

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

2 **ORDINANCE NO. _____**

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

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

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

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

17
18 **WHEREAS, amendments would allow for the streamlined processing of commercial**
19 **cannabis operations.**

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

23
24 **THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE, STATE OF**
25 **CALIFORNIA, ORDAINS AS FOLLOWS:**

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

29
30 “Retail sales of Cannabis”.

31
32 **Section 2.** Subsection (o) of Section 19.3 of Chapter 21 of the Lake County Code is hereby
33 added, and shall read as follows:

34
35 “Retail sales of Cannabis.

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

39
40 Adult Personal Use, Qualified Patient, and Primary Caregiver Cannabis Cultivation
41 (Ord. 2072,04/19/2018)
42

43 1. Development Standards and Restrictions

44 i. The cultivation of cannabis for non-commercial Adult, Qualified

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

- ii. On parcels five (5) acres or less in size and on all lots within a community growth boundary, the cultivation of cannabis shall be conducted: In a detached accessory building, i.e. a shed or greenhouse, grow room that is located in the principal structure, or in a greenhouse with mixed light.
- iii. On parcels greater than five acres in size not located within a community growth boundary, the cultivation of cannabis shall be conducted in a detached accessory building, i.e. a shed or greenhouse, a grow room that is located in the principal structure, a greenhouse with mixed-light, or an outdoor fenced area.
- iv. For adult use cultivation, the area of the accessory building, indoor grow room or outdoor cultivation area shall not exceed 100 square feet in size regardless of the number of adults living in the residence. For qualified patients and primary caregivers' more than one accessory building, grow room, or individual outdoor cultivation area 100 square feet in size is allowed but cannot exceed the number of qualified patients which is limited to six per parcel. Hoop-houses are prohibited.
- v. For parcels that are located both within and not within a community growth boundary, such outdoor cultivation is only allowed on the portion of the property not located within a community growth boundary which exceeds five acres in size.
- vi. Outdoor cultivation not located within a greenhouse is prohibited within a 1,000 feet of:
 - (a) any public or private school, grades K through 12;
 - (b) a developed public park containing playground equipment;
 - (c) a drug or alcohol rehabilitation facility; or
 - (d) A licensed child care facility or nursery school, church or youth-oriented facility catering to or providing services primarily intended for minors.

The distance specified in this section shall be measured horizontally from the property line of the school, park, rehabilitation facility, licensed child care facility, nursery school, or youth-oriented facility, to the cultivation site.
- vii. Cannabis plant limitations:
 - (a) Qualified patient and primary caregiver: No more than six (6) mature cannabis plants or twelve (12) immature cannabis plants per qualified patient may be planted, cultivated, harvested, dried, or processed at any one time
 - (b) Personal adult use: No more than six (6) cannabis plants per residence on a lot of record may be planted, cultivated,

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

3 viii. Setbacks:

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

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

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

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

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

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

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

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

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

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

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

a greenhouse, shall be enclosed by an opaque (not transparent or translucent) fence. The Director may waive the requirement for an opaque fence and allow a non- opaque fence if the cultivation site cannot be seen from adjacent properties or by the public due to topography or vegetation.

- (c) Be secure against unauthorized entry and accessible only through lockable doors and/or gates. Within an apartment or manufactured home park if the accessory use is designed as a cultivation area or grow room each such area shall have a separate entry and lock.
- (d) Be equipped with an odor-control filtration and ventilation system(s) adequate to prevent cannabis plant odors from exiting the interior of the structure.
- (e) Be painted in similar colors to the primary residence.
- (f) A greenhouse shall be a prefabricated structure constructed for nursery or agricultural purposes which has a frame constructed of metal and the panels must be polycarbonate or other similar material which is no less than four (4) millimeters thick. The walls shall be opaque so that a person cannot see inside the greenhouse. Hoop-houses are prohibited.
- (g) Not exceed 100 square feet.
- (h) For apartment or manufactured home park use not to exceed 100 square feet per separate cultivation area or grow room
- (i) Not create an odor, humidity or mold problem on the premises or on adjacent premises.
- (j) Cultivation within any detached accessory structure that does not meet the definition of Indoor or within a greenhouse shall be considered outdoor cultivation.

The following shall only apply to apartment or Manufactured Home Park uses:

- (k) If a greenhouse is used, it shall have opaque walls so that a person cannot see inside the greenhouse.
- (l) The number of rooms for the cultivation and processing of cannabis in and/or group of, accessory structures cannot exceed the total number of residential units on the lot of record.
- (m) An adult tenant, qualified patient, or primary caregiver shall not use, rent, or lease more than one cultivation area or grow room for the cultivation of processing of cannabis at a time.
- (n) The owner of the apartment building or manufactured home park shall maintain records of which tenant used, rented, or leased which room in the accessory structure.

- (o) Each room for the cultivation and processing of cannabis shall have an individual water and electrical usage meter.
- (p) The zoning permit shall include the requirement of an annual compliance monitoring inspection. Included in the inspection shall be an inspection of the tenant use, rental, or lease records and the water and electrical records for each grow room.
- (q) Outdoor cultivation is prohibited. Cultivation within any detached accessory structure that does not meet the definition of Indoor or within a greenhouse shall be considered outdoor cultivation.
- (r) 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.
- (s) Cultivation of cannabis is an accessory use to an existing residential structure occupied by the qualified patient, primary caregiver, or the adult using the cannabis grown on-site. Only residents of the mobile home park or their primary caregiver may cultivate cannabis on-site.
- (t) Protection of Minors: Cannabis cultivation areas shall not be accessible to juveniles who are not qualified patients or primary caregivers. The entrance to a shed, grow room, greenhouse, or outdoor area shall be locked to prevent access by minors.
- (u) The processing of cannabis to make a concentrated cannabis extract using a volatile solvent is prohibited.
- (v) 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.

2. Permits required

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

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

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

1. Development standards, general requirements, and restrictions

i. Development standards

License	Minimum Lot Size (acres)	Setback from property line	Setback from off-site residences	Number of Living Cannabis Plants	Number of Mature Cannabis Plants	Minimum fence height (feet)	Maximum fence height (feet)	Maximum canopy area (Sq. ft.)	Maximum cultivation area (sq. ft.)
M-Type 1 A-Type 1	20	100	200	75	50	6	8	5,000	10,000
M-Type 1A, A-Type 1A, M-Type 1B, A-Type 1B	20	100	200	N/A	N/A	6	8	5,000	10,000
M-Type 1C mixed light	5	100	200	N/A	N/A	6	8	2,500	5,000
M-Type 1C outdoor	5	100	200	50	25	6	8	2,500	5,000
M – Type 1C indoor	5	100	200	N/A	N/A	6	8	500	1,500
A-Type 1C Mixed light	5	100	200	N/A	N/A	6	8	2,500	5,000
A – Type 1C outdoor	5	100	200	50	25	6	8	2,500	5,000
A – Type 1C indoor	5	100	200	N/A	N/A	6	8	500	1,500

M – Type 2, A-Type 2, M -Type 2A, A-Type 2A, M – Type 2B, and A – Type 2B	20	100	200	N/A	N/A	6	8	10,000	20,000
M – Type 3 and A – Type 3	20	100	200	N/A	N/A	6	8	43,560	65,000
M – Type 3A, A-Type 3A, M- Type 3B, A – Type 3B, M-Type 4, and A – Type 4	20	100	200	N/A	N/A	6	8	22,000	43,560

ii. General Requirements

- (a) State license and permits required.
- (b) A person or entity shall not engage in the commercial cultivation of cannabis without first obtaining a Lake County minor or major use permit, a state cannabis cultivation license, and applicable permits, such as from Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs, as appropriate.
- (c) The Department shall notify the Bureau of Cannabis Control and/or Cal Cannabis Cultivation Licensing Division upon revocation of any local license, permit, or authorization for a permittee to engage in commercial cannabis activity within the local jurisdiction.
- (d) Records
 - a. An applicant shall keep accurate records of commercial cannabis activity.
 - b. All records related to commercial cannabis activity as defined by the state licensing authorities shall be maintained for a minimum of seven years.
 - c. The County may examine the books and records of an applicant and inspect the premises of a permittee when

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.

d. 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.

e. An 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.

(e) Applicant

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

a. For Corporations:

(1) Articles of Incorporation – file stamped by the state agency where incorporated.

(2) If not a California Corporation, the registration filed to do business in California must be stamped by the CA Secretary of State.

(3) A list of the officers and directors of the corporation (this could be a single person).

(4) The agent for service of process and business office address in California.

(5) A list of the shareholders of the corporation (again, it could be a single person and the same as the officer/director). If it is a large, publicly held corporation with many shareholders, contact the Department for direction.

(6) If a non-profit mutual benefit corporation

- 1 (common under pre-MMRSA practice for
2 cannabis operations), a list of the members
3 instead of the shareholders.
- 4 (7) A resolution of the board of directors
5 authorizing the individual who will sign the
6 application and other documents on behalf of
7 the corporation to do so.
- 8 b. For Cannabis Cooperative Associations:
- 9 (1) Articles of Incorporation – file stamped by the
10 state agency where incorporated.
- 11 (2) A list of the officers and directors of the
12 corporation.
- 13 (3) The agent for service of process and business
14 office address in California.
- 15 (4) A list of the shareholders of the cooperative
16 association. For the purpose of associations
17 organized without shares of stock, the members
18 shall be deemed to be “shareholders” as the
19 term is used in the General Corporation Law.
- 20 (5) By-laws
- 21 (6) A resolution of the Board of Directors
22 authorizing the individual who will sign the
23 application and other documents on behalf of
24 the corporation to do so.
- 25 c. For Limited Liability Companies:
- 26 (1) Articles of Organization – file stamped by the
27 state agency where formed If not a California
28 LLC, or the registration to do business in
29 California file stamped by the CA Secretary of
30 State.
- 31 (2) A list of the managing member or members of
32 the company.
- 33 (3) The agent for service of process and business
34 office address in California.
- 35 (4) A list of any other members of the company.
- 36 (5) The application and other documents submitted
37 on behalf of the LLC must be signed by a
38 managing member.
- 39 d. For Limited Partnerships:
- 40 (1) Certificate of Limited Partnership – file

- 1 stamped by the state agency where filed.
- 2 (2) If not a California LP, the registration to do
3 business in California file must be stamped by
4 the CA Secretary of State.
- 5 (3) The identity of the General Partner or partners.
- 6 (4) The agent for service of process and business
7 office address in California.
- 8 (5) A list of the limited partners of the LP.
- 9 (6) The application and other documents submitted
10 on behalf of the LP must be signed by a general
11 partner.
- 12 e. For Trusts:
- 13 (1) The Declaration of Trust or Statement of Trust.
- 14 (2) The name and address of the Trustee or trustees.
- 15 (3) A list of the names beneficiaries of the trust
16 with a vested interest in the property held by the
17 trust (check with County Counsel for
18 explanation and details if needed).
- 19 (4) The application and other documents submitted
20 on behalf of the trust must be signed by a
21 Trustee.
- 22 (f) Background Checks:
- 23 *All applicants and employees shall undergo a background*
24 *check by the Lake County Sheriff Department. An individual*
25 *may fail the background check if employee has been convicted*
26 *of an offense that is substantially related to the qualifications,*
27 *functions, or duties of the business or profession for which the*
28 *application is made, except that if the sheriff determines that*
29 *the applicant or permittee is otherwise suitable to be issued a*
30 *license and granting the license would not compromise public*
31 *safety, the sheriff shall conduct a thorough review of the nature*
32 *of the crime, conviction, circumstances, and evidence of*
33 *rehabilitation of the applicant, and shall evaluate the*
34 *suitability of the applicant or permittee be issued a license*
35 *based on the evidence found through the review. In*
36 *determining which offenses are substantially related to the*
37 *qualifications, functions, or duties of the business or*
38 *profession for which the application is made, the sheriff shall*
39 *include, but not be limited to, the conditions described in*
40 *Section 26057 of the California Business and Professions*
41 *Code.*
- 42 (g) Application for Background Clearance for a County Permit

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

3 (i) Each applicant and employee shall
4 electronically submit to the Department of
5 Justice fingerprint images and related
6 information required by the Department of
7 Justice for the purpose of obtaining information
8 as to the existence and content of a record of
9 state or federal convictions and arrests, and
10 information as to the existence and content of a
11 record of state or federal convictions and arrests
12 for which the Department of Justice establishes
13 that the person is free on bail or on his or her
14 own recognizance, pending trial or appeal.

15 (ii) The Sheriff's Office shall request from the
16 Department of Justice subsequent notification
17 service, as provided pursuant to Section 11105.2
18 of the Penal Code, for applicants.

19 (iii) The applicant will be responsible to pay any fee
20 the Department of Justice charges as set by the
21 Department of Justice and sufficient to cover the
22 reasonable cost of processing the requests
23 described in this paragraph.

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

25 *The County may deny a minor or major use permit (permit) or*
26 *the renewal of a permit if any of the following conditions*
27 *apply:*

28 (1) Failure to comply with the provisions of this chapter or
29 any rule or regulation adopted pursuant to this chapter,
30 including but not limited to, any requirement imposed
31 to protect natural resources, in-stream flow, water
32 quality, and fish and wildlife.

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

35 (3) The applicant, owner, or permittee has been convicted
36 of an offense that is substantially related to the
37 qualifications, functions, or duties of the business or
38 profession for which the application is made, except
39 that if the Lake County Sheriff finds that the applicant,
40 owner, or permittee is otherwise suitable to be issued a
41 permit, and granting the permit would not compromise
42 public safety, the Lake County Sheriff shall conduct a
43 thorough review of the nature of the crime, conviction,
44 circumstances, and evidence of rehabilitation of the
45 applicant or owner, and shall evaluate the suitability of

the applicant, owner, or permittee to be issued a permit based on the evidence found through the review.

(i) Property Owner's Approval:

If the property where the cannabis activity is to be located is not owned by the applicant, 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.

(j) Collocation of Permits and Clustering

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

- (1) All parcels must qualify for a commercial cannabis cultivation permit independently,
- (2) Title interest on all parcels shall be held under the same identical ownership.
- (3) All required cultivation setbacks shall be maintained from exterior property lines and the cultivation site may be permitted to cross contiguous property lines,
- (4) A deed restriction prohibiting commercial cannabis cultivation shall be recorded on each parcel where density has been transferred.

(k) Permitted activities:

The following uses in connection with the cultivation of cannabis:

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

(l) Operating Hours:

Deliveries and pick-ups are restricted as follows:

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

1 (m) Duration of Permits:

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

4 (n) Track and Trace:

5 *All permittees shall comply with the State of California Track*
6 *and Trace requirements.*

7 (o) Weights and Measures

8 *All permittees shall comply with the State of California*
9 *Weights and Measures requirements found in the California*
10 *Food and Agriculture Code, California Code of Regulations,*
11 *and the California Business and Professions Code.*

12 (p) Access Standards

13 (1) Any site where a cannabis related activity is
14 permitted shall have access to a public road or a
15 recorded easement that allows for, but not limited to,
16 delivery trucks, emergency vehicles, sheriff and other
17 law enforcement officers, and government employees
18 who are responsible for inspection or enforcement
19 actions. Driveway encroachments onto County-
20 maintained roadways shall be constructed to current
21 County standards and shall be constructed with an
22 encroachment permit obtained from the Department of
23 Public Works.

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

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

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

37 iii. Prohibited Activities

38 (a) Tree Removal

39 *The removal of any commercial tree species as defined by the*
40 *California Code of Regulations section 895.1, Commercial*
41 *Species for the Coast Forest District and Northern Forest*
42 *District, and the removal of any true oak species (Quercus*

species) or Tan Oak (*Notholithocarpus spices.*) for the purpose of developing a cannabis cultivation site should be avoided and minimized. This shall not include the pruning of any such tree species for the health of the tree or the removal of such trees if necessary for safety or disease concerns.

(b) Water use

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

(c) Odor

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

(d) Electrical Generators

The indoor or mixed-light cultivation of cannabis shall not rely on a personal gasoline, diesel, propane, or similar fuels, powered generator as a primary source of power and shall only allow properly permitted (when applicable) generators for temporary use in the event of a power outage or emergency that is beyond the permittee's control.

(e) Lights

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

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

(f) Pesticide

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

iv. Protection of Minors

(a) No permittee shall:

- a. Sell, transfer or give cannabis or cannabis products to persons under 21 years of age;

b. Allow any person under 21 years of age into the cultivation area;

c. Employ or retain persons under 21 years of age.

v. Commercial Cannabis Cultivation Exclusion Areas

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

a. Community Growth Boundary as described in the Lake County General Plan,

b. SOS combining district,

c. Public lands,

d. An incorporated city sphere of influence, unless the applicant can provide a letter of support from the City.

e. Any public or private school, grades K through 12,

f. A developed public park containing playground equipment,

g. A drug or alcohol rehabilitation facility, or

h. A licensed child care facility or nursery school, church or youth-oriented facility catering to or providing services primarily intended for minors.

i. Federal Indian Trust Lands,

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

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

2. Permitting process

i. Permits

(a) There are two different permit types for the commercial

cultivation of cannabis:

- a. Minor Use Permit: A minor use permit is required for the following cannabis cultivation licenses: M – Type 1, A – Type 1, M – Type 1A, A – Type 1A, M – Type 1B, A – Type 1B, M – Type 1C, A – Type 1C, M – Type 2, A – Type 2, M – Type 2A, A – Type 2A, M – Type 2B, A – Type 2B, M – Type 4, or A – Type 4 licenses
- b. Major Use Permit: A major use permit is required for the following cannabis cultivation licenses: M – Type 3, A – Type 3, M – Type 3A, A – Type 3A, M- Type 3B, or A – Type 3B licenses

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

- a. A person interested in applying for a cannabis cultivation use permit shall be enrolled with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs or written verification from the appropriate board that enrollment is not necessary.
- b. The applicant shall schedule and pay the fee for a pre-application conference with the Department prior to the submittal of an application for a use permit. Questions regarding a specific application will only be addressed at a pre-application conference. No later than two weeks prior to the pre- application conference, the applicant shall provide the department:
 - (1) A map showing the lot of record showing where the cultivation site is located and the Assessor's Parcel Number (APN) for the lot of record.
 - (2) Sketch of the proposed cultivation site including the location of the canopy area, full cultivation site, access, existing structures on the lot of record, any water bodies and/or water courses,
 - (3) A statement as to which State license the applicant intends to submit an application.
 - (4) Responses to the following performance standards questions:
 - (i) Has the applicant applied to the Cal Cannabis Cultivation Licensing Division for a cultivation license if the application relates to an existing site?

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- (ii) Is the cultivation site located outside a floodplain?
 - (iii) Do all aspects of the project not require a grading permit? How many cubic yards of soil is proposed for removal?
 - (iv) Does the applicant have a legal, on- site source of water?
 - (v) Does the applicant agree to monitor water use and share the data with the County?
 - (vi) Does the applicant agree to make water source available to Cal Fire for firefighting?
 - (vii) Has the applicant conducted a cultural/archeological survey of the property?
 - (viii) Does the applicant agree to monitor energy use and share the data with the County?
 - (ix) Does the applicant agree to monitor vegetative waste generation and share the data with the County?
 - (x) Does the applicant agree to monitor solid waste generation and share the data with the County?
 - (xi) Does the applicant agree to monitor water quality of storm water runoff and share the data with the County?
 - (xii) Any questions that the applicant may have regarding the permitting process or what is required for the submittal.
 - (xiii) Do you plan on using CO2 enhancement?
- c. At the pre-application conference the Department will provide:
- (1) A determination of the legal lot of record status or request additional information to make such determination. The lot of record where the cultivation site is located is required to be a legal lot of record.
 - (2) A determination of current compliance with Chapters 5, 13, 17, 21, 23, 26, 29 or 30 of the

- 1 Lake County Code. Compliance with these
2 chapters is required to submit an application.
- 3 (3) A determination of the performance standards
4 score based on the response to the performance
5 standards questions. A minimum score of 75%
6 is required to submit an application.
- 7 (4) A response to the questions submitted with the
8 pre-application conference application.
- 9 (5) An outline of the information required for the
10 application.
- 11 d. Permit application supplemental information
- 12 *The use permit application, in addition to the*
13 *requirements of Article 55, shall include the following*
14 *additional information:*
- 15 (1) The legal business name of the applicant entity;
- 16 (2) The license type, pursuant to the California
17 Department of Food and Agriculture cannabis
18 cultivation program regulations, for which the
19 applicant is applying and whether the
20 application is for an M-license or A-license;
- 21 (3) A list of all the types, including the license
22 numbers of valid licenses, from the department
23 and other cannabis licensing authorities that the
24 applicant already holds;
- 25 (4) The physical address of the premises;
- 26 (5) The mailing address of the applicant;
- 27 (6) A designated responsible party, who shall also
28 be an owner, with legal authority to bind the
29 applicant entity, and the primary contact for the
30 application. The following information shall be
31 provided for the designated responsible party:
32 full legal name, title, mailing address, primary
33 contact phone number, email address, and a
34 copy of the owner's government-issued
35 identification. Acceptable forms of
36 identification are a document issued by a
37 federal, state, county, or municipal
38 government, including, but not limited to, a
39 driver's license or passport, that contains the
40 name, date of birth, physical description, and
41 picture of the individual;
- 42 (7) An individual or entity serving as agent for

1 service of process for the applicant. The
2 following information shall be provided for the
3 agent for service of process: full legal name,
4 mailing address, primary contact phone
5 number, and email address;

6 (8) A complete list of every owner of the applicant
7 entity. Each individual owner shall submit the
8 following information:

- 9 (i) Full legal name;
- 10
- 11 (ii) Title within the applicant entity;
- 12 (iii) Home address;
- 13 (iv) Primary phone number;
- 14 (v) Email address;
- 15 (vi) Date ownership interest in the applicant
- 16 entity was acquired;
- 17 (vii) Percentage of the ownership interest
- 18 held in the applicant entity by the
- 19 owner;
- 20 (viii) A list of all the valid licenses, including
- 21 license type(s) and license number(s),
- 22 from the department and other cannabis
- 23 licensing authorities that the owner is
- 24 listed as either an owner or financial
- 25 interest holder;
- 26 (ix) A copy of their government-issued
- 27 identification. Acceptable forms of
- 28 identification are a document issued by
- 29 a federal, state, county, or municipal
- 30 government that includes the name, date
- 31 of birth, physical description, and
- 32 picture of the person, such as a driver's
- 33 license or passport.
- 34 (x) For applicants that are a cannabis
- 35 cooperative as defined by Division 10,
- 36 Chapter 22 (commencing with section
- 37 26220) of the Business and Professions
- 38 Code, identification of all members.
- 39 (xi) Evidence that the applicant entity has
- 40 the legal right to occupy and use the
- 41 proposed location.
- 42 (xii) Evidence of enrollment with the

1 applicable Regional Water Quality
2 Control Board or State Water Resources
3 Control Board for water quality
4 protection programs or written
5 verification from the appropriate board
6 that enrollment is not necessary;

7 (xiii) Evidence that the applicant has
8 conducted a hazardous materials record
9 search of the EnviroStor database for
10 the proposed premises. If hazardous
11 sites were encountered, the applicant
12 shall provide documentation of
13 protocols implemented to protect
14 employee health and safety;

15 (xiv) For indoor and mixed light license
16 types, identification of all power
17 sources for cultivation activities,
18 including but not limited to,
19 illumination, heating, cooling, and
20 ventilation;

21 (xv) Identification of all water sources used
22 for cultivation activities and the
23 estimated volume of water used on a
24 monthly basis.

25 (xvi) An attestation that the local fire
26 department has been notified of the
27 cultivation site if the applicant entity is
28 an indoor license type;

29 (xvii) If construction is proposed, Building
30 Elevations shall be submitted

31 (9) Project description:

32 The project description shall provide adequate
33 information to evaluate the impacts of the
34 proposed project and consists of three parts: a
35 site plan, a written description section, and a
36 property management section.

37 (10) Site Plan: A site plan is a graphic representation
38 of the project consisting of maps, site plans, or
39 drawings prepared by a design professional
40 consistent with the requirements of the
41 Department pursuant to Article 55.5.

42 (i) This section shall include a map of
43 any spring, top of bank of any creek or
44 seasonal stream, edge of lake,

delineated wetland or vernal pool on the lot of record of land or within 200 feet of the lot of record and a 100-foot setback from

(ii) The use of fertilizer shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge.

(iii) The use of pesticides shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge.

(iv) Include A map of any private drinking water well, a 100 foot setback from any identified private drinking water well, The map shall also include any public water supply well on the lot of record or within 200 feet of the lot of record and a 200 foot setback from any public water supply well.

(v) Pursuant to the California Health and Safety Code, the use of hazardous materials shall be prohibited except for limited quantities of hazardous materials that are below State threshold levels of 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas. The production of any Hazardous Waste as part of the cultivation process is prohibited.

(vi) A topographic map of the parcel where the permitted activity is located with contours no greater than forty (40) feet.

(11) Written Description: A written section which shall support the graphic representations and

shall, at a minimum, include:

- (i) A project description;
- (ii) The present zoning;
- (iii) A list and description of all uses shown on the site plan;
- (iv) A development schedule indicating the approximate date when construction of the project can be expected to begin and be completed for each phase of the project; including the permit phase;
- (v) A statement of the applicant's proposal for solid waste disposal, vegetative waste disposal, storm water management, growing medium management, fish and wildlife protection, water resources protection, energy use, water use, pest management, fertilizer use, property management, grading, organic farming, and protection of cultural resources;
- (vi) Quantitative data for the development including but not limited to: Gross and net acreage; the approximate dimensions and location of structures for each district or area; employee statistics; support services required; traffic generation data based on anticipated uses; parking and loading requirements; and outdoor storage requirements based on anticipated uses;
- (vii) Supplemental information, if applicable:
 - (a) Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights.
 - (b) Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast or Central Valley Regional Water Quality Board.

1 (c) Streambed Alteration
2 Permit obtained from the
3 Department of Fish and
4 Wildlife.

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

8 (e) If the lot of record is zoned
9 TPZ, or involves conversion of
10 timberland, a copy of less-than-
11 3-acre conversion exemption or
12 timberland conversion permit,
13 approved by CAL- FIRE.
14 Alternately for existing
15 operations occupying sites
16 created through prior
17 unauthorized conversion of
18 timberland, evidence may be
19 provided showing the
20 landowner has completed a civil
21 or criminal process and/or
22 entered into a negotiated
23 settlement with CAL-FIRE.

24 (viii) Other pertinent information as required
25 by the Director.

26 (12) A Management Plan section Described in
27 subsection 3 below.

28
29 e. Minor and Major Use Permit required findings

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

33 (1) The proposed use complies with all
34 development standards described in Section 1.
35 i.

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

38 (3) The application complies with the
39 qualifications for a permit described in Section
40 1.ii. (i).

41 (c) Early activation

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

- a. The applicant shall be qualified to receive a permit pursuant to Subsection 1.ii. (g).
- b. Evidence of enrollment with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs or written verification from the appropriate board that enrollment is not necessary
- c. The applicant shall have filed an application for a minor or major use permit application, as appropriate, for the same project that has been determined to be complete by the Department.

3. Property Management Plan

All permittees shall prepare a Property Management Plan. The intent of said plan is to identify and locate all existing cannabis and non-cannabis related uses on the property, Identify and locate all proposed cannabis and non-cannabis related uses on the property, and describe how all cannabis and non-cannabis related uses will be managed in the future. The property management plan shall demonstrate how the operation of the commercial cannabis cultivation site will not harm the public health, safety, and welfare or the natural environment of Lake County.

The plan will consist of the following sections:

i. Air Quality

- (a) Intent: All cannabis permittees shall not degrade the County's air quality as determined by the Lake County Air Quality Management District (LCAQMD).
- (b) In this section, permittees shall identify any equipment or activity that may cause, or potentially cause the issuance of air contaminates including odor and shall identify measures to be taken to reduce, control or eliminate the issuance of air contaminants, including odors.
- (c) All cannabis permittees shall obtain an Authority to Construct permit pursuant to LCAQMD Rules and Regulations, prior to the construction of the facility described in the Property Management Plan.
- (d) All cannabis permittees shall obtain Authority to Construct Permit pursuant to LCAQMD Rules and Regulations, if applicable, to operate any article, machine, equipment or other contrivance which causes or may cause the issuance of an air contaminant.
- (e) All permittees shall maintain an Authority to Construct or Permit to Operate for the life of the project, until the operation

1 is closed and equipment is removed.

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

- 4 a. Designating an individual(s) who is/are responsible for
5 responding to odor complaints 24 hours per day/seven
6 (7) days a week, including holidays.
- 7 b. Providing property owners and residents of property
8 within a 1,000 foot radius of the cannabis facility, with
9 the contact information of the individual responsible
10 for responding to odor complaints.
- 11 c. Policies and procedures describing the actions to be
12 taken when an odor complaint is received, including
13 the training provided to the responsible party on how
14 to respond to an odor complaint.
- 15 d. The description of potential mitigation methods to be
16 implemented for reducing odors, including add- on air
17 pollution control equipment.
- 18 e. Contingency measures to mitigate/curtail odor and
19 other emissions in the event the methods described
20 above are inadequate to fully prevent offsite nuisance
21 conditions.

22 ii. Grounds.

23 (a) The permittee shall establish and implement written
24 procedures to ensure that the grounds of the premises
25 controlled by the permittee are kept in a condition that prevents
26 the contamination of components and cannabis products. The
27 methods for adequate maintenance of the grounds shall include
28 at minimum:

- 29 a. The proper storage of equipment, removal of litter
30 and waste, and cutting of weeds or grass so that the
31 premises shall not constitute an attractant, breeding
32 place, or harborage for pests.
- 33 b. The proper maintenance of roads, yards, and
34 parking lots so that these areas shall not constitute a
35 source of contamination in areas where cannabis
36 products are handled or transported.
- 37 c. The provision of adequate draining areas in order
38 to prevent contamination by seepage, foot-borne filth,
39 or the breeding of pests due to unsanitary conditions.
- 40 d. The provision and maintenance of waste treatment
41 systems so as to prevent contamination in areas where

cannabis products may be exposed to such a system's waste or waste by-products.

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

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

iii. Security

(a) Intent: To minimize criminal activity, provide for safe and secure working environments, protect private property, and to prevent damage to the environment. The Applicant 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.

(b) Security Plan

This section shall include at a minimum:

a. A description of the security measures to be taken to:

(1) Prevent access to the cultivation site by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:

(i) Establishing physical barriers to secure perimeter access and all points of entry (such as locking primary entrances with commercial-grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);

(ii) Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;

(iii) Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;

(iv) Maintaining the premises such that visibility and security monitoring of the

- premises is possible; and
- (v) Establishing procedures for the investigation of suspicious activities.
- (2) Prevent theft or loss of cannabis and cannabis products. This includes but is not limited to:
- (i) Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the cultivation process;
- (ii) Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;
- (iii) Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and
- (iv) Providing designated areas in which personnel may store and access personal items.
- (3) Identification of emergency contact(s) that is/are available 24 hours/seven (7) days a week including holidays. The plan shall include the name, phone number and facsimile number or email address of an individual working on the commercial cultivation premises, to whom notice of problems associated with the operation of the commercial cultivation establishment can be provided. The commercial cultivation establishment shall keep this information current at all times. The applicant shall make every good faith effort to encourage neighborhood residents to call this designated person to resolve operating problems, if any, before any calls or complaints are made to the County.
- (4) The permittee shall maintain a record of all complaints and resolution of complaints and provide a tally and summary of issues in the annual Performance Review Report.
- (5) A description of fences, location of access points, and how access is controlled.
- (6) Video Surveillance.

- 1 (i) At a minimum, permitted premises shall
2 have a complete digital video
3 surveillance system with a minimum
4 camera resolution of 1080 pixel. The
5 video surveillance system shall be
6 capable of recording all pre- determined
7 surveillance areas in any lighting
8 conditions.
- 9 (ii) The video surveillance system shall be
10 capable of supporting remote access by
11 the permittee.
- 12 (iii) To the extent reasonably possible, all
13 video surveillance cameras shall be
14 installed in a manner that prevents
15 intentional obstruction, tampering with,
16 and/or disabling.
- 17 (iv) Areas that shall be recorded on the
18 video surveillance system include, but
19 are not limited to, the following:
- 20 (a) The perimeter of the cannabis
21 cultivation site and cannabis
22 nursery,
- 23 (b) Areas where cannabis or
24 cannabis products are weighed,
25 packed, stored, quarantined,
26 loaded and/or unloaded for
27 transportation, prepared, or
28 moved within the premises;
- 29 (c) Areas where cannabis is
30 destroyed;
- 31 (d) Limited-access areas;
- 32 (e) Security rooms;
- 33 (f) Areas containing surveillance-
34 system storage devices, in
35 which case, at least one camera
36 shall record the access points to
37 such an area; and
- 38 (g) The interior and exterior of all
39 entrances and exits to the
40 cannabis cultivation sites and
41 cannabis nursery including all
42 buildings where cannabis or
43 cannabis products are weighed,

packed, stored, quarantined,
loaded and/or unloaded for
transportation, prepared, or
moved within the premises.

- (v) The surveillance system shall operate continuously 24 hours per day and at a minimum of 30 frames per second.
- (vi) All exterior cameras shall be waterproof, I-66 minimum.
- (vii) All interior cameras shall be moisture proof.
- (viii) Cameras shall be color capable.
- (ix) Video management software shall be capable of integrating cameras with door alarms.
- (x) Video recordings shall be digital.
- (xi) Thermal technology shall be used for perimeter fencing.
- (xii) All cameras shall include motion sensors that activates the camera when motion is detected.
- (xiii) In areas with inadequate lighting for the cameras being used, sufficient lighting shall be provided to illuminate the camera's field of vision.
- (xiv) All recording shall be located in secure rooms or areas of the premises in an access and environment-controlled environment which is separate from the room where the computer and monitoring equipment is located.
- (xv) All surveillance recordings shall be kept on the applicant's recording device or other approved location for a minimum of 30 days.
- (xvi) All video surveillance recordings are subject to inspection by the Department and shall be copied and sent, or otherwise provided, to the Department upon request.
- (xvii) The video recordings shall display the current date and time of recorded

1 events. Time is to be measured in
2 accordance with the U.S. National
3 Institute Standards and Technology
4 standards. The displayed date and time
5 shall not significantly obstruct the view
6 of recorded images

7 (7) Fences

- 8 (i) Any commercial cannabis cultivation
9 site shall be enclosed by a fence. The
10 fence shall include, at a minimum, the
11 following: Posts set into the ground.
12 The posts may be steel tubing, timber or
13 concrete and may be driven into the
14 ground or set in concrete. End, corner or
15 gate posts, commonly referred to as
16 "terminal posts", must be set in concrete
17 footing or otherwise anchored to
18 prevent leaning under the tension of a
19 stretched fence. Posts set between the
20 terminal posts shall be set at intervals
21 not to exceed 10 feet. A top horizontal
22 rail is required between all posts. The
23 fence shall be attached to the posts and
24 top horizontal rail.
- 25 (ii) No barbed wire, razor wire or similar
26 design shall be used.
- 27 (iii) The cultivation area shall be screened
28 from public view. Methods of screening
29 may include, but are not limited to,
30 topographic barriers, vegetation, or
31 solid (opaque) fences.

32 iv. Storm Water Management

- 33 (a) Intent: To protect the water quality of the surface water and the
34 stormwater management systems managed by Lake County
35 and to evaluate the impact on downstream property owners.
36 All permittees shall manage storm water runoff to protect
37 downstream receiving water bodies from water quality
38 degradation.
- 39 (b) All cultivation activities shall comply with the California State
40 Water Board, the Central Valley Regional Water Quality
41 Control Board, and the North Coast Region Water Quality
42 Control Board orders, regulations, and procedures as
43 appropriate.
- 44 (c) Outdoor cultivation, including any topsoil, pesticide or
45 fertilizers used for the cultivation cannabis shall not be located

1 within 100 feet of any spring, top of bank of any creek or
2 seasonal stream, edge of lake, delineated wetland or vernal
3 pool. For purposes of determining the edge of Clear Lake, the
4 setback shall be measured from the full lake level of 7.79 feet
5 on the Rumsey Gauge.

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

10 (e) All permittees shall prepare a Storm Water Management Plan
11 based on the requirements of the California Regional Water
12 Quality Control Board Central Valley Region or the California
13 Regional Water Quality Control Board North Coast Region. In
14 addition to those requirements, the plan shall include:

- 15 a. Identification of any Lake County maintained drainage
16 or conveyance system that the stormwater is discharged
17 into and documentation that the stormwater discharge
18 is in compliance with the design parameters of those
19 structures;
- 20 b. Identification of any public roads and bridges that are
21 downstream of the discharge point and documentation
22 that the stormwater discharge is in compliance with the
23 design parameters of any such bridges;
- 24 c. Documentation that the discharge of stormwater from
25 the site will not increase the volume of water that
26 historically has flow onto adjacent properties;
- 27 d. Documentation that the discharge of stormwater will
28 not increase flood elevations downstream of the
29 discharge point;
- 30 e. Documentation that the discharge of stormwater will
31 not degrade water quality of any water body;
- 32 f. Documentation of compliance with the requirements of
33 Chapter 29, Storm Water Management Ordinance of
34 the Lake County Ordinance Code;
- 35 g. Describe the proposed grading of the property;
- 36 h. Describe the storm water management system;
- 37 i. Describe the best management practices (BMPs) that
38 will be used during construction and those that will be
39 used post-construction. Post-construction BMPs shall
40 be maintained through the life of the permit; and
- 41 j. Describe what parameters will be monitored and the
42 methodology of the monitoring program.

k. Cannabis Vegetative Material Waste Management

The cannabis vegetative material waste management section shall include:

- (1) Provide an estimate of the type and amount of cannabis vegetative waste that will be generated on an annual basis;
- (2) Describe how the permittee will minimize cannabis vegetative waste generation;
- (3) Describe how solid waste will be disposed; and
- (4) Describe the methodology on how the amount of cannabis vegetative waste that is generated on the site, the amount that is recycled, and the amount and where cannabis vegetative waste is disposed of is measured.

l. Growing Medium Management

The growing medium management section shall include:

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

v. Water Use

- (a) Intent: To conserve the County's water resources by minimizing the use of water.
- (b) All permitted activities shall have a legal water source on the premises, and have all local, state, and federal permits required to utilize the water source. If the permitted activity utilizes a shared source of water from another site, such source shall be a legal source, have all local, state, and federal permit required

1 to utilize the water source, and have a written agreement
2 between the property owner of the site where the source is
3 located and the permitted activity agreeing to the use of the
4 water source and all terms and conditions of that use.

5 (c) Permittee shall not engage in unlawful or unpermitted drawing
6 of surface water.

7 (d) The use of water provided by a public water supply, unlawful
8 water diversions, transported by a water hauler, bottled water,
9 a water-vending machine, or a retail water facility is
10 prohibited.

11 (e) Where a well is used, the well must be located on the premises,
12 an adjacent parcel or piped through a dedicated easement. The
13 production well shall have a meter to measure the amount of
14 water pumped. The production wells shall have continuous
15 water level monitors. The methodology of the monitoring
16 program shall be described. A monitoring well of equal depth
17 within the cone of influence of the production well may be
18 substituted for the water level monitoring of the production
19 well. The monitoring wells shall be constructed and
20 monitoring begun at least three months prior to the use of the
21 supply well. An applicant shall maintain a record of all data
22 collected and shall provide a report of the data collected to the
23 County annually.

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

- 28 a. A description of the emergency.
29 b. Identification of the retail water supplier including
30 license number.
31 c. The volume of water supplied.
32 d. Actions taken to prevent the emergency in the future.

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

- 35 a. Identify the source of water, including location,
36 capacity, and documentation that it is a legal source.
37 b. Describe the proposed irrigation system and
38 methodology.
39 c. Describe the amount of water projected to be used on a
40 monthly basis for irrigation and separately for all other
41 uses of water and the amount of water to be withdrawn
42 from each source of water on a monthly basis.

1 4. Compliance monitoring

- 2 i. A compliance monitoring inspection of the cultivation site shall be
3 conducted annually during growing season.
- 4 ii. The permittee shall pay a compliance monitoring fee established by
5 resolution of the Board of Supervisors prior to the inspection.
- 6 iii. If there are no violations of the County permit or state license during
7 the first five years, the inspection frequency may be reduced by the
8 Director to not less than once every five years.

9 5. Annual Reports

10 i. Performance Review

- 11 (a) All cannabis permittees shall submit a “Performance Review
12 Report” on an annual basis from their initial date of operation
13 for review and approval by the Planning Commission. The
14 Planning Commission may delegate review of the annual
15 Performance Review Report to the Director at the time of the
16 initial hearing or at any time thereafter. This annual
17 “Performance Review Report” is intended to identify the
18 effectiveness of the approved minor or major use permit,
19 Operations Manual, Operating Standards, and conditions of
20 approval, as well as the identification and implementation of
21 additional procedures as deemed necessary. In the event the
22 Planning Commission identifies problems with specific
23 Performance Review Report that could potentially lead to
24 revocation of the associated minor or major use permit, the
25 Planning Commission may require the submittal of more
26 frequent “Performance Review Reports.”

- 27 (b) Pursuant to sub-section 5. i. above, the premises shall be
28 inspected by the Department on an annual basis, or less
29 frequently if approved by the Director. A copy of the results
30 from this inspection shall be given to the permittee for
31 inclusion in their “Performance Review Report” to the
32 Department.

- 33 (c) Compliance monitoring fees pursuant to the County’s adopted
34 master fee schedule shall be paid by permittee and accompany
35 the “Performance Review Report” for costs associated the
36 review of the report by County staff.

- 37 (d) Non-compliance by permittee in allowing the inspection by the
38 Department, or refusal to pay the required fees, or
39 noncompliance in submitting the annual “Performance Review
40 Report” for review by the Planning Commission shall be
41 deemed grounds for a revocation of the development permit or
42 use permit and subject the holder of the permit(s) to the
43 penalties outlined in this Code.

1 6. Renewals

2 i. The following is required for permit renewal:

3 (a) An application for renewal shall be submitted to the
4 Department prior to the annual anniversary. Failure to submit
5 an application for renewal by that date may result in the
6 expiration of the permit.

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

10 (c) The following documentation in electronic format is required
11 for application for renewal:

12 a. A copy of all licenses, permits, and conditions of such
13 licenses or permits related to the project from state
14 agencies as appropriate including, but not limited to the
15 California Department of Food and Agriculture,
16 Department of Pesticide Regulation, Department of
17 Fish and Wildlife, The State Water Resources Control
18 Board, Board of Forestry and Fire Protection, Central
19 Valley or North Coast Regional Water Quality Control
20 Board, and the Department of Public Health.

21 b. A copy of all reports provided the County and State
22 agencies as determined by the Director.

23 c. A list of all employees on the premise during the past
24 year and a copy of the background checks certification
25 for each.

26 d. Documentation that the applicant is still qualified to be
27 an applicant.

28 e. Any proposed changes to the use permit or how the site
29 will be operated.

30 f. Payment of all fees as established by resolution by the
31 Board of Supervisors.

32 (d) The permit may be renewed if:

33 a. Where there are no changes to the use permit or how
34 the site will be operated:

35 (1) The original permit's approval findings,
36 conditions, or environmental certification are
37 still valid.

38 (2) There are no violations of the permit conditions
39 or of state licenses or permits.

40 (3) The applicant is qualified to apply for such a
41 permit.

- b. Where there are changes to the development or use permit or how the site will be operated:
- (1) Such changes do not change the findings of the original 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.

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

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

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

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

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

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.

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

Hoop-house: An unheated outdoor enclosure used for the purpose of growing 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.

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

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"× 4" or thicker studs overlain with 3/8" or thicker plywood or equivalent materials.

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

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

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.

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

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

Cannabis canopy: The designated area(s) at a licensed premises, except nurseries, that will contain mature plants at any point in time, as follows: (1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries; (2) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and (3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

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

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

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

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

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

Cannabis cultivation licenses:

- (a) M - Type 1: "specialty outdoor": Outdoor cultivation for medicinal cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time 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.
- (b) A - Type 1: "specialty outdoor": Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time 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.
- (c) M - Type 1A: "specialty indoor": Indoor cultivation for medicinal cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot between 501 and 5,000 square feet of total canopy size on one premises.
- (d) A - Type 1A: "specialty indoor": Indoor cultivation for adult use cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot between 501 and 5,000 square feet of total canopy size on one premises.
- (e) M - Type 1B: "specialty mixed-light": Cultivation for medicinal cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot of between 2,501 and 5,000 square feet of total canopy size on one premises.
- (f) A - Type 1B: "specialty mixed-light": Cultivation for adult use cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot of between 2,501 and 5,000 square feet of total canopy size on one premises.
- (g) M - Type 1C: "specialty cottage": Cultivation for medicinal cannabis of 2,500 square feet or less of total canopy size for mixed-light cultivation using light deprivation and/or artificial lighting below a rate of 25 watts per square foot, up to 25 mature plants for outdoor cultivation without the use of light deprivation and/or artificial lighting in the canopy area at any point in time, or 500 square feet or less of total canopy size for indoor cultivation within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot, on one premises.
- (h) A - Type 1C: "specialty cottage": Cultivation for adult use cannabis of 2,500 square feet or less of total canopy size for mixed-light cultivation using light deprivation and/or artificial lighting below a rate of 25 watts per square foot, up to 25 mature plants for outdoor cultivation without the use of light deprivation and/or artificial lighting in the canopy area at any point in time, or 500 square feet or less of total canopy size for indoor cultivation within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot, on one premises.
- (i) M - Type 2: "small outdoor": Outdoor cultivation for medicinal cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

- (j) A - Type 2: "small outdoor": Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- (k) M - Type 2A: "small indoor": Indoor cultivation for medicinal cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- (l) A - Type 2A: "small indoor" Indoor cultivation for adult use cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- (m) M - Type 2B: "small mixed-light": Cultivation for medicinal cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- (n) A - Type 2B: "small mixed-light": Cultivation for adult use cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- (o) M - Type 3: "outdoor": Outdoor cultivation for medicinal cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.
- (p) A - Type 3: "outdoor": Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.
- (q) M - Type 3A: "indoor": Indoor cultivation for medicinal cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.
- (r) A - Type 3A: "indoor": Indoor cultivation for adult use cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.
- (s) M - Type 3B: "mixed-light": Cultivation for medicinal cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.
- (t) A - Type 3B: "mixed-light": Cultivation for adult use cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or artificial lighting below a rate of 25 watts per square foot between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises.

(u) M – Type 4: "nursery": Cultivation of medicinal cannabis solely as a nursery.

(v) A – Type 4: "nursery": Cultivation of adult use cannabis solely as a nursery.

Cannabis nursery: A site that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

Mature cannabis plant: A cannabis plant that is flowering.

Mixed-light cultivation: Cultivation of mature cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models described below: (1) "Mixed-light Tier 1" the use of artificial light at a rate of six watts per square foot or less; (2) "Mixed-light Tier 2" the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.

Organic certification: Certified by an independent third-party organization as meeting the equivalent of State or federal organic standards.

Pest: Any of the following that is, or is liable to become, dangerous or detrimental to the agricultural or nonagricultural environment of the state: (1) Any insect, predatory animal, rodent, nematode or weed; and (2) Any form of terrestrial, aquatic, or aerial plant or animal virus, fungus, bacteria, or other microorganism (except viruses, fungi, bacteria, or other microorganisms on or in living man or other living animals).

Pesticide: 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.

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

(aac) Microbusiness:

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

A solid dot shall be inserted in the "APZ, A, TPZ, RL and RR" columns

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

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

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

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

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

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

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

Section 12: CEQA. The Board of Supervisors independently finds and determines that this action is exempt from CEQA pursuant to Business and Professions Code section 26055(h) for the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity where the discretionary review in any such law, ordinance, rule, or regulation includes any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code; and, under Section 15061(b)(3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

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

Section 14: Effective Date. This ordinance shall take effect on the ____ day of _____, 2019 and within fifteen (15) days after adoption of the ordinance, the Clerk to the Board of Supervisors shall publish a summary of the ordinance with the names of those supervisors voting for and against the ordinance and the clerk shall post in the

1 office of the Clerk to the Board of Supervisors a certified copy of the full text of
2 the adopted ordinance along with the names of those supervisors voting for and
3 against the ordinance.

4 The Foregoing ordinance was introduced before the Board of Supervisors on the ____day of
5 ____, 2019, and passed by the following vote on the ____day of ____ 2019.

6 AYES:

7 NOES:

8 ABSENT OR NOT VOTING:

9 SO ORDERED:

10

11 COUNTY OF LAKE

12

13 _____

14 Chair, Board of Supervisors

15 ATTEST:

16 CAROL J. HUCHINGSON

17 Clerk of the Board

18

19 By: _____

20

21

22

23

24

25

APPROVED AS TO FORM:

ANITA L. GRANT

County Counsel

By:_____

APPROVED AS TO FORM:

By:_____

Community Development Department