

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

2                                   **ORDINANCE NO. 2984**

3

4                   **AN ORDINANCE AMENDING CHAPTER 21 OF THE ORDINANCE CODE OF THE**  
5                   **COUNTY OF LAKE PERTAINING TO THE LIMITATION OF OUTDOOR MEDICAL**  
6                   **MARIJUANA CULTIVATION WITHIN MOBILEHOME PARKS, THE PROHIBITION OF**  
7                   **CULTIVATION WITHIN MULTI-FAMILY DWELLING PROPERTIES, AND LIMITS ON**  
8                                   **MEDICAL MARIJUANA PROCESSING**

9

10                   **THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE ORDAINS AS FOLLOWS:**

11

12                   **Section 1.** Findings

13                   WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as  
14 California Health and Safety Code section 11362.5, and entitled "The Compassionate Use Act of 1996";  
15 and

16                   WHEREAS, the intent of Proposition 215 was to enable persons who are in need of marijuana  
17 for medical purposes to use it without fear of criminal prosecution under limited, specified  
18 circumstances. The Proposition further provides that "nothing in this section shall be construed to  
19 supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone  
20 the diversion of marijuana for non-medical purposes." The ballot arguments supporting Proposition 215  
21 expressly acknowledged that "Proposition 215 does not allow unlimited quantities of marijuana to be  
22 grown anywhere"; and,

23                   WHEREAS, in 2004, the Legislature enacted Senate Bill 420 (codified as California Health and  
24 Safety Code sections 11362.7 et seq.) to clarify the scope of Proposition 215, and to provide qualifying  
25 patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical  
26 purposes with a limited defense to certain specified State criminal statutes; and

27                   WHEREAS, Health and Safety Code section 11362.83 expressly allows cities and counties to  
28 adopt and enforce ordinances that are consistent with Senate Bill 420; and

1           WHEREAS, Proposition 215 and Senate Bill 420 primarily address the criminal law, providing  
2 qualifying patients and primary caregivers with limited immunity from state criminal prosecution under  
3 certain identified statutes. Neither Proposition 215 nor Senate Bill 420, nor the Attorney General's  
4 August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use  
5 adopted pursuant to Senate Bill 420, provides comprehensive civil regulation of premises used for  
6 marijuana cultivation. The unregulated processing of marijuana in large quantities, and the unregulated  
7 cultivation of marijuana within mobilehome parks and apartment buildings in the unincorporated area of  
8 Lake County can adversely affect the health, safety, and well-being of the County, its residents and  
9 environment. Reasonable civil regulation of premises used for marijuana cultivation is proper and  
10 necessary to avoid the risks of violent criminal activity, degradation of the natural environment,  
11 malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana  
12 processing or cultivation; and

13           WHEREAS, marijuana plants, especially as they mature prior to harvest, may produce a  
14 distinctive, offensive odor that may be detected far beyond property boundaries thereby creating an  
15 attractive nuisance, alerting persons to the location of valuable plants or cannabis being processed,  
16 creating a risk of burglary, robbery and armed robbery.

17           WHEREAS, medical marijuana plants grown outdoors reach large proportions of up to six (6) or  
18 seven (7) feet in diameter, and up to 12 feet in height, and produce on average one (1) to four (4) pounds  
19 of processed bud each, and therefore attract criminal activity due to their high value, which can exceed  
20 \$1,000 per pound; and

21           WHEREAS, people residing in mobilehome parks and apartment buildings do not enjoy the  
22 same open space, yard areas or privacy as those residing on single-family residential lots and are  
23 therefore impacted by cultivation activities to a greater degree; and

24           WHEREAS, increasing numbers of marijuana cultivators have been importing harvested  
25 marijuana plants into residential neighborhoods for the purposes of processing said plants, which results  
26 in offensive odors to neighboring residents and increase risk of robbery, along with increased traffic  
27 from large processing operations due to hiring of bud trimmers, thereby converting residential properties  
28

1 into temporary manufacturing and processing sites.

2 The Board of Supervisors adopts this ordinance based on the foregoing findings.

3  
4 **Section 2.** Section 21-41.18 of Chapter 21 of the Lake County Code is hereby added, and shall read  
5 as follows:

6 ***“41.18 Marijuana Cultivation and/or Processing:***

- 7 (a) *Outdoor cultivation of medical marijuana is prohibited within any*  
8 *mobilehome park, which is defined as a mobilehome park by Section 21-43.3(i)*  
9 *of this Chapter, unless cultivated within a designated garden area that has been*  
10 *set aside by park management, or cultivated on a mobilehome park lease lot*  
11 *that exceeds 4,500 square feet. In such cases, cultivation amounts shall be*  
12 *limited to that amount of medical marijuana that may be cultivated on those*  
13 *premises in compliance with any then-existing County ordinance regulating*  
14 *marijuana cultivation locations and amounts.*
- 15 (b) *Cultivation of medical marijuana is prohibited within any property that is*  
16 *improved with multi-family dwellings, as defined by Section 68.3(d) 15 of this*  
17 *Chapter.*
- 18 (c) *Processing of medical marijuana, including but not limited to drying, trimming,*  
19 *weighing, packaging, and storing for later distribution, shall be limited to that*  
20 *amount of medical marijuana that may be cultivated on those premises in*  
21 *compliance with any then-existing County ordinance regulating marijuana*  
22 *cultivation locations and amounts.*

23 **Section 3.** This zoning ordinance text amendment is consistent with the Lake County General Plan.

24 **Section 4.** All ordinances or resolutions in conflict herewith are hereby repealed to the extent of  
25 such conflict and no further.

26 **Section 5.** This ordinance text amendment is exempt from CEQA requirements in that it can be  
27 seen with certainty that there is no possibility that the activity in question will have a  
28 significant effect upon the environment.

**Section 6.** This ordinance shall take effect on the 21st day of March 2013, and  
within fifteen (15) days after adoption of the ordinance, the Clerk of the Board of



Supervisors shall publish a summary of the Ordinance in a newspaper of general circulation with the names of those Supervisors voting for and against the ordinance and the Clerk shall post in the office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the Ordinance.

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The foregoing Ordinance was introduced before the Board of Supervisors of the County of Lake on the 19th day of February, 2013, and passed by the by the following vote on the 19th day of February 2013:

AYES: Supervisors Comstock, Rushing, Farrington, Brown and Smith

NOES: None

ABSENT OR NOT VOTING: None

COUNTY OF LAKE

  
Chair Board of Supervisors

ATTEST: MATT PERRY  
Clerk of the Board of Supervisors

By:   
Deputy



APPROVED AS TO FORM:  
ANITA L. GRANT  
County Counsel

By: 

APPROVED AS TO FORM:  
Community Development Department

By: 