

7.3 Consideration of an Ordinance Amending Chapter 21, Article 27 of the Lake County Code pertaining to Commercial Cannabis Cultivation

BOS Agenda 5/5/2020

Feedback received via publiccomment@lakecountyca.gov

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Subject: [EXTERNAL]Item 7.3 - Consideration of an Ordinance Amending Chapter 21, Article 27 of the Lake County Code pertaining to Commercial Cannabis Cultivation

Please accept the following comments re the proposed revision to Chapter 21 of Article 27 of the Lake County on Tuesday's agenda.

Section 1: Minimum Lot Size (page 2 table) – **Support in concept:**

The proposal to reduce minimum parcel sizes from 20 to 2 acres for all indoor growing operations is substantial. Unlike outdoor cultivation sites, indoor cultivation operations typically operate year-round and require the use of commercial-grade buildings, electrical and plumbing. Rather than setting a 2-acre minimum across the board, the size of the overall cultivation footprint and support operations should be considered.

It's also worth remembering that greenhouse and indoor operations both make use of fully enclosed and secure structures equipped with air-filtration systems. They are functionally equivalent when discussing things like setbacks, nuisance odors and minimum parcel sizes. To shrink parcel sizes for indoor sites only without reducing greenhouse parcel sizes at the same time would dis-incentivize the use of greenhouses.

Suggested:

M-Type 1C mixed light, A-Type 1C Mixed light: From 5 acres to 2 acres (to match indoor Type 1C).

M-Type1A, A-Type 1A, M-Type 1B, A-Type 1B, M -Type 2A, A-Type 2A, M-Type 2B, and A-Type 2B: From 20 to 5 acres (not 2) for all indoor/greenhouse cultivation not exceeding 10,000 sf canopy. Add specific findings by which the CDD director could address parcels 2-5 acres for Type 1A/1B applicants only.

M – Type 3A, A - Type 3A: From 20 acres to 10 acres for indoor/greenhouse cultivation of up to 22,000 sf of canopy.

(Although not part of this proposal, the expansion of state licensing in 2023 could result in this type of language.)

M – Type 5A, A - Type 5A, M – Type 5B, A - Type 5B: 20 acres for indoor/greenhouse cultivation > 22,000 sf.

Section 2: Amendment of Table B of Section 27.11 – **Support.**

Section 3: Subsection (a) of Section 27.3(at)(2)(i)(b) of Chapter 21 – **Oppose** introduction of October 2020 enrollment date as a new cutoff date for cannabis permit applicants. Similar language was deleted from the hemp ordinance before passage. Enrollment in the applicable water discharge permit program is required under state law. Enrollment is a permit condition of approval, not a mechanism to throttle permit applications.

Section 4: Background Checks – **Support.**

Sections 5, 6: Video surveillance – **Suggest no change at present time.** Although current CDFA regulations do not require video surveillance for cultivation-only sites, the current County requirements are roughly analogous to § 5044 and §40205 of the commercial cannabis regulations of the Bureau of Cannabis Control and the Manufactured Cannabis Safety Branch of the California Department of Public Health, respectively. Because the governor’s office has proposed centralizing cannabis licensing under a single agency, it seems likely the more stringent regulations will apply. Absent a showing by cannabis permittees that 24/7 surveillance is untenable at any time cannabis is present, no change is warranted.

Section 7: Microbusiness Retail – **Oppose unless amended.** The proposed language addresses a very unique set of circumstances, so unique that it could be considered spot zoning depending on the current number of permitted resorts and resort-eligible properties. One fix would be to simply add Retail Sales to the list of permitted license types, as shown in the draft ordinance, while removing the additional requirements (subsection i.) for a resort permit and on-site sales to guests only. If the goal is to open up microbusiness retail, let’s open it up in a broader manner.

Suggested language if enacted as proposed: Change language to refer to Type 10 Retail Licenses, not "dispensary" license, to reflect actual licenses available under state law and regulations.

Section 8: **Support.** Suggested change to refer to Type 10 Retail Licenses, not "dispensary" license.

Thank you.

Michael Green
