

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 27 OF THE LAKE COUNTY CODE PERTAINING TO COMMERCIAL CANNABIS CULTIVATION

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

WHEREAS, the proposed amendments are necessary to protect the health and safety and welfare of the County.

WHEREAS, the proposed amendments will advance the goals of the County by supporting local and emerging businesses in the county.

WHEREAS, it can be seen with certainty that these proposed amendments will have no significant affect on the environment.

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

Section 1. Subsection (i) of Section 27.3(at)(1) of Chapter 21 of the Lake County Code is hereby amended, and shall read as follows:

[TABLE ON NEXT PAGE]

License	Minimum Lot Size (acres)	Setback from property line	Setback from off-site residences	Number of Living Cannabis Plants	Number of Mature Cannabis Plants	Minimum fence height (feet)	Maximum fence height (feet)	Maximum canopy area (Sq. ft.)
M-Type 1, A-Type 1	20	100	200	N/A	N/A	6	8	5,000
M-Type 1A, A-Type 1A	2	100	200	N/A	N/A	6	8	5,000
M-Type 1B, A-Type 1B	20	100	200	N/A	N/A	6	8	5,000
M-Type 1C mixed light	5	100	200	N/A	N/A	6	8	2,500
M-Type 1C outdoor	5	100	200	N/A	N/A	6	8	2,500
M-Type 1C indoor	2	100	200	N/A	N/A	6	8	500
A-Type 1C Mixed light	5	100	200	N/A	N/A	6	8	2,500
A-Type 1C outdoor	5	100	200	N/A	N/A	6	8	2,500
A – Type 1C indoor	2	100	200	N/A	N/A	6	8	500
M – Type 2, A-Type 2,	20	100	200	N/A	N/A	6	8	10,000
M -Type 2A, A-Type 2A	2	100	200	N/A	N/A	6	8	10,000
M-Type 2B, and A - Type	20	100	200	N/A	N/A	6	8	10,000
M – Type 3 and A – Type 3	20	100	200	N/A	N/A	6	8	43,560
M – Type 3A, A - Type 3A,	2	100	200	N/A	N/A	6	8	22,000

M- Type 3B, A – Type 3B	20	100	200	N/A	N/A	6	8	22,000
M – Type 4, and A – Type 4	20	100	200	N/A	N/A	6	8	22,000

Section 2. Table B of Section 27.11 of Chapter 21 of the Lake County Code is hereby amended, and shall read as follows:

[TABLE ON FOLLOWING PAGE]

Special Uses	AP Z	A	TPZ	RL	RR	SR	R1	R2	R3	C1	C2	C3	CR	CH	M1	M2	MP	O	W	U	PD R	PD C	
(at) Commercial Cannabis Cultivation, License Type 1, 2 and 4 ¹²	O	O	O	O	O	O																●	Δ
(at) Commercial Cannabis Cultivation, License Type 3 ¹²	●	●	●	●	●	●																●	Δ
(au) Type N and P Cannabis Manufacturing License ¹³											O	O			O	O						O	Δ
(av) Type 6 Non-Volatile Cannabis Manufacturing License ¹³	●	●	●	●	●							●			●	●						●	Δ
(aw) Type 7 Volatile Cannabis Manufacturing License ¹³																●							Δ
(ax) Type 11 Cannabis Distributor License ¹³												●			●	●						●	Δ
(ay) Type 13 Cannabis Distributor Transport Only License ¹³											●	●			●	●						●	Δ
(az) Type 13 Cannabis Distributor Transport Only, Self-Distribution License ¹³	O	O	O	O	O	O					O	O			O	O						O	Δ
(aaa) Cannabis Processor License ¹³	●	●	●	●																		●	Δ
(aab) Type 8 Cannabis Testing Laboratory ¹³											O	O			O	O						O	Δ
(aac) Microbusiness ¹⁴	●	●	●	●	●																		

Sec. 27.11 Table B Uses generally permitted with a Use Permit

Δ Standards included in Subsection (a) through (aab)

● Major Use Permit

○ Minor Use Permit

Section 3. Subsection (a) of Section 27.3(at)(2)(i)(b) of Chapter 21 of the Lake County Code is hereby amended, and shall read as follows:

- a. The property proposed for commercial cannabis cultivation shall be enrolled with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs **as of October 31, 2020**, or the applicant shall provide written verification from the appropriate board that enrollment is not necessary.

Section 4. Subsection (g) of Section 27.3(at)(1)(ii) of Chapter 21 of the Lake County Code is hereby amended, and shall read as follows:

(g) Application for Background Clearance

(1) An applicant for a commercial cannabis cultivation permit shall do all of the following:

(i) Each applicant, and employee shall electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal.

(ii) An applicant shall not be eligible to receive a permit until electronic fingerprint images have been submitted to the Department of Justice as described in this Section and the Lake County Sheriff Department or Lake County Community Development Department has reviewed the resulting background information provided by the Department of Justice and determined that the applicant is eligible to receive a permit, as the case may be.

(iii) Due to the nature of agricultural work, an employee may be permitted to work temporarily upon submitting their electronic fingerprint images and related information. Once the application has been reviewed by the Lake County Sheriff Department or Lake County Community Development Department, the applicant must remove any and all employees who have failed the background checks from the cultivation site or any other operations related to the Use Permit.

- (iv) The Sheriff's Office shall request from the Department of Justice subsequent notification 24 service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.
- (v) The applicant will be responsible to pay any fee the Department of Justice charges as set by the Department of Justice and sufficient to cover the reasonable cost of processing the requests described in this paragraph.

Section 5. Subsection (v) of Section 27.3(at)(3)(iii)(b)(a.)(6) of Chapter 21 of the Lake County Code is hereby amended, and shall read as follows:

- (v) The surveillance system shall operate continuously 24 hours per day and at a minimum of 30 frames per second during the period of time that cannabis operations are actively taking place.

Section 6. Subsection (iv) of Section 27.3(au)(21) of Chapter 21 of the Lake County Code is hereby amended, and shall read as follows:

- (iv) The surveillance system shall operate continuously 24 hours per day and at a minimum of 30 frames per second during the period of time that cannabis operations are actively taking place.

Section 7. Subsection (1) of Section 27.3 (aac) of Chapter 21 of the Lake County Code is hereby amended, and shall read as follows:

- (1) May act in part or whole as a Distributor, Type 6 Non-Volatile Cannabis Manufacturer, retailer, and cultivator, on an area less than 10,000 square feet. An applicant for a microbusiness must have a Type 1 and or 2 Commercial Cannabis Cultivation License and at least two (2) or more of the following Licenses:
 - a. Type 13 Cannabis Distributor Transport Only, Self-Distribution License
 - b. Type 6 Non-Volatile Cannabis Manufacturing License
 - c. Type 10 and 10A Dispensary License
 - i. Type 10 and 10A Dispensary Licenses are not allowed as part of a microbusiness unless it is applied for in coordination with a resort application and only accessible by its guests, not the general public.

Section 8. Table B of Section 27.11 of Chapter 21 of the Lake County Code is hereby amended, and shall read as follows:

(aac) Microbusiness (includes Type 13 Distribution License, Type 1 or Type 2 Cultivation License, Type 6 Manufacturing License, and Type 10 or 10A Dispensary License)

Section 9. 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 10. 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 11. Effective Date. This ordinance shall take effect on the ____ day of _____, 2020 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 _____, 2020, and passed by the following vote on the ____ day of _____ 2020.

AYES:

NOES:

ABSENT OR NOT VOTING:

SO ORDERED:

COUNTY OF LAKE

Chair, Board of Supervisors

ATTEST:

CAROL J. HUCHINGSON

Clerk of the Board

By: _____

APPROVED AS TO FORM:

ANITA L. GRANT

County Counsel

By: _____

APPROVED AS TO FORM:

By: _____

Community Development Department