



COUNTY OF LAKE  
COMMUNITY DEVELOPMENT DEPARTMENT  
255 N. Forbes Street – 3<sup>rd</sup> Floor  
Lakeport, California 95453  
Planning • Building • Code Enforcement  
Phone: (707) 263-2221 • Fax: (707) 263-2225

Item #6a  
9:05 AM  
November 14, 2024

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Mireya G. Turner, Director  
Michelle Irace, Principal Planner  
Mary Claybon, Senior Planner

**DATE:** November 6, 2024,

**SUBJECT:** Informational Update on Cannabis Ordinance Task Force Recommendations

### ATTACHMENTS:

- 1- Summary of COTF, PC and BOS Permit Type Recommendations

Since its formation by the Board of Supervisors on July 12, 2022, the Cannabis Ordinance Task Force (COTF) has met regularly, working on a number of draft ordinances which were Board priorities, and more recently, on recommendations for revising the current cannabis policy.

COTF began meeting on August 1, 2022, and has held bi-weekly meetings over the last two years to discuss current regulations and provide recommendations for revisions of the ordinance (which will become Article 73). Article 27 containing existing County cannabis regulations (beginning on pg. 27-110) can be found online at: [Zoning Ordinance | Lake County, CA \(lakecountyca.gov\)](https://www.lakecountyca.gov/zoning-ordinance-lake-county-ca). The COTF meeting agendas, videos and minutes may be found online at: <https://www.lakecountyca.gov/agendacenter>. The COTF webpage containing information and presentations may be found at: <https://www.lakecountyca.gov/1691/Cannabis-Ordinance-Task-Force>

In an effort to bring recommendations forward to the Planning Commission and Board of Supervisors by the end of this calendar year, the COTF is holding a series of weekly, three-hour special meetings in November and December. Additionally, COTF has narrowed the scope of discussion to a specific list of topics, rather than reviewing the ordinance line by line; this list includes suggestions from Staff, the public and COTF. Additionally, suggestions are based on an effort to align with the State's Department of Cannabis Control's regulation, which can be found online at: [DCC Commercial Cannabis Regulations](https://www.cdcr.ca.gov/regulations)

Table 1 below includes a list of recommendations made by the COTF to date, and Table 2 includes the remaining focus topics they will continue to discuss throughout the calendar year. This item includes an informational update for the Planning Commission; no action is required.



COUNTY OF LAKE  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 255 N. Forbes Street – 3<sup>rd</sup> Floor  
 Lakeport, California 95453  
 Planning • Building • Code Enforcement  
 Phone: (707) 263-2221 • Fax: (707) 263-2225

Item #6a  
 9:05 AM  
 November 14, 2024

**Table 1. COTF Recommendations as of November 4, 2024**

Section or Topic	Current Regulation/Language	COTF Recommendation	COTF Meeting Date of Motion
Permit Types, Table 27.11B, pg. 27-36	Cannabis license types and required planning permits are listed in Table 27.11B	The COTF recommendations include permits within agriculture, commercial, and industrial zoning districts. There are new business types and uses, existing uses in additional locations, and changes in the level of permit required. Attachment 1 includes a summary of these recommendations, as well as input from the PC and BOS	August 2022-October 2023. Also reviewed by PC December 14, 2023 and BOS February 6, 2024
General Requirements, Section 27.13(at)(1)(ii). pg. 27-111	In order to obtain a Lake County Permit for commercial cannabis activities, as described in Article 73.2 of this ordinance, a person or entity must ensure the project meets all requirements for general development, performance, and application standards of the Zoning Ordinance, the policies of the Lake County General Plan, the policies of the applicable community area plan, environmental requirements as described in the California Environmental Quality Act, and any other applicable requirements described in the Lake County Municipal Code .	Leave language as is	April 8, 2024
State License Requirements, Section 27.13(at)(1)(ii)(a).	(1) Department of Cannabis Control Requirements. State	Remove the listed agencies and provide a broader more encompassing statement	February 12, 2024

	<p>licensure and permits as required. A person or entity shall not engage in the commercial cultivation of cannabis without first obtaining a Lake County minor or major use permit, a state cannabis cultivation license, and applicable permits such as from Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, the State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs, as appropriate.</p>	<p>such as the first sentence. Recommended language:  (1) A person or entity shall not engage in commercial cannabis activities, as described in section 73.2 of this ordinance, without first obtaining a Lake County minor or major use permit and state licensure and permits as required.</p>	
<p>Applicant, Section 27.13(at)(1)(ii)(e), pg. 27-113</p>	<p>Applicant. If the applicant is other than a natural person (including general partnerships of more than one individual natural person), the applicant must provide documentation regarding the nature of the entity and the names of the individual natural persons who manage, own or control the entity. The most common entities are corporations, limited liability companies (LLCs), limited partnerships (LPs), or trusts. These entities can be multi-layered and/or interlocking, e.g. a corporation can be owned by another corporation. If that is the case, documents for</p>	<p>To accept the language, amending language to mirror state, if applicable. Recommended language:  If the applicant is other than a natural person (including general partnerships of more than one individual natural person), the applicant must provide documentation regarding the nature of the entity and the names of the individual natural persons who manage, own or control the entity. The most common entities are corporations, limited liability companies (LLCs), limited partnerships (LPs), or trusts. <del>These entities can be multi-layered and/or interlocking, e.g. a corporation can be owned by another corporation. If that is the case, documents for those other</del></p>	<p>April 8, 2024</p>

	those other related entities are needed until the individual natural persons who manage, own or control the entities can be identified.	<del>related entities are needed until the individual natural persons who manage, own or control the entities can be identified.</del>	
Property Owner Approval, Section 27.13(at)(1)(ii)(i), pg. 27-117	If the property where the cannabis activity is to be located is not owned by the applicant, written approval shall be obtained from the property owner(s), containing the property owner(s) notarized signature that authorizes the tenant or lessee to cultivate cannabis at the site. A copy of the written approval shall be maintained by the tenant or lessee and made available for review by enforcement officials upon request. Written approvals shall be renewed annually.	Recommended language: If the property where the cannabis activity is to be located is not owned by the applicant, written approval shall be obtained from the property owner(s), containing the property owner(s) notarized signature that authorizes the tenant or lessee to cultivate cannabis at the site, <del>and the property owner shall be listed as a co-applicant and co-permittee for the approved project.</del> A copy of the written approval shall be maintained by the tenant or lessee and made available for review by enforcement officials upon request. <u>Written approval shall be renewed annually.</u>	July 29, 2024
Background Checks, Sections 27.13(at)(1)(ii) - (f), (g), & (h), pg.27-144	All applicants and employees shall undergo a background check by the Lake County Sheriff Department. An individual may fail the background check if employee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the sheriff determines that the	Recommended language: All applicants, their <u>full-time and part-time employees, excluding licensed third-party contractors, and their employees</u> shall undergo a background check by the Lake County Sheriff Department. An individual may fail the background check if <u>employee</u> has been convicted of an offense that is <u>substantially related</u> to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the sheriff determines that the <u>applicant or permittee is otherwise suitable</u> to be issued a license and	July 1, 2024

	<p>applicant or permittee is otherwise suitable to be issued a license and granting the license would not compromise public safety, the sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or permittee be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the sheriff shall include, but not be limited to, the conditions described in Section 26057 of the California Business and Professions Code.</p>	<p>granting the license would <u>not compromise public safety</u>, the sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or permittee be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the sheriff shall include, but not be limited to, the conditions described in Section 26057 of the California Business and Professions Code</p>	
<p>Background Checks, Sections 27.13(at)(1)(ii) - (f), (g), &amp; (h), pg.27-144</p>	<p>Application for Background Clearance for County Permit: An applicant for cannabis distribution permit shall do all of the following: i. Require that each applicant and employee electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal</p>	<p>Recommended language: <del>Application for Background Clearance for a County Permit</del> Application and Qualifications for Background Clearance for County Permit (1) An applicant for a <u>commercial cannabis cultivation permit</u> shall do all of the following: (i) Each applicant <u>and employee</u> shall electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining</p>	<p>July 1, 2024</p>

	<p>convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal. ii. The Sheriff's Office shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants</p>	<p>information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal...</p>	
<p>Qualifications for a Minor or Major Use Permit, Section 27.13(at)(1)(ii)(h)(3), Pg. 27-116</p>	<p>Qualifications for a Minor or Major Use Permit: The County may deny a minor or major use permit (permit) or the renewal of a permit if any of the following conditions apply: (1) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter, including but not limited to, any requirement imposed to protect natural resources, in-stream flow, water quality, and fish and wildlife. (2) The applicant has failed to provide information required by the Lake County Zoning Ordinance. (3) The applicant, owner, or permittee has been convicted of an offense that is substantially related to the qualifications, functions, or</p>	<p>Remove section 1 and 2; keeping section 3; and rephrasing title of section 1, as follows:  <del>Qualifications for a Minor or Major Use Permit:</del> The County may deny <u>a minor or major use permit (permit)</u> or the renewal of a permit if any of the following conditions apply: <del>(1) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter, including but not limited to, any requirement imposed to protect natural resources, in-stream flow, water quality, and fish and wildlife.</del> <del>(2) The applicant has failed to provide information required by the Lake County Zoning Ordinance.</del> (3) The <u>applicant or permittee</u> has been convicted of an offense that is</p>	<p>July 15, 2024</p>

	<p>duties of the business or profession for which the application is made, except that if the Lake County Sheriff finds that the applicant, owner, or permittee is otherwise suitable to be issued a permit, and granting the permit would not compromise public safety, the Lake County Sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant or owner, and shall evaluate the suitability of the applicant, owner, or permittee to be issued a permit based on the evidence found through the review</p>	<p>substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the Lake County Sheriff finds that the <u>applicant or permittee</u> is otherwise suitable to be issued a permit, and granting the permit would not compromise public safety, <u>the Lake County Sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant</u>, and shall evaluate the suitability of the applicant or permittee to be issued a permit based on the evidence found through the review.</p>	
<p>Activity Records, Section 27.13(at)(1)(ii)(i), pg.27-142</p>	<p>i. An applicant shall keep accurate records of commercial cannabis activity.  ii. All records related to commercial cannabis activity as defined by the state licensing authorities shall be maintained for a minimum of seven years.  iii. The County may examine the books and records of an applicant and inspect the premises of a permittee when the County deems necessary to perform its duties under this division. All inspections shall be conducted during standard business hours of the permitted facility or at any other reasonable time. iv. Applicants shall keep</p>	<p>Mirror the state (section 15037), and add the following language:  li. All records related to commercial cannabis activity as defined by the state licensing authorities shall be maintained <u>for a minimum of seven years, or the life of the permit.</u></p>	<p>March 18, 2024</p>

	records identified by the County on the premises of the location permitted. The County may make any examination of the records of any applicant. Applicants shall also provide and deliver copies of such documents to the County upon request. v. An applicant, or its agent or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the applicant pursuant to this section, has engaged in a violation of this article.		
Track and Trace, Section 27.13(at)(1)(ii)(n), pg.27-118	All permittees shall be enrolled and comply, maintaining enrollment with good standing in Track and Trace for the life of the permit.	Rephrase as follows: All permittees shall <u>be enrolled and comply</u> , maintaining enrollment with good standing in Track and Trace for the life of the permit.	March 18, 2024
Weights and Measures, Section 27.13(at)(1)(ii)(o), pg.27-118	All permittees shall comply with the State of California Weights and Measures requirements found in the California Food and Agriculture Code, California Code of Regulations, and the California Business and Professions Code.	Leave language as is	June 27, 2024
Compliance monitoring, Section 27.13(at)(4), pg.27-155	Compliance monitoring: A compliance monitoring inspection of the cannabis manufacturing facility shall be conducted at least annually. The permittee shall pay a compliance monitoring fee established by resolution of the Board of Supervisors prior to the inspection. If there are no violations of the County permit or	To reduce annual inspections to every other year, unless there is a transfer of ownership. Recommended language:  Compliance monitoring: i. A compliance monitoring inspection of the cultivation site shall be conducted annually during growing season. ii. The permittee shall pay a compliance monitoring fee established by resolution of	March 18, 2024



	<p>state license during the first five years, the inspection frequency may be reduced by the Director to not less than once every five years.</p>	<p>the Board of Supervisors prior to the inspection.  <u>iii. If there are no violations of the County permit or state license during the first five years, the inspection frequency may be reduced by the Director to every other year, unless there is a transfer of ownership, in which case annual inspections shall resume.</u></p>	
<p>Annual Reports, Section 27.13(at)(4), pg.27-155</p>	<p>Annual Reports: Performance Review  i. All cannabis permittees shall submit a “Performance Review Report” on an annual basis from their initial date of operation for review and approval by the Planning Commission. The Planning Commission may delegate review of the annual Performance Review Report to the Director at the time of the initial hearing or at any time thereafter. This annual “Performance Review Report” is intended to identify the effectiveness of the approved minor use permit, Property Management Plan, and conditions of approval, as well as the identification and implementation of additional procedures as deemed necessary. In the event the Planning Commission identifies problems with specific Performance Review Report that could potentially lead to revocation</p>	<p>Recommended language:  Annual Reports  Performance Review  (a) All cannabis permittees shall submit a “Performance Review Report” on an annual basis from their initial date of operation for review and approval by the Planning Commission. <u>The Planning Commission may delegate review of the annual Performance Review Report to the Director, and/or their designated appointees, at the time of the initial hearing or at any time thereafter.</u> <u>Unsatisfactory annual reports may lead to additional permitting requirements and/or revocation.</u> This annual “Performance Review Report” is intended to identify the effectiveness of the approved minor or major use permit, Operations Manual, Operating Standards, and conditions of approval, as well as the identification and implementation of additional procedures as deemed necessary. In the event the Planning Commission identifies problems with specific Performance Review Report that could potentially lead to revocation of</p>	<p>July 1, 2024</p>

	<p>of the associated minor use permit, the Planning Commission may require the submittal of more frequent “Performance Review Reports.”</p> <p>ii. Pursuant to sub-section 6. i. above, the premises shall be inspected by the Department on an annual basis, or less frequently if approved by the Director. A copy of the results from this inspection shall be given to the permittee for inclusion in their “Performance Review Report” to the Department.</p> <p>iii. Compliance monitoring fees pursuant to the County’s adopted master fee schedule shall be paid by permittee and accompany the “Performance Review Report” for costs associated the review of the report by County staff.</p> <p>iv. Non-compliance by permittee in allowing the inspection by the Department, or refusal to pay the required fees, or noncompliance in submitting the annual “Performance Review Report” for review by the Planning Commission shall be deemed grounds for a revocation of the development permit or use permit and subject the holder of the permit(s) to the penalties outlined in this Code.</p>	<p>the associated minor or major use permit, the Planning Commission may require the submittal of more frequent “Performance Review Reports.”</p> <p><u>(b) Pursuant to sub-section 5. i. above, all grounds and buildings shall be inspected by the Department on an annual basis, or less frequently if approved by the Director, pursuant to sub-section 5. i.i.i., Compliance Monitoring Section.</u> A copy of the results from this inspection shall be given to the permittee for inclusion in their “Performance Review Report” to the Department.</p> <p>(c) Compliance monitoring fees pursuant to the County’s adopted master fee schedule shall be paid by permittee and accompany the “Performance Review Report” for costs associated the review of the report by County staff.</p> <p><u>(d) Non-compliance by permittee in allowing the inspection by the Department, or refusal to pay the required fees, or noncompliance in submitting the annual “Performance Review Report” for review by the Planning Commission shall be deemed grounds for a revocation of the development permit or use permit and subject the holder of the permit(s) to the penalties outlined in this Code.</u></p>	
--	---	---	--

Complaint Records, Section 27.13(au)(19), pg.27-133	The permittee shall maintain a record of all complaints and resolution of complaints and provide a tally and summary of issues the annual Performance Review Report.	Leave language as is, but reformat sections g-k into subsections under f. activity records	July 15, 2024
Identification of Emergency Contacts, Section 27.13(au)(18), pg.27-133	Identification of emergency contact(s) that is/are available 24 hours/seven (7) days a week including holidays. The plan shall include the name, phone number and facsimile number or email address of an individual working on the commercial cultivation premises, to whom notice of problems associated with the operation of the commercial cultivation establishment can be provided. The commercial cultivation establishment shall keep this information current at all times. The applicant shall make every good faith effort to encourage neighborhood residents to call this designated person to resolve operating problems, if any, before any calls or complaints are made to the County.	Remove 'manufacturing' from section, to make applicable to all cannabis businesses, and amend the language as follows: Identification of emergency contact(s) that is/are available 24 hours/seven(7) days a week including holidays. The plan shall include the name, phone number and facsimile number or email address of an individual working on cannabis premises, to whom notice of problems associated with the operation of the cannabis establishment can be provided. The cannabis establishment shall keep this information current at all times. <u>The applicant shall make every good faith effort to encourage neighborhood residents to call this designated person to resolve operating problems, if any, before any calls or complaints are made to the County.</u>	March 18, 2024
Prohibited Activities- Tree Removal, Section 27.3(at)(1)(iii)(a), pg.27-119	The removal of any commercial tree species as defined by the California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species ( <i>Quercus</i> species) or Tan Oak	Recommended language: The removal of any commercial tree species as defined by the California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species ( <i>Quercus</i> species) or Tan Oak ( <i>Notholithocarpus</i> spices.) for	July 29, 2024

	( <i>Notholithocarpus</i> species.) for the purpose of developing a cannabis cultivation site should be avoided and minimized. This shall not include the pruning of any such tree species for the health of the tree or the removal of such trees if necessary for safety or disease concerns.	the purpose of developing a cannabis cultivation site should be avoided and minimized; <u>unless otherwise specified by a County wide tree removal Ordinance.</u> This shall not include the pruning of any such tree species for the health of the tree or the removal of such trees if necessary for safety or disease concerns.	
Prohibited Activities- Water Use, Section 27.3(at)(1)(iii)(b), pg.27-119	Water Use. The utilization of water that has been or is illegally diverted from any lake, spring, wetland, stream, creek, vernal pool, or river is prohibited. Cultivation site shall not be connected to public water.	Change title to “Diversion of Water”.  Note: other stormwater and water use-related requirements are listed within the Property Management Plan requirements section beginning on pg. 27-136 of Article 27	July 29, 2024
Prohibited Activities-Odor, Section 27.3(at)(1)(iii)(c), pg.27-119	Cannabis related permits shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.	Recommended language: Commercial cannabis <del>related permits</del> operations shall not propagate objectionable odors <del>which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public</del> in violation of approved Property Management Plans or Conditions of Approval. All complaints received shall be documented and addressed by the Permittee.	September 24, 2024
Prohibited Activities- Electrical Generators, Section 27.3(at)(1)(iii)(d), pg. 27-119	The indoor or mixed-light cultivation of cannabis shall not rely on a personal gasoline, diesel, propane, or similar fuels, powered generator as a primary source of	Amend language to: -Apply to all cultivation of cannabis -Add requirements listed for stationary storage systems in the current CA Fire Code edition in effect, along with any CA	October 29, 2024

	power and shall only allow properly permitted (when applicable) generators for temporary use in the event of a power outage or emergency that is beyond the permittee's control.	Fire standards that are in place regarding small combustible engines. -Move to the Prohibited or Restricted Uses section of Draft Ordinance. -Differentiate between (1) unanticipated or emergency use (2) waiting permanent PG&E power, integrating State Fire Codes.	
Prohibited Activities-Lights, Section 27.3(at)(1)(iii)(e), pg. 27-119	All lights used for cannabis related permits including indoor or mixed light cultivation of cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Artificial light shall be completely shielded between sunset and sunrise. Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the lot of record upon which they are placed.	Amend language to clarify that lighting shall be downward facing, limited to the parcel, and Dark Sky compliant.	October 29, 2024
Prohibited Activities-Pesticides, Section 27.3(at)(1)(iii)(f), pg. 27-120	The use of any pesticide that has been banned for use in the state is prohibited.	-Add definition of "Pesticide" to Article 27 and Article 68 (Definitions) to state the following: <u>Pesticide- includes any of the following: (a) Any spray adjuvant. (b) Any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in Section 12754.5, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any</u>	October 29, 2024

		<p><u>agricultural or nonagricultural environment whatsoever.</u></p> <p>-Add the following language to this section: <u>Use of pesticides, as defined, requires an Operator ID, and any appropriate pesticide applicator certificate.</u></p> <p><u>- Keep in Prohibited or Restricted Section of Draft Ordinance</u> <u>- Also refer to pesticides in Development Standards</u></p>	
Protection of Minors, Section 27.3(at)(1)(iii)(iv), pg. 27-120	(a) No permittee shall: a. Sell, transfer or give cannabis or cannabis products to persons under 21 years of age; b. Allow any person under 21 years of age into the cultivation area; c. Employ or retain persons under 21 years of age.	<p>Change ‘cultivation area’ to “permitted premises” and refer to state regulations. Recommended language: No permittee shall: a. Sell, transfer or give cannabis or cannabis products to persons under 21 years of age; b. Allow any person under 21 years of age into the <del>cultivation area</del> <u>permitted premises</u>; c. Employ or retain persons under 21 years of age, <u>pursuant to Section 15000.6 in the DCC Regulations.</u></p> <p>Note: current definition of “premises” in Article 68: The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted. A premises can be a portion of or all of a single lot of record. (Ord. No. 3709, 12/11/2018)</p>	October 29, 2024

<p>Commercial Cannabis Cultivation Exclusion Areas, Section 27.3(at)(1)(iii)(v), pg. 27-120</p>	<p>Commercial cannabis cultivation is prohibited within 1,000 feet of the following areas or uses:</p> <ul style="list-style-type: none"> <li>a. Community Growth Boundary as described in the Lake County General Plan,</li> <li>b. SOS combining district,</li> <li>c. Public lands, where, because of development or other actions, it is clear that the public is invited to use such locations as places of recreation and other destination activities, including but not limited to, hiking, bird-watching, equestrian activities, and camping. Additionally, all State and County parks are public lands (Ordinance 3096).</li> <li>d. An incorporated city sphere of influence, unless the applicant can provide a letter of support from the City.</li> <li>e. Any public or private school, grades K through 12,</li> <li>f. A developed public park containing playground equipment,</li> <li>g. A drug or alcohol rehabilitation facility, or</li> <li>h. A licensed childcare facility or nursery school, church or youth-oriented facility catering to or providing services primarily intended for minors.</li> <li>i. Federal Indian Trust Lands, unless the applicant can provide a</li> </ul>	<p>-Add Clear Lake as public lands - Add subsection K in the event setbacks change after project approval</p> <p>Recommended language: Commercial cannabis cultivation is prohibited within 1,000 feet of the following areas or uses:</p> <ul style="list-style-type: none"> <li>a. Community Growth Boundary as described in the Lake County General Plan,</li> <li>b. SOS combining district,</li> <li>c. Public lands, where, because of development or other actions, it is clear that the public is invited to use such locations as places of recreation and other destination activities, including but not limited to, hiking, bird-watching, equestrian activities, and camping. Additionally, All State and County parks are public lands (Ordinance 3096). <u>Additionally, recognizing Clear Lake as a public land.</u></li> <li>d. An incorporated city sphere of influence, unless the applicant can provide a letter of support from the City.</li> <li>e. Any public or private school, grades K through 12,</li> <li>f. A developed public park containing playground equipment,</li> <li>g. A drug or alcohol rehabilitation facility, or</li> <li>h. A licensed childcare facility or nursery school, church or youth-oriented facility catering to or providing services primarily intended for minors.</li> </ul>	<p>November 4, 2024 (discussion to be continued at next meeting)</p>
---	--	---	--

	<p>letter of support from the Federal Indian Trust Landholder.</p> <p>j. The distance specified in this section shall be measured horizontally from the areas or uses to the cannabis cultivation site.</p>	<p>i. Federal Indian Trust Lands, unless the applicant can provide a letter of support from the Federal Indian Trust Landholder.</p> <p>j. The distance specified in this section shall be measured horizontally from the areas or uses to the cannabis cultivation site.</p> <p><u>k. if the setbacks are changed, the permits approved prior to changing setbacks abide to the regulations at the time of the first permit approval; specifically, in regard to setbacks, outdoor cultivation, and the list of exclusion zones A through I, only.</u></p>	
--	---	---	--

**Table 2, Remaining focus topics to be considered by COTF**

<p>Incomplete, abandoned applications, and voluntary withdrawal</p>	<p>No current regulations within Article 27 related to abandoned applications or voluntary withdrawal. State regulations for abandoned or incomplete applications are listed in Subsection 15012, Incomplete and Abandoned Applications</p>
<p>Setbacks consistent with Water Board</p>	<p>Currently, Article 27 (pg 27-136 under Stormwater Management) states, <i>“Outdoor cultivation, including any topsoil, pesticide or fertilizers used for the cultivation cannabis shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge”.</i></p> <p>Resolution of Intent 20-50, which proposed making setbacks consistent with the State Water Board (allows for 50ft from Class III watercourses), was adopted by the BOS on 5/12/2020 and went to PC for consideration on 2/25/21. However, it never went back to BOS for formal adoption.</p>
<p>Operational hours</p>	<p>Currently, Article 27 (pg. 27-151) states the following pertaining to delivery hours.</p>



	<p><i>Operating Hours: Deliveries and pick-ups are restricted as follows: Monday through Saturday: 9:00 a.m. - 7:00 p.m. Sunday: 12:00 p.m. - 5:00 p.m.</i></p> <p>However, construction and operational hours for outdoor and mixed light cultivation and other non-delivery activities are not stated. County noise ordinance notes maximum sound levels for specific hours that have been utilized by Staff. State does not note cultivation hours. Staff notes that some operators have noted wanting (or needing) to be on-site during longer periods of time (6am to 9pm) during summer months.</p>
Records Retention	<p>Article 27 (pg 27-112 and 27-142) notes record retention requirements. Specifically, subsection (au)(4)(ii) states, <i>all records related to commercial cannabis activity as defined by the state licensing authorities shall be maintained for a minimum of seven years.</i></p> <p>However, all operators are required to use METRIC, which allows for electronic record keeping. State regulations are within Subsection 15037, General Record Retention Requirements</p>
Increase setbacks for outdoor cultivation (odor concerns)	<p>Article 27 (Development Standards table on pg 27-110) requires cultivation setbacks of 100 ft from property line and 200 ft from off-site residences (in addition to the 1,000 ft setbacks in the exclusion zones). Some have raised the potential of increasing setbacks as a means to aid in odor nuisance issues.</p>
Self-contained RVs on-site	<p>RVs are commonly found on-site during annual inspections. However, the County Code is silent about this topic, with the exception of a temporary dwelling permit for the construction of a dwelling unit, and temporary construction offices.</p>
Farm Labor Contractor registration posted on-site	<p>State does not require livescans for employees and does not regulate Farm Labor Contractors. COTF is recommending livescans for employees, with the exception of Farm Labor Contractors. Staff is suggesting the Ag Commissioner registration documents be posted on-site for verification</p>
Notice of Applicability (NOA) date October 31, 2020	<p>Ordinance 3092 established a cutoff date of October 31, 2020, for the Water Board Notice of Applicability (effectively putting a moratorium on new</p>

	applications from being submitted). Discussion will include whether the date should be extended to allow for new applications.
Maximum submittal of 12 applications per month	2019 Ordinance applied a moratorium to the number of applications allowed to be submitted. If the NOA date is modified, this item will impact the number of applications accepted.
Cannabis density of cultivation and retail sites	Currently the County Code does not have any limitation to the number of permitted sites allowed in proximity to each other. Additionally, Resolution of intent 20-50 adopted by BOS on 5/12/2020 proposed decreasing the M-Type and A-Type 1A, 2A and 3A minimum lot size from 20 acres to 2 acres and decreasing setbacks from 100 ft to 30 ft from the property line. However, the ordinance was never formally brought forward and adopted.
Adult and Primary Caregiver Medicinal Use	<p>Currently, County regulation states 100 sf maximum structure per patient up to 6 patients. Co-location and clustering of parcels have also been held under identical ownership rather than as residential accessory used on same parcel or vacant parcels. However, Staff cannot confirm medical status due to HIPAA laws. Code Enforcement has been encountering multiple sites having 36 plants without a means of verification.</p> <p>Some potential solutions include:</p> <ol style="list-style-type: none"> <li>a. Increase square footage of structures to accommodate patient count with a maximum square footage determined by zoning, requiring building permit for any structure greater than 120sf or any structure with electrical mechanical systems regardless of size.</li> <li>b. Require proof of UUID Patient registration card with CA Dept of Health available upon request.</li> <li>c. Consider allowing co-location and clustering of parcels held under identical ownership.</li> </ol>
Opt Out and Reduced Canopy Process	Process is not codified in Article 27. Resolution 2024-53 identified June 1 <sup>st</sup> as the deadline for opt out and request to reduce canopy requests to be received by CDD.
Fallowing	Discussion related to options for fallowing in lieu of cultivation.

Site Reclamation Bond	Discussion will consider whether site reclamation bonds should be required. The bond ensures that when a site is closed or it reaches the end of its permit life, that the land is then returned to its original condition and any monitoring required under the reclamation plan is carried out.
Method for calculating canopy	<p>Clarification is needed related to method for calculating canopy. County definition: <i>The designated area(s) at a licensed premises, except nurseries, that will contain mature plants at any point in time, as follows: (1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries; (2) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and (3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation. (Ord. No. 3084, 5/21/2019)</i></p> <p>State Definition: <i>“Canopy” means the designated area(s) at a licensed premises that will contain mature plants at any point in time.</i></p>