

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF LASSEN AMENDING TITLE 19 TO ALLOW
COMMERCIAL MARIJUANA ACTIVITIES

The Board of Supervisors of the County of Lassen, State of California, ordains as follows:

Section One: Section 19.040 of the Lassen County Code is amended to read as follows:

“Section 19.040 Allowable Marijuana and Hemp activities.

(a) Noncommercial marijuana. The non-commercial cultivation of marijuana in the unincorporated territory of Lassen County, whether for medical or recreational purposes, by any person, regardless of their status as a qualified patient or designated primary caregiver, in excess of the following limits is prohibited and is hereby declared a public nuisance that may be abated or enjoined pursuant to this title:

(1) All cultivation, recreational or medical, may only be performed by someone residing on the premises (within the meaning of that definition above) where the cultivation occurs.

(2) Allowable indoor cultivation: Marijuana, whether for medical or recreational use, may be cultivated indoors (within the meaning of that definition above) and then subject to the following limitations:

A. Not more than six living plants may be cultivated indoors at any one time for one premises.

B. The location where the cultivation is to occur shall not be accessible to minors at any time.

(3) Allowable outdoor cultivation: No recreational marijuana may be cultivated outdoors. Only medical marijuana may be cultivated outdoors (within the meaning of that definition above) and then subject to each of the following limitations:

A. Outdoor cultivation may only occur on a single contiguous two hundred fifty square-foot area located on the premises. The location at which measurements shall be taken in determining whether such cultivation is within two hundred fifty square feet within the meaning of this limitation shall be the interior side of any fence required for “outdoor” cultivation in subsection (a)(3)(B) below.

B. Outdoor cultivation shall be fully enclosed by a fence of substantial construction.

C. Outdoor cultivation shall be set back from all exterior property lines by at least fifty feet. Such setback distance shall be measured in a straight line from the property line to any fence required to be constructed to enclose an outdoor marijuana grow pursuant to this title.

D. There shall be no outdoor cultivation of marijuana, in any amount or quantity, upon any premises located within one thousand feet of any existing school, school bus stop, licensed day care provider, or public park. Such distance shall be measured in a straight line from the boundary line of the premises upon which marijuana is cultivated to the boundary line of the premises upon which the school, school bus stop, licensed day care provider, or public park is located.

E. There shall be no outdoor cultivation on premises which are one acre in size or smaller.

(4) All cultivation, indoors or outdoors, medical or recreational, may only be performed by the legal owner of the premises or the legal resident thereof. If the person cultivating the marijuana is not the legal owner of the premises, such person shall possess a notarized consent form from the legal owner consenting to such cultivation. This consent form shall be at all times kept on the premises where the marijuana is being cultivated and a copy of which shall be made available, upon demand, to any enforcing officer. Lassen County planning and building services department will make forms available for such purpose.

(b) Commercial marijuana. The establishment, maintenance, or operation of any commercial marijuana activity, including, but not limited to, cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of marijuana and marijuana products, which would require a license to be issued pursuant to state law (currently M.A.U.C.R.S.A.) in excess of the following limits is prohibited within the unincorporated territory of Lassen County and is hereby declared a public nuisance which may be abated or enjoined pursuant to this title.

(1) All commercial marijuana operations in the unincorporated territory of Lassen County must at all times be in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act as it exists at the time of adoption of this ordinance and may be amended from time to time; and

(2) All commercial marijuana operations in the unincorporated territory of Lassen County must at all times be in compliance with any rules and regulations adopted by the California State Bureau of Cannabis Control in effect at the time of adoption of this ordinance or as may be amended from time to time; and

(3) All commercial marijuana operations in the unincorporated territory of Lassen County must at all times be in compliance with all terms and conditions of any state license, permit, or other entitlement issued pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act; and

(4) All commercial marijuana operations in the unincorporated territory of Lassen County must at all times be in compliance with any terms and conditions imposed by Lassen County prior to issuance of any permit, license, or other entitlement issued by the County of Lassen; and

(5) All commercial marijuana operations in the unincorporated territory of Lassen County must at all times be in compliance with chapter 3.30 of the Lassen County Code; and

(6) All commercial marijuana operations in the unincorporated territory of Lassen County must at all times be in compliance with Title 18 of the Lassen County Code.

(c) Industrial Hemp. The cultivation of industrial hemp in the unincorporated territory of Lassen County, for whatever purposes, by any person, in excess of the following limits is prohibited and is hereby declared a public nuisance that may be abated or enjoined pursuant to this title:

(1) All industrial hemp operations in the unincorporated territory of Lassen County must at all times be in compliance with both federal and state statutes and regulations as may exist at the time of adoption of this ordinance and that may be amended from time to time; and

(2) All industrial hemp operations in the unincorporated territory of Lassen County must at all times be in compliance with all terms and conditions of any state license, permit, or other entitlement issued by the State Department of Food and Agriculture; and

(3) All industrial hemp operations in the unincorporated territory of Lassen County must at all times be in compliance with Title 18 of the Lassen County Code as it exists at the time of adoption of this ordinance or may be amended from time to time; and

(4) All industrial hemp cultivation operations in the unincorporated territory of Lassen County are limited to legal parcels nineteen acres in size or larger; and

(5) All industrial hemp operations in the unincorporated territory of Lassen County are subject to unimpeded site visit and crop and/or product testing on six hours notice by agents of the County of Lassen Department of the Agriculture Commissioner.

(6) All industrial hemp cultivation must be maintained in excess of 150 yards from any residence not in common ownership with the parcel upon which the cultivation is occurring.”

Introduced at a regular meeting of the Board of Supervisors on the XX day of XXXX, 201X, and passed and adopted by the Board of Supervisors of the County of Lassen, State of California, on the XX day of XXXX, 201X, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

JEFF HEMPHILL, Chairman
Lassen County Board of Supervisors

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

I, Michele Yderraga, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the day of XXXX, 2019.

Deputy Clerk of the County of Lassen
Board of Supervisors