

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 27 OF THE LAKE COUNTY
ZONING CODE TO AMEND REGULATIONS PERTAINING TO COMMERCIAL
CANNABIS

WHEREAS, the Board of Supervisors originally adopted regulations pertaining to
cannabis in 2014; and

WHEREAS, there have been numerous changes in state law and business
practices in the subsequent years; and

WHEREAS, the Board established the Cannabis Ordinance Task Force (COTF)
in 2021, and directed the Community Development Department (CDD) to work with
COTF to develop recommendations for the update to the cannabis regulations; and

WHEREAS, COTF included representation from Agriculture, Lake County Farm
Bureau, local Fire Districts, Cannabis Industry, Lake County Cannabis Alliance, and
Residents from North and South County; and

WHEREAS, CDD and COTF worked diligently to develop regulations pertaining
to a wide variety of aspects of cannabis regulation, in meetings open to the public and
recorded for the public; and

WHEREAS, COTF recommendations were presented to the Planning
Commission and Board of Supervisors, and were considered and approved in concept;
and

WHEREAS, the following regulations include recommendations which CDD
proposes their qualification for the California Environmental Quality Act (CEQA)
“Common Sense Exemption” Section 15061(b)(3), in that there is no reasonable impact
to the environment.

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE,
STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION ONE: Setbacks from Off-site Residences and Maximum Canopy

(a)Section 27.13(at)(1)(i) of Chapter 21 of the Lake County Code is hereby amended to read as follows:

Permit	Minimum Lot Size (acres)	Setback from property line	Setback from off-site residences	# of Living Cannabis Plants	# of Mature Cannabis Plants	Minimum fence height (ft)	Maximum Canopy area (sf)
M/A-Type 1	20	100	200	75	50	6	5,000
M/A-Type 1A & B	20	100	200	N/A	N/A	6	5,000
M/A-Type 1c mixed light	5	100	200	N/A	N/A	6	2,500
M/A-Type 1C outdoor	5	100	200	50	25	6	2,500
M/A-Type 1C indoor	5	100	200	N/A	N/A	6	500
M/A-Type 2, 2A, & 2B	20	100	200	N/A	N/A	6	10,000
M/A-Type 3	20	100	500	N/A	N/A	6	43,560
M/A-Type 3A & 3B, and Type 4	20	100	500	N/A	N/A	6	22,000
Type 5	>20	100	1,000	N/A	N/A	6	≤5 acres (217,800 sf)
Type 5	>20	100	2,000	N/A	N/A	6	>5 acres ≤20 acres (871,200 sf)

(b) (Processor) Section 27.13(aaa)(2) of Chapter 21 of the Lake County Code shall be amended to read as follows:

“2. The facility shall maintain a seventy-five (75) foot setback from all property lines and a 1,000 foot setback from all off-site residences.”

SECTION TWO: Applicant and Property Owner Identification

(a) Section 27.13(at)(1)(ii)(e) of Chapter 21 of the Lake County Code shall be amended to read as follows:

1 “(e) Applicant and Ownership Information and Qualifications

2 *Applicant must submit the same information required for a state license*
3 *application, California Code of Regulations 4 CCR §15003. Applications must*
4 *also include the same information for the property owner, if Applicant is not the*
5 *property owner.”*

6 (b) Section 27.13(at)(1)(ii)(f) of Chapter 21 of the Lake County Code shall be amended
7 to read as follows (additions in bold):

8 *“All applicants, full time employees, and property owner(s) shall undergo a background*
9 *check by the Lake County Sheriff Department. An individual may fail the background*
10 *check if he/she/they has been convicted of an offense that is substantially related to the*
11 *qualifications, functions, or duties of the business or profession for which the application*
12 *is made, except that if the Sheriff determines that the applicant, property owner, or*
13 *permittee is otherwise suitable to be issued a permit and granting the permit would not*
14 *compromise public safety, the Sheriff shall conduct a thorough review of the nature of*
15 *the crime, conviction, circumstances, and evidence of the rehabilitation of the applicant,*
16 *property owner, or permittee, and shall evaluate the suitability of the applicant, property*
17 *owner, or permittee be issued a permit based on the evidence found through the review.*
18 *In determining which offenses are substantially related to the qualifications, functions, or*
19 *duties of the business or profession for which the application is made, the Sheriff shall*
20 *include, but not be limited to, the conditions described in Section 26057 of the California*
21 *Business and Professions Code.”*

22
23 (c) Section 27.13(at)(1)(ii)(g)(1)(i) of Chapter 21 of the Lake County Code shall be
24 amended to read as follows:

25 *“(i) Each applicant, property owner, and full-time employee shall electronically submit to*
26 *the Department of Justice fingerprint images and related information required by the*
27 *Department of Justice for the purpose of obtaining information as to the existence and*
28 *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.”

(d) Section 27.13(at)(1)(ii)(g)(1)(ii) of Chapter 21 of the Lake County Code shall be amended to read as follows (removed text indicated with strikethrough):

“An applicant shall not be eligible to receive a permit until electronic fingerprint images have been submitted to the Department of Justice as described in this Section and the Lake County Sheriff Department has reviewed the resulting background information provided by the Department of Justice and determined that the applicant is eligible to receive a permit, as the case may be.”

(e) Section 27.13(at)(1)(ii)(g)(1)(iii) of Chapter 21 of the Lake County Code shall be amended to read as follows: (addition in bold, removed text indicated with strikethrough):

“Due to the nature of agricultural work, a full-time employee may be permitted to work temporarily upon submitting their electronic fingerprint images and related information. Once the application has been reviewed by the Lake County Sheriff Department, the applicant or permittee must remove any and all full-time employees who have failed the background checks from the cultivation site or any other operations related to the Use Permit.”

(f) Section 27.13(at)(1)(ii)(g)(1)(vi) of Chapter 21 of the Lake County Code shall be added to read as follows:

“Should the Community Development Department become aware of active warrants issued for the Applicant, Permittee and/or Property Owner, the processing of the application shall cease until resolution of the warrant.”

(g) Section 27.13(at)(1)(ii)(h)(3) of Chapter 21 of the Lake County Code shall be amended to read as follows:

“(3) The applicant, property 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, property 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,

1 *circumstances, and evidence of rehabilitation of the applicant, property owner, or*
2 *permittee and shall evaluate the suitability of the applicant, property owner, or permittee*
3 *to be issued a permit based on the evidence found through the review.”*

4
5 (h) Section 27.13 (at)(2)(i)(d)(8) shall be amended to read as follows:

6 *“A complete list of every property owner and owner of the applicant entity. Applicant and*
7 *property owner must submit the same information required for a state license*
8 *application and described in California Code of Regulations 4 CCR §15003.*
9 *Applications must also include the same information for the property owner, if Applicant*
10 *is not the property owner.”*

11
12 (i) (Manufacturing) Section 27.13(au)(6) of Chapter 21 of the Lake County Code shall be
13 amended to read as follows:

14 *“6. Background Checks: All applicants, full-time employees, and property owners shall*
15 *undergo a background check by the Lake County Sheriff Department. An individual may*
16 *fail the background check if employee has been convicted of an offense that is*
17 *substantially related to the qualifications, functions, or duties of the business or*
18 *profession for which the application is made, except that if the sheriff determines that*
19 *the applicant, property owner, or permittee is otherwise suitable to be issued a license*
20 *permit and granting the license permit would not compromise public safety, the sheriff*
21 *shall conduct a thorough review of the nature of the crime, conviction, circumstances,*
22 *and evidence of rehabilitation of the applicant, and/or property owner and shall evaluate*
23 *the suitability of the applicant, property owner, or permittee be issued a license permit*
24 *based on the evidence found through the review. In determining which offenses are*
25 *substantially related to the qualifications, functions, or duties of the business or*
26 *profession for which the application is made, the sheriff shall include, but not be limited*
27 *to, the conditions described in Section 26057 of the California Business and Professions*
28 *Code. Should the Community Development Department become aware of active*
warrants issued for the Applicant, Permittee and/or Property Owner, the processing of
the application shall pause until resolution of the warrant.”

(j) Section 27.13(au)(7) and 7(i) of Chapter 21 of the Lake County Code shall be amended to read as follows:

*“7. Application for Background Clearance for County Permit: An applicant for cannabis distribution **manufacturing** permit shall do all of the following:*

- i. Require that each applicant, **full-time** employee, and **property owner** 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.”*

(k) Section 27.13(au)(8)(i) of Chapter 21 of the Lake County Code shall be amended to read as follows:

“8. 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:

- i. If the applicant(s) or property owner(s) fail the background check.*
- ii. Failure to comply with the provisions of this chapter, including but not limited to, any requirement imposed to protect natural resources, in-stream flow, water quality, and fish and wildlife.*
- iii. The applicant has failed to provide information required by the Lake County Zoning Ordinance.*
- iv. The applicant, property 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, property 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 property owner, and shall evaluate the*

1 *suitability of the applicant, property owner, or permittee to be issued a permit*
2 *based on the evidence found through the review.”*

3
4 (l) Section 27.13(au)(9) of Chapter 21 of the Lake County Code shall be removed.

5 (m) Section 27.13(au)(28)(vii) shall be amended to read as follows:

6 *“vii. A complete list of every owner of the applicant entity, and property owner of the*
7 *parcels included in the permit application. Applicant must submit the same information*
8 *required for a state license application, California Code of Regulations 4 CCR §15003.*
9 *Applications must also include the same information for the property owner, if Applicant*
10 *is not the property owner.”*

11
12 SECTION THREE: Operating Hours

13 Section 27.13(at)(1)(ii)(l) of Chapter 21 of the Lake County Code shall be amended to
14 read as follows:

15 *“(l) Construction hours, Operational Hours and Delivery hours*

16 *(1) All construction activities including engine warm-up shall be limited to Monday*
17 *through Friday: 7:00 a.m. – 7:00 p.m., and Saturdays from 12:00 noon – 5:00*
18 *p.m. Backup beepers shall be adjusted to the lowest allowable level.*

19 *(2) Maximum non-construction related sound levels shall not exceed levels of 55*
20 *dBA between the hours of 7:00 a.m. to 10:00 p.m., and 45 dBA between the*
21 *hours of 10:00 p.m. to 7:00 a.m. within residential areas, at the property lines.*

22 *(3) Cultivation Operational hours: Farming operations and activities may be*
23 *coordinated with other similar agricultural uses, with flexibility to operate during*
24 *hours essential for planting and harvesting periods.*

25 *(4) A retailer shall sell and deliver cannabis goods only between the hours of 6:00*
26 *a.m. and 10:00 p.m.*

27 *(5) Scheduled deliveries and pickups are restricted as follows: Monday through*
28 *Sunday: 7:00 a.m. – 7:00 p.m.”*

SECTION FOUR: Removal of 10-year permit period, and Renewal Requirements; and addition of Opt Out and Reduced Canopy guidelines

(a) Section 27.13(at)(1)(ii)(m) of Chapter 21 of the Lake County Code shall be amended to read as follows:

“(m) Opt out and Reduced Canopy Process:

Permittees, upon issuance of their state cultivation license(s) may request a temporary adjustment to the permit activity on an annual basis, in writing and no later than June 1 of each calendar year to:

- Reduce the size of the canopy grown during the growing season; or*
- Not cultivate during the growing season (Opt Out)*

Opt out requests shall not be approved for consecutive years. Two consecutive years of noncultivation will result in the expiration of the use permit.”

(b) Section 27.13(at)(6) of Chapter 21 of the Lake County Code shall be removed in its entirety.

(c) Section 27.13(au)(29) of Chapter 21 of the Lake County Code shall be removed in its entirety.

(d) Section 27.13(au)(34) of Chapter 21 of the Lake County Code shall be removed in its entirety.

SECTION FIVE: Commercial Cannabis Cultivation Exclusion Areas

Section 27.13(at)(1)(v)(c) of Chapter 21 of the Lake County Code shall be amended to read as follows (new text in bold):

“Public lands, where, because of development or other actions, it is clear that the public is invited to use such locations as places of recreation and other destination activities, including but not limited to hiking, birdwatching, equestrian activities, and camping. Additionally, all State and County parks, including Clear Lake at 7.79 Rumsey, are public lands.”

SECTION SIX: Farmland Protection Zone

Section 27.13(at)(1)(vi) is amended to read as follows:

1 *“Lake County Important Farmland Farming and agriculture in Lake County is important*
2 *to our economy. Cannabis may present certain conflicts with more traditional farming. In*
3 *order to ensure the protection of all agricultural industries within the county, the*
4 *following rules will apply when cannabis cultivation interfaces with Farmland Protection*
5 *Zones. If an applicant finds that their project is in an area where they shall not be*
6 *allowed to cultivate outdoors then their cannabis cultivation shall be limited to indoor,*
7 *mixed light, and greenhouses that equipped with filtration systems that prevent the*
8 *movement of odors, pesticides, and other airborne contaminants out of or into the*
9 *structure. Greenhouse construction shall utilize anchor-point foundation when feasible.*
10 *Concrete slab foundations are discouraged.”*

11
12 SECTION SEVEN: Site Plan - Riparian setbacks

13 Section 27.13(at)(2)(i)(d)(10)(i) shall be amended to read as follows:

14 *“(i) This section shall include a map of any spring, top of bank of any creek or seasonal*
15 *stream, edge of lake, delineated wetland or vernal pool on the lot of record of land or*
16 *within 200 feet of the lot of record. This section shall include identification of water*
17 *courses as defined by the State Water Resources Quality Control Board as Class I-IV,*
18 *and their corresponding setbacks.”*

19
20 SECTION EIGHT: ANNUAL PERFORMANCE REVIEW REPORTS

21 (a) Section 27.13(at)(5)(i)(a) of Chapter 21 of the Lake County Code shall be amended
22 to read as follows:

23 *“(a) All cannabis permittees shall submit a “Performance Review Report” by June 1st,*
24 *each calendar year, on an annual basis from their initial date of operation for review and*
25 *approval by the Community Development Department. This annual “Performance*
26 *Review Report” is intended to identify the effectiveness of the approved use permit,*
27 *Property Management Plan, and Conditions of Approval, as well as the identification*
28 *and recommendation of additional procedures or project modifications, as deemed*
necessary. Project amendments may require use permit amendment and approval by
the original approving body.”

(b) Section 27.13(at)(5)(i)(b) of Chapter 21 of the Lake County Code shall be amended to read as follows:

“(b) Pursuant so subsection 5.i. above, the premises shall be inspected by the Department on an annual basis, or less frequently if approved by the Director. Department Staff will make every effort to calculate annual canopy area using the same method as the State licensing entity.”

(c) Section 27.13(au)(33)(i) of Chapter 21 of the Lake County Code shall be amended to read as follows:

“33. Annual Reports: Performance Review

i. All cannabis permittees shall submit a “Performance Review Report” on an annual basis, no later than June 1st each calendar year from their initial date of operation for review by the Community Development Department. This annual “Performance Review Report” is intended to identify the effectiveness of the approved use permit, Property Management Plan, and Conditions of Approval, as well as the identification and recommendation of additional procedures or project modifications, as deemed necessary. Project amendments may require use permit amendment and approval by the original approving body.”

(d) Section 27.13(au)(33)(iii) of Chapter 21 of the Lake County Code shall be amended to read as follows:

“iii. Compliance monitoring fees pursuant to the County’s adopted master fee schedule shall be paid by permittee no later than June 1st of each calendar year and accompany the “Performance Review Report” for costs associated with the review of the report by County staff.”

(e) Section 27.13(au)(33)(iv) of Chapter 21 of the Lake County Code shall be amended to read as follows:

“iv. 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 Community Development Department shall be deemed grounds for a revocation of the use permit and subject the holder of the permit(s) to the penalties outlined in this Code.”

SECTION NINE: All ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict and no further.

SECTION TEN: The Board of Supervisors independently finds and determines that this action is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question will have a significant impact on the environment.

SECTION ELEVEN: This ordinance shall take effect on the ____ day of _____, and within 15 days after adoption of the ordinance, the Clerk to the Board of Supervisors shall publish a summary of the ordinance with the names of those Supervisors voting for and against the ordinance and the Clerk shall post in the office of the Clerk to the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the ordinance.

The Foregoing ordinance was introduced before the Board of Supervisors on the ____ day of _____ and passed by the following vote on the ____ day of _____.

AYES:

NOES:

ABSENT OR NOT VOTING:

Chair, Board of Supervisors

ATTEST: Susan Parker

Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Lloyd Guintivano