

AGENDA  
LASSEN COUNTY PLANNING COMMISSION  
BOARD CHAMBERS, 707 NEVADA STREET  
SUSANVILLE, CA 96130  
FEBRUARY 4, 2020

1:10 p.m. Convene in Regular Session  
Flag Salute  
Roll Call  
General Update of Planning Activities  
Matters Initiated by Commissioners  
Correspondence  
Presentation by Staff  
Approval of Minutes  
Matters Initiated by the General Public  
Next Resolution in line for adoption: 2-01-20

---

1:20 p.m. **The applicant has requested that this item be postponed. PUBLIC HEARING: RECOMMENDATION TO THE BOARD OF SUPERVISORS: REZONE #2019-002, Emily Jane Rosenberg, Trustee (Lillian Jane Deas Trust et al.).** Proposal to rezone two parcels of approximately 640 acres from U-C-2 (Upland Conservation/Resource Management District) to T-P-Z (Timber Production Zone District). According to Government Code Section 51115, parcels zoned as “timberland production” shall be zoned so as to restrict their use to the growing and harvesting of timber and other compatible uses. According to the Forest Management Plan submitted with this rezone application, the property is vegetated with a mix of lodgepole pine, Jeffrey pine, white fir, perennial grass meadow, and aspen habitat types. The project site is located at Upper Stevens Meadow in the Lassen National Forest, approximately two miles northeast of Silver Lake near the Caribou Wilderness Area (approximately 20 miles north of Westwood). APNs: 085-080-06 and 085-120-03. Staff Contact: Stefano Richichi, Senior Planner

1:25 p.m. **PUBLIC HEARING: USE PERMIT #2019-010, Curtis Bortle (John Shaw/Johnstonville Properties, LLC).** Proposal to operate a cannabis dispensary under the legal name “CJs Lassen, LLC” in an existing commercial building at 702-040 Johnstonville Road, Susanville. The subject parcel is zoned M-2 (Heavy Industrial District) and has a “General Industry” land use designation per the *Susanville Vicinity Area Plan, 1984*. The subject parcel is located approximately 1,000 feet south of the intersection of Skyline and Johnstonville roads. APN: 116-050-77. Staff Contact: Stefano Richichi, Senior Planner

**ADJOURN**

Certain actions of the Commission are appealable to the Board of Supervisors. The appeal period is ten days from the date of the Commission’s action. For specific information on appeals, please contact the Lassen County Planning and Building Services Department at 530-251-8269.

MLA:aje  
PC/AG2/2020

# TABLE OF CONTENTS

## PLANNING COMMISSION MEETING February 4, 2020

FILE NUMBER:	RZ #2019-002
PROPERTY OWNER:	Lillian Jane Deas Trust et al.
APPLICANT:	Emily Jane Rosenberg, Trustee
TYPE OF APPLICATION:	Rezone

Staff Report.....	001
Additional General Plan Policies .....	006
Draft Resolutions .....	008
Vicinity Map .....	012
Email from Project Agent Phil Nemir Requesting to Postpone 2/4 PC Meeting .....	013
Application and Related Materials (including Assessor's Maps).....	014

LASSEN COUNTY PLANNING COMMISSION  
STAFF REPORT  
February 4, 2020

FILE NUMBER: RZ #2019-002  
PROPERTY OWNER: Lillian Jane Deas Trust et al.  
APPLICANT: Emily Jane Rosenberg, Trustee  
TYPE OF APPLICATION: Rezone  
GENERAL LOCATION: The project site is located at Upper Stevens Meadow in the Lassen National Forest, approximately two miles northeast of Silver Lake near the Caribou Wilderness Area (approximately 20 miles north of Westwood)  
ASSESSOR'S PARCEL NUMBER(S): 085-080-06 and 085-120-03  
CURRENT ZONING: U-C-2 (Upland Conservation/Resource Management District)  
PROPOSED ZONING: T-P-Z (Timber Production Zone District)  
GENERAL PLAN DESIGNATION: "Extensive Agriculture" pursuant to the *Lassen County General Plan, 2000*  
ENVIRONMENTAL DOCUMENT: Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15264 of the 2020 Guidelines  
ASSIGNED STAFF: Stefano Richichi, Senior Planner

---

AUTHORITY FOR APPLICATION:

Procedure for Precise Zoning and Amendments, Lassen County Code Chapter 18.124  
T-P-Z Timber Production Zone District, Lassen County Code Chapter 18.70  
California Timberland Productivity Act of 1982, Articles 1 and 2, Government Code Sections 51100-51119.5

---

REGULATING AGENCIES:

Agency  
Planning Commission  
Board of Supervisors

Identified Permits/Approvals  
Recommendation to Board  
Approval

PROJECT DESCRIPTION: Proposal to rezone two parcels of approximately 640 acres from U-C-2 (Upland Conservation/Resource Management District) to T-P-Z (Timber Production Zone District). According to Government Code Section 51115, parcels zoned as "timberland production" shall be zoned so as to restrict their use to the growing and harvesting of timber and other compatible uses (see below for a discussion regarding other "compatible uses").

PROJECT SITE CHARACTERISTICS: The project site is located at Upper Stevens Meadow in the Lassen National Forest, approximately two miles northeast of Silver Lake near the Caribou Wilderness Area (approximately 20 miles north of Westwood). According to the Forest

Management Plan submitted with this rezone application, terrain is gently sloping to flat over most of the property, with elevations ranging from 6,220 to 6,480 feet. According to said plan, the property is vegetated with a mix of lodgepole pine, Jeffrey pine, white fir, perennial grass meadow, and aspen habitat types. The project site also contains a portion of the headwaters of Pine Creek, and is in a conservation easement with Lassen Lands and Trails Trust, recorded at Book 547, Page 590 of the Official Records of Lassen County, California. Access is by way of several U.S. Forest Service Roads.

#### NEIGHBORING PROPERTIES:

The project site is completely surrounded by federal Lassen National Forest land managed by the U.S. Forest Service. Surrounding parcel sizes are large, ranging from 120 to 640 acres. As stated above, the project site is also near Silver Lake and the Caribou Wilderness Area.

#### GENERAL PLAN:

The following goals, policies, and implementation measures from the *Lassen County General Plan, 2000*, relate to the proposed project:

##### *ISSUE: Timberland*

- *GOAL L-18: Healthy forest environments which will continue to provide resources for multiple uses and timber production in sustainable qualities which will benefit the local economy.*
- *LU41 POLICY: It is recognized by the County that the timber industry has historically been and continues to be a major economic and social component of Lassen County and therefore represents a vital factor in the fundamental culture and customs of the community.*
- *LU42 POLICY: The County supports the conservation and management of timber production areas for the production of timber and other multiple uses compatible with timber production and shall, within the County's authority, protect these areas from land uses (e.g., residential development) and factors which would significantly restrict their capacity for production.*
- *Implementation Measure LU-Z: The County will continue to support the use of timber production zones (TPZ) and related programs to promote the productive management of timber resource lands.*
- *Implementation Measure LUAA: Land with significant forest resources should, unless identified and designated for unique and specific development opportunities, be zoned by the County as: TPZ, Timber Production Zone District; U-C, Upland Conservation District; or U-C-2, Upland Conservation/Resource Management District.*



### ISSUE: Timber Production Areas

*Lassen County's private timberlands have been a source of tax revenue and employment for the men and women of the area for over 100 years. At one time, Lassen County was the most important lumber producing county in the northeastern part of California.*

*It was a recognized assumption in Lassen County's 1968 General Plan that the lumber industry would continue in a limited form based on substantial yield from public timberlands, although declining from its [1968] level. Although the Plan identified that a major goal of the program of industrial development in the County was to diversify the industrial base and lessen the reliance on lumber and livestock, it was recognized that lumber related industries would continue to play a strong role in the County's economic future.*

*One of the predominant land use designations on the Land Use Map contained in the 1968 General Plan was the "General Forest Environment." This area comprised most of the west half of the County and was recognized as the area best suited to lumber production and watershed. It was also recognized in the Plan that lumber production on large private holdings and public lands such as the Lassen National Forest would continue as a major activity.*

*Since the adoption of the General Plan in 1968, Lassen County has been called upon to take a number of actions to define its timber resource policies and affirm its support for the local timber industry. This has included resolutions by the Lassen County Board of Supervisors asserting its position on Federal timber management issues in Lassen County, and to express its concern for the significance of these issues on the economic and social well-being of the county.*

*One of the most significant timber resource measures to involve and affect Lassen County was brought about by the State's adoption of the Timber Yield Tax Law (AB 1258, Forest Tax Reform Act of 1976). This bill, adopted in May, 1976, changed the system of property taxation for timber and timberland in California. Generally, the law exempted timber from taxation until it is cut, and restricted the use of timberlands to the growing and harvesting of timber, along with certain compatible uses. To implement the law, the law directed that counties establish a Timberland Preserve Zoning District (TPZ), now regarded as "Timber Production Zones," and adopt a list of compatible uses to be incorporated into a final TPZ ordinance.*

Additional general plan policies related to the project are attached with this staff report.

### LASSEN COUNTY CODE:

Lassen County Code Section 18.70.040 broadly sets forth two ways in which land may be eligible to be rezoned into the T-P-Z zoning district:

1. Either the parcel(s) is shown on List A or List B maintained by the Assessor's Office as specified by the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976; or

2. The parcel(s) that is petitioned for inclusion into the T-P-Z zoning district satisfies the below criteria:
  - A) A map shall be prepared showing the legal description and the assessor's parcel number of the property desired to be zoned; and
  - B) A plan for forest management must be prepared or approved as to content for the property by a registered professional forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan; and
  - C) The parcel shall currently meet the timber stocking standards and the forest practice rules or the owner must sign an agreement with the board of supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. Failure to meet the terms of the agreement will be grounds for rezoning; and
  - D) The area must be in one ownership of at least forty acres or quarter-quarter section. This area must be contiguous or of parcels sufficiently near to each other to be manageable as a single forest unit; and
  - E) The average timber site must be at least Class IV or higher, according to the site rating system of the state Board of Forestry.

In his letter dated November 18, 2019, submitted with his application, Registered Professional Forester and Project Agent Philip Nemir, explains how the applicant has satisfactorily addressed the above criteria required for Lassen County Code Section 18.70.040(2)(A-E) above.

Included with the rezone application are a map along with a legal description and APNs for the project site as well as a Forest Management Plan prepared by Mr. Nemir. According to Mr. Nemir, the parcels "more than [meet] the minimum stocking standards by the Forest Practice Act Rules," and the timber on said parcels is on average a Class III using Dunning's classification system. For reference, Dunning identifies seven classes, where Class I is the highest quality timber and Class VII is the lowest. Lastly, as stated above, the parcels together comprise 640 acres.

Lassen County Code Section 18.124.010 et seq. establish the regulations regarding the rezone (zoning amendment) process more generally. Lassen County Code Sections 18.124.030 and 18.124.040 in part require that the Planning Commission hold a public hearing and "submit a report of its findings and a summary of such hearing, together with its recommendations with respect to the proposed amendment" to the Board of Supervisors. Lassen County Code Section 18.124.050(a) requires that the Board of Supervisors receive the Planning Commission's report and provides that the Board of Supervisors may adopt the proposed amendment within 90 days of such receipt.

ENVIRONMENTAL DOCUMENT:

The proposed rezone is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15264 of the 2019 Guidelines, which states that “[l]ocal agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq.”

ADDITIONAL GENERAL PLAN POLICIES RELATED TO  
REZONE #2019-002, ROSENBERG

The following goals, policies, and implementation measures from the *Lassen County General Plan, 2000*, relate to the proposed project:

**Land Use Designation:**

The Extensive Agriculture designation primarily represents typical rangeland areas with grazing and general rangeland values, natural wildlife habitat, open space and scenic values, and/or low intensity outdoor-oriented recreational values. It also includes general forest areas, timber production areas and related uses. Large parcel sizes are required to support and protect resource values. Except in special “open space” areas, it may accommodate limited dispersed residential uses; however, such uses will typically be related and secondary to agricultural and other resource based land uses, including dispersed recreation and mining. Subject to County permit requirements and the provisions of related elements of the General Plan, areas designated Extensive Agriculture may also accommodate natural resource-related production facilities, including but not limited to: mineral extraction and processing, including asphalt and similar plants; saw mills and logging operations; and facilities for the processing of agricultural products.

The “Extensive Agriculture designation has generally incorporated and replaced the “Grazing and Sagebrush Environment” designation used in the 1968 General Plan and in some Area Plans. Where the term “Grazing and Sagebrush Environment” continues to be used, it shall be considered to be synonymous with “Extensive Agriculture.” The Extensive Agriculture designation has also incorporated areas which were designated “General Forest Environment.”

To the extent that residential uses are allowed, building intensity will generally not exceed 0.025 DUA (dwelling units per acre). Population density will generally average 0.067 PPA (persons per acre). Exceptions to these averages would include limited farm labor housing facilities.

Corresponding Zoning: “U-C”, Upland Conservation District; “U-C-2”, Upland Conservation/Resource Management District; “TPZ”, Timber Production Zone.

**Land Use Element:**

ISSUE: Agricultural Land Uses

- GOAL L-16: Conservation of productive agricultural lands and lands having substantial physical potential for productive agricultural use, and the protection of such lands from unwarranted intrusion of incompatible land uses and conversion to uses which may significantly obstruct or constrain agricultural use and value.
- LU40 POLICY: The County recognizes and has generally assigned General Plan land use designations for lands having high agricultural resource value as “Intensive Agriculture or “Crop Land and Prime Grazing Land...”

- Implementation Measure LU-X: Land designated “Intensive Agriculture” in the Land Use Element shall be zoned “E-A” Exclusive Agricultural District, “A-3” Agricultural District, “U-C” Upland Conservation District, or “U-C-2” Upland Conservation/Resource Management District.

## **Natural Resources Element:**

### Forest Resources

- GOAL N-11: Healthy forest environments which will continue to provide resources for multiple uses and timber production in sustainable qualities which will benefit the local economy.
- NR36 POLICY: In areas having significant forest and timber resources, the County supports the formulation of resource management goals and objectives which address the long-term health and diversity of resources in these areas as well as the sustained productivity of timber products.

## **Agricultural Element:**

- AG-1 POLICY: The County recognizes that land having the physical characteristics (e.g., soil) for production of agricultural crops and livestock is a resource of significant value which needs to be protected for its economic value, its contribution to the character of the community, and its environmental and scenic values.
- GOAL A-2: Maintain area plan policies and related land use and resource management decisions which support the agricultural policies of the Agriculture Element.
- AG-15 POLICY: The County supports the consideration of innovative ways to maintain the economic viability of productive agricultural lands, subject to the unique circumstances of each area. Measures may include use of land conservation contracts (e.g., Williamson Act contracts), land banks, transfer of development rights, voluntary conservation easements, and use of buffer areas between agricultural lands and developing areas.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION RECOMMENDING  
THAT THE BOARD OF SUPERVISORS APPROVE REZONE APPLICATION #2019-002,  
ROSENBERG (LILLIAN JANE DEAS TRUST ET AL.)

WHEREAS, the Planning Commission of Lassen County, after due notice, and a public hearing conducted February 4, 2020, has considered Rezone Application #2019-002, Rosenberg (Lillian Jane Deas Trust et al.), a proposal to rezone two parcels of approximately 640 acres from U-C-2 (Upland Conservation/Resource Management District) to T-P-Z (Timber Production Zone District); and

WHEREAS, the Environmental Review Officer has determined that the proposed rezone application is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15264 of the 2020 CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Planning Commission finds that the proposed rezone is consistent with the *Lassen County General Plan, 2000*.
3. The applicant has submitted a forest management plan prepared by a registered professional forester. Said plan provides for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.
4. The subject parcels meet the minimum stocking standards set forth by the Forest Practice Act.
5. The subject parcels are under one ownership of at least 40 acres or one quarter-quarter section and is contiguous and manageable as a single forest unit. Specifically, the subject parcels comprises 640 acres.
6. The timber on said parcels is on average a Class III using Dunning's classification system. For reference, Dunning identifies seven classes, where Class I is the highest quality timber and Class VII is the lowest.
7. The Planning Commission hereby concurs with the Environmental Review Officer that the proposed rezone application is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15264 of the 2020 CEQA Guidelines.
8. The Planning Commission hereby recommends that the Board of Supervisors approve Rezone #2019-002, Rosenberg (Lillian Jane Deas Trust et al.) and adopt an ordinance to effectuate the rezone.

RESOLUTION NO. \_\_\_\_\_

Page 2 of 2

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the fourth day of February 2020, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Chairman  
Lassen County Planning Commission

ATTEST:

\_\_\_\_\_  
Maurice L. Anderson, Secretary  
Lassen County Planning Commission



RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION RECOMMENDING  
THAT THE BOARD OF SUPERVISORS DISAPPROVE REZONE APPLICATION #2019-  
002, ROSENBERG (LILLIAN JANE DEAS TRUST ET AL.)

WHEREAS, the Planning Commission of Lassen County, after due notice, and a public hearing conducted February 4, 2020, has considered Rezone Application #2019-002, Rosenberg (Lillian Jane Deas Trust et al.), a proposal to rezone two parcels of approximately 640 acres from U-C-2 (Upland Conservation/Resource Management District) to T-P-Z (Timber Production Zone District); and

WHEREAS, the California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves, pursuant to Sections 15061(4) and 15270(a) of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Planning Commission finds that the proposed rezone is not consistent with the *Lassen County General Plan, 2000*.
3. The Planning Commission hereby concurs with the Environmental Review Officer that the California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves, pursuant to Sections 15061(4) and 15270(a) of the Guidelines.
4. The Planning Commission hereby recommends that the Board of Supervisors disapprove Rezone #2019-002, Rosenberg (Lillian Jane Deas Trust et al.).

RESOLUTION NO. \_\_\_\_\_

Page 2 of 2

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the fourth day of February 2020, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

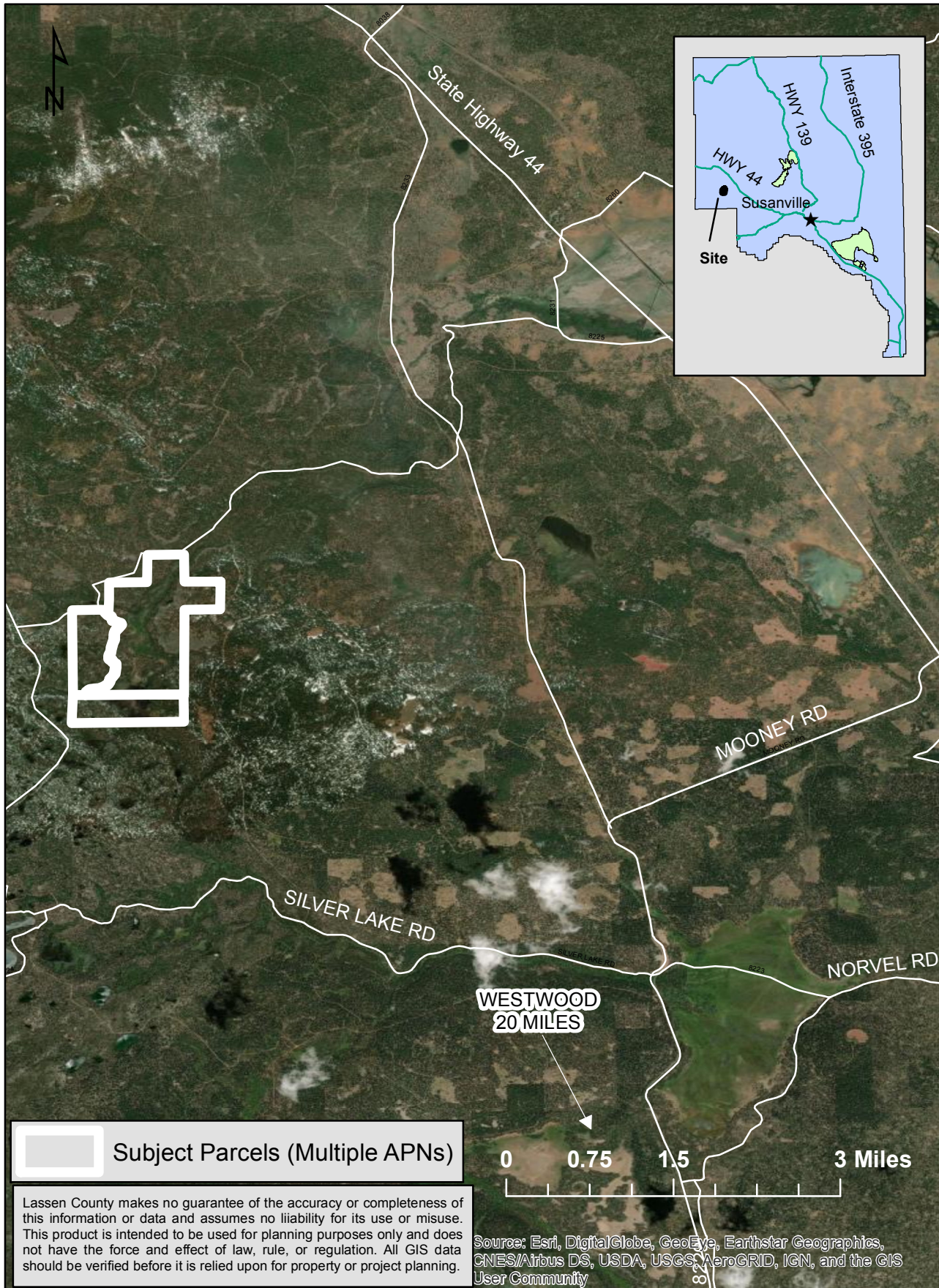
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Chairman  
Lassen County Planning Commission

ATTEST:

\_\_\_\_\_  
Maurice L. Anderson, Secretary  
Lassen County Planning Commission

# Rezone #2019-002, Rosenberg (Lillian Jane Deas Trust et al.)



**Stefano Richichi**

---

RECEIVED

**From:** Phil Nemir <philnemir@hotmail.com>  
**Sent:** Thursday, January 30, 2020 6:59 PM  
**To:** Stefano Richichi  
**Cc:** Jane Rosenberg  
**Subject:** Upper Stephens Meadow TPZ - extension of time

JAN 31 2020

LASSEN COUNTY DEPARTMENT OF  
PLANNING AND BUILDING SERVICES

This message comes from an external sender. EXTERNAL SENDER WARNING!

As we discussed additional time is needed to try and resolve our differences in interpretations of the language included in the Timberland Productivity Act regarding compatible uses.

Therefore, please postpone the scheduled Planning Commission meeting for at least one month.

thank you,

---

Phil Nemir  
257-2294





# REZONE APPLICATION

FILING FEE: \$754

DEPARTMENT OF PLANNING AND BUILDING SERVICES

707 Nevada Street, Suite 5 · Susanville, CA 96130-3912

(530) 251-8269 · (530) 251-8373 (fax)

www.co.lassen.ca.us

PLANNING AND BUILDING SERVICES  
LASSEN COUNTY DEPARTMENT OF

NOV 20 2019

RECEIVED

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.

This application consists of one page; only attach additional sheets if necessary.

FILE NO. RZ#2019-002

Property Owner/s	Property Owner/s
Name: Emily Jane Rosenkey, Trustee	Name: (see attached sheet for complete name)
Mailing Address: 777 Fitch St.	Mailing Address:
City, ST, Zip: Healdsburg, CA 95448	City, ST, Zip:
Telephone: 707-431-0581 Fax:	Telephone: Fax:
Email: jane@enm.com	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input checked="" type="checkbox"/>	Correspondence also sent to: <input checked="" type="checkbox"/>
Name:	Name: Phil Nemir, RPF No. 1666
Mailing Address:	Mailing Address: PO Box 1717
City, ST, Zip:	City, ST, Zip: Susanville, CA 96130
Telephone: Fax:	Telephone: 530-257-2294 Fax:
Email:	Email: phil.nemir@hotmail.com License #: 1666 RPF

Project Address or Specific Location: + 31N, RTE, Sec 13, 24+25 MPM portions			
Deed Reference: Book:	Page:	Year:	Doc#:
Zoning: U-C-2	General Plan Designation:		
Parcel Size (acreage): 640	Section: 13, 24, 25 Township: 31N Range: 7E		

Assessor's Parcel Number(s):	85-080-06	85-120-03	-	-
-	-	-	-	-

Present Zoning: U-C-2 Upland Conservation	Proposed Zoning: Timber Production Zone
General Plan Amendment Required: <input type="checkbox"/> Yes <input type="checkbox"/> No General Plan Amendment Submitted: <input type="checkbox"/> Yes <input type="checkbox"/> No *Staff Initial:	
Project Description: Rezone	

<b>SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT:</b> I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. Emily J. Rosenkey, Trustee Date: 11/14/19 Date:	<b>*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE</b> (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided). Date: Date:
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

See associated process form for required attachments and instructions.

Philip E. Nemir  
Forestry & Appraisal Services  
P.O. Box 1717  
Susanville, CA 96130  
530-257-2294  
[philnemir@hotmail.com](mailto:philnemir@hotmail.com)

November 18, 2019

Department of Planning & Building Services  
County of Lassen  
707 Nevada St, Suite 5  
Susanville, CA 96130

SUBJECT: Deas Trusts Property - Proposed Rezone to Timber Production Zone

Dear Planners:

Please find enclosed a "Rezone Application" for 640 acres owned by the Deas Trusts at Upper Stephens Meadow.

The complete **Ownership Title** is held by:

Emily Jane Rosenberg, Trustee of the Lillian Jane Deas Trust under the Garrett H. Rosenberg & Helen B. Rosenberg Trust Agreement Dated August 19, 1982, as to an undivided one-half (1/2) interest & Emily Jane Rosenberg, Trustee of the William Edgar Deas Trust under the Garrett H. Rosenberg & Helen B. Rosenberg Trust Agreement Dated August 19, 1982, as to an undivided one-half (1/2) interest

The property meets the requirements of Chapter 18.070.040(2) T-P-Z Timber Production District:

(A) **Map** – Two assessor parcels maps are enclosed. Legal Description is:

Township 31N, R7E, MDM  
Section 13: SW1/4SE1/4  
Section 24: N1/2NE1/4, SW1/4NE1/4, W1/2SE1/4, SW1/4,  
S1/2NW1/4, NE1/4NW1/4  
Section 25: NW1/4NE1/4, N1/2NW1/4

(B) **Forest Management Plan** – A "Forest Management Plan" for the Lillian Jane Deas and William Edgar Deas Trusts dated June 2015. The plan was prepared by Registered Professional Forester, Philip E. Nemir (No. 1666). This Plan is enclosed.



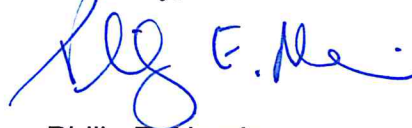
The Timberland Owners also have a CDF-approved "Nonindustrial Timber Management Plan" (2-09-NTMP-001-LAS). The "Confidential Addendum" provides a detailed plan for long-term timber harvesting for the property.

- (C) **Stocking Standards** – The parcel more than meets the minimum stocking standards by the Forest Practice Act Rules. This can be verified in the "Confidential Addendum" by reviewing the "Stand Tables."
- (D) **Ownership Area** – Total contiguous area is 640 acres.
- (E) **Timber Site Class** – The average site Class using the Dunning classification system is III.

I believe that this meets all of the requirements for the property to be re-zoned TPZ. Please feel free to contact me if you should need additional information.

Thank you.

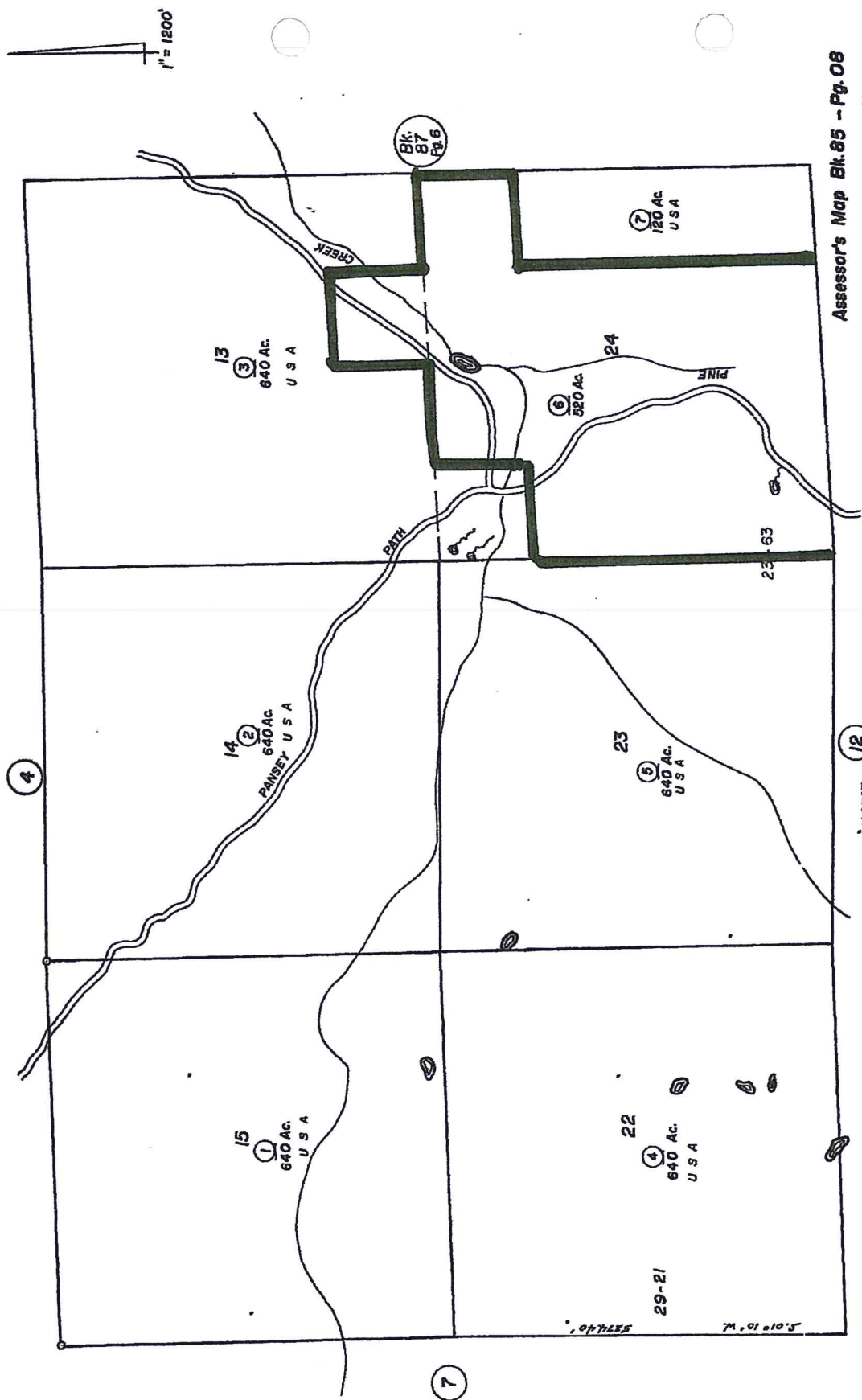
Sincerely,



Philip E. Nemir  
Forest Manager  
RPF No. 1666

Encl.





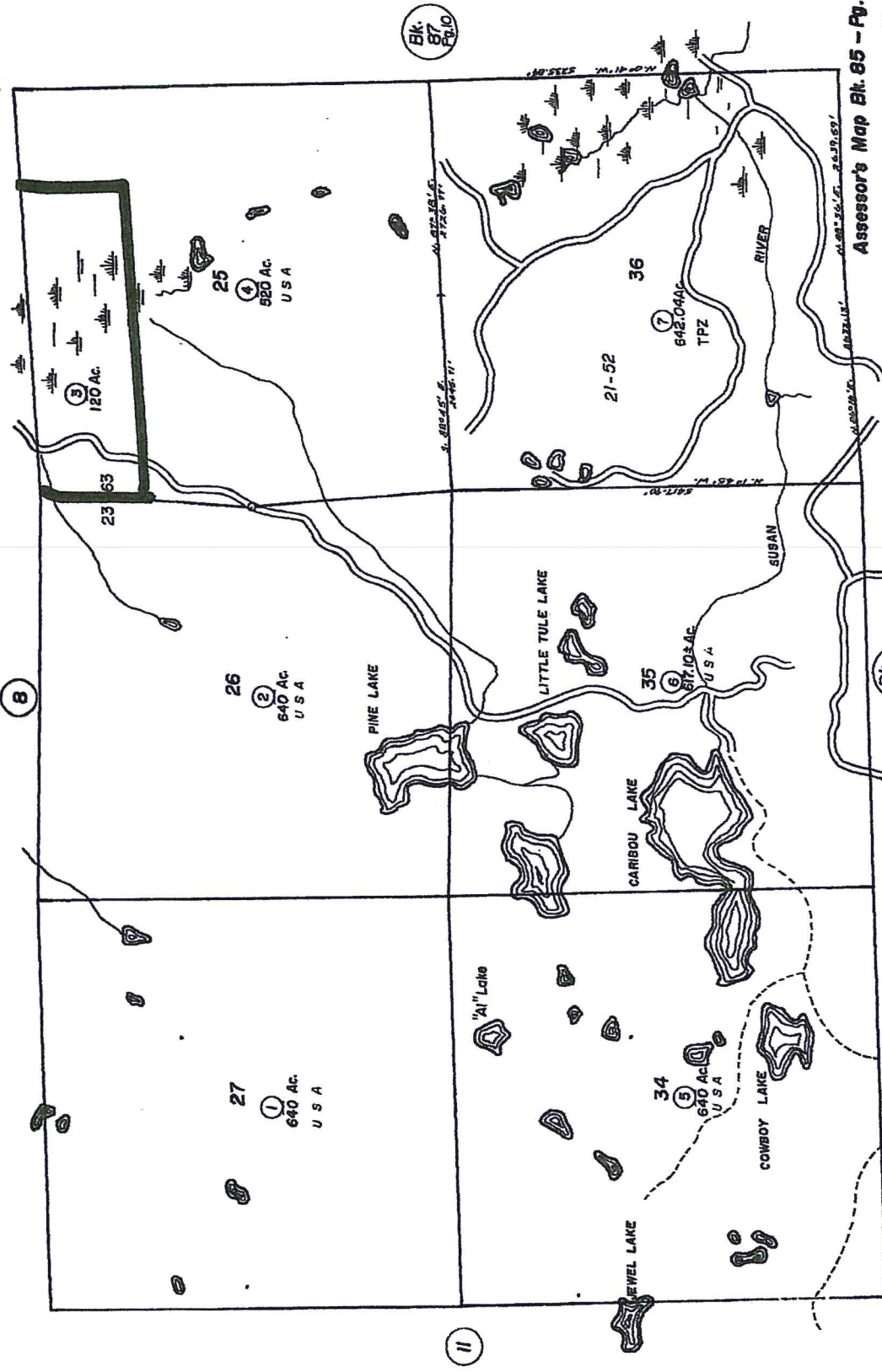
**Assessor's Map Bk. 85 - Pg. 08**  
**County of Lassen, Calif.**

**NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.**

RS MAP BK. 23 PG. 83 LASSEN NATIONAL FOREST  
RS MAP BK. 29 PG. 2422 " " " "

TRA-8200

1" = 1200'



Assessor's Map Bk. 85 - Pg. 12

County of Lassen, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

RS MAP BK 21 PG. 52 ANDRUS TWO PROPERTIES  
R.S. MAP BK. 23 PG. 63 LASSEN NATIONAL FOREST

# TABLE OF CONTENTS

## PLANNING COMMISSION MEETING February 4, 2020

FILE NUMBER:	UP #2019-010
PROPERTY OWNER:	John Shaw, Johnstonville Properties, LLC
APPLICANT:	Curtis Bortle
TYPE OF APPLICATION:	Use Permit

Staff Report .....	001
Draft Resolutions .....	004
Memoranda to the January 2, 2020, Technical Advisory Committee Meeting .....	009
2013 Letter from Lahontan Regional Water Quality Control Board .....	024
Vicinity Map .....	030
Application and Related Materials (including Plot Plan) .....	031

LASSEN COUNTY PLANNING COMMISSION  
STAFF REPORT  
February 4, 2020

FILE NUMBER:	Use Permit #2019-010
APPLICANT:	Curtis Bortle
PROPERTY OWNER	John Shaw/Johnstonville Properties, LLC
TYPE OF APPLICATION:	Use Permit
GENERAL LOCATION:	The subject parcel is located approximately 1,000 feet south of the intersection of Skyline and Johnstonville roads at 702-040 Johnstonville Road.
ASSESSOR'S PARCEL NUMBER:	APN: 116-050-77
PROJECT SITE ZONING:	M-2 (Heavy Industrial District)
GENERAL PLAN:	"General Industry" land use designation per the <i>Susanville Vicinity Area Plan, 1984</i>
ENVIRONMENTAL DOCUMENT:	Exempt from the California Environmental Quality Act (CEQA) under Sections 15061(b)(3) and 15301 of the 2020 CEQA Guidelines
ASSIGNED STAFF:	Stefano Richichi, Senior Planner

---

AUTHORITY FOR APPLICATION:

Use Permit Provision, Lassen County Code Chapter 18.112 et seq. established regulations.  
Special Provisions, Cannabis Dispensaries, Lassen County Code Section 18.108.045

REGULATING AGENCIES:

<u>Agency</u>	<u>Identified Permits/Approvals</u>
Planning Commission	Use Permit
Planning and Building Services	Building Permit/ Authorization to Operate/ Authorization to Submit Application to State
Public Works	Encroachment Permit
Environmental Health	Septic Approval

**PROJECT DESCRIPTION:** The applicant is proposing to operate a cannabis dispensary under the legal name "CJs Lassen, LLC" in an existing commercial building at 702-040 Johnstonville Road. The applicant also proposes to install a bicycle rack, exterior lighting, and security cameras, as well as to provide landscaping and add five parking spaces, for the dispensary. Currently, there are four employee and eight customer asphalt parking spaces, whereas the applicant proposes to have five employee and 12 customer parking spaces (including one handicapped parking space and wheelchair ramp). The applicant proposes to operate 7 days a week from 9 a.m. to 7 p.m.

**PROJECT SITE CHARACTERISTICS:** The subject parcel is located approximately 1,000 feet south of the intersection of Skyline and Johnstonville roads. Existing buildings on site include several mill buildings previously operated by Jeld-Wen, Inc. and Susanville Forest Products. The subject parcel is not within the 100-year flood zone as described by the Federal Emergency Management Agency.

**ACCESS/REQUIREMENTS:** Access to the project site is from Johnstonville Road, County Road 229, which is in the County Maintained Road System.

**ZONING:** The subject parcel is zoned M-2 (Heavy Industrial District). According to Lassen County Code Section 18.108.045(a)(2), commercial dispensaries are allowed in "...industrial zoning districts with a use permit [provided that the dispensary meets] all requirements of [Title 18 of the Lassen County Code], in addition to any other conditions established as part of the use permit process..."

**SURROUNDING PROPERTY CHARACTERISTICS:** Immediately surrounding parcels on the same side of Johnstonville Road (the south side) are zoned M-2 (Heavy Industrial District), whereas across Johnstonville Road (on the north side) parcels are zoned M-1 (Light Industrial District). Adjacent businesses include the Lassen Ale Works Boardroom to the northwest and the previously-operated Pardner to the southeast. Parcels to the southwest of the subject parcel (along the north side of State Route 36) are zoned A-3 (Agricultural District). See the zoning for immediately surrounding parcels as illustrated in Table 1 below:

	<b>Zoning*</b> (see notes at bottom)	<b>Parcel Size</b> (acres)	<b>Land Use Designation</b> ( <i>Susanville Vicinity Area Plan, 1984</i> )
<b>North</b>	M-2	1.04-2.2	"General Industry"
<b>Northeast</b>	M-1	0.95-1.25	"General Industry"
<b>East</b>	M-2	1.42	"General Industry"
<b>South</b>	M-2	5.8	"General Industry"
<b>West/Southwest</b>	A-3	16.09	"Intensive Agriculture"
<b>Northwest</b>	M-2	27.98	"General Industry"

**GENERAL PLAN:** The subject parcel has a "General Industry" land use designation in the *Susanville Vicinity Area Plan, 1984*. See the related goals, objectives, implementation measures and descriptions from the *Lassen County General Plan, 2000* attached with the memorandum to the Technical Advisory Committee in this packet for more information.

The Planning Commission will determine whether the proposed project is consistent with the *Lassen County General Plan, 2000* and *Susanville Vicinity Area Plan, 1984*, unless the proposed project is appealed to the Board of Supervisors, in which case, said body would determine the above.

**LOCAL GOVERNMENTAL SERVICES:**

- Fire protection service is provided by the Susan River Fire Protection District
- Police protection is provided by the Lassen County Sheriff's Department

**LASSEN COUNTY CODE:** Lassen County Code Section 18.112.035 et seq. grants the Planning Commission the authority to approve, conditionally approve, or deny use permit applications in accordance with the findings set forth at Lassen County Code Section 18.112.100, found below:

**18.112.035 Planning commission review of applications.**

*(b) If a use permit application is to be considered without a related general plan amendment and/or rezone application as described above, the planning commission shall have the authority to approve, conditionally approve or deny the use permit application, subject to the appeal provisions of this chapter. (Ord. 467-AC § 30, 2003; Ord. 467-H § 2, 1991).*

**18.112.100 Mandatory findings.**

*The following findings shall be made by the planning commission or board of supervisors, as applicable, in conjunction with any other findings which may be considered for the approval or denial of a use permit application:*

- (1) That the project will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.*
- (2) That the project is or is not consistent with the Lassen County general plan, or any applicable area plan or resource plan adopted as part of the general plan. (Ord. 467-H § 2, 1991).*

In addition, Lassen County Code Section 18.108.045 sets forth the requirements for proposed cannabis dispensaries. Said section is described in greater detail in the attached memorandum to the Technical Advisory Committee.

**ENVIRONMENTAL DOCUMENT and PUBLIC COMMENTS:** The Environmental Review Officer (ERO) of Lassen County has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) under Sections 15061(b)(3) and 15301 of the 2020 CEQA Guidelines.

**FINDINGS and/or RECOMMENDATIONS BY TAC:** The Technical Advisory Committee (TAC) met on January 2, 2020, and has developed recommended findings and conditions for consideration by the Planning Commission. The recommended findings and conditions can be found in the attached memos to the TAC. In addition, the recommended conditions can be found in Exhibit “A” of a draft resolution of approval that is included in this packet.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING  
USE PERMIT 2019-010, CURTIS BORTLE (JOHN SHAW/JOHNSTONVILLE PROPERTIES,  
LLC)

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing held on February 4, 2020, has considered Use Permit #2019-010, filed by Curtis Bortle, to operate a cannabis dispensary under the legal name “CJs Lassen, LLC” in an existing commercial building at 702-040 Johnstonville Road (APN 116-050-77); and

WHEREAS, Lassen County Code Section 18.112.100 sets forth mandatory findings that the Lassen County Planning Commission must make when considering a use permit application; and

WHEREAS, the Environmental Review Officer has determined proposed project is exempt from the California Environmental Quality Act (CEQA) under Sections 15061(b)(3) and 15301 of the 2020 CEQA Guidelines; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
  - a. The proposed project is consistent with the *Lassen County General Plan, 2000*, the *Susanville Vicinity Area Plan, 1984*, and the provisions of Lassen County Code Section 18.112, which establish the regulations regarding the issuance of Use Permits.
  - b. That the project, as conditioned, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
  - c. The proposed project, taking into account the attached conditions of approval, is consistent with Lassen County Code Section 18.108.045, which sets forth requirements related to cannabis dispensaries.
3. The Lassen County Planning Commission hereby adopts the Technical Advisory Committee (TAC) findings that were adopted at the TAC’s January 2, 2020, meeting (and that are contained in the Planning Commission staff report).
4. The Lassen County Planning Commission hereby approves Use Permit Application #2019-010, filed by Curtis Bortle, subject to the conditions of approval set forth as Exhibit “A” attached hereto.



RESOLUTION NO. \_\_\_\_\_

Page 2 of 4

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 4<sup>th</sup> day of February 2020, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Chairman  
Lassen County Planning Commission

ATTEST:

\_\_\_\_\_  
Maurice L. Anderson, Secretary  
Lassen County Planning Commission

EXHIBIT "A"  
CONDITIONS OF APPROVAL  
USE PERMIT #2019-010

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.
3. The applicant shall obtain all necessary building permits from the Lassen County Department of Planning and Building Services before the commencement of construction.
4. The applicant and/or property owner have three years from the approval of this use permit to secure the required authorization to operate (pursuant to Lassen County Code Section 18.112.080). If an authorization to operate is not secured within said time, the Planning Commission may conduct a public hearing to consider revocation in accordance with Lassen County Code Section 18.112.060.

**Pre-operational Conditions**  
**(Must be satisfied before issuance of the Authorization to**  
**Submit an Application to the State of California)**

5. No authorization to submit an application shall be issued until all pre-operational conditions of approval for the use permit have been met.
6. The Department of Planning and Building Services 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.

**Conditions Necessary for Authorization to Operate**  
**(Must be satisfied before issuance of the Authorization to Operate)**

7. The applicant must provide and maintain 17 asphalt parking spaces.
8. No authorization to operate shall be issued until licensure is secured from all relevant agencies, all remaining pre-operational conditions of approval for the use permit have been met, and the applicant has satisfied all requirements of Chapter 18.112.
9. The applicant shall obtain an encroachment permit from the Lassen County Public Works Department/Road Division for access off Johnstonville Road, County Road 229 prior to any further development.
10. The applicant must cause the existing onsite wastewater treatment (septic) system (OWTS) to be evaluated by the Environmental Health Department. If the Environmental Health Department finds the existing OWTS to be unsatisfactory, then the applicant shall cause a licensed engineer to oversee the installation of a new OWTS that meets the

requirements for a commercial system. The above must occur before issuance of the Authorization to Operate.

**Operational Conditions**  
**(Must be satisfied during operation of the Use Permit)**

11. The dispensary shall only operate from 9 a.m. to 7 p.m. each day.
12. All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location so as to constitute a hazard to vehicular traffic, either on private property or on abutting streets.
13. Noise produced by the dispensary shall not exceed 70 dB L<sub>dn</sub>/CNEL at the nearest property line or any other applicable standards set forth in the Noise Element of the Lassen County General Plan or any applicable ordinance.
14. The applicant/owner shall plant and maintain two trees of a species suited to the area climate zone, to the satisfaction of the Department of Planning and Building Services, within the parking area to provide shade and visual diversity.
15. The operator of the cannabis dispensary shall maintain 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 dispensary if for any reason the applicable license with the state of California lapses. The Department of Planning and Building Services may then initiate proceedings to revoke the use permit pursuant to Chapter 18.112 of the Lassen County Code.
16. If the applicant and/or property owner fail to pay county taxes in any quarter, the Department of Planning and Building Services may initiate proceedings to revoke the use permit pursuant to Chapter 18.112 of the Lassen County Code.
17. In the event the permittee or successor in interest vacates and wishes to relocate the dispensary 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.
18. The dispensary 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 pertinent department.
19. The dispensary is prohibited from permitting anyone to consume cannabis on the premises, regardless of the form of said cannabis, edible or otherwise, or by-products.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION DISAPPROVING  
USE PERMIT 2019-010, CURTIS BORTLE (JOHN SHAW/JOHNSTONVILLE  
PROPERTIES, LLC)

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing held on February 4, 2020, has considered Use Permit #2019-010, filed by Curtis Bortle, to operate a cannabis dispensary under the legal name “CJs Lassen, LLC” in an existing commercial building at 702-040 Johnstonville Road (APN 116-050-77); and

WHEREAS, Lassen County Code Section 18.112.100 sets forth mandatory findings that the Lassen County Planning Commission must make when considering a use permit application; and

WHEREAS, the California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves, pursuant to Sections 15061(4) and 15270(a) of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
  - a. The proposed project is not consistent with the *Lassen County General Plan, 2000*, the *Susanville Vicinity Area Plan, 1984*, and the provisions of Lassen County Code Section 18.112, which establish the regulations regarding the issuance of Use Permits.
  - b. That the project, as conditioned, will, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
  - c. The proposed project, taking into account the attached conditions of approval, is not consistent with Lassen County Code Section 18.108.045, which sets forth requirements related to cannabis dispensaries.
3. The Lassen County Planning Commission hereby disapproves Use Permit Application #2019-010, filed by Curtis Bortle.

TECHNICAL ADVISORY COMMITTEE  
RECOMMENDED FINDINGS AND CONDITIONS

January 2, 2020

Use Permit File #2019-010, Curtis Bortle (John Shaw/Johnstonville Properties, LLC)

Use Permits:

- |                                     |                                                                          |
|-------------------------------------|--------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | County Planning Director                                                 |
| <input checked="" type="checkbox"/> | County Public Works Director (present, provided findings and conditions) |
| <input checked="" type="checkbox"/> | County Surveyor (present, provided findings but no conditions)           |
| <input checked="" type="checkbox"/> | County Sanitarian (present, provided findings and conditions)            |
| <input type="checkbox"/>            | County Fire Warden (not present, no findings or conditions)              |
| <input type="checkbox"/>            | County Assessor (present, no findings or conditions)                     |



County of Lassen  
Department of Planning and Building Services

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

December 19, 2019

Maurice L. Anderson, Director  
707 Nevada Street, Suite 5  
Susanville, CA 96130-3912  
Phone: 530 251-8269  
Fax: 530 251-8373  
email: landuse@co.lassen.ca.us  
website: www.co.lassen.ca.us

TO: Technical Advisory Committee  
Agenda Date: January 2, 2019

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

MAM  
EOM

RE: **USE PERMIT #2019-010, Curtis Bortle (John Shaw/Johnstonville Properties, LLC).** Proposal to operate a cannabis dispensary under the legal name "CJs Lassen, LLC" in an existing commercial building at 702-040 Johnstonville Road. The subject parcel is zoned M-2 (Heavy Industrial District) and has a "General Industry" land use designation per the *Susanville Vicinity Area Plan, 1984*. The subject parcel is located approximately 1,000 feet south of the intersection of Skyline and Johnstonville roads. APN: 116-050-77. Staff Contact: Stefano Richichi, Associate Planner

**The Planning Division of the Lassen County Department of Planning and Building Services finds as follows:**

1. The applicant is proposing to operate a cannabis dispensary under the legal name "CJs Lassen, LLC" in an existing building at 702-040 Johnstonville Road.
2. The subject parcel is zoned M-2 (Heavy Industrial District) and has a "General Industry" land use designation per the *Susanville Vicinity Area Plan, 1984*.
3. According to Lassen County Code Section 18.108.045, cannabis dispensaries are allowed in commercial zoning districts with a use permit given certain standards. However, on December 10, 2019, the Board of Supervisors adopted Ordinance Number 2019-12 to modify said section to allow cannabis dispensaries in industrial zoning districts with a use permit as well.
4. The applicant estimates 100 customers per day (700 customers per week).
5. The applicant proposes to install a bicycle rack, exterior lighting, and security cameras, as well as to provide landscaping and add five parking spaces. Currently, there are four employee and eight customer asphalt parking spaces, whereas the applicant proposes to have five employee and 12 customer parking spaces (including one handicapped parking space and wheelchair ramp).
6. The project site is not within the 100-year flood zone as described by the Federal Emergency Management Agency (FEMA).
7. Lassen County Code Section 18.108.045(a)(1) states:

*Once a use permit is approved to conditionally allow a dispensary and 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). 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.*

8. Lassen County Code Section 18.108.045(a)(3) states:

*Any operator of an approved cannabis dispensary use permit shall maintain, during the life of the dispensary, 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 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.*

9. Lassen County Code Section 18.108.045(a)(4) states:

*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.*

10. Lassen County Code Section 18.108.045(a)(5) states:

*In the event the permittee or successor in interest vacates and wishes to relocate the dispensary to a new location, a new use permit must be secured from the County in accordance with [Title 18 of the Lassen County Code] 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.*

11. Lassen County Code Section 18.108.045(a)(6) states:

*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, the Sheriff’s Department, and any other pertinent department.*



12. Lassen County Code Section 18.108.045(a)(10) states:

*As a condition of approval for any cannabis dispensary, 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.*

13. Lassen County Code Section 18.108.045(a)(11) states in part:

*In industrial zoning districts, any proposed cannabis dispensary need not be set back from any legally established residence, except as required by the California Building Standards Code.*

14. Lassen County Code Section 18.108.045(a)(12) states:

*There shall be no dispensary located within six 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 proposed dispensary to the school, school bus stop, licensed day care provider, or public park.*

15. It does not appear that the building proposed to be used as a dispensary is within a 600-foot radius of any existing school, school bus stop, licensed day care provider, or public park.

16. Lassen County Code Section 18.108.045(a)(13) states:

*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.*

17. It is not appropriate to include an expiration date for this use permit because such expiration date will not be necessary to conserve and promote the public health, safety, convenience and general welfare.

18. Lassen County Code Section 18.108.045(a)(14) states:

*Any approved use permit shall contain a condition that the dispensary is prohibited from permitting anyone to consume cannabis on the premises, regardless of the form of said cannabis, edible or otherwise, or by-products.*

19. Lassen County Code Section 18.108.045(a)(15) states:

*The permitted hours of operation of any approved dispensary are between the hours of nine a.m. and seven p.m. daily, unless otherwise approved through the use permit.*

20. The applicant proposes to operate 7 days a week from 9 a.m. to 7 p.m.
21. Existing buildings on site include several mill buildings previously operated by Jeld-Wen, Inc. and Susanville Forest Products.
22. Lassen County Code Section 18.44.060(3) requires one parking space for every three employees on the largest shift, or one parking space for every 2,000 square feet of gross floor area, whichever is greater (in this case, the former). The applicant estimates 12 total employees for two shifts. At maximum, this would require four parking spaces. The applicant proposes to have 17 total asphalt parking spaces (12 spaces are currently existing).
23. Lassen County Code Section 18.44.060(4) in part requires one tree, of a species suited to the area climate zone, within the parking area for every eight parking spaces to provide shade and visual diversity. Given the applicant's proposal to have 17 parking spaces, this would equate to two trees.
24. Lassen County Code Section 18.14.900 defines "parking area" as "an accessible, usable, and generally paved space containing adequate maneuvering area and a specified number of parking spaces..."
25. The applicant has not proposed any signage as part of the current use permit application. Any future signing will be subject to Lassen County Code Chapter 18.106.
26. The subject parcel is within a Scenic Highway Corridor as depicted in the *Lassen County Energy Element, 1993* and is a Class IV Scenic Resource pursuant to the *Lassen County General Plan, 2000*, which describes Class IV Scenic Resources as follows:

*Class IV: Class IV areas are generally "urbanized" to the extent that qualities of the natural landscape are largely secondary, visually, to the urban landscape. Visual elements are related largely to structural improvements or other man-made elements including such features as subdivisions, shopping centers, and industrial areas (unless the man-made element is of significant scenic value, e.g. a golf course or reservoir).*

27. Lassen County Code Section 18.108.155 states in part:

*All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location so as to constitute a hazard to vehicular traffic, either on private property or on abutting streets.*

28. Pursuant to Lassen County Code Section 18.112.030, the Technical Advisory Committee shall review all use permit applications (and amendments) and shall prepare recommended



conditions of approval for consideration by the County (in this case, the Planning Commission).

29. The *Lassen County General Plan, 2000* (general plan) describes the “General Industry” land use designation as follows:

*The [General] Industrial designation provides for general industrial and manufacturing uses, recognizing varying degrees of impacts and service requirements. Industrial designation may specify “light industry”, which is intended to provide for lighter, less extensive industrial activities where heavy industry may not be appropriate or compatible with surrounding land uses, or “heavy industry” where a greater range of intensive and extensive industrial activity is directed and encouraged. In either case, a use permit may be required by zoning district provisions for certain types of land uses.*

*Residential land uses are generally discouraged in industrial areas, but may be allowed in limited circumstances. Residential use should not interfere with the industrial intent of the designation. Depending on the availability of community water and/or sewer systems, building intensity may range from 1 to 7.25 units per acre when allowed. Population density may range accordingly from an average of 3 to 22 people per acre.*

*Corresponding Zoning: “M-1”, Light Industrial District; “M-2”, Heavy Industrial District.*

30. Furthermore, the *Susanville Vicinity Area Plan* (Susanville plan), 1984, describes the “General Industry” land use designation as such:

*Provides for general light and heavy industrial and manufacturing uses, recognizing varying degrees of impacts and service requirements.*

31. The Susanville plan also states as follows with regard to industrial uses:

*Policy 19.1A: Lassen County shall designate adequate land for industrial land use and shall ensure that adequate facilities (infrastructure) are available for these uses.*

*Policy 19.1B: The County shall promote the development of quality industrial areas.*

*Policy 19.1C: Lands well suited for industrial development because of their transportation access, availability of infrastructure and proximity to similar land uses... shall be kept in an industrial designation.*

*Implementation Measure 19.12: Establish a planning process and regulatory atmosphere conducive to attracting and keeping industry in the area.*

*Implementation Measure 19.13: Lands designated as industrial on the land use map shall be zoned as follows:*

*The area north of the Susan River east of Susanville and along the south side of Johnstonville Road East should be zoned "M-2", heavy industrial.*

32. Lastly, the Susanville plan contains the following selected general land use policy and implementation measures:

*Policy 12.1: Lassen County shall establish a land use pattern which will accommodate the projected growth of the planning area. The land use pattern will provide the present and future population with a variety of high quality living and working environments. The land use map of this plan shows the land use designations necessary to achieve this pattern.*

*Implementation Measure 12.13: The County shall coordinate future amendments to this plan with the City of Susanville.*

*Implementation Measure 12.14: The County shall allow the City to review and comment on each development proposal within the planning area.*

33. The following goals, objectives, implementation measures and descriptions from the *Lassen County General Plan, 2000*, pertain to the proposal:

#### **Designation of Land Uses**

- Implementation Measure LU-A: The County shall utilize the zoning provisions of the Lassen County Code to adopt and enforce corresponding zoning districts, and to consider the approval of related use permits and land divisions, which implement and are compatible with the policies, general land uses and programs specified in this Land Use Element and in area plans adopted as part of the General Plan.*
- Implementation Measure LU-B: The County recognizes the need and legal requirements for making land use decisions which are consistent with the General Plan.*

#### **1. ISSUE: Land Use Compatibility**

- GOAL L-4: Compatibility between land use types by providing for complementary mixtures and patterns of land uses.*
- LU-6 POLICY: The County recognizes general plan land use designations and consistent zoning as the appropriate and primary tools for attempting to achieve and maintain compatibility of land uses within the context of the County's land use authority and local control.*



- *Implementation Measure LU-F: The County shall continue to utilize the California Environmental Quality Act (CEQA) process, when applicable, to evaluate the potential impacts of proposed changes in land uses on surrounding lands and to implement appropriate mitigation measures when needed.*

## **2. ISSUE: Growth and Development**

- *GOAL L-5: Orderly, contiguous growth and appropriate land-conserving densities as an alternative to sprawl and “leap-frog” development.*

## **4. ISSUE: Neighborhood Quality**

- *GOAL L-8: Neighborhoods which offer safe and pleasant living environments for the residents of Lassen County.*
- *LU21 POLICY: The County supports the need to maintain safe and pleasant living environments and, in consideration of related land use decisions, shall require mitigation of impacts which significantly threaten such qualities.*

### **Scenic Corridor**

*Scenic Corridors identify areas bordering major highways which have significant or sensitive scenic values due to the existence of significant scenic features and the level of public exposure to those areas. This designation always overlays a primary land use designation. Although special standards may apply to development within such corridors (e.g., design review criteria), uses allowed and corresponding zoning and development standards, including building intensity and population density, are factors of the primary land use designations.*

- *GOAL N-23: Scenic resources of high quality which will continue to be enjoyed by residents and visitors and which will continue to be an asset to the reputation and economic resources of Lassen County.*
- *NR78 POLICY: The County has identified areas of scenic importance and sensitivity along state highways and major County roads and has designated those areas as “Scenic Corridors”. (Refer to the General Plan land use map and related designations in various area plans, which may also be regarded as “scenic highway corridors”.) The County will develop and enforce policies and regulations to protect areas designated as scenic corridors from unjustified levels of visual deterioration.*
- *Implementation Measure NR-V: Areas designated and zoned for development in scenic corridors shall be zoned as “Design Review Combining Districts” or otherwise regulated to require review and management by the County of the visual impacts of proposed development.*

- *Implementation Measure NR-W: The County shall adopt design and development standards for use in “Design Review” areas and scenic corridors to guide the consideration and management of potential significant impacts to scenic resources.*
34. The Planning Commission, or the Board of Supervisors on appeal, will determine whether the proposed project is consistent with the *Lassen County General Plan, 2000* and the *Susanville Vicinity Area Plan, 1984*.
  35. Implementation Measure 8 of the *Lassen County Energy Element, 1989* states, “Noise produced by industrial uses shall not exceed 70 dB L<sub>dn</sub>/CNEL at the nearest property line.”
  36. The Environmental Review Officer has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) under Sections 15061(b)(3) and 15301 of the 2019 CEQA Guidelines.

**The Planning Division of the Lassen County Department of Planning and Building Services recommends the following conditions be placed on the project if approved:**

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.
3. The applicant shall obtain all necessary building permits from the Lassen County Department of Planning and Building Services before the commencement of construction.
4. The applicant and/or property owner have three years from the approval of this use permit to secure the required authorization to operate (pursuant to Lassen County Code Section 18.112.080). If an authorization to operate is not secured within said time, the Planning Commission may conduct a public hearing to consider revocation in accordance with Lassen County Code Section 18.112.060.

**Pre-operational Conditions**  
**(Must be satisfied before issuance of the Authorization to Operate)**

5. No authorization to operate shall be issued until licensure is secured from all relevant agencies, all remaining pre-operational conditions of approval for the use permit have been met, and the applicant has satisfied all requirements of Chapter 18.112.
6. No authorization to submit an application shall be issued until all pre-operational conditions of approval for the use permit have been met.



7. The Department of Planning and Building Services 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.
8. The applicant must provide and maintain 17 asphalt parking spaces.

**Operational Conditions**  
**(Must be satisfied during operation of the Use Permit)**

9. The dispensary shall only operate from 9 a.m. to 7 p.m. each day.
10. All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location so as to constitute a hazard to vehicular traffic, either on private property or on abutting streets.
11. Noise produced by the dispensary shall not exceed 70 dB L<sub>dn</sub>/CNEL at the nearest property line or any other applicable standards set forth in the Noise Element of the Lassen County General Plan or any applicable ordinance.
12. The applicant/owner shall plant and maintain two trees of a species suited to the area climate zone, to the satisfaction of the Department of Planning and Building Services, within the parking area to provide shade and visual diversity.
13. The operator of the cannabis dispensary shall maintain 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 dispensary if for any reason the applicable license with the state of California lapses. The Department of Planning and Building Services may then initiate proceedings to revoke the use permit pursuant to Chapter 18.112 of the Lassen County Code.
14. If the applicant and/or property owner fail to pay county taxes in any quarter, the Department of Planning and Building Services may initiate proceedings to revoke the use permit pursuant to Chapter 18.112 of the Lassen County Code.
15. In the event the permittee or successor in interest vacates and wishes to relocate the dispensary 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.
16. The dispensary 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 pertinent department.

17. The dispensary is prohibited from permitting anyone to consume cannabis on the premises, regardless of the form of said cannabis, edible or otherwise, or by-products.





## County of Lassen

### Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

January 2, 2020

**Maurice L. Anderson, Director**

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Phone: 530 251-8269

Fax: 530 251-8373

email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

TO: Technical Advisory Committee  
Agenda Date: January 2, 2020

Zoning & Building

Inspection Requests

Phone: 530 257-5263

FROM: Don Willis, Lassen County Surveyor

RE: Use Permit No. 2019-010 – Johnstonville Properties, LLC/John Shaw.  
Assessor's Parcel Number: 116-050-77.

#### LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:

1. The subject parcel is currently owned by Johnstonville Properties, LLC, a California Limited Liability Company, as to an undivided 50% interest and John Shaw, an unmarried man, as to an undivided 50% interest, per a Grant Deed recorded on September 19, 2014 as Document Number 2014-04108 of the Official Records of Lassen County, California. The subject parcel is located in portions of Sections 3 and 4, Township 29 North, Range 12 East, Mount Diablo Base and Meridian and is further known as Assessor's Parcel Number 116-050-77.
2. The legal description for the parcel noted in Findings Item Number One above is described as Parcels A, B and C of a Record of Survey filed at Book 7 of Maps, Page 17 and as Parcel A of a Record of Survey filed at Book 7 of Maps, Page 72, both of the Official Records of Lassen County. A portion of said Parcel C, which is shown as Parcel B on said Record of Survey filed at Book 7 of Maps, Page 72, is excepted from the legal description. An additional exception is cited that was created by the recordation of Certificate of Lot Line Adjustment No. 2009-048, which was recorded on December 11, 2009 as Document No. 2009-06931 of the Official Records of Lassen County. This adjustment is also shown on Record of Survey No. 10-17-09, as the same is filed in Book 42 of Maps, Page 82, of the Official Records of Lassen County. A final exception is described that excludes lands within the subject parcel which were granted to the County of Lassen for the Skyline Road East right-of-way.
3. The subject parcel is in compliance with the Subdivision Map Act and local ordinances as permits have been issued by the Lassen County Building Department for the parcel. This constitutes "*real property which has been approved for development*" per Section 66499.34 of the Subdivision Map Act and requires a local agency to issue a Certificate of Compliance for the real property if requested by the owner of the real property or by a vendee of the owner.

4. The subject parcel abuts Johnstonville Road East, County Road No. 229, and also abuts a southwesterly extension of Skyline Road East, County Road No. 257, which is currently being constructed. Both Johnstonville Road East and Skyline Road East are within the County maintained road system.

**LASSEN COUNTY SURVEYOR RECOMMENDS THE FOLLOWING  
CONDITIONS FOR USE PERMIT NO. 2019-010 (JOHNSTONVILLE  
PROPERTIES, LLC/JOHN SHAW):**

---

1. None.

Respectfully submitted,



Don Willis, L.S. 7742  
Lassen County Surveyor

# DEPARTMENT of PUBLIC WORKS

County of Lassen



**LARRY MILLAR**, Director  
Public Works/Road/Transportation  
County Engineer

707 Nevada Street, Suite 4  
Susanville, CA 96130

☎ 530) 251-8288  
FAX: (530) 251-2675

TAC  
2019/321

December 20, 2019

TO: County Planning and Building Services

FROM: Larry Millar  
Department of Public Works, Road Department

SUBJECT: Use Permit 2019-010 Curtis Bortle (John Shaw/Johnstonville Properties, LLC)  
Technical Advisory Meeting, January 2, 2020

FINDINGS: Access to the parcel is from Johnstonville Road, County Road 229, which is in the County Maintained Road System.

CONDITIONS: Obtain an encroachment permit from the Lassen County Public Works Department/Road Division for access off Johnstonville Road, County Road 229 prior to any further development.

RECEIVED

DEC 27 2019

LASSEN COUNTY DEPARTMENT OF  
PLANNING AND BUILDING SERVICES





# LASSEN COUNTY

## Health and Social Services Department

RECEIVED

JAN 02 2020

LASSEN COUNTY DEPARTMENT OF  
PLANNING AND BUILDING SERVICES

### Memorandum

To: Technical Advisory Committee  
Agenda Date: January 2, 2019

From: Ellen Cognina, Director

RE: Use Permit # 2019-010-Bortle

Lassen County Environmental Health has no records of a septic system on this parcel. Additionally, the food facility next door known as the Board Room, has high ground water. Since we have no records of the septic system, this is a proposed commercial use, and the area is known to have high ground water, the applicant must employ a licensed engineer familiar with commercial septic system design to and oversee the installation of a new septic system that meets the requirements for a commercial system.

The Lahontan Water Board had requested studies to see if there is danger of ground water contamination. It is recommended that the applicant contact the California Resources Control Board to determine if additional surveys or reports are required.

- ☐ **HSS Administration**  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-8128
- ☐ **Grant and Loans Division**  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-2683
- ☐ **Behavioral Health**  
555 Hospital Lane  
Susanville, CA 96130  
(530) 251-8108/8112  
  
**Chestnut Annex**  
1400-A & B Chestnut Street  
Susanville, CA 96130  
(530) 251-8112
- ☐ **Patients' Rights Advocate**  
720 Richmond Road  
Susanville, CA 96130  
(530) 251-8322
- ☐ **Public Health**  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-8183
- ☒ **Environmental Health**  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-8183
- ☐ **Community Social Services**  
PO Box 1359  
Susanville, CA 96130  
  
**LassenWORKS**  
**Business & Career Network**  
1616 Chestnut Street  
Susanville, CA 96130  
(530) 251-8152  
  
**Child & Family Services**  
1445 Paul Bunyan Road  
Susanville, CA 96130  
(530) 251-8277  
  
**Adult Services**  
**Public Guardian**  
720 Richmond Road  
Susanville, CA 96130  
(530) 251-8158
- ☐ **HSS Fiscal**  
PO Box 1180  
Susanville, CA 96130  
(530) 251-2614



**Lahontan Regional Water Quality Control Board**

**RECEIVED**

September 3, 2013

**DEC 31 2019**

Bill Fagan  
Jeld Wen Environmental Engineering  
407 Harbor Isles Boulevard  
Klamath Falls, OR 97601

**LASSEN COUNTY DEPARTMENT OF  
PLANNING AND BUILDING SERVICES**

By email from Ellen  
Cognina, Env. Health  
MTH

**COMMENTS ON SUMMARY OF ASSESSMENT ACTIVITIES, FORMER  
SUSANVILLE FOREST PRODUCTS, 702-040 JOHNSTONVILLE ROAD,  
SUSANVILLE, LASSEN COUNTY, SCP CASE #T6S063**

Lahontan Water Board staff (Staff) reviewed the July 8, 2013 *Summary of Assessment Activities* (Report) produced by your consultant, SLR Global Environmental Solutions (SLR), for the above-referenced site. Staff also met with you and SLR on July 10, 2013 to discuss the contents of the Report.

Overview of Comments

Based on Staff's review of the Report, no significant soil or groundwater contamination was indicated in any of the areas investigated, but insufficient information currently exists with respect to the remaining low level contamination and threats to human health and aquatic habitat. Consequently, Staff accepts SLR's recommendations contained in the Report and requests additional actions with respect to the former fuel storage area and dissolved metals in groundwater.

Report Contents

The Report summarizes multiple phases of work performed from 2011 to April 2013 and provides recommendations for future actions based on the results of these historical investigations. Below is a brief summary of the investigation and remedial activities contained in the Report for the Susanville Forest Products facility (Site).

In September 2011, Phase I and Phase II environmental site assessments (ESAs) were performed at the Site on behalf of a prospective purchaser. The Phase II ESA included the collection of twenty four soil samples, six groundwater samples, and two Susan River surface water samples. Results indicated additional assessment was needed in several areas, including the kiln building, a concrete pad to the west of the kiln building, the former fuel storage area, the former solar pond, and the northern portion of the log deck due to the detections of volatile organic compounds, petroleum hydrocarbons, metals, and polynuclear aromatic hydrocarbons in soil and groundwater.

PETER C. PUMPHREY, CHAIR | PATTI Z. KUNDY-GUMEDJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | [www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan)





In March 2012, SLR quantified the approximate volume and characterized the quality of wood debris, ash, and fill material in the log deck, pond, and ash pit areas by completing 41 test pits or trenches. Sampling results from six test pits were reported; no map of the 41 test pits was provided. SLR also performed removal of wood and soil in the northern portion of the log deck where elevated chrysene concentrations were found in the Phase II ESA.

In April 2013, SLR conducted additional assessment activities to further evaluate the soil and groundwater impacts identified during the Phase II ESA. The work included the installation and sampling of six monitoring wells, the collection of five surface soil samples, the collection of groundwater samples from three existing monitoring wells, the removal of impacted soil identified in the kiln building, and disposal of log deck and kiln building excavated soil.

Based on the results of the investigations, SLR concluded the analytical results did not indicate significant soil or groundwater contamination in any of the areas investigated and recommended:

1. performing one additional round of groundwater sampling of the nine existing monitoring wells for TPH analysis,
2. surveying well elevations, and
3. performing a well log search of potable water supply wells located within 2,000 feet of the Site.

#### Report Comments

#### Discussion of Soil Results

Constituents of concern (COC) remain in soil at concentrations above environmental screening levels (ESLs) contained in San Francisco Bay Regional Water Quality Control Board's Environmental Screening Levels Workbook. The COCs identified include arsenic, cobalt, thallium, total petroleum hydrocarbons as gasoline (TPHg), TPH as diesel (TPHd), and TPH as oil (TPHo) in the following areas.

- former kiln building (As, Co, TI)
- south of the sawmill building (As, Co)
- former solar pond (As, Co)
- fuel storage area (TPHd, As, Co) and
- log deck (TPHg, TPHd, As, Co)
- concrete pad west of kiln building (TPHd, TPHo)

Maximum concentrations of these remaining COC are: 11 milligrams per kilogram (mg/kg) arsenic, 12 mg/kg cobalt, 5.3 mg/kg thallium, 180 mg/kg TPH as gasoline, 3,800 mg/kg TPH as diesel, and 5,300 TPHo.

SLR compared the remaining arsenic, cobalt, and thallium concentrations in soil to the mean background concentrations contained in the March 1996 *Background Concentrations of Trace Metals and Major Elements in California* and concluded the remaining concentrations of metals in soils are representative of naturally occurring material in the areas investigated. Staff agrees the metal concentrations reported in soil are similar to other sites in the near vicinity and are within background concentration ranges; therefore, Staff believes that no additional work is needed regarding the metal concentrations in the soil. In addition, aside from the fuel storage area and the concrete pad to the west of the kiln building, the remaining low level TPH contamination in soil meets criteria set forth in Low Threat Underground Storage Tank Case Closure Policy (Policy), so no additional work is needed in the areas investigated.

#### Discussion of Groundwater and Surface Water Results

COC in groundwater detected above ESLs consist of the volatile organic compounds (VOCs) cis-1,2-dichloroethene and 1,2-dichlorobenzene, TPHd, TPHo, and the dissolved metals zinc, copper, arsenic, cobalt, barium and nickel in the following areas:

- former fuel storage area (cis-1,2-Dichloroethene, 1,2-dichlorobenzene, TPHd, TPHo, As, Co, Ni)
- south of the sawmill building (TPHd and TPHo)
- former solar pond (TPHd and TPHo)
- north log deck (TPHd, Ba, Zn)
- downstream Susan River surface water sample (Cu).
- MW-3 (Cu, V)

The maximum VOC and TPH concentrations were reported around the former fuel storage area in newly installed monitoring wells, MW-5, MW-6, and MW-7. Maximum concentrations in the newly installed wells were 27 micrograms per liter ( $\mu\text{g/L}$ ) cis-1,2-dichloroethene (MW-6), 17  $\mu\text{g/L}$  1,2-dichlorobenzene (MW-7), 1,300  $\mu\text{g/L}$  TPHd (MW-7) and 820  $\mu\text{g/L}$  TPHo (MW-5).

The following dissolved metals concentrations were reported above ESLs:

Dissolved arsenic was reported in boring B-2 at 56  $\mu\text{g/L}$ . The primary MCL is 10  $\mu\text{g/L}$ . The freshwater aquatic life protection screening level is 150  $\mu\text{g/L}$ .

Dissolved barium was reported in boring B-1 at a concentration of 1100  $\mu\text{g/L}$ . The California MCL is 1000  $\mu\text{g/L}$ . There are no freshwater aquatic life protection criteria.

Dissolved copper was reported in monitoring well MW-3 and in the downstream Susan River surface water sample at concentrations of 12 and 5.1  $\mu\text{g/L}$ , respectively. The secondary MCL for copper is 1000  $\mu\text{g/L}$ . The freshwater aquatic life protection standard is a function of hardness. Hardness was measured in well MW-3 and the Susan River at 380 and 32  $\text{mg/L CaCO}_3$  equivalent, respectively. At these hardness levels, the four day continuous concentration screening level is 28 and 3.5  $\mu\text{g/L}$ <sup>1</sup>. The laboratory reporting level for copper was 5.0  $\mu\text{g/L}$ .

<sup>1</sup> [http://www.waterboards.ca.gov/water\\_issues/programs/water\\_quality\\_goals/search.shtml](http://www.waterboards.ca.gov/water_issues/programs/water_quality_goals/search.shtml)



Dissolved cobalt was reported in boring B-2 at 11 ug/L. There is no federal or state MCL established for cobalt concentrations in drinking water. SFBRWQCB ESL Workbook shows a risk-based drinking water goal of 11 ug/L, and a USEPA chronic ecotoxicity screening level of 3.0 ug/L.

Dissolved nickel was reported in boring B-2 at 13 ug/L. The primary MCL is 100 ug/L. The freshwater aquatic life protection standard is a function of hardness. Using a conservative hardness level of 32 mg/L CaCO<sub>3</sub> equivalent measured in the Susan River, the four day continuous concentration screening level is 20 ug/L<sup>1</sup>.

Dissolved vanadium was reported in MW-3 at 17 ug/L. There is no federal or state MCL established for vanadium concentrations in drinking water. A California DPH established a notification level of 50 ug/L for vanadium. OEHHA has recommended a notification level of 15 ug/L.

Zinc was reported in boring B-1 at a concentration of 290 ug/L. The state and federal secondary MCL for zinc is 5,000 ug/L. The freshwater aquatic life protection standard for zinc is a function of hardness. Using a conservative hardness level of 32 mg/L CaCO<sub>3</sub> equivalent measured in the Susan River, the four day continuous concentration screening level is 45 ug/L<sup>1</sup>.

#### Acceptance of Recommendations with Request for Additional Information

In 2005, the Water Board issued Order No. R6T-2005-0027 Rescission of Waste Discharge Requirements (Order). The Order rescinded waste discharge requirements associated with the operation of the former sawmill and cogeneration plant. At the time of rescission, the Water Board concluded former facility operations had degraded the local groundwater quality, but at concentrations below drinking water maximum contaminant levels. Since there was no information indicating the former solar pond posed a threat to water quality or beneficial uses, the waste discharge requirements were rescinded. The Order did not limit our authority if new information became available.

Staff has been provided new information associated with the Site in the form of the Report. The analytical results summarized in the Report do not indicate significant soil or groundwater contamination in any of the areas investigated. The results also showed removal actions likely reduced potential threats to human health and the environment to acceptable levels in the kiln building and around boring B-1. However, the analytical results indicated additional actions will be needed to (1) evaluate the potential threat to aquatic receptors in the Susan River from dissolved metals, (2) evaluate the direct contact and vapor intrusion exposure pathways around the former fuel storage area, and (3) remove remaining petroleum contamination underneath the concrete pad to the west of the kiln building.



### Acceptance of Recommendations

Staff accepts the three recommendations contained in the Report, providing the groundwater samples are analyzed for VOCs (USEPA Method 8260), dissolved metals (As, Ba, Cu, Co, Ni, V, Zn by USEPA Method 200.7 or equivalent), and general minerals, in addition to the proposed TPH analysis. Please provide a schedule by October 15, 2013 to implement your recommended groundwater monitoring and well survey activities.

### Former Fuel Storage Area and Concrete Pad West of Kiln Building

The Site largely meets the criteria contained in the Low threat Underground Storage Tank Case Closure Policy (Policy) with respect to the remaining petroleum soil and groundwater contamination. However, Staff is concerned insufficient information currently exists to evaluate the direct contact and vapor intrusion exposure pathways around the former fuel storage area. VOC and petroleum concentrations in groundwater indicate contaminant source areas may remain and additional investigation will be needed to evaluate if they pose threats to human health or the environment. This may be accomplished through additional shallow soil and soil vapor sampling around the former fuel storage area.

The Report shows limited contamination remains in the soil beneath the concrete pad located to the west of the kiln building. A TPHd concentration of 3,800 mg/kg was reported in soil sample S11. This concentration is an order of magnitude above the direct contact screening level of 240 mg/kg for TPHd. The petroleum impacted area is limited in extent and in the shallow subsurface making it feasible to remove. Should you prefer to leave this petroleum-affected soil in place, additional sampling in this area is needed to compare concentrations of benzene, naphthalene, and ethylbenzene to the direct contact screening levels in the Policy.

Please prepare and submit a work plan by November 30, 2013 to investigate the direct contact and vapor intrusion pathways around the former fuel storage area. Please include a discussion of your preferred approach to address the petroleum affected soil beneath the concrete pad west of the kiln building.

### Dissolved Metals Evaluation

Analytical results indicated there may be a potential threat to aquatic receptors in the Susan River from the dissolved metals: arsenic, copper, cobalt, and zinc. Although groundwater metal concentrations also exceeded MCLs in some cases, shallow groundwater at the Site is not currently or expected to be used as a drinking water source. Consequently, the most sensitive concern associated with the degraded shallow groundwater is the protection of freshwater habitat for the Susan River.

Based on our review of the data, elevated levels of general minerals including chloride, sulfate and total dissolved solids occur in well MW-3 when compared to upgradient well MW-1. Groundwater samples from Boring B-1 showed elevated levels of zinc and barium relative to ESLs. Staff is concerned past site operations may have affected groundwater quality across the site. The inorganic analytical suite is not consistent in all

site wells and it is difficult to interpret the threat of these COC to beneficial uses including the freshwater aquatic habitat of the Susan River. Additional evaluation is needed to determine if the dissolved metal concentrations resulting from past operations threaten the beneficial uses of the Susan River. This may be accomplished through review of existing data and collection of new data.

Please submit information to this office by November 30, 2013 to evaluate whether the on-site dissolved metals in groundwater pose a threat to beneficial uses of the Susan River. This may be submitted as a standalone report or included within the former fuel storage area work plan.

Please contact me directly at (530) 542-5421 if you have any questions or comments.

A handwritten signature in blue ink, appearing to read "Brian Grey", with a long horizontal flourish extending to the right.

Brian Grey, PG  
Engineering Geologist

cc: Megan Coracci, SLR International Corporation  
Alan Jones, Lassen County Environmental Health



# Use Permit #2019-010, Bortle







## USE PERMIT APPLICATION

FILING FEE: CLASS 1 \$397 CLASS 2 \$571 CLASS 3 \$2,381  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
707 Nevada Street, Suite 5 · Susanville, CA 96130-3912  
(530) 251-8269 · (530) 251-8373 (fax)  
www.co.lassen.ca.us

RECEIVED

SEP 20 2019

LASSEN COUNTY DEPARTMENT OF  
PLANNING AND BUILDING SERVICES

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.  
This application consists of one page; only attach additional sheets if necessary.

FILE NO. UP# 219-010

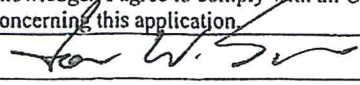

Property Owner/s	Property Owner/s
Name: John Shaw	Name:
Mailing Address: 701 Main Street	Mailing Address:
City, ST, Zip: Susanville, CA 96130	City, ST, Zip:
Telephone: 530-260-7468 Fax:	Telephone: Fax:
Email: johnshaw.sre@gmail.com	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input type="checkbox"/>	Correspondence also sent to: <input type="checkbox"/>
Name: Curtis Bortle	Name:
Mailing Address: 512 Alola Street	Mailing Address:
City, ST, Zip: Roseville, CA 95678	City, ST, Zip:
Telephone: 530-249-7141 Fax:	Telephone: Fax:
Email: cjslassen@gmail.com	Email: License #:

Project Address or Specific Location: 702-040 Johnstonville Rd Susanville, CA 96130			
Deed Reference: Book:	Page:	Year:	Doc#:
Zoning:		General Plan Designation:	
Parcel Size (acreage): 29.02	Section:	Township:	Range:

Assessor's Parcel Number(s):	116 - 050 - 77-11	- -	- -
- -	- -	- -	- -

Project Description: Commercial Cannabis Dispensary Storefront

<b>SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT:</b> I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.  Date: <u>9/13/19</u> Date:	<b>*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE</b> (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided).  Date: <u>9/13/19</u> Date:
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

See associated process form for required attachments and instructions.



# USE PERMIT PROJECT DETAIL SUPPLEMENT

DEPARTMENT OF PLANNING AND BUILDING SERVICES

707 Nevada Street, Suite 5 · Susanville, CA 96130-3912

(530) 251-8269 · (530) 251-8373 (fax)

www.co.lassen.ca.us

FILE NO. \_\_\_\_\_

Form must be typed or printed clearly in black or blue ink. This supplement consists of three pages.

Please complete the following application supplement and attach to the Use Permit Application. Answer all questions that are related to the proposed use.

1. Proposed timeframe for the project and completion of each major phase (i.e., when structures and improvements will be completed): The project will take an estimated 6 months, with exterior improvements completed during the first phase of the project (3 months).

2. Existing use of property: Commercial Office Space

3. Describe adjoining land uses (e.g., residential, commercial, agricultural, etc.). Please be as specific as possible.

North: \_\_\_\_\_

South: \_\_\_\_\_

East: \_\_\_\_\_

West: \_\_\_\_\_

4. Hours of proposed operation: 9 AM to 7 PM Days of operation: Monday-Sunday

5. Number of shifts: 2 Number of employees: 12

6. Number of deliveries or pick-ups: 1 per day 3 per week

7. Number of visitors/customers: 100 per day 700 per week

8. Will the project increase noise levels in the immediate area? ☐ Yes ☒ No

If yes, anticipated noise levels in decibels at:

50 feet \_\_\_\_\_ 100 feet \_\_\_\_\_ Property Line \_\_\_\_\_

9. Describe existing structures and improvements to be used in conjunction with the proposed use, including their floor area: The only existing structure is a commercial building  
improvements to the exterior include updated parking spots, installation of a bike rack,  
landscaping, exterior light installation, and security cameras.

10. Maximum height (in feet) of existing structures: 25 feet

11. Maximum height (in feet) of proposed structures: N/A



12. Describe any existing structures to be removed: N/A

13. Describe proposed structures and improvements (e.g., buildings, parking, roads, and sewer services, etc.). Please include dimensions and floor area: Parking space improvements, installation of lighting and security cameras. A Site Plan with dimensions is attached.

14. Describe the topography and physical environment at and surrounding the project site: \_\_\_\_\_

The topography is flat with sparse vegetation.

15. Describe proposed exterior lighting, including location (attach lighting diagram if applicable): \_\_\_\_\_

Exterior lighting will illuminate all entrances and approaches to the existing building. A lighting diagram is attached.

16. Will the project include or result in grading, including anticipated grading at project buildout?

☐ Yes

☒ No

If yes, approximate total surface area to be disturbed by site grading:  
\_\_\_\_\_ sq. ft. or \_\_\_\_\_ acres

Quantity of cut: \_\_\_\_\_ cubic yards      Quantity of fill: \_\_\_\_\_ cubic yards

17. Percentage of site to be covered by impervious surfaces (e.g., roads, driveways, and structures), including estimated impervious surfaces at project buildout: 25% estimated: 16000 Square feet

18. Number of existing parking spaces: 4 employee 8 customer

Number of proposed parking spaces: 5 employee 12 customer

Describe surfacing of parking area: Asphalt

Please attach a parking plan showing existing and proposed parking facilities.

19. Please attach a detailed plot plan, drawn to scale, showing all existing and proposed improvements.

20. For commercial, industrial and institutional developments, please attach a landscaping plan.

21. Please indicate how the following services will be provided to serve the project, including name of the service provider:

Electricity: LMUD

Underground ☒ Overhead ☐

Telephone: AT&T

Underground ☒ Overhead ☐

Water Supply: Existing Well ☐ New Well(s) ☐

Community Water ☒

Other ☐ \_\_\_\_\_

Sewage Disposal: Individual Septic System ☒ Community Sewer ☐ Shared Septic System ☐

If individual septic systems are proposed, has soil testing been performed to determine soil suitability? ☐ Yes ☒ No      If yes, please attach

Solid Waste Disposal: Susanville Waste Management

LP/Natural Gas: N/A

If an extension of utility lines is necessary, indicate which services and the distance of the extension: N/A

**22. Please provide the names of the following districts, if applicable:**

High School: N/A

Elementary School: N/A

Fire Protection: N/A

Community Services District: N/A

Water: Susanville City Water

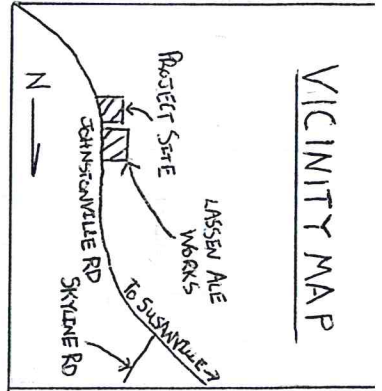
Sewer: Individual Septic Tank

Other: \_\_\_\_\_

**23. List all county, state, regional or federal agencies from which a permit or approval is or may be required, including type of permit required: Lassen County, The Bureau of Cannabis Control, The State of California**

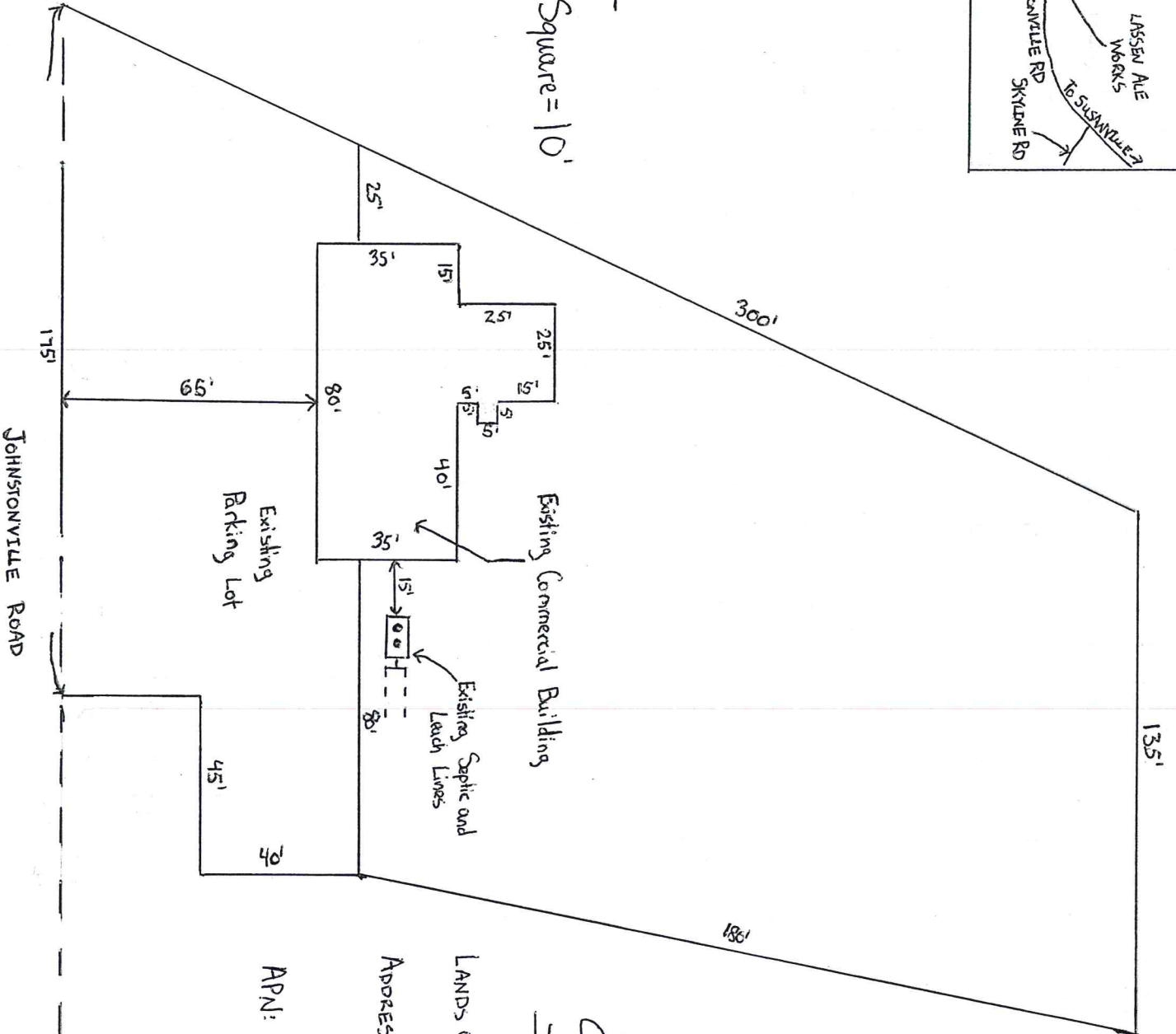


# VICINITY MAP



N

Scale: 1 Square = 10'



# SITE PLAN

LANDS OF: JOHN SHAW

Address: 702-040 Johnstonville Rd  
Susanville CA 96130

APN: 116-050-77-11