

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

RESOLUTION NO. _____

RESOLUTION OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF LAKE TO INITIATE AMENDMENTS TO THE ZONING ORDINANCE TO AMEND
REGULATIONS AND DEVELOPMENT STANDARDS FOR COMMERCIAL CANNABIS
CULTIVATION

WHEREAS, commercial cannabis cultivation is a relatively new industry in the County of Lake and the regulations and appropriate zoning standards applicable to this industry must be subject to periodic review by the County Board of Supervisors; and

WHEREAS, as the commercial cannabis cultivation industry develops, the requirements relating to setbacks and site plans should be reconsidered and amended as necessary to allow such development in a manner that is reasonable and that responsibly balances the growth of this industry with the needs of the County as a whole and varied lawful business pursuits of all residents.

NOW THEREFORE, BE IT RESOLVED that this Board hereby adopts the above recitals as true and correct and adopts this resolution of intention to initiate amendments to the County Zoning Ordinance to amend regulations and development standards for Commercial Cannabis Cultivation. Said ordinance shall contain the following:

1. Chapter 21, Section 27.3(at)(1)(i) is amended as follows:

License	Minimum Lot size (acres)	Setback from Property Line	Setback from Off-Site Residence	Number of Living Cannabis Plants	Number of Mature Cannabis Plants	Minimum Fence Height (feet)	Maximum Fence Height (feet)	Maximum Canopy Area (Sq. Ft.)
M-Type 1A A-Type 1A	2	30	200	N/A	N/A	6	8	5,000
M-Type 2A A-Type 2A	2	30	200	N/A	N/A	6	8	10,000
M-Type 3A A-Type 3A	2	30	200	N/A	N/A	6	8	22,000

2. Chapter 21, Section 27.3(at)(1)(v) is amended as follows:

v. Commercial Cannabis Cultivation Exclusion Areas

- a. Commercial Cannabis cultivation is prohibited within a 1,000 feet of the following areas or uses:

1. Community Growth Boundary as described in the Lake County General Plan,
2. SOS combining district,
3. ~~Public lands,~~
4. An incorporated city sphere of influence, unless the applicant can provide a letter of support from the City,
5. Any public or private school, grades K through 12,
6. A developed public park containing playground equipment,
7. A drug or alcohol rehabilitation facility,
8. A licensed child care facility or nursery school, church or youth-oriented facility catering to or providing services primarily intended for minors,
9. Federal Indian Trust Lands, unless the applicant can provide a letter of support from the Federal Indian Trust Landholder.

- b. Commercial cannabis cultivation is prohibited within 200 feet of the following areas or uses:

1. Public lands

- c. The distance specified in this section shall be measured horizontally from the areas or uses to the cannabis cultivation site.

3. Chapter 21, Section 27.3(at)(2)(i)(d)(10) is amended as follows:

(10) 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.

- i. 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 200 feet of the lot of record and the required minimum Riparian Setbacks actively approved by the California State Water Resources Control Board.
- ii. The use of fertilizer shall not be located within the required minimum Riparian Setbacks, actively approved by the California State Water Resources Control Board, 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.
- iii. The use of pesticides shall not be located within the required minimum Riparian Setbacks, actively approved by the California State Water Resources Control Board, 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.
- iv. Include a map of any private drinking water well, a 100 foot setback from any identified private drinking water well. 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.
- v. 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.
- vi. A topographic map of the parcel where the permitted activity is located with contours no greater than forty (40) feet.

BE IT FURTHER RESOLVED that the Board hereby authorizes Community Development staff to prepare the above-stated amendments and to proceed pursuant to Article 47 of the Lake County Zoning Ordinance.

THIS RESOLUTION WAS PASSED AND ADOPTED by the Board of Supervisors of the County of Lake, State of California, at a regular meeting thereof on _____, 2020 by the following vote:

AYES

NOES:

ABSENT OR NOT VOTING:

CHAIR, Board of Supervisors

ATTEST: CAROL J. HUCHINGSON
Clerk of the
Board of Supervisors

APPROVED AS TO FORM:

ANITA L. GRANT
County Counsel

By: _____

By: _____