

# Task Force Meeting

## Article 73 – Cannabis Ordinance

Lake County Community Development Department

Planning Division – Cannabis Program

February 27, 2023



Presented by  
Andrew Amelung

### **Discussion Topic:**

Retail Sales Permitting and Regulations (Continued)



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# Agenda

- Welcome
- Roll Call of Task Force Members
- Consideration of Minutes from the February 6, 2023 Task Force Meeting
- Consideration of Recommendations on Cannabis Retail Sales Limitations on Concentrations or Locations
- Review and Determination of Roadmap for Cannabis Ordinance Task Force
- 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 6, 2023

County of Lake  
Community Development Department  
Planning Division – Cannabis Program  
February 27, 2023



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# Retail Sales Permitting and Regulations

## **EXECUTIVE SUMMARY**

- February 6, 2023 – The Cannabis Ordinance Task Force made recommendations to require a Minor Use Permit for Retail Sales Operations
- Issues still up for recommendations:
  - Regulations on Concentrations or Location of Cannabis Retail Sales Operations



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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
<b>Planned Development Commercial (PDC)</b>	<b>Uses Allowed in C2</b>
Highway Commercial District (CH)	Not Permitted
Resort Commercial District (CR)	Not Permitted
<b>Local Commercial District (C1)</b>	<b>Allowed with Major Use Permit</b>
<b>Community Commercial District (C2)</b>	<b>Permitted Use (Use by Right)</b>
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

Current Retail Sales Operations within the County of Lake:

### C1 Zoning, Major Use Permit Required

- UP19-50 Lake County Cannabis Club - 8466 Lake St, Lower Lake, CA
- UP20-73 Driftwood Dispensary (High Way) - 6914 Frontage Rd, Lucerne, CA

### C2 Zoning, Use by Right

- DR21-02 Green Heron Dispensary – 2570 S. Main St, Lakeport, CA
- DR21-06 HiLux LLC- 9586 S. State Hwy 29, Lower Lake, CA
- DR22-04 Pioneer Plaza- 3970 Main St, Kelseyville, CA
- DR22-05 Redbud Apothecary- 3805 Main St, Kelseyville, CA
- **PV22-03 Kure @ Kit's, 7990 S State Highway 29, Kelseyville, CA**

In addition to these, there are three (3) dispensaries within the City of Clearlake and one (1) dispensary located on Tribal Lands.



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# Discussion

## Current Regulations on Cannabis Retail Sales Concentrations

### Counties Without Concentration Restrictions:

County	Population	Restrictions	Count	Estimated Ratio
Mendocino County	91,305	-	21	1 / 4,347
Humboldt County	136,310	-	26	1 / 5,242
Del Norte County	28,100	-	3+	1 / 9,366
Trinity County	16,060	-	3+	1 / 5,353
<del>Lake County</del>	<del>68,766</del>	<del>-</del>	<del>9</del>	<del>1 / 7,640</del>
<b>Lake County</b>	<b>68,766</b>	<b>-</b>	<b>10</b>	<b>1 / 6,877</b>
<del>Lake County</del>	<del>68,766</del>	<del>-</del>	<del>6</del>	<del>1 / 11,461</del>
<b>Lake County</b>	<b>68,766</b>	<b>-</b>	<b>7</b>	<b>1 / 9,823</b>

**(Unincorporated)**

### Counties With Concentration Restrictions:

County	Population	Restrictions	Count	Approximate Ratio
Yolo County	216,986	5 Storefront	5	1 / 43,397
Yolo County	216,986	15 Total Retail	15	1 / 14,465
Sonoma County*	485,887	9 Storefront	9	1 / 53,987
Santa Cruz County	267,792	12 Storefront	12	1 / 22,316

(\*Sonoma County has up to 33 dispensaries within incorporated cities)

*Population estimates based on July 1, 2021 U.S. Census Bureau Data; Buffers and Setbacks include other retail sales operations and sensitive receptors including schools, parks, playgrounds, daycare centers, drug recovery facilities, and recreation centers*





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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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## 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

#### 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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# LCCA

## Recommendations to the Cannabis Task Force Re: Retail Zoning

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# Public Comments

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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**

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### **VIII. PERMIT PROCESSING & ADMINISTRATION**

# Adjournment





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## Discussion

Current Department of Cannabis Control regulations for Excessive Concentrations:

*§15019. Excessive Concentration.*

*(a) In determining whether to grant, deny, or renew a license for a retail premises or microbusiness premises authorized to engage in retail sales, the Department shall consider if an excessive concentration exists in the area where the licensee will operate. For the purposes of this section “excessive concentration” applies when either of the following conditions exist:*

*(1) The ratio of licensees to population within the census tract or census division in which the applicant premises is located exceeds the ratio of licensees to population in the county in which the applicant premises is located, unless denial of the application would unduly limit the development of the legal market so as to perpetuate the illegal market for cannabis goods.*

*(2) The ratio of retail licenses or microbusiness licenses to the population within the census tract, census division, or jurisdiction **exceeds that allowable by local ordinance** adopted under Business and Professions Code section 26200...*