

AGENDA  
LASSEN COUNTY PLANNING COMMISSION  
\*SPECIAL SESSION\*  
BOARD CHAMBERS, 707 NEVADA STREET  
SUSANVILLE, CA 96130  
JUNE 17, 2019

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

1:15 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 and cannabis testing facilities, Lassen County. Proposed amendment to Title 18 (Zoning) of the Lassen County Code to add language in Chapter 18.14 to define “cannabis dispensary” and “cannabis testing facility”; and to add language in Chapter 18.108 to allow cannabis dispensaries and cannabis testing facilities, with a Use Permit as provided for at Lassen County Code Chapter 18.112. Located Countywide. Staff Contact: Kelly Mumper, Associate Planner.

1:20 p.m. **PUBLIC HEARING: RECOMMENDATION TO THE BOARD OF SUPERVISORS** File #318.01.53, Amendment to Title 18 of the Lassen County Code to regulate the placement of cargo containers in Lassen County. Proposed amendment to Title 18 of the Lassen County Code to add section 18.108.300, to define “cargo containers” and to regulate their placement in certain districts given particular minimum acreage and screening requirements. Located Countywide. Staff Contact: Stefano Richichi, Associate 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/AG6/17/19

KM  
DJM  
MLA



County of Lassen  
Department of Planning and Building Services

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

June 14, 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: Lassen County Planning Commission  
Agenda Date: June 17, 2019

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

RE: Draft Ordinance Amendment to allow Cannabis Dispensaries and Cannabis Testing Facilities.  
(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 and cannabis testing facilities with a use permit in certain zoning districts. However, the attached draft ordinance must first be considered by the Planning Commission, in accordance with planning and zoning law, as it would amend the zoning ordinance.

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 specific zoning districts and setback distances from land uses such as schools.

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.

 MLA:km

Enclosures: Draft Ordinance

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

**A CODIFIED  
ORDINANCE AMENDING TITLE 18, ESTABLISHING REGULATIONS TO ALLOW  
CANNABIS DISPENSARIES AND CANNABIS TESTING FACILITIES 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, 18.108.045, and 18.108.048 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.

**18.108.045 Cannabis Dispensaries**

- a. Except as provided for in this Chapter, commercial cannabis activities shall not be allowed in the unincorporated areas of Lassen County without first obtaining all required use permits, licenses or other entitlements required by local, or State, laws and federal regulations.
- b. Cannabis dispensaries, as defined in this Title (type 10, storefront dispensary), are allowed in commercial zoning districts with a use permit (pursuant to Chapter 18.112), with the following requirements, in addition to any other conditions established as part of the use permit process:
  - i. 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 (MCRSA) 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.

- ii. Any use or operation of a cannabis dispensary that is not expressly provided for in both an approved use permit and a valid Cannabis license issued by the State is prohibited in all zones and is hereby declared a public nuisance that may be abated by the County and is subject to all available legal remedies, including but not limited to civil injunctions.
- iii. Nothing in this ordinance shall be construed to allow a use that is otherwise illegal under State law or Federal law.
- iv. 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 Sections 19300.7 or 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.
- v. Any specific use permit application requirements contained in this section are in addition to all requirements of Chapter 18.112.
- vi. Commercial cannabis operator qualifications shall be as follows:
  - 1. All operators and all employees of a commercial cannabis activity must be 21 years of age or older.
  - 2. Operators shall be subject to background checks.
  - 3. Permits for commercial cannabis activities shall not be granted for operators with felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of section 1192.7 of the Penal Code.
- vii. In the event the permittee or successor in interest vacates and wishes to relocate the commercial cannabis activity to a new location, a new use permit will need to be granted by the County in accordance with this Title prior to commencing operations at the new location.
- viii. 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.
- ix. The minimum notification area for the public hearing for a proposed use permit shall be at least 300 feet from the proposed dispensary.



- x. As a component of the use permit application, the applicant shall provide the legal name of the proposed cannabis dispensary.
- xi. Any application for a use permit shall contain the address and date of birth of each principal officer and board member (if applicable) and the name, address and date of birth of each cannabis dispensary agent.
- xii. Any application for a use permit shall contain a “notarized certification” that none of the principal officers or board members has been convicted of one of the following offenses:
  - 1. A violent crime, as defined in the California Penal Code.
  - 2. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the 10 years prior to applying for the application for the dispensary use permit.
- xiii. The use permit application shall contain notarized certification that none of the principal officers or board members has served as a principal officer or board member for a registered dispensary that has had its registration certificate revoked.
- xiv. The use permit application shall include a floor plan showing the location, dimensions and type of security measures demonstrating that the dispensary will be in an enclosed locked building and facility.
- xv. A cannabis dispensary must be located in a permanent legally established building and may not be located in a trailer, cargo container or motor vehicle.
- xvi. Any proposed cannabis dispensary must be at least 1,500 feet from any legally established residence, existing at the time of application, excluding caretaker’s units established for an allowed industrial use. Upon finding that the proposed dispensary 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 that is no closer than 300 feet from an established residence.
- xvii. A cannabis dispensary shall be set back a minimum of 1,500 feet from any existing schools, school bus stops, licensed day care providers, public

parks, churches, community service agencies, activity facilities and/or activities where children may be enrolled, measured from the parcel boundaries. Upon finding that the proposed dispensary will not interfere with the above uses 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 300 feet from any of these uses.

- vii. Cannabis sales shall not be conducted at any facility unless the use is authorized.
  - viii. 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.
  - ix. The applicant must have Health Department approval or conditional approval prior to approval of any use permit, including an approved food facility permit.
  - x. 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 format of said cannabis, edible or otherwise, or bi-products.
  - xi. The permitted hours of operation of any approved dispensary are between the hours of 9:00 a.m. and 7:00 p.m. daily.
  - xii. Neither alcohol or cigarettes can be sold at a dispensary or on the parcel on which the dispensary is located.
  - xiii. Any use permit approved pursuant to this section may require the facility to be bonded.
- c. Cannabis testing facilities, as defined in this Title (type 8, testing) shall be allowed by use permit (pursuant to Chapter 18.112) in any Industrial zoning district, subject to the following requirements:
- i. 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 (MCRSA) 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.

- ii. Any use or operation of a cannabis testing facility that is not expressly provided for in both an approved use permit and a valid Cannabis license issued by the State is prohibited in all zones and is hereby declared a public nuisance that may be abated by the County and is subject to all available legal remedies, including but not limited to civil injunctions.
- iii. Nothing in this ordinance shall be construed to allow a use that is otherwise illegal under State law or Federal law.
- iv. 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 Sections 19300.7 or 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.
- v. Any specific use permit application requirements contained in this section are in addition to all requirements of Chapter 18.112.
- vi. Commercial cannabis operator qualifications shall be as follows:
  - 1. All operators and all employees of a commercial cannabis activity must be 21 years of age or older.
  - 2. Operators shall be subject to background checks.
  - 3. Permits for commercial cannabis activities shall not be granted for operators with felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of section 1192.7 of the Penal Code.



- vii. 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 will be need to be granted by the County in accordance with this Title prior to commencing operations at the new location.
- viii. All cannabis testing facility 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.
- xviii. The minimum notification area for the public hearing for a proposed use permit shall be at least 1,000 feet from the proposed cannabis testing facility.
- ix. Any application for a use permit shall contain the address and date of birth of each principal officer and board member (if applicable) and the name, address and date of birth of each cannabis dispensary agent.
- x. Any application for a use permit shall contain a notarized certification that none of the principal officers or board members has been convicted of one of the following offenses:
  - 1. A violent crime, as defined in the California Penal Code.
  - 2. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted including an offense for which the sentence, any term of probation, incarceration or supervised release was completed within the 10 years prior to applying for the application for the dispensary use permit.
- xi. The use permit application shall contain notarized certification that none of the principal officers or board members has served as a principal officer or board member for a commercial cannabis activity that has had its registration certificate revoked.
- xii. The use permit application shall include a floor plan showing the location, dimensions and type of security measures demonstrating that the cannabis testing facility will be in an enclosed locked building and facility.

- xiii. A cannabis testing facility must be located in a permanent legally established building and may not be located in a trailer, cargo container or motor vehicle.
- xiv. Any proposed cannabis testing facility must be at least 1,500 feet from any legally established residence, existing at the time of application, excluding caretaker's units established for an allowed industrial use. Upon finding that the proposed cannabis testing facility 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 that is no closer than 300 feet from an established residence.
- xv. A cannabis testing facility shall be set back a minimum of 1,500 feet from any existing schools, school bus stops, licensed day care providers, public parks, churches, community service agencies, activity facilities and/or activities where children may be enrolled, measured from the parcel boundaries. Upon finding that the proposed cannabis testing facility will not interfere with the above uses 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 300 feet from any of these uses.
- xvi. 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.
- xvii. The applicant must have Health Department approval or conditional approval prior to approval of any use permit.
- xviii. Any approved use permit shall contain a condition that the cannabis testing facility is prohibited from permitting anyone to consume cannabis on the premises.
- xix. 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.
- xx. Any use permit application shall address disposal of cannabis and any associated bi-products after testing.
- xxi. Any use permit approved pursuant to this selection may require the facility to be bonded.

**SECTION THREE:** Repeal Lassen County Code section 18.107.030. This section currently prohibits cannabis dispensaries.

**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.





County of Lassen  
Department of Planning and Building Services

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

**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

June 14, 2019

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

TO: Lassen County Planning Commission  
Agenda Date: June 17, 2019

FROM: Maurice L. Anderson, Director

RE: Draft Cargo Container Ordinance (File #318.01.53)

BACKGROUND:

As a result of public complaints and the Planning Commission's input, interest has been expressed in the adoption of a cargo container ordinance. As such, the Department of Planning and Building Services has prepared the attached draft ordinance amending Title 18 (Lassen County's Zoning Ordinance) for your review.

In an attempt to address potentially noxious visual impacts, the draft ordinance requires that cargo containers meet the pertinent zoning and fire safety setback requirements, and in certain cases, (such as in "D" Design Combining Districts and scenic highway corridors) the draft ordinance requires that cargo containers be painted to match existing buildings or be painted dark green or dark brown. Also per the draft ordinance, cargo containers are only allowed temporarily in "R" residential districts. The draft ordinance also allows for "portable moving containers," which are defined differently than "cargo containers," for a maximum 30-day period, only in certain districts.

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.

MLA:smr

Enclosures: Draft Ordinance

S:/PLA/Admin/FILES/318.01.53/PC Memo

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

Ordinance to Regulate the Placement of Cargo Containers throughout Lassen County

The following ordinance, consisting of three 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 18.108.300 to the Lassen County Code to read as follows:

- (a) In any district except “R” residential districts, 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, cargo containers are allowed subject to all of the following requirements:
- 1) On parcels that are less than two acres in size, cargo containers are allowed only if there is a legally established primary use on the subject parcel, except during the period of time that there is an active building permit for the construction of a main building, or an active building permit for the construction of a building dedicated to the storage of property, equipment, or goods, such as a garage or a shop. Any cargo container shall be removed prior to expiration of the building permit or issuance of a certificate of occupancy.
  - 2) Any cargo container placed shall meet all setback requirements, including but not limited to the zoning and fire safety setback.
  - 3) Any alteration of a cargo container (i.e., in the case that it is used for occupancy other than storage or if any utilities will be connected to it) shall require that a building permit first be secured.
  - 4) Cargo containers shall not be “stacked” (i.e., be placed on top of one another) unless a building permit is secured for said purpose.
  - 5) Any cargo container placed within a scenic highway corridor or “D” Design Combining District shall be painted to match the existing building(s) on the property or dark green or dark brown.
- (b) Cargo containers are prohibited in any “R” residential district, except during the period of time that there is an active, issued building permit for the construction of a main building, or an active building permit for the construction of a building dedicated to the storage of property, equipment, or goods, such as a garage or a



shop. Any cargo container shall be removed prior to expiration of the building permit or issuance of a certificate of occupancy.

- (c) Portable moving containers may be allowed in any district except for 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. Portable moving containers are allowed in any of the districts not identified above in this subsection for a period of not more than 30 days in any six-month period. This 30-day limitation includes both consecutive days and discrete days.
- (d) Any cargo container or portable moving container placed in violation of this section shall be deemed a nuisance pursuant to Lassen County Code Section 1.18.020. This section may be enforced through Lassen County Code Chapter 1.18 or through any other applicable laws.
- (e) For the purposes of this section, "cargo container" is defined as a portable shipping container made of metal that is used for the onsite storage of property, equipment, or goods.

"Portable moving containers" are containers that are normally rented by a user for a short period of time for the purpose of moving personal goods. "Portable moving containers" include Portable on Demand Storage (PODS) containers or similar containers. A "cargo container" is not a "portable moving container," nor is a "portable moving container" a "cargo container," for the purposes of this section.

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