



County of Lassen
Department of Planning and Building Services

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

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April 26, 2023

Zoning & Building
Inspection Requests
Phone: 530 257-5263

TO: Lassen County Planning Commission
Agenda Date: May 2, 2023

Environmental Health
Messages: 530 251-8528
email: EHE@co.lassen.ca.us

FROM: Maurice L. Anderson, Director

SUBJECT: Ordinance amending County Code Sections 18.108.230 (Keeping animals-Special provisions), 18.108.020 (Animal feedlot, fertilizer plants, commercial kennels and horse shows) 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:

This proposed zoning amendment amends various sections of County Code, summarized as follows:

- Section Two of the proposed ordinance adds area requirements to Section 18.108.230 (see Subsection "(3)") for goats, hogs, sheep and similar livestock, which currently is not provided.
- Section Three of the proposed ordinance amends Section 18.108.020 (Animal feedlot, fertilizer plants, commercial kennels and horse shows) by clarifying that the provisions in said Section apply to "commercial feedlots" (as defined at Section 18.14.390) and do not apply to "feed yards" (as defined by Section 18.14.400). In summary, a feed yard is incidental to an agricultural operation; whereas, a feedlot is an area where animals are kept in close quarters, primarily for fattening. The special setback provisions in this section applicable to a feedlot should not be applicable to a feed yard.
- Sections Four and Five of the proposed ordinance merely combine the applicable portions of Sections 18.102.020 and 18.108.070. Currently, these are related provisions that are found in two different chapters of County Code. Section 18.102.020 lists several uses that require a use permit and Section 18.108.070 lists applicable requirements of these types of uses. Combining these related subjects make it easier to read and understand the requirements.
- Section Six of the proposed ordinance repeals the provision in Section 18.102.070 that limits mini-storage door heights to 10 feet. If necessary, mini-storage door height can be addressed

through design review or through the use permit process. Having a hard limit on mini-storage door height is not necessary.

- Section Seven and Eight of the proposed ordinance amend the development standards of the Single Family Residential (R-1) and Multi Family Residential (R-2) zoning districts to remove the requirement that accessory structures be no more than 80 percent of the size of the primary structure. Having accessory buildings that are as large as or larger than the primary structure is more commonplace than it was in 1984 when this provision was added (for storage of recreational vehicles, toy haulers, all-terrain vehicles, etc.).
- Section Nine of the proposed ordinance amends Section 18.108.270 (Second housing unit) by repealing the subsections that limit the size of second housing units. Larger second housing units are becoming more common and may not be a concern of the County.
- Section 10 of the proposed ordinance adds a provision to Section 18.102.110 (Provision for hemp) that if a product does not meet the definition of "hemp," the product is considered cannabis pursuant to the requirements of Title 19 (Marijuana and Industrial Hemp).

None of the above-proposed amendments is of sufficient scale and magnitude to be considered as an independent project; thus, the above amendments are being considered together.

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
Existing County Code of involved sections.

ORDINANCE NO. _____

Ordinance amending County Code Sections 18.108.230 (Keeping animals-Special provisions), 18.108.020 (Animal feedlot, fertilizer plants, commercial kennels and horse shows) 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 eleven 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;

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

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

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 FOUR: Subsection "(a)(5)" of Section 18.102.020 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 FIVE: Section 18.108.070 is hereby repealed.

SECTION SIX: Subsection "(3)" of Section 18.102.070 is hereby repealed.

SECTION SEVEN: Subsection "(6)" of Section 18.22.050 is hereby repealed.

SECTION EIGHT: Subsection "(6)" of Section 18.24.050 is hereby repealed.

SECTION NINE: Subsections "(1)(a)" and "(2)(a)" of Section 18.108.270 are hereby repealed.

SECTION TEN: Subsection "(10)" is hereby added to Section 18.102.110 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 ELEVEN: 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.

EXISTING COUNTY CODE

Lassen County, California County Code

Title 18 ZONING

Chapter 18.108 SPECIAL PROVISIONS

18.108.230 Stables—Special provisions.

Unless otherwise provided in this title, the following regulations shall apply to the keeping of horses and other large 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. (Ord. 467-AC § 28, 2003; Ord. 467-X § 11, 2000; Ord. 467-W § 8, 1998; Ord. 467 § 66, 1984).

Contact:

Clerk of the Board of Supervisors: 530-251-8427

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EXISTING COUNTY CODE

Lassen County, California County Code

Title 18 ZONING

Chapter 18.108 SPECIAL PROVISIONS

18.108.020 Animal feed yards, fertilizer plants, commercial kennels and horse shows.

Animal feed yards, 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. (Ord. 467 § 66, 1984).

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EXISTING COUNTY CODE

Lassen County, California County Code

Title 18 ZONING

Chapter 18.102 GENERAL PROVISIONS AND EXCEPTIONS

18.102.020 General district uses.

(a) The following uses may be permitted in all districts, except O-S, O-D and O-H districts, or as otherwise specifically prohibited, subject to securing a use permit in each case:

(1) Surface mining as provided for in Chapter 9.60 of this code;

(2) Excavation of minerals, earth or construction materials from the surface of the earth in amounts exceeding one thousand cubic yards, except that:

(A) A use permit shall not be required for earth-moving or excavation activities when such are a necessary and integral part of a construction project for which the following conditions are met:

(i) All necessary grading and building permits have been obtained, and

(ii) No excavated material is removed from the construction site, or

(iii) When the excavation of material has been fully considered and addressed by the approving agency in the course of permitting the project generating the material(s), and when the disposition of the excavated material has been fully considered and addressed by the approving agency in the course of permitting the project receiving the material(s);

(B) A use permit shall not be required for earth-moving or excavation activities when such are a necessary and integral part of an agricultural operation, and the excavated or surplus material is used for agricultural purposes on agricultural lands;

(3) Exploratory wells for geothermal, gas and oil resources;

(4) Production wells and projects involving geothermal, gas and oil resources. Production wells and projects may be considered with the exploratory phase as one permit if sufficient information is submitted to describe the proposed production phase of the project;

(5) Circus, open-air fair, carnival, or similar temporary assemblage of large amounts of people, provided no permanent structure is constructed.

(b) The following uses may be permitted in all districts, subject to the below-listed stipulations:

(1) Public utility, electric, gas, water, oil and telephone transmission and distribution lines shall be permitted in all districts without the necessity of first obtaining a use permit; provided, that maps showing proposed routes of such transmission lines, together with a written statement of approximate structure heights and right-of-way widths, shall be submitted to the planning commission, and routes mutually acceptable to the planning commission and utility agencies concerned shall be determined in writing. The planning commission shall make findings concerning the consistency of such proposed routes with the general plan;

(2) Nonpublic utility lines for transmission or distribution of electricity, gas, water, oil, gasoline, telephone, television, or other utility may be permitted in all districts; provided that, in any case necessitating right-of-way acquisition, a use permit shall be secured in each case prior to such acquisition. Each use permit application shall be accompanied by plans, showing on current U.S.G.S. Quadrangle or equivalent maps, the right-of-way route proposed, and written statements or scaled drawings, or both, the proposed right-of-way width, structure types and heights, burial depths and such other information as may be deemed necessary by the planning commission;

(3) Except as otherwise specified in this title, the sale and service of alcoholic beverages shall be permitted by right if incidental to the operation of a restaurant or delicatessen. (Ord. 467-R § 3, 1994; Ord. 467-Q § 19, 1994; Ord. 467 § 39, 1984).

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EXISTING COUNTY CODE

Lassen County, California County Code

Title 18 ZONING

Chapter 18.108 SPECIAL PROVISIONS

18.108.070 Circus, carnivals, fairs, outdoor concerts, revival or similar temporary establishments.

Circus, carnivals, fairs, outdoor concerts, revival or similar temporary establishments involving assemblages of people and automobiles 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. (Ord. 467 § 66, 1984).

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EXISTING COUNTY CODE

Lassen County, California County Code

Title 18 ZONING

Chapter 18.102 GENERAL PROVISIONS AND EXCEPTIONS

18.102.070 Mini-storage warehouses.

For the construction of mini-storage warehouses the following development criteria shall apply:

- (1) Natural or earth-tone colors shall apply;
- (2) Not more than two access points may be allowed on any street;
- (3) Door height shall not exceed ten feet;

(4) Access ways shall be 1.5 times the depth of the units facing single-sided driveways, or equal to the sum of the depths of both units for double-sided driveways, not to exceed thirty feet and not less than ten feet. Adequate additional area shall be incorporated to provide for turning radius.

(5) Minimum building setbacks shall be as applied to any main building in the zoning district within which the mini-storage warehouse is located, but shall be not less than the following:

(A) Front: Ten feet, except that additional setback may be required through the design review process in the event that the Road Commissioner finds that sight distance should be increased.

(B) Side: None, provided that all runoff from the building is directed to the interior of the property.

(C) Rear: None, provided that all runoff from the building is directed to the interior of the property.

(6) Design review, pursuant to Chapter 18.118 of this title, shall be required.

The development criteria set forth in this section constitute the minimum allowable standards for development of mini-storage warehouses in Lassen County. The architectural review committee may apply additional standards if it finds such are necessary to protect the interests of the general public, surrounding landowners or the project proponent. (Ord. 467-AC § 26, 2003; Ord. 467-G § 2, 1990).

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EXISTING COUNTY CODE

Lassen County, California County Code

Title 18 ZONING

Chapter 18.22 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

18.22.050 Development standards.

Development standards in an R-1 district shall be as follows:

(1) Building height limit:

(A) Main buildings: twenty-five feet. Upon securing design review approval, main buildings may be constructed to a height of up to thirty-five feet;

(B) Accessory buildings: limited to twenty feet or the height of the main building, whichever is lower, unless approved by the architectural review committee, in which case buildings up to thirty-five feet may be allowed;

(2) Percentage of building site coverage permitted: thirty-five percent.

(3) Front yard required: minimum required twenty feet; provided, that where four or more lots in a block have been improved with buildings prior to the adoption of the ordinance codified in this title, the minimum front yard shall be the average of the improved lots if less than the required twenty feet, but not less than fifteen feet, except where combined with a B district or as otherwise provided by ordinance;

(4) Side yard required. Ten percent of lot width but not exceeding fifteen feet. Upon approval of a design review application, pursuant to Chapter 18.118 of this title, side yard setback may be reduced to a minimum of five feet;

(5) Rear yard required: twenty feet;

(6) Accessory buildings shall be limited to eighty percent of the floor area of the main building, unless otherwise approved through a design review, pursuant to Chapter 18.118 of this title. (Ord. 467-G § 3, 1990; Ord. 467 § 18, 1984).

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EXISTING COUNTY CODE

Lassen County, California County Code

Title 18 ZONING

Chapter 18.24 R-2 LIMITED MULTIPLE-FAMILY RESIDENTIAL DISTRICT

18.24.050 Development standards.

Development standards in an R-2 district shall be as follows:

(1) Building height limit:

(A) Main buildings: twenty-five feet. Upon securing design review approval, main buildings may be constructed to a height of up to thirty-five feet;

(B) Accessory buildings: limited to twenty feet or the height of the main building, whichever is lower, unless approved by the A.R.C., in which case buildings up to thirty-five feet may be allowed;

(2) Percentage of lot coverage permitted: thirty-five percent;

(3) Front yard required: minimum required twenty feet; provided, that where four or more lots in a block have been improved with buildings prior to the adoption of the ordinance codified in this title, the minimum front yard shall be the average of the improved lots if less than the required twenty feet, but not less than fifteen feet, except where combined with a B District or as otherwise provided by ordinance;

(4) Side yard required: Ten percent of lot width but not exceeding fifteen feet. Upon approval of a design review application, pursuant to Chapter 18.118 of this title, side yard setback may be reduced to a minimum of five feet;

(5) Rear yard required: twenty feet;

(6) Accessory buildings shall be limited to eighty percent of the floor area of the main building, unless otherwise approved through a design review, pursuant to Chapter 18.118 of this title. (Ord. 467-G § 4, 1990; Ord. 467 § 19, 1984).

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EXISTING COUNTY CODE

Lassen County, California County Code

Title 18 ZONING

Chapter 18.108 SPECIAL PROVISIONS

18.108.270 Second housing unit.

Notwithstanding any provision to the contrary in this title, in any zone on a parcel of land where there is in existence a legally-established "single-family dwelling," as defined in this title, a "second dwelling unit," may be allowed by the planning commission, upon first securing a use permit pursuant to Chapter 18.112 of this title. Such use shall be subject to, but not limited to, the following minimum criteria.

(1) In R-1 zones development standards shall be as follows:

(a) Maximum living area shall not exceed one thousand four hundred square feet or eighty percent of the floor area of the primary dwelling, whichever is greater. Garages and other fully enclosed areas attached to the existing and proposed dwellings shall be considered part of the floor area for purposes of establishing the eighty percent maximum.

(b) Architectural design of the second dwelling unit shall be visually compatible with, and complimentary to, the existing single-family dwelling located on the property and others in the vicinity.

(c) One additional off-street parking space shall be required.

(d) Second dwelling unit must be connected to community water and sewer utilities for services, or must be individually approved by the county health department.

(e) Maximum allowable lot coverage: forty-five percent.

(f) Design review shall be required.

(2) In A-2 zones, or in other zones where a single-family dwelling has been legally established, development standards shall be as follows:

(a) Maximum living area shall not exceed one thousand four hundred square feet, or eighty percent of the floor area of the primary dwelling, whichever is greater. Garages and other fully enclosed areas attached to the existing and proposed dwellings shall be considered part of the floor area for purposes of establishing the eighty percent maximum.

(b) Architectural design of the second dwelling unit shall be visually compatible with, and complimentary to, the existing single-family dwelling located on the property and others in the vicinity.

(c) One additional off-street parking space shall be required.

(d) Second dwelling unit must be individually approved by the county health department.

(e) Design review shall be required.

(3) There are no areas in Lassen County in which "accessory dwelling units," as defined in Government Code Section 65852.2, shall be allowed by right, given the specific scarcity of public water, sewer, and fire services in Lassen County. All applications for second dwelling units shall be processed pursuant to Title 18 of the Lassen County Code and the general plan. This subsection complies with the requirements set forth for the ordinance described at Government Code Section 65852.2(a) et seq. (Ord. 2018-07 § 2; Ord. 467-AE § 7, 2009; Ord. 467-F § 2, 1988; Ord. 467 § 66, 1984).

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EXISTING COUNTY CODE

Lassen County, California County Code

Title 18 ZONING

Chapter 18.102 GENERAL PROVISIONS AND EXCEPTIONS

18.102.110 Provisions for hemp.

"Hemp" or "industrial hemp" shall be considered a use allowed in certain districts, subject to all of the following:

(1) "Hemp" or "industrial hemp" shall only be allowed by right in districts that are not identified in subsection (2) below;

(2) "Hemp" or "industrial hemp" shall not be allowed in the "R-1" Single Family Residential District, "R-2" Limited Multiple-Family Residential District, "R-3" Multiple-Family Residential District, "P.U.D." Planned Unit Development, "P-C" Planned Community District, "R-S" Resort District, "O-C-B" Public Campground/Boating/Beach District, "O-H" Historical Site District, "O-D" Primitive Area, "O-S" Open Space District, "T-P-Z" Timber Production Zone District, "F-R" Forest Recreation District, "A-F" Agricultural Forest District, "H R" Hydroelectric District, or the "Y-C" Airport Commercial District.

(3) "Hemp" or "industrial hemp" shall only be cultivated on parcels at least nineteen acres in size;

(4) Any cultivation of "hemp" or "industrial hemp" must be at least one hundred fifty yards from any and all residences, existing schools, school bus stops, licensed day care providers, churches, or public parks that are under separate ownership from that of the parcel or parcels on which the "hemp" or "industrial hemp" is cultivated.

(5) "Hemp" or "industrial" hemp may be cultivated both indoors and outdoors subject to the requirements of this section and any other applicable county, state, or federal regulations.

(6) "Indoor" or "indoors" means that the structure within which "hemp" or "industrial hemp" is being cultivated, must be either a private residence or an accessory structure within the meaning of those definitions found in this section. All cultivation which does not specifically meet the definition of "indoor" or "indoors" is considered "outdoor" or "outdoors." The cultivation of "hemp" or "industrial hemp" which occurs in a greenhouse or hoop house is considered "outdoor" or "outdoors" cultivation for purposes of this title.

(7) "Outdoor" or "outdoors" means any cultivation location that does not specifically meet the definition of "indoor" or "indoors" or is otherwise specifically defined as "outdoor" or "outdoors."

(8) "Private residence" means a lawfully established structure, suitable for human occupancy as required by Sections 17922 and 17958 of the California Health and Safety Code. A recreational vehicle does not constitute a lawfully established structure for purposes of this title.

(9) "Accessory structure" means a fully enclosed and secure structure that complies with the California Building Standards Code, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two-inch by four-inch or thicker studs overlain with three-eighths-inch or thicker plywood or equivalent materials. An accessory structure is a structure that is secondary or incidental to a private residence. A structure cannot be an accessory structure if there is not a private residence on the premises. A greenhouse or hoop house is not an accessory structure for purposes of this title and all cultivation within a greenhouse or hoop house is to be deemed "outdoors." (Ord. 2019-05 § 3).

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