



County of Lassen
Department of Planning and Building Services

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

July 25, 2019

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TO: Lassen County Planning Commission
Agenda Date: August 6, 2019

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director *MTM FOR*

RE: Draft Cargo Container Ordinance (File #318.01.53)

BACKGROUND:

As a result of public complaints and the Planning Commission's input, interest has been expressed in the adoption of a cargo container ordinance. As such, the Department of Planning and Building Services has prepared the attached draft ordinance amending Title 18 (Lassen County's Zoning Ordinance) for your review.

In an attempt to address potentially noxious visual impacts, the draft ordinance requires that cargo containers meet the pertinent zoning and fire safety setback requirements, and in certain cases, (such as in "D" Design Combining Districts and scenic highway corridors) the draft ordinance requires that cargo containers be painted to match existing buildings or be painted dark green or dark brown. Also per the draft ordinance, cargo containers are only allowed temporarily in "R" residential districts. The draft ordinance also allows for "portable moving containers," which are defined differently than "cargo containers," for a maximum 30-day period, only in certain districts.

This memorandum follows a similar memorandum that was part of the packet for the June 17, 2019, special meeting of the Planning Commission. The Planning Commission took no action, however, because of a lack of a quorum.

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. Supervisors.

MLA:smr

Enclosures: Draft Ordinance

ORDINANCE NO. _____

Ordinance to Regulate the Placement of Cargo Containers throughout Lassen County

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

- (a) 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, the “T-P-Z” Timber Production Zone District, the “F-R” Forest Recreation District, the “A-F” Agricultural Forest District, the “H-R” Hydroelectric District, or the “Y-C” Airport Commercial District, cargo containers are allowed subject to all of the following requirements:
- 1) On parcels that are less than two acres in size, cargo containers are allowed 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 main building, or an active building permit for the construction of a building dedicated to the storage of property, equipment, or goods, such as a garage or a shop. Any cargo container shall be removed prior to expiration of the building permit or issuance of a certificate of occupancy.
 - 2) Any cargo container placed shall meet all setback requirements, including but not limited to the zoning and fire safety setback.
 - 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 is secured for said purpose.
 - 5) Any cargo container placed within a scenic highway corridor or “D” Design Combining District shall be painted to match the existing building(s) on the property or dark green or dark brown.
- (b) Cargo containers are prohibited in any “R” residential district, except during the period of time that there is an active, issued building permit for the construction of a main building, or an active building permit for the construction of a building dedicated to the storage of property, equipment, or goods, such as a garage or a

shop. Any cargo container shall be removed prior to expiration of the building permit or issuance of a certificate of occupancy.

- (c) Portable moving containers may be allowed in any district except for 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, the “T-P-Z” Timber Production Zone District, the “F-R” Forest Recreation District, the “A-F” Agricultural Forest District, the “H-R” Hydroelectric District, or the “Y-C” Airport Commercial District. Portable moving containers are allowed in any of the districts not identified above in this subsection for a period of not more than 30 days in any six-month period. This 30-day limitation includes both consecutive days and discrete days.
- (d) Any cargo container or portable moving container placed in violation of this section shall be deemed a nuisance pursuant to Lassen County Code Section 1.18.020. This section may be enforced through Lassen County Code Chapter 1.18 or through any other applicable laws.
- (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.

“Portable moving containers” are containers that are normally rented by a user for a short period of time for the purpose of moving personal goods. “Portable moving containers” include Portable on Demand Storage (PODS) containers or similar containers. A “cargo container” is not a “portable moving container,” nor is a “portable moving container” a “cargo container,” for the purposes of this section.

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.

Lassen Rents, Inc.

P.O. Box 270684
Susanville, CA 96127
530-257-3865

RECEIVED

7-31-2019

JUL 31 2019

To: Lassen County Planning Commission

Subject: Cargo Container Ordinance Rebuttal

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES
CITY MLA CC GEN SR

This letter is written in favor of unregulated Storage Container use.

Be it known that I, Terry Mallery, own and operate Lassen Rents, Inc. in Lassen County, CA, which is in the business of selling and renting Storage Containers.

In reference to the letter drafted by Maurice L Anderson, dated June 14, 2019.

If the Planning Department has received public complaints about Storage Containers, then the complaints should be in writing, on proper forms and made public with this ordinance proposal.

In addressing "potentially noxious visual impacts", that is in the eye of the beholder. I personally think that solar panels and utility poles are "visually noxious". How can the County tell someone that their Storage Container can only be 1 of 2 colors? These colors are pre-chosen by the Planning Commission. Many people choose to paint their Storage Container a color of their choice, usually matching existing buildings. Some people choose not to paint their Storage Container because it does not really mean anything to them.

If a landowner wishes to purchase a Storage Container, I am sure that his intent is to keep it for more than 30 days. Most people like a long term investment. Having a time limit on a Storage Container is unacceptable. Many homeowners have a Storage Container for the purpose of remodeling, making home repairs or just needing extra storage space. Having a time limit on such activities is unimaginable. Obtaining permits, hiring a contractor and following the process in Lassen County

is longer than 30 days. Storage Containers are used by all types and classes of people. They are used as an inexpensive and fast way to create storage. Storage Containers actually help to clean a property as they are used for housing items that would otherwise be left outside. I believe that your complaint is with the individual property owner, not the Container Industry.

Storage Containers are a great security measure. Some people, who are not residents, use containers to lock up their belongings while they are away. Many people have remote properties and need a Storage Container.

People love Lassen and the freedoms that we enjoy here. No one wants to be told what they can and cannot do with their property. Don't regulate ourselves. Storage Containers are a poor man's garage. Not everyone can afford a stick built garage. Storage Containers are used by Farmers, Ranchers, Department Stores, Contractors, Home Owners, Recreationalists, Businesses, Federal, State, County, Individuals and just about anybody who has property. Storage Containers are considered portable and therefore setbacks and regulations should not apply.

In the effort to best serve the public all proposed ordinances should be reevaluated and discarded.

I operate an environmentally clean business which contributes greatly to the tax income that Lassen County enjoys. I also request that all Storage Container Rentals be excluded from any Ordinance in Lassen County.

Respectfully

A handwritten signature in blue ink that reads "Te Mall". The signature is stylized with a large 'T' and a cursive 'e'.

Terry Mallery

Lassen Rents, Inc.

P.O. Box 270684
Susanville, CA 96127
530-257-3865

7-31-2019

To: Lassen County Planning Commission

Subject: Conflict of Interest

John Shaw, who is a member of the Lassen County Planning Commission, has a direct Conflict of Interest pertaining to Cargo Container Ordinances. He should respectfully remove himself from all discussions and votes concerning Storage Containers.

Mr. Shaw owns ABC Mini Storage which is in direct competition with Storage Containers. ABC Mini Storage also has several modified Storage Containers for rent at his facility.

Mr. Shaw owns the prior Jeld Wen property in Lassen County. This property is rented out for storage. This is also in direct competition with Storage Containers.

Mr. Shaw, who owns Susanville Real Estate, is also a Lassen County Realtor who sells and rents properties in Lassen County. Mr. Shaw will sell or rent any Real Estate property, with or without a Storage Container.

John Shaw has a personal financial interest to gain in the regulation of Storage Containers. Any views or comments previously expressed by Mr. Shaw should be disregarded and voided.



Terry Mallery

RECEIVED

JUL 31 2019

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

Orig. MLLA cc: GTM, SR