



County of Lassen
Department of Planning and Building Services

H1

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

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December 2, 2020

Zoning & Building
Inspection Requests
Phone: 530 257-5263

TO: Board of Supervisors
Agenda Date: December 8, 2020

FROM: Maurice L. Anderson, Director

SUBJECT Discuss possible amendments to Title 18 of the Lassen County Code regarding commercial cannabis cultivation.

ACTION REQUESTED:

Provide direction to staff.

Summary

On August 13, 2019, the Board of Supervisors considered a draft ordinance, recommended by the Planning Commission on July 9, 2019, concerning cannabis dispensaries, cannabis testing facilities and commercial cannabis cultivation. The Board ultimately adopted an ordinance for dispensaries and testing facilities but removed language concerning commercial cannabis cultivation. Staff has been directed to agendize the last version of a commercial cannabis cultivation ordinance considered by the Board for discussion and possible direction to staff and the Planning Commission.

As drafted, the ordinance would allow commercial cannabis cultivation with a use permit in multiple zoning districts. However, as drafted, commercial cannabis cultivation would not be allowed in the following zoning districts:

- "R" residential districts
- "A-2" (Agricultural Residential),
- "P.U.D." Planned Unit Development District,
- "P-C" Planned Community District,
- "R-S" Resort District,
- "O-C-B" Public Campground/Boating/Beach District,
- "O-H" Historical Site District,
- "O-D" Primitive Area,
- "O-S" Open Space District,
- "T-P-Z" Timber Production Zone District,

ORDINANCE NO. _____

**A CODIFIED
ORDINANCE AMENDING TITLE 18, ESTABLISHING REGULATIONS TO ALLOW
COMMERCIAL CANNABIS CULTIVATION IN LASSEN COUNTY.**

The following ordinance, consisting of 3 sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the ___th day of, _____, 20__, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman of the Board of Supervisors
County of Lassen, State of California

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board
BY _____
MICHELE YDERRAGA, Deputy 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 resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the _____ day of _____, 20__.

Deputy Clerk of the County of Lassen Board of Supervisors

**THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN
ORDAINS AS FOLLOWS:**

SECTION ONE: This ordinance shall take effect thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: Add Section 18.108.047 to the Lassen County Code to read as follows:

18.108.047 Commercial Cannabis Cultivation

(a) Commercial cannabis cultivation, as defined in this Title (cultivation consistent with any license Type 1, Cultivation; Specialty outdoor; Type 1A, Cultivation; Specialty indoor; Type 1B, Cultivation; Specialty mixed-light; Type 1C, Cultivation; Specialty cottage; (AB 2516, 2016) Type 2, Cultivation; Outdoor; Small. Type 2A, Cultivation; Indoor; Small. Type 2B, Cultivation; Mixed-light; Small. Type 3, Cultivation; Outdoor; Medium. Type 3A, Cultivation; Indoor; Medium. Type 3B, Cultivation; Mixed-light; Medium. Type 4, Cultivation; Nursery, as required by the State of California, are allowed with a use permit, meeting all requirements of this Title, in any district except "R" residential districts, the A-2 (Agricultural Residential), the "P.U.D." Planned Unit Development District, the "P-C" Planned Community District, the "R-S" Resort District, the "O-C-B" Public Campground/Boating/Beach District, the "O-H" Historical Site District, the "O-D" Primitive Area, the "O-S" Open Space District, the "T-P-Z" Timber Production Zone District, the "F-R" Forest Recreation District, the "A-F" Agricultural Forest District, the "H-R" Hydroelectric District, or the "Y-C" Airport Commercial District, subject to all of the following requirements:

1. Once a use permit is approved to conditionally allow a commercial cannabis cultivation operation and when all pre-operational 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 (MAUCRSA) and/or the Adult Use of Marijuana Act (Proposition 64) or any changes that may exist at that time. 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.

2. To be eligible to submit a use permit application pursuant to this section, the parcel on which the use is proposed to occur must be a “legal parcel” pursuant to the Subdivision Map Act and Title 16 of Lassen County Code.
3. Any use authorized by this section shall not be considered “agriculture” as that term is defined at section 18.14.030 or Chapter 6.02 (Protection of the Right to Farm).
4. In the event the permittee or successor in interest vacates and wishes to relocate the commercial cannabis cultivation to a new location, a new use permit must be secured from the County in accordance with this Title prior to commencing operations at the new location. Any use permit issued pursuant to this section shall be issued to the applicant and shall not be transferable.
5. Any operator of an approved use permit shall maintain, during the life of the operation, the applicable California license pursuant to California Business and Professions Code Section 26050(a), as may be amended from time to time. The applicant and/or property owner must immediately cease all operation of any commercial cultivation 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.
6. If the applicant and/or property owner fail to pay County taxes in any quarter, the Planning and Building Services Department may initiate proceedings to revoke the use permit pursuant to Chapter 18.112.
7. All commercial cannabis operations 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, the Sheriff’s Department, and any other County Department.
8. Nothing in this section is intended, nor shall it be construed, to exempt any use authorized pursuant to this section from any and all applicable local and state construction, grading, electrical, plumbing, land use, water rights, waste

water discharge, streambed alteration, or any other environmental, building or land use standards or permitting requirements.

9. Any use permit application shall establish, to the satisfaction of the Planning and Building Services Department, the identity of the applicant.
10. Recreational vehicles, trailers, etc. may not be used as offices, residences, or caretakers quarters at commercial cannabis cultivation operations. Camping or camping facilities are not allowed. All offices, residences, etc. must be legally established with all appropriate building permits.
11. As a condition of approval for any indoor commercial cannabis cultivation operation, the Planning and Building Services Department must confirm that the building will allow the proposed use. An Authorization to Operate shall not be issued until all required improvements have been made.
12. 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.
13. Any proposed commercial cannabis cultivation must be at least one thousand five hundred feet from any legally established residence, existing at the time of application, excluding caretaker's units established for an allowed industrial use. Such distance shall be measured in a straight line from the site of the proposed commercial cannabis cultivation to the established residence. Upon finding that the proposed commercial cannabis cultivation operation 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 allowing commercial cannabis cultivation that is no closer than 600 feet from an established residence.
14. There shall be no commercial cannabis cultivation located within one thousand five hundred 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 site of the proposed commercial cannabis cultivation to the school, school bus stop, licensed day care provider, or public park. Upon finding that the proposed commercial cannabis cultivation will not interfere with any existing school, school bus stop, licensed day care provider, or public park 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 allowing commercial cannabis cultivation that is no closer than 600 feet from any of the above.

SECTION THREE: If any section, subsection, sentence, clause, or phase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.



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- “H-R” Hydroelectric District, or the
- “Y-C” Airport Commercial District

Language concerning cannabis dispensaries and cannabis testing was removed from the attached draft ordinance. Only the language considered on August 13, 2019 (but not adopted), concerning commercial cannabis cultivation was retained.

Sections 65853 through 65857 of the Government Code establish the process for the adoption of a zoning ordinance. In summary, the Planning Commission and the Board of Supervisors must each conduct a public hearing to consider a proposed zoning ordinance. The Planning Commission could, potentially, conduct a public hearing at their January 5, 2021, meeting and make a recommendation to the Board, provided direction is given with enough time to schedule the public hearing required by the above sections.

MLA:gfn

Enclosures: Ordinance recommended by the Planning Commission on July 9, 2019, retaining only language concerning commercial cannabis cultivation.

BOARD OF SUPERVISORS
LASSEN COUNTY CALIFORNIA

AGENDA REQUEST FORM

TODAY'S DATE: December 2, 2020

Board Date: December 8, 2020	Agenda Item:
Dept.: Planning and Building Serv.	Division or Title:
Contact Person: M. Anderson, D. Hopkins	Phone: 8390
<input checked="" type="checkbox"/> Regular Agenda	<input type="checkbox"/> Consent Agenda
<input type="checkbox"/> Time Certain:	Estimate Time (minutes): 15
<input type="checkbox"/> Public Hearing/Time:	<input type="checkbox"/> Publication/Posting Requirements
<input type="checkbox"/> Special Directions to Clerk (Below)	<input type="checkbox"/> Correspondence
<input type="checkbox"/> Abatement: Speakers to be sworn in	

SUBJECT:

Discuss possible amendments to Title 18 of the Lassen County Code regarding commercial cannabis cultivation.

FISCAL IMPACT: Possible future implementation costs if an ordinance is adopted.

ACTION REQUESTED: Provide direction to staff.

COMMENTS:

Please agendize this as a "Department Report" under the Board of Supervisors.

SPECIAL INSTRUCTIONS TO CLERK: None

[] email agenda and ordinance (Word) to clerk
[] scanned/email packet (pdf) to clerk
[] digital ordinance to Clerk for codification after adoption
5/5/17Rev.

x/pla/admin/files/318/01/60/Board direction 12-8-20/ "agenda slip cannabis"

MJW
12-2-20