



County of Lassen  
Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

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May 8, 2018

TO: Board of Supervisors  
Agenda Date: May 13, 2019, special meeting

Zoning & Building

Inspection Requests

Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

SUBJECT: Discuss possible amendments to the Lassen County Code regarding marijuana dispensaries and hemp cultivation.

**ACTION REQUESTED:**

Provide direction to staff.

**SUMMARY:**

The intent of this section of this Board letter is to provide draft County Code language to facilitate Board discussion concerning marijuana dispensaries and marijuana testing facilities.

***Marijuana Dispensaries***

The Special Provisions Chapter of the Lassen County zoning ordinance (Title 18) could be amended to include all or some of the following language:

- a. Except as provided for in this Chapter, commercial cannabis activities shall not be allowed in the unincorporated areas of Lassen County without first obtaining all required use permits, licenses or other entitlements required by local or State laws and regulations.
- b. Marijuana dispensaries, as defined in this Title (type 10, storefront dispensary), are allowed in commercial zoning districts with a use permit (pursuant to Chapter 18.112), with the following requirements, in addition to any other conditions established as part of the use permit process:
  - i. Once a use permit is approved to conditionally allow a dispensary and all relevant conditions have been met, the Planning and Building Services Department will issue the use permit applicant an authorization to submit an application to the Bureau of Cannabis Control; California Department of Food and Agriculture's Cal Cannabis Cultivation Licensing; and California Department of Public Health's Manufactured Cannabis Safety Branch for cultivators, manufacturers, retailers, distributors, microbusinesses, testing laboratories and event organizers for licensure

pursuant to the Medical Cannabis Regulation and Safety Act (MCRSA) and/or the Adult Use of Marijuana Act (Proposition 64). An Authorization to Operate (pursuant to Chapter 18.112) shall not be issued by Lassen County until licensure is secured from all relevant agencies, all remaining conditions of approval for the use permit have been met, and the applicant has satisfied all requirements of Chapter 18.112.

- ii. Any use or operation of a dispensary that is not expressly provided for in both an approved use permit and a valid Cannabis license issued by the State is prohibited in all zones and is hereby declared a public nuisance that may be abated by the County and is subject to all available legal remedies, including but not limited to civil injunctions.
- iii. Nothing in this ordinance shall be construed to allow a use that is otherwise illegal under State law or Federal law.
- iv. Any operator of an approved dispensary use permit shall maintain, during the life of the dispensary, the applicable California license pursuant to California Business and Professions Code Sections 19300.7 or 26050(a), as may be amended from time to time. The applicant and/or property owner must immediately cease all operation of any dispensary if for any reason the applicable license with the State of California lapses. The Planning and Building Services Department may then initiate proceedings to revoke the use permit pursuant to Chapter 18.112.
- v. Any specific use permit application requirements contained in this section are in addition to all requirements of Chapter 18.112.
- vi. Commercial cannabis operator qualifications shall be as follows:
  - 1. All operators and all employees of a commercial cannabis activity must be 21 years of age or older.
  - 2. Operators shall be subject to background checks.
  - 3. Permits for commercial cannabis activities shall not be granted for operators with felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of section 1192.7 of the Penal Code.
- vii. In the event the permittee or successor in interest vacates and wishes to relocate the commercial cannabis activity to a new location, a new use permit will be need to be granted by the County in accordance with this Title prior to commencing operations at the new location.

- viii. All dispensaries shall be subject to inspections by appropriate State agencies and/or Lassen County officials from the Department of Planning and Building Services, any fire district or the Fire Warden, Public Health, Environmental Health, the Agricultural Commissioner's Office, and the Sheriff's Department.
- ix. The minimum notification area for the public hearing for a proposed use permit shall be at least 1,000 feet from the proposed dispensary.
- x. As a component of the use permit application, the applicant shall provide the legal name of the proposed marijuana dispensary.
- xi. Any application for a use permit shall contain the address and date of birth of each principal officer and board member (if applicable) and the name, address and date of birth of each marijuana dispensary agent.
- xii. Any application for a use permit shall contain a notarized certification that none of the principal officers or board members has been convicted of one of the following offenses:
  - 4. A violent crime, as defined in the California Penal Code.
  - 5. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the 10 years prior to applying for the application for the dispensary use permit.
- xiii. The use permit application shall contain notarized certification that none of the principal officers or board members has served as a principal officer or board member for a registered dispensary that has had its registration certificate revoked.
- xiv. The use permit application shall include a floor plan showing the location, dimensions and type of security measures demonstrating that the dispensary will be in an enclosed locked building and facility.
- xv. A medical marijuana dispensary must be located in a permanent legally established building and may not be located in a trailer, cargo container or motor vehicle.



- xvi. Any proposed marijuana dispensary must be at least 1,500 feet from any legally established residence, existing at the time of application, excluding caretaker's units established for an allowed industrial use. Upon finding that the proposed dispensary will not interfere with a residence and making the Mandatory Findings listed at section 18.112.100, the planning commission or board of supervisors, as applicable, may approve a use permit that is no closer than \_\_\_\_ feet from an established residence.
- xvii. A marijuana dispensary shall be set back a minimum of 1,500 feet from any existing schools, school bus stops, licensed day care providers, public parks, churches, community service agencies, activity facilities and/or activities where children may be enrolled, measured from the parcel boundaries. Upon finding that the proposed dispensary will not interfere with the above uses and making the Mandatory Findings listed at section 18.112.100, the planning commission or board of supervisors, as applicable, may approve a use permit that is no closer than \_\_\_\_ feet from any of these uses .
- vii. Unless a use permit has been approved that includes the retail sales of cannabis or cannabis products, no person shall conduct any retail sales of cannabis or cannabis products on or from a permitted commercial cannabis activity.
- viii. The planning commission or board, if applicable, may include an expiration date for the use permit that requires reapplication or renewal of the permit after two years or less, if determined to be necessary to conserve and promote the public health, safety, convenience and general welfare.
- ix. The applicant must have Health Department approval or conditional approval prior to approval of any use permit, including an approved food facility permit.
- x. Any approved use permit shall contain a condition that the dispensary is prohibited from permitting anyone to consume marijuana on the premises.
- xi. The permitted hours of operation of any approved dispensary are between the hours of 9:00 a.m. and 7:00 p.m. daily.
- xii. Neither alcohol or cigarettes can be sold at a dispensary or on the parcel on which the dispensary is located.

xiii. Other requirements, findings, etc.?

- c. Marijuana testing facilities, as defined in this Title (type 8, testing) shall be allowed by use permit (pursuant to Chapter 18.112) in any Industrial zoning district, subject to the following requirements:
- i. Once a use permit is approved to conditionally allow a marijuana testing facility and all relevant conditions have been met, the Planning and Building Services Department will issue the use permit applicant an authorization to submit an application to the Bureau of Cannabis Control; California Department of Food and Agriculture's Cal Cannabis Cultivation Licensing; and California Department of Public Health's Manufactured Cannabis Safety Branch for cultivators, manufacturers, retailers, distributors, microbusinesses, testing laboratories and event organizers for licensure pursuant to the Medical Cannabis Regulation and Safety Act (MCRSA) and/or the Adult Use of Marijuana Act (Proposition 64). An Authorization to Operate (pursuant to Chapter 18.112) shall not be issued by Lassen County until licensure is secured from all relevant agencies, all remaining conditions of approval for the use permit have been met, and the applicant has satisfied all requirements of Chapter 18.112.
  - ii. Any use or operation of a marijuana testing facility that is not expressly provided for in both an approved use permit and a valid Cannabis license issued by the State is prohibited in all zones and is hereby declared a public nuisance that may be abated by the County and is subject to all available legal remedies, including but not limited to civil injunctions.
  - iii. Nothing in this ordinance shall be construed to allow a use that is otherwise illegal under State law or Federal law.
  - iv. Any operator of an approved marijuana testing facility use permit shall maintain, during the life of the marijuana testing facility, the applicable California license pursuant to California Business and Professions Code Sections 19300.7 or 26050(a), as may be amended from time to time. The applicant and/or property owner must immediately cease all operation of any marijuana testing facility if for any reason the applicable license with the State of California lapses. The Planning and Building Services

Department may then initiate proceedings to revoke the use permit pursuant to Chapter 18.112.

- v. Any specific use permit application requirements contained in this section are in addition to all requirements of Chapter 18.112.
- vi. Commercial cannabis operator qualifications shall be as follows:
  - 1. All operators and all employees of a commercial cannabis activity must be 21 years of age or older.
  - 2. Operators shall be subject to background checks.
  - 3. Permits for commercial cannabis activities shall not be granted for operators with felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of section 1192.7 of the Penal Code.
- vii. In the event the permittee or successor in interest vacates and wishes to relocate the commercial cannabis activity to a new location, a new use permit will be need to be granted by the County in accordance with this Title prior to commencing operations at the new location.
- viii. All marijuana testing facility shall be subject to inspections by appropriate State agencies and/or Lassen County officials from the Department of Planning and Building Services, any fire district or the Fire Warden, Public Health, Environmental Health, the Agricultural Commissioner's Office, and the Sheriff's Department.
- xviii. The minimum notification area for the public hearing for a proposed use permit shall be at least 1,000 feet from the proposed dispensary.
- ix. Any application for a use permit shall contain the address and date of birth of each principal officer and board member (if applicable) and the name, address and date of birth of each marijuana dispensary agent.
- x. Any application for a use permit shall contain a notarized certification that none of the principal officers or board members has been convicted of one of the following offenses:
  - 1. A violent crime, as defined in the California Penal Code.



2. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the 10 years prior to applying for the application for the dispensary use permit.
- xii. The use permit application shall contain notarized certification that none of the principal officers or board members has served as a principal officer or board member for a commercial cannabis activity that has had its registration certificate revoked.
- xiii. The use permit application shall include a floor plan showing the location, dimensions and type of security measures demonstrating that the marijuana testing facility will be in an enclosed locked building and facility.
- xiv. A marijuana testing facility must be located in a permanent legally established building and may not be located in a trailer, cargo container or motor vehicle.
- xv. Any proposed marijuana testing facility must be at least 1,500 feet from any legally established residence, existing at the time of application, excluding caretaker's units established for an allowed industrial use. Upon finding that the proposed marijuana testing facility will not interfere with a residence and making the Mandatory Findings listed at section 18.112.100, the planning commission or board of supervisors, as applicable, may approve a use permit that is no closer than \_\_\_\_ feet from an established residence.
- xvi. A marijuana testing facility shall be set back a minimum of 1,500 feet from any existing schools, school bus stops, licensed day care providers, public parks, churches, community service agencies, activity facilities and/or activities where children may be enrolled, measured from the parcel boundaries. Upon finding that the proposed marijuana testing facility will not interfere with the above uses and making the Mandatory Findings listed at section 18.112.100, the planning commission or board of supervisors, as applicable, may approve a use permit that is no closer than \_\_\_\_ feet from any of these uses .

- xvi. Unless a use permit has been approved that includes the retail sales of cannabis or cannabis products, no person shall conduct any retail sales of cannabis or cannabis products on or from a permitted commercial cannabis activity.
- xvii. The planning commission or board, if applicable, may include an expiration date for the use permit that requires reapplication or renewal of the permit after two years or less, if determined to be necessary to conserve and promote the public health, safety, convenience and general welfare.
- xviii. The applicant must have Health Department approval or conditional approval prior to approval of any use permit.
- xix. Any approved use permit shall contain a condition that the marijuana testing facility is prohibited from permitting anyone to consume marijuana on the premises.
- xx. The permitted hours of operation of any approved marijuana testing facility are between the hours of 9:00 a.m. and 7:00 p.m. daily.
- xxi. Other requirements, findings, etc.?

Definitions will be added to Chapter 18.14 for the following terms:

- “Marijuana dispensary” means a commercial use of property which is consistent with the Type 10 (storefront dispensary) license required by the State of California.
- “Marijuana Testing Facility” means a commercial use of property which is consistent with the Type 8 (testing) license required by the State of California.

Lassen County Code section 18.107.030 would need be repealed if the Board adopted the above language. This section currently prohibits medical marijuana dispensaries.

### ***Hemp Cultivation***

On April 16, 2019, the Board decided not to extend the moratorium on hemp cultivation that was established with Ordinance Number 2019-02. That said, it is likely the case that that cultivation of hemp would be required to comply with Title 19 regardless of the moratorium.



Staff has not prepared any ordinance language regulating hemp cultivation because hemp cultivation continues to be prohibited in California (except for “Established Agricultural Research Institutions). While regulations have been adopted by the California Department of Food and Agriculture establishing a registration process with the County Agricultural Commissioners, California does not have a hemp production plan approved by the U.S. Department of Agriculture.

MLA:gfn