

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

RESOLUTION NO. 2018-05

**RESOLUTION OF INTENT OF TO AMEND ARTICLE 27 AND ANY RELATED
SECTIONS OF THE LAKE COUNTY ZONING ORDINANCE**

WHEREAS, Article 72 regulates the cultivation of non-commercial medical marijuana; and

WHEREAS, pursuant to Section 26200 of the Business and Professions Code, nothing in the Medicinal and Adult Use Cannabis Regulation and Safety Act shall be interpreted to supersede or limit existing authority for law enforcement activity, enforcement of local zoning requirements and/or local ordinances, or the enforcement of local permitting and/or licensing requirements; and

WHEREAS, The Lake County Board of Supervisors, within the parameters established by State law, desires to regulate the cultivation of all cannabis in Lake County, both commercial and non-commercial.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE THAT IT HEREBY FINDS, ORDERS, DETERMINES AND DECLARES AS FOLLOWS:

1. The Board of Supervisors intends to amend Article 27 and any other related local ordinances to create a zoning permit for qualified patients, primary caregivers, and adult personal use and a use permit and attendant regulatory procedure for commercial cannabis cultivation.
2. The Board of Supervisors has considered generally significant components of such local cannabis law and has reached consensus as to certain of those components which is generally described and attached hereto as Exhibit "A".
3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict and no further.

1 **THIS RESOLUTION WAS PASSED AND ADOPTED** by the Board of Supervisors
2 of the County of Lake, State of California, at a regular meeting thereof, on the 23rd day
3 of January, 2018, by the following vote:


4 **AYES:** Supervisors Simon, Smith, Scott, Brown and Steele

5 **NOES:** None

6 **ABSENT OR NOT VOTING:** None

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8 By: 
9 Chairman, Board of Supervisors



10 **ATTEST:** 
11 COUNTY OF LAKE Clerk of the Board

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13 **APPROVED AS TO FORM:**
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15 ANITA L. GRANT County Counsel

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EXHIBIT "A" TO THE RESOLUTION OF INTENT OF THE LAKE COUNTY BOARD OF SUPERVISORS TO AMEND ARTICLE 27 AND ANY RELATED SECTIONS OF THE LAKE COUNTY ZONING ORDINANCE.

The Board of Supervisors has reached consensus as to the following significant components of the County's development of County cannabis law:

1. The Board of Supervisors does not wish to create a business license for cannabis cultivation and wishes to instead proceed with the creation of a use permit and related regulatory process. The County will work with the State to ensure that any significant local permit violations will have an impact on such State licensure, including but not limited to, the loss of such a State license.
2. The Board of Supervisors wishes to continue the current limits of Article 72 in regard to indoor cultivation by qualified patients, primary caregivers, and for adult personal use. The Board agrees with the current draft cultivation ordinance of 5 acres as the minimum acreage for outdoor cultivation in such cases and wishes the Planning Commission to provide further analysis of impacts.
3. The Board of Supervisors agrees that outdoor commercial cannabis cultivation should occur only in the A and RL Zoning Districts, but would like the Planning Commission to consider whether the APZ Zoning District should also be included.
4. The Board of Supervisors agrees that commercial cultivation should occur on parcels at least 20 acres in size and, absent a merger, multiple adjacent parcels under the same ownership should not be counted cumulatively to achieve that 20 acres.
5. The Board of Supervisors wishes the Planning Commission to review the reasons for and consider the question of whether a commercial cannabis cultivation site should be required to include a primary residence of at least one of the applicants in order to be eligible for an outdoor cultivation permit.
6. The Board of Supervisors wishes the Planning Commission to consider allowing some flexibility under certain prescribed circumstances for a cultivation site to be screened from adjacent properties and public roadways by topography and/or vegetation, rather than through the use of fencing materials.
7. The Board of Supervisors wishes to maintain a 1000 foot setback, measured from property line to property line, between cultivation sites and K-12 schools, day care centers and/or facilities, and/or youth centers in existence at the time the cultivation permit/license is issued.
8. The Board of Supervisors does not wish to allow water purchases as the main source of water for a cannabis cultivation site; the main source of water should be located on the cultivation site property or adjacent site of same property owner.
9. The Board of Supervisors wishes the Planning Commission to consider whether, depending upon the acreage of a cultivation site parcel, more than one cultivation permit per parcel is permissible and under what specific circumstances it is permissible.