



Legislation Details (With Text)

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On agenda: 1/23/2018 **Final action:**

Title: 10:00 A.M. - PUBLIC HEARING - (a) Consideration of Proposed Extension of Ordinance No. 3070, An Urgency Ordinance Allowing Temporary and Limited Registration of Certain Commercial Cannabis Cultivation Licenses; and (b) Issuance of Government Code section 65858 Status Report.

Sponsors: Community Development, County Counsel

Indexes:

Code sections:

Attachments: 1. ORD 3070, 2. status report

Date	Ver.	Action By	Action	Result
1/23/2018	1	BOARD OF SUPERVISORS	Adopted	

MEMORANDUM

TO: Board of Supervisors

FROM: Robert Massarelli, Community Development Director
Anita L. Grant, County Counsel

DATE: January 23, 2018

SUBJECT: PUBLIC HEARING - (a) Consideration of Proposed Extension of Ordinance No. 3070, An Urgency Ordinance Allowing Temporary and Limited Registration of Certain Commercial Cannabis Cultivation Licenses; and (b) Issuance of Government Code section 65858 Status Report.

BACKGROUND:

On December 19, 2017, the Lake County Board of Supervisors adopted Urgency Ordinance 3070, which provides that a moratorium against the cultivation, distribution, transport, storage, manufacturing, processing, testing, and sale of commercial cannabis in any unincorporated area of the County is subject to the following exception: During the period of time the ordinance remains in place and until a permanent ordinance for commercial cannabis cultivation is made final, those persons who (1) have submitted a self-certification under Article 72 of the Zoning Ordinance which has been deemed complete by the Community Development Department and (2) have submitted a

signed affidavit of compliance with state and local law as of the effective date of this ordinance shall be issued a Letter of Authorization to proceed with an application for state licensure for a Type 1, Type 1c, Type 2, or Type 3 state license, with the caveat that said authorization shall only serve to acknowledge the applicant's prior compliance with state and local law and present eligibility to pursue a local commercial cultivation license when the County's permanent commercial cannabis ordinance is final.

Ordinance No. 3070 remains in effect for forty-five days, expiring February 2, 2018, unless the Board repeals or extends it.

As of the date of this memorandum, twenty self-certification applications have been received, and fourteen letters of authorization have been issued.

(a) Staff recommends an extension of the urgency ordinance through March 31, 2018. According to Article 72, this date is the last date applicants may self-certify. The affidavits remain part of the applicant's file, the self-certification process takes time as the Planning staff balances the time urgency with existing project loads, and the letter of authorization from the County of Lake is a document which better displays the County's intent than a receipt of application submission.

(b) Government Code section 65858 requires that if the Board of Supervisors wishes to extend this ordinance beyond an initial 45-days, the Board may do so after notice and a public hearing. That code section also requires that the Board issue a written report describing the measures taken to alleviate the condition which led to adoption of the urgency ordinance. A draft of a written report is attached for your Board's consideration.