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PLANNING COMMISSION, COUNTY OF LAKE, STATE OF CALIFORNIA

RESOLUTION NO. 19- 01

RESOLUTION OF INTENT OF THE PLANNING COMMISSION OF THE COUNTY OF LAKE DECLARING ITS INTENTION TO CONSIDER RECOMMENDING TO THE BOARD OF SUPERVIORS TO AMEND CHAPTER 21 OF THE LAKE COUNTY ZONING ORDINANCE TO ALLOW AMENDMENTS TO ARTICLE 27 PERTAINING TO ADULT PERSONAL USE, QUALIFIED PATIENT AND PRIMARY CAREGIVER CULTIVATION, COMMERCIAL CANNABIS CULTIVATION, TYPE 6 NON-VOLATILE CANNABIS MANUFACTURING AND TO ESTABLISH A PERMIT PROCESS FOR MICROBUSINESS AND AMENDMENTS TO ARTICLE 18 AND 19 TO ESTABLISH A PERMIT PROCESS FOR RETAIL SALES OF CANNABIS.

Whereas, the Planning Commission of the County of Lake, State of California, desires to amend the Lake County Ordinance Code, Chapter 21, Zoning Ordinance, to allow amendments to Article 27 pertaining to adult personal use, qualified patient and primary caregiver cultivation, commercial cannabis cultivation, Type 6 Non-Volatile Cannabis Manufacturing and to establish a permit process for microbusiness and amendments to Article 18 to allow retail sales of cannabis subject to obtaining a Major Use Permit and amend Article 19 allow retail sales of Cannabis as a permitted use to protect the public health, safety and welfare; and

Whereas, it is the intention of the Planning Commission of the County of Lake to recommend approval of the changes as set forth below to the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED BY THE LAKE COUNTY PLANNING COMMISSION IT HEREBY FINDS, ORDERS, DETERMINES AND DECLARES THAT:

Section 1. It is the intention of the Planning Commission to recommend to initiate the proposed zoning ordinance text amendment to recommend the modification of the existing regulations to allow amendments to Article 27 pertaining to adult

personal use, qualified patient and primary caregiver cultivation, commercial cannabis cultivation, Type 6 Non-Volatile Cannabis Manufacturing and to establish a permit process for microbusiness and amendments to Article 18 to allow retail sales of cannabis subject to obtaining a Major Use Permit and amend Article 19 to allow retail sales of Cannabis as a permitted use as set forth below for the following reasons:

- (a) Amendments to these Articles will advance the goals of the County by supporting local and emerging businesses in the County and;
- (b) Amendments would allow for the streamlined processing of commercial cannabis operations.

Section 2. Subsection (h) of Section 18.5 of Chapter 21 of the Lake County Code is hereby added, and shall read as follows:

“Retail sales of Cannabis”.

Section 3. Subsection (o) of Section 19.3 of Chapter 21 of the Lake County Code is hereby added, and shall read as follows:

“Retail sales of Cannabis.

Section 4. Subsection (z) of Section 27.3 of Chapter 21 of the Lake County Code is hereby amended, and shall read as follows:

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

- 1. Development Standards and Restrictions
 - 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, harvested, dried, or processed at any one time regardless of the number of adults living in the residence.
- viii. Setbacks:
 - (a) Outdoor cultivation on parcels five (5) acres or greater in

size not located within a community growth boundary shall be setback at least 75 feet from all property lines and at least 150 feet from an offsite residence.

- ix. Protection of minors: Cannabis cultivation areas shall not be accessible to juveniles who are not qualified patients or primary caregivers residing on the lot of record. The entrance to a shed, grow room, greenhouse, or outdoor area shall be locked to prevent access by minors.
- x. The processing of cannabis includes the drying of cannabis and manufacturing that only utilizes processes that are either solvent less or that employ only nonflammable, nontoxic solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).
- xi. The living plants and any cannabis produced by the plants in excess of 28.5 grams shall be kept within the private residence or in a locked space, and not visible by normal unaided vision from a public place.
- xii. Indoor cultivation and mixed light cultivation lighting shall not exceed 1,200 watts and shall conform to all applicable electrical codes. Outdoor cultivation areas, other than a greenhouse with mixed light shall not have any supplemental lighting.
- xiii. A greenhouse with mixed light shall have the ability to enclose the greenhouse at night to prevent the transmission of light beyond the greenhouse.
- xiv. A grow room shall only occur 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.
- xv. Single family dwelling, duplex, triplex accessory use, apartment or manufactured home park accessory use:

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

 - (a) Be located on the same lot of record as the residence occupied by the qualified patient, primary caregiver, or the adult using the cannabis grown on-site.
 - (b) Be fully enclosed by a fence at least six (6) feet in height. On 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 5. 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

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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 (common under pre-MMRSA practice for cannabis operations), a list of the members instead of the shareholders.
- (7) A resolution of the board of directors authorizing the individual who will sign the application and other documents on behalf of the corporation to do so.

b. For Cannabis Cooperative Associations:

- (1) Articles of Incorporation – file stamped by the state agency where incorporated.
- (2) A list of the officers and directors of the corporation.
- (3) The agent for service of process and business office address in California.
- (4) A list of the shareholders of the cooperative association. For the purpose of associations organized without shares of stock, the members shall be deemed to be “shareholders” as the term is used in the General Corporation Law.

- (5) By-laws
- (6) A resolution of the Board of Directors authorizing the individual who will sign the application and other documents on behalf of the corporation to do so.
- c. For Limited Liability Companies:
 - (1) Articles of Organization – file stamped by the state agency where formed If not a California LLC, or the registration to do business in California file stamped by the CA Secretary of State.
 - (2) A list of the managing member or members of the company.
 - (3) The agent for service of process and business office address in California.
 - (4) A list of any other members of the company.
 - (5) The application and other documents submitted on behalf of the LLC must be signed by a managing member.
- d. For Limited Partnerships:
 - (1) Certificate of Limited Partnership – file stamped by the state agency where filed.
 - (2) If not a California LP, the registration to do business in California file must be stamped by the CA Secretary of State.
 - (3) The identity of the General Partner or partners.
 - (4) The agent for service of process and business office address in California.
 - (5) A list of the limited partners of the LP.
 - (6) The application and other documents submitted on behalf of the LP must be signed by a general partner.
- e. For Trusts:
 - (1) The Declaration of Trust or Statement of Trust.

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

(f) Background Checks:

All applicants and employees shall undergo a background check by the Lake County 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 permittee 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 permittee 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 conditions described in Section 26057 of the California Business and Professions Code.

(g) Application for Background Clearance for a County Permit

- (1) An applicant for a commercial cannabis cultivation permit shall do all of the following:
 - (i) Each applicant and employee shall electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the

Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal.

- (ii) The Sheriff's Office shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.
- (iii) The applicant will be responsible to pay any fee the Department of Justice charges as set by the Department of Justice and sufficient to cover the reasonable cost of processing the requests described in this paragraph.

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

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

- (1) 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, water quality, and fish and wildlife.
- (2) The applicant has failed to provide information required by the Lake County Zoning Ordinance.
- (3) The applicant, owner, or permittee 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 Lake County Sheriff finds that the applicant, owner, or permittee is otherwise suitable to be issued a permit, and granting the permit would not compromise public safety, the Lake County Sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the 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.

(m) Duration of Permits:

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

(n) Track and Trace:

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

(o) Weights and Measures

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

(p) Access Standards

(1) Any site where a cannabis related activity is permitted 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. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Department of Public Works.

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

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

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

iii. Prohibited Activities

(a) Tree Removal

The removal of any commercial tree species as defined by the California Code of Regulations section 895.1,

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

(b) Water use

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

(c) Odor

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

(d) Electrical Generators

The indoor or mixed-light cultivation of cannabis shall not rely on a personal gasoline, diesel, propane, or similar fuels, powered generator as a primary source of power and shall only allow properly permitted (when applicable) generators 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?
 - (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 Lake County Code. Compliance with these chapters is required to submit an application.
- (3) A determination of the performance standards score based on the response to the performance standards questions. A minimum score of 75% is required to submit an application.
- (4) A response to the questions submitted with the pre-application conference application.
- (5) An outline of the information required for the application.

d. Permit application supplemental information

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

- (1) The legal business name of the applicant entity;

- (2) The license type, pursuant to the California Department of Food and Agriculture cannabis cultivation program regulations, for which the applicant is applying and whether the application is for an M-license or A-license;
- (3) A list of all the types, including the license numbers of valid licenses, from the department and other cannabis licensing authorities that the applicant already holds;
- (4) The physical address of the premises;
- (5) The mailing address of the applicant;
- (6) A designated responsible party, who shall also be an owner, with legal authority to bind the applicant entity, and the primary contact for the application. The following information shall be provided for the designated responsible party: full legal name, title, mailing address, primary contact phone number, email address, and a copy of the owner's government-issued identification. Acceptable forms of identification are a document issued by a federal, state, county, or municipal government, including, but not limited to, a driver's license or passport, that contains the name, date of birth, physical description, and picture of the individual;
- (7) An individual or entity serving as agent for service of process for the applicant. The following information shall be provided for the agent for service of process: full legal name, mailing address, primary contact phone number, and email address;
- (8) A complete list of every owner of the applicant entity. Each individual owner shall submit the following information:
 - (i) Full legal name;
 - (ii) Title within the applicant entity;
 - (iii) Home address;

- (iv) Primary phone number;
- (v) Email address;
- (vi) Date ownership interest in the applicant entity was acquired;
- (vii) Percentage of the ownership interest held in the applicant entity by the owner;
- (viii) A list of all the valid licenses, including license type(s) and license number(s), from the department and other cannabis licensing authorities that the owner is listed as either an owner or financial interest holder;
- (ix) A copy of their government-issued identification. Acceptable forms of identification are a document issued by a federal, state, county, or municipal government that includes the name, date of birth, physical description, and picture of the person, such as a driver's license or passport.
- (x) For applicants that are a cannabis cooperative as defined by Division 10, Chapter 22 (commencing with section 26220) of the Business and Professions Code, identification of all members.
- (xi) Evidence that the applicant entity has the legal right to occupy and use the proposed location.
- (xii) Evidence of enrollment with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs or written verification from the appropriate board that enrollment is not necessary;
- (xiii) Evidence that the applicant has conducted a hazardous materials

record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;

- (xiv) For indoor and mixed light license types, identification of all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation;
- (xv) Identification of all water sources used for cultivation activities and the estimated volume of water used on a monthly basis.
- (xvi) An attestation that the local fire department has been notified of the cultivation site if the applicant entity is an indoor license type;
- (xvii) If construction is proposed, Building Elevations shall be submitted

(9) Project description:

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

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

- (i) This section shall include a map of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool on the lot of record of land or within

200 feet of the lot of record and a 100-foot setback from

- (ii) The use of fertilizer shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge.
- (iii) The use of pesticides shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full 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.
- (c) Streambed Alteration Permit obtained from the Department of Fish and Wildlife.
- (d) Copy of County of Lake well permit, state well permit, or well logs.
- (e) If the lot of record is zoned TPZ, or involves conversion of timberland, a copy of less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL- FIRE. Alternately for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE.
- (viii) Other pertinent information as required by the Director.
- (12) A Management Plan section Described in subsection 3 below.

e. Minor and Major Use Permit required findings

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

- (1) The proposed use complies with all development standards described in Section 1. i.
- (2) The applicant is qualified to make the application described in Section 1.ii.(g).
- (3) The application complies with the qualifications for a permit described in Section 1.ii. (i).

(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 contaminants 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 is closed and equipment is removed.
- (f) The applicant shall prepare an odor response program that includes (but is not limited to):
 - a. Designating an individual(s) who is/are responsible for responding to odor complaints 24 hours per day/seven (7) days a week, including holidays.
 - b. Providing property owners and residents of property within a 1,000 foot radius of the cannabis facility, with the contact information of the individual responsible for responding to odor complaints.
 - c. Policies and procedures describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint.
 - d. The description of potential mitigation methods to be implemented for reducing odors, including add-on air pollution control equipment.
 - e. Contingency measures to mitigate/curtail odor and other emissions in the event the methods described above are inadequate to fully prevent offsite nuisance conditions.

ii. Grounds.

- (a) The permittee shall establish and implement written procedures to ensure that the grounds of the premises controlled by the permittee are kept in a condition that prevents the contamination of components and cannabis products. The methods for adequate maintenance of the grounds shall include at minimum:
 - a. The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass so that the premises shall not constitute an attractant, breeding place, or harborage for pests.
 - b. The proper maintenance of roads, yards, and parking lots so that these areas shall not constitute a source of contamination in areas where cannabis products are handled or transported.
 - c. The provision of adequate draining areas in order to prevent contamination by seepage, foot-borne filth, or the breeding of pests due to unsanitary conditions.
 - d. The provision and maintenance of waste treatment 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.
 - (i) At a minimum, permitted premises shall have a complete digital video surveillance system with a minimum camera resolution of 1080 pixel. The video surveillance system shall be capable of recording all pre-

determined surveillance areas in any lighting conditions.

- (ii) The video surveillance system shall be capable of supporting remote access by the permittee.
- (iii) To the extent reasonably possible, all video surveillance cameras shall be installed in a manner that prevents intentional obstruction, tampering with, and/or disabling.
- (iv) Areas that shall be recorded on the video surveillance system include, but are not limited to, the following:
 - (a) The perimeter of the cannabis cultivation site and cannabis nursery,
 - (b) Areas where cannabis or cannabis products are weighed, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises;
 - (c) Areas where cannabis is destroyed;
 - (d) Limited-access areas;
 - (e) Security rooms;
 - (f) Areas containing surveillance-system storage devices, in which case, at least one camera shall record the access points to such an area; and
 - (g) The interior and exterior of all entrances and exits to the cannabis cultivation sites and cannabis nursery including all buildings where cannabis or 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 events. Time is to be measured in accordance with the U.S. National Institute Standards and Technology standards. The displayed date and time shall not significantly obstruct the view of recorded images

(7) Fences

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

iv. Storm Water Management

- (a) Intent: To protect the water quality of the surface water and the stormwater management systems managed by Lake County and to evaluate the impact on downstream property owners. All permittees shall manage storm water

runoff to protect downstream receiving water bodies from water quality degradation.

- (b) All cultivation activities shall comply with the California State Water Board, the Central Valley Regional Water Quality Control Board, and the North Coast Region Water Quality Control Board orders, regulations, and procedures as appropriate.
- (c) Outdoor cultivation, including any topsoil, pesticide or fertilizers used for the cultivation 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.
- (d) 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.
- (e) All permittees shall prepare a Storm Water Management Plan based on the requirements of the California Regional Water Quality Control Board Central Valley Region or the California Regional Water Quality Control Board North Coast Region. In addition to those requirements, the plan shall include:
 - a. Identification of any Lake County maintained drainage or conveyance system that the stormwater is discharged into and documentation that the stormwater discharge is in compliance with the design parameters of those structures;
 - b. Identification of any public roads and bridges that are downstream of the discharge point and documentation that the stormwater discharge is in compliance with the design parameters of any such bridges;
 - c. Documentation that the discharge of stormwater from the site will not increase the volume of water that historically has flow onto adjacent properties;
 - d. Documentation that the discharge of stormwater will not increase flood elevations downstream of the discharge point;
 - e. Documentation that the discharge of stormwater

will not degrade water quality of any water body;

- f. Documentation of compliance with the requirements of Chapter 29, Storm Water Management Ordinance of the Lake County Ordinance Code;
- g. Describe the proposed grading of the property;
- h. Describe the storm water management system;
- i. Describe the best management practices (BMPs) that will be used during construction and those that will be used post-construction. Post-construction BMPs shall be maintained through the life of the permit; and
- j. Describe what parameters will be monitored and the 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 to utilize the water source, and have a written agreement between the property owner of the site where the source is located and the permitted activity agreeing to the use of the water source and all terms and conditions of that use.
- (c) Permittee shall not engage in unlawful or unpermitted drawing of surface water.
- (d) 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.
- (e) Where a well is used, the well must be located on the premises, an adjacent parcel or piped through a dedicated easement. The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed and monitoring begun 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.

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

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

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

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

4. Compliance monitoring

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

5. Annual Reports

i. Performance Review

- (a) All cannabis permittees shall submit a "Performance Review Report" on an annual basis from their initial date of operation for review and approval by the Planning

Commission. The Planning Commission may delegate review of the annual Performance Review Report to the Director at the time of the initial hearing or at any time thereafter. This annual "Performance Review Report" is intended to identify the effectiveness of the approved minor or major use permit, Operations Manual, Operating Standards, and conditions of approval, as well as the identification and implementation of additional procedures as deemed necessary. In the event the Planning Commission identifies problems with specific Performance Review Report that could potentially lead to revocation of the associated minor or major use permit, the Planning Commission may require the submittal of more frequent "Performance Review Reports."

- (b) Pursuant to sub-section 5. i. above, the premises shall be inspected by the Department on an annual basis, or less frequently if approved by the Director. A copy of the results from this inspection shall be given to the permittee for inclusion in their "Performance Review Report" to the Department.
- (c) Compliance monitoring fees pursuant to the County's adopted master fee schedule shall be paid by permittee and accompany the "Performance Review Report" for costs associated the review of the report by County staff.
- (d) Non-compliance by permittee in allowing the inspection by the Department, or refusal to pay the required fees, or noncompliance in submitting the annual "Performance Review Report" for review by the Planning Commission shall be deemed grounds for a revocation of the development permit or use permit and subject the holder of the permit(s) to the penalties outlined in this Code.

6. Renewals

i. The following is required for permit renewal:

- (a) An application for renewal shall be submitted to the Department prior to the annual anniversary. Failure to submit an application for renewal by that date may result in the expiration of the permit.
- (b) Applications: Applicants shall complete an application form as prescribed by the Director and pay all fees as established by resolution by the Board of Supervisors.
- (c) The following documentation in electronic format is required for application for renewal:

- a. A copy of all licenses, permits, and conditions of such licenses or permits related to the project from state agencies as appropriate 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.
- b. A copy of all reports provided the County and State agencies as determined by the Director.
- c. A list of all employees on the premise during the past year and a copy of the background checks certification for each.
- d. Documentation that the applicant is still qualified to be an applicant.
- e. Any proposed changes to the use permit or how the site will be operated.
- f. Payment of all fees as established by resolution by the Board of Supervisors.

(d) The permit may be renewed if:

- a. Where there are no changes to the use permit or how the site will be operated:
 - (1) The original 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.
- 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. The Community Development Department is directed to prepare the report to effectuate this zoning ordinance text amendment.

RESOLUTION OF INTENT-

This Resolution was passed by the Planning Commission of the County of Lake at a regular meeting held on the 25 day of APRIL, 2019, by the following vote:


AYES: **BROWN, CAMACHO, SUENRAM, HESS**

NOES:

ABSENT OR NOT VOTING: **MALLEY**

SO ORDERED:

APPROVED AS TO FORM:



NICOLE JOHNSON

Deputy County Counsel

COUNTY OF LAKE



Chair, Planning Commission

APPROVED AS TO FORM:

Community Development Department

By: 