

## Article 72. Regulations for Cannabis

### 72.1 Findings and Purpose

- (a) In 2015, the Legislature enacted Assembly Bill 243, Assembly Bill 266 and Senate Bill 643 collectively as the Medical Marijuana Regulation and Safety Act (MMRSA), later changed to Medical Cannabis Regulation and Safety Act (MCRSA).
- (b) The intent of MCRSA was to provide a regulatory structure for the cultivation, manufacture, testing, distribution, and sale of medical cannabis to support the voter approved Propositions 215 (1996) and 420 (2004) regarding medical cannabis usage by patients.
- (c) In 2016, voters approved Proposition 64, The Adult Use of Marijuana Act (AUMA), allowing adults 21 years and older to possess up to one ounce of cannabis and cultivate up to six plants for personal use, and regulate and tax the production, manufacture, and sale of cannabis for adult use.
- (d) Health and Safety Code, Section 11362.2 allows cities and counties to enact and enforce reasonable regulations to reasonably regulate the cultivation, harvest, drying, processing, transportation, purchase, possession, smoking, ingesting, obtaining and giving away cannabis, including concentrated cannabis and cannabis products.
- (e) Health and Safety Code, Section 11362.2 allows for cities and counties to completely prohibit persons from engaging in the above listed actions and conduct outdoors upon the grounds of a private residence house, apartment unit, mobile home, or similar dwelling); until such time as the California Attorney General determines that nonmedical use of cannabis is lawful in the State of California under federal law.
- (f) The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies cannabis as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, cannabis. The Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation, or possession of marijuana for medical purposes.
- (f) The County's geographic and climatic conditions, along with the sparse population in many areas of the County provide conditions that are favorable to outdoor cannabis cultivation, and the County has experienced a significant increase in the number of people in the County cultivating large amounts of cannabis. Cannabis growers can achieve a high per-plant yield because of the County's favorable growing conditions. With the use of custom soils and fertilizers, it is not uncommon for plants to grow up to 12 feet in height, six feet in diameter and produce between two (2) to seven (7) pounds of dried bud. These seasonal growers are unfamiliar with local and state regulations aimed at protecting the environment and are

causing significant damage to area watersheds. Soils, fertilizers and rodenticides are commonly left behind as sites are abandoned for the winter.

- (g) Assembly Bills 243 and 266, and Senate Bill 643 (MCRSA) creates a comprehensive state licensing system for the commercial cultivation, manufacture, transport, testing, distribution, retail sale and delivery of medical cannabis. A local license of permit for the activity is required in order to obtain a state license.
- (h) Proposition 64, the Adult Use of Marijuana Act (AUMA) also creates a comprehensive state licensing system for the commercial cultivation, manufacture, testing, and retail sale. Cities and counties retain the authority to regulate and/or prohibit outdoor cultivation and other license types. Cities and counties are able to regulate, but not prohibit indoor cultivation of six plants for adult use.
- (i) The unregulated cultivation of cannabis in the unincorporated area of Lake County can adversely affect the health, safety, and well-being of the County, its residents and environment. Comprehensive civil regulation of premises used for cannabis cultivation is proper and necessary to avoid the risks of violent criminal activity, degradation of the natural environment, malodorous smells, undesired impacts to neighboring parcels, and indoor electrical fire hazards that may result from unregulated cannabis cultivation, and that are especially significant if the amount of cannabis cultivated on a single premises is not regulated.
- (j) Cultivation and sales of cannabis at locations or premises in close proximity of schools, churches, parks, child care centers, or youth oriented facilities creates unique risks that the cannabis plants and products may be observed by juveniles, and therefore be especially vulnerable to theft for recreational consumption by juveniles. Further, the potential for criminal activities associated with cannabis cultivation in such locations poses heightened risks that juveniles will be involved or endangered; therefore, cultivation and sales of any amount of cannabis in such locations or premises is especially hazardous to public safety and welfare, and to the protection of minors.
- (k) According to law enforcement officials, the amount of cannabis cultivated in Lake County has increased significantly with each growing season and is increasingly occurring in residential areas, in close proximity to residences, and on vacant, unsupervised and unsecured properties. During the last three years, Lake County has experienced an ongoing large number of complaints regarding the odor, threats to public safety and other nuisances that unregulated cultivation sites can create.
- (l) The unregulated use of pesticides, fungicides and fertilizers has the potential to contaminate or otherwise damage adjacent property and waterways. This poses a threat not only to the users of the cannabis, but to consumers of agricultural crops grown in proximity to cannabis.
- (m) The cultivation of cannabis has the potential for increased crime, intimidation and threats. As cannabis plants mature, certain varieties produce a strong odor which creates an attractive nuisance by alerting people to the location of valuable cannabis plants; this creates an increased risk of crimes including burglary, trespassing, robbery and armed robbery.

- (n) Lake County has experienced a significant increase in reported home invasion robberies, and it is believed that more incidents go unreported due to the criminal nature of many cultivation operations.
- (o) Indoor cultivation of cannabis often results in excessive use of electricity which may overload standard electrical systems creating an unreasonable risk of fire. This cultivation, as well as the illegal manufacturing cannabis with the use of volatile chemicals has caused extensive damage to homes, as well as pose a serious public health and safety threat.
- (p) As recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Cannabis Grown for Medical Use, the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.
- (q) Standards are necessary to protect adjacent property owners and residents; and to limit incompatible uses on residential, agricultural and commercial lots and protect the public safety and welfare.
- (r) It is the purpose and intent of this Article to implement State law by providing a means for regulating the personal/caregiver cultivation, and commercial cultivation, manufacture, transport, testing, distribution, retail sale and delivery of medical and non-medical cannabis in a manner that is consistent with State law and which balances the needs of medical and recreational consumers of cannabis and promotes the health, safety and welfare of the residents and businesses within the unincorporated territory of the County of Lake. This Article is intended to be consistent with Assembly Bill 243, Assembly Bill 266, Senate Bill 643 and Proposition 64, and toward that end, is not intended to prohibit persons from individually, collectively, or cooperatively exercising any right otherwise granted by State law. Rather, the intent and purpose of this Article is to establish reasonable regulations upon the manner in which cannabis may be cultivated, manufactured, transported, tested, distributed, sold and delivered, in order to protect the public health, safety, welfare and environment in Lake County and that is in conformance with the provisions of California Health and Safety Code.
- (s) The limited right of qualified patients, their primary caregivers and adults under State law to cultivate their own cannabis plants for medical and recreational purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Article, the County will achieve a significant reduction in the aforementioned harms caused or threatened by the unregulated cultivation of cannabis in the unincorporated area of Lake County.
- (t) Nothing in this Article shall be construed to allow any activity relating to the cultivation, distribution, or consumption of cannabis otherwise illegal under State or federal law. No provision of this Article shall be deemed a defense or immunity to any action brought against any person by the Lake County District Attorney, the Attorney General of the State of California, or the United States of America.

## 72.2 Intent

It is the intent of the Board of Supervisors to regulate the personal/caregiver and commercial cultivation, manufacture, transport, testing, distribution, retail sale and delivery of medical and non-medical cannabis in order to protect Lake County's unique and sensitive environment, and to preserve the public peace, health, safety and general welfare of the citizens of, and visitors to the County. It is also the intent of the Board of Supervisors that nothing in this Article shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance.

## 72.3 Applicability

The provisions of this Article shall be applicable to all persons and businesses described herein whether the activities described herein were established before or after the effective date of this Article.

## 72.4 Definitions

- a) Adult use: A persons 21 years of age or older to:
  - i) Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than 28.5 grams of marijuana not in the form of concentrated cannabis;
  - ii) Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than eight grams of marijuana in the form of concentrated cannabis, including as contained in marijuana products;
  - iii) Possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants;
  - iv) Smoke or ingest marijuana or marijuana products; and
  - v) Possess, transport, purchase, obtain, use, manufacture, or give away marijuana accessories to persons 21 years of age or older without any compensation whatsoever.
- b) Applicant: Includes the following:
  - i) Owner or owners of the proposed premises, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the premises.
  - ii) If the owner is an entity, "owner" includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed premises.
  - iii) If the applicant is a publicly traded company, "owner" means the chief executive officer or any person or entity with an aggregate ownership interest of 5 percent or more.
- c) Bureau: The Bureau of Marijuana Control within the Department of Consumer Affairs.
- d) Cannabis: All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.
- e) Cannabis Licenses

- i) Type 1 MC: "specialty outdoor," for outdoor cultivation for medical cannabis using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.
- ii) Type 1 NM: "specialty outdoor," for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.
- iii) Type 1A MC: "specialty indoor," for indoor cultivation for medical cannabis using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.
- iv) Type 1A NM: "specialty indoor," for indoor cultivation for adult use cannabis using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.
- v) Type 1B MC: "specialty mixed-light," for cultivation for medical cannabis using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.
- vi) Type 1B NM: "specialty mixed-light," for cultivation for adult use cannabis using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.
- vii) Type 1C MC: "specialty cottage," for cultivation for medical cannabis using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises.
- viii) Type 2 MC: "small outdoor," for outdoor cultivation for medical cannabis using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- ix) Type 2 NM: "small outdoor," for outdoor cultivation for adult use cannabis using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- x) Type 2A MC: "small indoor," for indoor cultivation for medical cannabis using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- xi) Type 2A NM: "small indoor," for indoor cultivation for adult use cannabis using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

- xii) Type 2B MC: "small mixed-light," for cultivation for medical cannabis using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- xiii) Type 2B NM: "small mixed-light," for cultivation for adult use cannabis using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- xiv) Type 3 MC: "outdoor," for outdoor cultivation for medical cannabis using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.
- xv) Type 3 NM: "outdoor," for outdoor cultivation for adult use cannabis using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.
- xvi) Type 3A MC: "indoor," for indoor cultivation for medical cannabis using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.
- xvii) Type 3A NM: "indoor," for indoor cultivation for adult use cannabis using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.
- xviii) Type 3B MC: "mixed-light," for cultivation for medical cannabis using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.
- xix) Type 3B NM: "mixed-light," for cultivation for adult use cannabis using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.
- xx) Type 4 MC: "nursery," for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants, if the licensee also holds a Type 12 transporter license.
- xxi) Type 4 NM: "nursery," for cultivation of adult use cannabis solely as a nursery. Type 4 licensees may transport live plants, if the licensee also holds a Type 12 transporter license.
- xxii) Type 5 NM: "outdoor," means for outdoor cultivation of adult use cannabis using no artificial lighting greater than one acre, inclusive, of total canopy size on one premises.

- xxiii) Type 5A NM: “indoor,” means for indoor cultivation of adult use cannabis using exclusively artificial lighting greater than 22,000 square feet, inclusive, of total canopy size on one premises.
- xxiv) Type 5B NM: “mixed-light,” means for cultivation of adult use cannabis using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, greater than 22,000 square feet, inclusive, of total canopy size on one premises.
- xxv) Type 6 MC: “Manufacturing Level 1,” The manufacture cannabis products for medical cannabis use using nonvolatile solvents, or no solvents.
- xxvi) Type 6 NM: “Manufacturing Level 1,” The manufacture cannabis products for adult use using nonvolatile solvents, or no solvents.
- xxvii) Type 7 MC: “Manufacturing Level 2” The manufacture cannabis products for medical cannabis using volatile solvents.
- xxviii) Type 7 NM: “Manufacturing Level 2,” The manufacture cannabis products for adult use using volatile solvents.
- xxix) Type 8 MC: Testing
- xxx) Type 8 NM: “Testing
- xxxi) Type 10 MC: “Dispensary” for the retail sale and delivery of medical cannabis or medical cannabis products to qualified patients.
- xxxii) Type 10 NM: “Retailer,” for the retail sale and delivery of cannabis or cannabis products to customers for adult use.
- xxxiii) Type 10A MC: “Dispensary,” no more than three retail sites
- xxxiv) Type 11 MC; “Distribution,” the procurement, sale, and transport of medical cannabis and medical cannabis products between entities licensed pursuant to California Code.
- xxxv) Type 11 NM: “Distributor,” for the distribution of cannabis and cannabis products for adult use. A distributor licensee shall be bonded and insured at a minimum level established by the licensing authority.
- xxxvi) Type 12 MC: “Transporter,” the transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting coMercial cannabis activity
- xxxvii) Type 12 NM: “Microbusiness,” for the cultivation of cannabis for adult use on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer under this division, provided such licensee complies with all requirements imposed by this division on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.



- f) Cultivation: Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of medical cannabis.
- g) Cultivation site: A location where medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities.
- h) Delivery: The commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the Health and Safety Code, or a testing laboratory. "Delivery" also includes the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed under this chapter that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.
- i) Dispensary: A premises where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to Section 19340, medical cannabis and medical cannabis products as part of a retail sale.
- j) Dispensing: Any activity involving the retail sale of medical cannabis or medical cannabis products from a dispensary.
- k) Distribution: The procurement, sale, and transport of medical cannabis and medical cannabis products between entities licensed pursuant to California Code.
- l) Distributor: A person licensed under this chapter to engage in the business of purchasing medical or adult use cannabis from a licensed cultivator, or medical or adult use cannabis products from a licensed manufacturer, for sale to a licensed dispensary.
- m) Enforcement Official: As used in this Article, shall mean the Lake County Sheriff, Community Development Director, Building Official, Environmental Health Director, or any other official authorized to enforce local, state or federal laws.
- n) Fence: means a wall or a barrier connected by boards, masonry, rails, panels, wire or any other materials approved by the Community Development Department for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls, plastic, tarp, bamboo coverings, corrugated metal, or other materials not designed or manufactured for use as a fence.
- o) Greenhouse (Cannabis): An outdoor structure, heated or unheated, constructed primarily of glass, 6 mil film, polycarbonate, or other rigid translucent material, which is devoted to the cultivation of cannabis.
- p) Hoop House (Cannabis): An unheated outdoor enclosure used for the purpose of growing cannabis and/or for protecting seedlings and plants from cold weather but not containing any mechanical or electrical systems or storage of any items. Typically a hoop house is of semi-circular design made of, but not limited to, piping or other material covered with

translucent material. A hoop house is considered more temporary than a greenhouse. The maximum height of a hoop house shall not exceed six and one-half (6½) feet

- q) Indoor: means within a fully enclosed and secure structure that complies with the California Building Standards Code (Title 24 California Code of Regulations), as adopted by the County of Lake, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as standard 2" x 4" or thicker studs overlain with 3/8" or thicker plywood or equivalent materials. Cultivation within a greenhouse or "hoophouse" shall not be considered indoor cultivation.
- r) Legal parcel: means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code).
- s) Manufacture: To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- t) Manufacturer: A person that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container, that holds a state license pursuant to this division.
- u) Manufacturing site: The premises that produces, prepares, propagates, or compounds manufactured medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a licensee for these activities.
- v) Mature plants: A cannabis plant whose sex can be determined by visual inspection.
- w) Medical cannabis: Also "medical cannabis product," or "cannabis product". A product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this Article, "medical cannabis" does not include "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.
- x) Microbusiness: A business that cultivates adult use cannabis on an area less than 10,000 square feet and is a licensed distributor, Level 1 manufacturer, and retailer.
- y) Mixed-Light: A combination of natural and supplemental artificial light

- z) Nursery: A licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.
- aa) Organic Certification: Department of Food and Agriculture certified organic designation and organic certification program for cannabis and cannabis products
- bb) Outdoor Cultivation: Cultivation activities that are not conducted within a fully enclosed, permitted building, constructed of solid materials, accessible only through one or more locking doors. For purposes of this ordinance, cultivation within a greenhouse or “hoophouse” shall not be considered outdoor cultivation.
- cc) Person: An individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.
- dd) Pesticides: Shall have the same meaning as set forth in Article 1, Division 6, Section 6000 of the California Code of Regulations, and Article 1, Division 7, Section 12753 of the California Food and Agriculture Code.
- ee) Premises: Includes the actual building, as well as accessory structures, parking areas and other on-site improvements.
- ff) Primary caregiver: The same meaning as California Health and Safety Code Section 11362.7 (f).
- gg) Primary caregiver medical: the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, and may include any of the following:
  - i) In any case in which a qualified patient or person with an identification card receives medical care or supportive services, or both, from a clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2, a health care facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 (commencing with Section 1568.01) of Division 2, a residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569) of Division 2, a hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2, the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or person with an identification card.
  - ii) An individual who has been designated as a primary caregiver by more than one qualified patient or person with an identification card, if every qualified patient or person with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver.

- iii) An individual who has been designated as a primary caregiver by a qualified patient or person with an identification card who resides in a city or county other than that of the primary caregiver, if the individual has not been designated as a primary caregiver by any other qualified patient or person with an identification card.
- hh) Qualified patient: The same meaning as California Health and Safety Code Section 11362.7 (f), and whose primary place of residence is within Lake County.
- ii) Retailer: The retail sale and delivery of cannabis or cannabis products to customers.
- jj) State license or license: A state license issued pursuant to the California Business and Professions Code.
- kk) Testing laboratory: The premises where tests are performed on medical cannabis or medical cannabis products and that holds a valid certificate of accreditation.
- ll) Transport: The transfer of medical cannabis or medical cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to the California Business and Professions Code.
- mm) Transporter: A person who holds a license by the bureau to transport medical cannabis or medical cannabis products in an amount above a threshold determined by the Bureau of Medical Marijuana Regulations between licensees that have been issued a license pursuant to the California Business and Professions Code.
- nn) Volatile solvent: means volatile organic compounds, including: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O<sub>2</sub> or H<sub>2</sub>; and (2) dangerous poisons, toxins, or carcinogens, such as Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Trichloro-ethylene.

## 72.5 Zoning Districts

### a) Agriculture Preserve (APZ)

#### i) Use permitted subject to a zoning permit

(1) Qualified Patient

(2) Primary Caregiver

(3) Adult Personal Use

#### ii) Use permitted subject to a development review permit

##### (1) Within Outdoor Cultivation Overlay Districts 1:

(a) Type 1 MC (Greenhouse, Cannabis only), 1 NM (Greenhouse, Cannabis only), 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM (Greenhouse, Cannabis only), 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.

(b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

##### (2) Within Outdoor Cultivation Overlay Districts 2:

(a) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.

(b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

##### (3) Outside of Outdoor Cultivation Overlay District

(a) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.

(b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

#### iii) Use permitted subject to a use permit

##### (1) Within Outdoor Cultivation Overlay District 1:

(a) Type 3 MC (Greenhouse, Cannabis only), 3 NM (Greenhouse, Cannabis only), 3A MC, 3A NM, 3B MC, and 3B NM licenses.

(b) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.

(c) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

- (2) Within Outdoor Cultivation Overlay District 2:
  - (a) Type 3 MC, 3 NM, 3A MC, 3A NM, 3B MC, and 3B NM licenses.
  - (b) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
  - (c) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- (3) Outside of Outdoor Cultivation Overlay District
  - (a) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
  - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- b) Agriculture (A)
  - i) Use permitted subject to a zoning permit
    - (1) Qualified Patient
    - (2) Primary Caregiver
    - (3) Adult Personal Use
  - ii) Use permitted subject to a development review permit
    - (4) Within Outdoor Cultivation Overlay Districts 1:
      - (a) Type 1 MC (Greenhouse, Cannabis only), 1 NM (Greenhouse, Cannabis only), 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM (Greenhouse, Cannabis only), 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.
      - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
    - (5) Within Outdoor Cultivation Overlay Districts 2:
      - (a) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.
      - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
    - (6) Outside of Outdoor Cultivation Overlay District
      - (a) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.

- (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
  - iii) Use permitted subject to a use permit
    - (1) Within Outdoor Cultivation Overlay District 1:
      - (a) Type 3 MC (Greenhouse, Cannabis only), 3 NM (Greenhouse, Cannabis only), 3A MC, 3A NM, 3B MC, and 3B NM licenses.
      - (b) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
      - (c) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
    - (2) Within Outdoor Cultivation Overlay District 2:
      - (a) Type 3 MC, 3 NM, 3A MC, 3A NM, 3B MC, and 3B NM licenses.
      - (b) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
      - (c) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
    - (3) Outside of Outdoor Cultivation Overlay District
      - (a) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
      - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- c) Timber Preserve (TPZ)
  - i) Use permitted subject to a zoning permit
    - (1) Qualified Patient
    - (2) Primary Caregiver
    - (3) Adult Personal Use
  - ii) Use permitted subject to a development review permit
    - (7) Within Outdoor Cultivation Overlay Districts 1:
      - (a) Type 1 MC (Greenhouse, Cannabis only), 1 NM (Greenhouse, Cannabis only), 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM (Greenhouse, Cannabis only), 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.

- (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
  - (8) Within Outdoor Cultivation Overlay Districts 2:
    - (a) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.
    - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
  - (9) Outside of Outdoor Cultivation Overlay District
    - (a) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.
    - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- iii) Use permitted subject to a use permit
  - (1) Within Outdoor Cultivation Overlay District 1:
    - (a) Type 3 MC (Greenhouse, Cannabis only), 3 NM (Greenhouse, Cannabis only), 3A MC, 3A NM, 3B MC, and 3B NM licenses.
    - (b) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
    - (c) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
  - (2) Within Outdoor Cultivation Overlay District 2:
    - (a) Type 3 MC, 3 NM, 3A MC, 3A NM, 3B MC, and 3B NM licenses.
    - (b) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
    - (c) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
  - (3) Outside of Outdoor Cultivation Overlay District
    - (a) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
    - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- d) Rural Lands ( RL)



- i) Use permitted subject to a zoning permit
  - (1) Qualified Patient
  - (2) Primary Caregiver
  - (3) Adult Personal Use
- ii) Use permitted subject to a development review permit
  - (10) Within Outdoor Cultivation Overlay Districts 1:
    - (a) Type 1 MC (Greenhouse, Cannabis only), 1 NM (Greenhouse, Cannabis only), 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM (Greenhouse, Cannabis only), 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.
    - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
  - (11) Within Outdoor Cultivation Overlay Districts 2:
    - (a) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.
    - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
  - (12) Outside of Outdoor Cultivation Overlay District
    - (a) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.
    - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- iii) Use permitted subject to a use permit
  - (1) Within Outdoor Cultivation Overlay District 1:
    - (a) Type 3 MC (Greenhouse, Cannabis only), 3 NM (Greenhouse, Cannabis only), 3A MC, 3A NM, 3B MC, and 3B NM licenses.
    - (b) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
    - (c) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
  - (2) Within Outdoor Cultivation Overlay District 2:
    - (a) Type 3 MC, 3 NM, 3A MC, 3A NM, 3B MC, and 3B NM licenses.

- (b) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
    - (c) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
  - (3) Outside of Outdoor Cultivation Overlay District
    - (a) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
    - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- e) Rural Residential (RR)
  - i) Use permitted subject to a zoning permit
    - (1) Qualified Patient
    - (2) Primary Caregiver
    - (3) Adult Personal Use
  - ii) Use permitted subject to a development review permit
    - (13) Within Outdoor Cultivation Overlay Districts 1:
      - (a) Type 1 MC (Greenhouse, Cannabis only), 1 NM (Greenhouse, Cannabis only), 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM (Greenhouse, Cannabis only), 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.
      - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
    - (14) Within Outdoor Cultivation Overlay Districts 2:
      - (a) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.
      - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
    - (15) Outside of Outdoor Cultivation Overlay District
      - (a) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.
      - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
  - iii) Use permitted subject to a use permit

- (1) Within Outdoor Cultivation Overlay District 1:
  - (a) Type 3 MC (Greenhouse, Cannabis only), 3 NM (Greenhouse, Cannabis only), 3A MC, 3A NM, 3B MC, and 3B NM licenses.
  - (b) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
  - (c) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- (2) Within Outdoor Cultivation Overlay District 2:
  - (a) Type 3 MC, 3 NM, 3A MC, 3A NM, 3B MC, and 3B NM licenses.
  - (b) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
  - (c) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- (3) Outside of Outdoor Cultivation Overlay District
  - (a) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.
  - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- f) Suburban Reserve (SR)
  - i) Use permitted subject to a zoning permit
    - (1) Qualified Patient
    - (2) Primary Caregiver
    - (3) Adult Personal Use
  - ii) Use permitted subject to a development review permit
- (16) Within Outdoor Cultivation Overlay Districts 1:
  - (a) Type 1 MC (Greenhouse, Cannabis only), 1 NM (Greenhouse, Cannabis only), 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM (Greenhouse, Cannabis only), 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.
  - (b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- (17) Within Outdoor Cultivation Overlay Districts 2:

(a) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.

(b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

(18) Outside of Outdoor Cultivation Overlay District

(a) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.

(b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

iii) Use permitted subject to a use permit

(1) Within Outdoor Cultivation Overlay District 1:

(a) Type 3 MC (Greenhouse, Cannabis only), 3 NM (Greenhouse, Cannabis only), 3A MC, 3A NM, 3B MC, and 3B NM licenses.

(b) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.

(c) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

(2) Within Outdoor Cultivation Overlay District 2:

(a) Type 3 MC, 3 NM, 3A MC, 3A NM, 3B MC, and 3B NM licenses.

(b) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.

(c) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

(3) Outside of Outdoor Cultivation Overlay District

(a) Type 6 MC, 6 NM, 7 MC, and 7 NM as an accessory use to a cultivation license on the same parcel.

(b) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

g) Single Family Residential (R1)

i) Use permitted subject to a zoning permit

(1) Qualified Patient

(2) Primary Caregiver

- (3) Adult Personal Use
- h) Two Family Residential (R2)
  - i) Use permitted subject to a zoning permit
    - (1) Qualified Patient
    - (2) Primary Caregiver
    - (3) Adult Personal Use
- i) Multi-Family Residential (R3)
  - i) Use permitted subject to a zoning permit
    - (1) Qualified Patient
    - (2) Primary Caregiver
    - (3) Adult Personal Use
- j) Planned Development Residential (PDR)
  - i) Use permitted subject to a zoning permit
    - (1) Qualified Patient
    - (2) Primary Caregiver
    - (3) Adult Personal Use
- k) Planned Development Commercial (PDC)
  - i) Use permitted subject to a zoning permit
    - (1) Qualified Patient
    - (2) Primary Caregiver
    - (3) Adult Personal Use
  - ii) Use permitted subject to a use permit
    - (1) Type 6 MC, 6 NM, 7 MC, 7 NM, 8 MC, 8 NM, 10 MC, 10 NM, 10A MC, 11 MC, 11 NM, 12 MC, and 12 NM licenses.
    - (2) the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness if:
      - (a) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age and older;

(b) Cannabis consumption is not visible from any public place or non-age restricted area; and

(c) Sale or consumption of alcohol or tobacco is not allowed on the premises.

(3) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis.

l) Resort Commercial (CR)

i) Use permitted subject to a zoning permit

(1) Qualified Patient

(2) Primary Caregiver

(3) Adult Personal Use

ii) Use permitted subject to a use permit

(1) Type 10 MC, 10 NM, and 10A MC licenses.

(2) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

(3) the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness if:

(a) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age and older;

(b) Cannabis consumption is not visible from any public place or non-age restricted area; and

(c) Sale or consumption of alcohol or tobacco is not allowed on the premises.

m) Local Commercial (C1)

i) Use permitted subject to a zoning permit

(1) Qualified Patient

(2) Primary Caregiver

(3) Adult Personal Use

n) Community Commercial (C2)

i) Use permitted subject to a zoning permit

(1) Qualified Patient

(2) Primary Caregiver

- (3) Adult Personal Use
- ii) Use permitted subject to a development review permit
  - (1) 8 MC, 8 NM, and 12 MC
- iii) Use permitted subject to a use permit
  - (1) Type 10 MC, 10 NM, and 10A MC licenses.
  - (2) the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness if:
    - (a) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age and older;
    - (b) Cannabis consumption is not visible from any public place or non-age restricted area; and
    - (c) Sale or consumption of alcohol or tobacco is not allowed on the premises.
  - (3) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- o) Service Commercial (C3)
  - i) Use permitted subject to a zoning permit
    - (1) Qualified Patient
    - (2) Primary Caregiver
    - (3) Adult Personal Use
  - ii) Use permitted subject to a development review permit
    - (1) 8 MC, 8 NM, and 12 MC
  - iii) Use permitted subject to a use permit
    - (1) Type 10 MC, 10 NM, 10A MC, and 12 NM licenses.
    - (2) the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness if:
      - (a) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age and older;
      - (b) Cannabis consumption is not visible from any public place or non-age restricted area; and
    - (3) Sale or consumption of alcohol or tobacco is not allowed on the premises.

- (4) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- p) Commercial/Manufacturing (M1)
  - i) Use permitted subject to a zoning permit
    - (1) Qualified Patient
    - (2) Primary Caregiver
    - (3) Adult Personal Use
  - ii) Use permitted subject to a development review permit
    - (1) 8 MC, 8 NM, and 12 MC
- q) Heavy Industrial (M2)
  - i) Use permitted subject to a development review permit
    - (1) 8 MC, 8 NM, and 12 MC
- r) Manufacturing Park (MP)
  - i) Use permitted subject to a use permit
    - (1) Type 6 MC, 6 NM, 7 MC, 7 NM, 8 MC, 8 NM, 10 MC, 10 NM, 10A MC, 11 MC, 11 NM, 12 MC, and 12 NM licenses
    - (2) the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness if:
      - (a) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age and older;
      - (b) Cannabis consumption is not visible from any public place or non-age restricted area; and
      - (c) Sale or consumption of alcohol or tobacco is not allowed on the premises.
    - (3) Accessory and others
    - (4) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis.
- s) Outdoor Cannabis Cultivation Overlay District 1 (OC1)
  - i) Purpose: To minimize potential conflicts between the outdoor cultivation of cannabis and the cultivation of wine grapes. It is intended that this district be reviewed periodically to



- ii) Applicability: This district is intended to apply to areas where the outdoor cultivation of cannabis occurs.
- iii) Uses permitted subject to a use permit
  - (1) Type 1 MC (Greenhouse, Cannabis), 1 NM (Greenhouse, Cannabis), 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC (Greenhouse, Cannabis), 2NM (Greenhouse, Cannabis), 2A MC, 2A NM, 2B MC, 2B NM, 3 MC (Greenhouse, Cannabis), 3 NM (Greenhouse, Cannabis), 3A MC, 3A NM, 3B MC, 3B NM, 4 MC, and 4 NM licenses.
- t) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis
- u) Outdoor Cannabis Cultivation Overlay District 2 (OC2)
  - i) Purpose: To minimize potential conflicts between the outdoor cultivation of cannabis and other uses.
  - ii) Applicability: This district is intended to apply to areas where the outdoor cultivation of cannabis occurs.
  - iii) Uses permitted subject to a use permit
    - (1) Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 3 MC, 3 NM, 3A MC, 3A NM, 3pB MC, 3B NM, 4 MC, and 4 NM licenses.
  - iv) Uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

## 72.6 Use Standards

### a) Security

- i) Outdoor, mixed light, and indoor cultivation areas shall be completely enclosed by a chain-link fence of a minimum 6 feet but not more than 8 feet in height with a locked gate. Any structure shall be set back a minimum of 10 feet from the fence.
- ii) Outdoor, mixed light, and indoor cultivation areas shall have security cameras that at a minimum provide 100 percent coverage of the fence perimeter and shall have a minimum two week data storage of the recordings of the cameras.

### b) Dark Sky

- i) All mixed-light facilities shall have blackout systems to prevent the leakage of light from the facility from sunrise to sunset.
- ii) No supplemental lighting is allowed outdoors

### c) Access Standards

- i) All cultivation sites shall have access to a public road or a recorded easement that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions.
- ii) Access roads shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body

### d) Water Supply

- i) Have a legal water source on the premises, and have all local, state, and federal permits to utilize the water source.
- ii) Not engage in unlawful or unpermitted surface drawing of water for such cultivation.
- iii) The use of water provided by a public water supply, unlawful water diversions, transported by a water hauler, bottled water, a water-vending machine, or a retail water facility is prohibited.
- iv) Where a well is used, the well must be located on the premise and at least two (2) monitoring wells of the same depth as the supply well and one shallow monitoring well shall be constructed. These wells shall have continuous water level monitors. The water supply well shall have a meter to measure the amount of water pumped. The monitoring wells shall be constructed and monitoring began at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.

### e) Water Management

- i) All cultivation activities shall comply with the California Regional Water Quality Control Board Central Valley Region Order R5-2015-0113 Waste Discharge Requirements General Order for Discharge of Waste Associated with Medical Cannabis Cultivation Activities or the California Regional Water Quality Control Board North Coast Region Order No. 2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects In the North Coast Region as appropriate.
  - ii) Outdoor cultivation, including any topsoil, pesticides as defined by **Section 72.4(k)** of this Article, or fertilizers used for the cultivation of medical cannabis 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 illicit discharges of irrigation or storm water from the premises, as defined in Title 40 of the Code of Federal Regulations, Section 122.26, which could result in degradation of water quality of any water body is prohibited.
- f) Pesticides
- i) The off-site drift or discharge of fertilizer or pesticides is prohibited.
- g) Hazardous Materials
- i) Pursuant to the California Health and Safety Code, the use of hazardous materials shall be prohibited in the cultivation of cannabis 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. Any hazardous materials stored shall maintain a minimum setback distance of 100 feet from any private drinking water well, spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool, and 200 feet from any public water supply well. The production of any Hazardous Waste as part of the Cultivation process is prohibited.
- h) Qualified Patient
- i) Development Standards
    - (1) Minimum Lot Size: none
    - (2) Setbacks, measured from the edge of the cultivation area:
      - (a) Base zoning requirements
      - (b) Located in the rear yard
    - (3) Height Limits:
      - (a) Base zoning requirements
      - (b) Outdoor cultivated plants: 8 feet

- (c) Fences: minimum 6 feet, maximum 8 feet
- (4) Outdoor cultivation:
  - (a) Maximum total cultivation area: 100 square feet
- (5) Mixed-light cultivation:
  - (a) Maximum building size: 100 square feet
- (6) Indoor cultivation:
  - (a) Maximum building size: 100 square feet
- ii) Protection of Minors: The entrance to a shed, “grow room”, or outdoor area shall be locked to prevent access by minors.
- iii) Cultivation of cannabis for a qualified patient is an accessory use to an existing residential structure occupied by the qualified patient.
- iv) The manufacture of concentrated cannabis using a volatile solvent is prohibited.
- v) The living plants and any cannabis produced by the plants in excess of 28.5 grams shall be kept within the qualified patient private residence or are in a locked space, and are not visible by normal unaided vision from a public place.
- vi) Not more than six living plants may be planted, cultivated, harvested, dried, or processed within the qualified patient private residence, or upon the legal parcel of that private residence, at one time.
- vii) On lots less than five (5) acres in size the indoor cultivation of medical cannabis shall be conducted in either a detached accessory building or indoor cultivation area that is located in the principle structure which shall not exceed 100 square feet in size. No outdoor cultivation is permitted.
- viii) On lots five acres or greater in size the cultivation of medical cannabis shall be conducted either in an indoor cultivation detached accessory building, an indoor cultivation area that is located in the principle structure, a mixed-light structure, or an outdoor fenced area which shall not exceed 100 square feet in size. Hoop-houses are not allowed.
- ix) The indoor cultivation area that is located in the principle structure shall be accessible only from the outside of the structure with no access into the principle structure.
- x) Indoor cultivation lighting shall not exceed 1,200 watts and shall conform to all applicable electrical codes. Outdoor cultivation areas shall not have any supplemental lighting.
- xi) Indoor cultivation shall occur only within a legal structure that meets the definition of Indoor and complies with all applicable provisions of the County's General Plan, Zoning Ordinance, and California Building Code.

- xii) Any accessory structure used for cultivation of medical cannabis shall be ventilated with odor control filters, and shall not create an odor, humidity or mold problem on the premises or on adjacent premises. The ventilation and filtration system, along with any plumbing improvements, shall be installed with valid electrical and plumbing permits issued and inspected by the Lake County Building and Safety Division prior to commencing cultivation within the allowable structure. Cultivation within any detached accessory structure that does not meet the definition of Indoor shall be considered outdoor cultivation.
  - xiii) The indoor cultivation area in the principle structure shall have ventilation and filtration systems installed that prevent medical cannabis plant odors from exiting the interior of the structure while addressing the potential for mold. The ventilation and filtration system, along with any plumbing improvements, shall be installed with valid electrical and plumbing permits issued and inspected by the Lake County Building and Safety Division prior to commencing cultivation within the allowable structure.
  - xiv) Medical cannabis cultivation areas shall not be accessible to juveniles who are not qualified patients or primary caregivers residing on that parcel.
  - xv) If the premises is rented or leased, written approval shall be obtained from the property owner(s), containing the property owner(s) notarized signature that authorizes the tenant or lessee to cultivate medical cannabis at the site. A copy of the written approval shall be maintained by the tenant or lessee and made available for review by enforcement officials upon request. Written approvals shall be renewed annually.
- i) Primary Caregiver
    - i) Development Standards
      - (1) Minimum Lot Size: none
      - (2) Setbacks, measured from the edge of the cultivation area:
        - (a) Base zoning requirements
        - (b) Located in the rear yard
      - (3) Height Limits:
        - (a) Base zoning requirements
        - (b) Outdoor cultivated plants: 8 feet
        - (c) Fences: minimum 6 feet, maximum 8 feet
      - (4) Outdoor cultivation:
        - (a) Maximum total cultivation area: 500 square feet
      - (5) Mixed-light cultivation:

(a) Maximum building size: 500 square feet

(6) Indoor cultivation:

(a) Maximum building size: 500 square feet

- ii) Protection of Minors: The entrance to a shed, “grow room”, or outdoor area shall be locked to prevent access by minors.
- iii) Cultivation of cannabis by a primary caregiver is an accessory use to an existing residential structure occupied by the primary caregiver.
- iv) The manufacture of concentrated cannabis using a volatile solvent is prohibited.
- v) The living plants shall be kept within the primary caregiver private residence or are in a locked space, and are not visible by normal unaided vision from a public place.
- vi) On lots less than five (5) acres in size the indoor cultivation of medical cannabis shall be conducted in either a detached accessory building or indoor cultivation area that is located in the principle structure which shall not exceed 500 square feet in size. No outdoor cultivation is permitted.
- vii) On lots five acres or greater in size the cultivation of medical cannabis shall be conducted either in an indoor cultivation detached accessory building, an indoor cultivation area that is located in the principle structure, a greenhouse, or an outdoor fenced area which shall not exceed 500 square feet in size. Hoop-houses are not allowed.
- viii) The indoor cultivation area that is located in the principle structure shall be accessible only from the outside of the structure with no access into the principle structure.
- ix) Indoor cultivation lighting shall not exceed 1,200 watts and shall conform to all applicable electrical codes. Outdoor cultivation areas shall not have any supplemental lighting.
- x) Indoor cultivation shall occur only within a legal structure that meets the definition of Indoor and complies with all applicable provisions of the County's General Plan, Zoning Ordinance, and California Building Code.
- xi) Any accessory structure used for cultivation of medical cannabis shall be ventilated with odor control filters, and shall not create an odor, humidity or mold problem on the premises or on adjacent premises. The ventilation and filtration system, along with any plumbing improvements, shall be installed with valid electrical and plumbing permits issued and inspected by the Lake County Building and Safety Division prior to commencing cultivation within the allowable structure. Cultivation within any detached accessory structure that does not meet the definition of Indoor shall be considered outdoor cultivation.
- xii) The indoor cultivation area in the principle structure shall have ventilation and filtration systems installed that prevent medical cannabis plant odors from exiting the interior of the structure while addressing the potential for mold. The ventilation and filtration

system, along with any plumbing improvements, shall be installed with valid electrical and plumbing permits issued and inspected by the Lake County Building and Safety Division prior to commencing cultivation within the allowable structure.

- xiii) Medical cannabis cultivation areas shall not be accessible to juveniles who are not qualified patients or primary caregivers.
- xiv) If the premises is rented or leased, written approval shall be obtained from the property owner(s), containing the property owner(s) notarized signature that authorizes the tenant or lessee to cultivate medical cannabis at the site. A copy of the written approval shall be maintained by the tenant or lessee and made available for review by enforcement officials upon request. Written approvals shall be renewed annually.

j) Adult Personal Use

i) Development Standards

(1) Minimum Lot Size: none

(2) Setbacks, measured from the edge of the cultivation area:

(a) Base zoning requirements

(b) Located in the rear yard

(3) Height Limits:

(a) Base zoning requirements

(b) Outdoor cultivated plants: 8 feet

(c) Fences: minimum 6 feet, maximum 8 feet

(4) Outdoor cultivation:

(a) Maximum number of mature plants: 6 per legal parcel where the adult user resides.

(5) Mixed-light cultivation:

(a) Maximum number of mature plants: 6 per legal parcel where the adult user resides.

(6) Indoor cultivation:

(a) Maximum number of mature plants: 6 per legal parcel where the adult user resides.

- ii) Protection of Minors: The entrance to a shed, "grow room", or outdoor area shall be locked to prevent access by minors.

- iii) Cultivation of cannabis for adult personal use is an accessory use to an existing residential structure occupied by the adult using the cannabis grown on the premise.
- iv) The manufacture of concentrated cannabis using a volatile solvent is prohibited.
- v) The living plants and any cannabis produced by the plants in excess of 28.5 grams shall be kept within the person's private residence or are in a locked space and are not visible by normal unaided vision from a public place.
- vi) Not more than six living plants may be planted, cultivated, harvested, dried, or processed within the qualified patient private residence or upon the grounds of that private residence, at one time.
- vii) On lots less than five (5) acres in size the indoor cultivation of cannabis shall be conducted in either a detached accessory building or indoor cultivation area that is located in the principle structure which shall not exceed 100 square feet in size. No outdoor cultivation is permitted.
- viii) In the event that the California Attorney General determines that the non-medical use of cannabis is lawful in the State of California under federal law, the outdoor cultivation of cannabis may be conducted in an opaque fence area not to exceed 100 square feet in size and is not visible by normal unaided vision from a public place.
- ix) On lots five acres or greater in size the cultivation of cannabis shall be conducted either in an indoor cultivation detached accessory building, an indoor cultivation area that is located in the principle structure, a greenhouse, or an outdoor fenced area which shall not exceed 100 square feet in size. Hoop-houses are not allowed.
- x) The indoor cultivation area that is located in the principle structure shall be accessible only from the outside of the structure with no access into the principle structure.
- xi) Indoor cultivation lighting shall not exceed 1,200 watts and shall conform to all applicable electrical codes. Outdoor cultivation areas shall not have any supplemental lighting.
- xii) Indoor cultivation shall occur only within a legal structure that meets the definition of Indoor and complies with all applicable provisions of the County's General Plan, Zoning Ordinance, and California Building Code.
- xiii) Any accessory structure used for cultivation of cannabis shall be ventilated with odor control filters, and shall not create an odor, humidity or mold problem on the premises or on adjacent premises. The ventilation and filtration system, along with any plumbing improvements, shall be installed with valid electrical and plumbing permits issued and inspected by the Lake County Building and Safety Division prior to commencing cultivation within the allowable structure. Cultivation within any detached accessory structure that does not meet the definition of Indoor shall be considered outdoor cultivation.



- xiv) The indoor cultivation area in the principle structure shall have ventilation and filtration systems installed that prevent cannabis plant odors from exiting the interior of the structure while addressing the potential for mold. The ventilation and filtration system, along with any plumbing improvements, shall be installed with valid electrical and plumbing permits issued and inspected by the Lake County Building and Safety Division prior to commencing cultivation within the allowable structure.
  - xv) Cannabis cultivation areas shall not be accessible to juveniles who are not qualified patients or primary caregivers.
  - xvi) If the premises is rented or leased, written approval shall be obtained from the property owner(s), containing the property owner(s) notarized signature that authorizes the tenant or lessee to cultivate cannabis at the site. A copy of the written approval shall be maintained by the tenant or lessee and made available for review by enforcement officials upon request. Written approvals shall be renewed annually.
- k) Specialty Cottage Cultivation
- i) Specialty cottage cultivation of medical cannabis is an accessory use to an existing residential structure occupied by the holder of the license.
  - ii) Use: The following uses in connection with the specialty cottage cultivation of medical cannabis:
    - (1) Outdoor cultivation of medical cannabis
    - (2) Mixed-light cultivation of medical cannabis
    - (3) Indoor cultivation of medical cannabis
    - (4) Medical cannabis processing such as drying, curing, grading, or trimming
    - (5) 1C MC license
  - iii) Development Standards
    - (1) Minimum Lot Size: 5 acres
    - (2) Setbacks, measured from the edge of the cultivation area:
      - (a) 75 feet from the property line
      - (b) 150 feet from any off-site residence
    - (3) Height Limits:
      - (a) Structure: base zoning agricultural accessory use.
      - (b) Outdoor cultivated plants: 8 feet
      - (c) Fences: minimum 6 feet, maximum 8 feet

- (4) Outdoor cultivation:
  - (a) Maximum number of mature plants: 25
  - (b) Maximum building size: 6,000
  - (c) Maximum total cultivation area: 12,000 square feet
- (5) Mixed-light cultivation:
  - (a) Maximum total canopy size: 2,500 square feet
  - (b) Maximum building size: 6,000 square feet
  - (c) Maximum cultivation area: 12,000 square feet
- (6) Indoor cultivation:
  - (a) Maximum total canopy size: 500 square feet
  - (b) Maximum building size: 6,000 square feet
  - (c) Maximum cultivation area: 12,000 square feet
- iv) Protection of Minors
  - (1) No licensee shall:
    - (a) Allow any person under 21 years of age on its premises.
    - (b) Employ or retain persons under 21 years of age.
  - (2) Cultivation shall not be located within 1,000 feet of any public or private a school providing instruction in kindergarten or any grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility such as any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or if the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.
- I) Specialty Outdoor Cultivation
  - i) Specialty outdoor cultivation of medical cannabis is an accessory use to an existing residential structure occupied by the holder of the license.
  - ii) Use: The following uses in connection with the outdoor cultivation of cannabis:
    - (1) Cultivation of cannabis
    - (2) Cannabis processing such as drying, curing, grading, or trimming
    - (3) 1 MC and 1 NM licenses

iii) Development Standards

(1) Minimum Lot Size: 20 acres

(2) Setbacks:

(a) 100 feet from the property line

(b) 200 feet from any off-site residence

(3) Height Limits

(a) Structure: base zoning agricultural accessory use.

(b) Outdoor cultivated plants: 10 feet

(c) Fences: minimum 6 feet, maximum 8 feet

(4) Maximum size of canopy area: 5,000 square feet

(5) Maximum size of cultivation area: 10,000 square feet

(6) Maximum number of mature plants: 50

iv) Protection of Minors

(1) No licensee shall:

(a) Allow any person under 21 years of age on its premises.

(b) Employ or retain persons under 21 years of age.

(2) Cultivation shall not be located within 1,000 feet of any public or private a school providing instruction in kindergarten or any grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility such as any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or if the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.

m) Small Outdoor Cultivation

i) Use: The following uses in connection with the outdoor cultivation of cannabis:

(1) Cultivation of cannabis

(2) Cannabis processing such as drying, curing, grading, or trimming

(3) 2 MC and 2 NM licenses

ii) Development Standards

(1) Minimum Lot Size: 20 acres

- (2) Setbacks
  - (a) 100 feet from the property line
  - (b) 200 feet from any off-site residence
- (3) Height Limits
  - (a) Structure: base zoning agricultural accessory use.
  - (b) Outdoor cultivated plants: no limits
  - (c) Fences: minimum 6 feet, maximum 8 feet
- (4) Maximum size of canopy area: 10,000 square feet
- (5) Maximum size of cultivation area: 20,000 square feet
- iii) Protection of Minors
  - (1) No licensee shall:
    - (a) Allow any person under 21 years of age on its premises.
    - (b) Employ or retain persons under 21 years of age.
  - (2) Cultivation shall not be located within 1,000 feet of any public or private a school providing instruction in kindergarten or any grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility such as any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or if the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.
- n) Outdoor Cultivation
  - i) Use: The following uses in connection with the outdoor cultivation of cannabis:
    - (1) Cultivation of cannabis
    - (2) Cannabis processing such as drying, curing, grading, or trimming
    - (3) 3 MC and 3 NM licenses
  - ii) Development Standards
    - (1) Minimum Lot Size: 20 acres
    - (2) Setbacks
      - (a) 100 feet from the property line
      - (b) 200 feet from any off-site residence

- (3) Height Limits
  - (a) Structure: base zoning agricultural accessory use.
  - (b) Outdoor cultivated plants: no limits
  - (c) Fences: minimum 6 feet, maximum 8 feet
- (4) Maximum size of canopy: 43,560 square feet
- (5) Maximum size of cultivation area: 60,000 square feet
- iii) Protection of Minors
  - (1) No licensee shall:
    - (a) Allow any person under 21 years of age on its premises.
    - (b) Employ or retain persons under 21 years of age.
  - (2) Cultivation shall not be located within 1,000 feet of any public or private a school providing instruction in kindergarten or any grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility such as any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or if the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.
- o) Indoor Cultivation
  - i) Uses
    - (1) Cultivation of cannabis
    - (2) Cannabis processing such as drying, curing, grading, or trimming
    - (3) 1A MC, 1A NM, 2A MC, 2A NM, 3A MC, and 3A NM licenses
  - ii) Development Standards
    - (1) Minimum Lot Size:20 acres
    - (2) Setbacks
      - (a) 100 feet from the property line
      - (b) 200 feet from any off-site residence
    - (3) Height Limits
      - (a) Structure: base zoning agricultural accessory use.
    - (4) Fences: minimum 6 feet, maximum 8 feet

(5) Maximum Canopy Size:

- (a) 1A MC and 1A NM: 5,000 square feet.
- (b) 2A MC and 2A NM: 10,000 square feet
- (c) 3A MC and 3A NM: 22,000 square feet

(6) Maximum Cultivation Area:

- (a) 1A MC and 1A NM: 10,000 square feet
- (b) 2A MC and 2A NM: 20,000 square feet
- (c) 3A MC and 3A NM: 40,000 square feet

iii) Protection of Minors

(1) No licensee shall:

- (a) Allow any person under 21 years of age on its premises.
- (b) Employ or retain persons under 21 years of age.

- (2) Cultivation shall not be located within 1,000 feet of any public or private a school providing instruction in kindergarten or any grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility such as any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or if the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.

p) Mixed Light Cultivation

i) Uses

- (1) Cultivation of cannabis
- (2) Cannabis processing such as drying, curing, grading, or trimming
- (3) Type 1B MC, 1B NM, 2B MC, and 2B NM licenses

ii) Development Standards

- (1) Minimum Lot Size: 20 acres
- (2) Setbacks
  - (a) 100 feet from the property line
  - (b) 200 feet from any off-site residence
- (3) Height Limits

- (a) Structure: base zoning agricultural accessory use.
- iii) Fences: minimum 6 feet, maximum 8 feet
- iv) Maximum Canopy Size:
  - (1) 1B MC and 1B NM: 5,000 square feet.
  - (2) 2B MC and 2B NM: 10,000 square feet
- v) Maximum Cultivation Area:
  - (1) 1A MC and 1A NM: 10,000 square feet.
  - (2) 2A MC and 2A NM: 20,000 square feet
- vi) Protection of Minors
  - (1) No licensee shall:
    - (a) Allow any person under 21 years of age on its premises.
    - (b) Employ or retain persons under 21 years of age.
  - (2) Cultivation shall not be located within 1,000 feet of any public or private a school providing instruction in kindergarten or any grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility such as any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or if the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.
- q) Mixed Light Cultivation (3B MC and 3B NM licenses)
  - i) Uses
    - (1) Cultivation of cannabis
    - (2) Cannabis processing such as drying, curing, grading, or trimming
  - ii) Development Standards
    - (1) Minimum Lot Size:20 acres
    - (2) Setbacks
      - (a) 100 feet from the property line
      - (b) 200 feet from any off-site residence
    - (3) Height Limits:
      - (a) Structure: base zoning agricultural accessory use.

- iii) Fences: minimum 6 feet, maximum 8 feet
- iv) Maximum Canopy Size: 22,000 square feet
- v) Maximum Cultivation Area: 30,000 square feet
- vi) Protection of Minors
  - (1) No licensee shall:
    - (a) Allow any person under 21 years of age on its premises.
    - (b) Employ or retain persons under 21 years of age.
  - (2) Cultivation shall not be located within 1,000 feet of any public or private a school providing instruction in kindergarten or any grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility such as any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or if the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.
- r) Nursery (Cannabis Wholesale)
  - i) Uses
    - (1) The wholesale production of clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.
    - (2) Type 4 MC and 4 NM licenses
  - ii) Development Standards
    - (1) Minimum Lot Size: 20 acres
    - (2) Setbacks
      - (a) 100 feet from the property line
      - (b) 200 feet from any off-site residence
    - (3) Height Limits: base zoning agricultural accessory use.
    - (4) Cultivated plants: no limits
    - (5) Fences: minimum 6 feet, maximum 8 feet
    - (6) Maximum cultivation area: 43,560 square feet
  - iii) Protection of Minors
    - (1) No licensee shall:



- (a) Allow any person under 21 years of age on its premises.
    - (b) Employ or retain persons under 21 years of age.
  - (2) Cultivation shall not be located within 1,000 feet of any public or private a school providing instruction in kindergarten or any grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility such as any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or if the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.
- s) Nursery (Cannabis Retail)
- (1) Uses:
    - (a) The production of clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis for retail sales.
    - (b) Type 4 MC and 4 NM licenses
  - ii) Development Standards
    - (1) Minimum Lot Size: 5 acres
    - (2) Setbacks
      - (a) 100 feet from the property line
      - (b) 200 feet from any off-site residence
    - (3) Height Limits: base zoning.
    - (4) Cultivated plants: no limits
    - (5) Fences: minimum 6 feet, maximum 8 feet
    - (6) Maximum cultivation area: 20,000 square feet
  - iii) Protection of Minors
    - (1) No licensee shall:
      - (a) Allow any person under 21 years of age on its premises.
      - (b) Employ or retain persons under 21 years of age.
    - (2) Cultivation shall not be located within 1,000 feet of any public or private a school providing instruction in kindergarten or any grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility such as any establishment

that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or if the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.

t) Manufacturing (Cannabis)

i) Uses:

- (1) The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container.
- (2) Type 6 MC, 6 NM, 7 MC, and 7 NM licenses

ii) Development Standards

(1) Minimum Lot Size:

- (a) Public water and sewer service: 12,500 square feet
- (b) Well and public sewer service, or public water and septic system: 20,000 square feet
- (c) Well and septic system: 40,000 square feet

(2) Setbacks:

- (a) Front: 30 feet
- (b) Side: 30 feet
- (c) Rear: 30 feet

(3) Height Limits: 45 feet

(4) Fences: minimum 6 feet, maximum 8 feet

(5) Lot Coverage: 75%

(6) Density (FAR) 1.5

u) Testing (Cannabis)

- i) Uses: Testing of cannabis and cannabis products. Testing licensees shall have their facilities or devices licensed according to regulations set forth by the Department of Public Health. A testing licensee shall not hold a license in another license category of this article and shall not own or have ownership interest in a non-testing facility licensed pursuant to this division.

ii) Development Standards

- (1) Minimum Lot Size: As determined by the base zoning
- (2) Setbacks: As determined by the base zoning
- (3) Height Limits: As determined by the base zoning
- (4) Shall comply with the Department of Public Health procedures to:
  - (a) ensure that testing of cannabis and cannabis products occurs prior to distribution to retailers, microbusinesses, or nonprofits licensed under Section 26070.5;
  - (b) specify how often licensees shall test cannabis and cannabis products, and that the cost of testing cannabis shall be borne by the licensed cultivators and the cost of testing cannabis products shall be borne by the licensed manufacturer, and that the costs of testing cannabis and cannabis products shall be borne a nonprofit licensed under Section 26070.5; and
  - (c) require destruction of harvested batches whose testing samples indicate noncompliance with health and safety standards promulgated by the Department of Public Health, unless remedial measures can bring the cannabis or cannabis products into compliance with quality assurance standards as promulgated by the Department of Public Health.
- v) Distribution (Cannabis)
  - i) Uses
  - ii) Development Standards
    - (1) Minimum Lot Size: As determined by the base zoning
    - (2) Setbacks: As determined by the base zoning
    - (3) Height Limits: As determined by the base zoning
- w) Transporting
  - i) Uses
  - ii) Development Standards
    - (1) Minimum Lot Size: As determined by the base zoning
    - (2) Setbacks: As determined by the base zoning
    - (3) Height Limits: As determined by the base zoning
- x) Dispensary (Cannabis)
  - i) Uses:

- (1) The retail sale of medical cannabis, medical cannabis products, or devices for the use of medical cannabis
  - (2) The delivery of medical cannabis, medical cannabis products or devices.
- ii) Development Standards
  - (1) Minimum Lot Size: As determined by the base zoning
  - (2) Setbacks: As determined by the base zoning
  - (3) Height Limits: As determined by the base zoning
  - (4) Parking
- iii) Operating Hours.
  - (1) The maximum dispensary days and hours of operations shall be as follows:
    - (a) Monday through Saturday: 9:00 a.m. - 7:00 p.m.
    - (b) Sunday: 12:00 p.m. - 5:00 p.m.
- iv) Protection of Minors
  - (1) No licensee shall:
    - (a) Sell cannabis or cannabis products to persons under 21 years of age.
    - (b) Allow any person under 21 years of age on its premises.
    - (c) Employ or retain persons under 21 years of age.
    - (d) Sell or transfer cannabis or cannabis products unless the person to whom the cannabis or cannabis product is to be sold first presents documentation which reasonably appears to be a valid government-issued identification card showing that the person is 21 years of age or older.
  - (2) Notwithstanding subdivision (1), a licensee that is a licensed dispensary may:
    - (a) Allow on the premises any person 18 years of age or older who possesses a valid identification card under Section 11362.71 of the Health and Safety Code and a valid government-issued identification card;
    - (b) Sell cannabis, cannabis products, and cannabis accessories to a person 18 years of age or older who possesses a valid identification card under Section 11362.71 of the Health and Safety Code and a valid government-issued identification card.
  - (3) Dispensaries shall not be located within 1,000 feet of any public or private a school providing instruction in kindergarten or any grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility such as any establishment

that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or if the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.

v) Design Standards

(1) Shall comply with the applicable community design standards for commercial development.

(2) Dispensary Size and Access.

(a) The retail sales area of a dispensary shall not exceed one thousand two hundred (1,200) square feet. Dispensary size shall be limited, as deemed appropriate and necessary, to best serve patient needs within the intent of this section and reduce potential adverse impacts that might otherwise occur on surrounding neighborhoods, businesses and demands on County services.

(b) The entrance into the dispensary building shall be locked at all times with entry strictly controlled; e.g., a “buzz-in” electronic/mechanical entry system. A viewer shall be installed in the door that allows a wide-angle of view of the exterior entrance.

(c) Only dispensary staff, primary caregivers, qualified patients, persons with State issued identification cards, persons inspecting the facilities on behalf of the County, persons engaged in maintenance and repair activities in the building, and persons providing professional services such as accounting and legal services, shall be permitted at a dispensary.

(d) Potential patients or caregivers shall not visit a dispensary without first obtaining a valid written recommendation from their physician recommending medical use of cannabis.

(e) Only primary caregivers and qualified patients shall be permitted in the designated dispensing area; dispensary personnel must be present at such times. All other authorized visitors shall remain in the designated waiting area in the front entrance/lobby.

(3) Dispensary Supply.

(a) A dispensary may possess no more than (5) pounds of dried cannabis at any one time in addition to live plants for sale for medicinal purposes that are in a vegetative (not mature) state.

(4) Dispensing Operations.

(a) A dispensary shall only dispense to qualified patients or caregivers with a valid physician’s recommendation in compliance with the Compassionate Use Act.

- (b) Prior to dispensing medical cannabis, the dispensary shall obtain verbal and signed, written verification from the recommending physician that the individual requesting medical cannabis is a qualified patient.
- (c) No dispensary may provide medical cannabis to any persons other than qualified patients or persons with identification cards and designated primary caregivers who are members of the cannabis collective or cooperative.
- (d) A dispensary shall only be for the dispensing of medical cannabis and not to evaluate patients and provide a recommendation for medical cannabis.
- (e) Medical cannabis collectives shall maintain records reflecting:
  - (i) The full name, address, and telephone number(s) of the owner or lessee of the property.
  - (ii) The full name, address, and telephone number(s) of all qualified patients and persons with identification cards and/or primary caregivers who participate in cultivation of cannabis.
  - (iii) The full name, address, and telephone number(s) of all qualified patients and persons with identification cards to whom the dispensary provides medical cannabis.
  - (iv) The designation, by qualified patient(s) and person(s) with identification cards, of any and all primary caregivers who participate in the collective cultivation of cannabis.
- (f) Patient records shall be maintained on site, either in paper or electronic form, and secured and verified by the County as needed (consistent with requirements pertaining to patient confidentiality pursuant to applicable State and Federal law) and at least every twelve (12) months by the qualifying patient's physician or Doctor of Osteopathy.
- (g) The licensee shall annually provide information on prior years' operations verifying compliance with this section to the Director. Licensee shall modify dispensary operations as required by the Director to ensure compliance with all requirements of this section.

(5) Retail Sales and Cultivation.

- (a) Subject to this section, no medical cannabis shall be cultivated on the premises of the dispensary, except in compliance with the Compassionate Use Act and Medical Cannabis Program. No cultivation shall take place outdoors on the premises; all cultivation must occur indoors.
- (b) A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to the Compassionate Use Act and Medical Marijuana Program.

- (c) The sale of ancillary products, including books, herbal supplements, and devices facilitating the consumption of medical cannabis shall occur in a manner consistent with this section, and in compliance with all State requirements.

(6) Operation Requirements.

- (a) Floor Plan. The main entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks and site driveways.
- (b) Storage. A dispensary shall have a locked safe on the premises, identified as a part of the security plan, for after-hours storage of medical cannabis. A dispensary shall also have a secure area for the storage of immature plants and any other products specifically allowed under the license, which contain medical cannabis.
- (c) Minimum Staffing. The dispensary shall be staffed during hours of operation by at least two (2) persons, one of whom must be a manager.
- (d) Odors. A dispensary shall have an air treatment system that ensures off-site odors shall not result from its operations.
- (e) Security Plan. A dispensary shall provide adequate security on the premises, as approved by the Sheriff and pursuant to this section, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.
- (f) Security Cameras. Security cameras required by this section shall be installed to monitor, at the minimum, the main entrance and exterior of the premises to discourage loitering, crime, and illegal or nuisance activities.
- (g) Security Video Retention. Security video shall be retained for thirty (30) days. Images shall be made available to the Sheriff upon a reasonable written request for the specific time period.
- (h) Alarm System. A State-licensed professionally monitored robbery and burglary alarm system shall be installed and maintained in good working condition.
- (i) Emergency Contact. A dispensary shall provide the Sheriff with the name, phone number and facsimile number or email address of an individual working on the dispensary premises, to whom notice of problems associated with the operation of the dispensary can be provided. The dispensary shall keep this information current at all times. The dispensary 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.

(7) Signage and Notices.

- (a) Signs on the premises shall not obstruct the entrance or the video surveillance system. The size, location, and design of any signage must conform to Article XX.
- (b) Business identification signage shall be limited to that needed for identification only, consisting of a single window sign or wall sign that shall comply with the appropriate sign requirements with the applicable zoning district.

y) Retail (Cannabis)

i) Uses:

- (1) The retail sale of cannabis, cannabis products, or devices for the adult use of cannabis
- (2) The delivery of medical cannabis, medical cannabis products or devices.

ii) Development Standards

- (1) Minimum Lot Size: As determined by the base zoning
- (2) Setbacks: As determined by the base zoning
- (3) Height Limits: As determined by the base zoning
- (4) Parking

iii) Operating Hours.

- (1) The maximum retail days and hours of operations shall be as follows:
  - (a) Monday through Saturday: 9:00 a.m. - 7:00 p.m.
  - (b) Sunday: 12:00 p.m. - 5:00 p.m.

iv) Protection of Minors

- (1) No licensee shall:
  - (a) Sell cannabis or cannabis products to persons under 21 years of age.
  - (b) Allow any person under 21 years of age on its premises.
  - (c) Employ or retain persons under 21 years of age.
  - (d) Sell or transfer cannabis or cannabis products unless the person to whom the cannabis or cannabis product is to be sold first presents documentation which reasonably appears to be a valid government-issued identification card showing that the person is 21 years of age or older.
- (2) Retail stores shall not be located within 1,000 feet of any public or private a school providing instruction in kindergarten or any grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, child care



facility or nursery school, church or youth-oriented facility such as any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or if the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.

v) Design Standards

(1) Shall comply with the applicable community design standards for commercial development.

(2) Retail Size and Access.

(a) The retail sales area of a retail establishment shall not exceed one thousand two hundred (1,200) square feet. Retail size shall be limited, as deemed appropriate and necessary, to reduce potential adverse impacts that might otherwise occur on surrounding neighborhoods, businesses and demands on County services.

(3) Retail Supply.

(a) A retail establishment may possess no more than (5) pounds of dried cannabis at any one time.

(4) Retail Operations.

(a) XX.

(b) The licensee shall annually provide information on prior years' operations verifying compliance with this section to the Director. Licensee shall modify dispensary operations as required by the Director to ensure compliance with all requirements of this section.

(5) Retail Sales and Cultivation.

(a) Subject to this section, no cannabis shall be cultivated on the premises of the retail establishment.

(b) The sale of ancillary products, including books, herbal supplements, and devices facilitating the consumption of cannabis shall occur in a manner consistent with this section, and in compliance with all State requirements.

(6) Operation Requirements.

(a) Floor Plan. The main entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks and site driveways.

(b) Storage. A retail establishment shall have a locked safe on the premises, identified as a part of the security plan, for after-hours storage of cannabis.

(c) Minimum Staffing. The retail establishment shall be staffed during hours of operation by at least two (2) persons, one of whom must be a manager.

- (d) Odors. A retail establishment shall have an air treatment system that ensures off-site odors shall not result from its operations.
  - (e) Security Plan. A retail establishment shall provide adequate security on the premises, as approved by the Sheriff and pursuant to this section, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.
  - (f) Security Cameras. Security cameras required by this section shall be installed to monitor, at the minimum, the main entrance and exterior of the premises to discourage loitering, crime, and illegal or nuisance activities.
  - (g) Security Video Retention. Security video shall be retained for thirty (30) days. Images shall be made available to the Sheriff upon a reasonable written request for the specific time period.
  - (h) Alarm System. A State-licensed professionally monitored robbery and burglary alarm system shall be installed and maintained in good working condition.
  - (i) Emergency Contact. A retail establishment shall provide the Sheriff with the name, phone number and facsimile number or email address of an individual working on the retail premises, to whom notice of problems associated with the operation of the retail establishment can be provided. The retail establishment shall keep this information current at all times. The retail establishment 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.
- (7) Signage and Notices.
- (a) Signs on the premises shall not obstruct the entrance or the video surveillance system. The size, location, and design of any signage must conform to Article XX.
  - vi) Business identification signage shall be limited to that needed for identification only, consisting of a single window sign or wall sign that shall comply with the appropriate sign requirements with the applicable zoning district.
- z) Microbusiness
- i) Uses:
    - (1) The cultivation of marijuana on an area less than 10,000 square feet
    - (2) Licensed distributor
    - (3) Level 1 manufacturer of adult use cannabis
    - (4) Retail (Cannabis)
    - (5) Type 12 NM license

- (6) Cannabis processing such as drying, curing, grading, or trimming
- ii) Development Standards
  - (1) Minimum Lot Size: 20 acres
  - (2) Setbacks:
    - (a) 100 feet from the property line
    - (b) 200 feet from any off-site residence
  - (3) Height Limits: As determined by the base zoning
  - (4) Parking
- iii) Operating Hours.
  - (1) The maximum retail days and hours of operations shall be as follows:
    - (a) Monday through Saturday: 9:00 a.m. - 7:00 p.m.
    - (b) Sunday: 12:00 p.m. - 5:00 p.m.
- iv) Protection of Minors
  - (1) No licensee shall:
    - (a) Sell cannabis or cannabis products to persons under 21 years of age.
    - (b) Allow any person under 21 years of age on its premises.
    - (c) Employ or retain persons under 21 years of age.
    - (d) Sell or transfer cannabis or cannabis products unless the person to whom the cannabis or cannabis product is to be sold first presents documentation which reasonably appears to be a valid government-issued identification card showing that the person is 21 years of age or older.
  - (2) Retail stores shall not be located within 1,000 feet of any public or private a school providing instruction in kindergarten or any grades 1 through 12, developed park containing playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility such as any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or if the individuals who regularly patronize, congregate or assemble at the establishment are predominately minors.
- v) Design Standards
  - (1) Shall comply with the applicable community design standards for commercial development.

(2) Retail Size and Access.

- (a) The retail sales area of a retail establishment shall not exceed one thousand two hundred (1,200) square feet. Retail size shall be limited, as deemed appropriate and necessary, to reduce potential adverse impacts that might otherwise occur on surrounding neighborhoods, businesses and demands on County services.

(3) Retail Supply.

- (a) A retail establishment may possess no more than (5) pounds of dried cannabis at any one time.

(4) Retail Operations.

- (a) XX.
- (b) The licensee shall annually provide information on prior years' operations verifying compliance with this section to the Director. Licensee shall modify dispensary operations as required by the Director to ensure compliance with all requirements of this section.

(5) Retail Sales and Cultivation.

- (a) Subject to this section, no cannabis shall be cultivated on the premises of the retail establishment.
- (b) The sale of ancillary products, including books, herbal supplements, and devices facilitating the consumption of cannabis shall occur in a manner consistent with this section, and in compliance with all State requirements.

(6) Operation Requirements.

- (a) Floor Plan. The main entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks and site driveways.
- (b) Storage. A retail establishment shall have a locked safe on the premises, identified as a part of the security plan, for after-hours storage of cannabis.
- (c) Minimum Staffing. The retail establishment shall be staffed during hours of operation by at least two (2) persons, one of whom must be a manager.
- (d) Odors. A retail establishment shall have an air treatment system that ensures off-site odors shall not result from its operations.
- (e) Security Plan. A retail establishment shall provide adequate security on the premises, as approved by the Sheriff and pursuant to this section, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.

- (f) Security Cameras. Security cameras required by this section shall be installed to monitor, at the minimum, the main entrance and exterior of the premises to discourage loitering, crime, and illegal or nuisance activities.
  - (g) Security Video Retention. Security video shall be retained for thirty (30) days. Images shall be made available to the Sheriff upon a reasonable written request for the specific time period.
  - (h) Alarm System. A State-licensed professionally monitored robbery and burglary alarm system shall be installed and maintained in good working condition.
  - (i) Emergency Contact. A retail establishment shall provide the Sheriff with the name, phone number and facsimile number or email address of an individual working on the retail premises, to whom notice of problems associated with the operation of the retail establishment can be provided. The retail establishment shall keep this information current at all times. The retail establishment 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.
- (7) Signage and Notices.
- (a) Signs on the premises shall not obstruct the entrance or the video surveillance system. The size, location, and design of any signage must conform to Article XX.
- vi) Business identification signage shall be limited to that needed for identification only, consisting of a single window sign or wall sign that shall comply with the appropriate sign requirements with the applicable zoning district

## 72.7 Site standards

### a) Qualified Patient, Primary Caregiver, and Personnel Adult Use

- i) Indoor cultivation as part of the principle structure
- ii) Accessory Structure
- iii) Outdoor

### b) Specialty Cottage (1C MC)

- i) Individual and cumulative effects of water diversion and discharge associated with cultivation shall not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. If a watershed cannot support additional cultivation, no new permits shall be issued for that watershed.
- ii) Cultivation shall not negatively impact springs, riparian wetlands and aquatic habitats.

### c) Outdoor Cultivation (Type 1 MC, 1 NM, 1C MC, 2 MC, 2 NM, 3 MC, and 3 NM Licenses)

- i) Individual and cumulative effects of water diversion and discharge associated with cultivation shall not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. If a watershed cannot support additional cultivation, no new permits shall be issued for that watershed.
- ii) Cultivation shall not negatively impact springs, riparian wetlands and aquatic habitats.
- iii) Performance Standards: To promote innovative, sustainable management practices, applicants are required to achieve an overall score of 100 from 13 different issue topics. For each topic a minimum requirement is identified. However, the total score by just doing the minimum is less than the minimum overall performance standard required. Therefore, more than the minimum is required in some of the issues topics. What combination of activities are completed to achieve the score is up to the applicant.

| Performance Topic   | Points |
|---|--------|
| (1) Solid Waste Disposal: solid waste shall not be disposed of on the property.   |        |
| (a) Current recyclables/non-recyclables solid waste collection  | 2      |
| (b) Achieve a goal of 50% recycling and 15% organic composting of parcel's waste stream   | 5      |
| (c) Solid waste volume reduction plan including sourcing products that minimize packaging, minimizing the use of hydrocarbon related products, and composting of organic matter | 15     |
| (2) Vegetative Waste Disposal   |        |

- (a) Vegetative Waste will be disposed of at an approved landfill 2
- (b) Vegetative Waste will be recycled at an approved compost facility 5
- (c) Vegetative Waste will be composted on-site 10
- (3) Storm Water Management
  - (a) Meet county standards 2
  - (b) Post development runoff does not exceed pre-development runoff volumes 5
  - (c) Retains the first inch of runoff on-site off-line from the remained of the runoff and treats that prior to discharge. 10
- (4) Growing Medium Management
  - (a) Growing medium will be disposed of at an approved landfill 2
  - (b) Growing medium will be recycled 5
  - (c) Growing Medium will be organic and 100% recycled 10
- (5) Fish and Wildlife
  - (a) 30 foot setback from waterways 2
  - (b) 300 foot setback from waterways and designated conservation easement for the buffer 5
  - (c) Designated wildlife corridors in conservation easements 10
- (6) Water Resources
  - (a) Identify springs, riparian wetlands and aquatic habitats and avoid development in those areas 2
  - (b) Develop and implement a monitoring plan for identified springs, riparian wetlands and aquatic habitats 5
  - (c) Develop and implement a management plan for identified springs, riparian wetlands and aquatic habitats 15
- (7) Energy Use
  - (a) On the electrical grid 2
  - (b) Purchase zero carbon produced electricity form grid 5
  - (c) Self-contained, zero carbon produced electricity on site 10
- (8) Water Use

|   |    |
|---|----|
| (a) Install water conservation fixtures   | 2  |
| (b) 100% recycled   | 5  |
| (c) Closed-loop system  | 15 |
| (9) Pesticides  |    |
| (a) Meet state standards  | 2  |
| (b) Only organic pesticides   | 5  |
| (c) An integrated pest management program   | 10 |
| (10) Property Management (for the entire parcel where the permit is located, not just the cultivation area:   |    |
| (a) Master Plan   | 2  |
| (b) Fire Resiliency Plan  | 5  |
| (c) Wildlife Management Plan  | 5  |
| (d) Ecosystem Management Plan   | 15 |
| (11) Grading  |    |
| (a) Standard Grading or Complex grading   | 2  |
| (b) Activities exempt from a permit or Simple Grading   | 5  |
| (c) No Grading  | 10 |
| (12) Organic:   |    |
| (a) Not organic   | 2  |
| (b) Organic   | 5  |
| (c) Certified Organic   | 10 |
| (13) Cultural Resources: Known historical, archaeological, and paleontological sites and disturbance of known Native American sites or California Native American Graves Protection and Repatriation Act cultural items shall be avoided. |    |
| (a) If a Native American sites or California Native American Graves Protection and Repatriation Act cultural items is found, construction activities immediately cease and the local tribal office will be notified.                      | 2  |
| (b) Will have a Cultural Resources Monitor on-site  | 5  |
| (c) Complete an Cultural Resources Study  | 10 |



d) Indoor Cultivation (Type 1A MC, 1A NM, 1C MC, 2A MC, 2A MC, 3A MC, and 3A NM Licenses)

- i) Individual and cumulative effects of water diversion and discharge associated with cultivation shall not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. If a watershed cannot support additional cultivation, no new permits shall be issued for that watershed.
- ii) Cultivation shall not negatively impact springs, riparian wetlands and aquatic habitats.
- iii) Performance Standards: To promote innovative, sustainable management practices, applicants are required to achieve an overall score of 100 from 13 different issue topics. For each topic a minimum requirement is identified. However, the total score by just doing the minimum is less than the minimum overall performance standard required. Therefore, more than the minimum is required in some of the issues topics. What combination of activities are completed to achieve the score is up to the applicant.

| Performance Topic   | Points |
|---|--------|
| (1) Solid Waste Disposal: solid waste shall not be disposed of on the property.   |        |
| (a) Current recyclables/non-recyclables solid waste collection  | 2      |
| (b) Achieve a goal of 50% recycling and 15% organic composting of parcel's waste stream   | 5      |
| (c) Solid waste volume reduction plan including sourcing products that minimize packaging, minimizing the use of hydrocarbon related products, and composting of organic matter | 15     |
| (2) Vegetative Waste Disposal   |        |
| (a) Vegetative Waste will be disposed of at an approved landfill  | 2      |
| (b) Vegetative Waste will be recycled at an approved compost facility   | 5      |
| (c) Vegetative Waste will be composted on-site  | 10     |
| (3) Storm Water Management  |        |
| (a) Meet county standards   | 2      |
| (b) Post development runoff does not exceed pre-development runoff volumes  | 5      |
| (c) Retains the first inch of runoff on-site off-line from the remained of the runoff and treats that prior to discharge.   | 10     |
| (4) Growing Medium Management   |        |
| (a) Growing medium will be disposed of at an approved landfill  | 2      |

|  |    |
|--|----|
| (b) Growing medium will be recycled  | 5  |
| (c) Growing Medium will be organic and 100% recycled   | 10 |
| (5) Fish and Wildlife  |    |
| (a) 30 foot setback from waterways   | 2  |
| (b) 300 foot setback from waterways and designated conservation easement for the buffer                    | 5  |
| (c) Designated wildlife corridors in conservation easements  | 10 |
| (6) Water Resources  |    |
| (a) Identify springs, riparian wetlands and aquatic habitats and avoid development in those areas          | 2  |
| (b) Develop and implement a monitoring plan for identified springs, riparian wetlands and aquatic habitats | 5  |
| (c) Develop and implement a management plan for identified springs, riparian wetlands and aquatic habitats | 15 |
| (7) Energy Use   |    |
| (a) On the electrical grid   | 2  |
| (b) Purchase zero carbon produced electricity form grid  | 5  |
| (c) Self-contained, zero carbon produced electricity on site   | 10 |
| (8) Water Use  |    |
| (a) Install water conservation fixtures  | 2  |
| (b) 100% recycled  | 5  |
| (c) Closed-loop system   | 15 |
| (9) Pesticides   |    |
| (a) Meet state standards   | 2  |
| (b) Only organic pesticides  | 5  |
| (c) An integrated pest management program  | 10 |
| (10)Property Management (for the entire parcel where the permit is located, not just the cultivation area: |    |
| (a) Master Plan  | 2  |

|   |    |
|---|----|
| (b) Fire Resiliency Plan  | 5  |
| (c) Wildlife Management Plan  | 5  |
| (d) Ecosystem Management Plan   | 15 |
| (11)Grading   |    |
| (a) Standard Grading or Complex grading   | 2  |
| (b) Activities exempt from a permit or Simple Grading   | 5  |
| (c) No Grading  | 10 |
| (12)Organic:  |    |
| (a) Not organic   | 2  |
| (b) Organic   | 5  |
| (c) Certified Organic   | 10 |
| (13)Cultural Resources: Known historical, archaeological, and paleontological sites and disturbance of known Native American sites or California Native American Graves Protection and Repatriation Act cultural items shall be avoided.  |    |
| (a) If a Native American sites or California Native American Graves Protection and Repatriation Act cultural items is found, construction activities immediately cease and the local tribal office will be notified.  | 2  |
| (b) Will have a Cultural Resources Monitor on-site  | 5  |
| (c) Complete an Cultural Resources Study  | 10 |
| e) Mixed Light Cultivation (Type 1B MC, 1B NM, 1C MC, 2B MC, 2B MC, 3B MC, and 3B NM Licenses)  |    |
| i) Individual and cumulative effects of water diversion and discharge associated with cultivation shall not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. If a watershed cannot support additional cultivation, no new permits shall be issued for that watershed.   |    |
| ii) Cultivation shall not negatively impact springs, riparian wetlands and aquatic habitats.  |    |
| iii) Performance Standards: To promote innovative, sustainable management practices, applicants are required to achieve an overall score of 100 from 13 different issue topics. For each topic a minimum requirement is identified. However, the total score by just doing the minimum is less than the minimum overall performance standard required. Therefore, more than the minimum is required in some of the issues topics. What combination of activities are completed to achieve the score is up to the applicant. |    |

Performance Topic

Points

- (1) Solid Waste Disposal: solid waste shall not be disposed of on the property.
- (a) Current recyclables/non-recyclables solid waste collection 2
  - (b) Achieve a goal of 50% recycling and 15% organic composting of parcel's waste stream 5
  - (c) Solid waste volume reduction plan including sourcing products that minimize packaging, minimizing the use of hydrocarbon related products, and composting of organic matter 15
- (2) Vegetative Waste Disposal
- (a) Vegetative Waste will be disposed of at an approved landfill 2
  - (b) Vegetative Waste will be recycled at an approved compost facility 5
  - (c) Vegetative Waste will be composted on-site 10
- (3) Storm Water Management
- (a) Meet county standards 2
  - (b) Post development runoff does not exceed pre-development runoff volumes 5
  - (c) Retains the first inch of runoff on-site off-line from the remained of the runoff and treats that prior to discharge. 10
- (4) Growing Medium Management
- (a) Growing medium will be disposed of at an approved landfill 2
  - (b) Growing medium will be recycled 5
  - (c) Growing Medium will be organic and 100% recycled 10
- (5) Fish and Wildlife
- (a) 30 foot setback from waterways 2
  - (b) 300 foot setback from waterways and designated conservation easement for the buffer 5
  - (c) Designated wildlife corridors in conservation easements 10
- (6) Water Resources
- (a) Identify springs, riparian wetlands and aquatic habitats and avoid development in those areas 2
  - (b) Develop and implement a monitoring plan for identified springs, riparian wetlands and aquatic habitats 5

|  |    |
|--|----|
| (c) Develop and implement a management plan for identified springs, riparian wetlands and aquatic habitats | 15 |
| (7) Energy Use   |    |
| (a) On the electrical grid   | 2  |
| (b) Purchase zero carbon produced electricity form grid  | 5  |
| (c) Self-contained, zero carbon produced electricity on site   | 10 |
| (8) Water Use  |    |
| (a) Install water conservation fixtures  | 2  |
| (b) 100% recycled  | 5  |
| (c) Closed-loop system   | 15 |
| (9) Pesticides   |    |
| (a) Meet state standards   | 2  |
| (b) Only organic pesticides  | 5  |
| (c) An integrated pest management program  | 10 |
| (10)Property Management (for the entire parcel where the permit is located, not just the cultivation area: |    |
| (a) Master Plan  | 2  |
| (b) Fire Resiliency Plan   | 5  |
| (c) Wildlife Management Plan   | 5  |
| (d) Ecosystem Management Plan  | 15 |
| (11)Grading  |    |
| (a) Standard Grading or Complex grading  | 2  |
| (b) Activities exempt from a permit or Simple Grading  | 5  |
| (c) No Grading   | 10 |
| (12)Organic:   |    |
| (a) Not organic  | 2  |
| (b) Organic  | 5  |
| (c) Certified Organic  | 10 |

(13) Cultural Resources: Known historical, archaeological, and paleontological sites and disturbance of known Native American sites or California Native American Graves Protection and Repatriation Act cultural items shall be avoided.

- (a) If a Native American sites or California Native American Graves Protection and Repatriation Act cultural items is found, construction activities immediately cease and the local tribal office will be notified. 2
- (b) Will have a Cultural Resources Monitor on-site 5
- (c) Complete an Cultural Resources Study 10

f) Nursery

- i) Individual and cumulative effects of water diversion and discharge associated with cultivation shall not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. If a watershed cannot support additional cultivation, no new permits shall be issued for that watershed.
- ii) Cultivation shall not negatively impact springs, riparian wetlands and aquatic habitats.
- iii) Performance Standards: To promote innovative, sustainable management practices, applicants are required to achieve an overall score of 100 from 13 different issue topics. For each topic a minimum requirement is identified. However, the total score by just doing the minimum is less than the minimum overall performance standard required. Therefore, more than the minimum is required in some of the issues topics. What combination of activities are completed to achieve the score is up to the applicant.

| Performance Topic   | Points |
|---|--------|
| (1) Solid Waste Disposal: solid waste shall not be disposed of on the property.   |        |
| (a) Current recyclables/non-recyclables solid waste collection  | 2      |
| (b) Achieve a goal of 50% recycling and 15% organic composting of parcel's waste stream   | 5      |
| (c) Solid waste volume reduction plan including sourcing products that minimize packaging, minimizing the use of hydrocarbon related products, and composting of organic matter | 15     |
| (2) Vegetative Waste Disposal   |        |
| (a) Vegetative Waste will be disposed of at an approved landfill  | 2      |
| (b) Vegetative Waste will be recycled at an approved compost facility   | 5      |
| (c) Vegetative Waste will be composted on-site  | 10     |
| (3) Storm Water Management  |        |

- |   |    |
|---|----|
| (a) Meet county standards   | 2  |
| (b) Post development runoff does not exceed pre-development runoff volumes  | 5  |
| (c) Retains the first inch of runoff on-site off-line from the remained of the runoff and treats that prior to discharge. | 10 |
| (4) Growing Medium Management   |    |
| (a) Growing medium will be disposed of at an approved landfill  | 2  |
| (b) Growing medium will be recycled   | 5  |
| (c) Growing Medium will be organic and 100% recycled  | 10 |
| (5) Fish and Wildlife   |    |
| (a) 30 foot setback from waterways  | 2  |
| (b) 300 foot setback from waterways and designated conservation easement for the buffer                                   | 5  |
| (c) Designated wildlife corridors in conservation easements   | 10 |
| (6) Water Resources   |    |
| (a) Identify springs, riparian wetlands and aquatic habitats and avoid development in those areas                         | 2  |
| (b) Develop and implement a monitoring plan for identified springs, riparian wetlands and aquatic habitats                | 5  |
| (c) Develop and implement a management plan for identified springs, riparian wetlands and aquatic habitats                | 15 |
| (7) Energy Use  |    |
| (a) On the electrical grid  | 2  |
| (b) Purchase zero carbon produced electricity form grid   | 5  |
| (c) Self-contained, zero carbon produced electricity on site  | 10 |
| (8) Water Use   |    |
| (a) Install water conservation fixtures   | 2  |
| (b) 100% recycled   | 5  |
| (c) Closed-loop system  | 15 |
| (9) Pesticides  |    |

|  |    |
|--|----|
| (a) Meet state standards   | 2  |
| (b) Only organic pesticides  | 5  |
| (c) An integrated pest management program  | 10 |
| (10)Property Management (for the entire parcel where the permit is located, not just the cultivation area:   |    |
| (a) Master Plan  | 2  |
| (b) Fire Resiliency Plan   | 5  |
| (c) Wildlife Management Plan   | 5  |
| (d) Ecosystem Management Plan  | 15 |
| (11)Grading  |    |
| (a) Standard Grading or Complex grading  | 2  |
| (b) Activities exempt from a permit or Simple Grading  | 5  |
| (c) No Grading   | 10 |
| (12)Organic:   |    |
| (a) Not organic  | 2  |
| (b) Organic  | 5  |
| (c) Certified Organic  | 10 |
| (13)Cultural Resources: Known historical, archaeological, and paleontological sites and disturbance of known Native American sites or California Native American Graves Protection and Repatriation Act cultural items shall be avoided. |    |
| (a) If a Native American sites or California Native American Graves Protection and Repatriation Act cultural items is found, construction activities immediately cease and the local tribal office will be notified.                     | 2  |
| (b) Will have a Cultural Resources Monitor on-site   | 5  |
| (c) Complete an Cultural Resources Study   | 10 |
| g) Manufacturing   |    |
| i) Manufacturing Level 2 licensees shall enact sufficient methods or procedures to capture or otherwise limit risk of explosion, combustion, or any other unreasonably dangerous risk to public safety created by volatile solvents.     |    |
| ii) Manufacturing Level 2 licensees shall comply with the Department of Public Health minimum standards concerning such methods and procedures.  |    |



- iii) Performance Standards: To promote innovative, sustainable management practices, applicants are required to achieve an overall score of XXX from YY different issue topics. For each topic a minimum requirement is identified. However, the total score by just doing the minimum is less than the minimum overall performance standard required. Therefore, more than the minimum is required in some of the issues topics. What combination of activities are completed to achieve the score is up to the applicant.

| Performance Topic   | Points |
|---|--------|
| (1) Solid Waste Disposal: solid waste shall not be disposed of on the property.   |        |
| (a) Current recyclables/non-recyclables solid waste collection  | 2      |
| (b) Achieve a goal of 50% recycling and 15% organic composting of parcel's waste stream   | 5      |
| (c) Solid waste volume reduction plan including sourcing products that minimize packaging, minimizing the use of hydrocarbon related products, and composting of organic matter | 15     |
| (2) Vegetative Waste Disposal   |        |
| (a) Vegetative Waste will be disposed of at an approved landfill  | 2      |
| (b) Vegetative Waste will be recycled at an approved compost facility   | 5      |
| (c) Vegetative Waste will be composted on-site  | 10     |
| (3) Storm Water Management  |        |
| (a) Meet county standards   | 2      |
| (b) Post development runoff does not exceed pre-development runoff volumes  | 5      |
| (c) Retains the first inch of runoff on-site off-line from the remained of the runoff and treats that prior to discharge.   | 10     |
| (4) Energy Use  |        |
| (a) On the electrical grid  | 2      |
| (b) Purchase zero carbon produced electricity form grid   | 5      |
| (c) Self-contained, zero carbon produced electricity on site  | 10     |
| (5) Water Use   |        |
| (a) Install water conservation fixtures   | 2      |
| (b) 100% recycled   | 5      |

|   |        |
|---|--------|
| (c) Closed-loop system  | 15     |
| (6) Property Management (for the entire parcel where the permit is located, not just the cultivation area:  |        |
| (a) Master Plan   | 2      |
| (b) Fire Resiliency Plan  | 5      |
| (c) Wildlife Management Plan  | 5      |
| (d) Ecosystem Management Plan   | 15     |
| (7) Grading   |        |
| (a) Standard Grading or Complex grading   | 2      |
| (b) Activities exempt from a permit or Simple Grading   | 5      |
| (c) No Grading  | 10     |
| (8) Cultural Resources: Known historical, archaeological, and paleontological sites and disturbance of known Native American sites or California Native American Graves Protection and Repatriation Act cultural items shall be avoided.  |        |
| (a) If a Native American sites or California Native American Graves Protection and Repatriation Act cultural items is found, construction activities immediately cease and the local tribal office will be notified.  | 2      |
| (b) Will have a Cultural Resources Monitor on-site  | 5      |
| (c) Complete an Cultural Resources Study  | 10     |
| h) Testing  |        |
| i) Performance Standards: To promote innovative, sustainable management practices, applicants are required to achieve an overall score of 100 from 13 different issue topics. For each topic a minimum requirement is identified. However, the total score by just doing the minimum is less than the minimum overall performance standard required. Therefore, more than the minimum is required in some of the issues topics. What combination of activities are completed to achieve the score is up to the applicant. |        |
| Performance Topic   | Points |
| (1) Solid Waste Disposal: solid waste shall not be disposed of on the property.   |        |
| (a) Current recyclables/non-recyclables solid waste collection  | 2      |
| (b) Achieve a goal of 50% recycling and 15% organic composting of parcel's waste stream   | 5      |

- (c) Solid waste volume reduction plan including sourcing products that minimize packaging, minimizing the use of hydrocarbon related products, and composting of organic matter 15
- (2) Vegetative Waste Disposal
  - (a) Vegetative Waste will be disposed of at an approved landfill 2
  - (b) Vegetative Waste will be recycled at an approved compost facility 5
  - (c) Vegetative Waste will be composted on-site 10
- (3) Storm Water Management
  - (a) Meet county standards 2
  - (b) Post development runoff does not exceed pre-development runoff volumes 5
  - (c) Retains the first inch of runoff on-site off-line from the remained of the runoff and treats that prior to discharge. 10
- (4) Fish and Wildlife
  - (a) 30 foot setback from waterways 2
  - (b) 300 foot setback from waterways and designated conservation easement for the buffer 5
  - (c) Designated wildlife corridors in conservation easements 10
- (5) Water Resources
  - (a) Identify springs, riparian wetlands and aquatic habitats and avoid development in those areas 2
  - (b) Develop and implement a monitoring plan for identified springs, riparian wetlands and aquatic habitats 5
  - (c) Develop and implement a management plan for identified springs, riparian wetlands and aquatic habitats 15
- (6) Energy Use
  - (a) On the electrical grid 2
  - (b) Purchase zero carbon produced electricity form grid 5
  - (c) Self-contained, zero carbon produced electricity on site 10
- (7) Property Management (for the entire parcel where the permit is located, not just the cultivation area:

|   |        |
|---|--------|
| (a) Master Plan   | 2      |
| (b) Fire Resiliency Plan  | 5      |
| (c) Wildlife Management Plan  | 5      |
| (d) Ecosystem Management Plan   | 15     |
| (8) Grading   |        |
| (a) Standard Grading or Complex grading   | 2      |
| (b) Activities exempt from a permit or Simple Grading   | 5      |
| (c) No Grading  | 10     |
| (9) Cultural Resources: Known historical, archaeological, and paleontological sites and disturbance of known Native American sites or California Native American Graves Protection and Repatriation Act cultural items shall be avoided.  |        |
| (a) If a Native American sites or California Native American Graves Protection and Repatriation Act cultural items is found, construction activities immediately cease and the local tribal office will be notified.  | 2      |
| (b) Will have a Cultural Resources Monitor on-site  | 5      |
| (c) Complete an Cultural Resources Study  | 10     |
| i) Distribution   |        |
| i) Performance Standards: To promote innovative, sustainable management practices, applicants are required to achieve an overall score of 100 from 13 different issue topics. For each topic a minimum requirement is identified. However, the total score by just doing the minimum is less than the minimum overall performance standard required. Therefore, more than the minimum is required in some of the issues topics. What combination of activities are completed to achieve the score is up to the applicant. |        |
| Performance Topic   | Points |
| (1) Solid Waste Disposal: solid waste shall not be disposed of on the property.   |        |
| (a) Current recyclables/non-recyclables solid waste collection  | 2      |
| (b) Achieve a goal of 50% recycling and 15% organic composting of parcel's waste stream   | 5      |
| (c) Solid waste volume reduction plan including sourcing products that minimize packaging, minimizing the use of hydrocarbon related products, and composting of organic matter   | 15     |
| (2) Storm Water Management  |        |

- |   |    |
|---|----|
| (a) Meet county standards   | 2  |
| (b) Post development runoff does not exceed pre-development runoff volumes  | 5  |
| (c) Retains the first inch of runoff on-site off-line from the remained of the runoff and treats that prior to discharge. | 10 |
| (3) Fish and Wildlife   |    |
| (a) 30 foot setback from waterways  | 2  |
| (b) 300 foot setback from waterways and designated conservation easement for the buffer                                   | 5  |
| (c) Designated wildlife corridors in conservation easements   | 10 |
| (4) Water Resources   |    |
| (a) Identify springs, riparian wetlands and aquatic habitats and avoid development in those areas                         | 2  |
| (b) Develop and implement a monitoring plan for identified springs, riparian wetlands and aquatic habitats                | 5  |
| (c) Develop and implement a management plan for identified springs, riparian wetlands and aquatic habitats                | 15 |
| (5) Energy Use  |    |
| (a) On the electrical grid  | 2  |
| (b) Purchase zero carbon produced electricity form grid   | 5  |
| (c) Self-contained, zero carbon produced electricity on site  | 10 |
| (6) Property Management (for the entire parcel where the permit is located, not just the cultivation area:                |    |
| (a) Master Plan   | 2  |
| (b) Fire Resiliency Plan  | 5  |
| (c) Wildlife Management Plan  | 5  |
| (d) Ecosystem Management Plan   | 15 |
| (7) Grading   |    |
| (a) Standard Grading or Complex grading   | 2  |
| (b) Activities exempt from a permit or Simple Grading   | 5  |

|                |    |
|----------------|----|
| (c) No Grading | 10 |
|----------------|----|

(8) Cultural Resources: Known historical, archaeological, and paleontological sites and disturbance of known Native American sites or California Native American Graves Protection and Repatriation Act cultural items shall be avoided.

|  |   |
|--|---|
| (a) If a Native American sites or California Native American Graves Protection and Repatriation Act cultural items is found, construction activities immediately cease and the local tribal office will be notified. | 2 |
|--|---|

|  |   |
|--|---|
| (b) Will have a Cultural Resources Monitor on-site | 5 |
|--|---|

|  |    |
|--|----|
| (c) Complete an Cultural Resources Study | 10 |
|--|----|

j) Dispensary

- i) Performance Standards: To promote innovative, sustainable management practices, applicants are required to achieve an overall score of 100 from 13 different issue topics. For each topic a minimum requirement is identified. However, the total score by just doing the minimum is less than the minimum overall performance standard required. Therefore, more than the minimum is required in some of the issues topics. What combination of activities are completed to achieve the score is up to the applicant.

|                   |        |
|-------------------|--------|
| Performance Topic | Points |
|-------------------|--------|

(1) Solid Waste Disposal: solid waste shall not be disposed of on the property.

|  |   |
|--|---|
| (a) Current recyclables/non-recyclables solid waste collection | 2 |
|--|---|

|   |   |
|---|---|
| (b) Achieve a goal of 50% recycling and 15% organic composting of parcel's waste stream | 5 |
|---|---|

|   |    |
|---|----|
| (c) Solid waste volume reduction plan including sourcing products that minimize packaging, minimizing the use of hydrocarbon related products, and composting of organic matter | 15 |
|---|----|

(2) Vegetative Waste Disposal

|  |   |
|--|---|
| (a) Vegetative Waste will be disposed of at an approved landfill | 2 |
|--|---|

|   |   |
|---|---|
| (b) Vegetative Waste will be recycled at an approved compost facility | 5 |
|---|---|

|  |    |
|--|----|
| (c) Vegetative Waste will be composted on-site | 10 |
|--|----|

(3) Storm Water Management

|                           |   |
|---------------------------|---|
| (a) Meet county standards | 2 |
|---------------------------|---|

|  |   |
|--|---|
| (b) Post development runoff does not exceed pre-development runoff volumes | 5 |
|--|---|

- (c) Retains the first inch of runoff on-site off-line from the remained of the runoff and treats that prior to discharge. 10
- (4) Fish and Wildlife
- (a) 30 foot setback from waterways 2
- (b) 300 foot setback from waterways and designated conservation easement for the buffer 5
- (c) Designated wildlife corridors in conservation easements 10
- (5) Water Resources
- (a) Identify springs, riparian wetlands and aquatic habitats and avoid development in those areas 2
- (b) Develop and implement a monitoring plan for identified springs, riparian wetlands and aquatic habitats 5
- (c) Develop and implement a management plan for identified springs, riparian wetlands and aquatic habitats 15
- (6) Energy Use
- (a) On the electrical grid 2
- (b) Purchase zero carbon produced electricity form grid 5
- (c) Self-contained, zero carbon produced electricity on site 10
- (7) Water Use
- (a) Install water conservation fixtures 2
- (b) 100% recycled 5
- (c) Closed-loop system 15
- (8) Property Management (for the entire parcel where the permit is located, not just the cultivation area:
- (a) Master Plan 2
- (b) Fire Resiliency Plan 5
- (c) Wildlife Management Plan 5
- (d) Ecosystem Management Plan 15
- (9) Grading
- (a) Standard Grading or Complex grading 2

- |   |    |
|---|----|
| (b) Activities exempt from a permit or Simple Grading | 5  |
| (c) No Grading  | 10 |

(10) Cultural Resources: Known historical, archaeological, and paleontological sites and disturbance of known Native American sites or California Native American Graves Protection and Repatriation Act cultural items shall be avoided.

- |  |    |
|--|----|
| (a) If a Native American sites or California Native American Graves Protection and Repatriation Act cultural items is found, construction activities immediately cease and the local tribal office will be notified. | 2  |
| (b) Will have a Cultural Resources Monitor on-site   | 5  |
| (c) Complete an Cultural Resources Study   | 10 |

k) Retail

- i) Performance Standards: To promote innovative, sustainable management practices, applicants are required to achieve an overall score of 100 from 13 different issue topics. For each topic a minimum requirement is identified. However, the total score by just doing the minimum is less than the minimum overall performance standard required. Therefore, more than the minimum is required in some of the issues topics. What combination of activities are completed to achieve the score is up to the applicant.

| Performance Topic   | Points |
|---|--------|
| (1) Solid Waste Disposal: solid waste shall not be disposed of on the property.   |        |
| (a) Current recyclables/non-recyclables solid waste collection  | 2      |
| (b) Achieve a goal of 50% recycling and 15% organic composting of parcel's waste stream   | 5      |
| (c) Solid waste volume reduction plan including sourcing products that minimize packaging, minimizing the use of hydrocarbon related products, and composting of organic matter | 15     |
| (2) Storm Water Management  |        |
| (a) Meet county standards   | 2      |
| (b) Post development runoff does not exceed pre-development runoff volumes  | 5      |
| (c) Retains the first inch of runoff on-site off-line from the remained of the runoff and treats that prior to discharge.   | 10     |
| (3) Fish and Wildlife   |        |
| (a) 30 foot setback from waterways  | 2      |



|  |    |
|--|----|
| (b) 300 foot setback from waterways and designated conservation easement for the buffer                    | 5  |
| (c) Designated wildlife corridors in conservation easements  | 10 |
| (4) Water Resources  |    |
| (a) Identify springs, riparian wetlands and aquatic habitats and avoid development in those areas          | 2  |
| (b) Develop and implement a monitoring plan for identified springs, riparian wetlands and aquatic habitats | 5  |
| (c) Develop and implement a management plan for identified springs, riparian wetlands and aquatic habitats | 15 |
| (5) Energy Use   |    |
| (a) On the electrical grid   | 2  |
| (b) Purchase zero carbon produced electricity form grid  | 5  |
| (c) Self-contained, zero carbon produced electricity on site   | 10 |
| (6) Water Use  |    |
| (a) Install water conservation fixtures  | 2  |
| (b) 100% recycled  | 5  |
| (c) Closed-loop system   | 15 |
| (7) Property Management (for the entire parcel where the permit is located, not just the cultivation area: |    |
| (a) Master Plan  | 2  |
| (b) Fire Resiliency Plan   | 5  |
| (c) Wildlife Management Plan   | 5  |
| (d) Ecosystem Management Plan  | 15 |
| (8) Grading  |    |
| (a) Standard Grading or Complex grading  | 2  |
| (b) Activities exempt from a permit or Simple Grading  | 5  |
| (c) No Grading   | 10 |

(9) Cultural Resources: Known historical, archaeological, and paleontological sites and disturbance of known Native American sites or California Native American Graves Protection and Repatriation Act cultural items shall be avoided.

- (a) If a Native American sites or California Native American Graves Protection and Repatriation Act cultural items is found, construction activities immediately cease and the local tribal office will be notified. 2
- (b) Will have a Cultural Resources Monitor on-site 5
- (c) Complete an Cultural Resources Study 10

I) Microbusiness

- i) Performance Standards: To promote innovative, sustainable management practices, applicants are required to achieve an overall score of 100 from 13 different issue topics. For each topic a minimum requirement is identified. However, the total score by just doing the minimum is less than the minimum overall performance standard required. Therefore, more than the minimum is required in some of the issues topics. What combination of activities are completed to achieve the score is up to the applicant.

| Performance Topic | Points |
|-------------------|--------|
|-------------------|--------|

(1) Solid Waste Disposal: solid waste shall not be disposed of on the property.

- |   |    |
|---|----|
| (a) Current recyclables/non-recyclables solid waste collection  | 2  |
| (b) Achieve a goal of 50% recycling and 15% organic composting of parcel's waste stream   | 5  |
| (c) Solid waste volume reduction plan including sourcing products that minimize packaging, minimizing the use of hydrocarbon related products, and composting of organic matter | 15 |

(2) Vegetative Waste Disposal

- |   |    |
|---|----|
| (a) Vegetative Waste will be disposed of at an approved landfill      | 2  |
| (b) Vegetative Waste will be recycled at an approved compost facility | 5  |
| (c) Vegetative Waste will be composted on-site                        | 10 |

(3) Storm Water Management

- |   |    |
|---|----|
| (a) Meet county standards   | 2  |
| (b) Post development runoff does not exceed pre-development runoff volumes  | 5  |
| (c) Retains the first inch of runoff on-site off-line from the remained of the runoff and treats that prior to discharge. | 10 |

(4) Growing Medium Management

- |  |    |
|--|----|
| (a) Growing medium will be disposed of at an approved landfill | 2  |
| (b) Growing medium will be recycled                            | 5  |
| (c) Growing Medium will be organic and 100% recycled           | 10 |

(5) Fish and Wildlife

- |   |    |
|---|----|
| (a) 30 foot setback from waterways  | 2  |
| (b) 300 foot setback from waterways and designated conservation easement for the buffer | 5  |
| (c) Designated wildlife corridors in conservation easements                             | 10 |

(6) Water Resources

- |  |    |
|--|----|
| (a) Identify springs, riparian wetlands and aquatic habitats and avoid development in those areas          | 2  |
| (b) Develop and implement a monitoring plan for identified springs, riparian wetlands and aquatic habitats | 5  |
| (c) Develop and implement a management plan for identified springs, riparian wetlands and aquatic habitats | 15 |

(7) Energy Use

- |  |    |
|--|----|
| (a) On the electrical grid                                   | 2  |
| (b) Purchase zero carbon produced electricity form grid      | 5  |
| (c) Self-contained, zero carbon produced electricity on site | 10 |

(8) Water Use

- |   |    |
|---|----|
| (a) Install water conservation fixtures | 2  |
| (b) 100% recycled                       | 5  |
| (c) Closed-loop system                  | 15 |

(9) Pesticides

- |   |    |
|---|----|
| (a) Meet state standards                  | 2  |
| (b) Only organic pesticides               | 5  |
| (c) An integrated pest management program | 10 |

(10)Property Management (for the entire parcel where the permit is located, not just the cultivation area:

- |                               |    |
|-------------------------------|----|
| (a) Master Plan               | 2  |
| (b) Fire Resiliency Plan      | 5  |
| (c) Wildlife Management Plan  | 5  |
| (d) Ecosystem Management Plan | 15 |

(11)Grading

- |   |    |
|---|----|
| (a) Standard Grading or Complex grading               | 2  |
| (b) Activities exempt from a permit or Simple Grading | 5  |
| (c) No Grading  | 10 |

(12)Organic:

- |                       |    |
|-----------------------|----|
| (a) Not organic       | 2  |
| (b) Organic           | 5  |
| (c) Certified Organic | 10 |

(13)Cultural Resources: Known historical, archaeological, and paleontological sites and disturbance of known Native American sites or California Native American Graves Protection and Repatriation Act cultural items shall be avoided.

- |  |    |
|--|----|
| (a) If a Native American sites or California Native American Graves Protection and Repatriation Act cultural items is found, construction activities immediately cease and the local tribal office will be notified. | 2  |
| (b) Will have a Cultural Resources Monitor on-site   | 5  |
| (c) Complete an Cultural Resources Study   | 10 |

m)

## 72.8 Procedures

- a) A person or entity shall not cultivate cannabis without first obtaining a state license such as from 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) Protection of Minors
  - i) No licensee shall:
    - (1) Sell cannabis or cannabis products to persons under 21 years of age.
    - (2) Allow any person under 21 years of age on its premises.
    - (3) Employ or retain persons under 21 years of age.
    - (4) Sell or transfer cannabis or cannabis products unless the person to whom the cannabis or cannabis product is to be sold first presents documentation which reasonably appears to be a valid government-issued identification card showing that the person is 21 years of age or older.
  - ii) Notwithstanding subdivision (1), a licensee that is a licensed dispensary may:
    - (1) Allow on the premises any person 18 years of age or older who possesses a valid identification card under Section 11362.71 of the Health and Safety Code and a valid government-issued identification card;
    - (2) Sell cannabis, cannabis products, and cannabis accessories to a person 18 years of age or older who possesses a valid identification card under Section 11362.71 of the Health and Safety Code and a valid government-issued identification card.
- c) The Department shall notify the Bureau upon revocation of any local license, permit, or authorization for a licensee to engage in commercial cannabis activity within the local jurisdiction.
- d) Records
  - i) An applicant shall keep accurate records of commercial cannabis activity.
  - ii) All records related to commercial cannabis activity as defined by the state licensing authorities shall be maintained for a minimum of seven years.
  - iii) The County may examine the books and records of a applicant and inspect the premises of a licensee as the County deems necessary to perform its duties under this division. All inspections shall be conducted during standard business hours of the permitted facility or at any other reasonable time.

- iv) Applicants shall keep records identified by the County on the premises of the location permitted. The County may make any examination of the records of any applicant. Applicants shall also provide and deliver copies of such documents to the County upon request.
  - v) A applicant, or its agent or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the applicant pursuant to this section, has engaged in a violation of this article.
  - vi) If a applicant, or an agent or employee of a applicant, fails to maintain or provide the records required pursuant to this section, the applicant shall be subject to a citation and fine of up to thirty thousand dollars (\$30,000) per individual violation.
- e) Background Checks (Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 3 MC, 3 NM, 3A MC, 3A NM, 3B MC, 3B NM, 4 MC, 4 NM, 6 MC, 6 NM, 7 MC, 7 NM, 8 MC, 8NM, 10 MC, 10 NM, 10A MC, 11 MC, 11 NM, 12 MC, and 12 NM license)
- i) All employees, either direct or via contract shall undergo a background check by the County of Lake Sheriff Department. An individual may fail the background check if employee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the sheriff determines that the applicant or licensee is otherwise suitable to be issued a license and granting the license would not compromise public safety, the sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the sheriff shall include, but not be limited to, the following:
    - (1) A felony conviction for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance.
    - (2) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.
    - (3) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.
  - (1) A felony conviction involving fraud, deceit, or embezzlement.
- f) Qualifications for a Permit (Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 3 MC, 3 NM, 3A MC, 3A NM, 3B MC, 3B NM, 4 MC, 4 NM, 6 MC, 6 NM, 7 MC, 7 NM, 8 MC, 8NM, 10 MC, 10 NM, 10A MC, 11 MC, 11 NM, 12 MC, and 12 NM license). The County may deny a permit or the renewal of a permit if any of the following conditions apply:

- i) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter, including but not limited to, any requirement imposed to protect natural resources, in stream flow, and water quality pursuant to subdivision (a) of Section 19332.
- ii) Conduct that constitutes grounds for denial of licensure pursuant to Chapter 2 (commencing with Section 480) of Division 1.5.
- iii) The applicant has failed to provide information required by the County of Lake or the State licensing authority.
- iv) The applicant or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the sheriff determines that the applicant or licensee is otherwise suitable to be issued a license and granting the license would not compromise public safety, the sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the sheriff shall include, but not be limited to, the following:
  - (1) A felony conviction for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance.
  - (2) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.
  - (3) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.
  - (4) A felony conviction involving fraud, deceit, or embezzlement.
- v) The applicant, or any of its officers, directors, or owners, is a licensed physician making patient recommendations for medical cannabis pursuant to Section 11362.7 of the Health and Safety Code.
- vi) The applicant or any of its officers, directors, or owners has been subject to fines or penalties for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code.
- vii) The applicant, or any of its officers, directors, or owners, has been sanctioned by a licensing authority or a city, county, or city and county for unlicensed commercial medical cannabis activities or has had a license revoked under this chapter in the three years immediately preceding the date the application is filed with the licensing authority.
- viii) Failure to obtain and maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

- g) **Property Owner's Approval:** If the premises is rented or leased, written approval shall be obtained from the property owner(s), containing the property owner(s) notarized signature that authorizes the tenant or lessee to cultivate medical cannabis at the site. A copy of the written approval shall be maintained by the tenant or lessee and made available for review by enforcement officials upon request. Written approvals shall be renewed annually.
- h) **Qualified Patient**
- i) **Permit**
    - (1) **Indoor.** Any detached accessory building or indoor cultivation area that is located in the principle structure shall obtain all required building permits.
    - (2) **Outdoor.** An outdoor cultivation area shall receive a zoning permit and, if required, a building permit.
  - ii) **Annual Renewal**
- i) **Primary Caregiver**
- i) **Permit**
    - (1) **Indoor.** Any detached accessory building or indoor cultivation area that is located in the principle structure shall obtain all required building permits.
    - (2) **Outdoor.** An outdoor cultivation area shall receive a zoning permit and, if required, a building permit.
  - ii) **Annual Renewal**
- j) **Adult Personal Use**
- i) **Permit**
    - (1) **Indoor.** Any detached accessory building or indoor cultivation area that is located in the principle structure shall obtain all required building permits.
    - (2) **Outdoor.** An outdoor cultivation area shall receive a zoning permit and, if required, a building permit.
- k) **Commercial Permits:**
- i) **Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses.**
    - (1) **Permit Required:** Development/Design Review Permit
    - (2) **Cap:** The Board of Supervisors may establish a cap on new permits issued by resolution annually.



- (3) Annual Inspections. If there are no violations of the permit or state license during the first five years, the inspection frequency may be reduced to not less than once every five years.
  - (4) Annual renewal of permit
- ii) 3 MC, 3 NM, 3A MC, 3A NM, 3B MC, and 3B NM
  - (1) Permit Required: Use Permit
  - (2) Cap: The Board of Supervisors may establish a cap on new permits issued by resolution annually.
  - (3) Annual Inspections. If there are no violations of the permit or state license during the first five years, the inspection frequency may be reduced to not less than once every five years.
  - (4) Annual Renewal
- iii) 6, MC, 6 NM, 7 MC, 7 NM, 11 MC, 11 NM, 12 MC, and 12 NM
  - (1) Permit Required: Use Permit
  - (2) Cap: The Board of Supervisors may establish a cap on new permits issued by resolution annually.
  - (3) Annual Inspections. If there are no violations of the permit or state license during the first five years, the inspection frequency may be reduced to not less than once every five years.
- iv) 8 MC, 8NM
  - (1) Permit Required: Development/Design Review Permit
  - (2) Cap: The Board of Supervisors may establish a cap on new permits issued by resolution annually.
  - (3) Annual Inspections. If there are no violations of the permit or state license during the first five years, the inspection frequency may be reduced to not less than once every five years
- v) 10 MC, 10 NM, 10A MC,
  - (1) Permit Required: Use Permit
  - (2) Cap: The Board of Supervisors may establish a cap on new permits issued by resolution annually.
  - (3) Annual Inspections. If there are no violations of the permit or state license during the first five years, the inspection frequency may be reduced to not less than once every five years.

vi) Permitting Process, Cultivation

- (1) Cultivation (Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 3 MC, 3 NM, 3A MC, 3A NM, 3B MC, 3B NM, 4 MC, and 4 NM licenses): two steps process. The first step is the submittal of a conceptual plan application describing the proposed project and how the project will meet the criteria of this article. Applications for the first step will be accepted from MONTH 1<sup>st</sup> to MONTH 31<sup>st</sup>. The applications will be reviewed and projects that do not meet the minimum requirements of this article will be rejected. The performance criteria proposal will be scored. A minimum score of X is required to proceed. The applications will be ranked based on the performance criteria score. If a cap has been established, the highest ranked project up to the cap will be allowed to proceed to the next step. If a cap has not been established, all projects that exceed the minimum required score will be allowed to proceed to the next step.

The second step is the submittal of a specific plan application. Type 1 MC, 1 NM, 1A MC, 1A NM, 1B MC, 1B NM, 1C MC, 2 MC, 2NM, 2A MC, 2A NM, 2B MC, 2B NM, 4 MC, and 4 NM licenses require a development/design review permit. Type 3 MC, 3 NM, 3A MC, 3A NM, 3B MC, and 3B NM require a use permit.

This step evaluates the environmental impact of the proposed project, the detail description of how the criteria of the Article will be met, a making of findings, and recommended conditions if required. An application may be approved, approved with conditions, or denied.

(a) Conceptual Plan

- (i) The Conceptual Plan shall be a graphic and written representation of the applicant's intended development including:

1. A graphic section consisting of maps, site plans, or drawings showing:
  - a. The entire parcel where the permit is located.
  - b. The locations and sizes by gross and net acreage, maximum gross square feet of all proposed uses and the approximate dimensions and location of structures.
  - c. The intended phasing of development of the site.
  - d. The proposed maximum densities for residential uses measured in units per gross acre; or maximum number of units for each residential type.
  - e. Intended phasing of development.
  - f. The existing site conditions showing all topographic features such as natural drainage ways, streams, creeks, shorelines, vernal pools or ponds, wetland, significant rock outcroppings, slides and

depressions; location and types of on-site trees; fish and wildlife resources, and general areas of historic or archaeological value.

- g. Topography at contour intervals determined by the Director.
          - h. Enough information on land areas adjacent to the proposed permit district to indicate the relationship between the proposed use and existing and proposed adjacent areas, including existing residences.
  - 2. The written documents shall support the graphic representations and shall, at a minimum, include:
    - a. A project description.
    - b. A statement of present and proposed ownership
    - c. The present zoning.
    - d. A list and description of all uses shown on the proposed Conceptual Plan.
    - e. 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.
    - f. 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, pesticide use, property management, grading, organic farming, and protection of cultural resources.
    - g. 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; and, Total number and type of dwelling units; parcel size; total amounts of common open space, public open space and usable open space; total amount of non-residential construction (including a separate figure for local commercial, resort commercial or institutional facilities).
- (ii) The Specific Plan shall be a precise graphic and written representation of the applicant's intended development including:
- a. All the application requirements of a Master Plan of Development, excepting those describing existing conditions. All other Master Plan

of Development application requirements shall be submitted in their finalized form.

b. A Specific Plan of Development that is in substantial conformity with the Conceptual Plan.

c. The Specific Plan shall include a graphic representation of:

- i. The entire proposed planned development including the precise locations and dimensions of all proposed uses and structures.
- ii. Lot dimensions; building setbacks, height, coverage and separation (spacing); gross floor area for each use; location and dimensions of storage areas for each use; location of all walls, hedges and fences; parking lot locations; common and public open space areas; lighting locations; and all on-site sign locations.
- iii. Sketches, drawings, models or architectural renderings of typical structures and improvements showing design features, materials and elevations.
- iv. The location and size in square feet of the cultivation area.
- v. The existing and proposed circulation system including the location and dimensions of all off-street parking areas including but not limited to, aisles, parking spaces, service areas, loading areas, and points of access to public rights-of-way, and handicap parking facilities.
- vi. The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, cable and telephone lines.
- vii. A grading permit plan.
- viii. A drainage plan.
- ix. Other pertinent information as required by the Planning Director.
- x. An itemized list of any requested alternative performance and development standards, and any deviations from the standards.

(2) Applicants shall complete an application form as prescribed by the director and pay all fees as established by the Board of Supervisors.

(3) Annual Renewal: The design/development permit or use permit is subject to renewal annually. The application for renewal shall be submitted to the Department at least

90 days prior to the annual anniversary. Failure to submit an application for renewal by that date will result in the expiration of the permit.

(a) The following documentation is required for application for renewal:

- (i) A copy of all licenses, permits, and conditions of such licenses or permits related to the outdoor cultivation from state agencies including, but not limited to the California 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, and the Department of Public Health.
- (ii) A copy of all records of commercial cannabis activity
- (iii) A list of all employees on the premise during the past year and a copy of the background checks certification for each.
- (iv) Documentation that the applicant is still qualified to be an applicant.
- (v) Any proposed changes to the development/design or use permit or how the site will be operated.
- (vi) Payment of all fees.

(b) The permit may be renewed if:

- (i) Where there are no changes to the development/design or use permit or how the site will be operated:
  - 1. The permit's approval findings, conditions, or environmental certification are still valid.
  - 2. There are no violations of the permit conditions or of state licenses or permits.
  - 3. The applicant is qualified to apply for such a permit.
  - 4. The applicant has the financial capability to open and operate cannabis site.
- (ii) Where there are changes to the development/design or use permit or how the site will be operated:
  - 1. Such changes do not change the findings of the permit's approval findings, conditions, or environmental certification.
  - 2. There are no violations of the permit conditions or of state licenses or permits.
  - 3. The applicant is qualified to apply for such a permit.

4. The applicant has the financial capability to open and operate cannabis site.

vii) Permitting Process, Manufacturing, Distribution

(1) Manufacturing (6 MC, 6 NM, 7 MC, and 7 NM) and Distribution (11 MC and 11 NM) are permitted in the MP and PDC zoning districts and require a use permit. Permitting will follow the procedures for approving a use in those districts and the use permit procedures.

(2) Manufacturing (6 MC, 6 NM, 7 MC, and 7 NM) and Distribution (11 MC and 11 NM) are permitted as an accessory use in the A, APZ, TPZ, RL, RR, and SR zoning districts and require a use permit. Permitting will follow the use permit procedures.

viii) Permitting Process, Testing

(1) Testing (8 MC and 8 NM) is permitted in C2, C3, M1, and M2 zoning district and requires a development/design review permit. Permitting will follow the development/design review permit procedures.

ix) Permitting Process, Dispensary and Retail

(1) Dispensary (10 MC and 10A MC) and Retail (10 NM) are permitted in the CR, C2, C3, MP, and PDC zoning districts and require a use permit. Permitting will follow the procedures for approving a use in those districts and the use permit procedures.

(2) Cap: The Board of Supervisors may establish a cap on new permits issued by resolution annually.

(3) Annual Inspections. If there are no violations of the permit or state license during the first five years, the inspection frequency may be reduced to not less than once every five years.

x) Permitting Process, Transporter

(1) Transporter (12 MC) is permitted in the C1, C2, C3, M1, and M2 zoning district and requires a development and design review permit. Permitting will follow the development/design review permit procedures.

(2) Transporter (12 MC) is permitted in the MP and PDC zoning districts and require a use permit. Permitting will follow the procedures for approving a use in those districts and the use permit procedures.

l) Annual Inspection:

- i) The facility or facilities and the associated records covered by each permit shall be inspected annually by the Department. These inspection will occur during normal working hours of 8:00 am to 5:00 pm Monday thru Friday except for government holidays. At least 24 hours' notice will be given for the inspection. The fee for this

inspection(s) shall be paid at the time the permit is issued. Failure to allow the inspection will result in the revocation of the permit(s).

m) Grandfather Provision

- i) Notwithstanding subdivision (a) of Section 19320, a facility or entity that is operating in compliance with Article 72 of the Zoning Ordinance and other state and local requirements and is in good standing by January 1, 2016 may continue its operations until its application for licensure is approved or denied by the State.
- ii) It is furthermore the intent of the Board of Supervisors to acknowledge and support the facilities and entities operating in compliance with Article 72 by permitting the issuance of a Certificate of Recognition of Compliance and Good Standing, and including the earliest verifiable date of such compliance.
- iii) All persons engaging in the cultivation of medical marijuana may submit an application for a Certificate of Recognition of Compliance and Good Standing. Upon receipt of a complete application, the Community Development Department will review and, if appropriate, issue a certification of recognition of operation in compliance with Article 72, and including the earliest verifiable date such compliance began. In no case is the recorded date to be earlier than January 1, 2016.

## 72.9 Enforcement

### a) Nuisance Declared; Misdemeanor Violation; Enforcement Authority

- i) The cultivation of cannabis plants in excess of the amounts specified by this Article for individuals and collective or cooperative organizations, either indoors, outdoors, or combination thereof on any premises is hereby declared to be unlawful. Any violation of this ordinance shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law. Any person who violates a provision of this Article is subject to criminal sanctions, civil actions, and administrative penalties.
- ii) Any person, firm, partnership, association, corporation or other entity whether as principal agent, employee or otherwise, who owns or is a tenant upon the property upon which medical cannabis is cultivated, except as provided for in Sections 72.5 and 72.6, or owns the medical cannabis that is cultivated at the premises or otherwise violates any of the provisions of this ordinance can be charged with a misdemeanor or infraction at the discretion of the district attorney.
- iii) If charged as a misdemeanor, the violation shall be punishable by a fine not to exceed One thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a term not exceeding six months or by both such fine and imprisonment. If charged as an infraction, the violation shall be punishable by a fine not exceeding One Hundred Dollars (\$100.00) for the first violation, Two Hundred Dollars (\$200.00) for the second violation within one year, and Five Hundred Dollars (\$500.00) for each additional violation within one year. Such person, firm, partnership, association, corporation or other entity may be charged with a separate offense for each and every day, or portion of a day, that a violation exists.
- iv) All remedies prescribed under this chapter shall be cumulative and the election of one or more remedies shall not bar the county from the pursuit of any other remedy for the purpose of abating or otherwise regulating or preventing public nuisances.
- v) Primary responsibility for enforcement of this ordinance shall vest with the Sheriff of the County of Lake and his sworn officers. All other county officials with authority to enforce the County Code shall also have the authority to enforce this ordinance.
- vi) Nothing herein shall confer on any person the right to maintain a public or private nuisance. Except for actions arising out of this chapter, no provision of this chapter shall be deemed a defense or immunity to any action brought against any person by the District Attorney, the State of California, the United States, or any other person.



## 72.10 Abatement

- a) Summary Abatement. Unlawful marijuana cultivation in violation of Sections 72.5(a) through (f) of this Article, or any unlawful indoor cultivation that results in unsafe electrical or structural violations, constitutes an immediate threat or danger to the health, safety and welfare of the public and may, therefore, be summarily abated in accordance with Government Code Section 25845. The County may nevertheless recover its costs for abating the nuisance in the manner set forth in Section 72.9(b)11, and any person(s) determined to be responsible may nevertheless be subject to criminal sanctions, civil actions, and administrative penalties as specified in Section 72.7 & Section 72.10(c) of this Article.
- b) Abatement procedures. Notwithstanding section 72.9(a) of this Article, whenever an Enforcement Official determines that a violation of this Chapter exists that results in a public nuisance, he or she shall direct in writing that the public nuisance be abated within five (5) business days. If the condition(s) continue beyond five (5) business days and are 72-11 not abated by the property owner or tenant, the Enforcement Official shall be authorized to abate the nuisance.
  - i) Notice and Order to Abate Unlawful Marijuana Cultivation. Whenever an enforcement official determines that a public nuisance as described in this Article exists on any property within the unincorporated area of Lake County he or she is authorized to notify the owner and/or occupant(s) of the premises through issuance of a "Notice and Order to Abate Unlawful Marijuana Cultivation".
  - ii) Contents of Notice. The Notice set forth in Section 72.9(a) shall be in writing and shall:
    - (1) Contain a heading, "Notice and Order to Abate Unlawful Marijuana Cultivation," in letters of not less than three-fourths ( $\frac{3}{4}$ ) of an inch in height.
    - (2) The street address, legal description, Assessor's Parcel Number or other description sufficient to identify the premises affected.
    - (3) Identify the owner(s) of record of the property upon which the nuisance exists, and if known identify the occupant(s) if other than the owner(s).
    - (4) A description of the condition causing the nuisance, including the code section(s) violated.
    - (5) The action(s) required to correct the violation(s). Where the Enforcement Official has determined that the condition causing the nuisance can be abated by the property owner or tenant, the notice shall state the action which will be required to comply with this Article.
    - (6) The County department and Enforcement Official responsible for the enforcement action with contact information including County office location and telephone number.

- (7) State that the owner or occupant is required to abate the unlawful marijuana cultivation within five (5) business days after the date that said Notice is deemed served.
  - (8) State the date of service, and contain the signature of the Enforcement Official issuing the Notice.
  - (9) Instructions to the property owner describing procedures for scheduling a hearing before the Board of Supervisors for the purpose of presenting information as to why marijuana being cultivated is not in violation of this Article and therefore should not be considered a public nuisance.
  - (10) Contain a statement that if the property owner(s) or occupant(s) fails to request a hearing, all rights to appeal any action of the County to abate the nuisance are waived.
  - (11) Contain a statement that if the work is not completed within the time specified on the notice, or a hearing has not been requested in accordance with Section 72.9(d) of this Article, or a time extension has not been granted to complete the abatement, the county may abate the nuisance without further notification and the property owner will be responsible for all costs associated with the investigation and abatement of the nuisance(s). The costs of such abatement action may be made a special assessment against the premise; may be paid through a Code Enforcement Debt Reduction Agreement; or alternatively may be referred to a debt collection agency.
- iii) Service of Notice. Such notice shall be deemed properly served if a copy thereof is either:
- (1) Delivered to owner personally;
  - (2) Posted at the site in a visible location such as a gate or front door.
  - (3) Delivered in any other manner as prescribed by local law. Service of such notice in the foregoing manner upon the property owner's agent shall constitute service of notice upon the owner. The failure of any person to receive any notice required under this chapter and/or the removal of any posted notice other than by the county shall not affect the validity of any proceedings taken under this Article.
- iv) Hearing Procedure. A hearing before the Board of Supervisors regarding a Notice and Order to Abate Unlawful Marijuana Cultivation may be requested by filing a written request for a hearing with the Lake County Community Development Department within 5 business days of service of the Notice and Order to Abate Unlawful Marijuana Cultivation. The written request for hearing shall specify why marijuana being cultivated is not in violation of this Article and therefore should not be considered a public nuisance.
- (1) When a hearing is requested as provided for in the Notice and Order to Abate Unlawful Marijuana Cultivation, the Board shall proceed to hear the testimony of the

Enforcement Official, his/her assistants or deputies, the testimony of the owner or his/her representatives, and the testimony of other competent persons concerning the conditions constituting such nuisance, the estimated cost of abatement, and other matters which the Board may deem pertinent. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine the Enforcement Official, and other witnesses. The hearing may be continued from time to time. 72-13

- (2) The hearing request shall not be deemed complete and shall not be forwarded to the Board of Supervisors unless it specifies why the marijuana cultivation that is subject to abatement in the Notice and Order to Abate Unlawful Marijuana Cultivation is not in violation of this Article. The review authority for determining the adequacy of the hearing request shall be the Community Development Director or his or her designee.
- (3) The filing of a request for hearing that has been deemed complete in accordance with Section 72.9(d)2 shall stay the effectiveness of the Notice and Order to Abate Unlawful Marijuana Cultivation until such time as the case has been decided by the Board of Supervisors.
- (4) Upon receipt of a complete request for hearing filed in accordance with this Section, the Enforcement Official shall schedule a hearing before the Board of Supervisors. Notice of the hearing shall be sent by first class mail postage prepaid to the property owner and any other persons filing the request for hearing. The notice shall state the date, time and place of the hearing (which in no event shall be sooner than ten (10) days from the date of mailing or posting such notice), the specific sections of this Article that are alleged to be in violation and constitute the public nuisance, and shall direct the owner(s) and any other persons who filed to appear and show cause why the specified condition or use should not be declared a public nuisance and abated.
- (5) Upon the conclusion of the hearing, the Board of Supervisors may terminate the abatement proceedings, or it may uphold the Notice and Order to Abate Unlawful Marijuana Cultivation, prescribing the requirements of such abatement and prescribing the time for the completion of such abatement.
- (6) If a request for a hearing is not filed within the time specified in Section 72.9(b) of this Article, the Enforcement Official may order or cause the abatement to be performed on or after the 6<sup>th</sup> business day following the service of the Notice and Order to Abate Unlawful Marijuana Cultivation.

c) 72.10 Enforcement.

- i) Whenever the Enforcement Official becomes aware that an owner or occupant has failed to abate any unlawful marijuana cultivation within five (5) business days of the date of service of the Notice to Abate Unlawful Marijuana Cultivation, unless timely appealed, or of the date of the decision of the Board of Supervisors requiring such abatement, the Enforcement Official may take one or more of the following actions:

- (1) Enter upon the property and abate the nuisance by County, State or Federal personnel. The Enforcement Official may apply to a court of 72-14 competent jurisdiction for a warrant authorizing entry upon the property for purposes of undertaking the work, if necessary.
  - (2) Request that the County Counsel commence a civil action to redress, enjoin, and abate the public nuisance.
- ii) Administrative Civil Penalties.
  - (1) Acts, omissions, or conditions in violation of this Article that continue, exist, or occur on more than one day constitute separate violations on each day. Violations continuing, existing, or occurring on the service date, the effective date, and each day between the service date and the effective date are separate violations.
  - (2) In determining the amount of the administrative penalty, the Enforcement Official, or the court if the violation requires court enforcement without an administrative process, shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any resulting from the violation, and any other matters justice may require.
  - (3) The Enforcement Official may commence the administrative process by issuance of a Notice of Violation and Proposed Administrative Penalty, which shall state the amount of the proposed administrative penalty and the reasons therefore. The Notice of Violation and Proposed Administrative Penalty may be combined with a Notice to Abate Unlawful Marijuana Cultivation issued pursuant to Section 72.9(b) of this Article. The Notice of Violation and Proposed Administrative Penalty shall be served by certified mail addressed to all of the following:
    - (a) The owner of the property on which the violation exists, at the address shown on the last equalized assessment roll or as otherwise known to the Enforcement Official;
    - (b) Anyone known to the Enforcement Official to be in possession of the property subject to the Notice, at the street address of the property; and
    - (c) Any other person known to the Enforcement Official who has caused, permitted, maintained, conducted, or otherwise suffered or allowed the violation to exist. The failure to serve any person described in this subsection shall not affect the validity of service or the validity of any penalties imposed upon any other person.
  - (4) The contents of the Notice of Violation and Proposed Administrative Penalty shall be in the manner in Article VIII, Section 13-49.2 of Chapter 13 of the Lake County Code.
  - (5) If any person to whom the Notice of Violation and Proposed Administrative Penalty is issued requests an Administrative Appeal hearing before the Board of Supervisors,

the notice of hearing, conduct of hearing, and hearing procedures shall be in accordance with Article VIII, Section 13-53 of Chapter 13 of the Lake County Code.

- (6) Interest shall accrue on all amounts due under this section, from the effective date of the administrative penalty order, as set forth in this section, to the date paid pursuant to the laws applicable to civil money judgments.
- (7) In addition to any other legal remedy, whenever the amount of any administrative penalty imposed pursuant to this Section has not been satisfied in full within 90 days and has not been timely appealed to the Superior Court in accordance with Government Code section 53069.4, subdivision (b), or if appealed, such appeal has been dismissed or denied, this obligation may be enforced as a lien against the real property on which the violation occurred.
  - (a) The lien provided herein shall have no force and effect until recorded with the County Recorder. Once recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provisions of Code of Civil Procedure section 697.340, and may be extended as provided in Code of Civil Procedure sections 683.110 to 683.220, inclusive.
  - (b) Interest shall accrue on the principal amount of the lien remaining unsatisfied pursuant to the law applicable to civil money judgments.
  - (c) Prior to recording any such lien, the enforcing officer shall prepare and file with the Clerk of the Board of Supervisors a report stating the amounts due and owing.
  - (d) The Clerk of the Board of Supervisors will fix a time, date, and place for the Board of Supervisors to consider the report and any protests or objections to it.
  - (e) The Clerk of the Board of Supervisors shall serve the owner of the property with a hearing notice not less than ten (10) days before the hearing date. The notice must set forth the amount of the delinquent administrative penalty that is due. Notice must be delivered by first class mail, postage prepaid, addressed to the owner at the address shown on the last equalized assessment roll or 72-16 as otherwise known. Service by mail is effective on the date of mailing and failure of owner to actually receive notice does not affect its validity.
  - (f) Any person whose real property is subject to a lien pursuant to this Section may file a written protest with the Clerk of the Board of Supervisors and/or may protest orally at the Board of Supervisors meeting. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of such protest or objection.
  - (g) At the conclusion of the hearing, the Board of Supervisors will adopt a resolution confirming, discharging, or modifying the lien amount.

- (h) Within 30 days following the Board of Supervisors' adoption of a resolution imposing a lien, the Clerk of the Board of Supervisors will file same as a judgment lien in the Lake County Recorder's Office.
  - (i) Once the County receives full payment for outstanding principal, penalties, and costs, the Clerk of the Board of Supervisors will either record a notice of satisfaction or provide the owner with a notice of satisfaction for recordation at the Lake County Recorder's Office. This notice of satisfaction will cancel the County's lien under this section.
  - (j) The lien may be foreclosed and the real property sold, by the filing of a complaint for foreclosure in a court of competent jurisdiction, and the issuance of a judgment to foreclose. There shall be no right to trial by jury. The County shall be entitled to its attorney's fees and costs.
- (8) Administrative penalties imposed pursuant to this Section shall also constitute a personal obligation of each person who causes, permits, maintains, conducts or otherwise suffers or allows the nuisance to exist. In the event that administrative penalties are imposed pursuant to this section on two or more persons for the same violation, all such persons shall be jointly and severally liable for the full amount of the penalties imposed. In addition to any other remedy, the county may prosecute a civil action through the office of the county counsel to collect any administrative penalty imposed pursuant to this section.
- (9) Payment of administrative penalties under this Section does not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the Notice of Violation and Proposed Administrative Penalty. The payment of administrative penalties does not bar the County 72-17 from taking any other enforcement action regarding a violation that is not corrected.
- (10) In addition to any other remedy prescribed in this Article, any nuisance as described in this Article may be subject to an administrative penalty of up to one thousand dollars (\$1,000) per day. The administrative penalty may be imposed by the administrative process set forth in this section, as provided in Government Code section 53069.4, or may be imposed by the court if the violation requires court enforcement without an administrative process.

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