

AGENDA  
LASSEN COUNTY PLANNING COMMISSION  
BOARD CHAMBERS, 707 NEVADA STREET  
SUSANVILLE, CA 96130  
JUNE 4, 2019

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: 6-01-19

1:20 p.m.      **PUBLIC HEARING: RECOMMENDATION TO THE BOARD OF SUPERVISORS** File #318.01.57, Amendment to Title 18 of the Lassen County code to define hemp and allow for its provision. Proposed amendment to Title 18 of the Lassen County Code to add sections 18.14.515 and 18.102.110, to define “industrial hemp” and to allow for its provision in certain districts given particular minimum acreage and setback requirements. 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:ajeAG6/4/19





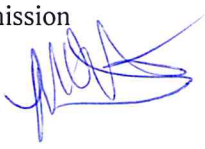
*County of Lassen*  
Department of Planning and Building Services

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

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May 30, 2019

TO: Lassen County Planning Commission  
Agenda Date: June 4, 2019

FROM: Maurice L. Anderson, Director 

RE: Draft Industrial Hemp Ordinance (File #318.01.57)

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

BACKGROUND:

The Agriculture Improvement Act of 2018 (2018 Farm Bill), effective January 1, 2019, removed hemp from Schedule 1 of the federal Controlled Substances Act. Therefore, hemp is no longer federally regulated as a controlled substance. Furthermore, Division 24 of the California Food and Agriculture Code provides for the cultivation of industrial hemp by registered growers and established agricultural research institutions. More specifically, Senate Bill 1409, approved by the governor on September 30, 2018, and effective January 1, 2019, allows for the growing of industrial hemp by growers other than agricultural research institutions provided the particular hemp strain proposed to be grown is on the State's list of approved seed cultivars (varieties), the hemp grower is registered with the agricultural commissioner of the county in which the hemp will be grown, and pays the agricultural commissioner the fee for said registration (see Section 81000 et seq. of the Food and Agricultural Code).

Several members of the Board of Supervisors have expressed interest in the adoption of an industrial hemp ordinance in order to allow for its cultivation in Lassen County in response to the above legislation; therefore, the Board of Supervisors has directed staff (both County Counsel and the Department of Planning and Building Services) to explore an ordinance (in this case, several ordinances) to regulate the cultivation of industrial hemp in Lassen County (as well as to allow for its provision), as defined in Section 11018.5 of the Health and Safety Code.

In light of this direction, the Department of Planning and Building Services has prepared the attached draft ordinance amending Title 18 (Lassen County's Zoning Ordinance) for your review. The draft ordinance proposes a minimum parcel size and setback distance (as well as zoning districts in which the cultivation of industrial hemp would be allowed) in order to help alleviate possible impacts related to industrial hemp.

SUMMARY:

The Planning Commission will make a recommendation to the Board of Supervisors in regard to the draft ordinance. The Planning Commission may suggest any changes it deems fit to any of the components of the draft ordinance, including any recommended deletions or further additions. Alternatively, the Planning Commission could recommend the construal of industrial hemp as allowed by right under the "right to farm" provisions set forth at Lassen County Code Chapter 6.02, with no other limitations to its cultivation.

MLA:smr

Enclosures: Draft Ordinance  
Lassen County Code Chapter 6.02

S:/PLA/Admin/FILES/318.01.57/PC Memo

ORDINANCE NO. \_\_\_\_\_

Ordinance Amending Title 18 to Define Hemp and Allow for its Provision

The following ordinance, consisting of four 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 \_\_\_\_\_, 2019, by the following vote:

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

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

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

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

\_\_\_\_\_  
JEFF HEMPHILL

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 ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the \_\_\_\_th day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Deputy Clerk of the County of Lassen Board of Supervisors



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

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

**SECTION TWO:** Add Section 18.14.515 to the Lassen County Code to read as follows:

“18.14.515 Hemp, industrial. ‘Industrial hemp’ shall have the same meaning as that set forth in Section 11018.5 of the California Health and Safety Code. All references to ‘hemp’ in this title shall mean ‘industrial hemp’ as defined in this subsection.”

**SECTION THREE:** Add Section 18.102.110 to the Lassen County Code to read as follows:

“18.102.110 Provisions for hemp. ‘Hemp’ or ‘industrial hemp’ shall be considered a use allowed under the definition of ‘agriculture’ as defined in Section 18.14.030 of this title, subject to all of the following:

- (1) ‘Hemp’ or ‘industrial hemp’ shall only be allowed by right in districts that allow for “agriculture” by right;
- (2) ‘Hemp’ or ‘industrial hemp’ shall not be allowed in any R residential districts, including but not limited to, the R-1-A district;
- (3) ‘Hemp’ or ‘industrial hemp’ shall be cultivated in grows of at least one acre in size;
- (4) ‘Hemp’ or ‘industrial hemp’ shall only be cultivated on parcels at least 19 acres in size;
- (5) Any cultivation of ‘hemp’ or ‘industrial hemp’ must be at least 150 yards from any and all residences that are under separate ownership from that of the parcel or parcels on which the ‘hemp’ or ‘industrial hemp’ is cultivated.”

**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.

## Lassen County Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Title 6 PROTECTION OF AGRICULTURAL ACTIVITIES](#)**Chapter 6.02 PROTECTION OF THE RIGHT TO FARM**

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**6.02.010 Purpose.**

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(a) When nonagricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease or are substantially curtailed. Others may be discouraged from making investments in agricultural improvements. It is the purpose of this chapter to reduce the loss to the county of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance. It is the further intent of this chapter to provide to the residents of the county proper notification of the county's recognition and support through this chapter of those person's and/or entities' right to farm.

(b) This chapter is not to be construed as in any way modifying or abridging state law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or any other applicable provision of state law relative to nuisances; rather it is only to be utilized in the interpretation and enforcement of the provisions of this code and county regulations.

(c) An additional purpose of this chapter is to promote a good neighbor policy by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems, discomfort or inconveniences associated with such purchases or residence. Such problems, discomfort or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four-hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, pesticides and grazing of livestock under open range. One or more of the inconveniences described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. Persons living near any agricultural areas should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near rural areas. (Ord. 451B § 1, 1993).

**6.02.020 Definitions.**

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For purposes of this chapter:

(a) "Agricultural land" means all that real property within the boundaries of Lassen County currently used for agricultural operations or upon which agricultural operations may in the future be established.

(b) "Agricultural operation" means and includes, but is not limited to the cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting and processing of agricultural commodity, including viticulture, horticulture, timber or apiculture; the raising of livestock, fur bearing animals, fish or poultry; and any commercial agricultural practices performed as incident to or in conjunction; with such operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market. (Ord. 451B § 1, 1993).

**6.02.030 Agricultural activities not to be deemed a nuisance.**

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No agricultural activity, operation or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, and consistent with all chapters of the Lassen County Code, shall be or become a nuisance, private or public, due to any changed condition in or about the locality if such activity did not constitute a nuisance when it began. (Ord. 451B § 1, 1993).

**6.02.040 Disclosure.**

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(a) The disclosure statement required by this chapter shall be used under the following circumstances and in the following manners:

(1) The county of Lassen shall mail a copy of the disclosure set out at subsection (b) of this section to all owners of real property in Lassen County with the annual tax bill for fiscal year 1993-94.

(2) Upon any transfer of real property by sale, exchange, installment land sale contract, lease with option to purchase, any other option to purchase, or ground lease coupled with improvements, or residential stock cooperative improved with dwelling units, the transferor shall require that a statement containing the language set forth in subsection (b) shall be delivered to the purchaser or lessee.

(3) Upon the issuance of a discretionary development permit, including but not limited to subdivision permits and use permits, for use on or adjacent to lands zoned agricultural operations. The discretionary development permit shall include a condition that the owners of the property shall be required to sign a statement of acknowledgement containing the disclosure set out in subsection (b) of this section on forms provided by the planning department.

(b) The disclosure required by subsection (a)(2) is set forth herein, and shall be made on a copy of the following disclosure form:

### REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE COUNTY OF LASSEN, STATE OF CALIFORNIA, DESCRIBED AS \_\_\_\_\_

THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH ORDINANCE NO. \_\_\_\_ OF SAID COUNTY CODE AS OF \_\_\_\_\_, 1993. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPLE(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

#### I

#### SELLERS INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE COUNTY OF LASSEN AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

- \_\_\_ The property you are purchasing is zoned as agricultural lands and its use is protected by this ordinance.
- \_\_\_ The property you are purchasing is located adjacent to or near agricultural lands or operations or included within an area zoned for agricultural purposes.
- \_\_\_ The property you are purchasing is located adjacent to or near timber production land or operations or included within an area zoned for timber production.
- \_\_\_ The property you are purchasing is located adjacent to or near open range lands.

The County of Lassen permits the operation of properly conducted agricultural operations with the County. If the property you are purchasing is located near agricultural lands or operations or included within an area zoned for agricultural purposes, you should be prepared to accept inconveniences and discomforts which are part of the normal and necessary aspect of living in a County with a strong rural character and an active agricultural sector.

If any person or entity in connection with any actual or anticipated sale of this property have any additional concerns they are advised to contact the appropriate county office or agency. Seller certifies that the information herein is true and correct to the best of Seller's knowledge as of the date signed by the Seller.

Seller \_\_\_\_\_ Date \_\_\_\_\_

Seller \_\_\_\_\_ Date \_\_\_\_\_

## II

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER WITH RESPECT TO ANY ADVICE/ INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT AND THE ATTACHED COUNTY ORDINANCE NO. \_\_\_\_\_

Seller \_\_\_\_\_ Date \_\_\_\_\_

Seller \_\_\_\_\_ Date \_\_\_\_\_

Buyer \_\_\_\_\_ Date \_\_\_\_\_

Buyer \_\_\_\_\_ Date \_\_\_\_\_

Agent

(Broker Representing Seller) \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_

Agent

(Broker Obtaining the Offer) \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_

A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT WITH YOUR ATTORNEY.

(Ord. 451B § 1, 1993).

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