

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 27 OF THE LAKE COUNTY CODE PROVIDING A LIMITED PERIOD OF TRANSITION FOR APPLICANTS WHOSE CANNABIS CULTIVATION PROJECTS ARE LOCATED IN THE FARMLAND PROTECTION ZONE

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

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.

WHEREAS, the proposed amendments have been reviewed, and approved by the Lake County Planning Commission in an open public meeting of that body.

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

Section 1. Subsection (at) 1 (vi) of Section 27.13 of Article 21 of the Lake County Code is hereby amended, and shall read as follows:

(vi) Lake County Important Farmland

- 1) Farming and agriculture is Lake County is important to our economy. Cannabis may present certain conflicts with more traditional farming. In order to ensure the protection of all agricultural industries within the county, the following rules will apply when cannabis cultivation interfaces with Farmland Protection Zones. If an applicant finds that their project is in an area where they shall not be allowed to cultivate outdoors, then their cannabis cultivation shall be limited to indoor, mixed light, and greenhouses that equipped with filtrations systems that prevents the movement of odors, pesticides, and other air borne contaminates out of or into the structure.
 - a. Outdoor cultivation of cannabis shall not be allowed within any Farmland Protection Zone.
 - b. Outdoor cultivation of cannabis shall not be allowed within 1000 feet of any Farmland Protection Zone.
 - c. If outdoor cultivation of cannabis is less than one (1) mile from Farmland Protection Zone, vegetation screening is required.
 - i. Vegetation screening shall consist of woody vegetation or trees that grow to no less than 20 feet tall.

- ii. Vegetation screening shall be between Farmland Protection Zone and the permitted cannabis canopy area.
- iii. The species of woody vegetation or trees to be used may be chosen by the permit applicant but should be suited to localized soil and site conditions. Native plant species are encouraged as are plantings which will benefit local fauna. Plantings must be perennial and hardy in the local climate zone as specified in scientific literature or garden catalogs.
- iv. Vegetation screen shall be effective in preventing substantial drift and approved by the Agricultural Commissioner.
- v. Vegetation screen shall be maintained through the life of the cultivation use permit.
- d. Pathway for Applicants impacted by the creation of the Farmland Protection Zone
 - i. Applicants shall be allowed a transition period of up to two (2) years from the effective date of this ordinance, or no later than May 21, 2023 if the following requirements are met:
 - a. Applications have been deemed complete, all documents required by the department and applicable to the application have been submitted to the department, other than CEQA documents, no later than December 15, 2020
 - b. All applicable taxes are paid in full
 - c. The applicant has not been and is not currently in violation of applicable state and local laws
 - d. The applicant has made diligent and reasonable efforts in the use permit process to provide all necessary information and documentation
 - ii. Early Activation Permits
 - a. Early Activation Permits shall be approved if the applicant meets the requirements of Chapter 21, Article 27.13(at), 2, I, (c)
 - b. If the applicant has already had a previous Early Activation Permit, they shall only request a renewal of the previous permit, no changes to the permit is allowed. If the applicant has already had a previous Early Activation Permit, only the renewal of the previous permit shall be approved, no changes to the permit are allowed.
 - iii. Use Permits
 - a. If a use permit is obtained during the transition period, a condition of approval will be added that any non-conforming project within the FPZ shall

- meet the applicable requirements by the expiration date of their non-conforming use.
 - b. The use permit shall be revoked if the condition of approval for meeting requirements of the FPZ has not been met by the expiration.
 - iv. The applicable application shall be updated by the applicant to meet the new compliance requirements of the Farmland Protection Zone no later than May 21, 2022.
 - a. If no update to the applicable application has been received by the above referenced date, the eligibility for early activation and/or use permit shall be revoked.
 - v. For applications meeting eligibility criteria of 27.13 (at) 1 (vi) 1 d. i. , those projects shall require the use of a hoop-house to minimize any and all impacts.
 - a. Hoop-house as defined in Section 21-68.
 - b. At the end of each growing season within this transition period, hoop-houses must be dismantled and removed from the project location until the next growing season.

Section 2. 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 3. 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 4. Effective Date. This ordinance shall take effect on the ____ day of _____, 2021 and within fifteen (30) 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 _____, 2021, and passed by the following vote on the ____ day of _____ 2021.

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