) Areas that shall be recorded on the video surveillance system include, but are not limited to, the following:
    - (a) The perimeter of the cannabis cultivation site and cannabis

- 1 nursery,
- 2 (b) Areas where cannabis or  
3 cannabis products are weighed,  
4 packed, stored, quarantined,  
5 loaded and/or unloaded for  
6 transportation, prepared, or  
7 moved within the premises;
- 8 (c) Areas where cannabis is  
9 destroyed;
- 10 (d) Limited-access areas;
- 11 (e) Security rooms;
- 12 (f) Areas containing surveillance-  
13 system storage devices, in  
14 which case, at least one camera  
15 shall record the access points to  
16 such an area; and
- 17 (g) The interior and exterior of all  
18 entrances and exits to the  
19 cannabis cultivation sites and  
20 cannabis nursery including all  
21 buildings where cannabis or  
22 cannabis products are weighed,  
23 packed, stored, quarantined,  
24 loaded and/or unloaded for  
25 transportation, prepared, or  
26 moved within the premises.
- 27 (v) The surveillance system shall operate  
28 continuously 24 hours per day and at a  
29 minimum of 30 frames per second.
- 30 (vi) All exterior cameras shall be  
31 waterproof, I-66 minimum.
- 32 (vii) All interior cameras shall be moisture  
33 proof.
- 34 (viii) Cameras shall be color capable.
- 35 (ix) Video management software shall be  
36 capable of integrating cameras with  
37 door alarms.
- 38 (x) Video recordings shall be digital.
- 39 (xi) Thermal technology shall be used for  
40 perimeter fencing.
- 41 (xii) All cameras shall include motion

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sensors that activates the camera when motion is detected.

- (xiii) In areas with inadequate lighting for the cameras being used, sufficient lighting shall be provided to illuminate the camera's field of vision.
- (xiv) All recording shall be located in secure rooms or areas of the premises in an access and environment-controlled environment which is separate from the room where the computer and monitoring equipment is located.
- (xv) All surveillance recordings shall be kept on the applicant's recording device or other approved location for a minimum of 30 days.
- (xvi) All video surveillance recordings are subject to inspection by the Department and shall be copied and sent, or otherwise provided, to the Department upon request.
- (xvii) The video recordings shall display the current date and time of recorded events. Time is to be measured in accordance with the U.S. National Institute Standards and Technology standards. The displayed date and time shall not significantly obstruct the view of recorded images

(7) Fences

- (i) Any commercial cannabis cultivation site shall be enclosed by a fence. The fence shall include, at a minimum, the following: Posts set into the ground. The posts may be steel tubing, timber or concrete and may be driven into the ground or set in concrete. End, corner or gate posts, commonly referred to as "terminal posts", must be set in concrete footing or otherwise anchored to prevent leaning under the tension of a stretched fence. Posts set between the terminal posts shall be set at intervals not to exceed 10 feet. A top horizontal rail is required between all posts. The

1 fence shall be attached to the posts and  
2 top horizontal rail.

3 (ii) No barbed wire, razor wire or similar  
4 design shall be used.

5 (iii) The cultivation area shall be screened  
6 from public view. Methods of screening  
7 may include, but are not limited to,  
8 topographic barriers, vegetation, or  
9 solid (opaque) fences.

10 iv. Storm Water Management

11 (a) Intent: To protect the water quality of the surface water and the  
12 stormwater management systems managed by Lake County  
13 and to evaluate the impact on downstream property owners.  
14 All permittees shall manage storm water runoff to protect  
15 downstream receiving water bodies from water quality  
16 degradation.

17 (b) All cultivation activities shall comply with the California State  
18 Water Board, the Central Valley Regional Water Quality  
19 Control Board, and the North Coast Region Water Quality  
20 Control Board orders, regulations, and procedures as  
21 appropriate.

22 (c) Outdoor cultivation, including any topsoil, pesticide or  
23 fertilizers used for the cultivation cannabis shall not be located  
24 within 100 feet of any spring, top of bank of any creek or  
25 seasonal stream, edge of lake, delineated wetland or vernal  
26 pool. For purposes of determining the edge of Clear Lake, the  
27 setback shall be measured from the full lake level of 7.79 feet  
28 on the Rumsey Gauge.

29 (d) The illicit discharges of irrigation or storm water from the  
30 premises, as defined in Title 40 of the Code of Federal  
31 Regulations, Section 122.26, which could result in degradation  
32 of water quality of any water body is prohibited.

33 (e) All permittees shall prepare a Storm Water Management Plan  
34 based on the requirements of the California Regional Water  
35 Quality Control Board Central Valley Region or the California  
36 Regional Water Quality Control Board North Coast Region. In  
37 addition to those requirements, the plan shall include:

38 a. Identification of any Lake County maintained drainage  
39 or conveyance system that the stormwater is discharged  
40 into and documentation that the stormwater discharge  
41 is in compliance with the design parameters of those  
42 structures;

43 b. Identification of any public roads and bridges that are

- 1 downstream of the discharge point and documentation  
2 that the stormwater discharge is in compliance with the  
3 design parameters of any such bridges;
- 4 c. Documentation that the discharge of stormwater from  
5 the site will not increase the volume of water that  
6 historically has flow onto adjacent properties;
- 7 d. Documentation that the discharge of stormwater will  
8 not increase flood elevations downstream of the  
9 discharge point;
- 10 e. Documentation that the discharge of stormwater will  
11 not degrade water quality of any water body;
- 12 f. Documentation of compliance with the requirements of  
13 Chapter 29, Storm Water Management Ordinance of  
14 the Lake County Ordinance Code;
- 15 g. Describe the proposed grading of the property;
- 16 h. Describe the storm water management system;
- 17 i. Describe the best management practices (BMPs) that  
18 will be used during construction and those that will be  
19 used post-construction. Post-construction BMPs shall  
20 be maintained through the life of the permit; and
- 21 j. Describe what parameters will be monitored and the  
22 methodology of the monitoring program.
- 23 k. Cannabis Vegetative Material Waste Management
- 24 *The cannabis vegetative material waste management*  
25 *section shall include:*
- 26 (1) Provide an estimate of the type and amount of  
27 cannabis vegetative waste that will be  
28 generated on an annual basis;
- 29 (2) Describe how the permittee will minimize  
30 cannabis vegetative waste generation;
- 31 (3) Describe how solid waste will be disposed; and
- 32 (4) Describe the methodology on how the amount  
33 of cannabis vegetative waste that is generated  
34 on the site, the amount that is recycled, and the  
35 amount and where cannabis vegetative waste is  
36 disposed of is measured.
- 37 l. Growing Medium Management
- 38 *The growing medium management section shall*  
39 *include:*
- 40 (1) Provide an estimate of the type and amount of



- 1 new growing medium that will be used and  
2 amount of growing medium will be disposed of  
3 on an annual basis;
- 4 (2) Describe how the permittee will minimize  
5 growing medium waste generation;
- 6 (3) Describe any non-organic content in the  
7 growing medium used (such as vermiculite,  
8 silica gel, or other non-organic additives;
- 9 (4) Describe how growing medium waste will be  
10 disposed; and
- 11 (5) Describe the methodology on how the amount  
12 of growing medium waste that is generated on  
13 the site, the amount that is recycled, and the  
14 amount and where growing medium waste is  
15 disposed of, is measured.

16 v. Water Use

- 17 (a) Intent: To conserve the County's water resources by  
18 minimizing the use of water.
- 19 (b) All permitted activities shall have a legal water source on the  
20 premises, and have all local, state, and federal permits required  
21 to utilize the water source. If the permitted activity utilizes a  
22 shared source of water from another site, such source shall be  
23 a legal source, have all local, state, and federal permit required  
24 to utilize the water source, and have a written agreement  
25 between the property owner of the site where the source is  
26 located and the permitted activity agreeing to the use of the  
27 water source and all terms and conditions of that use.
- 28 (c) Permittee shall not engage in unlawful or unpermitted drawing  
29 of surface water.
- 30 (d) The use of water provided by a public water supply, unlawful  
31 water diversions, transported by a water hauler, bottled water,  
32 a water-vending machine, or a retail water facility is  
33 prohibited.
- 34 (e) Where a well is used, the well must be located on the premises,  
35 an adjacent parcel or piped through a dedicated easement. The  
36 production well shall have a meter to measure the amount of  
37 water pumped. The production wells shall have continuous  
38 water level monitors. The methodology of the monitoring  
39 program shall be described. A monitoring well of equal depth  
40 within the cone of influence of the production well may be  
41 substituted for the water level monitoring of the production  
42 well. The monitoring wells shall be constructed and  
43 monitoring begun at least three months prior to the use of the

1 supply well. An applicant shall maintain a record of all data  
2 collected and shall provide a report of the data collected to the  
3 County annually.

4 (f) Water may be supplied by a licensed retail water supplier, as  
5 defined in Section 13575 of the Water Code, on an emergency  
6 basis. The application shall notify the Department within 7  
7 days of the emergency and provide the following information:

- 8 a. A description of the emergency.
- 9 b. Identification of the retail water supplier including  
10 license number.
- 11 c. The volume of water supplied.
- 12 d. Actions taken to prevent the emergency in the future.

13 (g) All permittees shall prepare a Water Use/water availability  
14 analysis prepared by qualified individual Said plan shall:

- 15 a. Identify the source of water, including location,  
16 capacity, and documentation that it is a legal source.
- 17 b. Describe the proposed irrigation system and  
18 methodology.
- 19 c. Describe the amount of water projected to be used on a  
20 monthly basis for irrigation and separately for all other  
21 uses of water and the amount of water to be withdrawn  
22 from each source of water on a monthly basis.

23 4. Compliance monitoring

- 24 i. A compliance monitoring inspection of the cultivation site shall be  
25 conducted annually during growing season.
- 26 ii. The permittee shall pay a compliance monitoring fee established by  
27 resolution of the Board of Supervisors prior to the inspection.
- 28 iii. If there are no violations of the County permit or state license during  
29 the first five years, the inspection frequency may be reduced by the  
30 Director to not less than once every five years.

31 5. Annual Reports

32 i. Performance Review

33 (a) All cannabis permittees shall submit a "Performance Review  
34 Report" on an annual basis from their initial date of operation  
35 for review and approval by the Planning Commission. The  
36 Planning Commission may delegate review of the annual  
37 Performance Review Report to the Director at the time of the  
38 initial hearing or at any time thereafter. This annual  
39 "Performance Review Report" is intended to identify the  
40 effectiveness of the approved minor or major use permit,

1 Operations Manual, Operating Standards, and conditions of  
2 approval, as well as the identification and implementation of  
3 additional procedures as deemed necessary. In the event the  
4 Planning Commission identifies problems with specific  
5 Performance Review Report that could potentially lead to  
6 revocation of the associated minor or major use permit, the  
7 Planning Commission may require the submittal of more  
8 frequent "Performance Review Reports."

9 (b) Pursuant to sub-section 5. i. above, the premises shall be  
10 inspected by the Department on an annual basis, or less  
11 frequently if approved by the Director. A copy of the results  
12 from this inspection shall be given to the permittee for  
13 inclusion in their "Performance Review Report" to the  
14 Department.

15 (c) Compliance monitoring fees pursuant to the County's adopted  
16 master fee schedule shall be paid by permittee and accompany  
17 the "Performance Review Report" for costs associated the  
18 review of the report by County staff.

19 (d) Non-compliance by permittee in allowing the inspection by the  
20 Department, or refusal to pay the required fees, or  
21 noncompliance in submitting the annual "Performance Review  
22 Report" for review by the Planning Commission shall be  
23 deemed grounds for a revocation of the development permit or  
24 use permit and subject the holder of the permit(s) to the  
25 penalties outlined in this Code.

## 26 6. Renewals

### 27 i. The following is required for permit renewal:

28 (a) An application for renewal shall be submitted to the  
29 Department prior to the expiration. Failure to submit an  
30 application for renewal by that date may result in the expiration  
31 of the permit.

32 (b) Applications: Applicants shall complete an application form as  
33 prescribed by the Director and pay all fees as established by  
34 resolution by the Board of Supervisors.

35 (c) The following documentation in electronic format is required  
36 for application for renewal:

37 a. A copy of all licenses, permits, and conditions of such  
38 licenses or permits related to the project from state  
39 agencies as appropriate including, but not limited to the  
40 California Department of Food and Agriculture,  
41 Department of Pesticide Regulation, Department of  
42 Fish and Wildlife, The State Water Resources Control  
43 Board, Board of Forestry and Fire Protection, Central  
44 Valley or North Coast Regional Water Quality Control

1 Board, and the Department of Public Health.

- 2 b. A copy of all reports provided the County and State
- 3 agencies as determined by the Director.
- 4 c. A list of all employees on the premise during the past
- 5 year and a copy of the background checks certification
- 6 for each.
- 7 d. Documentation that the applicant is still qualified to be
- 8 an applicant.
- 9 e. Any proposed changes to the use permit or how the site
- 10 will be operated.
- 11 f. Payment of all fees as established by resolution by the
- 12 Board of Supervisors.

13 (d) The permit may be renewed if:

- 14 a. Where there are no changes to the use permit or how
- 15 the site will be operated:
  - 16 (1) The original permit's approval findings,
  - 17 conditions, or environmental certification are
  - 18 still valid.
  - 19 (2) There are no violations of the permit conditions
  - 20 or of state licenses or permits.
  - 21 (3) The applicant is qualified to apply for such a
  - 22 permit.
- 23 b. Where there are changes to the development or use
- 24 permit or how the site will be operated:
  - 25 (1) Such changes do not change the findings of the
  - 26 original permit's approval findings, conditions,
  - 27 or environmental certification.
  - 28 (2) There are no violations of the permit conditions
  - 29 or of state licenses or permits.
  - 30 (3) The applicant is qualified to apply for such a
  - 31 permit.

32  
33 **Section 5.** Section 21-68 of Chapter 21 of the Lake County Code is hereby amended to add  
34 the definitions from Subsection (z) of Section 27.3 alphabetically as applicable:

35 Adult Use: Includes personal use, possession and cultivation of cannabis by adults 21  
36 years of age and older that occurs in compliance with Health and Safety Code Sections  
37 11362.1 and 11362.2, as may be amended, except that nothing in this chapter shall be  
38 construed to authorize any activity that is prohibited by Health and Safety Code Sections  
39 11362.3 through 11362.45, inclusive, or by any other state or local law.

40 Cannabis cultivation: Any activity involving the germinating, cloning, seed production,  
41 planting, growing, and harvesting of cannabis plants and the on-site drying, curing,

1 grading, or trimming of cannabis plants.

2 Cannabis mixed-light cultivation: The cultivation of cannabis in a greenhouse, glasshouse,  
3 conservatory, hothouse, or other similar structure using light deprivation and/or artificial  
4 lighting below a rate of 25 watts per square foot.

5 Cannabis outdoor cultivation: Cultivation of cannabis without the use of light deprivation  
6 and/or artificial lighting in the canopy area. Supplemental low intensity lighting is  
7 permissible only to maintain immature plants as a source of propagation. For the purpose  
8 of this section, cultivation within a greenhouse without supplemental light are considered  
9 outdoor cultivation.

10 Greenhouse (Cannabis): An outdoor structure, heated or unheated, constructed primarily  
11 of glass, 6 mil film, polycarbonate, or other rigid translucent material, which is devoted to  
12 the cultivation of cannabis.

13 Grow room: The area designated in a principal structure where the cultivation and  
14 processing of cannabis for personal, qualified patient, or primary caregiver use occurs.

15 Hoop-house: An unheated outdoor enclosure used for the purpose of growing and/or for  
16 protecting seedlings and plants from cold weather but not containing any mechanical or  
17 electrical systems or storage of any items. Typically a hoop-house is of semi-circular  
18 design made of, but not limited to, piping or other material covered with translucent  
19 material.

20 Immature cannabis plants: A cannabis plant that is not flowering.

21 Indoor: means within a fully enclosed and secure structure that complies with the  
22 California Building Standards Code (Title 24 California Code of Regulations), as adopted  
23 by the County of Lake, that has a complete roof enclosure supported by connecting walls  
24 extending from the ground to the roof, and a foundation, slab, or equivalent base to which  
25 the floor is securely attached. The structure must be secure against unauthorized entry,  
26 accessible only through one or more lockable doors, and constructed of solid materials  
27 that cannot easily be broken through, such as standard 2" x 4" or thicker studs overlain  
28 with 3/8" or thicker plywood or equivalent materials.

29 Physician's recommendation: A recommendation by a physician or surgeon that  
30 authorizes a patient use cannabis provided in accordance with the Compassionate Use Act  
31 of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

32 Primary caregiver: The same meaning as California Health and Safety Code Section  
33 11362.7 (d).

34 Qualified patient: The same meaning as California Health and Safety Code Section  
35 11362.7 (f), and whose primary place of residence is within Lake County.

36 Youth center: The same meaning as in Section 11353.1.e.2 of the Health and Safety Code.

37  
38 **Section 6.** Section 21-68 of Chapter 21 of the Lake County Code is hereby amended to add  
39 the definitions from Subsection (at) of Section 27.13 alphabetically as applicable:

40 Cannabis canopy: The designated area(s) at a licensed premises, except nurseries, that will  
41 contain mature plants at any point in time, as follows: (1) Canopy shall be calculated in  
42 square feet and measured using clearly identifiable boundaries of all area(s) that will  
43 contain mature plants at any point in time, including all of the space(s) within the

1 boundaries; (2) Canopy may be noncontiguous but each unique area included in the total  
2 canopy calculation shall be separated by an identifiable boundary that includes, but is not  
3 limited to, interior walls, shelves, greenhouse walls, garden benches, hedgerows, fencing,  
4 garden beds, or garden plots; and (3) If mature plants are being cultivated using a shelving  
5 system, the surface area of each level shall be included in the total canopy calculation.

6 Cannabis cultivation area: The area of a cannabis cultivation site in square feet.

7 Cannabis cultivation site: A location where cannabis is planted, grown, harvested, dried,  
8 cured, graded, packaged, stored, or trimmed, or that does all or any combination of those  
9 activities.

10 Commercial cannabis activity: includes the cultivation, possession, manufacture,  
11 distribution, processing, storing, laboratory testing, packaging, labeling, transportation,  
12 delivery or sale of cannabis and cannabis products for commercial purposes.

13 Commercial cannabis cultivation: includes the planting, growing, harvesting, drying,  
14 curing, grading, or trimming of cannabis, or that does all or any combination of those  
15 activities and possessing an M – Type 1, A – Type 1, M – Type 1A, A – Type 1A, M –  
16 Type 1B, A – Type 1B, M – Type 1C, A – Type 1C, M – Type 2, A – Type 2, M – Type  
17 2A, A – Type 2A, M – Type 2B, A – Type 2B, M – Type 3, A – Type 3, M – Type 3A,  
18 A – Type 3A, M – Type 3B, A – Type 3B, M-Type 4, or A-Type 4 license.

19 Cannabis Indoor cultivation: The cultivation of cannabis using light deprivation and/or  
20 artificial lighting below a rate of 25 watts per square foot. Cultivation within a greenhouse  
21 not using light deprivation and/or artificial lighting, shall not be considered indoor  
22 cultivation.

23 Cannabis cultivation licenses:

24 (a) M - Type 1: "specialty outdoor": Outdoor cultivation for medicinal cannabis without  
25 the use of light deprivation and/or artificial lighting in the canopy area at any point in  
26 time of less than or equal to 5,000 square feet of total canopy size on one premises, or  
27 up to 50 mature plants on noncontiguous plots.

28 (b) A - Type 1: "specialty outdoor": Outdoor cultivation for adult use cannabis without  
29 the use of light deprivation and/or artificial lighting in the canopy area at any point in  
30 time of less than or equal to 5,000 square feet of total canopy size on one premises, or  
31 up to 50 mature plants on noncontiguous plots.

32 (c) M - Type 1A: "specialty indoor": Indoor cultivation for medicinal cannabis within a  
33 permanent structure using exclusively artificial light or within any type of structure  
34 using artificial light at a rate above twenty-five watts per square foot between 501 and  
35 5,000 square feet of total canopy size on one premises.

36 (d) A - Type 1A: "specialty indoor": Indoor cultivation for adult use cannabis within a  
37 permanent structure using exclusively artificial light or within any type of structure  
38 using artificial light at a rate above twenty-five watts per square foot between 501 and  
39 5,000 square feet of total canopy size on one premises.

40 (e) M - Type 1B: "specialty mixed-light": Cultivation for medicinal cannabis in a  
41 greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light  
42 deprivation and/or artificial lighting below a rate of 25 watts per square foot of

- 1           between 2,501 and 5,000 square feet of total canopy size on one premises.
- 2           (f) A - Type 1B: "specialty mixed-light": Cultivation for adult use cannabis in a  
3           greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light  
4           deprivation and/or artificial lighting below a rate of 25 watts per square foot of  
5           between 2,501 and 5,000 square feet of total canopy size on one premises.
- 6           (g) M - Type 1C: "specialty cottage": Cultivation for medicinal cannabis of 2,500 square  
7           feet or less of total canopy size for mixed-light cultivation using light deprivation  
8           and/or artificial lighting below a rate of 25 watts per square foot, up to 25 mature plants  
9           for outdoor cultivation without the use of light deprivation and/or artificial lighting in  
10          the canopy area at any point in time, or 500 square feet or less of total canopy size for  
11          indoor cultivation within a permanent structure using exclusively artificial light or  
12          within any type of structure using artificial light at a rate above twenty-five watts per  
13          square foot, on one premises.
- 14          (h) A - Type 1C: "specialty cottage": Cultivation for adult use cannabis of 2,500 square  
15          feet or less of total canopy size for mixed-light cultivation using light deprivation  
16          and/or artificial lighting below a rate of 25 watts per square foot, up to 25 mature plants  
17          for outdoor cultivation without the use of light deprivation and/or artificial lighting in  
18          the canopy area at any point in time, or 500 square feet or less of total canopy size for  
19          indoor cultivation within a permanent structure using exclusively artificial light or  
20          within any type of structure using artificial light at a rate above twenty-five watts per  
21          square foot, on one premises.
- 22          (i) M - Type 2: "small outdoor": Outdoor cultivation for medicinal cannabis without the  
23          use of light deprivation and/or artificial lighting in the canopy area at any point in time  
24          between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- 25          (j) A - Type 2: "small outdoor": Outdoor cultivation for adult use cannabis without the  
26          use of light deprivation and/or artificial lighting in the canopy area at any point in time  
27          between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- 28          (k) M - Type 2A: "small indoor": Indoor cultivation for medicinal cannabis within a  
29          permanent structure using exclusively artificial light or within any type of structure  
30          using artificial light at a rate above twenty-five watts per square foot between 5,001  
31          and 10,000 square feet, inclusive, of total canopy size on one premises.
- 32          (l) A - Type 2A: "small indoor" Indoor cultivation for adult use cannabis within a  
33          permanent structure using exclusively artificial light or within any type of structure  
34          using artificial light at a rate above twenty-five watts per square foot between 5,001  
35          and 10,000 square feet, inclusive, of total canopy size on one premises.
- 36          (m) M - Type 2B: "small mixed-light": Cultivation for medicinal cannabis in a greenhouse,  
37          glasshouse, conservatory, hothouse, or other similar structure using light deprivation  
38          and/or artificial lighting below a rate of 25 watts per square foot between 5,001 and  
39          10,000 square feet, inclusive, of total canopy size on one premises.
- 40          (n) A - Type 2B: "small mixed-light": Cultivation for adult use cannabis in a greenhouse,  
41          glasshouse, conservatory, hothouse, or other similar structure using light deprivation  
42          and/or artificial lighting below a rate of 25 watts per square foot between 5,001 and

- 1           10,000 square feet, inclusive, of total canopy size on one premises.
- 2           (o) M - Type 3: "outdoor": Outdoor cultivation for medicinal cannabis without the use of  
3           light deprivation and/or artificial lighting in the canopy area at any point in time from  
4           10,001 square feet to one acre, inclusive, of total canopy size on one premises.
- 5           (p) A - Type 3: "outdoor": Outdoor cultivation for adult use cannabis without the use of  
6           light deprivation and/or artificial lighting in the canopy area at any point in time from  
7           10,001 square feet to one acre, inclusive, of total canopy size on one premises.
- 8           (q) M - Type 3A: "indoor": Indoor cultivation for medicinal cannabis within a permanent  
9           structure using exclusively artificial light or within any type of structure using artificial  
10          light at a rate above twenty-five watts per square foot between 10,001 and 22,000  
11          square feet, inclusive, of total canopy size on one premises.
- 12          (r) A - Type 3A: "indoor": Indoor cultivation for adult use cannabis within a permanent  
13          structure using exclusively artificial light or within any type of structure using artificial  
14          light at a rate above twenty-five watts per square foot between 10,001 and 22,000  
15          square feet, inclusive, of total canopy size on one premises.
- 16          (s) M - Type 3B: "mixed-light": Cultivation for medicinal cannabis in a greenhouse,  
17          glasshouse, conservatory, hothouse, or other similar structure using light deprivation  
18          and/or artificial lighting below a rate of 25 watts per square foot between 10,001 and  
19          22,000 square feet, inclusive, of total canopy size on one premises.
- 20          (t) A - Type 3B: "mixed-light": Cultivation for adult use cannabis in a greenhouse,  
21          glasshouse, conservatory, hothouse, or other similar structure using light deprivation  
22          and/or artificial lighting below a rate of 25 watts per square foot between 10,001 and  
23          22,000 square feet, inclusive, of total canopy size on one premises.
- 24          (u) M – Type 4: "nursery": Cultivation of medicinal cannabis solely as a nursery.
- 25          (v) A – Type 4: "nursery": Cultivation of adult use cannabis solely as a nursery.
- 26          Cannabis nursery: A site that produces only clones, immature plants, seeds, and other  
27          agricultural products used specifically for the propagation and cultivation of cannabis.
- 28          Mature cannabis plant: A cannabis plant that is flowering.
- 29          Mixed-light cultivation: Cultivation of mature cannabis in a greenhouse, glasshouse,  
30          conservatory, hothouse, or other similar structure using light deprivation and/or one of the  
31          artificial lighting models described below: (1) “Mixed-light Tier 1” the use of artificial  
32          light at a rate of six watts per square foot or less; (2) “Mixed-light Tier 2” the use of  
33          artificial light at a rate above six and below or equal to twenty-five watts per square foot.
- 34          Organic certification: Certified by an independent third-party organization as meeting the  
35          equivalent of State or federal organic standards.
- 36          Pest: Any of the following that is, or is liable to become, dangerous or detrimental to the  
37          agricultural or nonagricultural environment of the state: (1) Any insect, predatory animal,  
38          rodent, nematode or weed; and (2) Any form of terrestrial, aquatic, or aerial plant or animal  
39          virus, fungus, bacteria, or other microorganism (except viruses, fungi, bacteria, or other  
40          microorganisms on or in living man or other living animals).



1 Pesticide: Shall have the same meaning as set forth in Article 1, Division 6, Section 6000  
2 of the California Code of Regulations, and Article 1, Division 7, Section 12753 of the  
3 California Food and Agriculture Code.

4  
5 **Section 7.** Subsection (aac) of Section 27.13 of Chapter 21 of the Lake County Code is hereby  
6 added, and shall read as follows:

7 (aac) Microbusiness:

- 8  
9 1. May act in part or whole as a Distributor, Type 6 Non- Volatile Cannabis Manufacturer  
10 and cultivator, on an area less than 10,000 square feet. An applicant for a microbusiness  
11 shall have all of the following Licenses:  
12 i. Type 13 Cannabis Distributor Transport Only, Self-Distribution License  
13 ii. Type 1 and or 2 Commercial Cannabis Cultivation License  
14 iii. Type 6 Non-Volatile Cannabis Manufacturing License

15  
16 A solid dot shall be inserted in the “APZ, A, TPZ, RL and RR” columns

17  
18 **Section 8.** Section 21-68 of Chapter 21 of the Lake County Code is hereby amended to add:

19  
20 Microbusiness: May act in part or whole as a distributor, Type 6 manufacturer and cultivator, on  
21 an area less than 10,000 square feet that holds a Type 13 Cannabis Distributor Transport Only,  
22 Self-Distribution License, Type 1 and or 2 Commercial Cannabis Cultivation License and a Type  
23 6 Non-Volatile Cannabis Manufacturing License.

24  
25 **Section 9.** Subscction (av) of Section 27.11 Table B of Chapter 21 of the Lake County Code  
26 is hereby amended, and shall read as follows:

27  
28 A solid dot shall be inserted in the “RR and RL” columns.

29  
30 **Section 10.** Subsection (av.11) of Section 27.3 of Chapter 21 of the Lake County Code is  
31 hereby amended, and shall read as follows:

32  
33 In the “APZ,” “A,” “TPZ,” “RL,” and “RR” zoning districts Type 6 licenses are an  
34 accessory use to an active commercial cultivation site with a valid minor or major  
35 use cannabis cultivation permit. The cannabis manufacturing activities are limited to  
36 the compounding, blending, extraction, infusion or otherwise making or preparing a  
37 cannabis product from the cannabis cultivation under that cannabis cultivation use  
38 permit. The cannabis manufacturing shall occur on the same parcel where the  
39 cannabis cultivation is permitted.

40  
41 **Section 11:** This Ordinance shall sunset 12 months after its effective date if for any reason the  
42 existing cultivation tax ordinance adopted by the voters of Lake County in 2016 is  
43 rendered ineffective and no alternative cultivation tax ordinance has been  
44 approved by the voters of the County of Lake.

45 **Section 12:** CEQA. The Board of Supervisors independently finds and determines that this  
46 action is exempt from CEQA pursuant to Business and Professions Code section  
47 26055(h) for the adoption of an ordinance, rule, or regulation by a local jurisdiction

1 that requires discretionary review and approval of permits, licenses, or other  
2 authorizations to engage in commercial cannabis activity where the discretionary  
3 review in any such law, ordinance, rule, or regulation includes any applicable  
4 environmental review pursuant to Division 13 (commencing with Section 21000)  
5 of the Public Resources Code; and, under Section 15061(b)(3) of the CEQA  
6 Guidelines, as an activity that is covered by the general rule that CEQA applies  
7 only to projects which have the potential for causing a significant effect on the  
8 environment. The general exemption applies in this instance because it can be seen  
9 with certainty that there is no possibility that the proposed amendments could have  
10 a significant effect on the environment, and thus are not subject to CEQA. Thus,  
11 it can be seen with certainty that the proposed project would not have a significant  
12 effect on the environment.

13 **Section 13.** Severability. If any provision of this Ordinance or the application thereof to any  
14 person or circumstance is held invalid, the remainder of the Ordinance, including  
15 the application of such part or provision to other persons or circumstances shall  
16 not be affected thereby and shall continue in full force and effect. To this end,  
17 provisions of this Ordinance are severable. The Board of Supervisors hereby  
18 declares that it would have passed each section, subsection, subdivision,  
19 paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one  
20 or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or  
21 phrases be held unconstitutional, invalid, or unenforceable.

22 **Section 14:** Effective Date. This ordinance shall take effect on the 20 day of June, 2019  
23 and within fifteen (15) days after adoption of the ordinance, the Clerk to the Board  
24 of Supervisors shall publish a summary of the ordinance with the names of those  
25 supervisors voting for and against the ordinance and the clerk shall post in the  
26 office of the Clerk to the Board of Supervisors a certified copy of the full text of  
27 the adopted ordinance along with the names of those supervisors voting for and  
28 against the ordinance.

29 The Foregoing ordinance was introduced before the Board of Supervisors on the 21st day of  
30 May, 2019, and passed by the following vote on the 21st day of May 2019.

31 AYES: Supervisors Simon, Sabatier, Crandell and Scott

32 NOES: None

33 ABSENT OR NOT VOTING: Supervisor Brown

34 SO ORDERED:

35  
36 COUNTY OF LAKE

37  
38 

1 Chair, Board of Supervisors

2 ATTEST:

3 CAROL J. HUCHINGSON

4 Clerk of the Board

6 By:

*[Handwritten signature of Carol J. Huchingson]*



APPROVED AS TO FORM:

ANITA L. GRANT

County Counsel

By:

*[Handwritten signature of Anita L. Grant]*

APPROVED AS TO FORM:

By:

*[Handwritten signature]*

Community Development Department

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