

Attachment 1

1 BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

2 ORDINANCE NO.

3 AN ORDINANCE AMENDING CHAPTER 21, ARTICLES 8, 18, 19, AND 27 OF THE
4 LAKE COUNTY ZONING CODE TO AMEND REGULATIONS PERTAINING TO
5 CANNABIS-RELATED BUSINESSES

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

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

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

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

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

19 WHEREAS, COTF's recommendations were presented to the Planning
20 Commission and Board of Supervisors, and were considered and approved in concept.

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

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24 SECTION ONE: Chapter 21, Article 8 of the County of Lake municipal code shall be
25 amended in the following ways:

26 A. Section 8.5(m) shall be added to read as follows:

27 "(m) Cannabis cultivation of up to one acre per permit."
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1 SECTION TWO: Chapter 21, Article 18 of the County of Lake municipal code shall be
2 amended in the following ways:

3 **A.** Section 18.4(g) shall be added as follows:

4 “(g) Retail sales of Cannabis.”

5 **B.** Section 18.5(h) shall be amended to read as follows: “Reserved”.

6 SECTION THREE: Chapter 21, Article 19 of the County of Lake municipal code shall be
7 amended in the following ways:

8 **A.** Section 19.3(o) shall be amended to read as follows: “Reserved”.

9 **B.** Section 19.4(o) shall be added to read as follows:

10 “(o) Retail sales of Cannabis.”

11 SECTION FOUR: Chapter 21, Article 27 of the County of Lake municipal code shall be
12 amended in the following ways:

13 **A.** Section 27.3(ab)(6) shall be added to read as follows:

14 “Hemp cultivation is prohibited within 100 feet of commercial cannabis cultivation
15 areas.”

16 **B.** (XX) Section 27.11 Table B shall be amended to read as follows;

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Special Uses	APZ	A	TP Z	RL	RR	SR	R1	R2	R3	C1	C2	C3	CR	CH	M1	M2	MP	O	W	U	PDR	PDC		
(a) Airport, Airstrip or Heliport ⁵	•	•	•	•	•	•					•	•	•		•	•	•	•			<input type="checkbox"/>	<input type="checkbox"/>		
(b) Bed and Breakfast Inn ^{2, 5, 9}		O		O	O	O			•		•		O	O							<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(c) Cemetery		•		•	•	•					•	•									<input type="checkbox"/>	<input type="checkbox"/>		
(d) Church or Private School ²				•	•	•	•	•	•	•	•			•							<input type="checkbox"/>	<input type="checkbox"/>		
(e) Community Care Facility ⁸				•	•	•	•	•	•		•	•									<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(f) Community Club ^{2,3}	O	O			•	•	•	•	•	•	•										<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(g) Cottage Industry		O		O	O	•															<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(h) Country Club ²				•	•	•	•	•	•		•		•								<input type="checkbox"/>	<input type="checkbox"/>		
(i) Dam or Reservoir, Small							O	O	O	O	O							O	•		<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(j) Dam or Reservoir, Medium ¹				O	O	O	•	•	•	•	•	O	•	O	O	O	O	•	•		<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(k) Dam or Reservoir, Large ¹	O	O	O	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(l) Density Bonus Provision					•	•	•	•	•												<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(m) Geothermal Research Well ¹⁰	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	<input type="checkbox"/>	<input type="checkbox"/>	Δ
(n) Geo-Exploratory Well Projects ¹⁰	•	•	•	•	•							•		•	•	•	•	•			<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(o) Geo-Field Development Project ¹⁰	•	•	•	•	•							•		•	•	•	•	•			<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(p) Geo-Direct-Use Application	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	•	•	•	<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(q) Health Care Facility					•	•	•	•	•		•						•				<input type="checkbox"/>	<input type="checkbox"/>		
(r) Large Family Day Care ²				O	O	O	O	O	O	O	O	O			O	O					<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(s) Marina				•	•	•	•	•	•	•	•		•	•					•		<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(t) Mining and Resource Extraction	•	•	•	•	•							•		•	•	•	•	•		•	<input type="checkbox"/>	<input type="checkbox"/>		
(u) Repealed (Ord. No. 2836, 09/20/2007)																					<input type="checkbox"/>	<input type="checkbox"/>		
(v) Nursery School				•	•	•	•	•	•		•	•			•	•					<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(w) Outdoor Recreation Facility				•	•	•	•			•	•		•								<input type="checkbox"/>	<input type="checkbox"/>		
(x) Power Generation Facility	•	•	•	•	•										•	•	•	•			<input type="checkbox"/>	<input type="checkbox"/>	Δ	
(y) Public Area	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O				<input type="checkbox"/>	<input type="checkbox"/>	
(z) Public or Private Utility	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•				<input type="checkbox"/>	<input type="checkbox"/>	
(aa) Repealed ⁷																					<input type="checkbox"/>	<input type="checkbox"/>		
(ab) Rifle Range		•	•	•	•													•			<input type="checkbox"/>	<input type="checkbox"/>	Δ	

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

“i. Development standards.

Permit	Minimum Lot Size (acres)	Setback from property line	# of Living Cannabis Plants	# of Mature Cannabis Plants	Minimum fence height (ft)	Maximum fence height (ft)	Maximum Canopy area (sf)
M/A-Type 1	20	100	75	50	6	8	5,000
M/A-Type 1A & B	20	100	N/A	N/A	6	8	5,000
M/A-Type 1c mixed light	5	100	N/A	N/A	6	8	2,500
M/A-Type 1C outdoor	5	100	50	25	6	8	2,500
M/A-Type 1C indoor	5	100	N/A	N/A	6	8	500
M/A-Type 2, 2A, & 2B	20	100	N/A	N/A	6	8	10,000
M/A-Type 3	20	100	N/A	N/A	6	8	43,560
M/A-Type 3A & 3B, and Type 4	20	100	N/A	N/A	6	8	22,000
Type 5	>20 acres	100	N/A	N/A	6	8	≤20 acres (871,200 sf)

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

“(e) Applicant and Ownership Information and Qualifications

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

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

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

16 **F.** Section 27.13(at)(1)(ii)(g)(1) of Chapter 21 of the Lake County Code shall be
17 amended to read as follows:

18 "(i) Each applicant, full-time employee, and property owner shall electronically
19 submit to the Department of Justice fingerprint images and related information
20 required by the Department of Justice for the purpose of obtaining information as
21 to the existence and content of a record of state or federal convictions and
22 arrests for which the Department of Justice establishes that the person is free on
23 bail or on his or her own recognizance, pending trial or appeal."

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

(iii) "Reserved."

1 (iv) The Sheriff's Office shall request from the department of Justice subsequent
2 notification 24 service, as provided pursuant to Section 11105.2 of the Penal
3 Code, for applicants.

4 (v) The applicant will be responsible to pay any fee for the Department of Justice
5 charges as set by the Department of Justice and sufficient to cover the
6 reasonable cost of processing the requests described in this paragraph.”

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

9 “(3) The applicant, property owner, or permittee has been convicted of an offense
10 that is substantially related to the qualifications, functions, or duties of the
11 business or profession for which the application is made, except that if the Lake
12 County Sheriff finds that the applicant, property owner, or permittee is otherwise
13 suitable to be issued a permit, and granting the permit would not compromise
14 public safety, the Lake County Sheriff shall conduct a thorough review of the
15 nature of the crime, conviction, circumstances, and evidence of rehabilitation of
16 the applicant, property owner, or permittee and shall evaluate the suitability of the
17 applicant, property owner, or permittee to be issued a permit based on the
18 evidence found through the review.”

18 **H.** Section 27.13(at)(1)(ii)(l) shall be amended to read as follows:

19 “(l) Construction Hours, Operating Hours, and Delivery Hours

20 (1) All construction activities including engine warm-up shall be limited
21 to Monday through Friday: 7:00 a.m. – 7:00 p.m., and Saturday: 12:00
22 p.m. – 5:00 p.m. Backup beepers shall be adjusted to the lowest
23 allowable level.

24 (2) Maximum non-construction related sound levels shall not exceed
25 levels of 55 dBA between the hours of 7:00 a.m. – 10:00 p.m., and 45
26 dBA between the hours of 10:00 p.m. – 7:00 a.m. at the property
27 lines.

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

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

I. Section 27.13(at)(1)(ii)(m) shall be amended to read as follows:

“(m) Reduced Canopy and Opt Out Requests

Cultivation 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 January 15th 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 shall result in the expiration of the use permit.

Two compliance monitoring site visits are required during the calendar year for all permits granted Opt Out and Reduced Canopy. Opt Out and Reduced Canopy requests are also subject to fees from the Treasurer-Tax Collector’s Office for processing the request, as established by the Board of Supervisors Master Fee Schedule. The Permittee is required to pay the fees at the time of submitting the request. Failure to pay the fees in a timely manner, and accommodate Staff for both site visits could result in fines and revocation of the permit.

J. Section 27.13(at)(1)(ii)(q) shall be added to read as follows:

“(q) Setbacks from Closest Offsite Residence

Zoning District	Setback from Closest Offsite Residence
“A” Agriculture	200 feet
“APZ” Agriculture Preserve Zone	200 feet
“TPZ” Timber Preserve Zone	200 feet
“RL” Rural Lands	300 feet
“RR” Rural Residential	500 feet

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2 **K.** Section 27.13(at)(1)(ii)(r) shall be added to read as follows:

3 “(r) Maximum Canopy

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Zoning District	Maximum canopy
“A” Agriculture	20 acres
“APZ” Agriculture Preserve Zone	20 acres
“TPZ” Timber Preserve Zone	20 acres
“RL” Rural Lands	20 acres
“RR” Rural Residential	One acre

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12 **L.** Section 27.13(at)(1)(ii)(s) shall be added to read as follows:

13 “(s) Incomplete, Inactive, and Abandoned Applications

14 Incomplete applications shall not be processed. If applicant fails to demonstrate
15 significant progress toward completion within 180 days of date of Incomplete
16 Letter, the application shall be considered abandoned. Fees are not refunded for
17 abandoned applications.”

18 **M.** Section 27.13(at)(1)(ii)(t) shall be added to read as follows:

19 “(t) Surety Bond

20 Each permit is required to have a \$5,000 surety bond with County of Lake as
21 Obligee.”

22 **N.** Section 27.13(at)(1)(iii)(g) shall be added to read as follows:

23 “(g) Cultivation within greenhouses shall not include open venting of the sides of
24 the structure to the outside open air. Greenhouse(s) shall contain air filtration
25 systems sufficient to remove odors and not be an odor nuisance to offsite
26 residences.”

27 **O.** Section 27.13(at)(1)(v)(c) shall be amended to read as follows:

28 “c. 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, bird watching, equestrian

1 activities, and camping. Additionally, the waters of Clear Lake at 7.79 Rumsey,
2 and all State and County parks are public lands.”

3 **P.** Section 27.13(at)(1)(v)(k) shall be added to read as follows:

4 “k. Parcels within the “FPZ” Farmland Protection Zone Boundaries”

5 **Q.** Section 27.13(at)(1)(v) shall be added to read as follows:

6 “v. Greenhouse construction shall utilize anchor-point foundations, where
7 feasible. Concrete slab foundations are discouraged.”

8 **R.** Section 27.13(at)(2)(i)(b) shall be amended to read as follows:

9 “b. Major Use Permit: A major use permit is required for the following cannabis
10 cultivation licenses: M – Type 3, A – Type 3, M – Type 3A, A – Type 3A, M –
11 Type 3B, A – Type 3B, or Type 5 licenses.”

12 **S.** Section 27.13(at)(2)(d)(8) shall be amended to read as follows:

13 “(8) A complete list of every owner of the applicant entity and property owner.

14 Each individual owner shall submit the following information:

15 (i) Full legal name;

16 (ii) Title within the applicant entity;

17 (iii) Home address;

18 (iv) Primary phone number;

19 (v) Email address;

20 (vi) Date ownership interest in the applicant entity was acquired;

21 (vii) Percentage of the ownership interest held in the applicant entity by the
22 owner;

23 (viii) A list of all valid licenses, including license type(s) and license number(s),
24 from the department and other cannabis licensing authorities that the owner is
25 listed as either an owner or financial interest holder;

26 (ix) A copy of their government-issued identification. Acceptable forms of
27 identification are a document issued by a federal, state, county, or municipal
28 government that includes the name, date of birth, physical description, and
picture of the person, such as a driver’s license or passport.

1 (x) For applicants that are a cannabis cooperative as defined by Division 10,
2 Chapter 22 (commencing with section 26220) of the Business and Professions
3 Code, identification of all members.

4 (xi) Evidence that the applicant entity has the legal right to occupy and use the
5 proposed location.

6 (xii) Evidence of enrollment with the applicable Regional Water Quality Control
7 Board or State Water Resources Control Board for water quality protection
8 programs or written verification from the appropriate board that enrollment is not
9 necessary;

10 (xiii) Evidence that the applicant has conducted a hazardous materials record
11 search of the EnviroStor database for the proposed premises. If hazardous sites
12 were encountered, the applicant shall provide documentation of protocols
13 implemented to protect employee health and safety;

14 (xiv) For indoor and mixed light license types, identification of all power sources
15 for cultivation activities, including but not limited to, illumination, heating, cooling,
16 and ventilation;

17 (xv) Identification of all water sources used for cultivation activities and the
18 estimated volume of water used on a monthly basis.

19 (xvi) An attestation that the local fire department has been notified of the
20 cultivation site if the applicant entity is an indoor license type;

21 (xvii) If construction is proposed, Building Elevations shall be submitted.”

22 **T.** Section 27.13(at)(2)(d)(10)(i) shall be amended to read as follows:

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

28 **U.** Section 27.13(at)(4)(i) shall be amended to read as follows:

1 "i. A compliance monitoring inspection of the cultivation site shall be
2 conducted annually during growing season, and twice per calendar
3 year for cultivation where Opt Out or Reduced Canopy has been
4 granted. Inspection Staff shall use the current State canopy calculation
5 processes for measurement of canopy, so long as the process does
6 not conflict with canopy and cultivation area for local taxation
7 purposes."

8 **V.** Section 27.13(at)(4)(iii) shall be amended to read as follows:

9 "iii. If there are no violations of the County permit or state license during the first
10 five years, the inspection frequency may be reduced by the Director to not less
11 than once every two years. The five-year annual review period restarts upon
12 change of permit ownership."

13 **W.** Section 27.13(at)(5)(i) shall be amended to read as follows:

14 "i. Performance Review

15 (a) All cannabis permittees shall submit a "Performance Review
16 Report" on an annual basis on June 1st of each calendar year from
17 their initial date of operation for review by the Community
18 Development Department.

19 (b) Pursuant to sub-section 5(i) above, the premises shall be inspected
20 by the Department on an annual or biannual basis, or less
21 frequently if approved by the Director. A copy of the results from
22 this inspection shall be given to the permittee and made available
23 to the public.

24 (c) Compliance monitoring fees pursuant to the County's adopted
25 master fee schedule shall be paid by permittee no later than June
26 1st of each calendar year, or January 15th of each calendar year if
27 accompanying a Reduced Canopy or Opt Out request.

28 (d) Non-compliance by permittee in allowing the inspection by the
Department, or refusal to pay the required fees, or noncompliance

1 in submitting the annual "Performance Review Report" for review
2 by the Community Development Department shall be deemed
3 grounds for a revocation of the development permit or use permit
4 and subject the holder of the permit(s) to the penalties outlined in
5 this Code."

6 **X.** Section 27.13(at)(6) shall be amended to read as follows:"Reserved".

7 **Y.** Section 27.13(au)(4)(vi) shall be added to read as follows:

8 "vi. If the applicant is other than a natural person (including general partnerships
9 of more than one individual natural person), the applicant must provide
10 documentation regarding the nature of the entity and the names of the individual
11 natural persons who manage, own or control the entity. Applicant, Permittee, and
12 Property Owner must submit the same information required for a state license
13 application and described in California Code of Regulations 4 CCR §15003.
14 Applications must also include the same information for the property owner if the
15 Applicant is not the property owner."

16 **Z.** Section 27.13(au)(5) shall be amended to read as follows: "Reserved".

17 **AA.** Section 27.13(au)(6) shall be amended to read as follows:

18 "6. Background Checks: All applicants, full-time employees, and property
19 owner(s) shall undergo a background check by the Lake County Sheriff
20 Department. An individual may fail the background check if the individual has
21 been convicted of an offense that is substantially related to qualifications,
22 functions, or duties of the business or profession for which the application is
23 made, except that if the sheriff determines that the applicant, full-time employee,
24 property owner, or permittee, is otherwise suitable to be issued a permit and
25 granting the permit would not compromise public safety, the sheriff shall conduct
26 a thorough review of the nature of the crime, conviction, circumstances, and
27 evidence of rehabilitation of the applicant, and shall evaluate the suitability of the
28 applicant, full time employee, permittee or property owner be issued a permit
based on the evidence found through the review. In determining which offenses

1 are substantially related to the qualifications, functions, or duties of the business
2 or profession for which the application is made, the sheriff shall include, but not
3 be limited to, the conditions described in Section 26057 of the California Business
4 and Professions Code."

5 **BB.** Section 27.13(au)(7)(i) shall be amended to read as follows:

6 "i. Require that each applicant, full-time employee, and property owner
7 electronically submit to the Department of Justice fingerprint images
8 and related information required by the Department of Justice for the
9 purpose of obtaining information as to the existence and content of a
10 record of state or federal convictions and arrests, and information as to
11 the existence and content of a record of state or federal convictions
12 and arrests for which the Department of Justice establishes that the
13 person is free on bail or on his or her own recognizance, pending trial
14 or appeal."

15 **CC.** Section 27.13(au)(8)(i) is amended to read as follows:

16 "i. If the applicant(s), and/or property owner(s) fail the background
17 check."

18 **DD.** Section 27.13(au)(9) shall be amended to read as follows:

19 "9. The applicant, property owner, or permittee has been convicted of an offense
20 that is substantially related to the qualifications, functions, or duties of the
21 business or profession for which the application is made, except that if the Lake
22 County Sheriff finds that the applicant, property owner, or permittee is otherwise
23 suitable to be issued a permit, and granting the permit would not compromise
24 public safety, the Lake County Sheriff shall conduct a thorough review of the
25 nature of the crime, conviction, circumstances, and evidence of rehabilitation of
26 the applicant or property owner, and shall evaluate the suitability of the applicant,
27 property owner, or permittee to be issued a permit based on the evidence found
28 through the review."

EE. Section 27.13(au)(28)(vi) shall be amended to read as follows:

1 “vii. A complete list of every owner of the applicant entity. Each individual owner
2 shall submit the same information required for a state license application and
3 described in California Code of Regulations 4 CCR §15003. Applications must
4 also include the same information for the property owner, if the applicant is not
5 the property owner;”

6 **FF.**Section 27.13(au)(29) shall be amended to read as follows:

7 “Reserved.”

8 **GG.** Section 27.13(au)(32) shall be amended to read as follows:

9 32. Compliance monitoring: A compliance monitoring inspection of the
10 cannabis manufacturing facility shall be conducted at least annually. The
11 permittee shall pay a compliance monitoring fee established by resolution
12 of the Board of Supervisors no later than June 1st of each calendar year,
13 or January 1st of each calendar year in which an Opt Out or Reduced
14 Canopy request has been granted. If there are no violations of the County
15 permit or state license during the first five years, the inspection frequency
16 may be reduced by the Director to not less than once every two years.”

17 **HH.** Section 27.13(au)(33) is amended to read as follows:

18 “33. Annual Reports: Performance Review

- 19 i. All cannabis permittees shall submit a “Performance Review Report” on an
20 annual basis no later than June 1st of each calendar year, for review
21 by the Community Development Department.
- 22 ii. Pursuant to subsection 6(i) above, the premises shall be inspected by the
23 Department on an annual basis, or less frequently if approved by the
24 Director. A copy of the results of this inspection shall be given to the
25 permittee and be made available to the public.
- 26 iii. Compliance monitoring fees pursuant to the County’s adopted master fee
27 schedule shall be paid by permittee and accompany the “Performance
28 Review Report” for costs associated with the review of the report by
County staff.

1 iv. Noncompliance by permittee in allowing the inspection by the Department,
2 or refusal to pay the required fees, or noncompliance in submitting the
3 annual "Performance Review Report" for review by the Community
4 Development Department shall be deemed grounds for a revocation of
5 the development permit or use permit and subject to the holder of the
6 permit(s) to the penalties outlined in this Code."

7 **II.** Section 27.13(au)(34) shall be removed in its entirety.

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

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13 SECTION SIX: This ordinance originally adopted in 2018, was determined to be exempt
14 from CEQA pursuant to Business and Professions Code section 26055(h), for the
15 adoption of an ordinance, rule or regulation by a local jurisdiction that requires
16 discretionary review and approval of permits, licenses, or other authorizations to engage
17 in commercial cannabis activity where the discretionary review in any such law,
18 ordinance, rule, or regulation includes any applicable environmental review pursuant to
19 Division 13 (commencing with section 21000) of the Public Resources Code; and under
20 Section 15061(b)(3) of the CEQA Guidelines, as an activity that is covered by the
21 general rule that CEQA applies only to projects which have the potential for causing a
22 significant effect on the environment. The general exemption applies in this instance
23 because it can be seen with certainty that there is no possibility that the proposed
24 amendments could have a significant effect on the environment, and thus are not
25 subject to CEQA. The Board of Supervisors independently finds and determines that
26 this action is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) in
27 that it can be seen with certainty that there is no possibility that the activity in question
28 will have a significant impact on the environment.

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

8
9 The Foregoing ordinance was introduced before the Board of Supervisors on the
10 ____ day of _____ and passed by the following vote on the ____ day of
11 _____.

12
13 AYES:

14 NOES:

15 ABSENT OR NOT VOTING:

16
17
18 _____
19 Chair, Board of Supervisors

20
21 ATTEST: Susan Parker
22 Clerk of the Board of Supervisors

23 APPROVED AS TO FORM:
24 Lloyd Guintivano
25 County Counsel

26
27 _____
28 Nicole Johnson
Sr. Deputy County Counsel