

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

Regarding Item 7.4 on the BOS Agenda for 3/18/2025 - Consideration of Update on Accomplishments and Conclusion of Cannabis Ordinance Task Force.

The Executive Summary states, "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."

Members of the public have attended these meetings over the past 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.

During the March 3rd meeting we were asked to prepare a presentation on the remaining issues for discussion at the March 10th meeting. That meeting never happened.

While CDD staff feels they have enough information to complete the ordinance, the public still has a list of unanswered issues, and have not been able to present them for discussion.

As stated by Supervisor Sabatier at the COTF Update meeting in January, "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, we have attached a list of public issues and requests.

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 the COTF during the writing of the ordinance.

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

Thank you,

Holly Harris/Chuck Lamb

Clearlake Oaks residents

Public Issues List for COTF – 3/15/25

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.
- **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.
- **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.

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.

- 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.

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

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) Property Owners and Road Easements

Currently, an applicant is required to have a recorded easement to cross property they do not own. Per recent court ruling (JCCrandall, LLC vs. County of Santa Barbara), applicants must also have permission from all landowners holding road easements, to allow commercial cannabis activities.

10) 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 the permit becomes void if operations are not begun in a 2-year period.
- We would like a discussion on the practice of allowing non-cultivation to continue as long as the Annual Inspection fee is paid.

11) 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.

12) 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.

13) 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.
- A marked-up copy of Table B from a public perspective is attached.

14) 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.

15) 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