

AGENDA
LASSEN COUNTY PLANNING COMMISSION
SPECIAL SESSION
BOARD CHAMBERS, 707 NEVADA STREET
SUSANVILLE, CA 96130
July 9, 2019

1:10 p.m. Convene in Special Session
Flag Salute
Roll Call
Matters Initiated by the General Public

1:20 p.m. **PUBLIC HEARING: RECOMMENDATION TO THE BOARD OF SUPERVISORS** File #318.01.56, Amendment to Title 18 of the Lassen County Code to allow cannabis dispensaries, cannabis testing facilities, and commercial cannabis cultivation, Lassen County. Proposed amendment to Title 18 (Zoning) of the Lassen County Code to add language in Chapter 18.14 to define “cannabis dispensary,” “cannabis testing facility,” and “commercial cannabis cultivation”; and to add language in Chapter 18.108 to allow cannabis dispensaries, cannabis testing facilities, and commercial cannabis cultivation with a Use Permit as provided for at Lassen County Code Chapter 18.112. Located Countywide. Staff Contact: Gaylon Norwood, Assistant Director

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/AG7/9/19

MAN



County of Lassen
Department of Planning and Building Services

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

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July 3, 2019

TO: Lassen County Planning Commission
Agenda Date: July 9, 2019

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

MM for

SUBJECT: Draft Ordinance Amendment to allow Cannabis Dispensaries, Cannabis Testing Facilities and Commercial Cannabis Cultivation with a use permit (File #318.01.56).

BACKGROUND:

The Board of Supervisors has directed staff to prepare an ordinance amending Title 18 (zoning) of the Lassen County Code to allow cannabis dispensaries, cannabis testing facilities and commercial cannabis cultivation with a use permit in certain zoning districts. The Planning Commission considered an ordinance for cannabis dispensaries and cannabis testing facilities on June 17, 2019. However, action was not taken on said ordinance because a motion to make a recommendation to the Board of Supervisors failed to be passed with a two to one vote (three affirmative votes on a motion are required for the Commission to take action). That said, the attached ordinance is different, with different provisions, from what was presented to the Planning Commission on June 17, 2019. Additionally, the attached draft ordinance contains provisions related to the commercial cultivation of cannabis (which was not in the June 17, 2019 version of the ordinance).

Since the June 17, 2019, Planning Commission meeting, the Cannabis Ad Hoc Committee met on June 24, 2019, and has provided direction on the form of the ordinance they would like the Commission to consider. Further, the Board of Supervisors will discuss the attached ordinance at their July 9, 2019, meeting, but the Board cannot take action on the ordinance until a recommendation is made by the Planning Commission (in accordance with section 65856 of the Government Code). Staff will report on any relevant discussion the Board may have on the morning of July 9, 2019, at the July 9, 2019, Planning Commission meeting. If the Board makes edits to the attached ordinance on July 9, 2019, an updated ordinance will be presented to the Commission for consideration at the Planning Commission meeting.

The Planning Commission is charged with conducting a public hearing on the draft ordinance and making a recommendation to the Board (pursuant to Government Code sections 65854 and 65855). The Commission may also recommend any changes it deems appropriate.

MLA:gfn

Enclosures: Draft Ordinance

ORDINANCE NO. _____

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

The following ordinance, consisting of 4 sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the ___th day of, _____, 20__, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

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

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

BY _____
MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the _____ day of _____, 2019.

Deputy Clerk of the County of Lassen Board of Supervisors

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

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

SECTION TWO: Add Sections 18.14.212, 18.14.213, 18.14.242, 18.108.045, 18.108.046 and 18.108.047 to the Lassen County Code to read as follows:

18.14.212 “Cannabis Dispensary” means a commercial use of property which is consistent with the Type 10 (storefront dispensary) license required by the State of California.

18.14.213 “Cannabis Testing Facility” means a commercial use of property which is consistent with the Type 8 (testing) license required by the State of California.

18.14.242 “Commercial Cannabis Cultivation” means cultivation of cannabis consistent with license types 1 through 4, as required by the State of California.

18.108.045 Cannabis Dispensaries

(a) Cannabis dispensaries, as defined in this Title (type 10, storefront dispensary), are allowed in commercial zoning districts with a use permit meeting all requirements of this Title, with the following requirements, in addition to any other conditions established as part of the use permit process:

1. 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.

2. To be eligible to submit a use permit application pursuant to this section, the parcel on which the use is proposed to occur must be a “legal parcel” pursuant to the Subdivision Map Act and Title 16 of Lassen County Code.
3. Any 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.
4. 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.
5. 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.
6. 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.
7. As a component of the use permit application, the applicant shall provide the legal name of the proposed cannabis dispensary.
8. Any use permit application shall establish, to the satisfaction of the Planning and Building Services Department, the identity of the applicant.
9. Nothing in this section is intended, nor shall it be construed, to exempt any use authorized pursuant to this section from any and all applicable local and state construction, grading, electrical, plumbing, land use, water rights, waste water discharge, streambed alteration, or any other environmental, building or land use standards or permitting requirements.

10. 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.
11. Any proposed cannabis dispensary must be at least one thousand five hundred feet from any legally established residence, existing at the time of application, excluding caretaker's units established for an allowed industrial use. Such distance shall be measured in a straight line from the proposed dispensary to the established residence. Upon finding that the proposed dispensary will not interfere with an established residence and making the Mandatory Findings listed at section 18.112.100, the planning commission or board of supervisors, as applicable, may approve a use permit allowing a dispensary that is no closer than 600 feet from an established residence.
12. There shall be no dispensary located within one thousand five hundred feet of any existing school, school bus stop, licensed day care provider, or public park. Such distance shall be measured in a straight line from the proposed dispensary to the school, school bus stop, licensed day care provider, or public park. Upon finding that the proposed dispensary will not interfere with any existing school, school bus stop, licensed day care provider, or public park and making the Mandatory Findings listed at section 18.112.100, the planning commission or board of supervisors, as applicable, may approve a use permit that is no closer than 600 feet from any of the above.
13. 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.
14. 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 bi-products.
15. The permitted hours of operation of any approved dispensary are between the hours of 9:00 a.m. and 7:00 p.m. daily.

18.108.046 Cannabis Testing Facility

- (a) Cannabis testing facilities, as defined in this Title (type 8, testing) shall be allowed by use permit, meeting all requirements of this Title, in any Industrial zoning district, subject to the following requirements:

1. Once a use permit is approved to conditionally allow a cannabis testing facility 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.
2. To be eligible to submit a use permit application pursuant to this section, the parcel on which the use is proposed to occur must be a “legal parcel” pursuant to the Subdivision Map Act and Title 16 of Lassen County Code.
3. In the event the permittee or successor in interest vacates and wishes to relocate the cannabis testing facility 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.
4. Any operator of an approved cannabis testing facility use permit shall maintain, during the life of the cannabis testing facility, 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 cannabis testing facility if for any reason the applicable license with the State of California lapses. The Planning and Building Services Department may then initiate proceedings to revoke the use permit pursuant to Chapter 18.112.
5. 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.
6. All cannabis testing facilities shall be subject to inspections by appropriate State agencies and/or Lassen County officials from the Department of

Planning and Building Services, any fire district or the Fire Warden, Public Health, Environmental Health, the Agricultural Commissioner's Office, the Sheriff's Department, and any other County Department.

7. Any use permit application shall establish, to the satisfaction of the Planning and Building Services Department, the identity of the applicant.
8. Nothing in this section is intended, nor shall it be construed, to exempt any use authorized pursuant to this section from any and all applicable local and state construction, grading, electrical, plumbing, land use, water rights, waste water discharge, streambed alteration, or any other environmental, building or land use standards or permitting requirements.
9. As a condition of approval for any cannabis testing facility, 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.
10. Any proposed cannabis testing facility must be at least one thousand five hundred feet from any legally established residence, existing at the time of application, excluding caretaker's units established for an allowed industrial use. Such distance shall be measured in a straight line from the proposed testing facility to the established residence. Upon finding that the proposed cannabis testing facility will not interfere with an established residence and making the Mandatory Findings listed at section 18.112.100, the planning commission or board of supervisors, as applicable, may approve a use permit allowing a testing facility that is no closer than 600 feet from an established residence.
16. There shall be no testing facility located within one thousand five hundred feet of any existing school, school bus stop, licensed day care provider, or public park. Such distance shall be measured in a straight line from the proposed testing facility to the school, school bus stop, licensed day care provider, or public park. Upon finding that the proposed testing facility will not interfere with any school, school bus stop, licensed day care provider, or public park. and making the Mandatory Findings listed at section 18.112.100, the planning commission or board of supervisors, as applicable, may approve a use permit allowing a testing facility that is no closer than 600 feet from any of the above.

11. 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.
12. Any approved use permit shall contain a condition that the cannabis testing facility is prohibited from permitting anyone to consume cannabis on the premises.
13. The permitted hours of operation of any approved cannabis testing facility are between the hours of 9:00 a.m. and 7:00 p.m. daily.
14. Any use permit application shall address disposal of cannabis and any associated bi-products after testing.

18.108.047 Commercial Cannabis Cultivation

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

1. Once a use permit is approved to conditionally allow a commercial cannabis cultivation operation and when all pre-operational conditions have been met, the Planning and Building Services Department will issue the use permit applicant an "authorization to submit an application" to the Bureau of Cannabis Control; California Department of Food and Agriculture's Cal Cannabis Cultivation Licensing; and California Department of Public Health's Manufactured Cannabis Safety Branch for cultivators, manufacturers, retailers, distributors, microbusinesses, testing laboratories and event organizers for licensure pursuant to the Medical Cannabis Regulation and Safety Act (MAUCRSA) and/or the Adult Use of Marijuana Act (Proposition 64) or any changes that may exist at that time. An Authorization to Operate (pursuant to Chapter 18.112) shall not be issued by Lassen County until licensure is secured from all relevant agencies, all

remaining conditions of approval for the use permit have been met, and the applicant has satisfied all requirements of Chapter 18.112.

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

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

9. Any use permit application shall establish, to the satisfaction of the Planning and Building Services Department, the identity of the applicant.
10. Recreational vehicles, trailers, etc. may not be used as offices, residences, or caretakers quarters at commercial cannabis cultivation operations. Camping or camping facilities are not allowed. All offices, residences, etc. must be legally established with all appropriate building permits.
11. As a condition of approval for any indoor commercial cannabis cultivation operation, the Planning and Building Services Department must confirm that the building will allow the proposed use. An Authorization to Operate shall not be issued until all required improvements have been made.
12. The planning commission or board, if applicable, may include an expiration date for the use permit that requires reapplication or renewal of the permit after two years or less, if determined to be necessary to conserve and promote the public health, safety, convenience and general welfare.
13. Any proposed commercial cannabis cultivation must be at least one thousand five hundred feet from any legally established residence, existing at the time of application, excluding caretaker's units established for an allowed industrial use. Such distance shall be measured in a straight line from the site of the proposed commercial cannabis cultivation to the established residence. Upon finding that the proposed commercial cannabis cultivation operation will not interfere with a residence and making the Mandatory Findings listed at section 18.112.100, the planning commission or board of supervisors, as applicable, may approve a use permit allowing commercial cannabis cultivation that is no closer than 600 feet from an established residence.
17. There shall be no commercial cannabis cultivation located within one thousand five hundred feet of any existing school, school bus stop, licensed day care provider, or public park. Such distance shall be measured in a straight line from the site of the proposed commercial cannabis cultivation to the school, school bus stop, licensed day care provider, or public park. Upon finding that the proposed commercial cannabis cultivation will not interfere with any existing school, school bus stop, licensed day care provider, or public park and making the Mandatory Findings listed at section 18.112.100,

the planning commission or board of supervisors, as applicable, may approve a use permit allowing commercial cannabis cultivation that is no closer than 600 feet from any of the above.

SECTION THREE: Chapter 18.107 is hereby repealed.

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