

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**

**ORDINANCE NO. 3101**

**AN ORDINANCE AMENDING CHAPTER 21, ARTICLES 27 & 68 OF THE LAKE COUNTY CODE PERTAINING TO COMMERCIAL CANNABIS CULTIVATION IN PROXIMITY TO LAKE COUNTY IMPORTANT FARMLAND**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:**

Section One: Section 68.4 of Chapter 21 of the Lake County Code is hereby amended with these following additions to section (f):

17. Farmland Protection Zone – Areas identified on Exhibit Map: Lake County Farmland Protection Zone is intended to protect specific farmland designation areas from cannabis outdoor cultivation.
18. Farmland Designation – Areas designated as prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance as depicted on the current Lake County Important Farmland prepared by the State of California Department of Conservation Farmland Mapping and Monitoring Program.

Section Two: Section 27.13 of Chapter 21 of the Lake County Code is hereby amended as to the section (at), 1, vi with the following:

- vi. Lake County Important Farmland  
Farming and agriculture in Lake County is important to our economy. Cannabis may present certain conflicts with more traditional farming. In order to ensure the protection of all agricultural industries within the county, the following rules will apply when cannabis cultivation interfaces with Farmland Protection Zones. If an applicant finds that their project is in an area where they shall not be allowed to cultivate outdoors, then their cannabis cultivation shall be limited to indoor, mixed light, and greenhouses that are equipped with filtration systems that prevent the movement of odors, pesticides, and other air-borne contaminants out of or into the structure.
  - a. Outdoor cultivation of cannabis shall not be allowed within any Farmland Protection Zone.
  - b. Outdoor cultivation of cannabis shall not be allowed within 1000 feet of any Farmland Protection Zone.
  - c. If outdoor cultivation of cannabis is less than one (1) mile from Farmland Protection Zone, vegetation screening is required.
    - i. Vegetation screening shall consist of woody vegetation or trees that grow to no less than 20 feet tall.

- ii. Vegetation screening shall be between Farmland Protection Zone and the permitted cannabis canopy area.
- iii. The species of *woody vegetation* or *trees* to be used may be chosen by the permit applicant but should be suited to localized soil and site conditions. Native plant species are encouraged as are plantings which will benefit local fauna. Plantings must be *perennial* and hardy in the local climate zone as specified in scientific literature or garden catalogs.
- iv. Vegetation screen shall be effective in preventing substantial drift and approved by the Agricultural Commissioner.
- v. Vegetation screen shall be maintained through the life of the cultivation use permit.

Section Three: The Board of Supervisors independently finds and determines 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 applicable environmental review under Public Resources Code sections 21000, et seq and under CEQA Guidelines section 15061(b)(3) 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.

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 take effect on the 14th day of January, 2021, 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.

The foregoing ordinance was introduced before the Board of Supervisors on 8th day of December, 2020, and passed by the following vote on the 15th day of December, 2020

AYES: Supervisors Sabatier, Crandell, Scott, and Simon

NOES: None

ABSENT OR NOT VOTING: Supervisor Brown

COUNTY OF LAKE

Mike Li  
Mike Simon (Dec 17, 2020 09:56 AM PST)

Chair, Board of Supervisors

ATTEST: CAROL J. HUCHINGSON

Clerk of the Board

By: Johanna Peelen  
Johanna peelen (Dec 17, 2020 12:35 PST)



APPROVED AS TO FORM:

ANITA L. GRANT

County Counsel

By: \_\_\_\_\_