

AGENDA
LASSEN COUNTY PLANNING COMMISSION
SPECIAL SESSION
BOARD CHAMBERS, 707 NEVADA STREET
SUSANVILLE, CA 96130
NOVEMBER 13, 2019

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

1:10 p.m. **PUBLIC HEARING: RECOMMENDATION TO THE BOARD OF**
SUPERVISORS File #318.01.58, Proposed amendment to Title 18 (Zoning) of the
Lassen County Code to modify section 18.108.045 to allow cannabis dispensaries by
use permit in industrial zoning districts, as well as to modify setback distances required
for cannabis dispensaries. Staff Contact, Gaylon F. Norwood, Assistant Director

1:15 p.m. **PUBLIC HEARING: (Continued from the November 5, 2019, Planning**
Commission Meeting) 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 color requirements. Located Countywide. Staff Contact: Maurice
Anderson, Director.

PowerPoint presentation: California Environmental Quality Act (continued from the
November 5, 2019, meeting).

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/AG11/13/19





County of Lassen
Department of Planning and Building Services

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

November 7, 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: November 13, 2019

FROM: Maurice L. Anderson, Director

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: Draft Ordinance to Allow Cannabis Dispensaries in Industrial Zones and to Reduce Setback Requirements (File #318.01.58)

BACKGROUND:

On October 22, 2019, the Board of Supervisors directed staff to modify the ordinance allowing cannabis dispensaries (as detailed below). In accordance with California Government Code section 65853 et seq (zoning amendment procedures), the Planning Commission must first conduct a public hearing and provide the Board a recommendation regarding the proposed changes. Previously, on August 13, 2019, the Board of Supervisors adopted Ordinance Number 2019-08 to allow cannabis dispensaries and cannabis testing facilities in Lassen County with a use permit.

For this public hearing, the Board directed the Commission to consider the following changes to the ordinance allowing cannabis dispensaries (codified as Lassen County Code 18.108.045):

- Allow submittal of a use permit to consider cannabis dispensaries in industrial zoning (the current ordinance only allows dispensaries in commercial zoning districts).
- Reduce the required setback between residences and any proposed dispensary to 200 feet for any dispensary proposed in a commercial zoning district (currently, the ordinance requires a 1,500-foot setback from a residence, but allows reduction to 600 feet upon making certain health and safety and general plan consistency findings).
- Not require any setback from a residence in industrial zoning districts (with the understanding that setbacks may nonetheless be required by building, zoning, fire safety and other requirements).
- Provide language clarifying that the above setback requirements do not apply to caretaker units on industrially or commercially zoned properties regardless of whether any such unit is on the property where the dispensary is proposed or an adjoining property.

In accordance with Government Code section 65855, the Commission may make any recommendation deemed appropriate regarding the above changes the Board has asked the Commission to consider. The Commission is also authorized to make alternate recommendations to the Board.

Two draft ordinances are attached. The first version includes only the amendments the Board asked the Commission to consider. The second version of the ordinance contains the following additional language the Department is asking the Commission to consider:

- This second version modifies the language concerning the required setback between and proposed dispensary and any school, school bus stop, licensed day care provider or public park. Specifically, this language reduces the setback to a minimum of 600 feet and does not require any additional findings. Currently, a 1,500-foot setback is required from these land uses unless specific health and safety and general plan consistency findings are made (in which case the setback could potentially be reduced to 600 feet).

SUMMARY:

Again, the Planning Commission will:

1. make a recommendation to the Board of Supervisors in regard to the amendments the Board asked to be considered,
2. consider making a recommendation to the Board regarding the draft language proposed by staff (reducing the setback for schools, school bus stops, licensed day care providers or public parks to an automatic 600 feet),
3. consider making any additional or alternate recommendation to the Board concerning cannabis dispensaries.

MLA:smr

Enclosures: Draft Ordinance
Lassen County Code Section 18.108.045

S:/PLA/Admin/FILES/318.01.58/PC Memo

ORDINANCE NO. _____

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 ____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: 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 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 six hundred 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 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.

DRAFT

ORDINANCE NO. _____

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 ____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: 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.

DRAFT

Lassen County Code

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[Title 18 ZONING](#)

[Chapter 18.108 SPECIAL PROVISIONS](#)

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 six hundred 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 six hundred 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 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. (Ord. 2019-008 § 2).

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County of Lassen
Department of Planning and Building Services

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

November 8, 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: November 13, 2019

FROM: Maurice L. Anderson, Director

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: Draft Cargo Container Ordinance (File #318.01.53)

This memorandum follows similar memoranda that were part of the packet for the June 17, 2019, special meeting of the Planning Commission, and its August 6, 2019, September 3, 2019, October 1, 2019, and November 5, 2019, regular meetings. The above public hearing for the ordinance was closed on November 5, 2019, but Planning Commission deliberations were continued to the November 13, 2019, special meeting.

BACKGROUND:

At its November 5, 2019, meeting, the Planning Commission directed staff to recommend to the Board that the draft ordinance be amended to clarify that any new or existing cargo containers in any R, R-S, P.U.D., or P-C district must secure a use permit, except that any existing cargo containers in said districts that are not in a setback or building exclusion area will be considered legally non-conforming and will not require a use permit. This language was presented at said meeting as "Option 2" of four options (see attached).

Furthermore, the Planning Commission directed staff to allow a four month "amortization" (grace) period. It is unclear to staff what circumstances the Planning Commission intended said amortization period to apply to. As presented to the Planning Commission, "Option 2" would not require a use permit for cargo containers that were not placed in a setback or exclusion area (see proposed subsection "(g)" of Section 18.108.300). The only other circumstances the four month amortization period could potentially be applicable to would be cargo containers placed in violation of setback or exclusion area requirements to allow time to secure a use permit (if one is required by the new ordinance). The attached ordinance was drafted accordingly (see subsection "(h)" of Section 18.108.300). However, the Commission could recommend that said subsection be removed, as it is not required. The Department already has the authority to enforce existing setback and exclusion area requirements. Staff has also specified in said ordinance that the use permit required per the ordinance would be a Class I use permit.

In addition to the above changes, staff has also included a second version of the ordinance for the Planning Commission's consideration. This second version removes the restriction that cargo containers in T-P-Z (Timber Production Zone) and similar zones be allowed only temporarily. This second version also allows cargo containers in the O-C-B (Public Campground/Boating/Beach

District) and H-R (Hydroelectric District) zones. This second version also removes the four month amortization period described above for cargo containers placed in setbacks or exclusion areas.

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 may direct staff to incorporate changes to the draft ordinance and return to the Planning Commission for an additional hearing prior to making a recommendation to the Board of Supervisors.

MLA:smr

Enclosures: Draft Ordinances
4-Option PowerPoint Slide

S:/PLA/Admin/FILES/318.01.53/PC Memo (for 6th Meeting)

Options

- Option 1: Recommend no action – the problem isn’t significant enough to pass a law.
- Option 2: Recommend passing law to require that any new/existing cargo containers in any R, R-S, P.U.D, or P-C district secure a use permit, except that any existing cargo containers in said districts that are not in a setback or building exclusion area will be considered legally non-conforming (and not require a use permit).
- Option 3: Recommend passing law to require that all cargo containers, existing or new, in any R district (or those above) secure a use permit. Existing containers would be provided a “grace” period to secure the required use permit.
- Option 4: Recommend passing law to retroactively ban cargo containers in R districts (or those above).

ORDINANCE NO. _____

Ordinance to Regulate the Placement of Cargo Containers throughout Lassen County

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: Cargo container(s) placed in required setbacks or applicable exclusion areas were not legally established before adoption of this ordinance and will not be legally established if placed after adoption of the ordinance. Such cargo containers are considered a public nuisance pursuant to Lassen County Code sections 18.126.040 and 1.18.020 because they violate a requirement of Lassen County Code, pertinent State Statue or regulation or another pertinent setback or exclusion area requirement. Further, said placement of cargo containers does not qualify as a nonconforming use as described in Chapter 18.120 of Lassen County Code because the use was not legally established.

SECTION THREE: Add Section 18.108.300 to the Lassen County Code to read as follows:

- (a) The following requirements shall apply to any cargo container that may be allowed pursuant to this section:
- 1) Any cargo container placed shall meet all setback requirements, including but not limited to zoning and fire safety.
 - 2) Any cargo container placed shall not violate any applicable exclusion area required pursuant to sections 16.04.060 or 18.102.100.
 - 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 and a use permit are secured for said purpose.
 - 5) Any cargo container placed within a scenic highway corridor or "D" Design Combining District shall be painted either to match the existing building(s) on the property or dark green or dark brown, unless otherwise approved by use permit.
 - 6) If this section requires a use permit, it shall be a class 1.

- (b) Cargo containers shall be allowed in “R” residential districts, the “R-S” Resort District, the “P.U.D.” Planned Unit Development District, and the “P-C” Planned Community District as follows:
- 1) Cargo containers shall be allowed in the above districts described by this subsection only if a use permit for any cargo container(s) in said districts is approved by the Planning Commission; or
 - 2) Cargo containers may be allowed in the above districts described by this subsection without a use permit if the cargo container is placed only during the period of time that there is an active, issued building permit for the construction of a primary building, or an active, issued building permit for the construction of an accessory building, provided a primary building has been legally established. Any cargo container allowed under this subsection shall be removed prior to expiration of the building permit or prior to issuance of the related certificate of occupancy.
- (c) Cargo containers shall be allowed temporarily, for no more than 60 days in any six-month period, in the “T-P-Z” Timber Production Zone District, the “F-R” Forest Recreation District, and the “A-F” Agricultural Forest District. This 60-day limitation includes both consecutive days and discrete days.
- (d) Cargo containers are not allowed in 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, or the “H-R” Hydroelectric District.
- (e) Cargo containers are allowed subject to the following (in addition to the standards set forth at subsection “(a)” above) 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, or the “H-R” Hydroelectric District:
- 1) Cargo containers are allowed on parcels that are less than three acres in size 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 primary building or an active building permit for the construction of an accessory building provided a primary use or primary building has been legally established.
 - 2) Cargo containers proposed on parcels greater than or equal to three acres in size in districts other than those described by this subsection shall be allowed by right.

- (f) 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.
- (g) In accordance with subsection “(6)” of section 18.120.050, any cargo container that can be demonstrated to the satisfaction of the Planning and Building Services Department to have been lawfully established prior to the effective date of this ordinance is not required to secure a use permit (if a use permit is required by this ordinance). However, continued use pursuant to said subsection, without any required use permit, is subject to Chapter 18.120 (Nonconforming Uses).
- (h) Any cargo container placed on property prior to the effective date of this ordinance that was not legally established is provided a four (4) month amortization period during which time the use must meet all requirements of this ordinance or any such cargo container must be removed.

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.

ORDINANCE NO. _____

Ordinance to Regulate the Placement of Cargo Containers throughout Lassen County

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: Cargo container(s) placed in required setbacks or applicable exclusion areas were not legally established before adoption of this ordinance and will not be legally established if placed after adoption of the ordinance. Such cargo containers are considered a public nuisance pursuant to Lassen County Code sections 18.126.040 and 1.18.020 because they violate a requirement of Lassen County Code, pertinent State Statute or regulation or another pertinent setback or exclusion area requirement. Further, said placement of cargo containers does not qualify as a nonconforming use as described in Chapter 18.120 of Lassen County Code because the use was not legally established.

SECTION THREE: Add Section 18.108.300 to the Lassen County Code to read as follows:

- (a) The following requirements shall apply to any cargo container that may be allowed pursuant to this section:
- 1) Any cargo container placed shall meet all setback requirements, including but not limited to zoning and fire safety.
 - 2) Any cargo container placed shall not violate any applicable exclusion area required pursuant to sections 16.04.060 or 18.102.100.
 - 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 and a use permit are secured for said purpose.
 - 5) Any cargo container placed within a scenic highway corridor or "D" Design Combining District shall be painted either to match the existing building(s) on the property or dark green or dark brown, unless otherwise approved by use permit.
 - 6) If this section requires a use permit, it shall be a class 1.

- (b) Cargo containers shall be allowed in “R” residential districts, the “R-S” Resort District, the “P.U.D.” Planned Unit Development District, and the “P-C” Planned Community District as follows:
 - 1) Cargo containers shall be allowed in the above districts described by this subsection only if a use permit for any cargo container(s) in said districts is approved by the Planning Commission; or
 - 2) Cargo containers may be allowed in the above districts described by this subsection without a use permit if the cargo container is placed only during the period of time that there is an active, issued building permit for the construction of a primary building, or an active, issued building permit for the construction of an accessory building, provided a primary building has been legally established. Any cargo container allowed under this subsection shall be removed prior to expiration of the building permit or prior to issuance of the related certificate of occupancy.
- (c) Cargo containers are not allowed in the “O-H” Historical Site District, the “O-D” Primitive Area District, or the “O-S” Open Space District.
- (d) Cargo containers are allowed subject to the following (in addition to the standards set forth at subsection “(a)” above) 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-H” Historical Site District, the “O-D” Primitive Area, the “O-S” Open Space District:
 - 1) Cargo containers are allowed on parcels that are less than three acres in size 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 primary building or an active building permit for the construction of an accessory building provided a primary use or primary building has been legally established.
 - 2) Cargo containers proposed on parcels greater than or equal to three acres in size in districts other than those described by this subsection shall be allowed by right.
- (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.
- (f) In accordance with subsection “(6)” of section 18.120.050, any cargo container that can be demonstrated to the satisfaction of the Planning and Building Services Department to have been lawfully established prior to the effective date of this ordinance is not required to secure a use permit (if a use permit is required by this

ordinance). However, continued use pursuant to said subsection, without any required use permit, is subject to Chapter 18.120 (Nonconforming Uses).

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.