



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Courthouse-255 N. Forbes Street
Lakeport, California 95453
Planning Division · Building Division · Code Enforcement Division
707/263-2221 · FAX 707/263-2225

Mireya Turner
Community Development Director

COUNTY OF LAKE
CANNABIS TASK FORCE MEETING MINUTES
Conference Room B
Meeting Held Remotely through Zoom
September 29, 2022
1:00 PM

STAFF PRESENT

Mireya Turner, CDD Director
Andrew Amelung, Cannabis Program Manager

TASK FORCE MEMBERS PRESENT

William Weiss – North Lake County
Jan Coppinger – South Lake County
Katherine Vanderwall – Agricultural Commissioner
Rebecca Harper – Farm Bureau
Nara Dahlbacka – Cannabis Industry
Robert Geary – Tribal Representative
Jennifer Smith – Lake County Cannabis Alliance

TASK FORCE MEMBERS NOT PRESENT

N/A

MEMBERS OF THE PUBLIC

Zarro Sabev
Paul Bernacchio
Bart Levenson
Angela Amoral
Trey Sherrell
Betsy Cawn

1. Call to Order
At 1:02pm Staff called the meeting to order and reviewed the Agenda.
2. Introductions and Welcome
At 1:04pm Roll Call was taken
3. Review of Minutes
At 1:04pm the minutes were reviewed.



At 1:05pm Staff relayed that the Cannabis Task Force meeting minutes and slides will be available up on the Community Development Department's Cannabis website:
http://www.lakecountyca.gov/Government/Directory/Community_Development/Cannabis/Minutes_Agendas_Misc.htm

At 1:06pm Task Force Member Will Weiss inquired if upcoming Agendas would continue to be mailed out and simultaneously uploaded to the website. Staff confirmed that the Agenda would continue to be mailed out on the Monday prior to the meeting, as well as be uploaded.

4. Consideration of Amendments to the Pre-Application Conference Requirements

At 1:07pm Staff introduced the item. The Pre-Application Conference Requirements are currently as follows:

- All Use Permits Require a Pre-Application Meeting (Article 27.13(at)(2)(i)(b) – Pages 121 & 123 of Article 27 in the Lake County Zoning Ordinance)
- Enrollment with the Regional Water Quality Control Board or State Water Resources Control Board dated October 31, 2020, or earlier (Ordinance No. 3092)
- Involves a review of preliminary maps, site plans, or sketches of parcel(s) and proposed cultivation area and canopy
- Identifies licenses being pursued
- Involves a review of the general feasibility of the project (e.g., Address, Legal Lot of Record, Exclusion Zones, Property Size, Zoning, Soils, Watercourses, Fire Severity, Flood Zone, Grading, Documents Received, Issues/Documentation, Timeline and Stages of Development Review)
- Covers agreements required (e.g., water monitoring, well meter, etc.)
- Involves some staff issues with determination
- Staff time allocated to Pre-Application Conference = 2.5 hours

At 1:09pm The Cannabis Program Manager detailed that the enrollment deadline of October 31, 2020, from Ordinance 3092 has slowed the volume of Cannabis Major and Minor Use Permit applications over the past year. The discussion was then opened on whether the Task Force should make a recommendation to the Board regarding the lifting of the October 31, 2020, enrollment date with the Water Board.

At 1:12pm A Task Force member brought up that as reported during the last meeting, several properties in Lake County (that do not yet have Cannabis projects) were able to enroll with the Water Board prior to the October 31, 2020, deadline. Staff confirmed with an approximation of properties in the 100s, as relayed by the Central Valley Water Quality Control Board.

At 1:12pm A Task Force member queried that if an applicant wanted to start a Major or Minor Use Permit project for Commercial Cannabis Cultivation today and did not have



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an enrollment with the Water Board for the project property dated before October 31, 2020, they would not be able to submit that project to the County. Staff confirmed.

At 1:13pm Staff clarified that in 2021, the Community Development Department would hold 12 pre-application conferences a month and had been experiencing a backlog of requests. Only at the tail-end of the backlog (in Fall 2021) did applicants not have their enrollment with the Water Board for their proposed property. These applicants were not able to continue in the process.

At 1:14pm A Task Force member postulated that it does not seem helpful to have an Ordinance that prohibits future applications, and that perhaps removing the date while leaving the rest of the language in Ordinance 3092 would make more sense.

At 1:14pm Task Force Member Will Weiss asked about the transferability of the Notice of Applicability (NOA) document given to an applicant after they had successfully enrolled with the Water Board. Staff clarified that the NOA document is tied to the property, and if the property is sold or leased, the document moves with the property and not with the individual or entity.

At 1:15pm Task Force members clarified that if an NOA is transferred, the Water Board would verify land ownership with the new owner. Staff clarified that the Water Board does not require background checks of the new owner prior to correcting the landowner's name on the document.

At 1:16pm A Task Force member asked if Ordinance 3092 is being used as a mechanism to regulate the amount of Cannabis Cultivation Major and Minor Use Permit projects, and if there would be a way to keep a date that would instead be tied to evidence of enrollment in water quality programs two years prior to the date of application submittal. Staff answered that this would be one mechanism to consider. Other mechanisms could be a cap on the number of projects allowed for submittal each year, with standards on which projects would be allowed within that cap (e.g. water use, responsibilities, etc.)

At 1:18pm A Task Force member asked on if this Ordinance was being used to help staff address the backlog of applications. Staff clarified that the Ordinance was meant to address drought in Lake County as well as the backlog. A Task Force member then argued that since drought in Lake County has not improved, then removing the deadline from Ordinance 3092 would not be reasonable. Task Force members stated that if the deadline were to be removed, other options would need to be discussed to address the concerns of drought and backlog.

At 1:20pm Staff shared the text of Ordinance 3092

At 1:24pm Staff opened Public Comment on the item.



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At 1:24pm Member of the Public Zarro Sabev argued for removal of the October 31, 2020 deadline in Ordinance 3092 as it prohibits businesses from entering Lake County.

At 1:25pm Member of the Public Paul Bernacchio argued for relaxing of the date due to the issue of location. Some landowners, who have these NOAs are in properties without access to water. Creating adequate water pathways up to standard on these properties would be a million-dollar undertaking. When Ordinance 3092 was going into draft phase, landowners across the County rushed to submit applications to the Water Board with the prediction that they would eventually be able to utilize their properties for future cannabis use or rent their properties to growers. The County has changed the location of where these grows should be located within the County several times. In the past few years, most of the landowners, who grew primarily medicinal cannabis, were able to comply with these changes. However, as the previous commentor mentioned, there is a new industry coming to Lake County, and we need to allow them to grow in commercial places. Most of these commercial places are being blocked with the October 31, 2020 deadline.

At 1:27pm Member of the Public Bart Levenson relayed that in the Board of Supervisors Budget Hearings from the prior week, Tax Collector Patrick Sullivan mentioned that revenue from Cannabis taxes were only expected to result in 4 million dollars. In the August 14th Task Force meeting, Cannabis Program Manager Amelung stated that Cannabis is reaching its cultivation capacity in Lake County. Program Manager Amelung clarified that we may be reaching our capacity, but this is something we would need to look at.

At 1:29pm Member of the Public Angela Amoral asked for the number of NOAs issued for Lake County. Staff relayed that this number would be up in Redding with the Central Valley Regional Water Quality Control Board. Lake County Staff have spoken with a representative from this Board, and from discussions, there are still several more NOAs available. Member of the Public Amoral recommended keeping the October 31, 2020 date in place at least until the drought emergency has ended, we have a better understanding of how much water permitted farms use, and data/results from Groundwater Sustainability Agencies are given.

At 1:30pm Member of the Public Trey Sherrell would like to echo the above comment from Mr. Paul Bernacchio. The rush for Cannabis Major and Minor Use Permits from 2018, 2019 and 2020 will not be continuing due to the current state of the Cannabis industry. Removing the October 31, 2020 date would allow those who are still interested in a Cannabis Use Permit the ability to intelligently plan the location and scope of their project, without being locked into the locations already enrolled with the Water Board.

At 1:32pm Staff closed Public Commentary on the item, stating that this date within Ordinance 3092 was probably not meant to be permanent. The purpose of the



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Ordinance, whether it was to address the backlog of application, or the drought, would still need to be researched and determined. Staff then opened it up to Task Force members for possible recommendations on the Ordinance

At 1:32pm Task Force Member Will Weiss recommended keeping the day and month but changing the year. This would meter the amount of applications submitted. Staff replied that removing this would probably not affect the amount or processing of applications submitted.

At 1:34pm A Task Force Member asked if the State is on time with processing of applications. Staff relayed that the Water Board was also inundated with applications, and processing did take some time. The Water Board did back date many Lake County NOI applications to October 31st, 2020, as there was a rush from Lake County land owners to submit their applications right before that deadline, and it took Water Board staff months to process the backlog.

At 1:35pm A Task Force member brought up that if the motivation behind Ordinance 3096 is to meter projects, this does not seem to be the most responsible, equitable, or fair way to do so. If there is an applicant who comes in now, that is responsible, is meeting all the requirements, but would not be able to proceed, whilst other applicants who are not being responsible (but have their NOI before October 31, 2020) and are able to proceed, then this situation does not seem to be in the County's best interest. However, if the motivation behind Ordinance 3096 is to address drought, then we could probably do this in a different way.

At 1:36pm A Task Force member brought up that we probably do have some other methods to address drought without Ordinance 3096. Cannabis Program Manager Amelung stated that reviewing cumulative drought impacts is still tricky with this new Cannabis industry, and the County does not necessarily have another more concrete method. However, more research on the intent of passing Ordinance 3096 is needed. Community Development Director Turner then clarified that much of the impetus behind Ordinance 3096 had to do with the flood of applications seen by Lake County and surrounding counties (like Humboldt), and the Board of Supervisors was concerned that Staff were going to burnout. The Board also did not want applications limited based on Merit or Lottery, as these are legally dubious.

At 1:38pm Task Force Member Jennifer Smith would like to see this topic brought back later, with future discussions on the zones where we want to see Cannabis in Lake County. Better suited parcels may be identified and would then be hindered for use due to this October 31, 2020 deadline.

At 1:40pm Public Commentary was reopened.



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At 1:40pm Member of the Public Zarro Sabev relayed that the date is prohibiting growers from doing business in Lake County and are instead looking at Humboldt and Trinity.

At 1:41pm Public Commentary was closed.

At 1:41pm Staff reviewed the pre-application fee requirement. The fee is based on the hourly fee schedule and allocates 2 hours of staff time for a cursory review of the project and to hold the pre-application conference. The conference is intended to find any obvious red flags that would prevent the project from moving forward.

At 1:43pm Staff reviewed the required documents to be submitted for the pre-application conference, including a map of the lot of record where the cultivation site is to be located, the lot APN(s), sketch of the proposed cultivation site (including canopy area, full cultivation site, access, existing structures on the lot of record, any water bodies and/or water courses), a statement as to which State License(s) the applicant intends to submit an application, and if an application has been applied for at the state level if the application relates to an existing site. Staff also asked if the Task Force might propose also looking at off-site residences, exclusion zones, daycares and schools during the pre-application conference.

At 1:46pm Staff clarified that once an applicant has applied for licenses at the State level, those licenses can often change as the project is processed and the appropriate licenses and project details are re-evaluated.

At 1:47pm Staff noted that the Cal Cannabis Cultivation Licensing Division (CalCannabis) as referenced in the Lake County Zoning Ordinance, no longer exists, and instead the Department of Cannabis Control (DCC) is the regulating body for State licenses. Language like "the appropriate State agency" might alleviate out of date departmental names/bodies in the future.

At 1:48pm Staff reviewed additional performance standard questions required to be submitted prior to the pre-application conference including; is the cultivation site is located in a flood plan; do all aspects of the project not require a grading permit, and how any cubic yards of soil is proposed for removal (Staff recommends rewording of this section may be necessary for clarity); does the applicant have a legal, on-site source of water, and; does the applicant agree to monitor water use and share data with the county.

At 1:50pm Task Force Member Robert Geary recommended putting in a question for applicants on if the applicant has reached out to local tribes, or if any tribal or archaeological resources are known on the site, to get a sense of how sensitive the potential project site could be. In addition, it is important to add-in wording that a pre-application conference does not equate to the beginning of physical project



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preparations. Any physical project preparation should only occur after a project is fully permitted with all local, state, and environmental agencies.

At 1:55pm Staff recommended that transforming the pre-application questions into a signed agreement might help address these issues.

At 1:56pm A Task Force Member asked if industries other than Cannabis are required to report their water and energy use data to the County. Staff clarified no.

At 1:57pm Task Force Member Jennifer Smith reiterated that required documentation shouldn't be framed as questions during the pre-application, but rather put forth as requirements.

At 1:59pm Task Force Member Rebecca Harper reminded that all growers must submit their water quality and nitrogen management data to the Irrigated Lands Protection Program, from their regional Water Quality Control Board's Quality Protection Program. Many Lake County growers seem not to be enrolled in this required program.

At 2:01pm Public Comment was opened.

At 2:02pm Member of the Public Bart Levenson suggested that the term "soil disturbance" be featured in the pre-application language to emphasize that any activity that would disturb the soil is prohibited until the project is fully permitted. Staff agreed that inserting "soil disturbance" instead of "grading" for the pre-application conference may help clarify that issue.

At 2:04pm Member of the Public Betsy Cawn asked who mentioned they were managing a sub-watershed for Lake County. Task Force Member Rebecca Harper, Lake County Farm Bureau Executive Director, clarified this was under her purview, and the management of the sub-watershed is carried out by the Lake County Farm Bureau Education Corporation.

At 2:05pm Member of the Public Betsy Cawn asked if there was a method of notifying the surrounding properties of a property at the pre-application stage. Staff clarified no.

At 2:06pm Member of the Public Betsy Cawn asked who the applicant is required to submit their water data to. Staff clarified that water data is required to be submitted by permittees to the Community Development Department in their Annual Report.

At 2:08pm Member of the Public Betsy Cawn asked if this was a complete list for Manufacturing as well, especially in relation to sanitation.

At 2:09pm Member of the Public Trey Sherrell asked on if the pre-application conference was still valid or necessary moving forward. When the pre-application



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conference requirement was created, it seems to have been intended to produce a metering effect, similar to the waterboard deadline, to slow the avalanche of applications.

At 2:10pm Member of the Public Trey Sherrell clarified that for the Irrigated Lands Protection Program from the regional Water Quality Control Board, Cannabis is not allowed in that program. If a landowner is already enrolled in this program and then wants to convert part or all their land to cannabis cultivation, that land must be removed from the program, and it instead must be enrolled in the State-level Water Board's Cannabis General Order.

At 2:10pm CDD Director Mireya Turner clarified that the pre-application conference requirement stemmed mainly from availability of staff resources and the quality of eventual Use Permit submissions. At the time, many applicants were not familiar with applying for a Cannabis project. Ensuring that quality applications for a full Use Permit were eventually received was the main purpose of the pre-application conference. The metering of pre-application meetings at 12 per month was a by-product of this intention for quality submissions.

At 2:13pm Staff covered the remainder of the Pre-Application conference requirements in Article 27(at)(2)(i) pg. 121 of the Lake County Zoning Ordinance.

At 2:20pm A Task Force Member reiterated that the pre-application questions should be turned into a signed document that shows the applicant knows what is expected of them.

At 2:20pm A Task Force Member requested to take out the 75% scoring requirement in the Pre-Application section of the Zoning Ordinance - Article 27(at)(2)(i) pg. 121. Staff agreed that streamlining this process would be helpful to workflow.

At 2:22pm A Task Force Member reminded that a requirement needs to be inserted for Manufacturing applications regarding standards for sewer discharge.

At 2:23pm Staff offered that a written statement agreement could be made of the pre-application questions, that could then be voted upon at the next meeting. A Task Force member requested that the document be kept in working form until the Task Force has gone through the Ordinance in its entirety.

5. Consideration of the Amendments to the Application Requirements
Postponed to a later date due to time constraints.

6. Public Comments
At 2:23pm Public Comment was opened.



At 2:24pm Member of the Public Zarro Sabev requested clarification on the amount of staff time that is allocated to the pre-application conference. Staff clarified that 2.5 hours are allocated in total. Roughly fifteen minutes are needed for the office assistant to create a file, upload the materials, set up a time tracking document, and send the file over to a Planner. Approximately one hour is then allocated to the Planner for research prior to the meeting. The meeting with the applicant is typically an hour, which leaves about fifteen minutes for staff sending follow-up materials or communication to the applicant. Member of the Public Sabev then requested a checklist to be created that could be sent to the applicant prior to the pre-application conference, listing what materials the applicant would need to bring to see if they would qualify for an application. This would save time for staff and the applicant.

At 2:27pm Task Force Member Robert Geary agreed that a checklist for the applicant prior to the meeting would be ideal, because there is too much confusion as to what is needed. A simple, visual list of requirements.

At 2:29pm Member of the Public Bart Levenson wanted to reiterate that a much clearer and specific checklist up front is needed. For example, with the question “will you make available water for firefighting”, this question could instead be expanded into the requirements that CalFire will be expecting of full permittees. In this way, the applicant can begin to conceptually plan to have their project site fully prepared.

At 2:30pm Member of the Public Angela Amoral asked staff to investigate the 75% scoring requirement in the pre-application section of the Zoning Ordinance to find out what the breakdown was for passing, with a curiosity towards whether HOAs are listed as allowing/disallowing commercial cannabis.

7. Next Steps

At 2:33pm The Cannabis Program Manager relayed next steps including allowable zoning, Minor vs. Major Use Permits, state requirements and regulations, exclusion zones, and setbacks.

At 2:35pm The Cannabis Program Manager reminded that tomorrow, September 27, 2022, the Board of Supervisors will be holding an item on if the Board of Supervisors would like to explore Ag. Exempt structures and Cannabis permitting. If the Board votes to move forward with exploring this topic, a subsequent request for recommendations would be coming to the Task Force.

At 2:36pm The Cannabis Program Manager previewed “Violations of High Severity” as an upcoming meeting topic. Items will include *Ordinance No. 3112*, Section 13-50.3 Penalties for High Severity of Violations, Per-Plant Penalty up to \$500 per plant per day (>50 plants), Permit Ineligibility – permanently ineligible.



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At 2:38pm Task Force Member Will Weiss clarified that each of the Next Step topics would be separate meetings.

At 2:39pm Member of the Public Bart Levenson requested that predicted heavy trucks and traffic on roads surrounding the parcel be entered into the pre-application meeting and checklist. Predicted evacuation routes as well.

8. Adjournment

At 2:40pm the meeting adjourned.