



COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Legislation Text

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February 25, 2021

STAFF REPORT

TO: Lake County Planning Commission

FROM: Toccarra Nicole Thomas, *A/CP, CQ/A*, Deputy Director
Community Development Department
Scott De Leon Director
Community Development Department

DATE: February 25, 2021

SUBJECT: Recommendation of Planning Commission Approval of Text Amendments to Article 27SEC. 21-27 USES GENERALLY PERMITTED (at) Commercial Cannabis Cultivation: (Ord. No. 3084, 05/21/2019) Proposed Amendments to Zoning Ordinance (AM 20-02) Categorical Exemption (CE 20-15)

ATTACHMENTS:

1. Ordinance 3092 AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 27 OF THE LAKE COUNTY CODE PERTAINING TO COMMERCIAL CANNABIS CULTIVATION
2. Ordinance 3096 AN ORDINANCE AMENDING ARTICLES 27 AND 68 OF CHAPTER TWENTY-ONE OF THE LAKE COUNTY CODE TO CLARIFY THE DEFINITION OF PUBLIC LANDS IN REGARD TO COMMERCIAL CANNABIS

CULTIVATION

3. Resolution of Intention 2020-178 RESOLUTION OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE TO INITIATE AMENDMENTS TO THE ZONING ORDINANCE TO ESTABLISH REGULATIONS AND DEVELOP STANDARDS FOR THE CULTIVATION OF CANNABIS AMENDING ARTICLE 15 OF THE LAKE COUNTY CODE PERTAINING TO THE PLANNED DEVELOPMENT COMMERCIAL OR “PDC” DISTRICT
4. Planning Commission May 28, 2020 Agenda Item # 3 Discussion of Text Amendments to Article 27 SEC. 21-27 USES GENERALLY PERMITTED (at) Commercial Cannabis Cultivation: (Ord. No. 3084, 05/21/2019) Proposed Amendments to Zoning Ordinance (AM 20-02) Categorical Exemption (CE 20-15)

I. Summary

The County of Lake Board of Supervisors discussed and approved several changes to Article 27 over the course of 2020. Those zoning text amendments clarified definitions, changed setbacks for cannabis cultivation, and added protections for existing agricultural uses. Some of these Zoning Text Amendments were approved by the Board of Supervisors, while others were remanded to the Planning Commission for discussion and consideration. This staff report outlines those changes that were made by the Board of Supervisors, the zoning text amendments previously discussed by the Planning Commission as background information, and the necessary actions for the Planning Commission to take today on the Zoning Text Amendments..

Staff recommends the approval of the Zoning Text Amendments by the Planning Commission and to provide its recommendation to the Board of Supervisors via a resolution of intention per Article 47.13.

II. Previous Discussion and Action on the Zoning Text Amendments by the Board of Supervisors and Planning Commission

The Board of Supervisors considered and approved zoning text amendments to the Zoning Ordinance Article 27 on several dates, May 12, 2020, August 11, 2020, and December 8, 2020, the Planning commission discussed some of the Zoning Text Amendments without formal action during the May 28, 2020 meeting.

Those zoning text amendments are outlined below for informational purposes.

May 12, 2020 Board of Supervisor Discussion and Action Ordinance 3092

On May 12, 2020 the Board of Supervisors discussed and approved the following zoning text amendments:

1. Decrease in minimum acre size for indoor cultivations
2. Elimination of plant count limitations for small scale cultivations
3. Deadline for registering with the California Resources Control Board for water quality protection programs by 10/31/2020
4. Security surveillance system requirements being necessary only during active operations
5. Addition of Type 10 and Type 10 A dispensary license to microbusiness as long as it is part of a resort operation and not stand alone operation
6. Planned Development Commercial District
 - a. Allowance of licensed cannabis processing in parcels zoned as Planned Development Commercial (“PDC”);

- b. Table B of Section 27.11 of Chapter 21 of the Lake County Code is hereby amended as to the section (aaa) Cannabis Processor License to include the Planned Development Commercial (PDC) zoning district to the list of zoning districts in which licensed cannabis processing is generally permitted with a Use Permit
- 7. Applicants should not be approved to receive a permit until electronic finger print images are submitted to the Department of Justice, Lake County Sherriff Department, or the Lake County Community Development Department has been approved by the DOJ or Lake County Sherriff's Office
- 8. Due to the nature of Agricultural Work the employee may be permitted to work temporarily upon submitting background information; if there are any employees who have failed the background checks their employment must be terminated immediately

No Action is required on these Zoning Text Amendments as they were previously approved by the Board of Supervisors.

On September 10, 2020 the Board of Supervisors adopted Ordinance Number 3096 which amended Article 27 with the following changes with an effective date of September 10, 2020:

- 1. In Chapter 21, Section 27.3 (at)(1)(v), the Board of Supervisors suggested to change the setback for public lands from 1,000 feet to 200 feet.
 - o While this was originally submitted for the Planning Commission to review, on August 11, 2020 the Board of Supervisors changed the definition of public lands so that only areas designated for public activity such as visitor centers, trails, campsites, and more would be afforded the 1000 foot setback from cannabis cultivation, while other public lands not designated as a public destination can default to a 100 foot setback from cannabis cultivation.

No Action is required on these Zoning Text Amendments as they were previously approved by the Board of Supervisors; providing for information review of what was previously approved.

III. RECOMMENDATIONS

Staff recommends that the Planning Commission take the following Actions:

- A. Find that the proposed Text Amendment to the Lake County Zoning Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to § 15061(b)(3) of the CEQA Guidelines with the following findings:
 - 1. The proposed Zoning Ordinance Text Amendments are consistent with the Lake County General Plan and Zoning Ordinance.
 - 2. The proposed Zoning Ordinance Text Amendments 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. Submit a resolution of intention to the Board of Supervisors to consider and approve the proposed Zoning Ordinance Text Amendments:

1. Change the following license types to enhance the potential for development of additional microbusiness activities, which in turn allows for the county to collect Measure C and Measure K taxes.

Reduction of Lot Sizes Throughout License Types		
Licensee Type	Current	Proposed
Type 1 - outdoor	Maximum 5,000 sq. ft.	Canopy up to 50 Mature Plants on Noncontiguous plots*
Type 1A - indoor	1. Maximum 5,000 sq. ft. 2. 5 Acre Minimum	3. Unlimited Canopy 4. 2 Acre Minimum
Type 1C - outdoor	Maximum 2,500 sq. ft.	Up to 25 Mature Plants
Type 2A - indoor	20 Acre Minimum	2 Acre Minimum
Type 3A - indoor	20 Acre Minimum	2 Acre minimum.

2. Change the required minimum Riparian Setbacks actively approved by the California State Water Resources Control Board
3. Include language for the clarification for Site Plans submission
4. Include language to increase Administrative fines for violations of the zoning ordinance. Currently the fine for those who violate the conditions of the EA/Use Permit is only \$1,000 per plant per day.

Zoning Ordinance Text Amendment Approval

1. I move that the Planning Commission find this **Zoning Ordinance Text Amendment, AM 20-02**, is **Categorically Exempt (CE 20-15)** from the California Environmental Quality Act (CEQA) Guidelines pursuant to **§15061(b)(3)**.
2. I move that the Planning Commission recommend approval of the proposed **Zoning Ordinance Text Amendment, AM 20-02** applied for by the **County of Lake** for the reasons listed in the staff report dated **February 25, 2021**
3. I move that the Planning Commission render its final decision on the proposed Ordinance text amendments within ten (10) days of said final decision, in the form of a Resolution of Intention to the Board of Supervisors recommending the formal adoption and approval of these Zoning Ordinance Text Amendments, AM 20-02 as outlined in the staff report dated February 25, 2021.