



County of Lassen
Department of Planning and Building Services

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

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June 1, 2023

Zoning & Building
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TO: Lassen County Planning Commission
Agenda Date: June 6, 2023

Environmental Health
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FROM: Maurice L. Anderson, Director

SUBJECT: Ordinance amending County Code Sections 18.108.230 (Keeping animals-Special provisions), Subsection "(2)" of Section 18.78.020 (Uses allowed by right), Subsection "(2)" of Section 18.80.020 (Uses allowed by right), 18.108.020 (Animal feedlot, fertilizer plants, commercial kennels and horse shows), 18.14.390 (Feedlot, commercial), and 18.102.020 (General district uses); repealing Section 18.108.070, Subsection "(3)" of Section 18.102.070, Subsection "(6)" of Section 18.22.050, Subsection "(6)" of Section 18.24.050, Subsections "(1)(a)" and "(2)(a)" of Section 18.108.270; and adding Subsection "(10)" to Section 18.102.110 (Provisions for hemp).

Summary:

At the May 2, 2023, meeting of the Lassen County Planning Commission, the public hearing for the consideration of the above referenced ordinance was opened and continued to the June 6, 2023, meeting. Direction was given to staff to investigate and make various amendments to the draft ordinance. During the last month, staff has consulted with Agricultural Commissioner Craig Hemphill, UC Cooperative Extension Director David Lile, and Emergency Services Chief Silas Rojas on the amendments to the draft ordinance.

This section of the staff report will describe the amendments made to each section of the draft ordinance or indicate if no changes were made to the May 2, 2023, version (although the amendments resulted in additional sections being added so some of the ordinance section numbers are not the same).

- **Ordinance SECTION TWO:** The following exception was added to this provision:

- (b) The density limitations listed above shall not apply to targeted grazing, provided said targeted grazing lasts no longer than 30 days in any single calendar year on any single parcel.

The UC Cooperative Extension Farm Advisor has indicated that "targeted grazing" (known colloquially as "mob grazing") is the correct terminology.

- **Ordinance SECTION THREE and SECTION FOUR:** The above exception (for targeted grazing) has been added to the Accessory Animal (AA) and Agricultural (A) combining districts.
- **Ordinance SECTION FIVE:** No change from the May 2, 2023, version of the ordinance (in which this was Section Three).
- **Ordinance SECTION SIX:** This section amends the definition of a “commercial feedlot.” The discussion at the May 2, 2023, Planning Commission meeting and subsequent discussion with the Agricultural Commissioner indicated that the definition should be amended. The **amended definition** reads as follows:

“Commercial feedlot” means a lot or portion of a parcel where ____ or more livestock are penned and fed in close quarters for the purpose of preparing them for resale or slaughter, and in which the land area is incapable of producing sufficient forage to support the number of animals confined. This definition is intended to apply only to activities carried on as commercial enterprises; and therefore, does not apply to feeding of animals accessory to a permitted use, or to the fattening of animals solely for the domestic use of the property owner, or to the penning and feeding of animals for display or show.

The **existing definition** reads as follows:

“Commercial feedlot” means any structure, pen, or corral wherein cattle, horses, sheep, goats or swine are maintained in close quarters for the primary purpose of fattening such livestock for final shipment to market.

- **Ordinance SECTION SEVEN through SECTION THIRTEEN:** No change from the May 2, 2023, version of the ordinance (in which this was Sections Four through Ten).

Adoption Process:

The proposed ordinance is being considered in accordance with section 65853 et seq (Zoning Amendment Procedures) of the California Government Code. In summary, both the Planning Commission and the Board must each conduct a public hearing before said ordinance can be adopted. In accordance with section 65857, the Board of Supervisors can introduce and adopt the ordinance at the same meeting. However, the Board must refer the proposed ordinance back to the Planning Commission, if the Board wishes to consider modifications to the proposed ordinance not considered by the Planning Commission.

California Environmental Quality Act:

The Environmental Review Officer (ERO) has determined that this proposed amendment is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3). Section 15061(b)(3) states 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.*” The proposed amendment makes minor adjustments to County Code that will not have a significant environmental affect.

MLA:gfn

Enclosures: Proposed Ordinance
May 2, 2023, Planning Commission packet

ORDINANCE NO. _____

Ordinance amending County Code Sections 18.108.230 (Keeping animals-Special provisions), Subsection “(2)” of Section 18.78.020 (Uses allowed by right), Subsection “(2)” of Section 18.80.020 (Uses allowed by right), 18.108.020 (Animal feedlot, fertilizer plants, commercial kennels and horse shows), 18.14.390 (Feedlot, commercial), and 18.102.020 (General district uses); repealing Section 18.108.070, Subsection “(3)” of Section 18.102.070, Subsection “(6)” of Section 18.22.050, Subsection “(6)” of Section 18.24.050, Subsections “(1)(a)” and “(2)(a)” of Section 18.108.270; and adding Subsection “(10)” to Section 18.102.110 (Provisions for hemp).

The following ordinance, consisting of fourteen 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 _____ day of _____, 2023, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Gary Bridges
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 _____ 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 adoption. Before the expiration of fifteen (15) days after its adoption 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: Section 18.108.230 of the Lassen County Code is hereby amended to read as follows:

18.108.230 Keeping animals-Special provisions

(a) Unless otherwise provided in this title, the following regulations shall apply to the keeping of animals on a property:

- (1) The minimum lot area upon which a horse, cow, ostrich, llama or other large animal may be kept is one acre, and two large animals may be kept on such area. One additional large animal may be kept for each twenty thousand square feet by which a parcel of land exceeds one acre.
- (2) Stables shall be located midway between the side lot lines, but in no case closer than twenty feet to the side lot lines, and not closer than fifty feet to the front lot line.
- (3) Not more than one goat, or one hog, or one sheep or similar livestock shall be kept for every seven thousand square feet of area. Such area requirements shall not include the special setback requirements of this Title, nor the area occupied by the main building.

(b) The density limitations listed above shall not apply to targeted grazing, provided said targeted grazing lasts no longer than 30 days in any single calendar year on any single parcel.

SECTION THREE: Subsection “(2)” of Section 18.78.020 (Uses allowed by right) of the Lassen County Code is hereby amended to read as follows:

- (2) Small livestock farming, as defined by Chapter 18.14 of this title; provided, that not more than one goat, or one hog, or one sheep or similar livestock shall be kept for every seven thousand square feet of area. Such area requirements shall not include the special setback requirements of this chapter, nor the area occupied by the main building. The density limitations listed above shall not apply to targeted grazing, provided said targeted grazing lasts no longer than 30 days in any single calendar year on any single parcel;

SECTION FOUR: Subsection “(2)” of Section 18.80.020 (Uses allowed by right) of the Lassen County Code is hereby amended to read as follows:

- (2) Animal husbandry and livestock farming; provided, that not more than one horse, mule, cow, or steer, shall be kept for each twenty thousand square feet of area and no more than one goat, or one hog, or one sheep or similar livestock shall be kept for every seven thousand square feet of area. Such area requirements shall not include the special setback requirements of this Title, nor the area occupied by the main building. Additionally, the density limitations listed above shall not apply to targeted grazing, provided said targeted grazing lasts no longer than 30 days in any single calendar year on any single parcel;

SECTION FIVE: Section 18.108.020 is hereby amended to read as follows:

18.108.020 Animal feedlot, fertilizer plants, commercial kennels and horse shows

- (a) Commercial animal feedlots (as defined at Section 18.14.390), fertilizer plants and yards, commercial kennels for dogs or cats, and horse shows shall be located no closer than two hundred feet to any property line; shall provide ingress and egress so designed to avoid traffic hazard, traffic congestion, odor, dust, noise or drainage problems. The above requirement shall not apply to a feed yard (as defined by Section 18.14.400)

SECTION SIX: Section 18.14.390 (Feedlot, commercial) of the Lassen County Code is hereby amended to read as follows:

“Commercial feedlot” means a lot or portion of a parcel where ____ or more livestock are penned and fed in close quarters for the purpose of preparing them for resale or slaughter, and in which the land area is incapable of producing sufficient forage to support the number of animals confined. This definition is intended to apply only to activities carried on as commercial enterprises; and therefore, does not apply to feeding of animals accessory to a permitted use, or to the fattening of animals solely for the domestic use of the property owner, or to the penning and feeding of animals for display or show.

SECTION SEVEN: Subsection “(a)(5)” of Section 18.102.020 (General district uses) is hereby amended to read as follows:

- (5) Circuses, carnivals, open-air fairs, outdoor concerts, revivals, carnivals, or similar temporary assemblage of large amounts of people, provided no permanent structure is constructed and a use permit is approved. Any such use shall be located with access to a county road; shall provide ingress and egress to avoid traffic congestion; and shall show that adequate controls or measures will be taken to prevent offensive noise and light.

SECTION EIGHT: Section 18.108.070 (Circus, carnivals, fairs, outdoor concerts, revival or similar temporary establishments) is hereby repealed.

SECTION NINE: Subsection “(3)” of Section 18.102.070 (Mini-storage warehouses) is hereby repealed.

SECTION TEN: Subsection “(6)” of Section 18.22.050 (Development standards) is hereby repealed.

SECTION ELEVEN: Subsection “(6)” of Section 18.24.050 (Development standards) is hereby repealed.

SECTION TWELVE: Subsections “(1)(a)” and “(2)(a)” of Section 18.108.270 (Second housing unit) are hereby repealed.

SECTION THIRTEEN: Subsection “(10)” is hereby added to Section 18.102.110 (Provisions for hemp) to read as follows:

- (10) Any product not meeting the above referenced requirements, required for the cultivation of “hemp” or “industrial hemp,” shall instead be considered “cannabis” if it meets the definition of such as provided for in Section 19.030 of this Code.

SECTION FOURTEEN: 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.