

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. _____

(AN ORDINANCE AMENDING ARTICLE 72 OF CHAPTER 21 OF THE LAKE COUNTY CODE TO ALLOW THE OUTDOOR CULTIVATION OF MEDICAL MARIJUANA IN “RL” RURAL LANDS AND TO CREATE A CERTIFICATION OF COMPLIANCE PROCESS FOR CANNABIS CULTIVATION.)

THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1: The following specified sections of Article I of Chapter 5 of the Lake County Code are each hereby amended to read as follows:

72.4 Definitions:

(a) Cultivation: The germinating, cloning, seed production, planting, growing, and harvesting of cannabis plants and the on-site, drying, curing, grading, or trimming processing or storage of one or more marijuana-cannabis plants or any part thereof.

(m) Premises: ~~Includes the actual building, as well as accessory structures, parking areas and other on-site improvements.~~ A legal parcel compliant with the Subdivision Map Act, or leasehold interest in agricultural land for agricultural purposes of outdoor, mixed-light, or indoor cultivation or processing of cannabis, or leased or owned space in an industrial or commercial building for purposes of indoor cultivation, processing, manufacture or distribution of cannabis.

(p) Cultivation site: The sum of the area(s) of cannabis cultivation as measured around the perimeter of each discrete area of cannabis cultivation on a single premises, as defined herein.

Sec. 72-5 (l) Outdoor cultivation by medical marijuana collectives, comprised of members who are all residents of Lake County, shall not exceed 48 mature plants or 72 immature plants, provided that the cultivation is conducted on a parcel that is a minimum of 20 acres and located within the “A”, Agriculture and “RL”, Rural Lands zoning districts .

Sec 72-5 (k)

1. To determine compliance with the requirements of this article, a self-certification process is hereby established.

2. There are three categories of compliance:

a. Outdoor

b. Outdoor and Medical Marijuana Collective

c. Indoor

1-3. The qualifying patient or primary caregiver engaged in the cultivation or the legal representative of a medical marijuana cooperative may certify that they are in compliance with the requirements of this article in the following manner:

a. Complete a self-certification application at the Lake County Community Development Department and pay an application fee. For the purpose of County's master fee schedule the indoor certification of compliance application for a qualified patient or primary caregiver with no more than 6 mature or 12 immature plants shall be considered a zoning permit application and an application for outdoor or outdoor and medical marijuana collective certification of compliance by a medical marijuana cooperative shall be considered a major use permit application.

~~a.b.~~ An application for an indoor certification of compliance shall include an indoor cultivation site plan and an application for an outdoor or outdoor and medical marijuana collective certification of compliance shall include an outdoor cultivation site plan. The requirements of the site plans shall be described on the application form.

~~b.c.~~ As part of the application process, the applicant agrees to an annual compliance monitoring, to pay the fees for the annual compliance monitoring, gives permission for the county staff to enter the property, and will provide all documentation required for the compliance monitoring.

d. The application shall include a plot plan prepared by a licensed surveyor or design professional of the boundaries of the cultivation area. The plot plan shall include the size of the cultivation area in square feet.

~~c.e.~~ If the property has a first lien, a copy of the written approval of the first lien holder, containing the first lien holder notarized signature that authorizes the applicant to cultivate medical marijuana at the site shall be included with the application.

2.4. For certification applicants engaging in the cultivation of medical marijuana prior to January 1, 2016 and upon confirmation in the compliance monitoring, a Certificate of Recognition of Compliance and Good Standing will be issued. Such a certificate will be good for one year and may be renewed upon confirmation of the certification through a compliance monitoring.

3.5. For certification applicants engaging in the cultivation of medical marijuana after January 1, 2016 and upon confirmation in the compliance monitoring, a Conditional Certificate of Recognition of Compliance will be issued. Such a certificate will be good for one year and may be renewed upon confirmation of the certification through a compliance monitoring.

4.6. If the compliance monitoring results in a finding that the applicant is not in compliance with the requirements of this article, the applicant will be notified of the non-compliance issues and what actions are need to be taken for compliance. An applicant has 30 days to request an additional compliance monitoring inspection to determine if the certification is in compliance. If the applicant fails to request the additional compliance monitoring, the County may initiate enforcement proceeding pursuant to section 72-10. ~~An applicant may request additional time to request the additional compliance monitoring and the Community Development Director may allow a one-time request up to 30 days. Additional requests for a period of time greater than 30 days may be considered by the Planning Commission.~~ In addition to the requirements of section 72-10, no cannabis cultivation permit may be issued for the parcel where the non-compliant cultivation site is located for a one year period.

~~5-7.~~ 5-7. An applicant may appeal the findings of the compliance monitoring to the Planning Commission.

~~6-8.~~

Section Two: All ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict and no further.

Section Three: ~~This project~~ A projects that is self-certified to be in compliance with the requirements of this article is exempt from CEQA requirements in that it can be seen with certainty that there is no possibility that the activity in question will have a significant effect upon the environment.

Section Four: This ordinance shall take effect on the ____ day of _____, 2017 and within fifteen (15) days after adoption of the ordinance, the Clerk to the Board of Supervisors shall publish a summary of the ordinance with the names of those supervisors voting for and against the ordinance and the clerk shall post in the office of the Clerk to the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those supervisors voting for and against the ordinance.

The Foregoing ordinance was introduced before the Board of Supervisors on the ____ day of _____, 2017, and passed by the following vote on the ____ day of _____ 2017.

AYES:

NOES:

ABSENT OR NOT VOTING:

COUNTY OF LAKE

Attest: Carol J. Huchingson

APPROVED AS TO FORM:

Clerk of the Board of Supervisors

ANITA L. GRANT

By:

By:

Deputy