

1 **BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 27 OF THE LAKE COUNTY**
4 **CODE PERTAINING TO REMOVAL OF THE REQUIREMENT FOR COMMERCIAL**
5 **CANNABIS CULTIVATION APPLICANTS TO BE ENROLLED WITH THE**
6 **REGIONAL WATER QUALITY CONTROL BOARD OR STATE WATER RESOURCES**
7 **CONTROL BOARD AS OF APRIL 19, 2018 AND TO REMOVE THE REQUIREMENT**
8 **FOR A CONDITIONAL CERTIFICATE OF RECOGNITION (SELF CERTIFICATION)**
9 **OF COMPLIANCE WITH ARTICLE 72 IN ORDER TO APPLY FOR EARLY**
10 **ACTIVATION OF USE.**

11 **WHEREAS, the proposed amendments are consistent the provisions of the Lake County**
12 **General Plan and Zoning Ordinance.**

13
14 **WHEREAS, this proposed amendments are necessary to protect the health and safety and**
15 **welfare of the County.**

16
17 **WHEREAS, the proposed amendments would increase economic development**
18 **opportunities.**

19
20 **WHEREAS, the project will not result in any significant adverse environmental impacts,**
21 **and the project is exempt from CEQA.**
22

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

25 **Section 1:** Subsection (at) 4(d)a. of Section 27.13 of Chapter 21 of the Lake County Code is
26 hereby amended to read:

27 A person interested in applying for a cannabis cultivation use permit shall be
28 enrolled with the applicable Regional Water Quality Control Board or State Water
29 Resources Control Board for water quality protection program or written
30 verification from the appropriate board that enrollment is not necessary.

31 **Section 2:** Subsection (at) 4(e)c. of Section 27.13 of Chapter 21 of the Lake County Code is
32 hereby deleted:

33 ~~The applicant shall a Conditional Certificate of Recognition of Compliance for~~
34 ~~compliance with Article 72.~~

35 **Section 3:** Conflict. All ordinances or resolutions in conflict herewith are hereby repealed to
36 the extent of such conflict and no further.

37 **Section 4:** Sunset. This Ordinance shall sunset 12 months after its effective date if for any

reason the existing cultivation tax ordinance adopted by adopted by the voters of Lake County in 2016 is rendered ineffective and no alternative cultivation tax ordinance has been approved by the voters of the County of Lake.

Section 5: CEQA. The Board of Supervisors independently finds and determines that this action is exempt from CEQA pursuant to Business and Professions Code section 26055(h) for the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity where the discretionary review in any such law, ordinance, rule, or regulation includes any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code; and, under Section 15061(b)(3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

Section 6. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 7: Effective Date. This ordinance shall take effect on the ____ day of _____, 2019 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 _____, 2019, and passed by the following vote on the ____ day of _____ 2019.

AYES:

1 NOES:

2 ABSENT OR NOT VOTING:

3 SO ORDERED:

4

5 COUNTY OF LAKE

6

7 _____

8 Chair, Board of Supervisors

9 ATTEST:

10 CAROL J. HUCHINGSON

11 Clerk of the Board

12

13 By: _____

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APPROVED AS TO FORM:

ANITA L. GRANT

County Counsel

By: 

APPROVED AS TO FORM:

By: 

Community Development Department

