



Legislation Text

File #: 18-1017, Version: 1

MEMORANDUM

TO: Board of Supervisors
FROM: Michalyn DelValle, Community Development Director
DATE: November 20, 2018

SUBJECT: PUBLIC HEARING - Consideration of Ordinance Amendment, AM 18-02 to Amend Chapter 21 of the Lake County Zoning Ordinance to allow Type N and P Cannabis Manufacturing License in the "C2, C3, M1, M2, and PDC" Districts subject to obtaining a Minor Use Permit, Type 6 Non-Volatile Cannabis Manufacturing License in the "APZ, A, TPZ, C3, M1, M2, and PDC" Districts subject to obtaining a Major Use Permit, Type 7 Volatile Cannabis Manufacturing License in the "M2" District subject to obtaining a Major Use Permit, Type 11 Cannabis Distributor License in the "C3, M1, M2, and PDC" Districts subject to obtaining a Major Use Permit, Type 13 Cannabis Distributor Transport Only License in the "C2, C3, M1, M2, and PDC" Districts subject to obtaining a Major Use Permit, Type 13 Cannabis Distributor Transport Only, Cannabis Self-Distribution License in the "APZ, A, TPZ, RL, RR, SR, C2, C3, M1, M2, and PDC" Districts subject to obtaining a Minor Use Permit, Cannabis Processor License in the "APZ, A, TPZ, and RL" Districts subject to obtaining a Major Use Permit, Type 8 Cannabis Testing Laboratory in the "C2, C3, M1, M2 AND PDC" Districts subject to obtaining a Minor Use Permit

EXHIBITS:

- A. Proposed Ordinance as Recommended by Planning Commission
- B. Planning Commission minutes, April 12, 2018.
- C. Planning Commission Staff Report
- D. Resolution of Intent

EXECUTIVE SUMMARY:

On March 22, 2018, the Planning Commission approved the Resolution of Intent to amend Chapter 21 of the Lake County Code to add Cannabis Manufacturing, Distribution and Testing. On April 12, 2018 a hearing was held before the Planning Commission and the Draft Ordinance was presented to them. They recommended that the Type 6 and 7 Cannabis Manufacturing not be permitted in the "SR, RR and RL" Districts. They also removed the recommendation that the Cannabis manufacturing not be required to be located within one mile of Highway 20, 29, or 53, measured as the horizontal distance from parcel were the manufacturing facility is located to the highway right-of-

way which was removed.

Workshops before the Board of Supervisors were held on May 22 and June 21 and after much discussion staff was directed to add the Building Code language for Volatile and Non Volatile Extraction facilities and to limit Volatile Extraction Facilities within the “M2” zoning district.

Please find Exhibit A, which proposes to allow the following uses subject to obtaining a Minor or Major Use Permit:

- Type N and P Cannabis Manufacturing License in the “C2, C3, M1, M2, and PDC” Districts
- Type 6 Non-Volatile Cannabis Manufacturing License in the “APZ, A, TPZ, C3, M1, M2, and PDC” Districts
- Type 7 Volatile Cannabis Manufacturing License in the “M2” District
- Type 11 Cannabis Distributor License in the “C3, M1, M2, and PDC” Districts
- Type 13 Cannabis Distributor Transport Only License in the “C2, C3, M1, M2, and PDC” Districts
- Type 13 Cannabis Distributor Transport Only, Self -Distribution License in the “APZ, A, TPZ, RL, RR, SR, C2, C3, M1, M2, and PDC” Districts
- Cannabis Processor License in the “APZ, A, TPZ, and RL” Districts
- Type 8 Cannabis Testing Laboratory “C2, C3, M1, M2 AND PDC” Districts.

II. ENVIRONMENTAL ANALYSIS

Staff recommends that the Board of Supervisors finds that this action is exempt from CEQA pursuant to Business and Professions Code section 26055(h) for the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity where the discretionary review in any such law, ordinance, rule, or regulation includes any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code; and, under Section 15061(b)(3) of the CEQA Guidelines, as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The general exemption applies in this instance because it can be seen with certainty that there is no possibility that the proposed amendments could have a significant effect on the environment, and thus are not subject to CEQA. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

III. RECOMMENDATION

Staff and the Planning Commission recommends that the Board of Supervisors:

- A. Find that the proposed text amendment to the Zoning Ordinance is exempt from the California

Environmental Quality Act pursuant to Business and Professions Code section 26055(h) and § 15061 (b)(3) of the CEQA Guidelines with the following findings:

1. The project is consistent with the Lake County General Plan and Zoning Ordinance.
 2. This project will not have a significant effect on the environment.
 3. The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
- B. Approve the proposed Zoning Ordinance text amendments for the following reasons.
1. The proposed amendments are consistent the provisions of the Lake County General Plan and Zoning Ordinance.
 2. This proposed amendments are necessary to protect the health and safety and welfare of the County.
 3. The proposed amendments would increase affordable housing opportunities.
 4. The project will not result in any significant adverse environmental impacts, and the project is exempt from CEQA.

FISCAL IMPACT: None Budgeted Non-Budgeted
Estimated Cost:
Amount Budgeted:
Additional Requested:
Annual Cost (if planned for future years):

FISCAL IMPACT (Narrative): Tax Revenue and the potential for new projects could increase.

STAFFING IMPACT (if applicable): N/A

RECOMMENDED ACTION:

Sample Motions:

Categorical Exemption

I move that the Zoning Ordinance text amendment (AM 18-02) is exempt from CEQA Guidelines pursuant to Business and Professions Code section 26055(h) and §15061(b)(3).

Zoning Ordinance Text Amendment Approval

I move that the Board of Supervisors approve the Zoning Ordinance text amendment (AM 18-02) applied for by the County of Lake for the reasons listed in the memorandum dated November 20, 2018.

I move that the reading of the Ordinance be waived and the title only be read.

I offer the Ordinance