

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. _____

**AN INTERIM URGENCY ORDINANCE PLACING A MORATORIUM ON THE
ISSUANCE OF USE PERMITS FOR COMMERCIAL CULTIVATION OF CANNABIS
CULTIVATION WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF
LAKE**

WHEREAS, ~~in~~, the Lake County Board of Supervisors directed staff to update and redraft Chapter 21, Article 27, Section 27.11, part (at) (the “Cannabis Ordinance”) of the Lake County Municipal Ordinance; and

WHEREAS, the Lake County Community Development Department (CDD) was directed to work with a task force to develop recommended changes to the Cannabis Ordinance; and

WHEREAS, on June 7, 2022, the Lake County Board of Supervisors created a Cannabis Task Force, an Ad Hoc Committee, to add Article 73 to Chapter 21 of Lake County Zoning Ordinance; and

WHEREAS, after providing preliminary advice to CDD on changes to the Cannabis Ordinance, the Cannabis Task Force was dissolved by the Board of Supervisors on March 18, 2025.

WHEREAS, the CDD is now in the process of drafting a new Article 73 to Chapter 21 of the Lake County Zoning Ordinance for the Lake County Board of Supervisors to review and adopt; and

WHEREAS, the Board of Supervisors finds that the continuation of commercial cannabis uses without appropriate regulation, would be inconsistent with surrounding uses and intended zoning requirements, and if allowed to proceed under current zoning, commercial cannabis uses could conflict with, and defeat the purpose of, the adoption of new regulations, consistent with State law, regarding commercial cannabis uses; and

WHEREAS, the Board of Supervisors therefore desires to temporarily prohibit all commercial cannabis uses to provide adequate time to amend and adopt zoning regulations related to commercial cannabis uses, which the County intends to consider within a reasonable time; and

WHEREAS, California Government Code Section 65858 expressly authorizes the Board of Supervisors to adopt by four-fifths (4/5) vote, without following the procedures otherwise required for the adoption of a zoning ordinance, an urgency ordinance which is necessary for the immediate protection of the public health, safety and welfare of the County.

NOW THEREFORE, the Lake County Board of Supervisors hereby ordains as follows:

Section One: Findings. The Board of Supervisors of the County of Lake finds that:

The Board of Supervisors of the County of Lake hereby finds and declares that there is a need to enact an urgency interim ordinance establishing a moratorium on commercial cannabis uses in all zoning districts in the County, subject to the findings and conditions contained in this Ordinance. The Board of Supervisors of the County of Lake hereby incorporates the findings set forth in the recitals stated above. The County makes this declaration of urgency based, in part, on the recent efforts to draft a new Article 73 in Chapter 21 of the County Ordinance, ~~as well as~~ _____, Specifically, the Board of Supervisors makes the following findings:

- A. If commercial cannabis uses are allowed to proceed without appropriate local review and regulation, such businesses could have deleterious effects on surrounding neighborhoods and businesses that present a clear and immediate danger to the public health, safety and welfare.

- B. If commercial cannabis uses were allowed to proceed, it would conflict with, and defeat the purpose and intent of, future zoning requirements to be adopted and applied in all zoning districts due to land use, nuisance, crime, and aesthetic factors.
- C. The Board of Supervisors finds that if establishment or development of commercial cannabis uses were allowed to proceed while the County is considering amendments to the zoning ordinances and regulations for such uses, it would defeat the purpose of the adoption of such zoning ordinances.
- D. Failure to enact this moratorium may result in significant irreversible changes to the unincorporated areas of the County of Lake.
- E. There is a current and immediate threat to the public health, safety, and welfare as the approval of use permits, variances, building permits, additional subdivisions, or any other applicable entitlement for use permitted under the County Ordinance would result in uses which, once adopted, may not be permitted under the ensuing Chapter 73.
- F. The above recitals are true and correct and are incorporated herein as they are set forth in full and that these recitals support the adoption of this Interim Urgency Ordinance and are relied upon by this Board for its adoption of this Ordinance.
- G. Based on the findings set forth above, the Board finds and declares that there is a current and immediate threat to the public health, safety and welfare arising from the impact of new agricultural operations and cannabis cultivation during an ongoing drought.
- H. Therefore, the Board of Supervisors determines that this ordinance is urgently needed for the immediate preservation of the public peace, health, safety, and welfare pursuant to the Government Code sections 25121 and 25131.

Section Two: Moratorium

Except as provided in Section 3 of this Ordinance, the Board of Supervisors hereby declares a moratorium on ~~the issuance of use permits for commercial cultivation of cannabis any and all commercial cannabis uses~~ within all zoning districts in the County. The County shall not approve or issue land use approvals or permits, including but not limited to zoning amendments, conditional use permits, variances, tentative subdivision or parcel maps, site plan approvals, design review approvals, and building permits, or other applicable entitlements for the establishment, creation or operation of commercial cannabis uses, or modification or expansion existing businesses for commercial cannabis uses, during this moratorium.

Section Three: Exemptions.

This moratorium shall not apply to those cannabis uses permitted by operation of state law. Specifically:

- A. The moratorium shall not apply to indoor or outdoor cultivation of up to six cannabis plants per private residence for personal use authorized by State law, Health and Safety Code 11362.1 et seq. or for personal medical use of a qualified patient that is exempt from state licensure pursuant to Business and Professions Code Section 26033. Persons engaging in indoor or outdoor cultivation under these sections must comply with all existing or future adopted state and local laws regarding fire safety, water use, electrical wiring, buildings, and indoor or outdoor cultivation and personal use of cannabis.
- B. The moratorium shall not apply to land use approval or permit applications submitted to the County of Lake Community Development Department on or before July 8, 2025.

Section Four: This Interim Ordinance shall become effective immediately and shall remain in

force and effect from and including July 8, 2025 through and including August 22, 2025, unless extended prior to its expiration by further action of Board of Supervisors.

Section five: Environmental Review. The Board of Supervisors hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance and establishment of a moratorium on the approval of commercial cannabis uses within the County of Lake, will not have a significant effect on the environment because the Ordinance will maintain current levels of development and prevent further impacts from commercial cannabis uses which would otherwise have been issued under the current Ordinance. It is therefore exempt from any California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section Seven: Publication. Before the expiration of 15 days after passage of this ordinance it shall be published once, with the names of the members voting for and against the ordinance, in a newspaper of general circulation published in the County of Lake in compliance with Government Code section 25124.

The Foregoing Ordinance was introduced before the Board of Supervisors on the ___ day of _____, 2025 and passed by the following vote on the ___ day of _____, 2025.

AYES:

NOES:

ABSENT OR NOT VOTING:

COUNTY OF LAKE

Chair, Board of Supervisors

ATTEST: SUSAN PARKER
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM:
LLOYD GUINTIVANO
County Counsel

By: _____