



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

TO: Planning Commission

FROM: Mark Roberts, Community Development Principal Planner

DATE: February 24, 2020

SUBJECT: Proposed Amendments to Zoning Ordinance **(AM 20-01)**
Categorical Exemption **(CE 20-07)**

PROJECT CLARIFICATION STATEMENT

In order to avoid confusion or misunderstanding, this clarifying change is being made to today's Staff Report dated February 18, 2020. This clarification is to explain that Item # 2 on the agenda is to review and discuss the code amendments of the Lake County Zoning Code, with provisions to be added to Article 27. The attachment labeled "Attachment 1 - Existing Ordinance Sections with Proposed Amendments (Redlined Version)" shows the proposed code amendments in red. If the Planning Commission adopts the Findings of Approval and recommends the Board of Supervisors adopt the *code amendments*, it will be the Board of Supervisors which adopts an *ordinance* amending the zoning code. An ordinance is not presented here as part of the Staff Report.



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Item # 2
9:30 AM
February 27, 2020

STAFF REPORT

TO: Lake County Planning Commission

FROM: Scott DeLeon - Interim Community Development Director
Prepared by: Mark Roberts – Principal Planner

DATE: **February 18, 2020.**

SUBJECT: Proposed Amendments to Zoning Ordinance (**AM 20-01**)
Categorical Exemption (**CE 20-07**)

ATTACHMENTS:

1. Existing Ordinance Sections with Proposed Amendments (Redlined Version)
2. Proposed Ordinance with Amendments (Clean Version)
3. Board of Supervisors Adopted Resolution 2020-12 (Adopted 2/22/2020)

I. BACKGROUND

On September 10, 2019 the Board of Supervisors approved the creation of the Industrial Hemp Ad Hoc Committee (the Ad Hoc Committee or Committee) in order to make recommendations for Industrial Hemp Regulations.

On September 24, 2019 the Committee, made up of Supervisors, Industry Representatives, the Lake County Farm Bureau, and staff, was finalized and the meetings began on October 11, 2019. The Ad Hoc Committee met approximately every two weeks, mostly, to ensure that regulations could be recommended in a timely manner, prior to the new season starting in 2020.

On January 31, 2019, the Committee recommended changes to the County Zoning Ordinance which incorporated zoning requirements for the cultivation of industrial HEMP.

On February 11, 2020 the Board of Supervisors (BOS) heard the Resolution of Intention to establish regulations and development standards for the cultivation of industrial HEMP and adopted a Resolution of Intention which necessitated the amendment of the text of the County Zoning Ordinance to incorporate the changes listed in the Resolution of Intent and adopted by the BOS.

Today, Staff has prepared this report outlining the propose zoning ordinance text amendments for the Planning Commission to review and adopt. The amendments are as outlined and discussed below.

II. PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

The amendments to the Lake County Zoning Ordinance, establishing regulations and develop standards for the cultivation of Industrial HEMP are as follows:

1. Table 27.2 of Article 27 of the Lake County Zoning Ordinance will be amended to reflect that Industrial HEMP as an allowable use upon securing a Zoning Permit in the following Zoning Districts.
 - APZ (Agricultural Preserve Zone)
 - A (Agriculture)
 - TPZ (Timber Preserve Zone)
 - RL (Rural Lands)
 - RR (Rural Residential)
 - SR (Suburban Reserve)
 - PDC (Planned Development Commercial)
 - O (Open Space)

2. Section 27.3 of Article 27 of the Lake County Ordinance shall be amended to include the following language and requirements for Industrial HEMP. The new language will be incorporated as a new section in 27.3, titled “(ab) Industrial HEMP”
 - a. The provision of this subsection shall not apply to any of the provisions outlined in the Article 27.11 (excluding cannabis).
 - b. The parcel shall contain a minimum of one (1) acre for indoor/greenhouse cultivation and a minimum of five (5) acres for outdoor cultivation.
 - c. If grading is required, all grading shall comply with the standards set forth by Chapter 30 of the Lake County Code.
 - d. Hemp cultivation site shall be setback a minimum of 150 feet from an off-site residence.
 - i. *A waiver signed by neighboring property owners can be submitted which may decrease the minimum setback.*
 - d. Hemp cultivation is prohibited within 1000 feet of Community Growth Boundaries as described in the Lake County General Plan.
 - e. Seed production of any type shall be only grown indoors or within an engineered greenhouse with filters.

III. ENVIRONMENTAL ANALYSIS

Pursuant to Section 15061 (b) (3) of the California Environmental Quality Act (CEQA) projects “where it can be seen with certainty that there is no possibility that the activity in

question may have a significant effect on the environment” are exempt from CEQA. As the activity in question here is merely a text amendment which will not have any effect on the environment, it clearly falls within the common sense exemption. The adoption and implementation of the proposed Zoning Ordinance text amendment, therefore, is exempt from CEQA.

IV. RECOMMENDATION

Staff recommends approval of Zoning Ordinance Text Amendment, AM 20-01 and categorical Exemption, CE 20-07.

Staff recommends the Planning Commission take the following actions:

A. Find that the proposed Text Amendment to the Lake County Zoning Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to § 15061(b)(3) of the CEQA Guidelines with the following findings:

1. The proposed Zoning Ordinance Text Amendments is consistent with the Lake County General Plan and Zoning Ordinance.
2. The proposed Zoning Ordinance Text Amendments will not have a significant effect on the environment.
3. The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

B. Recommend that the Board of Supervisors approve the proposed Zoning Ordinance Text Amendments for the following reasons.

1. The proposed Zoning Ordinance Text Amendments are consistent with the Lake County General Plan and Zoning Ordinance.
2. The proposed Zoning Ordinance Text Amendments would be consistent with agricultural uses in the described Land Use Zoning Districts above.
2. This proposal is necessary to protect the health and safety and welfare of the County.
3. The proposed Zoning Ordinance Text Amendments will not result in any significant adverse environmental impacts, and the project is exempt from CEQA.

SAMPLE MOTIONS:

Zoning Ordinance Text Amendment Approval

1. I move that the Planning Commission find this **Zoning Ordinance Text Amendment, AM 20-01** is **Categorically Exempt (CE 20-07)** from the California Environmental Quality Act (CEQA) Guidelines pursuant to **§15061(b)(3)**.
2. I move that the Planning Commission recommend approval of the proposed **Zoning Ordinance Text Amendment, AM 20-01** applied for by the **County of Lake** for the reasons listed in the staff report dated **February 18, 2020**.

Reviewed By: _____