



Legislation Text

File #: 19-227, Version: 1

MEMORANDUM

TO: Board of Supervisors

FROM: Michalyn DelValle, Community Development Director

DATE: March 19, 2019

SUBJECT: Consideration of an Ordinance Amendment, AM 19-01 to Amend Chapter 21 of the Lake County Zoning Ordinance to remove the requirement for commercial cannabis applicants to be enrolled with the Regional Water Quality Control Board as of April 19, 2018 and to remove the requirement for a Conditional Certificate of Recognition (Self Certification) of Compliance with Article 72 in order to apply for Early Activation of use

EXHIBITS:

- A. Proposed Ordinance
- B. Resolution of Intent

EXECUTIVE SUMMARY:

Please find Exhibit A, which proposes to remove the requirement for commercial cannabis cultivation applicants to be enrolled with the Regional Water Quality Control Board or State Water Resources Control Board as of April 19, 2018 and to remove the requirement for a Conditional Certificate of Recognition (Self Certification) of Compliance with Article 72 in order to apply for Early Activation of use.

Subsection (at) 4(d)a. of Section 27.13 of Chapter 21 of the Lake County Code states:

A person interested in applying for a cannabis cultivation use permit shall be enrolled with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs as of the effective date of this ordinance or written verification from the appropriate board that enrollment is not necessary.

Staff recommends that it be amended to read:

A person interested in applying for a cannabis cultivation use permit shall be enrolled with the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection programs ~~as of the effective date of this ordinance~~ or written verification from the appropriate board that enrollment is not necessary.

Subsection (at) 4(e)c. of Section 27.13 of Chapter 21 of the Lake County Code states:

The applicant shall have a Conditional Certificate of Recognition of Compliance for compliance with Article 72.

Staff recommends this section be deleted.

~~*The applicant shall a Conditional Certificate of Recognition of Compliance for compliance with Article 72.*~~

II. ENVIRONMENTAL ANALYSIS

Staff recommends that the Board of Supervisors finds 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.

III. RECOMMENDATION

Staff recommends that the Board of Supervisors:

- A. Adopt the Resolution of Intent to amend Chapter 21 of the Lake County Zoning Ordinance.
- B. Find that the proposed text amendment to the Zoning Ordinance is exempt from the California Environmental Quality Act pursuant to Business and Professions Code section 26055(h) and § 15061(b)(3) of the CEQA Guidelines with the following findings:
 1. The project is consistent with the Lake County General Plan and Zoning Ordinance.
 2. This project will not have a significant effect on the environment.
 3. The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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, the activity is not subject to CEQA.

C. Approve the proposed Zoning Ordinance text amendments for the following reasons.

1. The proposed amendments are consistent the provisions of the Lake County General Plan and Zoning Ordinance.
2. This proposed amendments are necessary to protect the health and safety and welfare of the County.
3. The proposed amendments would increase economic development opportunities.
4. The project will not result in any significant adverse environmental impacts, and the project is exempt from CEQA.

FISCAL IMPACT: ☒ None ☐ Budgeted ☐ Non-Budgeted

Estimated Cost:

Amount Budgeted:

Additional Requested:

Annual Cost (if planned for future years):

FISCAL IMPACT (Narrative): Tax Revenue and the potential for new projects could increase.

STAFFING IMPACT (if applicable): N/A

RECOMMENDED ACTION:

Sample Motions:

Resolution of Intent

I offer the Resolution of Intent to amend Chapter 21 of the Lake County Zoning Ordinance.

Categorical Exemption

I move that the Zoning Ordinance text amendment (AM 19-01) is exempt from CEQA Guidelines pursuant to Business and Professions Code section 26055(h) and §15061(b)(3).

Zoning Ordinance Text Amendment Approval

I move that the Board of Supervisors approve the Zoning Ordinance text amendment (AM 19-01) applied for by the County of Lake for the reasons listed in the memorandum dated March 19, 2019.

I move that the reading of the Ordinance be waived and be read in title only.

I offer the Ordinance and recommend that it be advanced to the next agenda for a second reading.