

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. _____

**AN INTERIM URGENCY ORDINANCE PLACING A MORATORIUM ON AGRICULTURAL OPERATIONS
AND CANNABIS CULTIVATION WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF LAKE**

WHEREAS, Lake County has been experiencing a significant drought since 2020; and

WHEREAS, the Lake County Sheriff declared a state of emergency due to drought conditions on May 6, 2021; and

WHEREAS, the Lake County Board of Supervisors ratified the Sheriff's declaration on May 11, 2021; and

WHEREAS, the state of California declared a state of emergency due to the drought on May 11, 2021.

WHEREAS, many of our municipal water districts have recently needed to extend their pipelines in Clear Lake in order to ensure continued access to drinking water for our community members; and

WHEREAS, it is important to ensure that everyone has access to safe drinking water during the duration of this drought; and

WHEREAS, the quantities and diversities of agricultural products grown in Lake County, including cannabis, contribute both to the economy and quality of life in the County of Lake; and

WHEREAS, in Lake County's 2020 Crop Report, traditional agriculture produced \$75 million worth of crops; and

WHEREAS, the California State Water Board sent out a letter on March 21, 2022 requesting that counties plan ahead to conserve water and adapt to drought conditions and that these efforts can help minimize the potential impact of water management actions on businesses, homes, farms, and California's environment.

WHEREAS, this Interim Urgency Ordinance is adopted pursuant to California Constitution, Article 11, section 7 and other applicable law; and

WHEREAS, the purpose of this ordinance is to protect our water availability during this extreme drought rather than add more water heavy agricultural and cannabis projects that may add stress to an already difficult situation; and

WHEREAS, this Interim Urgency Ordinance is intended to protect the drinking water of our county and those who have approved agricultural operations and cannabis cultivations.

NOW THEREFORE, the Lake County Board of Supervisors hereby ordains as follows:

Section One: Findings. The Board of Supervisors of the County of Lake finds that:

- A. The above recitals are true and correct and are incorporated herein as it set forth in full and that these recitals support the adoption of this Interim Urgency Ordinance and are relied upon by

this Board for its adoption of this Ordinance.

- B. Based on the findings set forth above, the Board finds and declares that there is a current and immediate threat to the public health, safety and welfare arising from the impact of new agricultural operations and cannabis cultivation during an ongoing drought.
- C. Therefore, the Board of Supervisors determines that this ordinance is urgently needed for the immediate preservation of the public peace, health, safety, and welfare pursuant to the Government Code section 25121 and 25131.

Section Two: Prohibited Activities

- A. Agricultural Operations
 - a. Converting land with native vegetation to ag land, in which a grading permit is required, for the purpose of agricultural operations shall be prohibited from approval.
 - i. Exemption: Any agricultural operations whose CEQA documents have been uploaded to the State Clearing House for review can continue to progress.
- B. Cannabis Cultivation
 - a. All cannabis cultivation projects shall be prohibited from approval
 - i. Exemption: Any cannabis cultivation project whose CEQA documents have been uploaded to the State Clearing House for review can continue to progress.

Section Three: Effective Date. This urgency ordinance shall take effect and be in full force immediately upon adoption by at least a four-fifths vote of the Board of Supervisors pursuant to Government Code section 25123 and shall remain in effect and operative until the local drought emergency proclamation is terminated or otherwise determined by the Board of Supervisors to be no longer necessary.

Section Four: Review. After forty-five (45) days the Community Development Department and Agricultural Commissioner shall provide the number of projects that are being prohibited by this Ordinance and the potential economic impact as well as provide an update on where they are in enhancing the hydrological review process for agricultural operations and cannabis cultivation projects.

Section Five: Environmental Review. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the following : Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15269(c) as an action immediately necessary to mitigate or prevent an emergency because the Ordinance establishes temporary measures to assist with studying and considering restrictions or conditions of approval regarding reductions in water usage during a drought and the anticipated time to conduct environmental review would pose a grave risk to public health, safety, and welfare, given the seriousness of drought conditions; CEQA Guidelines Section 15308 (Class 8) as an action taken to assure the protection of the environment, as this ordinance specifically calls for additional study and conditions of approval related to reducing water usage during a drought emergency.

Section Six: 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 Seven: Publication. Before the expiration of 15 days after passage of this ordinance it shall be published once, with the names of the members voting for and against the ordinance, in a newspaper of general circulation published in the County of Lake in compliance with Government Code section 25124.

The Foregoing Ordinance was introduced before the Board of Supervisors on the _____ day of _____, 2022, and passed by the following vote on the ____ day of _____, 2022.

AYES:

NOES:

ABSENT OR NOT VOTING:

COUNTY OF LAKE

Chair, Board of Supervisors

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

By: _____
Deputy

APPROVED AS TO FORM:

ANITA L. GRANT
County Counsel

By: _____