



## **COUNTY OF LAKE**

### **COMMUNITY DEVELOPMENT DEPARTMENT**

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### **Staff Report**

**TO:** County of Lake Planning Commission

**FROM:** Tocarra Nicole Thomas, *AICP, CQIA*, Deputy Director  
Community Development Department  
Scott De Leon, Director  
Community Development Department

**DATE:** April 8, 2021

**SUBJECT:** Continued from March 25, 2021 Discussion and Consideration for Approval of Text Amendments to Article 27SEC. 21-27 USES GENERALLY PERMITTED Commercial Cannabis Cultivation with a written recommendation submitted to the Board of Supervisors: Proposed Amendments to Zoning Ordinance (AM 21-01) Categorical Exemption (CE 20-16)

#### **ATTACHMENTS:**

1. Agenda Item #4 Planning Commission Meeting
2. Ordinance Number 3101
3. Resolution Number 2020-184

#### **I. Executive Summary:**

On December 15, 2020, the Board of Supervisors approved amending the Zoning Ordinance Article 27 via Ordinance 3101 which accomplished several actions:

1. Created Farmland Protection Zones to protect the four areas of agricultural land of high importance where it is not possible to cultivate outdoor cannabis within its borders or within 1,000 feet of its borders.
2. Included language to state that there is to be no outdoor cultivation occurring within the Farmland Protection zones since these areas are connected to a larger network (not isolated).
  - Outdoor cultivation may not occur within 1,000 feet of these zones
  - If a proposed cultivation is located within one mile of the Farmland Protection Zone, vegetation screening must be present.

Ordinance 3101 was approved by the BOS on December 15, 2020 and became effective January 13, 2021.

During that same meeting on December 15, 2020 the Board of Supervisors directed the Planning Commission via Resolution of Intention #2020-184 to discuss and consider additional language to provide clarity for the timing of the implementation of Ordinance 3101:

1. 500' buffer from garden to garden on Parcels outside of the Farmland Protection Zone and has the designation of Farmland Designation

2. If outdoor cultivation of cannabis is less than one mile from Farmland Designation, vegetation screening is required
3. Grandfather Language
4. Sunset Language
5. Outdoor cultivation screening along highways

The Planning Commission first considered the language outlined in Resolution 2020-184 on February 25, 2021, and continued the discussion to March 11, 2021. The agenda item was unable to be heard on March 11, 2021 due to the incorrect posting of the agenda, and was then continued to March 25, 2021.

During the March 25, 2021 discussion, the Planning Commission discussed and approved the submission of a written recommendation to the BOS for the following items

1. If outdoor cultivation of cannabis is less than one mile from Farmland Designation, vegetation screening is required
2. Grandfather Language with direction to the BOS to expand the definition of the language to include projects that have Farmland Designation in addition to Farmland Protection Zone
3. Sunset Language
4. Outdoor cultivation screening along highways

The Planning Commission directed staff to continue one of the recommendations to the April 8, 2021 planning commission for additional consideration. That continued item is:

1. Outdoor cultivation of cannabis shall not be less than 500 feet from a neighboring parcel with Farmland Designation, from garden to garden

#### **1. RECOMMENDATIONS**

**The Planning Commission recommends to the Board of Supervisors of the County of Lake the formal adoption and approval of the proposed Zoning Ordinance Text Amendments, AM 21-01 as outlined below**

Staff recommends that the planning commission discuss and consider a language protecting **active** agricultural activity on parcels within any of these designations.

1. Farmland Designation (prime farmland, unique farmland, farmland of local importance, and farmland of statewide importance) covers the four farmland types which are **outside** of the Farmland Protection Zone and additional language should be included:
  - a. Outdoor cultivation of cannabis shall not be less than **500** feet from a neighboring parcel with Farmland Designation (prime farmland, unique farmland, farmland of local importance, and farmland of statewide importance) from garden to garden if those parcels are actively engaged in agriculture not related to cannabis.
    - i. This does not include any parcels within the Farmland Protection Zone

#### **Findings:**

1. The proposed Zoning Ordinance Text Amendment to include the following language "Outdoor cultivation of cannabis shall not be less than 500 feet from a neighboring parcel with Farmland Designation, from garden to garden"
  1. Are consistent with the Lake County General Plan and Zoning Ordinance.
  2. Would be consistent with agricultural uses in the described Land Use Zoning Districts above.
  3. Will not result in any significant adverse environmental impacts, and the project is

exempt from CEQA.

### **ENVIRONMENTAL REVIEW**

The Planning Commission of the County of Lake considered and adopted the Categorical Exemption for the aforementioned recommended adopted language to Article 27; as the activity in question here is merely a text amendment which will not have any effect on the environment, it clearly falls within the common sense exemption. The adoption and implementation of the proposed Zoning Ordinance text amendment, therefore, is exempt from CEQA. Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) projects “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment” are exempt from CEQA.

### **SAMPLE MOTIONS:**

#### **Zoning Ordinance Text Amendment Approval**

1. I move that the Planning Commission submit a written recommendation to the Board of Supervisors for the approval of the proposed Zoning Ordinance Text Amendment, AM 21-01 to include the following language “Outdoor cultivation of cannabis shall not be less than 500 feet from a neighboring parcel with Farmland Designation, from garden to garden for the reasons listed in the staff report dated April 8, 2021
2. I move that the Planning Commission render its final decision on the proposed Ordinance text amendments within ten (10) days of said final decision, in the form of a written recommendation to the Board of Supervisors recommending the formal adoption and approval of these Zoning Ordinance Text Amendments, AM 21-01 as outlined in the staff report dated April 8, 2021

Reviewed By:\_\_\_\_\_