

ORDINANCE NO. 2019-12

Ordinance Amending Title 18 to Allow Cannabis Dispensaries in Industrial Zones and to
Reduce Required Setbacks between Cannabis Dispensaries and Residences


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 10th day of December, 2019, by the following vote:

AYES: Supervisors Hemphill, Gallagher, Teeter and Hammond.

NOES: Supervisor Albaugh.

ABSTAIN: None.

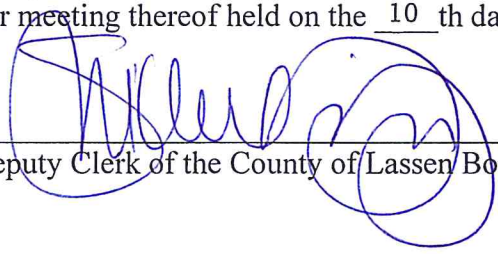
ABSENT: None.


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 10th day of
December, 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: Amend Section 18.108.045 of the Lassen County Code to read as follows:

“18.108.045 Cannabis Dispensaries

(a) Cannabis dispensaries, as defined in this title (Type 10, storefront dispensary), are allowed in commercial and 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) 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) In commercial zoning districts, any proposed cannabis dispensary 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 dispensary to the established residence. 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.

(12) 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.

(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 by-products.

(15) 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."

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.