



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

Cannabis Cultivation Ordinance

Requested Guidance (RG)

Discussion: The current approach to the regulation of cannabis activities is through the zoning ordinance. A use permit would be required for all commercial activities. A use permit goes with the land and is not assigned to a particular individual. There is some concern that an issued cannabis use permit could be sold, with the parcel, to people who have not undergone the required background check and evaluation by the County. One way to address this is to create a business license to operate a commercial cannabis site. A business license is applicant specific and will expire should the permittee cease to operate.

RG1: Does the Board want to create a business license for commercial cannabis businesses with minimum qualification to hold such a license?

Discussion: In regards to qualified patients and primary caregivers, article 72 currently limits cultivation indoors for properties located within the community growth boundaries and indoors on parcels one acre or smaller outside community growth boundaries.

RG2: It is the Board's desire to continue these same limits for qualified patients, primary caregivers, and adult personal use? Is there a desire to increase the minimum acreage for outdoor cultivation? The current draft ordinance uses 5 acres.

Discussion: A zoning permit and a building permit will be required for the cultivation of cannabis by qualified patients, primary caregivers, and adult personal use when a structure is built or electrical or plumbing modifications are made to an existing structure. No unique cannabis permit will be required.

Currently Article 72 allows the cultivation by "medical marijuana collectives" in A and RL zoning districts on a parcel at least 20 acres in size.

RG3: Should commercial cannabis cultivation be limited to the A and RL zoning districts or should it be expanded to others? APZ? TPZ? RR? SR? Others?

RG4: Should the cultivation site be on a parcel that is at least 20 acres in size or can a smaller parcel size be allowed?

RG5: Can multiple, adjacent parcels under the same ownership, all which are less than 20 acres in size be counted cumulatively to achieve a 20 acre area for cultivation?

Discussion: Article 72 requires "The premises on which the medical marijuana is cultivated shall be the principal primary residence of at least one of the persons for whom the medical marijuana is being cultivated." Residency requirement is not typically required for other uses except for bed and breakfast facilities.

RG6: Should a commercial cannabis cultivation site be required to have a residence of at least one of the applicant, if there are multiple applicants on the parcel where the cultivation occurs?

Discussion: Article 72 provides that “Outdoor cultivation shall be completely screened from public view and the views of adjacent parcels with a fully enclosed solid fence of a minimum of six (6) but not more than eight (8) feet in height, with locked gates. The marijuana shall be shielded from public view at all stages of growth. Should the marijuana plant(s) grow higher than the fence, the plants shall be cut so as not to extend higher than the fence.” Many cultivation sites cannot be seen from adjacent properties or public roadways. The draft ordinance has no house requirement, setting instead security requirements and standards.

RG7: Should flexibility be provided that a cultivation site that is screened from adjacent properties or public roadways by topography and or vegetation not be required to be completely screened with fencing materials?

Discussion: State law requires cannabis licensees to be located no closer than 600’ from K-12 schools, day care center or youth center that is in existence at the time the license is issued. Distance is measured in a straight line from the property line of the school to the closest property line of the licensee’s lot.

RG8: Article 72 contains a 1,000’ setback. Does the Board wish to retain this 1,000’ setback?

RG9: Should the setback be measured in a manner similar to the state’s, or does the Board prefer an alternate method?

RG10: Does the Board wish to include only schools, daycares and youth centers which exist at the time of the adoption of the ordinance, or include those which could open after the issuance of a local commercial cannabis permit?

Discussion: Article 72 requires a legal source of water. This could include water purchased from a water purveyor, potentially resulting in numerous water deliveries, which has impacts on our roads.

RG11: Does the Board wish to continue the allowance of water purchases as the main source for cannabis cultivation?

Discussion: Article 72 allows for no more than 48 mature or 72 immature cannabis plants on a single parcel. The draft cannabis ordinance has no such limitation, but requires a minimum acreage for a cultivation site permit.

RG12: Does the Board wish to allow no more than one cultivation permit per parcel, or is colocation of multiple cultivation permits on a single parcel acceptable? If colocation is to be allowed, would the Board like to establish setbacks to distance each site from each other?