

To: Lake County Board of Supervisors: Supervisors Sabatier, Crandell, Pyska, Simon and Green.

Re: 2/6/2024 BOS Agenda Item 11a.m. - 24-102

Thank you for the opportunity to make comments on the proposed Recommendations from the Cannabis Ordinance Task Force (COTF) regarding Zoning Districts and Permit Types for Various Cannabis-Related Businesses.

1) Wrong Attachments included in Packet

Regarding Attachments 2 & 3 (Text List of Recommendations and Draft Table of Recommendations), the wrong version has been included with the BOS packet. Per the September 5th Final Minutes (attached, top of page 3), Type 9 Retail Delivery Only was not included as a use allowed in the SR, CR and U zones, yet appears on the text and table recommendations. This was discussed at length during the 11/27/23 COTF meeting, and it was decided they must be removed from the text and table. The corrected versions are attached, and are also posted on the CDD Cannabis web page.

2) Discussion on Business Types

During the COTF meetings, it was pointed out that the county can be stricter than the state on cannabis regulations, but not more lenient. I do not remember any COTF discussion regarding whether a type of cannabis business was appropriate for Lake County - just LCCA statements regarding vertical business integration and that the county needs to "get in line" with the state. Could this be a topic for BOS discussion?

3) Type 5 Large Cannabis Cultivation in Suburban Reserve (SR)

Of major public concern is the proximity of large (greater than Type 1 and 3) cannabis cultivation projects to residential areas. The SR Zoning designation is a buffer zone (as well as Rural Residential) between residential communities and agricultural zones allowing, "limited agricultural uses and single family dwellings, 40,000-sq. ft. to five acres minimum lot size." (Attached CDD Guide to Zoning). We would appreciate a discussion on whether large scale cannabis operations should be allowed in the SR zone.

4) Type 10 Retail Storefront Locations and Densities.

The BOS had originally asked the Task Force to look at dispensary locations/zones, types of permits and densities. The COTF opened up Type 10: Retail Storefront - including a new category of Retail w/Onsite Consumption - in all zones except residential. Would it be possible for the BOS to have a discussion on: 1) If these locations are appropriate and 2) densities? At the 2/27/23 COTF Meeting, LCCA submitted their recommendations on population-based permit caps of 1 Storefront Retail per every 4,000-5000 residents to mirror the average range in many other jurisdictions.

Please note: The description of Type 10 Retail Storefront and Consumption Lounges on the staff memo states that all retail storefronts are allowed only as an incidental use, which does not match the Attachments 2 & 3 table or text.

5) Zoning/Permit Parity between Winetasting/Wineries and Cannabis Consumption/Retail Sales

During public segments of the COTF meetings, the issue of zoning/permit parity between wine tasting/wineries and cannabis consumption/retail sales and events was brought up. The Staff Report describes Zoning Permits as a ministerial permit which does not go through environmental review. If that is the case, why do the wineries

and wine-tasting events have minor and major use permits, yet cannabis would require only a Zoning Permit.

(Reference Ordinance 2947, link as follows:)

<https://www.lakecountycalifornia.gov/DocumentCenter/View/7988/Board-of-Supervisors---Ordinances---2947---5-3-2011>

Based on the staff report, we included a comparison table of wine-related zoning and permits versus the proposed cannabis-related zoning and permits. Thank you for your time on this matter.

Holly Harris

Resident - Clearlake Oaks

707-998-0135

Section 27.11 Table B Uses generally permitted with a Use Permit

CANNABIS ORDINANCE TASK FORCE (COTF) RECOMMENDATIONS

● MAJOR USE PERMIT

○ MINOR USE PERMIT

△ STANDARDS INCLUDED IN SECTION 27.13 (at) - (aab)

◆ ZONING PERMIT

* ALLOWABLE ONLY AS AN INCIDENTAL USE TO PERMITTED AND LICENSED COMMERCIAL CANNABIS ACTIVITIES

| Special Uses | APZ | A | TPZ | RL | RR | SR | R1 | R2 | R3 | C1 | C2 | C3 | CR | CH | M1 | M2 | MP | O | W | U | PDR | PDC | |
|--|-----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|---|---|-----|-----|---|
| Type 1 and 2 - Small Cannabis Cultivation | ○ | ○ | ○ | ○ | ○ | ○ | | | | | | | | | | | | | | | | ● | △ |
| Type 3 - Medium Cannabis Cultivation | ● | ● | ● | ● | ● | ● | | | | | | | | | | | | | | | | ● | △ |
| Type 4 - Nursery | ○ | ○ | ○ | ○ | ○ | ○ | | | | | | ● | | | ○ | ○ | ○ | | | | | ● | △ |
| Type 5 - Large Cannabis Cultivation | ● | ● | ● | ● | ● | ● | | | | | | | | | | | | | | | | ● | △ |
| Cannabis Cultivation Processing | ● | ● | ● | ● | | | | | | | | ○ | | | ○ | ○ | ○ | | | | | | △ |
| Type N and P - Cannabis Manufacturing | | | | | | | | | | | ○ | ○ | | | ○ | ○ | | | | | | ○ | △ |
| Type 6 - Non-Volatile Cannabis Manufacturing | ● | ● | ● | ● | ● | | | | | | | ● | | | ● | ● | ● | | | | | ● | △ |
| Type S as part of Type N and 6 Shared Manufacturing | | | | | | | | | | | | | | | ○ | ○ | ○ | | | | | | |
| Type 7 - Volatile Cannabis Manufacturing | | | | | | | | | | | | | | | ● | ● | ● | | | | | | △ |
| Type S as part of Type 7 Shared Manufacturing | | | | | | | | | | | | | | | ● | ● | ● | | | | | | |
| (aab) Type 8 - Cannabis Testing Laboratory | | | | | | | | | | | ○ | ○ | | | ○ | ○ | | | | | | ○ | △ |
| Type 9 - Retail - Delivery Only | ○* | ○* | ○* | ○* | ○* | | | | | ● | ○ | ○ | | ○ | ○ | ○ | ○ | | | | | ○ | |
| Type 10 - Retail - Storefront | ○* | ○* | ○* | ○* | ○* | ●* | | | | ● | ○ | ○* | ○ | ○ | ○* | ○* | ○* | | | | | ○ | |
| Type 10 - Retail with On-Site Consumption | ○* | ○* | ○* | ○* | ○* | ●* | | | | ● | ○ | ○* | ● | ● | ○* | ○* | ○* | | | | | ○ | |
| (ax) Type 11 - Cannabis Distributor License | ○* | ○* | ○* | ○* | ○* | ○* | | | | | | ● | | | ● | ● | ● | | | | | ● | △ |
| (aac) Type 12 - Microbusiness - License | ● | ● | ● | ● | ● | | | | | | ○ | ○ | | | ○ | ○ | ○ | | | | | | △ |
| (ay) Type 13 - Cannabis Distributor Transport Only License | * | * | * | * | * | * | | | | | * | * | | | * | * | * | | | | | * | △ |
| (az) Type 13 - Cannabis Distributor Transportation Only, Self-Distribution License | * | * | * | * | * | * | | | | | * | * | | | * | * | * | | | | | * | △ |
| Temporary Special Events | ◆ | ◆ | ◆ | ◆ | | ◆ | | | | ◆ | ◆ | ◆ | ◆ | ◆ | ◆ | ◆ | ◆ | | | | | ◆ | △ |

1. Type 1 and 2 – Small Cannabis Cultivation

Major Use Permit: PDC

Minor Use Permit: APZ, A, TPZ, RL, RR, SR

2. Type 3 - Medium Cannabis Cultivation

Major Use Permit: APZ, A, TPZ, RL, RR, SR, PDC

3. Type 4 – Nursery

Major Use Permit: C3, PDC

Minor Use Permit: APZ, A, TPZ, RL, RR, SR, M1, M2, MP

4. Type 5 – Large Cannabis Cultivation

Major Use Permit: APZ, A, TPZ, RL, RR, SR, PDC

5. Cannabis Cultivation Processing

Major Use Permit: APZ, A, TPZ, RL

Minor Use Permit: C3, M1, M2, MP

6. Type N and P - Cannabis Manufacturing

Minor Use Permit: C2, C3, M1, M2, PDC

7. Type 6 - Non-Volatile Cannabis Manufacturing

Major Use Permit: APZ, A, TPZ, RL, RR, C3, M1, M2, MP, PDC

8. Type S as part of Type N and 6 Shared Manufacturing

Minor Use Permit: M1, M2, MP

9. Type 7 - Volatile Cannabis Manufacturing License

Major Use Permit: M1, M2, MP

10. Type S as part of Type 7 Shared Manufacturing

Major Use Permit: M1, M2, MP

11. Type 8 - Cannabis Testing Laboratory

Minor Use Permit: C2, C3, M1, M2, PDC

12. Type 9 - Retail Delivery Only

Major Use Permit: C1

Minor Use Permit: APZ¹, A¹, TPZ¹, RL¹, RR¹, PDC, CH, C2, C3, M1, M2, MP

¹ Allowable only as an incidental use to permitted and licensed commercial cannabis cultivation.

13. Type 10 - Retail Storefront

Major Use Permit: SR¹, C1

Minor Use Permit: APZ¹, A¹, TPZ¹, RL¹, RR¹, PDC, CH, CR, C2, C3², M1², M2², MP²

¹ Allowable only as an incidental use to permitted and licensed commercial cannabis cultivation.

² Allowable only as an incidental use to permitted and licensed commercial cannabis processing or manufacturing

14. Type 10 - Retail Storefront with Onsite Consumption

Major Use Permit: SR¹, C1, CH, CR

Minor Use Permit: APZ¹, A¹, TPZ¹, RL¹, RR¹, PDC, C2, C3², M1², M2², MP²

¹ Allowable only as an incidental use to permitted and licensed commercial cannabis cultivation.

² Allowable only as an incidental use to permitted and licensed commercial cannabis processing or manufacturing

15. Type 11 - Cannabis Distributor License

Major: C3, M1, M2, PDC

Minor: APZ², A², TPZ², RL², RR², SR²

² Allowable only as an incidental use to permitted and licensed commercial cannabis processing or manufacturing

17. Type 12 – Microbusiness - License

Major: APZ, A, TPZ, RL, RR

Minor: C2, C3, M1, M2, MP

18. Type 13 - Cannabis Distributor Transport Only License

APZ³, A³, TPZ³, RL³, RR³, SR³, C2³, C3³, M1³, M2³, MP³, PDC³

³ Allowable only as an incidental use to permitted and licensed commercial cannabis cultivation, processing or manufacturing

19. Type 13 - Cannabis Distributor Transport Only, Self-Distribution License

APZ³, A³, TPZ³, RL³, RR³, SR³, C2³, C3³, M1³, M2³, MP³, PDC³

³ Allowable only as an incidental use to permitted and licensed commercial cannabis cultivation, processing or manufacturing

20. Temporary Cannabis Special Events

Zoning Permit: APZ, A, TPZ, RL, SR, C1, C2, C3, CR, CH, M1, M2, MP, PDC

| | Zoning/Permit Comparison Winery Businesses/Events and Proposed Cannabis Businesses/Events | | | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|---|--------|--------|--------|--------|--------|----|----|----|--------|--------|--------|--------|--------|--------|--------|--------|---|---|---|-----|--------|
| | APZ | A | TPZ | RL | RR | SR | R1 | R2 | R3 | C1 | C2 | C3 | CR | CH | M1 | M2 | MP | O | W | U | PDR | PDC |
| Cannabis-Related Businesses | | | | | | | | | | | | | | | | | | | | | | |
| Type 10 - Retail Storefront | Minor* | Minor* | Minor* | Minor* | Minor* | Major* | | | | Major | Minor | Minor* | Minor | Minor | Minor* | Minor* | Minor* | | | | | Minor |
| Type 10- Retail/On-Site Consumption | Minor* | Minor* | Minor* | Minor* | Minor* | Major* | | | | Major | Minor | Minor* | Major | Major | Minor* | Minor* | Minor* | | | | | Minor |
| Cannabis Special Events | Zoning | Zoning | Zoning | Zoning | | Zoning | | | | Zoning | Zoning | Zoning | Zoning | Zoning | Zoning | Zoning | Zoning | | | | | Zoning |
| Wine-Related Businesses | | | | | | | | | | | | | | | | | | | | | | |
| Small Winery/Events | Minor | Minor | | Minor | Minor | Major | | | | | | | | | | | | | | | | Major |
| Large Winery/Events | Major | Major | | Major | Major | Major | | | | | | | | | | | | | | | | Major |

Green - Zoning Permit. No environmental review
 Yellow - Minor Use Permit
 Pink - Major Use Permit
 * - Incidental to other permitted use



**County of Lake
Cannabis Ordinance Task Force
Meeting Minutes – Final
Conference Room C
September 5, 2023, 1:00 p.m.**

255 North Forbes Street
Lakeport CA 95453

Staff Present

Mireya G. Turner, Community Development Director
Andrew Amelung, Cannabis Program Manager
Ruby Mitts, Office Assistant III

Task Force Members Present

Nara Dahlbacka – Cannabis Industry
Katherine Vanderwall – Agricultural Commissioner
Rebecca Harper – Farm Bureau
Jennifer Smith – Lake County Cannabis Alliance
William Weiss – North Lake County
Jan Coppinger – South Lake County

Task Force Members Present on Zoom

Robert Geary – Tribal Representative
Paul Bleuss – Lake County Fire Chief Association Representative

1. Welcome

The meeting was called to order by Community Development Director Mireya Turner at 1:05 p.m.

2. Roll Call of Task Force Members

Roll Call was taken by Cannabis Program Manager Andrew Amelung at 1:06 p.m.

Present: William Weiss, Jan Coppinger, Katherine Vanderwall, Rebecca Harper, Nara Dahlbacka

Present on Zoom: Robert Geary, William Sapeta, and Paul Bleuss

Not Present: Jennifer Smith

Director Turner spoke and stated in accordance with the Brown Act, Robert Geary and the Fire Representatives may attend, but would not be able to vote. If a Task Member wishes to participate online, the location of their attendance must be posted in the agenda prior to the meeting.

3. Consideration of Minutes from the July 10, 2023, Task Force Meeting

Director Turner opened the discussion to approve the July 10, 2023, Cannabis Task Force Meeting Minutes.

Director Turner opened public input. No one wished to speak, and public input was closed.

Jan Coppinger motioned, seconded by Nara Dahlbacka, to approve the July 10, 2023, Cannabis Task Force Meeting Minutes.

Rebecca Harper spoke and stated she was not present on July 10, 2023, and must abstain from voting.

4. Consideration of Minutes from the August 21, 2023, Task Force Meeting

Director Turner opened the discussion to approve the August 21, 2023, Cannabis Task Force Meeting Minutes.

Director Turner opened public input. The following people wished to speak: Holly Harris. No one else wished to speak, and public input was closed.

Director Turner tabled the minutes until the next meeting due to clerical errors.

Director Turner opened public input. The following people spoke: Sarah Bodnar. No one else wished to speak, and public input was closed.

Jennifer Smith was present at 1:14 p.m.

5. Consideration of Recommendations to the Board of Supervisors regarding Zoning Districts and Permit Types for Type 9 and 10 Delivery Licenses for Cannabis-Related Businesses

Director Turner opened the discussion regarding Zoning Districts and Permit Types for Type 9 and 10 Delivery Licenses for Cannabis-Related Businesses.

Jennifer Smith presented LCCA Recommendations for Zoning Districts and Permit Types for Type 9 Delivery License.

Director Turner opened public input. The following people wished to speak: Bart Levenson, Patricia Lanier, and Erin McCarrick. No one else wished to speak, and public input was closed.

Jennifer Smith motioned to pass LCCA Recommendations regarding the Type 9 Delivery License and allow Type 9 Delivery License in all cultivation zones in which cannabis cultivation is preexisting as an ancillary use.

The Task Force discussed how to properly phrase the motion.

William Weiss motioned, seconded by Jan Coppinger, approved LCCA Recommendations for Type 9 Delivery License, in zones APZ, A, TPZ, RL, RR, in addition to the previously recommended C1, C2, C3, CH, M1, M2, MP, PDC.

All in favor, and motion passed.

6. Consideration of Summarization of Recommendations to Board of Supervisors regarding Zoning Districts and Permit Types for Cannabis-Related Businesses (Continued from prior meeting on August 21, 2023)

Director Turner opened discussion on the summarization of recommendations to Board of Supervisors regarding Zoning Districts and Permit Types for Cannabis-Related Businesses.

Director Turner opened public input. The following people spoke: Erin McCarrick, Holly Harris, and Sarah Bodnar. No one else wished to speak, and public input was closed.

Director Turner spoke and stated the Zoning and Licensing Chart, and the Zoning and Licensing List will need to be tabled until a future meeting due to discrepancies found.

William Weiss motioned, seconded by Nara Dahlbacka, to table the Summarization of Recommendations to Board of Supervisors regarding Zoning Districts and Permit Types for Cannabis Related Business to a future meeting.

All in favor, and motion passed.

7. Recommendations for Cultivation Zones on Licenses 1, 2, 3, and 5

Director Turner opened discussion of recommendations for Cultivation Zones on Licenses 1, 2, 3, and 5.

Jennifer Smith presented LCCA recommendations for cultivation zones on Type 5 License.

Director Turner opened public input regarding Type 5 License. The following people spoke: Angela Amoral. No one else wished to speak, and public input was closed.

Jennifer Smith motioned, seconded by Nara Dahlbacka, to approve adding Type 5 License to Zones where Commercial Cannabis Cultivation is currently allowed.

(Type 5 will be a major use permit in zones APZ, A, TPZ, RL, RR, SR, PDC)

All were in favor, and motion passed.

Director Turner opened public input. The following people wished to speak: Bart Levenson, and Holly Harris. No one else wished to speak, and public input was closed.

The Task Force agreed discussion on License Type 1, 2, or 3 will be held at a future meeting, while reviewing Development Standards.

8. Discussion Regarding Establishing a Cannabis Ordinance Task Force Sub-Committee to Review and Approve Materials Related to the Cannabis Ordinance

Director Turner opened discussion on establishing a sub-committee for the Cannabis Ordinance Task Force.

The Task Force discussed appointing 2 designees to discuss materials for presentation and ordinance prior to public hearings, one a cannabis industry representative and one not of cannabis industry and will be present during the public hearings.

Director Turner opened public input. The following people spoke: Bart Levenson. No one else wished to speak, and public input was closed.

William Weiss motioned, seconded by Jan Coppinger, to approve appointing 2 designees to discuss presentation materials prior to public hearings, who will attend the meetings and public hearings: one designee being of the cannabis industry and one designee not of cannabis industry.

9. Public Comments

Director Turner opened public comment at 2:50 p.m. No one wished to speak, and public comment was closed at 2:50 p.m.

10. Adjournment

The meeting was adjourned at 2:51 p.m.

A Guide to ZONING DISTRICTS



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

A GUIDE TO ZONING DISTRICTS

Zoning lands for different activities is one of the primary tools used to implement Lake County's general plan. There are two kinds of zoning districts: base zoning districts and combining zoning districts.

Base zoning - Every property has some kind of base zoning. A base-zoning district prescribes the types of activities or land uses that may take place on a particular lot.

Combining zoning - In certain situations, combining zoning is added to the base zoning to address specific concerns such as public safety or resource protection. It is not unusual for a property to have one or more combining zoning districts in addition to its base-zoning district.

BASE ZONING DISTRICTS

"A" & "APZ" - Agriculture & Agricultural Preserve

Allows all agricultural uses, including one dwelling, processing (wineries, packing sheds, etc.), and labor quarters. Minimum lot size typically 40 acres. "APZ" land is subject to Williamson Act Agricultural Preserve contract, and land divisions are discouraged.

"TPZ" - Timberland Preserve

Allows logging activities and agricultural uses, including one dwelling.

"RL" - Rural Lands

Allows agricultural uses and single family dwellings. Allowable density of one dwelling per 20-65 acres. Steep slopes, fire hazard and remoteness often restrict development.

"RR" - Rural Residential

Allows agricultural uses and single family dwellings. Allowable density of one dwelling per 5-20 acres. Can serve as buffer between agricultural and more intense residential uses.

"SR" - Suburban Reserve

Allows limited agricultural uses and single family dwellings, 40,000-sq. ft. to five acres minimum lot size.

"R1 - Single-Family Residential

Allows one dwelling (single-family dwelling), 720 sq. ft. minimum floor area; 6,000 to 40,000 sq. ft. minimum lot size.

"R2" - Two-Family Residential

Allows one single-family dwelling per 6,000 sq. ft., or duplexes, at one unit per 4,000-sq. ft. of lot area.

"R3" - Multi-Family Residential

Allows duplexes and apartments, 3,000 sq. ft. per unit. Does not allow single-family dwellings.

"PDR" - Planned Development Residential

Allows condominiums, clustered lots and other innovative residential developments. 5-acre minimum lot size (1-acre if designated Urban on General Plan)

"PDC" - Planned Development Commercial

Allows innovative commercial developments. 1-acre minimum.

"CH" - Highway Commercial

Allows travel-oriented commercial uses: such as restaurants, convenience stores, hotels, gas stations, etc.

"CR" - Commercial Resort

Allows hotels, restaurants, RV parks, campgrounds, etc.

"C1" - Local Commercial

Allows small stores, beauty shops, professional and medical offices, etc.

"C2" - Community Commercial

Allows retail stores, restaurants, offices, auto sales and repair, and other "downtown" uses.

"C3" - Service Commercial

Allows wholesale sales, major auto repair, lumberyards, mini-storage, heavy equipment yards, etc.

"M1" - Light Industrial

Allows light manufacturing and commercial such as cabinet shops, electronics, glass, wholesale fuel sales.

"M2" - Heavy Industrial

Allows heavy manufacturing, wrecking yards, lumber mills, concrete and asphalt batch plants, chemical manufacturing, etc.

"MP" - Industrial Park

Allows innovative industrial park developments.

"O" - Open Space

Allows agriculture, parks.

COMBINING ZONING DISTRICTS

"AI" - Agricultural Industry

Used for areas of intensive agricultural. Restricts construction of a dwelling unless needed for agricultural operation.

"W" - Wetlands

Protects biologically sensitive wetland areas.

"B" - Special Lot Size

Used to specify a different minimum lot size or density allowed.

"F" - Special Floor Area

Used to specify a different minimum allowable floor area.

"MH" - Mobilehome

Allows singlewide mobilehomes; minimum floor area 560 sq. ft.

"RD" - Residential Design

Requires increased residential construction standards (2-car garage, 16" eaves, 1,000 sq. ft. minimum, etc.). Homeowner Association review may be required.

"SC" - Scenic

Used to protect scenic views. Prohibits offsite advertising, sanitary landfills, outdoor storage, singlewide and commercial mobilehomes.

"FW" - Floodway

Prohibits development in floodways except for seasonal uses.

"FF" - Floodway Fringe

Provides standards to protect structures from flood hazards within areas subject to 100-year flooding.

"WW" - Waterway

Protects creeks and riparian habitat.

"HP" - Historic Preservation

Protects historic sites and structures.

"AA" - Airport Approach

Provides height limitations around airports.

"P" - Parking

Allows on-street parking to be counted for commercial uses.

"DR" - Design Review

Requires compliance with design guidelines.