

TABLE OF CONTENTS

BOARD OF SUPERVISORS' MEETING  
March 12, 2024

Proposed Ordinance amending Miscellaneous Zoning in Lassen County Code Title 18

Board Letter ..... 02

Draft Ordinance ..... 03

Unapproved Minutes from 12/5/23 Lassen County Planning Commission ..... 07

Packet from 12/5/23 Lassen County Planning Commission ..... 08



County of Lassen  
Department of Planning and Building Services

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

March 1, 2024

Maurice L. Anderson, Director  
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Main Phone: 530 251-8269  
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email: landuse@co.lassen.ca.us  
website: www.co.lassen.ca.us

TO: Lassen County Board of Supervisors  
Agenda Date: March 12, 2024

Zoning and Building  
Inspection Requests  
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

SUBJECT: Proposed 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), and 18.108.020 (Fertilizer plants, commercial kennels), and repealing 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).

ACTION REQUESTED:

1. Receive report from staff and recommendation of approval from the Planning Commission; and
2. Conduct a public hearing; and
3. Introduce and adopt, by title only, the proposed ordinance.

**Summary:**

The Planning Commission conducted a public hearing on December 5, 2023, and made a recommendation that the Board of Supervisors adopt the attached ordinance (please see the attached Planning Commission minute excerpts). More information regarding the proposed ordinance can be found in the Planning Commissions December 5, 2023, packet (attached).

MLA:gfn

Enclosures: Proposed ordinance  
Planning Commission December 5, 2023, minute excerpts  
Planning Commission December 5, 2023, 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), and 18.108.020 (Fertilizer plants, commercial kennels), and repealing 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 \_\_\_\_\_, 2024, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Aaron Albaugh  
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

Ordinance Number: \_\_\_\_\_

Page 2 of 4

**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;

Ordinance Number: \_\_\_\_\_

Page 3 of 4

**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 Fertilizer plants, commercial kennels**

Fertilizer plants and commercial kennels 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.

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

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

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

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

**SECTION TEN:** 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 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

Ordinance Number: \_\_\_\_\_

Page 4 of 4

thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

UNAPPROVED MINUTES  
LASSEN COUNTY PLANNING COMMISSION  
December 5, 2023

The Commission convened in regular session at 1:10 p.m. at 707 Nevada Street Susanville, CA. Chairman Mark Solomon presided with Commission members Jeff Askew, Mark Higgins, John Shaw and Carol Clark present. Also present were Maurice Anderson (Director and Planning Commission Secretary), Planning and Building Services Department staff; and Recording Secretary Anetia Elliott.

(**Note:** The following is summary minutes of this meeting and is not a transcript. Contact the Planning and Building Services Department {530} 251-8269 to determine if an audio recording is available.)

The following are excerpts from the above meeting.

**PUBLIC HEARING:** Make a recommendation to the Board of Supervisors regarding a proposed 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), and 18.108.020 (Fertilizer plants, commercial kennels), and repealing 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 ordinance would be applicable in all unincorporated areas of Lassen County. Gaylon F. Norwood, Deputy Director presented the staff report.

Discussion was held by staff and the Planning Commissioners.

The public hearing was opened at 1:34 p.m.

The public hearing was closed at 1:34 p.m.

**MOTION:**

It was moved by Commissioner Higgins, seconded by Commissioner Shaw, and carried to recommend that the Board of Supervisors adopt the proposed ordinance amending Sections 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), and 18.108.020 (Fertilizer plants, commercial kennels), and repealing 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).. Commissioners Askew, Higgins, Solomon, Clark and Shaw voted “Aye”.

The meeting adjourned at 1:36 p.m.



County of Lassen  
Department of Planning and Building Services


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

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website: www.co.lassen.ca.us

November 29, 2023

Zoning and Building  
Inspection Requests  
Phone: 530 257-5263

TO: Lassen County Planning Commission  
Agenda Date: December 5, 2023

FROM: Maurice L. Anderson, Director 

SUBJECT: Make a recommendation to the Board of Supervisors regarding a proposed 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), and 18.108.020 (Fertilizer plants, commercial kennels), and repealing 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:**

Attached is a draft ordinance for the consideration of the Planning Commission. A prior version of this ordinance was considered by the Planning Commission on May 2, 2023, and June 6, 2023. However, on July 25, 2023, the Board of Supervisors remanded the ordinance back to the Planning Commission with some proposed amendments (see attached July 25, 2023, minute order).

Section Two through Ten of the revised ordinance are discussed below:

- Ordinance Sections TWO through FOUR: These sections have not changed since the June 6, 2023, Planning Commission meeting. In summary, said sections apply provisions for keeping goats, hogs, sheep and similar livestock and an exception for targeted grazing
- Ordinance Section FIVE: Section Five of the attached draft ordinance previously included provisions for animal feedlots, fertilizer plants, commercial kennels and horse shows. The language has been amended so that the section includes only fertilizer plants and commercial kennels. The reason for this change is that feedlots require a use permit, so any setbacks that are needed can be evaluated during the use permit process, and there is no definition of what constitutes a "horse show." The newly proposed language reads as follows:



### 18.108.020 Fertilizer plants, commercial kennels

Fertilizer plants and commercial kennels 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 previous version of the ordinance considered by the Planning Commission and by the Board of Supervisors included a section amending the feedlot definition. It was determined that it is not necessary to amend the feedlot definition because feedlot was removed from Section 18.108.020.

- Ordinance Section SIX: This Section has not changed since the Planning Commission's June 6, 2023, meeting. This Section 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.
- Ordinance Sections SEVEN and EIGHT: These Sections have not changed since the Planning Commission's June 6, 2023, meeting. 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.).
- Ordinance Section NINE: This Section has not changed since the Planning Commission's June 6, 2023, meeting. 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.
- Ordinance Section Ten: Section Ten of the proposed ordinance has not changed. This Section 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).

The version of this ordinance considered by the Planning Commission on June 6, 2023, combined Section 18.108.070 (Circus carnivals, fairs, outdoor concerts, revival or similar temporary establishments) and subsection "(a)(5)" of Section 18.102.020 (General district uses), which requires a use permit for circuses, carnivals, open-air fairs, outdoor concerts, revivals or similar temporary assemblages of a large amount of people. Amendment of these sections has been removed from this

Lassen County Planning Commission  
 Agenda Date: December 5, 2023  
 Page 3 of 3

ordinance because the Department is separately preparing a special event ordinance where these sections will likely be amended.

***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: July 25, 2023, Board of Supervisors Minute Order  
 Proposed Ordinance  
 Side-by-side comparison of existing and proposed language  
 Existing County Code



Lassen County  
Board of Supervisors  
Minute Order  
Tuesday, July 25, 2023

LASSEN COUNTY SUPERVISORS:  
DISTRICT 1 - CHRIS GALLAGHER; DISTRICT 2 - GARY BRIDGES - CHAIRMAN; DISTRICT 3 - TOM NEELY;  
DISTRICT 4 - AARON ALBAUGH - VICE CHAIRMAN; DISTRICT 5 - JASON INGRAM

9:01 A.M. CALL TO ORDER

Present: Supervisors Gallagher, Bridges, Neely, Albaugh, and Ingram. Also present: County Administrative Officer (CAO) Richard Egan, County Counsel Amanda Uhrhammer, and Deputy Clerk of the Board Michele Yderraga.

Present: 5 - Chris Gallagher, Aaron Albaugh, Gary Bridges, Tom Neely and Jason Ingram

Excuse: 0

PUBLIC HEARINGS

ZONING ORDINANCE AMENDMENT (COUNTY CODE TITLE 18)  
SUBJECT: Public Hearing: Ordinance amending various Sections of County Code, Title 18 (Zoning) including 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).

FISCAL IMPACT: None.

ACTION REQUESTED: 1) Receive report from staff and recommendation of approval from the Planning Commission; and 2) conduct a public hearing; and 3) introduce and adopt, by title only, the proposed ordinance.

Director of Planning and Building Services Maury Anderson informed the board this item being presented was to make amendments to Title 18 of the Lassen County Code and gave a brief overview of the current code. Assistant Planning and Building Services Director Gaylon Norwood gave a detailed power point

presentation pertaining to the current ordinance and proposed changes regarding provisions and zoning of Title 18. Discussion was held regarding animals, lot size, set backs, feed yards, 4H livestock, agricultural use, permits, outdoor events, and mini storages.

The Public Hearing was open from 10:54 a.m. - 10:55 a.m.

SPEAKERS IN FAVOR: None.

SPEAKERS IN OPPOSITION: None.

Director Anderson stated they would make additional changes to Title 18 and present to the Planning Commission for additional direction. It was the consensus of the board to have Planning and Building Services make recommended changes and return to the Planning Commission for review.

A motion was made by Supervisor Gallagher, seconded by Supervisor Ingram, to make the recommended changes to Title 18 and return to the Planning Commission for direction. The motion carried by the following vote:

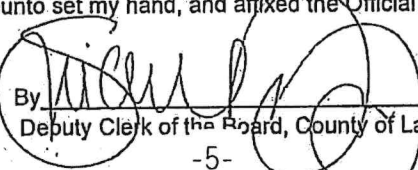
Aye: 5 - Gallagher, Albaugh, Bridges, Neely and Ingram

County of Lassen County )  
State of California ) ss.

I, Michele J Yderraga, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, State of California, do hereby certify the foregoing to be a full, true and correct copy of the minute order of said Board of Supervisors on above date.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Official Seal of the said Board of Supervisors this 31st day of July, 2023.



By   
Deputy Clerk of the Board, County of Lassen, Board of Supervisors

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), and 18.108.020 (Fertilizer plants, commercial kennels), and repealing 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

Ordinance Number: \_\_\_\_\_  
Page 2 of 4

**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;

Ordinance Number: \_\_\_\_\_  
Page 3 of 4

**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 Fertilizer plants, commercial kennels**

Fertilizer plants and commercial kennels 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.

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

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

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

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

**SECTION TEN:** 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 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

Ordinance Number: \_\_\_\_\_  
Page 4 of 4

thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.



The following is a side-by-side comparison of the existing language found in County Code and the amendments in the proposed ordinance:

Existing Language:	Proposed Language:
<p><b>County Code Section 18.108.230 (Stables—Special provisions):</b></p> <p>Unless otherwise provided in this title, the following regulations shall apply to the keeping of horses and other large animals on a property:</p> <ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> </ul>	<p><b>County Code Section 18.108.230 (Keeping animals—Special provisions):</b></p> <ul style="list-style-type: none"> <li>(a) Unless otherwise provided in this title, the following regulations shall apply to the keeping of animals on a property: <ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> <li>(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.</li> </ul> </li> <li>(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.</li> </ul>

**Existing Language:**

**Proposed Language:**

<p><b>Subsection “(2)” of Section 18.78.020 (Uses allowed by right) in the Accessory Animal Combining District of the Lassen County Code</b></p> <p>(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;</p>	<p><b>Subsection “(2)” of Section 18.78.020 (Uses allowed by right) in the Accessory Animal Combining District of the Lassen County Code is hereby amended to read as follows:</b></p> <p>(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;</p>
<p><b>Subsection “(2)” of Section 18.80.020 (Uses allowed by right) in the Agriculture Combining District of the Lassen County Code:</b></p> <p>(2) Animal husbandry and livestock farming; provided, that not more than one horse, mule, cow, or steer, nor more than three goats, hogs or similar livestock shall be kept for each twenty thousand square feet of area;</p>	<p><b>Subsection “(2)” of Section 18.80.020 (Uses allowed by right) in the Agriculture Combining District of the Lassen County Code is hereby amended to read as follows:</b></p> <p>(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;</p>

**Existing Language:**

**Proposed Language:**

<p><b>County Code Section 18.108.020 (Animal feed yards, fertilizer plants, commercial kennels and horse shows):</b></p> <p>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.</p>	<p><b>County Code Section 18.108.020 (Fertilizer plants, commercial kennels) is amended to read as follows:</b></p> <p>Fertilizer plants and commercial kennels 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.</p>
<p><b>County Code Subsection 18.102.070(3)</b></p> <p>(3) Door height shall not exceed ten feet;</p>	<p><b>Subsection “(3)” of Section 18.102.070 (Mini-storage warehouses) is hereby repealed.</b></p>
<p><b>County Code Subsection 18.22.050(6)</b></p> <p>(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.</p>	<p><b>Subsection “(6)” of Section 18.22.050 (Development standards) is hereby repealed.</b></p>
<p><b>Existing County Code Subsection 18.24.050(6)</b></p> <p>(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.</p>	<p><b>Subsection “(6)” of Section 18.24.050 (Development standards) is hereby repealed.</b></p>
<p><b>County Code Subsections 18.108.270(1)(a) and 18.108.270(2)(a)</b></p> <p>(1) In R-1 zones development standards shall be as follows:</p> <p>(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</p>	<p><b>Subsections “(1)(a)” and “(2)(a)” of Section 18.108.270 (Second housing unit) are hereby repealed.</b></p>

**Existing Language:**

**Proposed Language:**

<p>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.</p> <p>(2) In A-2 zones, or in other zones where a single-family dwelling has been legally established, development standards shall be as follows:</p> <p>(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.</p>	
<p><b>County Code Subsection “(10)” does not currently exist.</b></p>	<p><b>Subsection “(10)” is hereby added to Section 18.102.110 (Provisions for hemp) to read as follows:</b></p> <p>(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.</p>

## 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).

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## EXISTING COUNTY CODE

Lassen County, California County Code

Title 18 ZONING

Chapter 18.78 AA ACCESSORY ANIMAL COMBINING DISTRICT

### 18.78.020 Uses allowed by right.

Uses allowed by right in an AA district shall be as follows:

- (1) All uses permitted in the respective district with which the AA district is combined;
- (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;
- (3) Animal husbandry and livestock farming; provided, that not more than one horse, or one cow, or one steer, or one calf, or similar livestock, shall be kept for every twenty thousand square feet of area. Such area requirements shall exclude the special setback requirements of this chapter and shall further exclude the area occupied by residential buildings. (Ord. 467 § 27, 1984).

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## EXISTING COUNTY CODE

Lassen County, California County Code

Title 18 ZONING

Chapter 18.80 A AGRICULTURAL COMBINING DISTRICT

### 18.80.020 Uses allowed by right.

Uses allowed by right in an A district shall be as follows:

- (1) All uses permitted in the respective district with which the A district is combined;
  - (2) Animal husbandry and livestock farming; provided, that not more than one horse, mule, cow, or steer, nor more than three goats, hogs or similar livestock shall be kept for each twenty thousand square feet of area;
  - (3) Crop and tree farming. (Ord. 467 § 26, 1984).
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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

### 18.102.070 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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