ARTICLE 27

SEC. 21-27 USES GENERALLY PERMITTED.

27.1 Purpose: All uses listed in this Article and all matters related thereto, are declared to be uses possessing characteristics of unique and special form as to make their use acceptable in one or more districts upon issuance of a zoning permit, minor or major use permit in addition to any required building, grading or health permits. (**New Table A, Ord. No. 1749, 7/7/1988; Ord. No. 1820, 5/11/1989; Ord. No. 2536, 8/31/2000; Ord. No. 2594, 07/25/2002)**

27.2 Uses generally permitted with a zoning permit: Uses listed in Table A are permitted in the zoning districts indicated upon issuance of a zoning permit in the case of the symbol "λ" pursuant to the provisions of Section 27.3 and Article 49.

27.3 Conditions required of uses permitted by a zoning permit:

(a) Accessory residence to a commercial use:

1. The accessory residence shall be constructed concurrently with, or subsequent to the construction of the commercial building and shall be an accessory use to the principal commercial building or use in terms of duration or size.

2. A combination office, accessory residence, or an accessory residence utilized as an office may be located in the front one-half of the lot, subject to the development standards of the base district. **(Ord. No. 1749, 7/7/1988)**

3. If detached, the accessory residence shall be located on the rear one half (1/2) of the lot and at least ten (10) feet from any commercial building or dwelling on the same lot, or any adjacent lot. If attached, the accessory residence shall be to the rear of the principal commercial building or on a second or higher floor.

4. The accessory residence must be provided with a minimum of two hundred (200) square feet of usable private open space, in the form of enclosed yard, decks, or balconies, not including any required yard area.

5. Fire and vehicular access to the accessory residence of at least twelve (12) feet in width must be provided from a street or alley of a minimum width of twenty (20) feet.

6. The accessory residence must be provided with a separate means of ingress and egress to the ground outside of the building when the accessory residence is an integral part of a business structure.

7. The accessory residence shall comply with the development standards of the zoning district and the performance standards of Article 41

Section. 27.2 Table A. Uses Generally Permitted with a Zoning Permit ● -Zoning Permit Standards Included in Subsections 27.3(a) thru (y)

Special Uses	APZ	A	TPZ	RL	RR	SR	R1	R2	R3	C1	C2	C3	CR	CH	M1	M2	MP	PDR	PDC	O	W	U
(a) Accessory Residence [1, 4, 5]									●	●	●	●	●	●	●	●	●		●			
(b) Ag.- Family Dwelling [1]	●	●	●															●				
(c) Bed and Breakfast [3]	●	●		●	●	●	●	●	●				●	●				●				
(d) Christmas Tree Sales [1]	●	●	●	●	●					●	●	●		●	●			●	●			
(e) Dam or Reservoir, Small [1]	●	●	●	●	●	●						●	●	●	●	●	●	●	●	●		
Dam or Reservoir, Medium [1]	●	●	●																			
(f) Drop-off Recycling Center [1]											●	●		●	●	●						
(g) Farm Labor Quarters [1, 4]	●	●	●	●	●													●	●			●
(h) Granny Unit [1, 3, 8]				●	●	●	●	●										●				●
(i) Guest House [1, 2, 4, 8]	●	●	●	●	●	●	●											●				●
(j) Home Occupation [1, 6]	●		●	●	●	●	●	●										●				●
(k) Newspaper Distribution Center					●					●	●	●		●	●	●	●					
(l) Produce Stand [1, 5]	●	●	●	●	●	●												●	●	●		●
(m) Residential Second Unit [1]				●	●	●	●	●											●			●
(n) Rummage Sale, Non-Profit	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●				●			●
(o) Special Outdoor Event, Non-Profit		●		●	●	●				●	●	●	●	●	●				●			
(p) Temporary Dwelling [1, 3, 5, 8]	●	●	●	●	●	●	●	●										●				●
(q) Temporary Office [1]										●	●	●	●	●	●	●	●		●			
(r) Temporary Construction Office [1]	●	●	●	●	●	●	●	●	●	●	●	●			●	●	●	●	●	●		●
(s) Temporary Sales Office [1]				●	●	●	●	●	●	●	●	●			●	●	●	●	●			●
(t) Wind Energy Conversion Systems[2]	●	●	●	●	●	●									●	●	●	●	●			●
(u)Temporary Sales From a Vehicle[1]	●	●		●						●	●	●		●								●
(v) Vendor's Permit [1]										●	●	●	●		●				●			●
(w) Wireless Communication Facilities, Temporary [7]	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
(x) Farmers' Market[8]		●								●	●	●	●	●								
(y) Emergency Shelter[9]												●										

(1.Ord. No. 1749, 7/7/1988; 2. Ord. No. 1820, 05/11/1989; 3. Ord. No. 1897, 12/7/1989; 4. Ord. 1974, 12/20/1990; 5. Ord. No. 2128, 1/14/1993; 6. Ord. No. 2172, 08/12/1993; 7. Ord. No. 2594, 07/25/2002; 8. Ord. No. 2618, 02/27/2003; 8. Ord. No. 2947, 5/3/2011, 9. Ord. No. 3021, 12/16/2014, 10. Ord 3073, 4/19/2018)

Special Uses	APZ	A	TPZ	RL	RR	SR	R1	R2	R3	C1	C2	C3	CR	CH	M1	M2	MP	PDR	PDC	O	W	U
(z) Adult Personal Use, Qualified Patient, and Primary Caregiver Cannabis Cultivation[10]	●	●	●	●	●	●	●	●	●									●				

8. One (1) parking space shall be provided for the exclusive use of the accessory residence in addition to the parking requirements of the commercial building or use.

9. Accessory residences in the "R3", "C1", "C2", "CR", "CH" and "PDC" districts shall meet the minimum residential construction standards of the "R1" district, Section 10.20, except for foundations required in 10.20(c). Accessory residences in the "C3", "M1" and "M2" districts shall meet the minimum construction standards of the "MH" combining district, Section 32.11, except for foundations required in Section 32.11(c). **(Ord. No. 1974, 12/20/1990; Ord. No. 2128, 1/14/1993)**

(b) Agricultural family dwelling:

1. The agricultural family dwelling shall be incidental to the principal dwelling of the full-time operator in terms of size, and shall be located a distance not to exceed two hundred (200) feet from the main dwelling. Agricultural family dwellings may be located further than two hundred (200) feet from the main dwelling upon securing a minor use permit in each case. **(Ord. No. 1749, 7/7/1988)**

2. The parcel shall contain a minimum of forty (40) acres.

3. The agricultural family dwelling and any accessory structures shall comply with the development standards of the zoning district and the performance standards of Article 41.

4. The agricultural family dwelling shall not be leased, subleased, rented, or subrented to persons not directly involved in the agricultural operation.

5. One (1) parking space shall be provided for the exclusive use of the ag-family dwelling in addition to the parking requirements of the principal dwelling.

6. The provisions of this Subsection shall not apply to single-family dwellings or mobile homes established prior to the effective date of this ordinance. **(Ord. No. 1749, 7/7/1988)**

(c) Bed and breakfast:

1. A bed and breakfast shall contain no more than two (2) guest rooms used, designed or intended to be used, let or hired out for occupancy for one (1) or more guests.

2. Additions to an existing residence for the purpose of establishing a bed and breakfast shall be limited to fifteen (15) percent of the existing floor space of the residence.

3. Existing residences, new residences and any accessory structures shall comply with the development standards of the zoning district and the performance standards of Article 41.

4. The applicant shall comply with any fire and life safety requirements imposed by the County building official according to the Uniform Building Code and Uniform Fire Code.

5. A zoning permit for a bed and breakfast shall be valid for a period not to exceed five (5) years. Continuance of the use shall require reapplication for each successive five (5) year term. Such reapplication shall be filed with the Planning Department for approval prior to the date of zoning permit expiration.

6. Residential, commercial or agricultural accessory structures shall not be used for rental occupancy.

7. No cooking facilities shall be permitted in guest rooms and food service is limited to continental breakfasts served to guests only. No commercial or "Restaurant Act Kitchen" is permitted.

8. Signs shall be limited to one (1) three (3) square foot non-illuminated or indirectly illuminated attached or free-standing sign; except in the "R1" and "R2" districts, where signs shall be limited to one (1) two (2) square foot non-Illuminated attached or free-standing sign.

9. One (1) parking space per guestroom shall be provided for the exclusive use of the guests in addition to the parking requirements of the principal residence.

10. Bed and breakfasts in the "CR" and "CH" zoning districts not located in a dwelling unit existing prior to the effective date of this Ordinance shall be subject to all the provisions of Section 27.13(b). **(Ord. No. 1897, 12/7/1989)**

(d) Christmas tree sales:

1. Christmas tree sales including any accessory structures shall comply with the development standards of the zoning district.

2. No trees or advertising signs shall be displayed within the public right-of-way. Signs shall be subject to the provisions of Article 45.

3. High intensity lights of one thousand (1,000) watts or more used for night display shall be shielded or directed at the use area. **(Ord. No. 1749, 7/7/1988)**

4. There shall be an area reserved for loading and unloading of trees. Egress

and ingress shall be clearly marked.

5. There shall be a minimum of three (3) on-site parking spaces meeting the requirements of Article 46 provided for the exclusive use of the Christmas tree sales in addition to the parking requirements of the principal use or structure.

6. A zoning permit for Christmas tree sales shall only be valid between November 15 and January 2. Lots or parcels utilized for tree sales shall be cleared of such use by the date of permit expiration. Only one (1) sales permit per parcel per year is permitted. **(Ord. No. 1749, 7/7/1988)**

(e) Dam or reservoir, small: **(Ord. No. 1749, 7/7/1988)**

1. The proposed site of the small dam or reservoir shall not be identified on any U.S. Geological Survey map as a lake, marsh, or solid or broken "blue line" stream.

2. A small dam shall not exceed six (6) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier; a small reservoir is larger than one (1) acre foot and shall not exceed five (5) acre feet.

3. All dams or reservoirs shall be accompanied by a plan approved by the U.S.D.A., Soil Conservation Service or prepared by a registered civil engineer, except as provided in Subsection 4 or 5 below.

4. Excavated or embankment ponds under one (1) acre foot in capacity or dams less than three (3) feet in height need not include engineered plans or water rights determination.

5. Excavated ponds less than five (5) acre feet when constructed totally below natural grade and off watercourses need not submit engineered plans.

6. All dams or reservoirs shall be accompanied by a 1601 or 1603 permit issued by the State Department of Fish and Game if located on a stream.

7. The applicant shall apply to the State Department of Water Resources, Division of Water Rights for water rights determination or permit, except as provided in Subsection 4 above. The permittee shall file with the Planning Department all applicable water rights determinations or permits prior to construction of dam. **(Ord. No. 1749, 7/7/1988)**

(e cont.) Dam or reservoir, medium: **(Ord. No. 1749, 7/7/1988)**

1. The proposed site of the medium dam or reservoir shall not be identified on any U.S. Geological Survey Map as a lake, marsh, or solid or broken "blue line" stream.

2. A medium dam shall not exceed fifteen (15) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier; a medium reservoir shall not exceed fifteen (15) acre feet.

3. All applications for medium dams or reservoirs shall be accompanied by a detailed plan approved by the U.S.D.A., Soil Conservation Service or prepared by a registered civil engineer with assistance of a certified engineering geologist.

4. All applications for medium dams or reservoirs shall be accompanied by an approved 1601 of 1603 permit issued by the State Department of Fish and Game if located on a stream.

5. The applicant shall apply to the State Department of Water Resources, Division of Water Rights for water rights determination or permit. The permittee shall file with the Planning Department a favorable water rights determination or permit prior to issuance of grading or building permits for construction of a medium dam or reservoir.

(fa) Reverse vending machine: **(Ord. No. 1749, 7/7/1988)**

1. Reverse vending machines shall be an accessory use to a commercial or industrial district use.

2. Shall be located within thirty (30) feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation.

3. Shall not occupy parking spaces required by the primary use.

4. Shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height.

5. Shall be constructed and maintained with durable waterproof and rustproof material.

6. Shall be clearly marked to identify the type of material to be deposited, operating instruction, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

7. Shall have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions.

8. Shall be maintained in a clean, litter-free condition on a daily basis.

9. Operating hours shall be at least the operating hours of the host use.

10. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

11. Reverse vending machines located within an existing commercial or industrial building do not require a zoning permit.

12. Reverse vending machines not meeting one or more of these conditions may be approved upon first securing a minor use permit in each case. **(Ord. No. 1749, 7/7/1988)**

(fb) Small recycling center: **(Ord. No. 1749, 7/7/1988)**

1. Small recycling facilities shall be an accessory use to a commercial or industrial district use and include bulk reverse vending machines and mobile recycling units.

2. Shall be no larger than five hundred (500) square feet and occupy no more than five (5) parking spaces not including space that will be periodically needed for removal of materials or exchange of containers.

3. Shall be set back at least ten (10) feet from any street line and shall not obstruct pedestrian or vehicular circulation.

4. Shall be limited to the collection in separate containers of the following: metals, glass, aluminum or bi-metal cans, plastic containers, newsprint, cardboard, paper bags, clothing and small household items.

5. Shall not collect large or bulky items such as furniture, building materials, large appliances, auto parts or similar items.

6. Shall use no power-driven processing equipment except for reverse vending machines.

7. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, shall be of a capacity sufficient to accommodate materials collected and collection schedule, and be maintained in good repair so as not to be hazardous to the public or visually offensive.

8. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present.

9. Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

10. Noise levels shall not exceed the noise levels of Section 21-41.11.

11. Attended facilities located within one hundred (100) feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.

12. Containers for the 24-hour donation of materials shall be at least one hundred (100) feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.

13. Shall not be located in any required landscape, yard or setback area; nor be so located as to obstruct traffic or reduce sight distance at any driveway or intersection.

14. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One (1) space will be provided for the attendant, if needed.

15. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use by more than three (3) spaces.

16. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

17. Appurtenant signs, in addition to those required in condition 16, shall be limited to two (2) single-faced sixteen (16) square foot non-illuminated attached signs.

18. Small recycling centers not meeting one or more of these conditions may be approved upon first securing a minor use permit in each case **(Ord. No. 1749, 7/7/1988)**.

(g) Farm labor quarters:

1. One (1) mobile home or single-family dwelling meeting the minimum construction standards of Section 32.11 may be permitted for farm help employed principally on land owned by the owner of the building site for

each of the following agricultural uses conducted on the premises: **(Ord. No. 1749, 7/7/1988)**

i. Fifty (50) dairy or purebred cows or one hundred (100) beef cattle; or

ii. Twenty (20) acres of grapes, apples, pears, walnuts or prunes; or

iii. Twenty thousand (20,000) broiler chickens, fifteen thousand (15,000) egg-laying hens, or three thousand (3,000) turkeys; or

iv. Fifteen (15) brood mares; or

v. Wholesale nurseries with a minimum of either one (1) acre of propagating greenhouse, or three (3) acres of field-grown plant materials or containers; or

vi. Five hundred (500) sheep or two hundred fifty (250) goats; or

vii. At least fifty (50) dairy goats or hogs; or

viii. Any other agricultural use, or combination of uses, which the Planning Director, in consultation with the Agricultural Commissioner, determines to be of the same approximate agricultural value and intensity as (i) through (vii) above.

ix. Farm labor quarters for agricultural uses not meeting the criteria of (i) through (viii) above may be permitted upon first securing a major use permit in each case. The Review Authority shall find in each case that:

1. A bona-fide agricultural use operates on the site, and

2. That the qualifying agricultural use existed prior to application for the farm labor quarters, and

3. The owner of the property resides on the same parcel where the farm labor quarters will be located. **(Ord. No. 1749, 7/7/1988)**

2. Farm labor quarters shall comply with the development standards of the base zoning district, and combining district where applicable.

3. Parking shall be provided as required in Article 46.

4. Trailer coaches, mobile homes and single-family dwellings not meeting the minimum construction standards of Section 32.11 may be approved upon first securing a minor use permit in each case. The Review Authority shall review each minor use permit to insure that the proposed

quarters will be compatible with existing development through conditioning the permit, which may include conditions as to: size, screening, access, siting and construction standards for the proposed dwelling unit. **(Ord. No. 1749, 7/7/1988)**

5. Farm labor quarters are exempt from the foundation requirements of Section 21-32.11. **(Ord. No. 1974, 12/20/1990)**

(h) Granny unit:

1. A granny unit zoning permit may only be issued subsequent to or concurrently with the construction of the principal dwelling on the same parcel.

2. A granny unit shall meet the development standards of the zoning district (except as provided in Subsection 6 below) and the performance standards of Article 41.

3. The granny unit may be attached or detached from the principal dwelling, provide that all of the setbacks of the base zoning district applicable to the primary dwelling are met. **(Ord. No. 2886, 01/27/2009)**

4. A granny unit shall not be permitted on a lot in addition to a guest house, residential second unit or similar dwelling. If a granny unit has been approved on a lot, a guest house, residential second unit or similar dwelling shall not be permitted unless the granny unit is removed, or converted to another authorized use.

5. The gross floor area of the granny unit shall not exceed seven hundred and twenty (720) square feet on parcels with a net parcel size less than 40,000 square feet. On parcels of 40,000 square feet or larger net parcel size, the granny unit shall not exceed one thousand and eight (1,008) square feet. For the purpose of this Section, gross floor area shall not include garages and opened or covered porches, and net parcel size shall not include land serving as any road easement. **(Ord. No. 1749, 7/7/1988; Ord. No. 2618, 2/27/2003)**

6. In addition to the parking requirements of the principal residence, one (1) parking space shall be provided for the exclusive use of granny units that are 720 square feet or less in size, and two (2) parking spaces shall be provided for granny units that exceed 720 square feet. **(Ord. No. 2618, 2/27/2003)**
7. The granny unit shall contain kitchen and bathroom facilities separate from those of the principal dwelling.

(i) Guest house:

1. A guest house shall be an accessory structure consisting of a detached living quarter of permanent type of construction, located within two hundred (200) feet of the main building.

2. The guest house shall not contain provisions for kitchens. **(Ord. No. 1749, 7/7/1988)**

3. The guest house shall not be leased, subleased, rented, or subrented separately from the main dwelling.

3. The minimum gross floor area required for a guest house shall be two hundred (200) square feet, and shall not exceed a maximum of one thousand (1,000) square feet.

4. Vehicle access to the guest house shall be by way of the driveway of the main building and in no case shall a separate point of access be created to the adjoining road or highway.

5. One (1) parking space shall be provided for the exclusive use of the guest house in addition to the parking requirements of the principal residence.

6. Guest houses shall comply with the development standards of the zoning district (except as noted in Subsection 4 above) and the performance standards of Article 41.

8. A guest house shall not be permitted on a lot in addition to a granny unit, residential second unit, ag family dwelling, farm labor quarters or similar dwelling. If a guest house has been approved on a lot, a granny unit, residential second unit, ag family dwelling, farm labor quarters or similar dwelling shall not be permitted unless the guest house is removed, or converted to another authorized use. **(Ord. No. 1820, 5/11/1989)**

9. A hardship guest house with a temporary kitchen may be approved upon first securing a minor use permit in each case. Any minor use permit for a hardship guest house shall meet the following conditions **(Ord. No. 1749, 7/7/1988; Ord. No. 2618, 2/27/2003)**:

   i. Kitchen facilities shall be removed upon expiration of the permit.

   ii. The minor use permit shall be valid for a period of three (3) years or longer as determined by the Review Authority.

   iii. The permit shall expire upon any sale or transfer of the property.

   iv. A hardship guest house shall comply with all conditions pertaining to a guest house except condition 27.3(i)2. **(Ord. No. 1749, 7/7/1988)**

v. A mobile home approved for use as a hardship guest house shall not be located on a permanent foundation. **(Ord. No. 1974, 12/20/1990)**

10. The Review Authority granting a use permit for a hardship unit shall find, based on a physician's or other licensed health care professional's documentation, that a physical or mental impairment has resulted in the need for a supervised living environment for the impaired person. For a hardship guest house located in the "APZ", "A", or "TPZ" districts, physical impairment shall not include any respiratory, allergic, or other impairment incompatible with agricultural operations.
(Ord. No. 1749, 7/7/1988; Ord. No. 1820, 5/11/1989)

11. Notwithstanding Section 21-27.3(i)7., trailer coaches or mobile homes not meeting the minimum construction standards of Section 32.11 may be approved for a hardship guest house in the "A", "APZ", and "TPZ" districts upon a finding by the Review Authority that the proposed quarters will be compatible with existing development. The use permit may include conditions as to: Size, screening, access, siting and construction standards for the proposed dwelling unit.
(Ord. No. 1820, 5/11/1989)

(j) Home Occupation: **(Ord. No. 2172, 8/12/1993)**

1. The home occupation shall be strictly secondary and subordinate to the principal residential use and shall not change or detrimentally affect the residential, agricultural or rural character of the dwelling, premises, or neighborhood.

2. In the "R1" and "R2" districts and on lots of less than one (1) acre in the "SR" district, the home occupation shall be conducted only in the dwelling or attached garage, and not in any detached garage, storage shed, or accessory building. In other districts where home occupation is allowed, the home occupation shall be conducted entirely within the dwelling or an accessory structure that is incidental in size to the principal dwelling. **(Ord. No. 1749, 7/7/1988)**

3. Any structural alterations to the dwelling for the home occupation may be approved subject to the review and approval of the Planning Director, if consistent with the character of the area and the architecture of the building. **(Ord. No. 1749, 7/7/1988)**

4. In the "R1" and "R2" districts and on lots of less than one (1) acre in the "SR" district, the home occupation shall be conducted solely by the dwelling occupant(s) and no on-site employees shall be connected with the home occupation. In other zoning districts, on-site employees shall be limited to one (1) employee per two (2) acres and a maximum of five (5) employees.

5. Pick-up and deliveries to the premises by commercial carrier are limited to ten (10) per week.

6. One (1) non-illuminated sign shall be permitted. In the "R1" and "R2" zoning districts and on lots of less than one (1) acre in the "SR" district, signs shall not exceed one (1) square foot in area, and shall be mounted flat against the wall of the dwelling or on the face of a fence. In other zoning districts where home occupation is allowed, signs shall not exceed two (2) square feet in area and may be located anywhere on the parcel.

7. A maximum of eight (8) customers, clients, students, or other persons served by the home occupation(s) shall be permitted on the premises on any one (1) day, only between the hours of 8:00 a.m. and 8:00 p.m., and for no more than one (1) hour at a time. Exceptions to these time limits may be approved through the minor use permit process. Home occupations involving visits by customers, clients, students, or other persons served by the home occupation shall only be permitted in single-family dwellings. **(Ord. No. 1749, 7/7/1988)**

8. A home occupation shall not create any radio or television interference or create noise audible at the property line.

9. There shall be no outdoor storage of materials or supplies related to the home occupations.

10. In the "R1", "R2" and "SR" districts, other than vehicles associated with principal uses of the property, one (1) vehicle shall be permitted in connection with the home occupation not to exceed one and one-half (1-1/2) ton capacity. In other zoning districts where home occupation is allowed, a maximum of two (2) vehicles, not to exceed one and one-half (1-1/2) ton capacity each, shall be permitted. **(Ord. No. 1749, 7/7/1988)**

11. In addition to the on-site parking required for the principal residential use, on-site parking shall be provided for all vehicles connected with the home occupation. **(Ord. No. 2172, 8/12/1993)**

(k) <u>Newspaper distribution centers</u>:

1. Each individual newspaper publisher, distributor, or contractor proposing to establish a distribution center shall obtain a zoning permit.

2. Newspaper distribution centers for the distribution of bundled newspapers to carriers, including incidental folding, inserting, etc; shall not be located within two hundred (200) feet of any residence.

3. No new structures shall be permitted without application for a minor use permit.

4. The permittee shall supervise carriers so that the operation will not disturb the sleep of nearby residents. To this end, there shall be no outdoor music, no bright lights, no loud conversation, and no idling of vehicle motors; and the permittee shall closely monitor carriers and employees to insure strict adherence to all motor vehicle codes.

5. Access to any distribution center shall be by a paved public street.

6. The site shall be kept clear of any litter or debris.

7. The zoning permit for a newspaper distribution center shall be valid for a period of one (1) year. Application for extension of the zoning permit shall be in writing on the form provided by the Planning Department. Such application shall be made prior to the expiration of the current permit. The permit may be extended up to three (3) years per extension request. The Planning Director may require application for a use permit for extension of a zoning permit if after inspection or complaints indicate that the use may be objectionable by reason of production of emission of noise, offensive odor, smoke, dust, bright lights, vibration, or unusual traffic.

(l) Produce stand:

1. Only one (1) produce stand shall be permitted per lot.

2. A produce stand shall be permitted only if accessory to crop production on the same lot.

3. A produce stand may sell fruits, vegetables, nuts and cut flowers grown on the same lot or on other lots in the County; and may sell other agricultural products produced in the County such as eggs, honey or beeswax.

4. A produce stand may sell only those ornamental plants that are grown on the same lot as such stand is located.

5. No commodities other than those listed above may be sold from a produce stand.

6. The floor area of such stand shall not exceed four hundred (400) square feet. **(Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993)**

7. The produce stand shall not be located or maintained within thirty (30) feet of any public road, street or highway. This setback area shall be kept free to provide for off-street parking.

8. The produce stand shall be of a temporary nature and shall not be constructed with a permanent foundation.

9. Signs shall be limited to two (2) single-faced sixteen (16) square foot non-illuminated signs, attached to the stand. Sign dimensions shall not exceed four (4) feet. **(Ord. No. 1749, 7/7/1988)**

(m) Residential second unit:

1. A residential second unit, attached or detached, shall meet the development standards of the zoning district and the performance standards of Article 41.

2. No more than one (1) attached or detached residential second unit shall be permitted on any one lot.

3. The residential second unit shall not exceed the density of the Lake County General Plan.

4. A residential second unit shall not be permitted on a lot in addition to a guest house, granny unit or similar dwelling. If a residential second unit has been approved on a lot, a guest house, granny unit or similar dwelling shall not be permitted unless the residential second unit is removed, or converted to another authorized use.

5. The residential second unit shall contain kitchen and bathroom facilities separate from those of the principal dwelling.

6. **REPEALED (Ord. No. 1749, 7/7/1988)**

(n) Rummage sale, non-profit:

1. A rummage sale shall be limited to the sale of second-hand goods by individuals or non-profit organizations, including garage and yard sales which are open to the public and occur more than six (6) days per calendar year but not to exceed twelve (12) days per calendar year.

2. The permittee shall supervise all participants so that the sale will not disturb nearby residents. To this end, there shall be no outdoor or amplified music, no sales open to the public before 8:00 a.m. or after 6:00 p.m., no continuous operation of gas-powered equipment, and no sales of live animals or pets.

3. The site shall be kept clear of any litter or debris and returned to its original condition, unless alternative measures have been approved by the Planning Director.

4. A rummage sale shall not be located so as to obstruct traffic or reduce sight distance at any driveway or intersection.

5. Two (2) signs shall be permitted for individuals limited to two (2) square feet in area each, non-illuminated, and in-place only during the sale; signs for non-profit organizations shall be limited to thirty-two (32) square feet in area, non-illuminated, and in-place only during the sale.

6. Applicants shall provide a parking plan which provides for sufficient numbers of parking spaces, adequate access and circulation, for review and approval by the Planning Director.

7. A rummage sale shall not reduce the number or usability of parking spaces for other uses on the site below the minimum required by the base zoning district or as required by use permit, unless such sale is conducted during a time when all other uses on the site are closed to the public.

8. The rummage sale zoning permit shall be valid for one (1) calendar year or twelve (12) days of actual sale, whichever occurs first. The permit may be extended on a year to year basis upon submittal of an application for extension. The Planning Director may require application for a use permit for extension of a zoning permit if after inspection or complaints indicate that the use may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, unusual traffic, or involve the handling of explosives or dangerous materials.

(o) Special outdoor event, non-profit:

1. A special outdoor event shall include but not be limited to outdoor activities such as street dances, craft fairs, sporting events, harvest festivals, open-air plays, sidewalk or parking lot sales when sponsored by an individual(s) or non-profit organizations and not to exceed three (3) days duration. Special outdoor event shall not include events held by individual(s) or non-profit organizations which occur on land specifically designed for such events, including but not limited to sporting stadiums, race tracks, and fraternal lodge or club yard areas.

2. No more than three (3) special events per calendar year shall be permitted on the same site.

3. The permittee shall supervise all participants so that the special event will not disturb nearby residents.

4. The special event shall be limited to the hours of 7:00 a.m. to 10:00 p.m., not including all setting-up and taking-down of displays, booths, stages, sound and lighting equipment. Street dances shall be limited to approved house of operation.

5. Special events, excluding sporting events, shall not obstruct traffic or reduce sight distance at any driveway or intersection.

6. The applicant shall submit for each event the following plans for review prior to issuance of a special event zoning permit, unless waived by the Planning Director:

   i. Project description including estimated number of participants and spectators.

   ii. Parking and traffic control plan which provides for sufficient parking, circulation and access.

   iii. Solid and liquid waste disposal plan which provides for adequate means for solid and liquid waste disposal and removal.

   iv. Public safety, noise, crowd control, and emergency contingency plan(s).

7. The site shall be kept clear of any litter or debris and shall be returned to its original condition upon completion of each event unless alternative measures have been approved by the Planning Director.

8. A special event shall not reduce the number or usability of parking spaces for other uses on the lot below the minimum required by the zoning district or as required by use permit, unless such event is scheduled to occur during a time when all other uses on the site are closed to the public.

9. The permit may be extended up to three (3) years per request upon application at the Planning Department. The Planning Director may require application for a use permit for extension of a zoning permit if inspection or complaints indicate that the use may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, unusual traffic, or involves the handling of explosives or dangerous materials.

(p) Temporary dwelling:

1. One (1) trailer coach, recreational vehicle, mobile home or single-family dwelling may be used as a temporary dwelling unit for a period of time not to exceed one (1) year during the construction of a dwelling unit on the same lot. In the case of a manufactured home installation, the temporary dwelling unit may be used for a period of time not to exceed three (3) months. **(Ord. No. 2128, 1/14/1993; Ord. No. 2618, 2/27/2003)**

2. Applicants for a temporary dwelling zoning permit shall, prior to issuance of a zoning permit:

   i. Obtain a building permit for the principal dwelling unit.

ii. Obtain building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary dwelling.

iii. If the principle dwelling will be constructed on site, install the foundation or waste discharge system for said dwelling. If the principal dwelling will be a manufactured home, install the waste discharge for said home. **(Ord. No. 2618, 2/27/2003)**

iv. Obtain a demolition permit from the County for the removal of the temporary dwelling if it is an existing mobile home on the site. If the temporary dwelling is an existing single-family dwelling, obtain a building permit for its demolition or conversion to another use. Mobile homes may not be converted to another use. **(Ord. No. 2128, 1/14/1993; Ord. No. 2618, 2/27/2003)**

3. The temporary dwelling shall be removed from the lot if it is a mobile home, or disconnected from water, waste discharge system and electrical services if it is a recreational vehicle, within forty-five (45) days of completion of the home or approval of an occupancy permit for the principal dwelling by the County, whichever is earlier, but not to exceed three (3) months in case of a manufactured home. **(Ord. No. 2618, 2/27/2003)**

4. To determine compliance with Subsection 3 above, the applicant shall obtain an inspection of the property upon completion of the principal dwelling unit, within one (1) year of the issuance of the zoning permit in the case of a principal dwelling constructed on site, or within three (3) months in the case of a manufactured home. **(Ord. No. 2618, 2/27/2003)**

5. If the principal dwelling is constructed on site, two (2) extensions of a temporary dwelling zoning permit may be issued on the same lot, each for an additional one (1) year period, upon application in writing for an extension. If the principal dwelling is a manufactured home, one (1) extension of the temporary dwelling zoning permit may be issued on the lot, for an additional three (3) month period. Application for extension shall be subject to the same procedures and requirements as the original zoning permit as specified in Subsections 1 through 4 above. **(Ord. No. 1749, 7/7/1988; Ord. No. 2618, 2/27/2003)**

6. Application for an extension shall be accompanied by evidence of valid building permits and evidence of substantial progress of construction, which may be photographs or an inspection report from the County. **(Ord. No. 1897, 12/7/1989; Ord. No. 2618, 2/27/2003)**

7. A temporary dwelling shall meet the performance standards of Article 41 and all development standards of the zoning district except for the minimum residential construction standards.

(q) Temporary office:

1. One (1) commercial coach-mobile home may be used as a temporary office for a period of time not to exceed one (1) year during the construction of a commercial office on the same site.

2. Applicants for a temporary office zoning permit shall, prior to issuance of a zoning permit:

   i. Obtain a building permit for the principal structure.

   ii. Obtain building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary office.

   iii. Install the foundation or waste discharge system for the principal office.

3. The temporary office shall not be permanently attached to the ground and shall be of such a size that it is readily removable.

4. The temporary office shall be removed from the site within forty-five (45) days of completion of the office or commercial building, or approval of an occupancy permit for the principal structure by the County Building Department, but not to exceed one (1) year from the issuance of the zoning permit.

5. The applicant shall obtain an inspection permit for the inspection of the property upon completion of the principal structure, but no later than one (1) year after the issuance of the zoning permit to determine compliance with Subsection 4 above.

6. Two (2) extensions of a temporary office zoning permit may be issued on the same site for an additional one (1) year period upon application in writing for an extension. Applications for extension shall be subject to the same procedures and requirements as the original zoning permit as specified in Subsections 1 through 4 above. **(Ord. No. 1749, 7/7/1988)**

7. Application for an extension shall be accompanied by evidence of valid building permits and evidence of substantial progress of construction, which may be photographs or an inspection report from the County Building Department.

8. A temporary office shall meet the development standards of the zoning district but need not meet the general performance standards of Article 41.

(r) Temporary construction office:

1. One (1) commercial coach-mobile home may be used as a temporary construction office during a construction project approved pursuant to the requirements of this Chapter.

2. Applicants for a temporary construction office zoning permit shall obtain building and health permits, as applicable, for the inspection of the water supply, waste discharge system and electrical installation for the temporary construction office.

3. The temporary construction office shall not be permanently attached to the ground and shall be of such a size that it is readily removable.

4. All uses shall be conducted within the temporary construction office, and no outdoor storage or work areas shall be authorized by the temporary construction office zoning permit, except for trash storage containers.

5. Signs shall meet the requirements of Article 45.

6. The permit shall expire after either: 1) the project has been completed; or 2) the contractor has completed the contract or the contract between the County and the occupant has been terminated; or 3) three (3) years after its issuance, whichever is earlier. **(Ord. No. 1749, 7/7/1988)**

7. The temporary construction office shall be removed from the site within forty-five (45) days after the completion of the project, vacation by the occupant, termination of the contract, or expiration of the permit, whichever is earlier.

(s) <u>Temporary sales office for an approved subdivision</u>:

1. The sales office may be located either on one of the proposed lots of a subdivision upon approval by the Planning Commission of a tentative subdivision map or on one of the recorded lots in a subdivision of the same subdivider in the immediate vicinity.

2. The sales office shall not be permanently attached to the ground and shall be of such a size that it is readily removable unless it is within some portion of a model home, other than the garage, or unless the Planning Commission has approved its conversion to a permanent use.

3. So long as it is used as a sales office, it shall not be used for any purpose other than the sale of lots in the particular subdivision within which it is located or for the sale of lots in a subdivision of the same subdivider in the immediate vicinity.

4. The garage of a model home may be used for the sales office subject to conversion of the tract office to a garage at the expiration of the permit.

No occupancy of the model home for dwelling purposes shall be permitted until the office has been removed or a covered space is provided for the dwelling unit.

5. The permit shall expire after either: 1) initial sales have been made of all lots within the tract within which it is located or all lots in a subdivision of the same subdivider in the immediate vicinity; or 2) three (3) years after its issuance, whichever is earlier. The permit may be extended by the Planning Director upon application of the subdivider for good cause shown. **(Ord. No. 1749, 7/7/1988)**

(t) Wind energy conversion system, (WECS):

1. One (1) wind energy conversion system (WECS) shall be permitted per lot. More than one (1) WECS per lot or a WECS which cannot meet the standards of this Subsection shall require a major use permit pursuant to Section 27.14(ai).

2. The WECS shall not exceed one hundred fifty (150) feet in tower height or seven hundred six (706) square feet of rotor (30' diameter).

3. The WECS shall be set back a minimum distance of one and one-quarter (1¼) times the total height of the structure from any lot line and a minimum of ten (10) feet from any other structure on the property.

4. The minimum height of the lowest part of the blade tips shall be thirty (30) feet above the maximum building height limit of the base zoning district or thirty (30) feet above all structures or trees within a (200) foot radius. WECS which convert kinetic energy of wind into mechanical energy to pump water shall have a minimum clearance of fifteen (15) feet from the lowest extension of the blade tip to the ground.

5. Lattice or other towers capable of being climbed shall have:

   i. Tower climbing apparatus located not closer than twelve (12) feet from the ground; or

   ii. A locked anti-climb device installed on tower; or

   iii. The tower shall be completely enclosed by a locked protective fence at least six (6) feet in height.

6. A WECS capable of causing radio or television interference shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause interference with radio and/or television broadcasting or reception.

7. All WECS shall meet the manufacturer's specifications which certify that the WECS are equipped with a braking system, blade pitch control and/or other mechanisms for rotor control and have both manual and automatic overspeed controls.

8. Noise emitted from any WECS shall not exceed fifty-five (55) dBA Ldn at any lot line.

(u) Temporary sales from a vehicle: **(Ord. No. 1749, 7/7/1988)**

1. An application for a zoning permit for temporary sales from a vehicle shall be subject to all the conditions of Section 21-27.13(ai), except conditions 5 and 17.

2. Prior to approval of the zoning permit, an application for a minor use permit for temporary sales from a vehicle shall be accepted as complete by the Planning Department.

3. The zoning permit for temporary sales from a vehicle shall be valid for a period of forty-five (45) days.

4. Only one (1) zoning permit for temporary sales from a vehicle may be issued in a calendar year to any vendor or on any single site. **(Ord. No. 1749, 7/7/1988)**

(v) Vendor's permit: **(Ord. No. 1749, 7/7/1988)**

1. Applications for a vendor's permit shall be accompanied by photos or renderings of sales structure(s) to be used.

2. The application shall specify all locations where sales are proposed.

3. The application shall be accompanied by an itinerant business permit, if applicable, for the proposed use issued by the Sheriff pursuant to Chapter 11 of the Lake County Code.

4. An application involving the sale of any prepared food, seafood, snack bars, pre-packaged food, approved unpacked food, or similar food item for retail sale, or distribution at no cost, shall be accompanied by a food service or food facility permit issued by the Lake County Health Department pursuant to the requirements of the California Uniform Building Code; except as waived for non-profit organizations.

5. Up to two (2) vendors permits may be permitted per lot.

6. Hours of operation shall be limited to the hours between 8:00 a.m. and 10:00 p.m., daily.

7. Vendors permits may be issued for the retail sale of items such as flowers, balloons, and souvenirs; including vendors of foods such as hot dogs, sandwiches, cotton candy, snow cones, ice cream; and including newsstands.

7. Only two (2) carts, push carts, stands, trailers, kiosks or similar sales structures not exceeding one hundred sixty (160) square feet in area shall be used in conjunction with a vendor's permit. **(Ord. No. 1749, 7/7/1988)**

(w) Wireless Communication Facilities, Temporary: **(Ord. No. 2868, 7/10/2008)** Refer to Section 71.5 of the Zoning Ordinance.

(x) Farmers' Market: **(Ord. No. 2947, 5/3/2011)**

1. A zoning permit for a farmers' market, subject to conditions two (2) through twelve (12), may be issued when one of the following conditions is satisfied as determined by the Community Development Director. Applications not meeting one of these conditions shall require a minor use permit.

   i. The site is commercially zoned and has adequate facilities to accommodate the anticipated peak load of customers, including parking, circulation and fire suppression; or

   ii. The site is zoned Agriculture and has an existing, permitted winery or agricultural service establishment with adequate facilities to accommodate the anticipated peak load of customers.

2. Activities permitted are: Outdoor sales of produce, food products, plants and flowers. Non-food or non-vegetative product booths may comprise no more than 15% of the total sales area. Farmers' markets not meeting these standards may be applied for as Commercial Rummage Sales [27.13(ae)].

3. Sales of food items shall comply with the requirements of the Health Department and Agricultural Commissioner. Certification of any farmers'

market shall be issued by the Agricultural Commissioner pursuant to the California Department of Food and Agriculture Code of Regulations. The permit holder shall ensure that all vendors have obtained any required permit.

4. All sales activities shall be located in areas that are maintained as dust-free. No sales activities or parking shall be permitted within any road or highway right-of-way.

5. The farmers' market shall be limited to one (1) day of operation per week.

6. Hours of operation shall be limited to the hours between 8:00 a.m. and 8:00 p.m., daily. Set-up and take-down of displays and booths may extend beyond these hours, but must be completed the same day.

7. The site shall be kept clear of any litter or debris and shall be returned to its original condition upon completion of each event unless alternative measures have been approved by the Community Development Director.

8. Access to the farmers' market and parking area shall be provided by a driveway or driveways consistent with County standards for distance from street corners or other driveways, and width.

9. Temporary on-site signs shall be limited to one single-sided or double-sided sign, including sandwich signs, no larger than 24 square feet per face. Temporary signs shall be allowed for the duration of the farmers' market season. Permanent on-site and off-site signs shall be allowed pursuant to Article 45 of this Code.

10. No on-site or off-site signs shall be placed within any road or highway right-of-way.

11. Trash receptacles shall be provided for disposal of trash on the site. The site shall be cleared of all trash immediately following each day of sale.

12. The farmers' market zoning permit shall be valid for two (2) years and may be extended up to two (2) years per request upon application with the Community Development Department. The Community Development Director may require application for a minor use permit for extension of a zoning permit if after inspection or complaints indicate that the use may be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, unusual traffic, or involves the handling of explosives or dangerous materials.

(y) <u>Emergency Shelter:</u> **(Ord. No. 3021, 12/16/2014)**

1. Purpose. The purpose of these regulations is to establish standards to ensure that the development of emergency shelters (shelters) does not

adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety and general welfare of the nearby residents and businesses. These performance standards shall apply to all shelters. A use permit is required to establish a shelter that does not meet the location, development, and/or operational standards of this section or that would provide more beds than allowed by this section.

2. Location. A shelter may be established in any "C3" Service Commercial District; provided, that the property boundaries are located more than three hundred (300) feet from any other shelter (measured from property line to property line) unless it is separated there from by a state highway.

3. Maximum Number of beds. A maximum of twenty-four beds may be provided.

4. Property Development Standards. The development shall conform to all property development standards of the C3 zoning district, as well as Sections 21-41, 21-45, 21-46.10, and 21-53.

5. Length of Stay. The maximum length of stay at the facility shall not exceed one hundred twenty days in a three-hundred-sixty-five day period.

6. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge. Hours of operation must be prominently posted on site. Clients shall be admitted to the facility between six p.m. and eight a.m. during Pacific Daylight Time and five p.m. and eight a.m. during Pacific Standard Time. All clients must vacate the facility by eight a.m. and have no guaranteed bed for the next night. Clients using optional Facilities/Services may remain onsite outside of these hours.

7. Onsite Parking. Onsite parking shall be provided in the ratio of one space for every six adult beds or one-half space per bedroom designated for family units with children. One space shall be provided for each manager/staff member. Bike rack parking shall also be provided by the facility.

8. Lighting. Adequate exterior lighting shall be provided for security purposes. The lighting shall be stationary and shielded/down lit away from adjacent properties and public right of way.

9. Required Facilities. Shelters shall provide the following facilities.

    i. Indoor client intake/waiting area of at least one hundred square feet. If an exterior waiting area is provided, it shall not be located adjacent to the public right of way and shall be visibly separated from public view by minimum six foot tall visibly screening

mature landscaping or a minimum six foot tall decorative masonry wall. Provisions for shade and or rain protection shall be provided.

ii. Interior and or exterior common space for clients to congregate shall be provided on the property at a ratio of not less than fifteen square feet per client, with a minimum overall area of one hundred square feet. Common space does not include intake areas.

10. Optional Facilities/Services. Shelters may provide one or more of the following types of common facilities for the exclusive use of residents:

i. Central cooking and dining room/s) subject to compliance with county health department requirements. Only clients that have been guaranteed a bed shall be eligible for a meal.

ii. Recreation room.

iii. Counseling center.

iv. Child-care facilities.

v. Other support services intended to benefit homeless clients.

11. Shelter Management. The shelter provider or management shall demonstrate that they currently operate a shelter within the state of California or have done so within the past two years and shall comply with the following requirements:

i. At least two facility managers and or volunteers shall be on site and one shall be awake at all times the facility is open. The manager's area shall be located near the entry to the facility. Additional support staff shall be provided as necessary, to ensure that at least one staff member is provided in all segregated sleeping areas, as appropriate.

ii. An operational and management plan (plan) shall be submitted for review and approval by the Community Development Director. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, said plan shall contain provisions addressing the following issues:

(aa) Security and safety: Addressing both on and offsite needs, including provisions to ensure the security and separation of male and female sleeping areas, as well as any family areas within the facility.

(ab) Loitering/noise control: providing specific measures regarding operational controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on site and or when services are not provided.

(ac) Management of outdoor areas: including a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize disruption to nearby land uses. Smoking shall be allowed in designated areas only.

(ad) Staff training: with objectives to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income. At least one facility manager shall be CPR and First Aid certified.

(ae) Communication and outreach with objectives to maintain effective communication and response to operational issues which may arise in the neighborhood as may be identified by city staff or the general public.

(af) Adequate and effective screening: with the objectives of determining admittance eligibility of clients and providing first service to Lake County area residents.

(ag) Litter control: with the objective of providing for the regular daily removal of litter attributable to clients within the vicinity of the facility.

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

1. Definitions

i. 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.

ii. Cannabis: All parts of the plant *Cannabis sativa* (Linnaeus), *Cannabis indica*, or *Cannabis ruderalis*, or any hybrid thereof, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every

compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

iii. 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.

iv. Cannabis indoor cultivation: The cultivation of cannabis using light deprivation and/or artificial lighting below a rate of 25 watts per square foot.

v. 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.

vi. 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.

vii. Day care center: Has the same meaning as in Section 1596.76 of the California Health and Safety Code.

viii. Enforcement official: As used in this Article, shall mean the Lake County Sheriff, Community Development Director, Chief Building Official, Environmental Health Director, or any other official authorized to enforce local, state or federal laws.

ix. Fence: means a wall or a barrier connected by boards, masonry, rails, panels, wire or any other materials approved by the Community Development Department for the purpose of enclosing space or separating parcels of land. The term “fence” does not include retaining walls, plastic, tarp, bamboo coverings, corrugated

metal, or other materials not designed or manufactured for use as a fence.

x. 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.

xi. 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.

xii. 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.

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

xiv. 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.

xv. 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.

xvi. Premises: The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted.

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

xviii. 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.

xix. School: For the purpose of the cannabis regulations, school means any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

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

2. Enforcement

i. A violation of any provision of this Section or any condition of a County permit is subject to the enforcement and penalties provisions of Article 61.3 Arrest and Citation Powers and 61.4 Penalties of this Chapter.

ii. The use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this subsection; any condition dangerous to human life, unsafe, or detrimental to the public health or safety; and the existence of loud or unusual noises which are not already regulated through an approved use permit, or foul or noxious odors, not already regulated by the Lake County Air Quality Management District, which offend the peace and quiet of persons of ordinary sensibilities and which interferes with the comfortable enjoyment of life or property and affect the entire neighborhood or any considerable number of persons are declared to be a nuisance subject to the enforcement procedures of Chapter 13 of the Lake County Ordinance Code.

iii. Persons involved in unfair, dishonest, deceptive, destructive, fraudulent and discriminatory practices by which fair and honest competition is destroyed or prevented are subject to enforcement procedures of the California Unfair Practices Act (Business and Profession Code, Division 7. General Business Regulations, Part 2 Preservation and Regulation of Competition, Chapter 4. Unfair Trade Practices).

iv. A Zoning Permit may be revoked under the procedures set forth in section 21-60.10 Revocation of Permits.

3. Development Standards and Restrictions

i. The cultivation of cannabis for non-commercial Adult, Qualified Patient, and Primary Caregiver Use is an accessory use to an

existing, legal, permitted residential structure on a legal lot of record occupied by the qualified patient, primary caregiver, or the adult using the cannabis grown on-site.

ii. On a lot of record five (5) acres or less in size and all lots within community growth boundaries, 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, or a greenhouse with mixed light. Hoop-houses are not allowed. The area of the accessory building or grow room shall not exceed 100 square feet in size regardless of the number of adults, qualified patients, or primary caregivers living in the residence. For adult use cultivation, the number of accessory buildings or row rooms is limited to one (1) regardless of the number of adults residing in the residence. For qualified patients and primary caregivers' more than one accessory building or grow room is allowed but cannot exceed the number of qualified patients.

iii. On a lot of record greater than five acres in size outside community growth boundaries, the cultivation of cannabis shall be conducted either 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. 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. Hoop-houses are not allowed. For lots of record that are both within and outside a community growth boundary, such outdoor cultivation is only allowed on that portion outside the community growth boundary and which exceeds five acres in size.

iv. No outdoor cultivation outside of a greenhouse shall be located within 1,000 feet of:

(a) any public or private school, grades 1 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 the horizontal distance measured in a straight line from the property line of the school, park, rehabilitation facility, licensed child care facility, nursery school, or youth-oriented facility, to the closest property line of the lot of record on which the cannabis cultivation site is located.

v. 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.

vi. 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.

vii. The processing of cannabis includes the drying of cannabis and manufacturing that only utilizes processes that are either solventless 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.).

viii. 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.

ix. 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.

x. A greenhouse with mixed light shall have the ability to enclose the greenhouse at night to prevent the transmission of light beyond the greenhouse.

xi. 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.

xii. Single family dwelling, duplex, or triplex 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 located in an area which is fully enclosed by a fence at least six (6) feet in height. On lots greater than 5 acres where cannabis is cultivated outside of a greenhouse, the outdoor grow area 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.

(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) Comply with the base zoning’s setbacks.

(g) 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.

(h) Obtain a building permit before construction.

(i) Not exceed 100 square feet.

(j) Not create an odor, humidity or mold problem on the premises or on adjacent premises.

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

(l) Cultivation within any detached accessory structure that does not meet the definition of Indoor or within a greenhouse shall be considered outdoor cultivation.

(m) The number of accessory structures shall not exceed the number of qualified patients living in the single family, duplex, or triplex residential units. Only one accessory structure may be allowed on a lot of record with a single family, duplex, or triplex residential units for adult personal cannabis use regardless of the number of adults living in the residential units.

xiii. Apartment or manufactured home park accessory use:

(a) 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 shall:

a. Obtain a zoning permit and building permit before construction.

b. Be located on the same lot of record as the residence occupied by the qualified patient, primary care giver, or the adult using the cannabis grown on-site.

c. Be located in an area which is fully enclosed by an opaque (not transparent or translucent) fence at least six (6) feet in height. 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.

d. Be secure against unauthorized entry and accessible only through lockable doors. If the accessory use is

designed as a cultivation area or grow room, each such area shall have a separate entry and lock.

e. Be equipped with an odor-control filtration and ventilation system(s) adequate to prevent cannabis plant odors from exiting the interior of the structure.

f. Be painted in similar colors to the primary residence.

g. Comply with the base zoning setbacks.

h. 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.

i. Not exceed 100 square feet per separate cultivation area or grow room.

j. Not create humidity or mold problem on the premises or on adjacent premises.

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

(c) If a greenhouse is used, it shall have opaque walls so that a person cannot see inside the greenhouse.

(d) 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.

(e) 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.

(f) 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.

(g) Each room for the cultivation and processing of cannabis shall have an individual water and electrical usage meter.

(h) 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.

(i) 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.

(j) If the premises is rented or leased, written approval shall be obtained from the property owner(s), containing the property owner(s) notarized signature that authorizes the tenant or lessee to cultivate cannabis at the site. A copy of the written approval shall be maintained by the tenant or lessee and made available for review by enforcement officials upon request. Written approvals shall be renewed annually.

(k) 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.

(l) 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.

(m) The processing of cannabis to make a concentrated cannabis extract using a volatile solvent is prohibited.

(n) 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.

4. 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.

27.4 Early Activation of Use: Notwithstanding the provisions of Section 21-27.10 pertaining to uses generally permitted with a use permit and those uses listed as permitted subject to first obtaining either a minor or major use permit in each zoning district, the Planning Division may issue an early activation permit allowing for the immediate activation of any use requiring a minor use permit or major use permit, subject to the following conditions **(Ord. No. 2336, 2/15/1996)**:

(a) The early activation permit shall not allow any construction, grading, or removal of mature trees on the property.

(b) Adequate measures shall be included in the early activation permit application and implemented upon commencement of the use for dust control, parking, traffic safety, drainage, erosion control, waste disposal and Health Department requirements.

(c) The early activation permit must be accompanied by an application for the applicable minor or major use permit.

(d) The early activation permit shall expire six (6) months from the date of issuance or upon issuance or denial of the required minor or major use permit or resolution of any appeal thereof.

(e) The Planning Division may deny an application for an early activation permit for early activation of use if the use may result in adverse environmental impacts or if the use is currently being operated in violation of this Chapter.

(f) Early activation is not permitted for those uses listed in Section 22.6 of this Chapter.

(g) The application for an early activation permit shall be accompanied with a fee equivalent to that established by the Board of Supervisors for the issuance of a zoning permit.

SEC. 21-27.10 USES GENERALLY PERMITTED WITH A USE PERMIT

27.11 Uses generally permitted with a Minor or Major Use Permit: Uses listed in Table B are permitted in zoning districts indicated upon issuance of a minor use permit in the case of the symbol "O", or upon issuance of a major use permit in the case of the symbol "λ", according to the provisions of Sections 27.12 and 27.13. **(New Table B, Ord. No. 1749, 7/7/1988; Ord. No. 1897, 11/7/1989; Ord. No. 1974, 12/20/1990; Ord. No. 2128, 1/14/1993; Ord. No. 2172, 8/12/1993; Ord. No. 2512, 4/27/2000; Ord. No. 2594, 07/25/2002; Ord. No. 2618, 2/27/2003; Ord. No. 2670, 12/25/2003, Ord. No. 2679, 03/02/2004)**

27.11.1 Geothermal Setback Area: There is hereby established a Geothermal Setback Area as set forth in Map A which is attached hereto as Exhibit A and is incorporated herein as if fully setforth. **(Ord. 2679, 3/2/2004)**

27.12 Exception: The Planning Director or Zoning Administrator shall have the authority to increase the level of review indicated in Table B from minor use permit to major use permit when a project subject to this Article is found:

(a) Not in compliance with the performance standards set forth in Article 41; or

(b) Objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibration, unusual traffic, or involve the handling of explosives or dangerous materials; or

(c) As having a significant impact on the environment; or

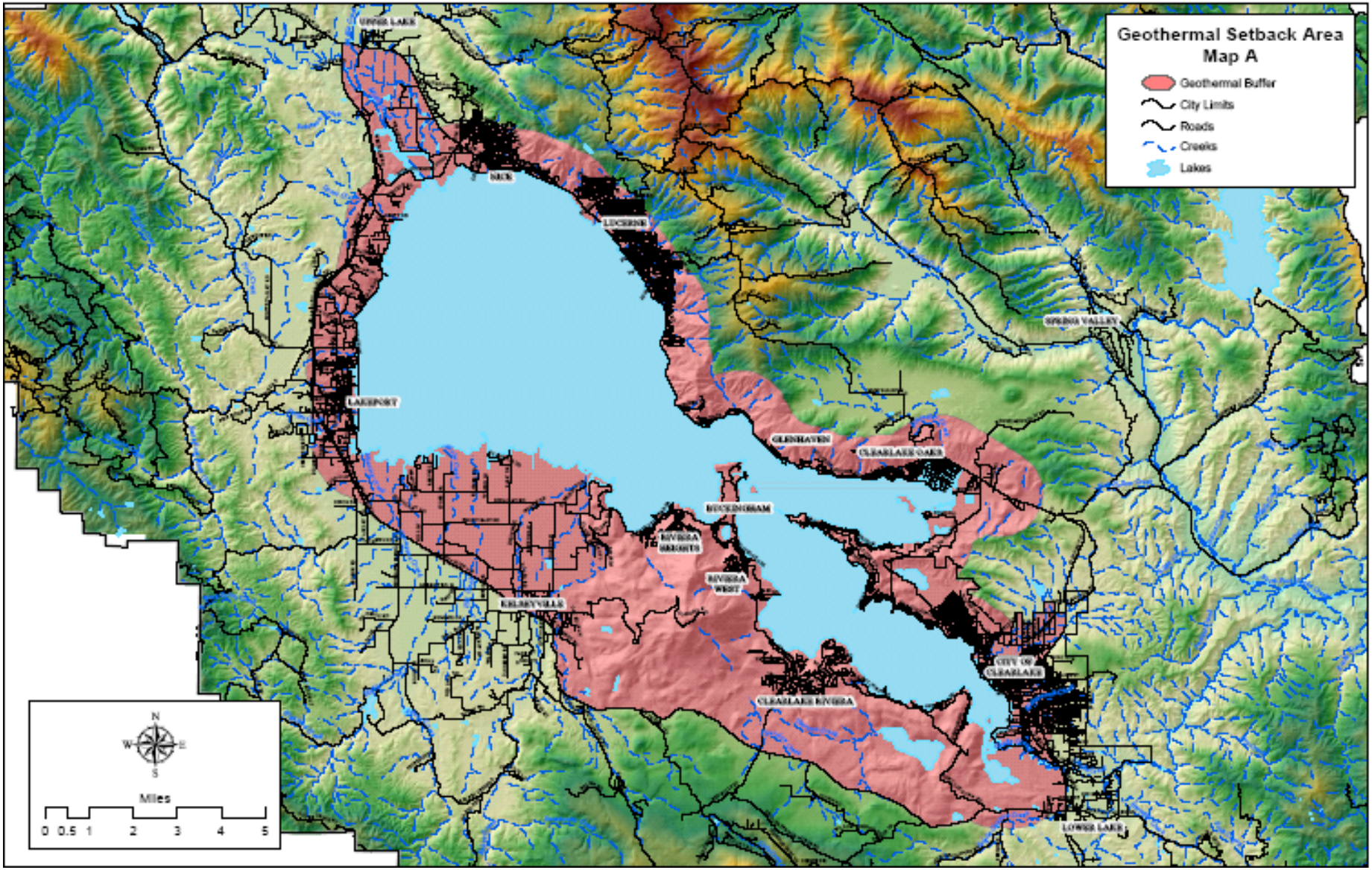
(d) Inconsistent with the Lake County General Plan; or

(e) To be of substantial public controversy.

In no case shall any level of review be reduced.

27.13 Conditions: When the symbol "Δ" is shown by Table B, use-specific conditions are included herein. These conditions shall be incorporated into any use permit issued hereunder, but shall not be construed as preventing as part of any use permit approval, additional conditions deemed necessary.

27.11.1- Exhibit A- Map A- Geothermal Setback Area (Ord. 2679, 3/2/2004)



Sec. 27.11 Table B Uses generally permitted with a Use Permit ● Major Use Permit o Minor Use Permit Δ Standards included in Subsection (a) through (as)

Zoning Districts

Special Uses	APZ	A	TPZ	RL	RR	SR	R1	R2	R3	C1	C2	C3	CR	CH	M1	M2	MP	O	W	U	
(a) Airport, Airstrip or Heliport [5]	●	●	●	●	●	●					●	●	●		●	●	●	●			
(b) Bed and Breakfast Inn [2, 5, 9]		O		O	O	O			●		●		O	O							Δ
(c) Cemetery		●		●	●	●					●	●									
(d) Church or Private School [2]				●	●	●	●	●	●	●	●			●							
(e) Community Care Facility [8]				●	●	●	●	●	●		●	●									Δ
(f) Community Club [2,3]	O	O			●	●	●	●	●	●	●										Δ
(g) Cottage Industry		O		O	O	●															Δ
(h) Country Club [2]				●	●	●	●	●	●		●		●								
(i) Dam or Reservoir, Small							O	O	O	O	O							O	●		Δ
(j) Dam or Reservoir, Medium [1]				O	O	O	●	●	●	●	●	O	●	O	O	O	O	●	●		Δ
(k) Dam or Reservoir, Large [1]	O	O	O	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		Δ
(l) Density Bonus Provision					●	●	●	●	●												Δ
(m) Geothermal Research Well [10]	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	Δ
(n) Geo-Exploratory Well Projects [10]	●	●	●	●	●							●		●	●	●	●	●			Δ
(o) Geo-Field Development Project [10]	●	●	●	●	●							●		●	●	●	●	●			Δ
(p) Geo-Direct-Use Application	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	●	●	●	Δ
(q) Health Care Facility					●	●	●	●	●		●						●				
(r) Large Family Day Care [2]				O	O	O	O	O	O	O	O	O			O		O				Δ
(s) Marina				●	●	●	●	●	●	●	●		●	●					●		Δ
(t) Mining and Resource Extraction	●	●	●	●	●							●		●	●	●	●	●		●	
(u) Repealed (Ord. No. 2836, 09/20/2007																					
(v) Nursery School				●	●	●	●	●	●		●	●			●		●				Δ

(1. Ord. No. 1749, 7/7/1988; 2. Ord. No. 1897, 11/07/1989; 3. Ord. No. 1974, 12/20/1990; 4. Ord. No. 2128, 01/14/1993; 5. Ord. No. 2172, 08/12/1993; 6. Ord. No. 2512, 04/27/2000; 7. Ord No. 2868, 07/10/2008; 8. Ord. No.2618, 2/27/2003; 9. Ord. No.2670, 12/25/2003; 10. Ord. No. 2379, 03/02/2004; 11. Ord. No. 3021, 12/16/2014, 12. Ord 3073, 04/19/2018)

Sec. 27.11 Table B Uses generally permitted with a Use Permit ● Major Use Permit o Minor Use Permit Δ Standards included in Subsection (a) through (as)

Special Uses	APZ	A	TPZ	RL	RR	SR	R1	R2	R3	C1	C2	C3	CR	CH	M1	M2	MP	O	W	U	PDR	PDC	
(w) Outdoor Recreation Facility				●	●	●	●			●	●		●										
(x) Power Generation Facility	●	●	●	●	●										●	●	●	●					Δ
(y) Public Area	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O					
(z) Public or Private Utility	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●					
(aa) Repealed [7]																							
(ab) Rifle Range		●	●	●	●													●					Δ
(ac) Road Building: Import/Export of Fill [2]	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	●	●	●			
(ad) Rummage Sale, Non-Profit	O	O	O	O	O	O	●	●	●	O	O	O	O	O	O								
(ae) Rummage Sale, Commercial											●	●		●	●								
(af) Sanitary Landfill		●		●	●											●							
(ag) Service Station [5]										O	O	O	O	O									Δ
(ah) Special Event, Commercial		●		●	●	●	●				●	●	●	●									
(ai) Temporary Sales From a Vehicle	O	O		O						O	O	O		O									Δ
(aj) Wind Energy Conversion System [2]										●	●	●	●	●									Δ
(ak) Collectors Permit [1]	O	O	O	O	O	O	O	O	O			O			O	O							Δ
(al) Drop-off Recycling Center [1]										O	O	O		O	O	O	O						Δ
(am) Large Recycling Center [1]											O	O		O	O	O	O						Δ
(an) Recycling Processing Center [1]												●			●	●	●						Δ
(ao) Exotic Animal Keeping [4]	●	●	●	●	●	●	●																
(ap) Farmers' Market [6]		O								O	O	O	O	O									Δ
(aq)Wireless Communication Facilities, Collocation [7]	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O			O	O	Δ
(ar) Wireless Communication Facilities, New or Replacement 7	●	●	●	●	●	●						●			●	●	●	●					Δ
(as) Emergency Shelter[11]				●	●	●	●	●	●		●												Δ

(1. Ord. No. 1749, 7/7/1988; 2. Ord. No. 1897, 11/07/1989; 3. Ord. No. 1974, 12/20/1990; 4. Ord. No. 2128, 01/14/1993; 5. Ord. No. 2172, 08/12/1993; 6. Ord. No. 2512, 04/27/2000; 7. Ord No. 2868, 07/10/2008; 8. Ord. No.2618, 2/27/2003; 9. Ord. No.2670, 12/25/2003; 10. Ord. No. 2379, 03/02/2004; 11. Ord. No. 3021, 12/16/2014, 12. Ord 3073, 04/19/2018)

Sec. 27.11 Table B Uses generally permitted with a Use Permit ● Major Use Permit o Minor Use Permit Δ Standards included in Subsection (a) through (as)

Special Uses	APZ	A	TPZ	RL	RR	SR	R1	R2	R3	C1	C2	C3	CR	CH	M1	M2	MP	O	W	U	PDR	PDC	
(at) Commercial Cannabis Cultivation, License Type 1, 2 and 4	O	O	O	O	O	O																●	Δ
(at) Commercial Cannabis Cultivation, License Type 3	●	●	●	●	●	●																●	Δ
(au) reserved																							
(av) reserved																							
(aw) reserved																							
(ax) reserved																							
(ay) reserved																							
(az) reserved																							
(aaa) reserved																							
(aab) reserved																							

(1. Ord. No. 1749, 7/7/1988; 2. Ord. No. 1897, 11/07/1989; 3. Ord. No. 1974, 12/20/1990; 4. Ord. No. 2128, 01/14/1993; 5. Ord. No. 2172, 08/12/1993; 6. Ord. No. 2512, 04/27/2000; 7. Ord No. 2868, 07/10/2008; 8. Ord. No.2618, 2/27/2003; 9. Ord. No.2670, 12/25/2003; 10. Ord. No. 2379, 03/02/2004; 11. Ord. No. 3021, 12/16/2014, 12. Ord 3073, 04/19/2018)

(a) Airstrip and heliport: None.

(b) Bed and breakfast inn:

1. A bed and breakfast inn shall contain three (3) but not more than eight (8) guest rooms used, designed or intended to be used, let or hired out for occupancy for one (1) or more guests. In the "CR" and "CH" zoning districts, these provisions may include a bed and breakfast as defined in Section 68.4(b)3. **(Ord. No. 1897, 12/7/1989)**

2. For bed and breakfast inns, approved smoke detectors shall be installed in each lodging room, approved fire extinguisher(s) shall be installed in the structure and an evacuation plan shall be posted in each lodging room.

3. Guest rooms may be detached from the principal dwelling or principal commercial use on parcels of two (2) acres or larger, if said lodging is a component of a larger tourist-related use of the site, and provided that an on-site dining facility for guests is provided in close proximity to the guest rooms. **(Ord. No. 2886, 01/27/2009)**

4. No cooking facilities shall be permitted in guest rooms. Food service shall be limited to inn guests only.

5. The maximum stay for guests shall not exceed fourteen (14) consecutive days.

6. Special events and live entertainment including but not limited to weddings, art or antique shows, craft fairs, wine or food fairs, and music festivals shall not be permitted as part of a bed and breakfast inn, except when specifically authorized as part of the bed and breakfast inn use permit approval.

7. Each bed and breakfast inn shall be identified by a non-illuminated or indirectly illuminated attached or freestanding sign, a minimum of three (3) square feet in size but no larger than six (6) square feet in size, which shall be placed so as to be visible and readable from the street or roadway. **(Ord. No. 2128, 1/14/1993)**

8. One (1) parking space per guest room shall be provided for the exclusive use of the guests in addition to the parking requirements of the principal residence.

(c) Cemetery: None.

(d) Church or private school: None.

(e) Community care facility:

1. A community care facility shall only be permitted with full-time supervision by the licensed owner or lessee on the premises, except for brief absences as provided for in the state and County regulations.

2. The issuance of a use permit for the use shall be subject to the issuance of a license and/or certification by all appropriate local and state agencies. The community care facility shall be discontinued when local or state certification is withdrawn or expires.

3. The project description for each application shall include the following information which shall be included by reference in any permit approval:

   i. Description of the physical facility.

   ii. Legal description and address of proposed facility.

   iii. Number of automobiles to be operated by the residential care facility and the number of off-street parking spaces to be provided.

   iv. Approximation of daily visitor parking.

   v. Brief description of the facility building and any remodeling plans.

   vi. Number of resident and non-resident staff, with a description of the day-to-day supervision provided by the staff. Statement of House Rules shall be included.

   vii. Description of the program, e.g. goals, treatment, methodology, anticipated length of stay of residents, type(s) of problem being treated.

   viii. Number and type (type of disability, average age, etc.) of person for whom care is being provided.

4. Each approved use permit shall specifically identify the type and number of individuals. Any increase in the number or change in the type of individuals shall require a new use permit approval.

(f) Community club, private club, or fraternal organization:

1. In any district zoned "A", Agriculture, this use shall be limited to agricultural related organizations. This use includes incidental and accessory uses and activities such as weddings, meetings and dances.

2. Minimum lot area shall be twenty thousand (20,000) square feet, and there shall be a six (6) foot wide buffer strip with visual screening of at least three (3) feet in height on all sides abutting residential districts or uses.

3. A landscape plan and site plan shall be submitted to the Development Review Committee for review and approval.

4. Parking shall be no less than the minimum required in Article 46; all parking shall be screened to a minimum height of three (3) feet from the view of surrounding residential districts or uses.

5. The project site shall front on and be served by an existing publicly maintained road.

6. Signs shall be as required in Article 45.

(g) Cottage Industry:

1. A cottage industry is a small-scale commercial or manufacturing activity on low-density agricultural or residential property accessory to the residential use of the parcel when such activities are conducted without significant adverse impact on the residential, agricultural or rural nature of the premises and its surroundings.

2. A wide range of uses may be permitted that are similar to the following examples and consistent with the definition provided in paragraph 1 above: Woodworking, blacksmith and pottery shops; furniture and upholstery repair or refurbishing; arts and crafts or photography studios; handicrafts manufacture including sewing, painting, weaving, knitting, ceramics, doll making, stained glass, jewelry or leather working; small computer applications and electronics repair or service; food preparation including catering services, cake decoration, baking and confectionery.

   On parcels of five (5) acres or more a cottage industry may also include the storage of one (1) piece of agricultural, excavating or grading equipment including one (1) tow vehicle and one (1) trailer within a completely enclosed building; “tow vehicles” may include dump trucks of up to five (5) cubic yards capacity or any flatbed or other commercial vehicle of up to five (5) tons capacity; “heavy equipment” may include one (1) bulldozer (of up to D-4 size or equivalent), roller, grader, cat, loader, backhoe, tractor, agricultural implement or similar equipment.

3. The following uses shall not be permitted as cottage industry: Any auto, truck, boat or other vehicle repair or service; light or heavy equipment repair or service; contractor’s equipment in excess of that listed in

paragraph 2 above, or materials storage yards of any kind; commercial dock or boat construction; businesses offering retail sales or goods manufactured or produced off-site; real-estate sales offices; any businesses primarily engaged in retail sales.

4. The cottage industry must be owned and conducted only by residents of the parcel on which the proposed use has been authorized. Not more than two (2) non-resident employees may work on the premises.

5. Only those buildings or parking areas as specifically approved may be utilized in the conduct of the cottage industry.

6. A minimum of one (1) parking space shall be provided for any cottage industry requiring customers to visit the site in addition to the parking requirements of the principal residence, plus one (1) parking space for each employee working on site.

7. Retail sales of products not produced on the premises shall be prohibited. Retail sales of products produced on the premises shall be secondary and incidental to the conduct of the cottage industry. Retail sales shall primarily be by appointment.

8. A maximum of eight (8) customers, clients, students, or other persons served by the cottage industry shall be permitted on the premises on any one day.

9. Pick-up and deliveries to the premises by commercial carrier are limited to ten (10) per week.

10. All activity related to the conduct of cottage industries shall be conducted within an enclosed structure and shall not exceed one thousand two hundred (1,200) square feet in area.

11. Vehicles approved for use in the cottage industry may be stored as approved on the site plan.

12. Signs shall be limited to one (1) four (4) square foot non-illuminated or indirectly illuminated sign. **(Ord. No. 1749, 7/7/1988; Ord. No. 1974, 12/20/1990; Ord. No. 2172, 8/12/1993)**

(h) Country club: None.

(i) Dam or reservoir, small:

1. A small dam shall not exceed six (6) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier; a small reservoir shall not exceed five (5) acre feet.

2. All applications for small dams or reservoirs shall be accompanied by a detailed plan approved by the U.S.D.A. Soil Conservation Service, or prepared by a registered civil engineer. An excavated pond (totally below grade) may require an engineering plan.

3. All small dams or reservoirs located on a stream shall receive an approved 1601 or 1603 permit issued by the State Department of Fish and Game prior to issuance of a grading permit.

4. The applicant shall apply to the State Department of Water Resources, Division of Water Rights for water rights determination or permit. The permittee shall file with the Planning Department a water rights determination or permit prior to issuance of grading or building permits for construction of a small dam or reservoir.

(j) Dam or reservoir, medium:

1. A medium dam shall not exceed fifteen (15) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier; a medium reservoir shall not exceed fifteen (15) acre feet.

2. All applications for medium dams or reservoirs shall be accompanied by a detailed plan approved by the U.S.D.A., Soil Conservation Service, or prepared by a registered civil engineer with assistance of a registered engineering geologist. An excavated pond (totally below grade) may require an engineering plan.

3. All medium dams or reservoirs located on a stream shall receive an approved 1601 or 1603 permit issued by the State Department of Fish and Game prior to issuance of a grading permit.

4. The applicant shall apply to the State Department of Water Resources, Division of Water Rights for water rights determination or permit. The permittee shall file with the Planning Department a water rights determination or permit prior to issuance of grading or building permits for construction of a medium dam or reservoir.

(k) Dam or reservoir, large:

1. A large dam shall exceed fifteen (15) feet in height from the natural toe of the barrier. A large reservoir shall exceed an impounding capacity of more than fifteen (15) acre feet.

2. All applications for large dams or reservoirs shall be accompanied by an engineering plan prepared by a registered civil engineering with assistance of a registered engineering geologist.

3. All large dams or reservoirs located on a stream shall receive an approved 1601 or 1603 permit issued by the State Department of Fish and Game prior to issuance of a grading permit.

4. The applicant shall apply to the State Department of Water Resources, Division of Water Rights for water rights determination or permit, and to the Department of Water Resources, Division of Dam Safety for approval to construct. The permittee shall file with the Planning Department a water rights determination or permit and letter of approval from the Division of Dam Safety prior to issuance of grading or building permits for construction of a large dam or reservoir.

(l) Density bonus provisions:

1. Low and very-low income housing: A developer of housing proposing to construct at least twenty-five (25) percent of the total units of a housing development for persons and families of low or very-low income; or, construct ten (10) percent of the total units of a housing development for lower income households, or construct fifty (50) percent of the total dwelling units of a housing development for qualifying residents (seniors); shall be granted by the county a density bonus and an additional incentive, or financial equivalent incentive(s) as determined by the county. **(Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993; Ord. No. 3021, 12/16/2014)**

   i. For the purposes of this Section "density bonus" shall mean density increase of at least thirty-five (35) percent over the otherwise maximum allowable residential density under the zoning district and land use element of the General Plan.

   ii. The density bonus shall not be included when determining the number of housing units which is equal to ten (10) or twenty-five (25) percent of the total.

   iii. The density bonus shall only apply to housing developments of five (5) or more dwelling units.

iv. For the purposes of this section, "housing development" shall include subdivision and any apartment, multi-family dwelling, dwelling group, or condominium development of five (5) or more units.

v. A developer shall only be entitled to one (1) of the three (3) density bonuses provided for under subsection (l).

vi. For the purposes of this section, "persons and families of low or very-low income..." shall be as defined in Section 50093 of the Health and Safety Code; and "lower income households..." shall be defined in Section 50079.5 of the Health and Safety Code; and "qualifying residents" shall be as defined in Section 51.2 of the Civil Code. **(Ord. No. 1749, 7/7/1988)**

vii. For the purpose of this Section, "other incentives…" may be a combination of the following, of equivalent financial value of a twenty-five (25) percent density bonus:

(aa) Reduced improvement standards contained in the Subdivision Ordinance (Chapter 17, Article 7, Section 17-28); and

(ab) Reduced development standards contained in the Zoning Ordinance (Chapter 21); and

(ac) Reduced performance standards contained in the Zoning Ordinance (Chapter 21)

viii. Prior to preparation of an application which includes a request for a residential density bonus, the applicant or a representative shall attend a pre-application meeting with Planning Department staff.

ix. Any developer proposing to obtain a density bonus or other incentive shall either:

(aa) Submit a preliminary proposal for the development of housing with written request for other incentives or a bonus density ninety (90) days prior to the submittal of any formal request for general plan amendment, zoning amendment, subdivision map, development review, or use permit. **(Ord. No. 1749, 7/7/1988)**

(ab) Submit a written proposal for a bonus density concurrently with the initial development application.

x. The County shall, within ninety (90) days of receipt of a written proposal, notify the housing developer in writing of the manner in which it will comply with this Section unless the time period is waived by the developer.

xi. The Planning Director shall prepare a report on any request for density bonus or other incentives for review and approval by the Planning Commission and Board of Supervisors. Said hearing shall be noticed in the manner provided for in Section 57.3. This report may include, but is not limited to, a review of existing density entitlements under the Lake County General Plan and Zoning Ordinance, a review of proposed sales prices and/or costs of improvements, suggested number of units that are to be designated low or moderate income housing, and the project specific mechanisms and procedures necessary for implementation of this Section, including proposed sales or rental prices, sale or rental procedures, development agreements, time periods, etc.

xii. Notwithstanding any other provision of this Code, reduction in the improvement standards of Chapter 17 or the development or performance standards of Chapter 21 pursuant to this Section upon approval of the Board of Supervisors of a density bonus determination shall not require further amendment, variance or waiver from these standards and such reductions shall be deemed in compliance with Chapters 17 and 21 of the Lake County Code.

2. Energy conservation: A developer of housing proposing a development project incorporating innovative energy conservation techniques in excess of standards set forth in Titles 20 and 24 of the California Administrative Code (referenced hereafter as: state standards) may be granted a density bonus not to exceed twenty-five (25) percent.

i. For the purpose of this Section "density bonus" shall mean a maximum density increase of twenty-five (25) percent over the otherwise maximum allowable residential density under the zoning district and land use element of the Lake County General Plan.

ii. The density bonus shall not be included when determining the number of housing units which is equal to a maximum of twenty-five (25) percent of the total.

iii. The density bonus shall only apply to housing developments of four (4) or more dwelling units.

iv. For the purpose of this Section, "housing development" shall include subdivision and any apartment, multifamily dwelling,

dwelling group, or condominium development of four (4) or more units.

v. A developer shall only be entitled to one (1) of the three (3) density bonuses provided for under Subsection (l).

vi. Prior to preparation of an application which includes a request for a residential density bonus, the applicant or a representative shall attend a pre-application meeting with Planning Department staff.

vii. Applications shall include information clearly demonstrating how the proposed energy saving measures shall be implemented.

viii. Energy conservation bonus: Projects incorporating any or all of the following energy conservation measures may be granted a maximum ten (10) percent density bonus. When an energy analysis conducted by a qualified person acceptable to the Planning Department indicates that a reduction in residential energy use in excess of ten (10) percent of what would occur if the residence was constructed in accordance with the state standards will occur, a density bonus equivalent to the percentage of energy conserved may be granted not to exceed a twenty-five (25) percent density bonus. The bonus shall be calculated in accordance with the provisions set out in Figure 1.

Figure 1.

Techniques	**Maximum Density Bonus**
Energy efficient site planning	5%
Energy efficient construction	5%
Solar domestic hot water heating	5%
Solar residential space heating	10%

ix. Applications shall be evaluated based on the following energy efficient site planning concepts:

(aa) Site selection - Higher densities should be on south-facing slopes and lower densities on north-facing slopes.

(ab) Street layout - Streets should be oriented on an east and west axis to the greatest extent possible, although topography shall be considered.

(ac) Lot layout - Lots should be oriented with their greatest dimensions north and south to the greatest extent possible.

(ad) Building site - The long axis of a building envelope should be oriented east and west to the greatest possible extent. Zero lot line and shading will also be evaluated.

(ae) Landscaping - New trees shall be located with respect to buildings or solar collectors in order to provide solar heat gain and shade as appropriate.

(af) Other energy savings consideration - Other site planning techniques will be considered when proposed.

x. Applications shall also be evaluated based on the following passive energy efficient construction measures:

(aa) Solar access, solar gain; window sizes, placement and shading; roof overhangs.

(ab) Insulation and building materials.

(ac) Other innovative energy conservation techniques including air locks, greenhouses, trombe walls, etc.

(ad) Percent of energy savings for heating and air conditioning above state standards for residential energy conservation.

xi. Applications shall also be evaluated based on the following solar domestic hot water or active space heating:

(aa) Size and efficiency of collectors.

(ab) Storage capacity.

(ac) Percentage of hot water or space heating the system provides.

3. Geothermal energy conservation: When all proposed units in a housing development will be equipped with any of the following conservation measures a maximum density bonus of twenty-five (25) percent may be granted. The bonus shall be calculated in accordance with the provisions set forth in Figure 2.

Figure 2.

Techniques	**Maximum Density Bonus**
Domestic hot water	10%
Water source heat pumps	10%
District space heating	15%
Other geothermal techniques	10%

i. Proposals will be evaluated on the percentage of hot water or spaceheating the system provides.

ii. For the purposes of this Section "density bonus" shall mean a maximum density increase of twenty-five (25) percent over the otherwise maximum allowable residential density under the zoning district and land use element of the Lake County General Plan.

iii. The density bonus shall not be included when determining the number of housing units which is equal to a maximum of twenty-five (25) percent of the total.

iv. The density bonus shall apply to housing developments of four (4)or more dwelling units.

11. A developer shall only be entitled to one (1) of the three (3) bonuses provided under Subsection (l).

12. Prior to preparation of an application which includes a request for a residential density bonus, the applicant or a representative shall attend a pre-application meeting with Planning Department staff.

13. Applications shall include information clearly demonstrating how the proposed geothermal energy conserving measures shall be implemented.

(m) Geothermal Research Well:**(Ord. No.1749, 7/7/1988; Ord.No. 2679, 03/02/2004)**

1. A geothermal research well shall not exceed five thousand (5,000) feet in depth.

2. Maximum well diameter shall be five (5) inches.

3. Well design and construction shall prohibit future conversion for production.

4. No toxic materials, such as chromate, shall be used in the drilling fluid.

5. Upon abandonment, the research well pad site shall be revegetated and returned to approximately its original condition.

6. A maximum of six (6) research wells may be filed under a single application.

7. Research wells shall be limited to a parcel(s) of not less than five (5) acres.

8. The surface location of a geothermal research well shall not be located within that area indicated by Geothermal Setback Area- Map A (Sec. 21-27.11.1)

(n) Geo-exploratory well projects: **(Ord.No.1749,7/7/1988;Ord.No.2679, 03/02/2004)**

1. A geothermal exploratory well(s) shall not be drilled within one-half (1/2) mile of any populated area (defined as ten (10) or more dwelling units established within a quarter-mile diameter area) or a recorded major subdivision (defined as five (5) or more lots less than twenty (20) acres in size), without the written consent of at least seventy-five (75) percent of the property owners.

2. The surface location of a geothermal exploratory well(s) shall not be located within that area indicated by Geothermal Setback Area- Map A (Sec. 21-27.11.1)

3. An exploratory well(s) shall be limited to a parcel or contiguous parcels of not less than twenty (20) acres.

4. A maximum of six (6) geothermal exploratory wells may be approved under a single application.

5. Any new geothermal exploratory well shall not be located closer than one-half mile from the surface location of a well capable of producing geothermal resources in commercial quantities existing prior to the approval of the exploratory well use permit application.

(o) Geo-field development project **(Ord. No. 1749, 7/7/1988; Ord. No. 2679, 03/02/2004)**

1. A geothermal field development well(s) shall not be drilled within one-half (1/2) mile of any populated area (defined as more than ten (10) dwelling units established within a one-quarter (1/4) mile diameter area) or a recorded major subdivision (defined as five (5) or more lots less than twenty (20) acres in size), without the written consent of at least seventy-five (75) percent of the property owners.

2. The surface location of a geothermal field development well(s) shall not be located within that area indicated by Geothermal Setback Area- Map A (Sec. 21-27.11.1)

3. A field development well(s) shall be limited to a parcel or contiguous parcels of not less than twenty (20) acres.

(p) Geo-direct use well project:

1. The drilling of new geothermal direct use well(s) shall not exceed three thousand (3,000) feet in depth. Wells exceeding two thousand (2,000) feet in depth shall require a major use permit. **(Ord. No. 1749, 7/7/1988)**

2. No toxic materials such as chromate shall be used in the drilling fluid.

3. A geothermal direct use well(s) shall be limited to a parcel(s) of not less than five (5) acres.

4. Geothermal direct use wells proposed in conjunction with a project requiring a use permit or specific plan of development approval shall be processed with the larger project.

5. Geothermal direct use wells with over one thousand (1,000) feet of new road construction or located within five hundred (500) feet of a dwelling or three hundred (300) feet of a lake, perennial or seasonal creek shall require a major use permit. **(Ord. No. 1749, 7/7/1988)**

6. A geothermal direct use well project with three (3) or more wells shall require a major use permit.

7. Only geothermal direct use wells utilizing downhole heat exchangers may be processed by a minor use permit. All geothermal direct use wells which remove geothermal fluids from the well bore shall require a major use permit.

8. Water wells drilled for water-source heat pump applications shall be exempt from the provisions of this section, provided that the water temperature is 86°F or less and the well depth does not exceed three hundred (300) feet. **(Ord. No. 2128, 1/14/1993)**

(q) Health care facility: None. **(Ord. No. 1749, 7/7/1988)**

(r) Large family day care home:

1. A minor use permit is required for large family day care homes and nursery schools providing family day care to seven (7) to twelve (12) children, inclusive, including children who reside at the home.

2. All outdoor play areas are to be enclosed with fencing, a minimum of four (4) feet high, provided that such fencing is to be solid and six (6) feet in height on any property line abutting a residential use on an adjoining lot.

3. Hours of operation: Shall be between 7:00 a.m. and 9:00 p.m. daily.

4. Access: The site shall front on a paved road of a minimum eighteen (18) foot paved width.

5. Parking and loading: A minimum of two (2) on-site parking spaces shall be reserved for the use of dropping off and picking up of children. These spaces shall be in addition to the normal parking requirements of the residence. The drop off area should be a drive thru loop, or an on-site turnaround area should be provided.

6. Fire:

   i. A minimum of one (1) fire extinguisher and one (1) smoke detector shall be maintained in good working order on the premises. These devices shall meet the standards of the State Fire Marshal.

   ii. The use shall comply with the standards of the State Fire Marshal on the number of exits.

   iii. The use shall be conducted in compliance with the State Fire Marshal's specifications as to the floor or floors on which day care may be provided.

7. Notice and appeal:

   i. Not less than ten (10) days prior to the proposed issuance, written notice of the proposed issuance of a minor use permit shall be given by mail or delivery by the Planning Director to all owners shown on the last equalized assessment roll as owning real property within a one hundred (100) foot radius of the exterior boundaries of the lot proposed for a large family day care home or nursery school.

   ii. The written notice shall meet the notice requirements of Section 57.2(b) and declare the intent of the Zoning Administrator to issue the requested zoning permit if no written appeal or request for hearing is filed with the Planning Department within ten (10) calendar days of the date of mailing. The notice shall also state that the proposed use meets the requirements of this section.

   iii. If no appeal or request for hearing is filed with the Planning Department, the minor use permit shall be issued by the Zoning Administrator without a hearing.

   iv. If an appeal or a request for a hearing by the applicant or other affected person is filed at the Planning Department pursuant to

this Subsection, the Planning Director shall schedule a public hearing before the Zoning Administrator and provide notice of the hearing as provided for in this Subsection.

v. Appeals pursuant to this Section shall be accompanied by a fee as established by the Board of Supervisors.

(s) Marina:

1. A marina located in any commercial district may provide berthage by rental, lease, or other arrangement; incidental or accessory retail sales of food, fuel, drink, clothing, fishing or boating supplies; and sales, rental, operating instruction, maintenance or repair services for boats or accessory equipment. A marina located in any other district shall only provide berthage, by rental, lease, or other arrangement.

2. In addition to the parking requirements of Article 46, for those uses identified in Subsection 1 above, off-street parking shall be supplied at the ratio of one-half (1/2) parking space for each berth and marinas with boat ramps or hoists shall provide trailer parking at the ratio of one-half (1/2) space per parking space required under this Subsection. **(Ord. No. 1749, 7/7/1988)**

3. Facilities for the storage and sale of fuel, paint, or other flammable materials shall be approved by the chief officer of the agency providing fire protection service in the area in which the marina is located. Fuel pumps shall be grounded and shall meet current fire protection standards.

(t) Mining and resource extraction: None.

(u) Repealed (Ord. No. 2836, 9/20/2007)

(v) Nursery school: (For large family day care homes and nursery schools providing family day care for more than twelve (12) children). None.

(w) Outdoor recreation facility: None.

(x) Power generation facility: **(Ord. No. 2679, 03/02/2004)**

1. An electrical generation facility with a generating capacity in excess of three (3) megawatts shall not be located within one-half (1/2) mile of any populated area (defined as ten (10) or more dwelling units established within a one-quarter (1/4) mile diameter area), or a recorded major subdivision (defined as five (5) or more lots less than twenty (20) acres in size), without the written consent of at least seventy-five (75) percent of the property owners. **(Ord. No. 1749, 7/7/1988)**

2. An electrical generation facility with a generating capacity in excess of three (3) megawatts shall not be located within that area indicated by Geothermal Setback Area-Map A (Sec. 21-27.11.1).

3. An electrical generation facility with a generating capacity in excess of three (3) megawatts shall be limited to a parcel or contiguous parcels of not less than five (5) acres.

(y) Public area: The Planning Director may waive the submission of, or the requirement for a minor use permit if the Director finds that the proposed use or facility is a minor expansion of an existing facility; or will not materially change the existing character of the property or surrounding area. **(Ord. No. 1749, 7/7/1988)**

(z) Public and private utility: None.

(aa) **REPEALED (Ord. No. 2594, 07/25/2002)**

(ab) Rifle, pistol, trap shoot or archery range, outdoor:

1. The minimum lot size requirement for an outdoor rifle or pistol range, or trap shoot used by an organization shall be ten (10) acres. For an outdoor archery range used by an organization, minimum lot size shall be two (2) acres.

2. No target or structure associated with shooting of firearms or arrows shall be located closer than two hundred (200) feet to any lot line.

3. Access to all shooting areas shall be controlled by adequate means. Perimeters shall be fenced and signed.

4. No permit shall be issued for an outdoor rifle, pistol, trap shoot or archery range until the applicant has furnished evidence that the proposed development meets all applicable state and County regulations.

(ac) Road building or import/export of fill: None. **(Ord. No. 1749, 7/7/1988)**

(ad) Rummage sale, non-profit: None.

(ae) Rummage sale, commercial: None.

(af) Sanitary landfill: None.

(ag) Service station:

1. No activities other than the following shall be conducted: Retail sales of fuel, oil, grease, tires, batteries, automobile accessories, and other related items, directly to users of motor vehicles; tuning motors; washing and waxing of autos; auto detailing; wheel and brake adjustment, minor repairs and major repairs; auto glass work; and minor welding. Major automotive repairs, auto glass work, and minor welding must be conducted entirely within a building. The following activities are prohibited: Upholstery work, painting, tire recapping, auto dismantling or salvage, body and fender work, and new and used car sales, rental or leasing; except as permitted in the "C3", "M1" and "M2" districts. **(Ord. No. 1749, 7/7/1988)**

2. No service station located within one hundred (100) feet of an "SR", "R1", "R2", "R1-MH", or "PDR" zoning district boundary shall conduct operations other than between the hours of 6:00 a.m. and 12:00 midnight, with the further provision that no repairs, other than emergency repairs, will be conducted between the hours of 10:00 p.m. and 12:00 a.m.

3. All gasoline pumps and islands shall be set back fifteen (15) feet from the property line; however, if gasoline pumps or islands are set in a perpendicular position to any street or property line, or in any other position other than parallel to a property line, the setback shall be twenty (20) feet. Additional setback may be established by the Planning Commission if deemed necessary to provide for the protection of property values, safety, health, or welfare.

4. All hydraulic hoists and pits, mechanical washing equipment, and repair and lubrication areas shall be within a completely enclosed building.

5. No vehicles shall be parked on the premises other than those of persons attending to business on the site, vehicles being serviced for customers, vehicles of employees, and tow trucks and other service vehicles.

6. Where a service station adjoins property zoned or used for residential purposes, a six (6) foot high solid masonry wall shall be constructed on interior property lines except that the wall shall be three (3) feet in height when adjacent to any required front yard.

7. Construction materials shall be compatible with the surrounding development and approved by the Planning Commission.

8. All restroom entrances shall be screened from view of adjacent properties or street rights-of-way by a solid fence or landscaping screen.

9. All service stations shall provide compressed air and water for use by the public.

(ah) Special event, commercial: None.

(ai) Temporary sales from a vehicle: **(Ord. No. 1749, 7/7/1988)**

1. Applications for a temporary sales permit shall be accompanied by photos or renderings of vehicle to be used.

2. The application shall specify all locations where temporary sales are proposed.

3. The application shall be accompanied by an itinerant business permit, if applicable, for the proposed use issued by the Sheriff pursuant to Chapter 11 of the Lake County Code.

4. An application involving the sale of any prepared food, seafood, snack bars, pre-packaged food, approved unpacked food, or similar food item for retail sales, or distribution at no cost, shall be accompanied by a food service or food facility permit issued by the Lake County Health Department pursuant to the requirements of the California Uniform Food Facilities Law.

5. Up to two (2) temporary sales permits may be permitted per lot.

6. Hours of operation shall be limited to the hours between 8:00 a.m. and 10:00 p.m., daily.

7. Temporary sales permits may be issued for the retail sale of new goods or commodities, craft items, produce or prepared foods, and other uses, which in the opinion of the Planning Director are of a similar nature to those listed above. Temporary sales in the "APZ", "A", and "RL" districts is limited to the sale of produce.

8. Temporary sales shall not include used goods or commodities, or large or bulky items.

9. The minimum distance between lots approved for temporary sales shall be one thousand (1,000) feet.

10. Only one (1) vehicle of one and one-half (1½) tons or less in capacity shall be used in conjunction with a temporary sales permit.

11. The vehicle and all accessory items shall be removed from the site at the close of business each day.

12. The outdoor display of goods or commodities for sale shall not exceed one hundred (100) square feet in area, excluding display within or upon the vehicle.

13. The temporary sales area shall not be located or maintained within thirty (30) feet of any public road, street or highway. This setback area shall be kept free to provide for a minimum of three (3) off-street parking spaces.

14. The temporary sales area shall not reduce the number or usability of parking spaces for other uses on a lot developed for a commercial use below the minimum required by the zoning district or as required by use permit.

15. Portable signs shall be limited to two (2) sixteen (16) square foot non-illuminated signs, not to exceed four (4) feet in any dimension.

16. Temporary sales from a vehicle shall meet the development standards of the zoning district in which the site is located.

17. The minor use permit for temporary sales shall be initially valid for a period of one (1) year. Application for extension of the minor use permit may be made prior to expiration of the current permit. Subsequent minor use permits may be granted for periods of up to three (3) years per extension request.

18. The provisions of this Section do not apply to other itinerant vendors selling from a vehicle with no fixed place of business, such as ice cream trucks and mobile snack vans, regulated by Chapter 11 of the Lake County Code. **(Ord. No. 1749, 7/7/1988)**

(aj) Wind energy conversion system, (WECS): (For more than one (1) WECS per lot, or WECS which cannot meet the standards of Section 27.3(t)). None.

(ak) Collector's permit: **(Ord. No. 1749, 7/7/1988)**

1. A collector's permit shall be a residential accessory use**.**

2. All outdoor storage shall be completely screened to a height of six (6) feet by a solid wood or masonry fence, when not completely enclosed in a building unless alternative screening is specifically authorized by this use permit.

3. Outdoor storage areas shall be fully screened from public view from exterior property lines and from public roadways within one-half (1/2) mile of the open storage area.

4. There shall be no outdoor storage in any required yard area.

5. There shall be no outdoor storage in any front yard in the "SR", "R1", "R2" or "R3" districts.

6. Storage shall only occur in those areas shown on the approved plot plan.

7. A collector's permit may also permit the open and outdoor storage of no more than two (2) unoccupied recreational vehicles on property not possessing a principal use, subject to the following provisions:

   i. The minor use permit application shall be accompanied by proof that the applicant owns the property where the storage is to be located.

   ii. The registered owner of the vehicle(s) must own a dwelling unit on a lot abutting the property where the storage is to be located.

   iii. There shall be no storage of vehicles permitted within any required front yard.

   iv. The permit holder shall agree to maintain the property where the storage is located free of debris, junk, or overgrown weeds.

   v. Any recreational vehicle stored pursuant to this Section shall be currently registered and maintained in a condition to be legally operated on a public street or highway within the State of California. **(Ord. No. 1974, 12/20/1990)**

(al) Drop-off recycling center:

1. Shall meet all the conditions of Section 27.3(fa) or (fb) except as specifically waived by any minor use permit approved pursuant to this Section, for any reverse vending machine, bulk reverse vending machine, mobile recycling unit or small recycling center not meeting the standard conditions of Section 27.3(fa) or (fb). **(Ord. No. 1749, 7/7/1988)**

(am) Large recycling center: **(Ord. No. 1749, 7/7/1988)**

1. A large recycling center may collect all materials of a small recycling center with the addition of motor oil, furniture and large appliances; however, building materials, automobiles or auto parts or other vehicles or machinery or similar items may not be collected.

2. The recycling center shall be screened from the public right-of-way by operating in an enclosed building; or be within an area enclosed by an

opaque fence at least six (6) feet in height with landscaping; and at least one hundred fifty (150) feet from property zoned or planned for residential use.

3. All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.

4. Site shall be maintained free of litter and other undesirable materials, and will be cleaned of loose debris on a daily basis.

5. Customer parking will be provided on-site for six (6) vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials in addition to the parking requirements of Article 46; and one (1) parking space will be provided for each commercial vehicle operated by the recycling center.

6. Noise levels shall not exceed the noise levels of Section 21-41.11.

7. If the center is located within five hundred (500) feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.

8. Any containers provided for after-hours donation of recyclable materials will be at least one hundred (100) feet from any property zoned or occupied for residential use, shall be of sturdy, rust-proof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.

9. Donation areas will be kept free of litter and any other undesirable material, and the containers will be clearly marked to identify the type of material that may be deposited. The center shall display a notice stating that no material shall be left outside the recycling containers.

10. The center will be clearly marked with the name and phone number of the center operator and the hours of operation.

11. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may only be approved through a major use permit for a recycling processing center.

12. A large recycling center not meeting conditions 1 through 10 may be approved upon first securing a major use permit in each case. All conditions of this Section shall apply except as specifically waived by any

major use permit approved pursuant to this Section **(Ord. No. 1749, 7/7/1988)**.

(an) Recycling processing center: **(Ord. No. 1749, 7/7/1988)**

1. A recycling processing center shall not be operated within two hundred fifty (250) feet of property zoned or planned for residential use.

2. In a "C3", "M1" or "MP" district, processors will operate in a wholly enclosed building except for incidental storage; or, within an area enclosed on all sides by an opaque fence or wall not less than eight (8) feet in height and landscaped on all street frontages.

3. Power-driven processing shall be permitted, provided all noise level requirements are met.

4. A processing center may accept all materials collected by a large recycling center and used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.

5. Setbacks and landscaping requirements shall be those provided for the zoning district in which the center is located.

6. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.

7. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present.

8. Space shall be provided on-site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the center is open to the public, space will be provided for a minimum of ten (10) customers or the peak load, whichever is higher, in addition to the parking requirements of Article 46.

9. One (1) parking space will be provided for each commercial vehicle operated by the processing center.

10. Noise levels shall not exceed the noise levels of Section 21-41.11.

11. If the center is located within five hundred (500) feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The center will be administered by on-site personnel during the hours the center is open.

12. Any containers provided for after-hours donation of recyclable materials will be at least one hundred (100) feet from any property zoned or occupied for residential use; shall be of sturdy, rust-proof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.

13. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Center shall display a notice stating that no material shall be left outside the recycling containers.

14. Sign requirements shall be those provided for the zoning district in which the center is located. In addition, center will be clearly marked with the name and phone number of the center operator and the hours of operation.

15. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties. **(Ord. No. 1749, 7/7/1988)**

(ao) Exotic animal keeping: None. **(Ord. No. 2128, 1/14/1993)**

(ap) Farmers' Market: **(Ord. No. 2512, 4/27/2000)**

1. Activities permitted are: Outdoor sales of produce, food products, plants and flowers. Non-food or non-vegetative product booths may comprise no more than 15% of the total sales area. Farmers' markets not meeting these standards may be applied for as Commercial Rummage Sales [27.13(ae)].

2. Sales of food items shall comply with the requirements of the Health Department and Agricultural Commissioner. Certification of any farmer's market shall be issued by the Agricultural Commissioner pursuant to the California Department of Food and Agriculture Code of Regulations. The permit holder shall ensure that all vendors have obtained any required permit.

3. All sales activities shall be located in areas that are maintained as dust-free. No sales activities or parking shall be permitted within any road or highway right-of-way.

4. Access to the farmers' market and parking area shall be provided by a driveway or driveways consistent with County standards for distance from street corners or other driveways, and width.

5. Temporary on-site signs shall be limited to one single-sided or double-sided sign, including sandwich signs, no larger than 24 square feet per face. Temporary signs shall be allowed for the duration of the farmers' market season. Permanent on-site and off-site signs shall be allowed pursuant to Article 45 of this Code.

6. No on-site or off-site signs shall be placed within any road or highway right-of-way.

7. Trash receptacles shall be provided for disposal of trash on the site. The site shall be cleared of all trash immediately following each sale.

8. The permit for a farmers' market shall initially be valid for five (5) years. Subsequent extensions may be granted through the minor use permit process. **(Ord. No. 2512, 4/27/2000)**

(aq) Wireless Communication Facilities, Collocation: **(Ord. No. 2868, 07/10/2008)** Refer to Section 71.6 of the Zoning Ordinance.

(ar) Wireless Communication Facilities, New or Replacement: **(Ord. No. 2868, 07/10/2008)** Refer to Section 71.7 of the Zoning Ordinance.

(as) Emergency Shelter: **(Ord. No. 3021, 12/16/2014)**

1. Purpose. The purpose of these regulations is to establish standards to ensure that the development of emergency shelters (shelters) does not adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety and general welfare of the nearby residents and businesses. These performance standards shall apply to all shelters.

2. Location. A shelter may be established in any of the applicable districts provided, that the property boundaries are located more than three hundred (300) feet from any other shelter (measured from property line to property line) unless it is separated there from by a state highway.

3. Property Development Standards. The development shall conform to all property development standards of the applicable zoning district, as well as Sections 21-41, 21-45, 21-46.10, and 21-53.

4. Length of Stay. The maximum length of stay at the facility shall not exceed one hundred twenty days in a three-hundred-sixty-five day period.

5. Hours of Operation. Shelters shall establish and maintain set hours for client intake/discharge. Hours of operation must be prominently posted on

site. Clients shall be admitted to the facility between six p.m. and eight a.m. during Pacific Daylight Time and five p.m. and eight a.m. during Pacific Standard Time. All clients must vacate the facility by eight a.m. and have no guaranteed bed for the next night. Clients using optional Facilities/Services may remain onsite outside of these hours.

6. Onsite Parking. Onsite parking shall be provided in the ratio of one space for every six adult beds or one-half space per bedroom designated for family units with children. One space shall be provided for each manager/staff member. Bike rack parking shall also be provided by the facility.

7. Lighting. Adequate exterior lighting shall be provided for security purposes. The lighting shall be stationary and shielded/down lit away from adjacent properties and public right of way.

8. Required Facilities. Shelters shall provide the following facilities.

   i. Indoor client intake/waiting area of at least one hundred square feet. If an exterior waiting area is provided, it shall not be located adjacent to the public right of way and shall be visibly separated from public view by minimum six foot tall visibly screening mature landscaping or a minimum six foot tall decorative masonry wall. Provisions for shade and or rain protection shall be provided.

   ii. Interior and or exterior common space for clients to congregate shall be provided on the property at a ratio of not less than fifteen square feet per client, with a minimum overall area of one hundred square feet. Common space does not include intake areas.

9. Optional Facilities/Services. Shelters may provide one or more of the following types of common facilities for the exclusive use of residents:

   i. Central cooking and dining room/s) subject to compliance with county health department requirements. Only clients that have been guaranteed a bed shall be eligible for a meal.

   ii. Recreation room.

   iii. Counseling center.

   iv. Child-care facilities.

   v. Other support services intended to benefit homeless clients.

10. Shelter Management. The shelter provider or management shall demonstrate that they currently operate a shelter within the state of California or have done so within the past two years and shall comply with the following requirements:

i. At least two facility managers and or volunteers shall be on site and one shall be awake at all times the facility is open. The manager's area shall be located near the entry to the facility. Additional support staff shall be provided as necessary, to ensure that at least one staff member is provided in all segregated sleeping areas, as appropriate.

ii. An operational and management plan (plan) shall be submitted for review and approval by the Community Development Director. The approved plan shall remain active throughout the life of the facility, and all operational requirements covered by the plan shall be complied with at all times. At a minimum, said plan shall contain provisions addressing the following issues:

(aa) Security and safety: Addressing both on and offsite needs, including provisions to ensure the security and separation of male and female sleeping areas, as well as any family areas within the facility.

(ab) Loitering/noise control: providing specific measures regarding operational controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on site and or when services are not provided.

(ac) Management of outdoor areas: including a system for daily admittance and discharge procedures and monitoring of waiting areas with a goal to minimize disruption to nearby land uses. Smoking shall be allowed in designated areas only.

(ad) Staff training: with objectives to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income. At least one facility manager shall be CPR and First Aid certified.

(ae) Communication and outreach with objectives to maintain effective communication and response to operational issues which may arise in the neighborhood as may be identified by city staff or the general public.

(af) Adequate and effective screening: with the objectives of determining admittance eligibility of clients and providing first service to Lake County area residents.

(ag) Litter control: with the objective of providing for the regular daily removal of litter attributable to clients within the vicinity of the facility.

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

1. Definitions

i. Bureau: The State of California Bureau of Cannabis Control within the Department of Consumer Affairs.

ii. CalCannabis cultivation licensing: A division of the California Department of Food and Agriculture (CDFA), ensures public safety and environmental protection by licensing and regulating commercial cannabis cultivators in California or its successor agency.

iii. Cannabis: All parts of the plant *Cannabis sativa* (Linnaeus), *Cannabis indica*, or *Cannabis ruderalis*, or any hybrid thereof, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

iv. Cannabis applicant: As defined by Section 26001 of the California Business and Professions Code.

v. 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.

vi. Cannabis cooperative associations: Any cannabis cooperative that is organized pursuant to Chapter 22 (commencing with Section 26229) of Division 10 of the California Business and Professions Code. An association shall be deemed incorporated pursuant to that chapter, or organized pursuant to that chapter and shall be deemed a cultivator of a cannabis product within the meaning of that chapter, if it is functioning under, or is subject to, the provisions of that chapter, irrespective of whether it was originally incorporated pursuant to those provisions or was incorporated under other provisions.

vii. 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.

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

ix. 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.

x. 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.

xi. 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.

xii. 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.

xiii. 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.

xiv. 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.

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

xvi. 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.

xvii. Cannabis product: Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

xviii. Day care center: Has the same meaning as in Section 1596.76 of the California Health and Safety Code.

xix. Design professional: As defined in the California Civil Code, Division 4 General Provisions, Part 6 Works of Improvement, Title 1 Works of Improvement Generally, Article 1 Definitions.

xx. Enforcement official: As used in this Article, shall mean the Lake County Sheriff, Community Development Director, Chief Building Official, Environmental Health Director, or any other official authorized to enforce local, state or federal laws.

xxi. Fence: A wall or a barrier connected by boards, masonry, rails, panels, wire or any other materials approved by the Community Development Department for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls, plastic, tarp, bamboo coverings, corrugated metal, or other materials not designed or manufactured for use as a fence.

xxii. 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.

xxiii. 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.

xxiv. Hazardous material - Hazardous material means a material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment or as defined in Health and Safety Code 25501.

xxv. Hazardous waste - hazardous waste means a waste that meets any of the criteria for the identification of a hazardous waste adopted by the department pursuant to Health and Safety Code Section 25141

xxvi. Hazardous waste generator: A generator is any person, by site, whose act or process produces hazardous waste identified or listed in Chapter 11 of the hazardous waste regulations or whose act first causes a hazardous waste to become subject to regulation

(a) Large quantity generator: Generators of 1,000 kg or more of hazardous waste per month, excluding universal wastes, and/or more than 1 kg of acutely or extremely hazardous per month.

(b) Small quantity generator: Generators of less than 1,000 kg of hazardous waste per month, excluding universal wastes, and/or 1kg or less of acutely or extremely hazardous waste per month

xxvii. 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.

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

xxix. Indoor: 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.

xxx. License: A California state license issued pursuant to the California Business and Professions Code, including both an A- and an M- cultivation license.

xxxi. Mature cannabis plant: A cannabis plant that is flowering.

xxxii. Medicinal cannabis: Also “medicinal cannabis product". Cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a

medicinal cannabis patient in California who possesses a physician's recommendation.

xxxiii. 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.

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

xxxv. Owner: As defined by Section 26001 of the California Business and Professions Code.

xxxvi. Person: An individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and includes the plural as well as the singular.

xxxvii. 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).

xxxviii. 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.

xxxix. Premises: The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area.

xl. School: For the purpose of cannabis regulation, school means any public or private school providing instruction in kindergarten or

any grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

xli. State license: A state license issued pursuant to the California Business and Professions Code.

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

2. Enforcement

i. A violation of any provision of this Section or any condition of a major use permits or minor use permits is subject to the enforcement and penalties provisions of Article 61.2 Authorization of Responsibilities, Article 61.3 Arrest and Citation Powers, and 61.4 Penalties of this Chapter.

ii. The use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this subsection; any condition dangerous to human life, unsafe, or detrimental to the public health or safety; and the existence of loud or unusual noises which are not already regulated through an approved use permit, or foul or noxious odors, not already regulated by the Lake County Air Quality Management District, which offend the peace and quiet of persons of ordinary sensibilities and which interferes with the comfortable enjoyment of life or property and affect the entire neighborhood or any considerable number of persons are declared to be a nuisance subject to the enforcement procedures of Chapter 13 of the Lake County Ordinance Code.

iii. Persons involved in unfair, dishonest, deceptive, destructive, fraudulent and discriminatory practices by which fair and honest competition is destroyed or prevented are subject to enforcement procedures of the California Unfair Practices Act (Business and Profession Code, Division 7. General Business Regulations, Part 2 Preservation and Regulation of Competition, Chapter 4. Unfair Trade Practices).

iv. A Minor Use Permit or Major Use Permit may be revoked under the procedures set forth in section 21-60.10 Revocation of Permits.

3. Development standards, general requirements, and restrictions

i. Development standards

License	Minimum Lot Size (acres)	Setback from property line	Setback from off-site residences	Height Limitation of structures	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.)
Cannabis cultivation (greenhouse, mixed light, or indoors only) by a Qualified Patient on lot of record less than 5 acres in size	Base Zoning	Base Zoning	N/A	Base Zoning	6 mature, 12 immature per qualified patient	6 per qualified patient	6	8	N/A	100 per qualified patient
Cannabis cultivation by a Qualified Patient on lot of record more than 5 acres in size	5 outside of CGB	75	150	Base Zoning	6 mature, 12 immature per qualified patient	6 per qualified patient, 30 maximum	6	8	N/A	100 per qualified patient
Cannabis cultivation (greenhouse, mixed light, or indoors only) by a Primary Caregiver on lot of record less than 5 acres in size	Base Zoning	Base Zoning	N/A	Base Zoning	6 mature, 12 immature per qualified patient, 30 mature and 30 immature maximum	6 per qualified patient, 30 maximum	6	8	N/A	100 per qualified patient, 500 maximum

Cannabis cultivation by a Primary Caregiver on lot of record more than 5 acres in size	5 outside of CGB	75	150	Base Zoning	6 mature, 12 immature per qualified patient, 30 mature and 60 immature maximum	N/A	6	8	N/A	100 per qualified patient, 500 maximum
Cannabis cultivation Outdoor not including greenhouse for personal adult use	5 outside of CGB	75	150	Base Zoning	6	6	6	8	N/A	100
Cannabis cultivation in a greenhouse, mixed light, or indoors for personal adult use	Base Zoning	Base Zoning	N/A	Base Zoning	6	6	6	8	N/A	100
Cannabis cultivation in a duplex, triplex, or apartment building for personal adult use	Base Zoning	Base Zoning	N/A	Base Zoning	6	6	6	8	N/A	100
M – Type 1 and A – Type 1	20	100	200	Base Zoning	75	50	6	8	5,000	10,000
M – Type 1A, A – Type 1A, M – Type 1B, and A – Type 1B	20	100	200	Base Zoning	N/A	N/A	6	8	5,000	10,000
M – Type 1C mixed light	5	100	200	Base Zoning	N/A	N/A	6	8	2,500	5,000
M – Type 1C outdoor	5	100	200	Base Zoning	50	25	6	8	2,500	5,000

M – Type 1C indoor	5	100	200	Base Zoning	N/A	N/A	6	8	500	1,500
A – Type 1C Mixed light	5	100	200	Base Zoning	N/A	N/A	6	8	2,500	5,000
A – Type 1C outdoor	5	100	200	Base Zoning	50	25	6	8	2,500	5,000
A – Type 1C indoor	5	100	200	Base Zoning	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	Base Zoning	N/A	N/A	6	8	10,000	20,000
M – Type 3 and A – Type 3	20	100	200	Base Zoning	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	Base Zoning	N/A	N/A	6	8	22,000	43,560

(a) The Zoning Administrator or Planning Commission may consider exceptions to the development standards because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the development standards of this sub-section are found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

(b) Application for an exception shall be made in writing by the owner of the property; or lessee, with the written consent of the property owner on a form prescribed by the Department. The application shall be accompanied by a fee in an amount to be set by the Board of Supervisors. A plan of the details of the variance requested, other pertinent information required by the Department and evidence showing 1) that the granting of the exception will not be contrary to the intent of this sub-section or to the public safety, health and welfare, and 2) that due to special conditions or exceptional characteristics of the property, or its location, the strict application of this sub-section would result in practical difficulties and unnecessary hardships; and deprives such property of privileges enjoyed by other properties in the vicinity and identical zoning district.

(c) A public hearing shall be held on any application for an exception. Notice of any public hearing shall be given as provided in Article 57.

(d) The Zoning Administrator or Planning Commission may only approve or conditionally approve an exception if all of the following findings are made:

a. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the development standards of this sub-section are found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

b. That any exception granted is subject to such conditions as will assure that the adjustment thereby

authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated; and

c. That the granting of the exception is in accordance with the intent of this Chapter, is consistent with the General Plan and will not be detrimental to the public safety, health and welfare, or injurious to other properties in the vicinity.

ii. General Requirements

(a) State license and permits required.

A person or entity shall not engage in the commercial cultivation of cannabis without first obtaining a Lake County minor or major use permit, a state cannabis cultivation license, and applicable permits, such as from Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs, as appropriate.

(b) Notification to the Bureau of Cannabis Control

The Department shall notify the Bureau of Cannabis Control and/or CalCannabis 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.

(c) 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.

(d) 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.

(e) 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.

a. Application for Background Clearance for County Permit

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

(i) Require that each applicant and employee 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 that is set by the Department of Justice and sufficient to cover the reasonable cost of processing the requests described in this paragraph.

(f) 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:

a. 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.

b. The applicant has failed to provide information required by the Lake County Zoning Ordinance.

(g) 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.

(h) 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.

(i) Collocation of Permits

Up to four cultivation permits may be allowed on a single parcel provided that each permit meets the minimum acreage requirement and all other development standards.

(j) Permitted activities:

The following uses in connection with the cultivation of cannabis:

a. Cultivation of cannabis

b. Cannabis processing such as drying, curing, grading, packaging, or trimming

c. Accessory uses related to the planting, growing, harvesting, drying, curing, grading, or the trimming of cannabis

(k) Operating Hours:

Deliveries and pick-ups are restricted as follows:

a. Monday through Saturday: 9:00 a.m. - 7:00 p.m.

b. Sunday: 12:00 p.m. - 5:00 p.m.

(l) Duration of Permits:

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

(m) Track and Trace:

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

(n) 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.

(o) Access Standards

a. 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.

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

c. 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.

d. 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.

(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; pr.

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

v. Commercial Cannabis Cultivation Exclusion Areas

Commercial cannabis cultivation is prohibited in the following areas:

(a) Within any of the following that is in existence at the time the permit is issued:

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

b. SOS combining district,

c. Public lands,

d. A water service sphere of influence,

e. An incorporated city sphere of influence,

f. Any public or private school, grades 1 through 12,

g. A developed public park containing playground equipment,

h. A drug or alcohol rehabilitation facility, or

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

(b) Within 1,000 feet of the following that is in existence at the time the permit is issued:

a. Any public or private school, grades 1 through 12,

b. A developed public park containing playground equipment,

c. A drug or alcohol rehabilitation facility, or

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

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

f. A water service sphere of influence,

g. Federal Indian Trust Lands,

h. Incorporated city sphere of influence

The distance specified in this section shall be the horizontal distance measured in a straight line from a Community Growth Boundary, a water service or incorporated city sphere of influence, or the boundary of a Federal Indian Trust Lands to the boundaries of the parcel were the commercial cannabis cultivation site is located.

(c) Within areas designated as prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance as depicted on Lake County Important Farmland 2014 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.

4. Permitting process

i. Permits

(a) There are four different permit types for the commercial cultivation of cannabis:

a. Minor Use Permit for legal, non-conforming, and Article 72 compliant cultivation site

b. 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

c. 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

d. Early activation of a commercial cannabis cultivation permit

(b) The number of minor and major use permits for commercial cannabis cultivation that one applicant may hold is limited to four within Lake County.

(c) Minor Use Permit for Commercial cannabis cultivation, Article 72 compliant

The following requirements shall be met:

a. A person who holds a Conditional Certificate of Recognition of Compliance may apply for a legal non-conforming minor use permit for an M – Type 1, A – Type 1, M – Type 1A, A – Type 1A, M – Type 1B, A – Type 1B, M – Type 1C, or A – Type 1C license.

b. A minor use permit application shall be submitted to the Department.

c. All fees as established by the Board of Supervisors shall be paid at the time of application submittal.

d. In addition to the requirements of Article 55, the following additional information shall be provided:

(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 named 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, including that includes the name, date of birth, physical description, and picture of the person, such as a driver's license or passport.

(9) 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.

(10) Evidence that the applicant entity has the legal right to occupy and use the proposed location.

(11) The site plan prepared by a design professional consistent with the requirements of the Department pursuant to Article 55.5.

e. The Director may request additional information that would assist the Department in its review of the application.

f. The Zoning Administrator may approve, approve with conditions, or deny the legal non-conforming use permit application as provided for in Article 50.3.

g. The legal non-conforming minor use permit shall be valid for two years from the date of issuance and cannot be extended or renewed.

h. The legal non-conforming cannabis cultivation site cannot be expanded nor can the number of mature cannabis plants exceed 48 mature or 72 immature cannabis plants.

i. Annual Inspection of the cultivation site is required and the applicant shall pay the fee established by resolution of the Board of Supervisors for that inspection.

(d) 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 as of the effective date of this ordinance 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. Prior to the pre-application conference, the applicant shall provide the department:

(1) No later than two weeks prior to the pre-application conference, the applicant shall provide the department:

(2) 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.

(3) 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,

(4) A statement as to which State license the applicant intends to submit an application.

(5) Responses to the following performance standards questions:

(i) Has the applicant applied to the CalCannabis 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?

(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.

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;

(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.

(i) 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.

(ii) Written Description:

A written section which shall support the graphic representations and shall, at a minimum, include:

(a) A project description;

(b) The present zoning;

(c) A list and description of all uses shown on the site plan;

(d) 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;

(e) 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;

(f) 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;

(g) 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.

(h) Other pertinent information as required by the Director.

(iii) A Management Plan section

Described in subsection 5 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 5.3.i

(2) The applicant is qualified to make the application described in Section 3.ii.(e).

(3) The application complies with the qualifications for a permit described in Section 3.ii.(f).

(e) 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 3.ii.(e).

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 a Conditional Certificate of Recognition of Compliance for compliance with Article 72.

d. 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.

5. 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 which 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 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. Cultural Resources

(a) Intent: All permittees shall protect the cultural, historical, archaeological, and paleontological resources on the lot of record where the permitted activity is located.

(b) The Department shall consult with appropriate Tribe regarding the potential of such resources being located on the lot of record.

(c) Based on that consultation, the Department may require a cultural resource study of the property to determine the extent such resources exist on the lot of record.

(d) Based on that study and in consultation with the appropriate Tribe(s), the Department may require its including in this section.

(e) This section shall include:

a. Detailed procedures on actions to take if such resources are found.

b. Describe the procedures to be followed if cultural, historical, archaeological, and paleontological resources are found on the property.

iii. Energy Usage

(a) Intent: Permittees shall minimize energy usage.

(b) In this section permittees shall :

a. Provide energy calculation as required by the California Building Code.

b. Identify energy conservation measures to be taken and maintained including providing proof of compliance with CCR Title 3, Division 8, Chapter 1, Section 8305 the Renewable Energy Requirements.

c. If alternative energy sources are to be used, describe those sources and the amount of electricity that will be provided.

d. For indoor cannabis cultivation licensees, ensure that electrical power used for commercial cannabis activity shall be provided by any combination of the following: (1) On-grid power with 42 percent renewable source. (2) Onsite zero net energy renewable source providing 42 percent of power. (3) Purchase of carbon offsets for any portion of power above 58 percent not from renewable

sources. (4) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.

e. Describe what parameters will be monitored and the methodology of the monitoring program.

iv. Fertilizer Usage

(a) Intent: To ensure consistency of fertilizer storage and use with the other sections of the property management plan.

(b) This section shall describe how cultivation and nursery permittees will comply with the following fertilizer application and storage protocols:

a. Comply with all fertilizer label directions;

b. Store fertilizers in a secure building or shed;

c. Contain any fertilizer spills and immediately clean up any spills;

d. Apply the minimum amount of product necessary;

e. Prevent offsite drift;

f. Do not spray directly to surface water or allow fertilizer product to drift to surface water. Spray only when wind is blowing away from surface water bodies;

g. Do not apply fertilizer when they may reach surface water or groundwater; and

h. 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.

(c) 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 100 feet of the lot of record and a 100-foot setback from

any identified spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool.

(d) Describe what parameters will be monitored and the methodology of the monitoring program.

v. Fish and Wildlife Protection

(a) Intent: To minimize adverse impacts on fish and wildlife.

(b) In this section permittees shall include:

a. A description of the fish and wildlife that are located on or utilize on a seasonal basis the lot of record where the permitted activity is located;

b. A description of the habitats found on the lot of record;

c. A description of the watershed in which the permitted activity is located;

d. Describe how the permittee will minimize adverse impacts on the fish and wildlife; and

e. A map showing the location of any conservation easements or wildlife corridors proposed.

vi. Operations Manual

(a) Intent: To describe the operating procedures of the commercial cannabis cultivation site to ensure compliance with the use permit, protect the public health, safety and welfare, as well as the natural environment of Lake County.

(b) This section shall include the following:

(1) Authorization for the County, its agents, and employees, to seek verification of the information contained within the development permit or use permit applications, the Operations Manual, and the Operating Standards at any time before or after development or use permits are issued;

(2) A description of the staff screening processes;

(3) The hours and days of the week when the facility will be open;

(4)

(5) Description of measures taken to minimize or offset the carbon footprint from operational activities;

(6) Description of chemicals stored, used and any effluent discharged as a result of operational activities; and

(c) Grounds.

(1) 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:

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

(2) 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.

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

vii. Pest Management

(a) Intent: To ensure consistency pest management with the other sections of the property management plan.

(b) This section shall describe how cultivation and nursery permittees willl comply with the following pesticide application and storage protocols:

a. All pesticide applications must fully comply with the California Food and Agriculture Code, Division 6 Pest Control Operations and Division 7 Agriculture Chemical; Chapter 1 – 3.6 and California Code of Regulations, Division 6 Pest Control Operations.

b. These pesticide laws and regulations include but are not limited to:

(1) Comply with all pesticide label directions;

(2) Store chemicals in a secure building or shed to prevent access by wildlife;

(3) Contain any chemical leaks and immediately clean up any spills;

(4) Prevent offsite drift;

(5) Do not apply pesticides when pollinators are present;

(6) Do not allow drift to flowering plants attractive to pollinators;

(7) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;

(8) Do not apply pesticides when they may reach surface water or groundwater; and

(9) Only use properly labeled pesticides.

(10) 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.

(c) 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 100 feet of the lot of record and a 100 foot setback from any identified spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool.

viii. 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:

(v) Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the cultivation process;

(vi) 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;

(vii) Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and

(viii) 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 permitee shall maintain a record of all complaints and resolution of complaints and provide a tally and summary of issues 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 use 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 screen may include, but is not limited to, topographic barriers, vegetation, or solid (opaque) fences.

ix. 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.

(b) All permittees shall manage storm water runoff to protect downstream receiving water bodies from water quality degradation.

(c) 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.

(d) 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.

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

(f) 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.

x. Waste Management

(a) Intent: To minimize the generation of waste and dispose of such waste properly, to prevent the release of hazardous waste into the environment, minimize the generation of cannabis vegetative waste and dispose of cannabis vegetative waste properly, and manage growing medium and dispose of growing medium properly.

(b) This section shall include the following components:

a. Solid Waste Management

The solid waste section shall include:

(1) Provide an estimate of the amount of solid waste that will be generated on an annual basis and daily during peak operational seasons, broken down into the following categories:

(i) Paper

(ii) Glass

(iii) Metal

(iv) Electronics

(v) Plastic

(vi) Organics

(vii) Inerts

(viii) Household hazardous waste

(ix) Special waste, and

(x) Mixed residue

(2) Describe how the permittee will minimize solid waste generation, including working with vendors to minimize packaging.

(3) Describe the waste collection frequency and method.

(4) Describe how solid waste will be temporarily stored prior to transport to a compost, recycling, or final disposal location.

(5) Describe the composting, recycling, or final disposal location for each of the above categories of solid waste.

b. Hazardous Waste Management

The hazardous waste section shall include:

(1) Hazard Analysis.

The applicant shall conduct a hazard analysis to identify or evaluate known or reasonably foreseeable hazards for each type of cannabis product produced at their facility in order to determine whether there exist any hazards requiring a preventive control. The hazard analysis shall include:

The identification of potential hazards, including:

(i) Biological hazards, including microbiological hazards;

(ii) Chemical hazards, including radiological hazards, pesticide(s) contamination, solvent or other residue, natural toxins, decomposition, unapproved additives, or food allergens; and/or

(iii) Physical hazards, such as stone, glass, metal fragments, hair or insects.

The evaluation of the hazards identified in order to assess the severity of any illness or injury that may occur as a result of a given hazard, and the probability that the hazard will occur in the absence of preventive controls.

The hazard evaluation shall consider the effect of the following on the safety of the finished cannabis product for the intended consumer:

(i) The sanitation conditions of the manufacturing premises;

(ii) The product formulation process;

(iii) The design, function and condition of the manufacturing facility and its equipment;

(iv) The ingredients and components used in a given cannabis product;

(v) The operation's transportation and transfer practices;

(vi) The facility's manufacturing and processing procedures;

(vii) The facility's packaging and labeling activities;

(viii) The storage of components and/or the finished cannabis product;

(ix) The intended or reasonably foreseeable use of the finished cannabis product: and

(x) Any other relevant factors.

(2) Management Plan

The Management Plans shall:

(i) Identify all Resource Conservation and Recovery Act (RCRA), Non-RCRA hazardous waste and Universal wastes and the volume of each;

(ii) Identify all containers and container management;

(iii) Describe storage locations and chemical segregation procedures;

(iv) Describe hazardous waste manifest and recordkeeping protocol;

(v) Outline inspection procedures;

(vi) Identify emergency spill response procedures;

(vii) Describe staff responsibilities;

(viii) Describe the staff training program;.

(ix) Describe the methodology on how the amount of hazardous materials and waste that is generated on the site, the amount that is recycled, and the amount and where hazardous

materials and waste is disposed of, is measured; and

(x) Include A map of any private drinking water well, spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool on the lot of record or within 100 feet of the lot of record and a 100 foot setback from any identified private drinking water well, spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. 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.

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.

c. 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.

d. 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.

xi. Water Resources

(a) Intent: To minimize adverse impacts on surface and groundwater resources.

(b) This section shall include:

a. A description of the surface and groundwater resources that are located on the lot of record where the permitted activity is located.

b. A description of the watershed in which the permitted activity is located.

c. A description of how the permittee will minimize adverse impacts on the surface and groundwater resources.

d. A description of what parameters will be measured and the methodology of how they will be measured.

e. 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.

f. A topographic map of the parcel prepared by a licensed surveyor where the permitted activity is located with contours no greater than five (5) feet

xii. 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 or an adjacent parcel. 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 Management Plan to be approved by the Lake County Water Resources Department. Said plan shall:

a. Identify the source of water, including location, capacity, and documentation that it is a legal source.

b. Described 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.

d. Provide calculations as to the efficiency of the irrigation system using the methodology of the Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division2, Chapter 27).

e. Describe the methodology that will be used to measure the amount of water used and the required monitoring.

6. 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.

7. 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 6. 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.

8. Renewals

i. The following is required for permit renewal:

(a) An application for renewal shall be submitted to the Department at least 180 days 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.