

Task Force Meeting

Article 73 – Cannabis Ordinance

Lake County Community Development Department

Planning Division – Cannabis Program

March 13, 2023



Presented by
Andrew Amelung

Discussion Topic:

Retail Sales Permitting and Regulations (Continued)
Department of Cannabis Control Definitions



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Agenda

- Welcome
- Roll Call of Task Force Members
- Consideration of Minutes from the February 27, 2023
Task Force Meeting
- Consideration of Recommendations on Cannabis Retail
Sales Limitations on Concentrations or Locations
- Review and Department of Cannabis Control Definitions
- Public Comments
- Adjournment



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Roll Call of Task Force Members

North Lake County:	William Weiss
South Lake County:	Jan Coppinger
Agriculture Commissioner:	Katherine Vanderwall
Farm Bureau:	Rebecca Harper
LCCA:	Jennifer Smith
Cannabis Industry:	Nara Dahlbacka
Tribal Representative:	Robert Geary
LCFCA Representative:	Fire District Chief / Representative



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Consideration of Minutes From

Cannabis Ordinance
Task Force Meeting
February 27, 2023

County of Lake
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Retail Sales Permitting and Regulations

EXECUTIVE SUMMARY

- February 27, 2023 – The Cannabis Ordinance Task Force made determined the need for more time for review of LCCA Retail Sales Zoning District Recommendations
- Issues still up for recommendations:
 - Consideration of LCCA Retail Sales Zoning District Recommendations



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Discussion

January 10, 2023 BOS Meeting Discussion Points:

- The possibility of a 'Buffer Zone' between retail sales locations
- Options for a maximum number of retailers allowed based on population density
- Maintaining 1,000-foot setbacks from schools, parks, churches, daycare centers, and other sensitive receptors
- Options for delivery services



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LCCA

Recommendations to the Cannabis Task Force Re: Retail Sales Zoning

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Background

The Lake County Zoning Ordinance currently allows Cannabis Retail Sales in the following zones through the following processes:

Agricultural Preserve District (APZ)	Not Permitted
Agricultural District (A)	Not Permitted
Timberland Preserve District (TPZ)	Not Permitted
Rural Lands District (RL)	Not Permitted
Rural Residential District (RR)	Not Permitted
Suburban Reserve District (SR)	Not Permitted
Single-Family Residential District (R1)	Not Permitted
Two-Family Residential District (R2)	Not Permitted
Multi-Family Residential District (R3)	Not Permitted
Planned Development Residential District (PDR)	Not Permitted
Planned Development Commercial (PDC)	Uses Allowed in C2
Highway Commercial District (CH)	Not Permitted
Resort Commercial District (CR)	Not Permitted
Local Commercial District (C1)	Allowed with Major Use Permit
Community Commercial District (C2)	Permitted Use (Use by Right)
Service Commercial District (C3)	Not Permitted
Commercial/Manufacturing District (M1)	Not Permitted
Heavy Industrial District (M2)	Not Permitted
Industrial Park District (MP)	Not Permitted
Open Space District (O)	Not Permitted
Unclassified District (U)	Not Permitted



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Background

The Lake County Zoning Ordinance currently allows Cannabis Retail Sales in the following zones through the following processes:

Agricultural Preserve District (APZ)

Allow with Minor Use Permit

Agricultural District (A)

Allow with Minor Use Permit

Timberland Preserve District (TPZ)

Allow with Minor Use Permit

Rural Lands District (RL)

Allow with Minor Use Permit

Rural Residential District (RR)

Allow with Minor Use Permit

Suburban Reserve District (SR)

Allow with Minor Use Permit

Single-Family Residential District (R1)

Not Permitted

Two-Family Residential District (R2)

Not Permitted

Multi-Family Residential District (R3)

Not Permitted

Planned Development Residential District (PDR)

Not Permitted

Planned Development Commercial (PDC)

Allow with Minor Use Permit - Delivery

Highway Commercial District (CH)

Allow with Minor Use Permit - Delivery

Resort Commercial District (CR)

Allow with Minor Use Permit

Local Commercial District (C1)

Allow with Major Use Permit - Delivery

Community Commercial District (C2)

Allow with Minor Use Permit - Delivery

Service Commercial District (C3)

Allow with Minor Use Permit - Delivery

Commercial/Manufacturing District (M1)

Allow with Minor Use Permit - Delivery

Heavy Industrial District (M2)

Allow with Minor Use Permit - Delivery

Industrial Park District (MP)

Allow with Minor Use Permit - Delivery

Open Space District (O)

Not Permitted

Unclassified District (U)

Allow with Minor Use Permit - Delivery



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Recommended Action

Staff requests the Cannabis Ordinance Task Force provide recommendations regarding cannabis retail sales for the following issues:

- 1) Provide Recommendations on Location Limitation for Retail Sales
- 2) Provide Recommendations on Zoning Changes for Retail Sales

BOS Requests:

- Only focus on 'storefront' retail with or without delivery
- Do not focus on retail sales for microbusiness at this time
- Other retail-related issues can be reviewed at a later time



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Discussion & Public Comments

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Review of Department of Cannabis Control Definitions

Chapter 1. All Licensees

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§15000. Definitions.

- (a) “**Act**” means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, codified in Business and Professions Code section 26000, et seq.
- (b) “**Adulterated**” or “**adulteration**” has the meaning stated in section 26039.6(a) of the Act.
- (c) “**Allergen**” means a major food allergen as defined in 21 U.S.C § 321(qq).
- (d) “**Appellation of Origin**” means a designation to indicate that the cannabis meets the requirements developed by the program established pursuant to section 26063 of the Act.
- (e) “**Applicant**” means an owner that is applying for a Department-issued license.



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- (f) “**Batch**” means a specific quantity of homogeneous cannabis or cannabis product that is one of the following types:
- (1) “**Harvest batch**” means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals.
 - (2) “**Manufactured cannabis batch**” or “**production batch**” means either:
 - (A) An amount of cannabis concentrate or extract produced in one production cycle using the same extraction methods and standard operating procedures; or
 - (B) An amount of a type of cannabis product produced in one production cycle using the same formulation and standard operating procedures.



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(g) “**Cannabis accessories**” has the meaning stated in Health and Safety Code section 11018.2.

(h) “**Cannabis concentrate**” means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. For purposes of this division, “cannabis concentrate” includes, but is not limited to, the kief, tinctures, capsules, suppositories, extracts, butter, vape cartridges, inhaled products (e.g., dab, shatter, and wax), and tablets as defined in subsection (nnn).

Definition of **cannabis concentrate** amended to replace a definition of kief with the word kief and add butter.



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(i) “**Cannabis goods**” means cannabis and cannabis products in final form and packaged and labeled as they will be sold at retail. For the purposes of section 15311, “cannabis goods” includes all cannabis and cannabis products in any form.

Definition of **cannabis goods** amended to specify that they are goods packaged and labeled as they will be sold at retail.

(j) “**Cannabis product**” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.



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(k) “**Cannabis product quality**,” “**quality cannabis product**,” or “**quality**” means that the cannabis product consistently meets the established specifications for identity, cannabinoid concentration, homogeneity, composition, and testing standards pursuant to sections 15718 through 15724, and has been manufactured, packaged, labeled, and held under conditions to prevent adulteration and misbranding.

(l) “**Cannabis waste**” means any material intended for disposal that contains cannabis but is not otherwise considered a hazardous waste. Cannabis waste consisting solely of plant material shall be considered an organic waste as defined in Public Resources Code section 42649.8(d).

(m) “**Canopy**” means the designated area(s) at a licensed premises that will contain mature plants at any point in time.



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- (n) “**CBD**” means the compound cannabidiol, CAS number 13956-29-1. “Total CBD” is defined in section 15700(qqq).
- (o) “**Commercial cannabis activity**” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis or cannabis products as provided for in this division, or acting as a cannabis event organizer for temporary cannabis events.
- (p) “**Commercial-grade, non-residential door lock**” means a lock manufactured for commercial use.
- (q) “**Cultivation**” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.



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(r) “**Cultivation site**” means a location where commercial cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs. – *Couty of Lake: **Cultivation Area***

(s) “**Delivery employee**” means an individual employed by a licensed retailer or licensed microbusiness authorized to engage in retail sales who delivers cannabis goods from the licensed retailer or licensed microbusiness premises to a customer at a physical address.

(t) “**Designated responsible party**” means the individual identified by the commercial cannabis business who has legal authority to bind the commercial cannabis business and who is the primary contact for the application and license-related issues.



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(u) “**Distribution**” means the procurement, sale, and transport of cannabis and cannabis products between licensees.

(v) “**Dried flower**” means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(w) “**Edible cannabis product**” means a cannabis product intended to be used orally, in whole or in part, for human consumption. For purposes of this division, “edible cannabis product” includes cannabis products that dissolve or disintegrate in the mouth, but does not include any product otherwise defined as “cannabis concentrate.”

(x) “**Extraction**” means a process by which cannabinoids are separated from cannabis plant material through chemical or physical means.



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(y) “**Final form**” refers to cannabis and cannabis products that are in the form in which the cannabis or cannabis product will be consumed or used.

Definition of **final form** amended to clarify that it refers to cannabis and cannabis products that are in the form in which they will be consumed or used.

(z) “**Flowering**” means that a cannabis plant has formed a mass of pistils measuring greater than one-half inch wide at its widest point.

(aa) “**Free cannabis goods**” means any amount of cannabis goods provided to any person without cost or payment or exchange of any other thing of value.



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(bb) “**Immature plant**” or “**immature**” means, for purposes of cultivation: a cannabis plant that has a first true leaf measuring greater than one-half inch long from base to tip if started from seed or a mass of roots measuring greater than one-half inch wide at its widest point if vegetatively propagated and outside of a tissue container, but that is not flowering; or a container with one or more cannabis protoplasts, cells, shoots, or plantlets in culture. For retail purposes, “immature plant” or “immature” means a cannabis plant that is nonflowering and shorter and narrower than 18 inches.

Definition of **immature plant** amended to clarify that, for purposes of cultivation, it includes a vegetatively propagated mass of roots with a one-half inch width that is outside of a tissue container, or a tissue container.



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- (cc) “**Indoor cultivation**” means the cultivation of cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot.
- (dd) “**Informational panel**” means any part of the cannabis product label that is not the primary panel and that contains required labeling information.
- (ee) “**Infusion**” means a process by which cannabis, cannabinoids, or cannabis concentrates are directly incorporated into a product formulation to produce a cannabis product.
- (ff) “**Infused pre-roll**” means a pre-roll into which cannabis concentrate (other than kief) or other ingredients have been incorporated.



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(gg) “**Ingredient**” means any substance that is used in the manufacture of a cannabis product and that is intended to be present in the finished cannabis product.

(hh) “**Kief**” means the resinous trichomes of cannabis that have been separated from the cannabis plant.

(ii) “**Labeling**” means any label or other written, printed, or graphic matter upon cannabis or a cannabis product, upon its container or wrapper, or that accompanies any cannabis or cannabis product.

(jj) “**Licensee**” means any person holding a license issued under the Act.

(kk) “**Light deprivation**” means the use of any technique to eliminate natural light in order to induce flowering.



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(ll) “**Limited-access area**” means an area in which cannabis or cannabis products are stored or held and is only accessible to a licensee and authorized persons.

(mm) “**Lot**” means a batch, or specifically identified portion of a batch.

(nn) “**Lot number**” or “**batch number**” means a distinctive group of numbers, letters, or symbols or any combination of these that is unique to a group of cannabis or cannabis products.



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(oo) “**Manufacture**” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

(1) The term “manufacture” includes the following processes:

(A) Extraction.

(B) Infusion.

(C) Packaging or repackaging of cannabis products.

(D) Labeling or relabeling the packages of cannabis products.

(E) “Post-extraction processing” or “post-processing,” which means a process by which one or more active cannabinoids in cannabis concentrate are further concentrated either by chemical or physical means.

(F) Remediation of failed harvest batches or cannabis product batches.



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(oo) “**Manufacture**” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

(2) The term “manufacture” does not include the following:

(A) The repacking of cannabis products from a bulk shipping container by a distributor or retailer where the product’s original packaging and labeling is not otherwise altered.

(B) The preparation of pre-rolls by a licensed distributor in accordance with the requirements of section 15303.

(C) The collection of the resinous trichomes that are dislodged or sifted from the cannabis plant incidental to cultivation activities by a licensed cultivator.

(D) The processing of nonmanufactured cannabis products, as defined in subsection (eee).



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(oo) “**Manufacture**” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

(2) The term “manufacture” does not include the following:

(E) The labeling or relabeling of a package containing cannabis goods with the amount of cannabinoids and terpenoids based on regulatory compliance testing results by a distributor in accordance with sections 15303 and 17407.

Definition of **manufacture** amended to clarify that post-extraction processing means a process by which one or more active cannabinoids in cannabis concentrate are further concentrated either by chemical or physical means.



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(pp) “**Manufacturing**” or “**manufacturing operation**” means all aspects of the extraction process, infusion process, post-processing, remediation, and packaging and labeling processes, including processing, preparing, holding, and storing of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.

(qq) “**Mature plant**” or “**mature**” means a cannabis plant that is flowering.

(rr) “**Medicinal cannabis patient**” includes both a qualified patient as defined in Health and Safety Code section 11362.7 and a person in possession of a valid identification card issued under Health and Safety Code section 11362.71.



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(ss) “**Mixed-light cultivation**” means the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using a combination of:

(1) Natural light and either of the models listed below:

(A) “**Mixed-light Tier 1**,” without the use of artificial light or the use of artificial light at a rate above zero, but no more than six watts per square foot; or

(B) “**Mixed-light Tier 2**,” the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.

Definition of **mixed-light cultivation** amended to remove light deprivation as an activity limited to mixed-light cultivation.



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ZONING ORDINANCE – Article 73

Commercial, Medicinal, & Personal Cannabis Activities

I. PURPOSE

a. Vision Statement

II. APPLICABILITY

a. Zoning & Licensing

III. USES PERMITTED

- a. Zoning Clearance
- b. Zoning Permit
- c. Minor Use Permit
- d. Major Use Permit

IV. PERFORMANCE STANDARDS

- a. Environment & Safety
- b. Site Specific
- c. Air Quality, Electrical, etc.

V. DEVELOPMENT STANDARDS

- a. Community & Environment
- b. Area Specific
- c. Size, Density, Setbacks, etc.

VI. APPLICATION REQUIREMENTS

VII. PLANS REQUIRED

VIII. PERMIT PROCESSING & ADMINISTRATION



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VI. APPLICATION REQUIREMENTS

VII. PLANS REQUIRED

VIII. PERMIT PROCESSING & ADMINISTRATION

IX. CANNABIS DEFINITIONS



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Public Comments

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Adjournment

