



## Legislation Text

File #: 21-108, Version: 1

### Memorandum

**Date:** March 2, 2021

**To:** The Honorable Bruno Sabatier, Chair, Lake County Board of Supervisors

**From:** District 2 Supervisor, Bruno Sabatier

**Subject:** Early Activation Changes (a) Amendment to Cannabis Cultivation ordinance (b) Resolution for those were Early Activated in 2020 (c) Efficiency processes, direction to staff

**Executive Summary:** (include fiscal and staffing impact narrative):

Early Activations have been a useful tool in getting the cannabis industry settled in Lake County. Part of the reason for Early Activations was due to the backlog of applications that have been received in Community Development. However, we need to ensure that our Early Activations are tightened up and follow a precise pathway both dedicated to ensure the protection of our environment and to fulfill our requirements based on state law. Both staff and applicants can benefit from these changes.

(a) An amendment to our cannabis cultivation ordinance, 27.13 (at), 2, i, (c) will help guide applicants through the process of Early Activation. Additions to the ordinance include a public notification and agency comments on the project. Cannabis due to its smell has the potential to be a nuisance and even Early Activation should be required to follow appropriate notifications. There are also restrictions on changing your early activation. Staff has spent altogether too much time dealing with changes and updates to early activation permits while their focus needs to remain on processing use permits. This would restrict the applicant to submitting an early activation plan and once approved, no changes are allowed. Finally, it also limits the timeline for when an Early Activation can be requested. Some applicants in August were requesting an Early Activation from the department. There is just not enough time to provide the permit, and obtain a state license in a timely fashion. April 20<sup>th</sup> is being offered as the deadline each calendar year for when you can request for an Early Activation.

(b) A resolution has been prepared so that those who have been provided an Early Activation last year can obtain automatic approval for a new Early Activation as long as they have paid their taxes, are in good standing with state and local laws, obtained their state licenses, are requesting an exact replica of their 2020 early activation, have not received a formal complaint of their activities, and have submitted an Initial Study. Due to the investment required for a single grow season, this resolution offers a segue to continue to operate for the 2021 season with anticipation that by next year they have obtained their use permit.

(c) More is needed to help with the 300+ applications that Community Development is processing. More applicants are coming to Lake County to join the cannabis industry and we must streamline our processes. Here are some ideas to discuss and provide guidance to staff on best pathways to increase efficiencies for obtaining a use permit.

1. Publish a solicitation for an environmental review consulting firm to take all of the environmental reviews en masse with a turn around of 60 days review/complete environmental reviews from award date.
2. Publish a solicitation to establish a pool of qualified environmental consultants; this list of recommended vetted

consultants could be provided to cultivators to obtain their own outside environmental review if they would like to facilitate the process. The reason I have not agreed to opening this up before obtaining the pool of consultants is that we have received about 10 outside prepared documents that did not meet the CEQA standards and it has extended the process.

3. Publish a solicitation to work with a local university to have a class prepare the environmental reviews for college credit.
4. Publish a solicitation requesting for a county wide (minus the cannabis exclusion zone) programmatic EIR specifically for cannabis cultivation.

**If not budgeted, fill in the blanks below only:**

Estimated Cost: \_\_\_\_\_ Amount Budgeted: \_\_\_\_\_ Additional Requested: \_\_\_\_\_ Future Annual Cost: \_\_\_\_\_

**Consistency with Vision 2028 and/or Fiscal Crisis Management Plan** (check all that apply):

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Well-being of Residents         | <input type="checkbox"/> Public Safety                          | <input type="checkbox"/> Infrastructure              | <input type="checkbox"/> Not applicable                       |
| <input checked="" type="checkbox"/> Economic Development | <input type="checkbox"/> Disaster Recovery                      | <input checked="" type="checkbox"/> County Workforce | <input type="checkbox"/> <i>Technology Upgrades</i>           |
| <input type="checkbox"/> Community Collaboration         | <input checked="" type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake                  | <input checked="" type="checkbox"/> <i>Revenue Generation</i> |
|  |   |  | <input type="checkbox"/> <i>Cost Savings</i>                  |

**If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:**

Which exemption is being requested?

How long has Agreement been in place?

When was purchase last rebid?

Reason for request to waive bid?

**Recommended Action: (a) Approve ordinance amendment to Cannabis Cultivation regarding Early Activation (b) Approve resolution regarding Early Activations for Cannabis Cultivation (c) Provide direction to staff**