

**TRINITY COUNTY PLANNING COMMISSION  
STAFF REPORT**

**APPLICANT:** Trinity County

**REPORT BY:** Leslie Hubbard

**APN:** Countywide

**PROJECT DESCRIPTION:**

Discuss and/or take action on proposed amendment to Zoning Ordinance to allow Cannabis Microbusinesses in Trinity County (Exhibit A).

**LOCATION:** Countywide

**PURPOSE:**

The purpose of this item is for the Planning Commission to consider allowing Cannabis as proposed in the attached draft ordinance.

**BACKGROUND INFORMATION:**

The Planning Commission conducted a public hearing to discuss this item on March 8, 2018. The attached ordinance incorporates requests made by the Planning Commission.

**STAFF EVALUATION:**

The proposed ordinance includes the following significant changes from the initial version reviewed by the Planning Commission last month:

- A microbusiness licensee will have the ability to apply for one or both Adult use or Medicinal Use Microbusiness licenses.
- Microbusiness licensees who qualify as a minor home occupation under the Home Occupation and Cottage Industry provisions of Trinity County Planning Code section 315-628 (Exhibit B) must obtain a Director's Permit from the Trinity County Planning Department. All other applicants must obtain a Conditional Use Permit from the Trinity County Planning Department. The following exemptions from the Home Occupation and Cottage Industry guidelines are built in to the proposed microbusiness ordinance:
  - i. For the purpose of this section, Zoning Ordinance Section 30.2.F.1.b, which states "Minor home occupations shall be conducted completely within a residence or permitted accessory structures, except outside play areas related to family day care homes" only applies to manufacturing, distribution and retail licenses.
  - ii. For the purpose of this section, Zoning Ordinance section 30.2.F.2.a, which states "Major home occupation uses shall be allowed only in the "Unclassified"(UNC), "Rural Residential" (RR), "Agricultural" (A), and "Agricultural Forest" (AF) zoning districts on parcels larger than one acre in size, in conjunction with a

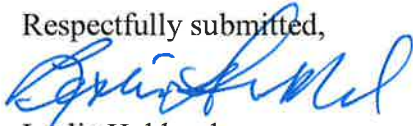
- dwelling unit that exists legally,” shall not apply. All home occupation shall be allowed in zones where Cannabis microbusiness licenses are allowed.
- iii. For the purpose of this section, Zoning Ordinance section 30.2.F.2.d, the “2.5% of the gross lot” area shall not include cultivation area.
  - iv. For the purpose of this section, Zoning Ordinance Section 30.2 F.2.f.3 shall not apply. Major home occupation shall be allowed three (3) permanent full-time employees or up to 6,240 of employee work hours.
  - v. For the purpose of this section, Zoning Ordinance Section 30.2 F.d shall be modified to allow Minor Home Occupation and Cottage Industries to utilize seasonal help for a period of ten weeks or less every calendar year.

**STAFF RECOMMENDATION:**

Staff recommends the following:

Discuss, provide direction to staff, and/or provide a recommendation to the Board of Supervisors regarding the proposed Ordinance Allowing for Commercial Cannabis Microbusiness Licenses.

Respectfully submitted,



Leslie Hubbard  
Interim Planning Director

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY ALLOWING FOR COMMERCIAL CANNABIS MICROBUSINESS LICENSES**

The Board of Supervisors of the County of Trinity hereby finds and declares the following:

**Section 1: Findings and Declarations:**

- A. The voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 and entitled “The Compassionate Use Act of 1996”). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use Cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, and to ensure that patients and their primary caregivers who obtain and use Cannabis for medical purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction.
- B. The State enacted SB 420 in 2004 known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7et seq.) to clarify the scope of The Compassionate Use Act of 1996, facilitate the prompt identification of qualified patients and primary caregivers avoid unnecessary arrest and prosecution of these individuals, provide needed guidance to law enforcement officers, promote uniform and consistent application of the Act and enhance the access of patients and caregivers to medical Cannabis through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB420.
- C. On September 11, 2015, the State enacted the Medical Marijuana Regulation and Safety Act (MMRSA) which took effect January 1, 2016, and which mandated a comprehensive state licensure and regulatory framework for cultivation, manufacturing, distribution, transportation, testing and dispensing of medical Cannabis on a commercial basis. MMRSA was amended by SB 837. On June 27, 2017, the State enacted the Medicinal and Adult-Use Cannabis Regulation and Safety Act setting forth regulations for State licensure beginning in January, 2018.
- D. Previous landmark Cannabis legislation, including the Compassionate Use Act and the Medical Marijuana Program Act have precipitated a “green rush” with individual moving to Trinity County to grow and manufacture Cannabis; with some seeking to capitalize on ambiguities in the law while others lack an awareness of community and environmental consciousness.
- E. Senate Bill 94 known as the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), established a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing and sale of both of the following:(1) Medicinal Cannabis and medicinal Cannabis products for patients with

valid physician’s recommendations; and (2) Adult-use Cannabis and adult-use Cannabis products for adults 21 years of age and over.

- F. In the absence of a formal regulatory framework, Cannabis businesses are less likely to learn of, or implement, guidelines that are protective of the public peace health, safety and the environment.
- G. It is the purpose and intent of this Chapter to protect the health, safety, and general welfare of the residents and businesses within Trinity County and comply with state law and federal guidelines.
- H. It is the intent of the County of Trinity to have a strong and effective regulatory and enforcement system with regard to Cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice.
- I. This ordinance provides regulations and control over Cannabis, and prevents the potential introduction of dangerous product and practices within the County.

**Section 2: Application**

The County hereby enacts the following as Section \_\_\_\_\_ of the Trinity County Zoning Ordinance No.315: Cannabis Microbusiness

**1. Definitions:**

- A. “Cannabis” and “Marijuana” are used interchangeably and mean any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- B. “Microbusiness” is defined as the cultivation of Cannabis on an area of less than 10,000 square feet and to act as a licensed Cannabis distributor, and/or manufacturer, and/or retailer, provided such permitted complies with all requirements imposed on cultivators, distributors, manufactures and retailers by the County and State to extend the permittee engages in such actives.
- C. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, excluding homeschools.
- D. “Youth-oriented facility” means public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

**2. Regulations:** Cannabis microbusinesses shall comply with all of the following regulations:

- A. An applicant for a microbusiness license must identify one/[or both](#) of the following license application types:
  - i. Adult-Use (A-License)

- ii. Medicinal (M-License)
- B. An applicant for a microbusiness license must be licensed under the County’s cultivation license and cultivating on an area less than 10,000 sq. ft. The applicant will maintain their cultivation license number and the microbusiness license will continue to count towards the total of five hundred and thirty (530) licenses allowed within the County.
- C. An applicant for a microbusiness license must be licensed with the County with the intent to and engaging in at least two (2) of the following commercial cannabis activities:
  - i. Manufacturing (Type 6 - Manufacturer Type N or P).
  - ii. Distribution (Type 11 and 13)
  - iii. Retail (Type 9 - Non-Storefront Retail)

- D. An applicant for a microbusiness license who qualifies as a minor home under the Home Occupation and Cottage Industry provisions of Trinity County Planning Code section 315-628 must obtain a Director’s Permit from the Trinity County Planning Department. All other applicants must obtain a Conditional Use Permit from the Trinity County Planning Department.
  - i. For thea purpose of this section, -Zoning Ordinance Section 30.2.F.1.b, which states “Minor home occupations shall be conducted completely within a residence or permitted accessory structures, except outside play areas related to family day care homes” only applies to manufacturing, distribution and retail licenses.
  - ii. For the purpose of this section, Zoning Ordinance section 30.2.F.2.a, which states “Major home occupation uses shall be allowed only in the “Unclassified”(UNC), “Rural Residential” (RR), “Agricultural” (A), and “Agricultural Forest” (AF) zoning districts on parcels larger than one acre in size, in conjunction with a dwelling unit that exists legally,” shall not apply. All home occupation shall be allowed in zones where Cannabis microbusiness licenses are allowed.
  - iii. For the purpose of this section, Zoning Ordinance section 30.2.F.2.d, the “2.5% of the gross lot” area shall not include cultivation area.
  - iv. For thea purpose of this section, Zoning Ordinance Section 30.2 F.2.f.3 shall not apply. Major home occupation shall ~~be-allowed~~ three (3) permanent full-time employees or up to 6,240 ~~of-employee~~ work hours.
  - v. For ~~athe~~ purpose of this section, Zoning Ordinance Section 30.2 F.d shall be modified to allow Minor Home Occupation and Cottage Industries ~~to~~ utilize seasonal help for a period of ten weeks or less every calendar year.

**3. Required Conditions:**

In addition to any other conditions and mitigations that apply, Cannabis microbusinesses shall:

- A. Allow access to any facilities or any vehicles utilized in transportation, and allow access to records if requested by the County, its officers, or agents, and allow inspections from the County or its officers to verify compliance with all relevant rules, regulations and conditions.
- B. Indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial Cannabis activity.

- C. Obtain a valid and fully executed commercial Cannabis microbusiness license from the State prior to commencing operations, and must maintain such license in good standing in order to continue operations.
- D. Ensure that all commercial Cannabis activities at the site operate in good standing with permits and licenses required by the Trinity County Code and State law. Property owners who fail to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the County or State shall be subject to suspension or revocation microbusiness license, as well as personal liability for required enforcement.
- E. Be limited to the following distribution amounts: in addition to the product that is grown pursuant to licensee's Cannabis Cultivation License, the microbusiness can distribute the following amount of third party product:
  - i. Those with a Specialty Cottage licenses can distribute 125 lbs. of product.
  - ii. Those with a Specialty Outdoor licenses can distribute 250 lbs. of product.
  - iii. Those with a Small Outdoor or Mixed-Light Tier 1 and 2 licenses can distribute 500 lbs. of product.
- F. Cannabis distributed from a third party shall be at least 75% from Trinity County sources.
- G. Only be located in zones where cultivation licenses are allowed. Cannabis microbusiness licensees shall abide by the regulations established under Trinity County's cultivation ordinance. The facility shall not be on prime Agricultural Soil, as determined by the Planning Director or his/her designee.
  - i. Microbusiness licenses will not be allowed within the following areas:
    1. Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.
    2. Timber Production Zones (TPZ) with the exception made for qualified Phase I Applicants.
    3. Residential 1 (R1), Residential 2 (R2), or Residential 3 (R3) Zones.
    4. Within the legal boundaries of the Trinity County Waterworks District #1, Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District and within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24, I3, which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance. An exception to this limitation is allowed for applicants who

have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:

- a. Weaverville Community Services District by December 31, 2016;
  - b. Lewiston Community Services District by January 15, 2017;
  - c. Trinity County Waterworks District #1 by July 1, 2018;
  - d. Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.
- H. Not be allowed within one thousand (1000) feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within five hundred (500) feet from an authorized school bus stop, unless a variance is obtained.
- I. For Microbusiness License engaging in manufacturing activities, submit all documents that were provided to the State as part of their application for a State license, including, but not limited to, a site-site plan, a security plan, and a fire plan including Material Data Safety Sheet, to the Planning Department within 30 days of approval by the State.
- J. Pay a Cannabis Microbusiness Program Fee annually from the date of issuance.
- i. The Cannabis Microbusiness Program Fee is set at:
    1. Microbusiness /Specialty Cottage: \$2,500 plus \$750 towards the General Plan update.
    2. Microbusiness/Specialty: \$6,000 plus \$1,000 towards the General Plan update.
    3. Microbusiness/Small: \$8,000 plus \$1,000 towards the General Plan update.
  - ii. The above fee amounts are not anticipated to fully cover the cost of administering this Ordinance; however, within twelve months of this Ordinance, the County may conduct a fee study to determine the total cost of administering this Ordinance.
    1. If, based on the results of the fee study, the fee needs to be increased; the County may increase the fee by way of resolution for any new or renewal registrations.
    2. If, based on the results of the fee study, the fee exceeds the cost of administering this Ordinance the County shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.
  - iii. When transferring from a cultivation licenses to a microbusiness license, the Microbusiness Program Fees will be reduced, on a prorated basis, by the annual Cannabis Cultivation Program Fee paid to obtain a cultivation license.

#### **4. Denial/Rescission of License:**

- A. Applicant's Application shall be denied or the issuance of a license rescinded if the Trinity County becomes aware of any of the following:
  - i. The applicant has provided materially false documents or testimony;
  - ii. The operation as proposed if permitted, would not comply with all applicable laws including but not limited to the Building, Planning, Housing, Fire and Health Codes of the County including the provisions of this Chapter and with all applicable laws including zoning and county ordinances;
- B. Applicant shall be given a minimum of seven (7) business days to correct any deficiencies prior to the issuance of a denial or rescission.
- C. Applicant or Licensee shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Code.

**Section 3: CEQA**

The County finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant Business and Professions Code section 26055(h) until July 1, 2019 because this Ordinance requires discretionary review for the individual licenses that are provided for within.

Introduced at a regular meeting of the Board of Supervisors held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and passed and enacted this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the Board of

Supervisors of the County of Trinity by motion second(/), and the following vote:

AYES: Supervisors

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

\_\_\_\_\_  
 Keith Groves, CHAIRMAN  
 Board of Supervisors  
 County of Trinity  
 State of California

ATTEST:  
 Richard Kuhns

\_\_\_\_\_  
 Clerk of the Board of Supervisors  
 By:  
 Deputy



## **Section 30.2 Provisions for Home Occupations and Cottage Industry (Ord. No. 315-628)**

- A. **PURPOSE AND INTENT:** The purpose of this Section is to provide for limited commercial or light manufacturing activity, in conjunction with an existing residential use, when conducted in a manner that will not create nuisances or adversely affect surrounding land uses.

The intent is to provide opportunity for development of low impact commercial uses as home occupations and cottage industries that are necessary to help stimulate a transition and diversification from the traditional timber based economy of Trinity County, with particular emphasis on the most rural portions of the County where economic opportunity is limited. This is achieved by providing residents the ability to utilize their homes as a place of livelihood and for the production or supplementing of personal and family income. Additional benefits include recognition of a significant home industry which exists in the County, and the means to provide commercial services in remote areas where conventional commercial zoning is not available or would not be appropriate.

It is not the intent of this Section to take precedence over the purpose and development standards of the zoning district in which the home occupation use occurs. Commercial activities that could interfere with the management and utilization of resource lands, or adversely affect the residential character of an area are not supported by this section.

- B. **APPLICABILITY:** This Section applies when the zoning alone does not support business activity in conjunction with a residence, either directly or an accessory use. For example, this Section would apply to a proposed home office (lawyer's, realtor's, etc.) in a residential zoning district such as "Rural Residential" (RR). It would not apply to a commercial use, such as a small retail shop or office, in conjunction with a residence located in a commercial zoning district, or an agricultural business and related home office on property zoned "Agriculture" (AG), since in each case the zoning already supports the business activity.
- C. **DEFINITIONS:** Home occupations shall be divided into two categories of uses, minor home occupations and major home occupation-cottage industries. The following definitions for each category are representative of level of activity and potential impact to neighboring uses.
1. **Minor Home Occupation.** Limited commercial or light manufacturing activity conducted in conjunction with and accessory to a legal residential dwelling unit, that is inherently unobtrusive and unlikely to alter the character of the neighborhood nor adversely impact surrounding land uses.
    - a. **Examples of Minor Home Occupations.** Minor home occupations typically include uses which involve infrequent or no visits by clients or customers, need infrequent delivery or shipment of goods, and utilize only a small area of the residence to conduct operations. Such occupations could include, but are not necessarily limited to, the following:

- Artists and sculptors.
  - Dressmaking, sewing, tailoring.
  - Home Crafts for sale off-site.
  - Home office uses including financial services, architectural/drafting/engineering services, data/word processing, billing services, tele-marketing and telephone solicitation.
  - Individual tutoring and instrument instruction.
  - Preserving and home cooking for sale off-site, including catering.
  - State licensed, large and small family day care homes (land use treatment regulated by State law).
  - Small residential care facility.
2. Major Home Occupation-Cottage Industry. Limited commercial or light manufacturing activity conducted in conjunction with and accessory to a legal residential dwelling unit, that is larger and/or more intensive in nature than minor home occupations, yet operates subject to standards that reduce or eliminates undesirable affects to surrounding uses.
- a. Examples of Major Home Occupations. Major home occupations include uses which, due to the nature of the investment or operation, include one or more of the following aspects: require regular visits by clients or customers; need frequent delivery or shipment of goods; conduct regular operations or store materials outside of the residence; have a tendency to create noise, odors, or glare; employ two or more individuals who reside off premises; and, have the potential to rapidly increase in size and intensity. Such occupations could include, but are not necessarily limited to, the following:
- Beauty and barber shops.
  - Commercial firewood operation.
  - Micro-brewery.
  - Organized classes with up to six students at one time.
  - Photography studio.
  - Small medical, dental, or counseling clinic.
  - Small engine or appliance repairs.
  - Upholstering.
  - Vehicle repair and painting.
  - Welding and metal fabrication.
  - Woodworking, including cabinet making.

D. PERMIT REQUIREMENTS:

1. Uses permitted without a use permit. Many home occupation uses are allowed as an accessory use of a residence without need of a use permit. These are typically uses that

could have little or no effect on the surrounding area. The table provided in the following subsection identifies situations where use permit review is needed for home

occupations due to proximity of surrounding homes, the property size, special zoning, and other considerations. Home occupation uses that do not have characteristics identified in the table do not require a use permit (note: general provisions and specific performance standards for home occupations are provided in subsection E & F, and are applicable whether or not a use permit is required).

2. Uses that require a use permit. Home occupation uses having characteristics identified in the following table are subject to first securing either a Planning Director's or Planning Commission issued use permit, prior to commencement of business activity, as follows:

HOME OCCUPATION / COTTAGE INDUSTRY USES	PLANNING DIRECTOR U.P.	PLANNING COM. U.P.
<b>A. MINOR HOME OCCUPATIONS that require a use permit:</b>		
1] Minor home occupation use, except small family day care homes and small residential care facilities, located on a parcel under 5 acres in size and/or located on a shared-privately maintained road or driveway, and involving one or both of the following characteristics: a] Use generates vehicle traffic as provided in Sec. 30.2.F.1.e. b] Use includes employment on-site of an individual as provided in Sec. 30.2.F.1.d.	X	
2] Minor home occupation use conducted in a detached accessory structure that has floor area that exceeds the gross square footage of the related residence on the property.	X	
<b>B. MAJOR HOME OCCUPATIONS that require a use permit:</b>		
1] Major home occupation use located within 500 feet from a single family dwelling located off-site.	X	
2] Major home occupations located in a Plan Review (PR), Scenic Conservation (SC), Flood Hazard (FH), or Recreational District (RD-1) overlay zone.	X	

<p>3] Major home occupation use, located on a parcel under 20 acres in size, that utilizes area outside a building for storage or to conduct all or part of regular business operations.</p>	<p>X</p>	
<p>4] Major home occupation use located on property that has vehicle access provided from/by a shared-privately maintained road or driveway.  <i>Required Finding: Adjacent property owners who share use of the road that provides access to the subject property, and/or affected road maintenance association, have been notified of the proposed major home occupation use. The project as conditioned mitigates potential impacts generated from the business to road maintenance and access.</i></p>	<p>X</p>	
<p>5] Major home occupation use located on a parcel under 5 acres in size.  <i>Required Finding: The proposed major home occupation use is located on property that is clearly suitable in size to support the subject business activity without adversely affecting the residential character of the surrounding area, or interfering with the management and utilization of resource lands.</i></p>		<p>X</p>
<p>6] Major home occupation use involving retail sales of stocked merchandise, supplies, or products as the <u>primary</u> purpose of the business, and is open to the public.  <i>Required Finding: The proposed major home occupation is located in a sparsely populated region of Trinity County which lacks conventional commercial zoning, and the related products and services are needed and will be beneficial to the local community.</i></p>		<p>X</p>
<p>7] Major home occupation use involving primary hours of operation other than those provided in Sec. 30.2.E.7.</p>		<p>X</p>
<p>8] Major home occupation use that satisfies the 2.5% ratio of lot area standard but would exceed 10,000 square feet as provided in Sec. 30.2.F.2.d.</p>		<p>X</p>

- E. GENERAL PROVISIONS: The following general provisions shall apply to all home occupation and cottage industry uses:
1. The home occupation activity shall be clearly incidental and secondary to the use of the property as a primary residence.
  2. The home occupation use shall be owned and conducted by at least one individual residing on the property.
  3. The home occupation use shall not adversely affect the residential character of an area, or interfere with the management and utilization of resource lands.
  4. The home occupation use shall comply with any applicable standards and permit requirements of the County Building Department, Health Department, and local fire protection authority.
  2. The home occupation use shall not discharge or dispose of any materials, fluids, or gases in a manner which is in violation of any applicable government code.
  3. If conflicts occur between this Section and other written provisions of the Zoning Ordinance, the most restrictive shall apply.
  4. The primary hours of operation for home occupations shall be limited to 7:00 am to 8:00 pm Monday through Saturday, and 8: am to 5:00 pm Sundays. No employee or customer traffic, deliveries, noise, or other aspects of the home occupation that are noticeable from neighboring residences are permitted after primary hours, unless other hours are conditioned by use permit.
  5. Sufficient room shall be available on-site to provide automobile parking for customers, clients, and/or employees related to a home occupation use, in addition to that parking required for the residential use on the property. The following parking standards shall apply to all home occupation uses:
    - a. One additional parking space shall be provided for each employee who resides off-site from the business.
    - b. One additional parking space shall be provided for each 500 square feet of ground or floor area utilized by customers or clients.
  6. A proposed home occupation use which has characteristics that exceed the specific performance standards provided for Minor Home Occupations (Subsection 30.2 F.1) shall qualify as a major home occupation and be subject to the specific standards and permit requirements for a major home occupation use.

7. All home occupation uses shall be subject to the same property line setback standards as provided in Section 30.4 (Accessory Buildings and Uses) of this Ordinance.
8. The storage and/or maintenance of four or more commercial vehicles (3 axles or 6,000 + GVW), and/or heavy equipment (10,000 + GBW) for use in a business conducted primarily off site (logging, construction, well drilling, etc.), shall be subject to the specific standards and permit requirements for a major home occupation use.
9. Large and small family day care homes, and small residential care facilities, that are licensed by the State Department of Social Services shall qualify as a minor home occupation use (local land use treatment regulated by State law).

F. SPECIFIC PERFORMANCE STANDARDS:

1. Minor Home Occupations. The following standards shall apply to minor home occupation uses:
  - a. Minor home occupations may be allowed in all zoning districts in conjunction with a dwelling unit that exists legally.
  - b. Minor home occupations shall be conducted completely within a residence or permitted accessory structure, excepting outside play areas related to family day care homes.
  - c. Minor home occupation uses shall not produce excessive noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal human sensory perception outside the structure, including transmittal through vertical or horizontal party walls.
  - d. A minor home occupation or combination of minor home occupations on a single site may include employment of no more than one (1) individual who resides off-site, who reports to the property and is engaged in the related business activity occurring on the site, and receives financial or other compensation for services rendered.
  - e. A minor home occupation use or combination of minor home occupations on a single site shall not involve more than two (2) vehicles visiting the site at any one time or exceed an average of six (6) vehicles a week. This provision shall apply to vehicles used by customers, clients, and shipping/delivery services.
  - f. Signage shall be limited to one "Residential Nameplate Sign" as provided in Section 30.1 (Sign Standards).

2. MAJOR HOME OCCUPATIONS: The following standards shall apply to major home occupations/cottage industry uses:
  - a. Major home occupation uses shall be allowed only in the “Unclassified” (UNC), “Rural Residential” (RR), “Agricultural” (A), and “Agricultural Forest” (AF) zoning districts on parcels larger than one acre in size, in conjunction with a dwelling unit that exists legally.
  - b. Major home occupation uses shall not generate noise which exceeds 55 dBA as measured at the property line during allowable hours of operation. Noise originating from the major home occupation shall not be noticeable or exceed 32 dBA as measured at the property line after allowable hours of operation.
  - c. Major home occupation uses that utilize areas outside a building for storage or to conduct all or part of regular business operations, shall be situated and/or screened by fencing or landscaping, in a manner not to create a visual nuisance to surrounding uses.
  - d. A major home occupation use, or combination of such uses on a single property, shall not occupy more than 2.5% of the gross lot area, up to a maximum of 10,000 total square feet. Larger area that satisfies the 2.5% ration of lot area, but exceeds 10,000 square feet, may be allowed upon issuance of a use permit by the Planning Commission.
  - e. Signage shall be limited to one “Appurtenant Sign” as provided n Section 30.1 (Sign Standards).
  - f. Major home occupation uses may include employment of a maximum of three (3) individuals who reside off-site, who report to the property and are engaged in the related business activity occurring on the site, and receive financial or other compensation for services rendered.
- G. PRE-EXISTING USES: Home occupation uses that existed prior to adoption of this Section are subject to the provisions of Section 33.0 (Nonconforming Uses). The Planning Director shall use the following criteria to establish if a home occupation qualifies as a legal nonconforming use:
  1. Home occupation uses established on property zoned “Unclassified” (UNC) prior t March 6, 1985 shall qualify as legal, pre-existing, nonconforming use.

2. Home occupation uses that do not qualify for Subsection G.1 above, may apply within 12 months of adoption of this Section (date provided here) for a Planning Director's Issued Use Permit, to qualify for a special pre-existing use status. The use permit shall be issued only if the Planning Director determines, after notification of surrounding property owners, that the home occupation use does not present a nuisance to surrounding residences and is consistent with the intent of this Section. The use permit may be conditioned, at the discretion of the Planning Director, to address the specific needs of the business and/or to reduce or eliminate potential impacts from the business on the surrounding area. At expiration of the 12 month special pre-existing use status period, home occupation uses that do not qualify for Subsection G.1 above shall fully comply with the provisions of this Section, unless additional time is established by action of the Board of Supervisors.