

REPORT OF THE LAKE COUNTY BOARD OF SUPERVISORS REGARDING THE MEASURES TAKEN TO ALLEVIATE THE NEED FOR THE URGENCY ORDINANCE ALLOWING TEMPORARY AND LIMITED REGISTRATION OF CERTAIN COMMERCIAL CANNABIS CULTIVATION LICENSES

On December 19, 2017, the Lake County Board of Supervisors adopted Urgency Ordinance 3070, to allow temporary and limited registration of certain commercial cannabis cultivation licenses. This ordinance provides that a moratorium against the cultivation, distribution, transport, storage, manufacturing, processing, testing, and sale of commercial cannabis in any unincorporated area of the County was subject to the following exception: During the period of time the ordinance remains in place and until a permanent ordinance for commercial cannabis cultivation is made final, those persons who (1) have submitted a self-certification under Article 72 of the Zoning Ordinance which has been deemed complete by the Community Development Department and (2) have submitted a signed affidavit of compliance with state and local law as of the effective date of this ordinance shall be issued a Letter of Authorization to proceed with an application for state licensure for a Type 1, Type 1c, Type 2, or Type 3 state license, with the caveat that said authorization shall only serve to acknowledge the applicant's prior compliance with state and local law and present eligibility to pursue a local commercial cultivation license when the County's permanent commercial cannabis ordinance is final.

Government Code section 65858 requires that if the Board of Supervisors wishes to extend this ordinance beyond an initial 45-days, the Board may do so after notice and a public hearing. That code section also requires that the Board issue a written report describing the measures taken to alleviate the condition which led to adoption of the urgency ordinance.

The Board of Supervisors has approved a work plan to keep the process of adopting a permanent commercial cannabis cultivation ordinance moving forward. A series of two-hour cannabis workshops have been scheduled by the Board to review recent changes in the law and the approaches being considered by other local jurisdictions, to consider cultivation for personal use and commercially, to consider other potential components of the commercial cannabis industry such as testing and distribution, and to consider various policy issues, staffing, and budgetary impacts. The first such workshop relating to cannabis cultivation occurred on January 18, 2018, and included a detailed request for guidance from the Board as to numerous specified areas involving land use, zoning, and regulatory issues. The Board has directed staff to prepare a Resolution of Intent to send a draft commercial cultivation ordinance to the Planning Commission for its review. When the Planning Commission has completed that review, the draft commercial cultivation ordinance shall return to the Board of Supervisors for further public comment, Board consideration, and possible action.

An extension of Ordinance 3070 is necessary to mitigate or avoid the specific, adverse impacts identified in that ordinance and there is no feasible alternative to satisfactorily avoid that impact. It is the intention of the Board of Supervisors, as expressed by the approval of its work plan and special cannabis workshop meeting dates, to move effectively and efficiently toward the adoption of a commercial cultivation ordinance.