

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. _____

**AN URGENCY ORDINANCE AMENDING ORDINANCE NO. 3110 PROHIBITING
WATER HAULING TO COMMERCIAL AGRICULTURAL OPERATIONS
INCLUDING CANNABIS CULTIVATION SITES**

WHEREAS, the Sheriff, acting as the OES Director of Lake County, declared a local emergency due to drought conditions on May 6, 2021; and

WHEREAS, the Lake County Board of Supervisors approved the ratification of the declaration of a local emergency due to drought conditions on May 11, 2021; and

WHEREAS, the Board of Supervisors wishes to better control the activities of water trucks filling up with water and/or delivering water within Lake County; and

WHEREAS, the Board of Supervisors wishes to ensure that those who need water still have access to water truck deliveries; and

WHEREAS, it is critical to ensure that water use is saved only for specific activities to help us conserve as much water as possible; and

WHEREAS, water trucks have been witnessed dropping off water at cannabis cultivations, and there are no ordinances available to curb water deliveries to cannabis cultivations nor to commercial agricultural operations; and

WHEREAS, while unpermitted cannabis activities can be held accountable for the illegal activity or the violation of receiving water hauler deliveries, water haulers are not currently being held responsible for taking part in the unpermitted grows; and

WHEREAS, on August 24, 2021, the Board of Supervisors approved an urgency ordinance prohibiting water hauling to unpermitted cannabis sites; and

WHEREAS, it is recognized that enforcement was made difficult by only prohibiting it to such a specific agricultural practice;

NOW THEREFORE, the Board of Supervisors of the County of Lake hereby amends Ordinance No. 3110 to read entirely as follows:

Section One: Due to the exceptional drought that we are experiencing and the declaration of a drought emergency, all water haulers found delivering water for the purpose of being used for any Commercial Agricultural Operation including Cannabis Cultivation is prohibited and violators shall be held accountable for delivering water in violation of this ordinance herein. This shall not apply water hauling for the purpose of construction use nor for residential use.

A. Definitions:

- a. Cannabis Cultivation: (as defined per Sec 21-68.4 (c) 5) Any activity involving the germinating, cloning, seed production, planting, growing, and harvesting of cannabis plants and the on-site drying, curing, grading, or trimming of cannabis plants.
 - b. Commercial Agricultural Operations: (as defined by California Water Board) any agricultural business or trade activity, including farms, nurseries, and orchards, that produce crops or ornamental plants with the intent to make a profit.
 - c. Water Hauler: Any individual or commercial entity that operates a truck or tanker, or uses other means to carry water
- B. Water Hauler Regulations Regarding Commercial Agricultural Operations:
 - a. If a water Hauler is found to be delivering water to a property with a Commercial Agricultural Operation, their activities shall be deemed in violation of this ordinance and the water hauler business/owner will be subject to an administrative penalty as described in Article VII of Chapter 13 of the Lake County Code.
 - i. Commercial Agricultural Operation includes:
 - 1. All Agricultural Use activities as stated in Article 68.4 (a) 14 of the Lake County Zoning Ordinance
 - a. Except for livestock grazing, the raising of small animals and poultry, domestic livestock farming, dairying, and animal husbandry.
 - 2. All Cannabis Cultivation as delineated by Article 27.13 (at) of the Lake County Zoning Ordinance
 - a. In Article 27.13 Section (at) 3. v. (f), water delivery is allowed on an “emergency basis”. However, a declared drought emergency shall not constitute an “emergency basis”, therefore if the emergency is due to the declared drought emergency, water delivery shall not be allowed.
 - 3. All unpermitted Commercial Agricultural Operations including Cannabis Cultivation.
 - b. Water Haulers shall not deliver water any day between the hours of 12:00 a.m. – 5:00 a.m.
- C. Penalties:

Due to the nature of the environmental impact and the exceptional drought that Lake County is experiencing during this declared drought emergency, it is important that these penalties be in place to protect our residents and all other approved activities to ensure continued access to water for residential and commercial purposes. Potential issues stemming from unlawful water hauling can be quite severe such as loss of residential access to water, to environmental issues due to the loss of water illegally drawn from waterways or wells that impact both surrounding land use activities and wildlife. Corrective actions may result in costly actions such as land restoration or water delivery for those who have lost access to water.

 - a. Administrative penalties shall follow Section 13-13 of the Lake County Municipal Code.
 - b. Violation of this urgency ordinance is seen as a “high severity violation”.
 - c. In addition to Section 13-13, if a water hauler is fined more than once in a calendar year, the California State Department of Water Resources Control Board shall be contacted

and provided information of the illegal activities the water hauler is undertaking in the county of Lake.

- i. Potential consequences may occur to the water hauler state license.

Section Two: This urgency ordinance, if approved, shall take effect until the declared drought emergency has expired or if the Board of Supervisors revokes the ordinance.

Section Three: It can be seen with certainty that there is no possibility that this urgency Ordinance may have a significant effect on the environment.

Section Four: 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 Five: This ordinance shall go into effect immediately, 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.

Section Six: This Ordinance is adopted as an urgency Ordinance pursuant to the provisions of Government Code sections 25123 and 25131 and shall be effective immediately upon adoption. Based on the declaration of purpose and facts constituting the urgency set forth above in Section One of this Ordinance, the Board of Supervisors finds and determines that the adoption of this Ordinance as an urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety to address critical groundwater conditions in Lake County.

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:

COUNTY OF LAKE

Chair, Board of Supervisors

ATTEST: CAROL J. HUCHINGSON
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

ANITA L. GRANT
County Counsel

By: _____