

ORDINANCE NO. _____

BOARD OF SUPERVISORS, LAKE COUNTY, STATE OF CALIFORNIA
AN ORDINANCE RESCINDING SPECIFIED SECTIONS OF THE LAKE COUNTY ZONING ORDINANCE
RELATING TO EARLY ACTIVATION

WHEREAS, in 1996, the Board of Supervisors adopted Ordinance No. 2336 amending Chapter 21, Article 27 of Lake County Code section 21-27.4 and section 21-27.13(at)(2)(i)(c) pertaining to Early Activation of Use and Permits; and

WHEREAS, in 2017, the California Legislature passed Senate Bill 94, which created the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA); and

WHEREAS, in 2018, the Lake County Board of Supervisors adopted Ordinance No. 3073 to provide the intent and purpose of establishing reasonable regulations in which cannabis may be cultivated to protect the peace, health, safety, welfare and environment of Lake County; and to ensure that nothing in Ordinance shall be construed to allow persons to engage in conduct that endangers others or cause a public nuisance in Lake County; and

WHEREAS, in 2019, the Lake County Board of Supervisors adopted Ordinance No. 3084 amending Chapter 21, Article 27 of the Lake County Code pertaining to Commercial Cannabis Cultivation development standards and general requirements; and

WHEREAS, in 2021, the Lake County Board of Supervisors adopted Ordinance No. 3107 imposing an Interim Urgency Ordinance to Temporarily Prohibit (Moratorium) the issuance of Early Activation Permits for land use projects; and further adopted Ordinance No. 3111 to extend the Interim Urgency Ordinance No. 3107; and

WHEREAS, despite the limited conditions under which such early activation permits may be issued and the expiration of such permits six months after the date of issuance, applications for early activation permits increased and became, in many instances, a “first step” in the use permitting process, creating a substantial backlog in the Community Development Department, and resulting in significant delays in processing minor and major use permits; and

WHEREAS, the Interim Urgency Ordinance was adopted to address the significant backlog of applications for early activation permits and to ensure that such permits are not issued without thorough consideration of the narrowly-prescribed circumstances pursuant to which such permits may be issued; and

WHEREAS, after the study and assessment of early activation permits, the Community Development Department found that such permits: 1) delay permittees in the early activation process when a streamlined use permit process is more advantageous to effective land use planning; 2) significantly create negative hardships in staff’s processing time and does not

warrant the best use of staff's time; 3) overtime, the actual use of early activation permits has far exceeded the intended purpose and the volume of such permits has created a back log which is delaying the issuance of major and minor use permits for cannabis cultivation for other permissible uses; and 4) many early activation permits accepted by the Community Development Department were accepted erroneously due to such permits having components of construction, grading or removal of trees on the property which make the review of early activation use permit applications ineligible for processing; and

WHEREAS, the Community Development Department believes that the most effective and efficient improvement that can be made to the cannabis cultivation permitting process is to remove the option of early activation of use and permitting in both sections 21-27.4 and section 21-27.13(at)(2)(i)(c); and

WHEREAS, because the County of Lake adopted a comprehensive Ordinance governing the cultivation of commercial cannabis, this Ordinance has provided for a limited opportunity whereby cannabis cultivation permittees are able to apply for a temporary early activation permit.

NOW THEREFORE,

THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE ORDAINS AS FOLLOWS:

Section One: Sections 21-27.4 and Section 21-27.13(at)(2)(i)(c) of the Lake County Zoning Ordinance are hereby repealed.

Section Two: CEQA Review. This Board of Supervisors finds that this Ordinance is exempt from the California Environmental Quality Act (CWQA) because this activity is not a project pursuant to Title 15 of the California Code of Regulations section 15060(c)(2); it is an activity that has no potential to result in a direct or reasonably foreseeable indirect physical change in the environment.

Section Three: This Ordinance shall take effect thirty (30) days from its date of adoption and before the expiration of fifteen days after its passage; the Ordinance was published in Record-Bee newspaper of general circulation on Saturday, July 9, 2022 in the County of Lake.

The Foregoing Ordinance was adopted by the Board of Supervisors on the 26th day of July, 2022, and passed by the following vote on the 26th day of July, 2022.

AYES:

NOES:

ABSENT OR NOT VOTING:

COUNTY OF LAKE

ATTEST: SUSAN PARKER
Clerk to the Board of Supervisors

Chair Board of Supervisors

APPROVED AS TO FROM:
ANITA L. GRANT

By: _____
Deputy

By: _____