



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Planning Department · Building Department · Code Enforcement

707/263-2221 · FAX 707/263-2225

Scott De Leon

Interim Community Development Director

Tocarra Nicole Thomas

Deputy Community Development Director

(z) Adult Personal Use, Qualified Patient, and Primary Caregiver Cannabis Cultivation (Ord. 3084, 05/21/2019)

1. Development Standards and Restrictions

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



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vii. Cannabis plant limitations:

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

(b) Personal adult use: No more than six (6) cannabis plants per residence on a lot of record may be planted, cultivated, harvested, dried, or processed at any one time regardless of the number of adults living in the residence.

viii. Setbacks:

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

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

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

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

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

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

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

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

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

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



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- (b) Be fully enclosed by a fence at least six (6) feet in height. On lots greater than 5 acres outdoor cultivation not located within a greenhouse, shall be enclosed by an opaque (not transparent or translucent) fence. The Director may waive the requirement for an opaque fence and allow a non- opaque fence if the cultivation site cannot be seen from adjacent properties or by the public due to topography or vegetation.
- (c) Be secure against unauthorized entry and accessible only through lockable doors and/or gates. Within an apartment or manufactured home park if the accessory use is designed as a cultivation area or grow room each such area shall have a separate entry and lock.
- (d) Be equipped with an odor-control filtration and ventilation system(s) adequate to prevent cannabis plant odors from exiting the interior of the structure.
- (e) Be painted in similar colors to the primary residence.
- (f) A greenhouse shall be a prefabricated structure constructed for nursery or agricultural purposes which has a frame constructed of metal and the panels must be polycarbonate or other similar material which is no less than four (4) millimeters thick. The walls shall be opaque so that a person cannot see inside the greenhouse. Hoop-houses are prohibited.
- (g) Not exceed 100 square feet.
- (h) For apartment or manufactured home park use not to exceed 100 square feet per separate cultivation area or grow room
- (i) Not create an odor, humidity or mold problem on the premises or on adjacent premises.
- (j) Cultivation within any detached accessory structure that does not meet the definition of Indoor or within a greenhouse shall be considered outdoor cultivation.

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

- (k) If a greenhouse is used, it shall have opaque walls so that a person cannot see inside the greenhouse.
- (l) The number of rooms for the cultivation and processing of cannabis in and/or group of, accessory structures cannot exceed the total number of residential units on the lot of record.
- (m) An adult tenant, qualified patient, or primary caregiver shall not use, rent, or lease more than one cultivation area or grow room for the cultivation of processing of cannabis at a time.
- (n) The owner of the apartment building or manufactured home park shall maintain records of which tenant used, rented, or leased which room in the accessory structure.
- (o) Each room for the cultivation and processing of cannabis shall have an individual water and electrical usage meter.
- (p) The zoning permit shall include the requirement of an annual compliance monitoring inspection. Included in the inspection shall be an inspection of the tenant use, rental, or lease records and the water and electrical records for each grow room.



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

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

(s) Cultivation of cannabis is an accessory use to an existing residential structure occupied by the qualified patient, primary caregiver, or the adult using the cannabis grown on-site. Only residents of the mobile home park or their primary caregiver may cultivate cannabis on-site.

(t) Protection of Minors: Cannabis cultivation areas shall not be accessible to juveniles who are not qualified patients or primary caregivers. The entrance to a shed, grow room, greenhouse, or outdoor area shall be locked to prevent access by minors.

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

(v) Indoor cultivation shall occur only within a legal structure that meets the definition of indoor and complies with all applicable provisions of the County's General Plan, Zoning Ordinance, and California Building Code.

2. Permits required

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

(a) All applicable building permits shall be obtained.

(b) Adult, qualified patient, and primary caregiver cannabis cultivation on a single family lot does not require a zoning permit.

(c) Any accessory structure, i.e. a shed or greenhouse, used for cultivation of cannabis on a lot of record zoned for multi-family with an apartment building or a manufactured home park requires a zoning permit.

(aa) Emergency Temporary dwelling:

1. One (1) trailer coach, recreational vehicle, mobile home or single-family dwelling may be used as an emergency temporary dwelling unit for a period of time not to exceed six months (6) during the recovery process due to a catastrophic or natural disaster.

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



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- Obtain building and health permits for the inspection of the water supply, waste discharge system and electrical installation for the temporary dwelling.
- Obtain a demolition permit from the County for the removal of the prior dwelling that was damaged.

3. The emergency temporary dwelling zoning permit will be redefined as a standard temporary dwelling zoning permit once a building permit for construction of an onsite dwelling has been applied for and issued.

4. An emergency 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. **(Ord. No. 3077, 11/20/2018)**

