

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 21, ARTICLES 27 OF THE LAKE COUNTY CODE PERTAINING TO COMMERCIAL CANNABIS CULTIVATION EARLY ACTIVATION PERMITS

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

Section One: Section 27.13 of Chapter 21 of the Lake County Code is hereby amended as to the section (at), 2, i, (c) with the following:

(c) Early activation

In addition to the requirements of Article 27.4, the following requirements apply:

- a. The applicant shall be qualified to receive a permit pursuant to Subsection 1.ii. (g).
- b. Evidence of enrollment with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs or written verification from the appropriate board that enrollment is not necessary
- c. The applicant shall have filed an application for a minor or major use permit application, as appropriate, for the same project that has been determined to be complete by the Department
- d. An Initial Study must be submitted to, deemed complete by the Department, and completed the State Clearinghouse public review process prior to requesting an Early Activation Permit
 - i. If the Initial Study indicates potentially significant effects on the environment, the Department may deny the application for an Early Activation permit pursuant to Section 27.4 (e) of Chapter 21 of the Lake County Code
- e. All owners of all real property within seven hundred (700) feet of the real property which is the subject of the application for early activation shall receive written notice from the Department that said application is under consideration for approval. Said notice shall include a brief description of the project and the early activation permit application under consideration, and the deadline by which such neighboring property owners must submit any comments.
 - i. Early Activation Permits shall not be approved if formal complaints are received about the project

- ii. Comments/Complaints received pursuant to this section shall be retained and provided to the Planning Commission at the time of its consideration of the minor or major use permit for the project.
- f. An agency review request shall be solicited to all appropriate local agencies for comments.
 - i. Early Activation Permits shall not be approved if agency comments require mitigations not permitted in Early Activation
- g. Once an Early Activation permit request has been submitted and approved, the details of the permit shall not be changed or resubmitted through its duration as per the Permitting Streamlined Act, any changes to the project description restart the review clock
- h. If an additional Early Activation permit is required due to the 6 (six) month expiration date on the permit, a new permit shall only be requested if:
 - i. The applicant has paid all of their cannabis cultivation taxes
 - ii. The applicant has not violated any states or local laws and/or regulations including the limited activities allowed with an Early Activation Permit
 - iii. The applicant is requesting an exact replica permit that had already been approved
 - iv. The applicant has made a reasonable effort to provide all necessary items/documentation in order to complete the use permit process
- i. A request for an Early Activation permit shall not occur after April 20 of every year

Section Two: 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 applicable environmental review under Public Resources Code sections 21000, et seq and under CEQA Guidelines section 15061(b)(3) 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.

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

Section Four: This ordinance shall take effect on the ____ day of _____, 2021, and before the expiration of fifteen days after its passage, it shall be published at least once in a newspaper of general circulation printed and published in the County of Lake.

The foregoing ordinance was introduced before the Board of Supervisors on ____ day of _____, 2021, and passed by the following vote on the ____ day of _____, 2021

AYES:

NOES:

ABSENT OR NOT VOTING:

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:_____