

Date: July 8, 2025

To: Supervisors Crandell, Rasmussen, Sabatier, Owen and Pyska

Re: Agenda Item 6.9: 11:00 A.M. - Consideration of Summary of Cannabis Policy Recommendations and Request for Board Direction

Today you will discuss updates and recommendations from CDD and the Cannabis Ordinance Task Force on revisions to be included in an upcoming cannabis ordinance. Members of the public attended these meetings for 33 months, since August 2022. At the beginning of the process, we had hopes of working together with the Task Force to come up with solutions to perceived problems. Instead, we were told that public issues would be the last items for discussion.

Our list of issues - both new and readdressed - was reviewed by the COTF on January 27, 2025; they declined to discuss most items before we were allowed to present them.

At the March 18, 2025 BOS meeting where the Cannabis Ordinance Task Force was disbanded, the Executive Summary stated, "Community Development Staff has received sufficient input from the Task Force and the Board to draft the Ordinance to establish Article 73 of Chapter 21 of the Lake County Code for cannabis regulation ... No further COTF meetings are necessary."

We have submitted our comments list numerous times and now, nearly 3 years after the first meeting, our issues remain. We submitted our list - again - to CDD in late March and asked they be considered in the update. They were "added to the folder."

As stated by Supervisor Sabatier to the public at the January 27 BOS meeting on the COTF Update, "Thank you for organizing to have a unified voice, no matter what the voice is ... the more we hear from everybody, the better off we are."

In that spirit you will again find a compiled list of public comments on the recommendations from the Cannabis Ordinance Task Force. This compiled list varies from Attachment 3 on the agenda in that this list is reorganized for simplicity.

We respectfully request each of these topics be discussed. In particular, the Zoning/Permit Table was reviewed by the prior Board of Supervisors, and we would like input from the current BOS. Please note this list is not "ours" but is a compilation of feedback from numerous residents. We hope this list will be taken into consideration and given equal weight to the recommendations of COTF and CDD.

Should you have any questions, feel free to reach out.

Chuck Lamb/Holly Harris

Public Issues List for COTF – 7/8/25

1) Setbacks due to odor concerns

There are different avenues to address odor concerns - restrictions in zoning, density of projects, and physical proximity.

- **Zoning.** We would like cultivation - and ALL cannabis business types - be removed from the SR and RR zones. These parcels are typically much smaller, are the buffer between residential and rural. Parcels designated SR are often just outside the community growth boundaries, and have the potential to be incorporated into the CGBs. See our proposed Table B. We did a cursory search and there does not appear to be any currently permitted projects in SR and maybe 10-12 in RR zones.
- **Larger setbacks for outdoor cultivation.** We would like to see 2000 ft setbacks from community growth boundaries. We would also like setbacks from property lines increased to a minimum 200 feet and from off-site houses to a minimum 400 feet.
- The issue of **odor control** – and the effect of odor on all residences – needs to be fully addressed, whether even larger setbacks from all residences, vegetative screening, etc.

2) Cannabis retail sites and density of cultivation

- **Retail sites:** We support LCCA's 2/6/23 recommendation to limit retail storefronts to 1 per 4,000-5000 residents, mirroring the average range in many other jurisdictions in California.
- We are concerned about adding **retail/consumption sites into rural areas without public input** – we would like to see minor/major use permits associated with cultivation permits undergo the same permitting measures as wineries. We have concerns about dirt/inadequate roads with fire safety issues/limited evacuation routes.
- **Density of cultivation sites:** At our request, CDD was to have provided maps of current and pending cannabis locations and size at the March 10th meeting, which was cancelled. Thus we do not have enough information to make recommendations. But, with 25 million sq. ft. of currently approved cultivation and only 20% currently farmed, it's possible the density saturation has already been reached.

3) Caps on cultivation size.

- We support the continued 20:1 cultivation ratio
- As we support small, local cannabis farms, we would like to see reduced project sizes of up to 1 or 2 acres.
- We support removing Type 5 from the list of recommended businesses.

4) Development of neighborhood overlays or opt-out zones

Similar to geothermal projects in Lake County's Article 27, prohibition of projects within a defined area if a majority of the property owners request/create an opt-out zone.

- The CDD Director stated at the 1/27/25 COTF meeting that she wished to have a discussion on this topic.

5) Preservation of viewsheds

At the LAPAC meetings held this past fall, it was quite apparent that protection of the viewshed is of high importance to communities from a visual aspect as well as cultural - in particular, views of the lake and ridgelines from our major thoroughfares.

- The CDD Director stated at the 1/27/25 COTF meeting that she wished to have a discussion on this topic
- This has also been brought up as a tribal cultural concern.
- We would like a ban on large-scale grading, hoop houses, greenhouses, white plastic and other industrial structures around the lake to the ridgelines, and a setback along scenic highways and roads. We point out the disheveled grow site on Hwy 53 which has minimal setbacks from the road, and contrast that with the cultivation operations on Sulphur Bank by the shores of Clear Lake - the COU's banned white plastic and hoop houses, which reduced visibility extensively.

6) Prevention of permitting where previous unpermitted land modifications and violations occurred

We would like to see mandatory "waiting periods" for projects that have made unpermitted land modifications prior to getting a cannabis permit, as this circumvents the CEQA process. Some examples include:

- Grading for other purposes** (such as vineyards) and then not putting in the vineyards but applying for cannabis
- Removal of trees in TPZ** and then applying for cannabis permits.
- Installation of wells** just prior to cannabis permit applications, thus not subject to CEQA review.
- The CDD Director stated at the 1/27/25 COTF meeting that she wished to have a discussion on this topic

7) Further clarification on Exclusion Zones

- Public Lands:** While the Task Force agreed to designate Clear Lake as a public land, we would like inclusions of Rodman Slough, Blue Lakes and Cache Creek, which all have Water Trails, as defined by the California State Land Commission.
- Inclusion of 1000 foot setbacks from **verified organic farms** outside of the FPZ zones.
- Inclusion of 1000 foot setbacks from **Home Schools** with a current Private School Affidavit on file with the State of California
- 1000 foot setbacks from residential subdivisions and neighborhood opt-out zones
- Inclusion of prime/unique/statewide and local importance farmlands in **all areas of the county** into the Farmland Protection Zones (FPZ).

8) Development Standards Table

- We do not support decreasing minimum lot size from 20 to 2 acres for Type A and M 1A, 2A and 3A permits. This opens up thousands more parcels - particularly in SR.
- We also do not support reducing setbacks from 100 feet to 30 feet from the property line for those same license types, particularly if lot sizes are reduced.

- Per Item 1 above, we support setbacks from property lines increased to 200 feet and from off-site houses to 400 feet on permit types requiring a minimum of 20 acres.

9) 10-Year Discretionary Use Permit

- We would like to see the 10-year discretionary use permit to include a 2-year probationary permit review to ensure COUs and operating practices are met. Currently COUs are not reviewed despite requiring a written Initial Summary Response as a condition of use.
- We would like a discussion on the practice of allowing non-cultivation to continue as long as the Annual Inspection fee is paid. We are suggesting the permit become void if operations cease for two years.

10) Drought Management

- We would like to see a Drought Management Plan required and incorporated into the Hydrology Report/Project Management Plan as standard operating procedure and as a standard implementation based on levels of drought.
- We would request that site assessments (biological, wetlands, etc) be done - or updated - within a 2-year period of project review. Well tests should be performed during late summer to assess the impact during times of high usage/lower water levels.

11) Project Applicant and Property Owner

- We support any efforts/requests from the Tax Collector to tie the Property Owner to the permit application in order to streamline tax collection.
- We would like to see more transparency in business structure, such as project applicant on permit identical to license name.

12) Zoning and Use Permits

- We would like to change the proposed permit type on Cannabis Consumption Events and Cannabis Retail Events from ministerial to Major/Minor Use Permit based on size, as done in Ordinance 2947 for Wine Events.
- We request that Consumption and Sales Events are not allowed in rural locations dependent on dirt/inadequate roads with fire safety issues/limited evacuation routes. products and then in some cases - unknowingly - cross federal lands where it is a federal offense, as the county has knowingly allowed these permits to go through with a signed indemnification agreement.
- A marked-up copy of Table B (including Item 1) from a public perspective is attached.

13) Thresholds and Cumulative Impacts

- Thresholds should be established to analyze cumulative impacts of traffic, fire risk and water usage/groundwater management.
- All permit holders are required to report water usage annually. This should be compiled and used to analyze cumulative impacts during the permit process.

14) Ongoing Project Management

- The Complaint System needs revision. Most complaints are handled by CDD and passed on to Code Enforcement as they deem necessary; the permit holder is not contacted, as most residents do not know who they are. Fines for violations should be implemented as appropriate.
- Initial Summary Reports submitted to CDD are required in the Conditions of Use - this has not been enforced.
- Annual Reports submitted to CDD are required to be reviewed by the Planning Commission or their designee in order to ascertain if the Conditions of Use are adequate - this has not been enforced.

Section 27.11 Table B Uses generally permitted with a Use Permit

● 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

CANNABIS ORDINANCE TASK FORCE (COTF) RECOMMENDATIONS

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	●○*	●○*	●○*	●○*						●○*	●○*	●○*	●○*	●○*	●○*	●○*	●○*					●○*	△

Public Issues List - Proposed Table B - 3/15/25

