

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 .

The following additional standards shall apply:

1. The premises on which the medical marijuana is cultivated shall be the principal primary residence of at least one of the persons for whom the medical marijuana is being cultivated.

2. For each member of the medical marijuana collective, the names, contact information, a doctor’s recommendation and the doctor’s name and contact information, or a copy of a state-issued medical marijuana identification card shall be displayed within the secure cultivation area, or on the exterior of the building used for an indoor cultivation, in a manner that allows law enforcement officials access the records at time of compliance inspection.

3. The cultivation shall be completely screened from public view and the views of adjacent parcels with a fence with locked gates, and no medical marijuana shall be cultivated or otherwise placed within 100 feet of any property line or within 200 feet of any off-site residence, as measured from the plant canopies. The fence must include a locking gate which shall be kept locked at all times when the qualified patient or caregiver is not in the immediate area. Fences and gates shall comply with the

height limits specified by Section 42.11 of the Zoning Ordinance, and the definition of “fence” provided in this Article. 72-9.

4. Nothing herein shall limit the ability of Enforcement Officials from entering the property to conduct compliance inspections necessary to ensure compliance with this Article. The Sheriff is authorized to determine the number and timing of inspections that may be required.

Sec 72-5 (m)

1. To determine compliance with the requirements of this article, a self-certification process is hereby established for medical marijuana collectives.
2. The legal representative of a medical marijuana collective shall certify compliance with this section by March 31, 2018 that they are in compliance with the requirements of this article in the following manner:
 - a. Submit a self-certification application to the Lake County Community Development Department and pay an application fee. For the purpose of the County’s master fee schedule, an application for the medical marijuana collective certification of compliance shall be considered a major use permit application.
 - b. An application for a 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.
 - 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 design professional, as that phase is commonly defined under California law, of the boundaries of the cultivation area. The plot plan shall include the size of the cultivation area in square feet.
 - 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.
3. For certification applicants engaging in the cultivation of medical marijuana prior to September 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.
4. For certification applicants engaging in the cultivation of medical marijuana after September 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.
5. 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. The Enforcement Official shall set the period for compliance not to exceed 30 days from the date of notification. If the applicant fails to correct the non-compliance and request and pay for the additional compliance monitoring, the County may initiate enforcement proceeding pursuant to section 72-10. 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 from the date deem non-compliant.

6. An applicant may appeal the findings of the compliance monitoring to the Planning Commission.

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

Section Three: 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