



Legislation Details (With Text)

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**File created:** 7/31/2020      **In control:** BOARD OF SUPERVISORS

**On agenda:** 8/4/2020      **Final action:**

**Title:** Consideration of an Ordinance Amending Articles 27 and 68 of Chapter Twenty-One of the Lake County Code to Clarify the Definition of Public Lands in Regard to Commercial Cannabis Cultivation

**Sponsors:** Bruno Sabatier

**Indexes:**

**Code sections:**

**Attachments:** 1. public lands ordinance - signed, 2. PC\_Item 7.2\_Damien Ramirez\_08042020, 3. PC\_Item 7.2\_Anthony\_08042020, 4. PC\_Item 7.2\_PUBLIC LANDS AMENDMENT\_Anthony\_08042020

Date	Ver.	Action By	Action	Result
8/4/2020	1	BOARD OF SUPERVISORS		

**Memorandum**

**Date:** August 4, 2020

**To:** The Honorable Moke Simon, Chair, Lake County Board of Supervisors

**From:** Scott De Leon, Public Works Director

**Subject:** Consideration of an Ordinance Amending Articles 27 and 68 of Chapter Twenty-One of the Lake County Code to Clarify the Definition of Public Lands in Regard to Commercial Cannabis Cultivation

**Executive Summary:** (include fiscal and staffing impact narrative):  
 In May, 2019 Article 27 of Chapter Twenty-one of the Lake County Code (also known as the Cannabis Ordinance) was modified to include revised cannabis cultivation exclusion areas - which prohibited cultivation within one-thousand (1000') feet of the specified use. Included in that modification was the term "Public Lands". Review of both the Planning Commission and Board of Supervisor video recordings revealed there was little to no discussion about this particular prohibition, however now that it is in place, it is proving to have significant impacts on a number of proposed cannabis projects.

Staff researched the inclusion of Public Lands by talking with former staff members who were involved at the time of the ordinance change and discovered that the spirit of excluding cannabis cultivation within one-thousand feet of Public Land was to protect the public's enjoyment of those public lands while they were recreating on it. The issue we are now discovering is there are many plots of publically-owned land - specifically Bureau of Land Management (BLM) - all over Lake County where there are no designated or designed facilities for public use. Examples of designated or designed features include: hiking trails, campgrounds, off-road vehicle trails, etc. These

unimproved parcels, with no existing or foreseen public recreation use, have impacted potential commercial cannabis projects by restricting cultivation within one-thousand feet.

As a remedy, staff is proposing that the ordinance be amended to include a definition of "Public Land" that will better define the uses on public land that were originally the target of protection, and also allow property owners who happen to border these remote and undeveloped parcels of public land the ability to develop their property.

**If not budgeted, fill in the blanks below only:**

Estimated Cost: \_\_\_\_\_ Amount Budgeted: \_\_\_\_\_ Additional Requested: \_\_\_\_\_ Future Annual Cost: \_\_\_\_\_

**Consistency with Vision 2028 and/or Fiscal Crisis Management Plan** (check all that apply):

- |  |  |   |   |
|--|--|---|---|
| <input type="checkbox"/> Well-being of Residents | <input type="checkbox"/> Public Safety               | <input type="checkbox"/> Infrastructure   | <input type="checkbox"/> Not applicable             |
| <input type="checkbox"/> Economic Development    | <input type="checkbox"/> Disaster Recovery           | <input type="checkbox"/> County Workforce | <input type="checkbox"/> <i>Technology Upgrades</i> |
| <input type="checkbox"/> Community Collaboration | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake       | <input type="checkbox"/> <i>Revenue Generation</i>  |
|  |  |   | <input type="checkbox"/> <i>Cost Savings</i>        |

**If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:**

Which exemption is being requested?  
How long has Agreement been in place?  
When was purchase last rebid?  
Reason for request to waive bid?

**Recommended Action: Approve the Ordinance Amending Articles 27 and 68 of Chapter Twenty-One of the Lake County Code to Clarify the Definition of Public Lands in Regard to Commercial Cannabis Cultivation.**