



*County of Lassen*  
Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

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April 26, 2022

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TO: Lassen County Planning Commission  
Agenda Date: May 3, 2022

FROM: Maurice L. Anderson, Director

*M. L. Anderson*

SUBJECT: Proposed amendment to Title 18 (Zoning) of the Lassen County Code to add section 18.108.043 to allow up to five use permit applications to allow indoor commercial cannabis cultivation in industrial zoning districts (File #318.01.60).

***Summary:***

On April 12, 2022, the Board of Supervisors directed staff to prepare an ordinance amending Title 18 (zoning) of the Lassen County Code to allow up to five (5) use permit applications to allow indoor commercial cannabis cultivation in industrial zoning districts (see attached minute order). Said draft ordinance is enclosed.

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 or may recommend against passage of an ordinance.

***California Environmental Quality Act:***

If the proposed ordinance is adopted, the Lassen County Environmental Review Officer recommends that the Board of Supervisors find that the ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because impacts associated with the activity are consistent with impacts associated with other uses already allowed by right or by use permit in industrial zoning districts. CEQA Guidelines section 15061(b)(3) reads as follows:

*The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*

At the above referenced public hearing, the Planning Commission will also consider the appropriateness of the proposed CEQA exemption.

***Use Permit Application Fee***

The draft ordinance establishes a use permit for indoor commercial cannabis cultivation as a class 3 use permit because the processing will be similar to other class 3 use permits. For example, cannabis dispensaries and cannabis testing facilities were established as class 3 use permits in 2019 pursuant to section 66014 of the Government Code. The processing of a use permit for indoor commercial cannabis cultivation will be similar (in terms of permitting requirements) and therefore meets the requirement of section 66014 to not “...*exceed the estimated reasonable cost of providing the service for which the fee is charged...*”

Pursuant to the draft ordinance, applicants will also be responsible for all costs resulting from compliance with the California Environmental Quality Act.

MLA:gfn

Enclosures: Draft Ordinance  
March 12, 2022, Board of Supervisors Minute Order

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

Ordinance Amending Title 18 to add Section 18.108.043 to Allow Indoor Commercial Cannabis Cultivation in Industrial Zones With a Use Permit.

The following ordinance, consisting of five 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 \_\_\_\_\_, 2022, by the following vote:

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

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

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

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

\_\_\_\_\_  
Chris Gallagher  
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 18.108.043 to the Lassen County Code to read as follows:

**18.108.043 Cannabis Cultivation**

- (a) A total of five (5) cannabis cultivation sites, as defined in this title (a “medium” state defined category), permitting indoor commercial cannabis cultivation up to 22,000 square feet, are allowed in industrial 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. Any operator of an approved cannabis cultivation use permit shall maintain, during the life of the use permit, 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 cultivation 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.
  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. 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.
  4. In the event the permittee vacates and wishes to relocate the 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. All cultivation sites 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.

6. As a component of the use permit application, the applicant shall provide the legal name of the proposed cannabis cultivation operation.
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. All cultivation must be inside a legally established building with a suitable occupancy classification pursuant to Title 12 and the California Building Standards Code (Title 24 of the California Code of Regulations). As part of the use permit application, the applicant shall submit certification from a properly licensed engineer or architect to certify that the building in which cultivation is proposed is suitable or to identify any improvements that may be required for such use. An authorization to operate shall not be issued until all required improvements have been made. Non-permitted green houses or agricultural buildings exempt from the requirement to secure a building permit pursuant to subsection "(b)" of section 12.04.040 shall not qualify. As a mandatory condition of approval for any cannabis cultivation, the planning and building services department must confirm that the building occupancy will allow the proposed use.
10. In industrial zoning districts, any proposed cannabis cultivation must be at least two hundred feet from any legally established residence, existing at the time of application, excluding caretaker's units established for an allowed commercial or industrial use, except as required by the California Building Standards Code. Such distance shall be measured in a straight line from the proposed cultivation to the established residence.
11. There shall be no cultivation located within six hundred feet of any existing school, school bus stop, licensed day care provider, or public park existing at the time of application for the use permit. Such distance shall be measured in a straight line from the proposed cultivation to the school, school bus stop, licensed day care provider, or public park.
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 approved use permit shall contain a condition that the cultivation is prohibited from permitting anyone to consume cannabis on the premises, regardless of the form of said cannabis, edible or otherwise, or by-products.
  14. Any approved operation of the use permit occurring outside the building in which cultivation is approved, such as transportation of the product, shall be conducted between the hours of nine a.m. and seven p.m. daily, unless otherwise approved through the use permit.
  15. Any structures used for cultivation shall meet the applicable zoning setbacks and Fire Safe Ordinance setbacks, as established at section 9.16.330. In addition, as part of the use permit process, the planning commission may establish additional setback requirements.
  16. A mandatory condition of approval shall be implemented during the use permit process requiring 24 hour security at all times that cannabis is being cultivated.
  17. A mandatory condition of approval shall be implemented during the use permit process to provide adequate scrubbing/filtering of the cannabis odor to the satisfaction of the Planning Commission.
- (b) Once a use permit is approved to conditionally allow cultivation 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 Cal Cannabis Cultivation Licensing Division of the California Department of Food and Agriculture or other pertinent state agency. 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.
- (c) The applicant shall be responsible for paying all fees for a class 3 use permit pursuant to section 3.18.020. This includes but is not limited to applicable use permit application fees and all fees associated with required review under the California Environmental Quality Act.

**SECTION THREE:** The following is hereby added to section 19.030 (Definitions) of Title 19:

“Cannabis” has the same meaning as defined in California Health and Safety Code Section 11018.

**SECTION FOUR:** The fee for a class 3 use permit in section 3.18.020 is hereby amended to read as follows:

|                     |         |  |
|---------------------|---------|--|
| Use Permit, Class 3 | \$1,350 | <p>Includes: A. power projects: to be applied to use permit applications for proposed production projects to generate electrical power for private or public utility uses, as well as exploratory and production wells; or otherwise to supply an energy resource by any means for sale or use other than use strictly by the applicant. Also applies to transmission facilities including power lines and pipelines.</p> <p>B. Projects in which a major component of the operation is the handling or disposal of solid or hazardous wastes, or the handling of hazardous or toxic materials.</p> <p>C. Indoor commercial cannabis cultivation, cannabis dispensary, and cannabis testing use permit application pursuant to §§ 18.108.043, 18.108.045, and 18.108.046.</p> <p>In addition to the application fee the cost also includes either: (1) a preparation charge based on actual cost (time and materials) exceeding the application fee if the document is prepared and/or reviewed by county staff; or (2) an administration fee equal to ten percent of the total contract costs if the document is prepared under contract to the county.</p> |
|---------------------|---------|--|

**SECTION FIVE:** 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  
Board of Supervisors  
Minute Order**

Tuesday, April 12, 2022

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**LASSEN COUNTY SUPERVISORS:**

**DISTRICT 1 - CHRIS GALLAGHER - CHAIRMAN; DISTRICT 2 - GARY BRIDGES; DISTRICT 3 - JEFF  
HEMPHILL - VICE CHAIRMAN; DISTRICT 4 - AARON ALBAUGH; DISTRICT 5 - TOM HAMMOND**

**9:00 A.M. CALL TO ORDER**

Present: Supervisors Gallagher, Bridges, Hemphill, Albaugh, and Hammond.  
Also present: County Administrative Officer (CAO) Richard Egan, County  
Counsel Amanda Uhrhammer, and Deputy Clerk of the Board Michele Yderraga.

**Present:** 5 - Chris Gallagher, Gary Bridges, Jeff Hemphill, Aaron Albaugh and Tom  
Hammond

**Excuse:** 0

**MATTERS SET FOR TIME CERTAIN**

**SUPERVISOR GALLAGHER**  
**SUBJECT:** Indoor marijuana cultivation.  
**FISCAL IMPACT:** Unknown.

**ACTION REQUESTED:** Discuss and consider providing direction to staff.

Supervisor Gallagher informed the board he requested to bring back this item for further discussion and explained his idea of acceptable commercial cannabis grows in Lassen County. Director of Planning and Building Services Maury Anderson gave a brief overview of use permits and zoning. Supervisor Hammond asked about resources for illegal grows in Lassen County. Sheriff/Coroner Dean Growdon informed the board the Sheriff's Office assists with Planning and Building Services staff on illegal cannabis grows. Deputies go out when available. Sheriff Growdon also stated it was difficult because if a person has a green house, it wouldn't be enough probable cause and they were not allowed to fly drones over personal property without a search warrant. Sheriff Growdon informed the board the Sheriff's Office seeks additional help from other entities with cleaning and destroying the illegal grows. Additional discussion was held pertaining to staffing issues in the Sheriff's Office, cannabis taxes, drug abuse, Proposition 64, and the General Fund. County Counsel Uhrhammer stated to direct staff to come back with an outline of what the board

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LASSEN COUNTY DEPARTMENT OF



suggested. Supervisor Gallagher re-read his opening statement. CAO Egan added having been through the most recent process the staff can use that as a base and take the few changes into consideration and create a new draft.

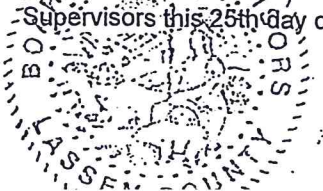
SPEAKERS: Carol Clark, Leeann Vanderley, Jerry Rose, Pastor Jeff Root from Highland Baptis Church, Quincy McCort, Curtis Bortle, Erin Ryan from Doug LaMalfa's office, Eileen Richard, Darwin Solis, Treasurer/Tax Collector Nancy Cardenas.

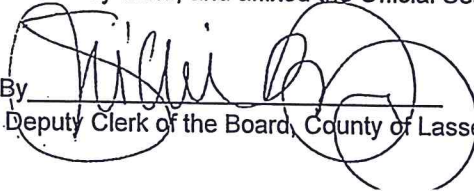
County of Lassen County )

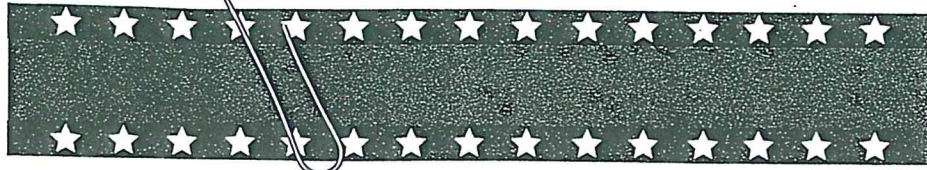
State of California ) ss.

I, Michele Yderraga, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, State of California, do hereby certify the foregoing to be a full, true and correct copy of the minute order of said Board of Supervisors on above date.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Official Seal of the said Board of Supervisors this 25th day of April, 2022.



By   
Deputy Clerk of the Board, County of Lassen, Board of Supervisors



APR 26 2022

April 21, 2022

LASSEN COUNTY DEPARTMENT OF  
PLANNING AND BUILDING SERVICES

Dear Deputy Director Norwood,

In regards to the proposed amendment to allow up to five use permits to allow indoor cannabis cultivation in industrial zoning districts, I support passing this amendment.

I am not very familiar with Lassen County zoning, but wouldn't it also be appropriate to include agriculture zoning districts? Maybe we don't have them?

Sincerely,  
Joane Dufay