

Task Force Meeting

Article 73 – Cannabis Ordinance

Lake County Community Development Department

Planning Division – Cannabis Program

February 6, 2023



Presented by
Andrew Amelung

Discussion Topic:

Retail Sales Permitting and Regulations



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Agenda

- Welcome
- Roll Call of Task Force Members
- Consideration of Minutes from the January 23, 2023 Task Force Meeting
- Consideration of Recommendations on Cannabis Retail Sales Permitting Process and Limitations on Concentrations of Cannabis Retail Sales
- Public Comments
- Adjournment



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Roll Call of Task Force Members

North Lake County:

William Weiss - Lakeport Resident

South Lake County:

Jan Coppinger - Kelseyville / Cobb Resident

Agriculture Commissioner:

Katherine Vanderwall

Farm Bureau:

Rebecca Harper

LCCA:

Jennifer Smith - LCCA President

Cannabis Industry:

Nara Dahlbacka

Tribal Representative:

Robert Geary – HPUL

LCFCA Representative:

Fire District Chief / Representative



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Consideration of Minutes From

Cannabis Ordinance
Task Force Meeting
January 23, 2023

County of Lake
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Retail Sales Permitting and Regulations

EXECUTIVE SUMMARY

- January 10, 2023 – Board of Supervisors requested recommendations from the Cannabis Ordinance Task Force on Retail Sales
- Issues for Recommendations:
 - Use by Right vs. Ministerial or Discretionary Permit
 - Regulations on Concentrations or Density of Cannabis Retail Sales Locations
- No specific timeline established
- Recommendations should take priority



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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

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

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

January 10, 2023 BOS Meeting Discussion Points:

- The possibility of a 'Buffer Zone' between retail sales locations
- The requirement of a Ministerial Zoning Permit or a Discretionary Minor Use Permit for all retail sales operations
- 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
- Reviewing state regulations on Excessive Concentrations



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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...*



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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
Lake County	68,766	-	9	1 / 7,640
Lake County (Unincorporated)	68,766	-	6	1 / 11,461

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)

Counties With Location Restrictions:

County	Population	Restrictions
Alameda County	1,648,556	Buffers and Setbacks from 1,000 ft, 1 mile, to 5 miles
City of San Francisco	815,201	Buffers and Setbacks of 600 feet

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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Cities with the Highest Cannabis Retail Sales Concentrations:

City, State	Dispensaries / Population	Approximate Ratio
1) Missoula, Montana	18 / 50,000 people	1 / 2,778
2) Medford, Oregon	17 / 50,000 people	1 / 2,941
3) Pueblo, Colorado	16.6 / 50,000 people	1 / 3,012
4) Eugene, Oregon	16.1 / 50,000 people	1 / 3,105
5) Denver, Colorado	14.9 / 50,000 people	1 / 4,565

Based on a 2020 Cannabis Industry study conducted by Verilife - PharmaCann



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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 the Appropriate Permitting Process

- Option 1: Require a Ministerial Zoning Permit for all Retail Sales
- Option 2: Require a Discretionary Minor Use Permit for Retail Sales
- Option 3: To be determined by the Task Force

2) 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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Public Comments

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Adjournment

