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**ACTION ITEM:** 6 Workshop Storage Containers

**PLANNING COMMISSION MEETING DATE:** October 31, 2017

**SUBJECT:** Workshop – Portable Storage and Shipping Containers

### **PROJECT INFORMATION**

**Supervisory District:** Countywide

**Recommended Action:** Receive a presentation from staff regarding storage and shipping containers on properties in the County; their status as accessory buildings; setback requirements; and, provide comment and direction to staff on the future of this use.

**Project Planners:** Josh Dan

### **BACKGROUND**

The use of portable storage and cargo shipping containers has become common practice in the County and you can find them scattered throughout. Locally, they are found to be used for storage, but in some areas shipping containers are also being used to build homes. Planning and Building and Safety staff are unaware of any shipping containers in the County being used as dwelling units, although it is not completely out of the realm of possibility. The County's building code would allow for shipping containers to be used for dwelling units; however, there are a lot of construction and safety requirements that have to be met for them to comply with the building code. Overall, the use of these containers seems fairly harmless, but as more and more of them have popped up across the County controversy has followed.

### **FINDINGS**

Recently, the Planning Department has dealt with three zoning violation cases regarding storage and shipping containers. All of these violations were found in residentially zoned areas and none of them have been placed on the properties with the required building permits. Two of the zoning violations complaints address setback requirements: 1) a container was placed in a front yard setback and, 2) a container was placed in a side yard

setback. The third complaint was with regard to the use of several shipping containers on a property without a principle permitted use.

Portable storage and shipping containers are similar in size and shape. Portable storage containers are usually rented for a short time mostly for moving and/or for private residence and business storage during construction and remodeling. Shipping or sea cargo containers are built for large scale commercial shipping needs and are used on trucks, trains and boats. These types of containers are the most commonly found in the County for private residence and business storage. You can purchase a cargo container either new or used; water and wind tight, or not; and, even refrigerated. They come in several grades and sizes that include: 10'x8'x8'6"; 20x8'x8'6"; 40x8'x8'6"; 40x8'x9'6"; and, 45'x8'x9'6". According to Shipping Container Pros, new shipping containers can be purchased from about \$1,500-\$7,000, and used from about \$1,000-\$5,500 (not including delivery costs). Some companies rent them as well.

#### *Evaluation of the Inyo County Code with regard to Shipping Containers*

Shipping containers are not directly addressed by the County code, but instead, are treated as any other accessory building. This puts them in the same category as garages, sheds, barns, greenhouses, and in some cases warehouses. The code requires that any accessory building be subordinate and incidental to a principle use, meaning that someone cannot have a property with just a garage, shed, or shipping container. They also require a building permit if they are 120-square-feet or larger and must meet the accessory building setback requirements as set forth in the County's zoning code. Generally, the setbacks for accessory buildings are 5-feet from the rear yard property line and 5-feet from the side yard(s) and there must be 10-feet between each building/accessory building on the property. There is no difference in the front yard setback requirements for principle buildings and accessory buildings. Front yard setback requirements vary by Zoning District and are as follows:

#### *Residential*

- Open Space (OS) – 50-feet
- Rural Residential (RR) – 50-feet
- One Family Residential (R1 and RMH) – 25-feet
- Multiple Residential, 2-units (R2) – 25-feet
- Multiple Residential, 3 or more units (R3) –15-feet except where the property abuts an R-1 or R-2 zone, then it is 25-feet

#### *Commercial*

- Central Business (CB) – none
- General Commercial and Retail (C1) – none except where the property abuts a residential parcel, then it is 20-feet
- Highway Services and Tourist Commercial (C2) – 25-feet
- Administrative and Professional Offices (C3) – none
- Heavy Commercial (C4) – none

#### *Industrial*

- General Industrial and Extractive (M1) – 25-feet
- Light Industrial (M2) – none

Front yard, with respect to the zoning code, basically means the area defined by the setback requirement. Anything beyond the setback requirement, even if it is in front of the principle building, is not restricted by the setback. This was a primary factor in one of the zoning violation cases regarding a shipping container. Once notified of the violation, the property owner moved the container out of the front yard setback making it compliant with the County code. The neighbors are still not happy with this solution, however, because the container is still in front of the house and visible from the street.

Staff's review of the use of shipping containers in the County, found that the principle problem is the public are not applying for building permits. Some have no idea that structures 120-square-feet and above require building permits and others just choose not to apply for them. It is staffs' opinion that the number one strategy for rectifying the storage container issues is to educate the public and more specifically, the companies that are delivering and placing the storage containers, that building permits are required. Building and Safety staff have been informing local shipping container vendors that they should be notifying their customers of the requirement to obtain permits from Building and Safety for any accessory structure over 120-square-feet. Permits, however, do not seem to be applied for. It seems likely to staff that this problem could be mended through educational outreach or a sweeping citation campaign. It is not the intent of staff to penalize anyone, but rather to notify violators that they are not in compliance with the County Code and provide options to them on how they might rectify the situation. Along with an educational campaign, other standards and regulations could be added to the Inyo County Code addressing accessory structures and/or shipping containers.

#### **OPTIONS FOR INYO COUNTY**

Many consider shipping containers ugly and feel that they lower the aesthetic value of neighborhoods. The Inyo County Code does not include design criteria (except in the Lone Pine Architecture Design Control District) or visual standards for buildings. It also does not include requirements to screen, blend, or hide accessory structures, including shipping containers. Some jurisdictions have developed visual requirements and others have outright banned shipping containers. With regard to placement and their appearance staff has found a few examples for review.

Many of the jurisdictions' regulations regarding storage containers include that parcels that are zoned residential shall require that containers be placed behind the principle structure, unseen from a public right of way. Another common requirement specifies that containers be painted neutral colors to blend into the landscape covering shipping company names and advertising, or possibly matching the stylistic design of the principle structure.

The County of San Diego has specified in their zoning ordinance that the square footage of accessory structures, including shipping containers, should be determined though an established ratio. Alternately, the County of San Bernardino has, within its development code, established an entire chapter to accessory structures and their uses.

The main concerns found with respect to shipping containers, through staff's evaluation of the issues in Inyo County as well as in other jurisdictions, have been with their use in residential zones; therefore, the County may want to consider an amendment to the residential zone requirements with regard to accessory structures, and possibly more specifically to shipping containers.

The County could develop design/visual standards for all accessory buildings or just shipping containers if it chooses to do so. Requirements may include that they be:

- placed behind the primary structure;
- not allowed in urban/suburban settings;
- not allowed in the higher density residential zones of One Family Residences (R1) and Single Residence Mobile Home Combined (RMH);
- physically altered to be similar to, and compatible with, the appearance of the on-site primary structure and the surrounding neighborhood and setting;
- not visible from the street;
- painted to blend into the surrounding environment;
- no advertising;
- screened; and,
- subject to additional permitting.

These types of potential regulations could also be applied to all accessory structures.

### **NEXT STEPS**

Staff will use the Commission's and public comments collected at this workshop to prepare changes to the County's code. Draft potential zones changes will be shared with your Commission and the public at a future meeting. Any proposed changes to the Zoning Code will require a process that would include, at a minimum, one Planning Commission Hearing and two Board of Supervisors' Hearings.

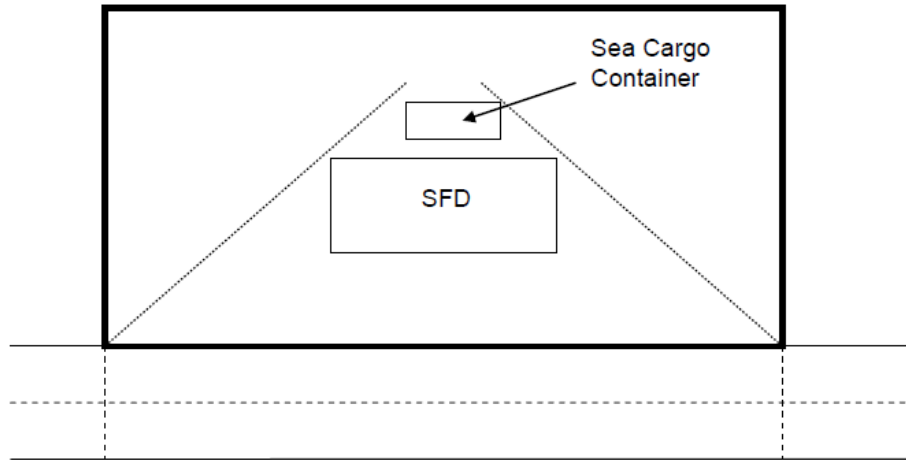
### **ATTACHMENTS**

- County of San Diego's Requirements for Placing A Sea Cargo Container and Lot Size and the Accessory Structure Ratio Table
- Mono County Design Guidelines Chapter 3 Section 10: Metal buildings, manufactured housing, and cargo containers.

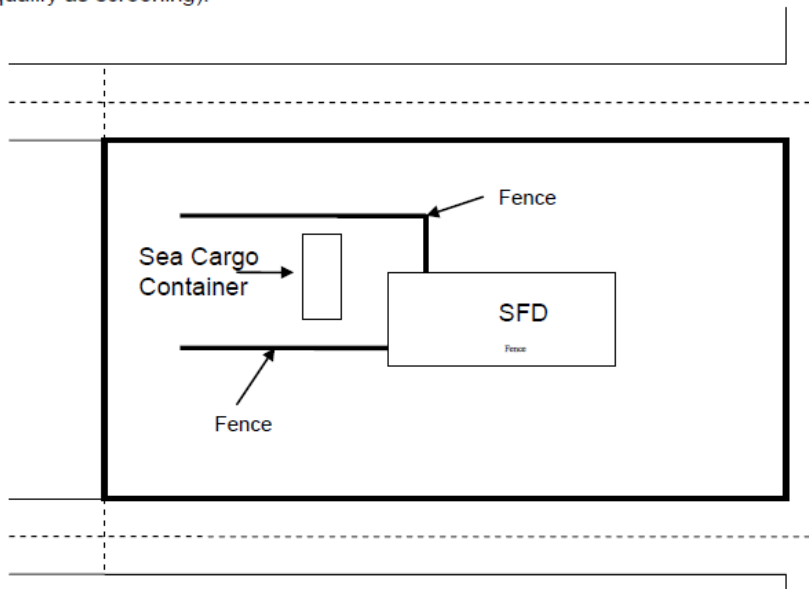


**County of San Diego, PDS, Zoning Division**  
**REQUIREMENTS FOR PLACING A SEA CARGO CONTAINER ON A PRIVATE LOT**  
*Continued*

Possible location of a Sea Cargo Container, because the container is not visible from abutting street. (A street is a County road, State highway, public road, street or alley, or private thoroughfare or easement (or proposed private thoroughfare or easement shown on a recorded parcel map) not less than 10 feet in width which affords primary access to an abutting lot.)



Possible location of a Sea Cargo Container, because the container is screened by an existing fence (see Section 6708 of the Zoning Ordinance for fencing regulations). A Sea Cargo Container can only be screened by existing landscaping (new landscaping does not qualify as screening).





County of San Diego, PDS, Zoning Division  
**REQUIREMENTS FOR PLACING A SEA CARGO CONTAINER ON A PRIVATE LOT**  
*Continued*

8. The square footage of the Sea Cargo Container shall be added to the allowable combined square footage of all existing and/or proposed accessory structures pursuant to 6156.g.

Lot Size (gross)	Det. Accessory Structures in all Res, Ag & S92 Zones (formerly 6156.g and 6156.h)
< 1/2 ac	1,450 sf <i>(only in zones subject to a Residential Use Regulation and in the S88 Use Regulations where residential uses occur)</i>
< 1 ac	2,000 sf
1 ac - <2 ac	3,000 sf
2 ac - <4 ac	4,000 sf
4 ac - <8 ac	5,600 sf
8 ac - <12 ac	6,400 sf
12 ac - <16 ac	7,200 sf
16 ac or more	8,000 sf

## CHAPTER THREE: ARCHITECTURE

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c. Location of lot lines must consider the integrity of existing land uses, buildings, roads, septic leach fields, drainage and utility connections.

d. Building envelopes should be sited away from unstable or hazardous portions of the property.

e. Dedication of land for agricultural/ open space, parks, schools and pedestrian / equestrian access use may be required.

f. The design of subdivisions should provide for passive or natural heating and cooling opportunities for future residences.

g. All major site improvements including, but not limited to roads, utilities, drainage and grading, must be designed and constructed in accordance with the standards required by Mono County Code and all improvements as required by the approval of a Tentative Map.

h. Site grading must be held to a minimum by designing lots and development to fit on the natural landforms.

**10. Metal buildings, manufactured housing and cargo containers.** All metal buildings (including, but not limited to, manufactured housing, cargo containers, quonset huts, and off-the-shelf storage units) should be designed to have architectural interest and articulation as is encouraged with conventionally built structures. Stock, "off-the-shelf" metal buildings are discouraged as either main or accessory structures.

a. Metal buildings should employ a variety of building forms, shapes, colors, materials and other architectural treatments to add visual interest and variety to the building. Architectural treatments should emphasize the primary entrance to the building.

b. Once sold for any use other than as a transportable container, cargo containers are considered buildings and should be located in areas where they are visually compatible with surrounding uses.

c. In addition to architectural metal panels (for example, corten steel), exterior surfaces should include either stucco, plaster, glass, awnings, stone, brick, or decorative masonry.

d. Metal buildings and cargo containers should be held to the same standards as other architectural structures and painted to reduce glare and blend in with the surrounding landscape.

e. A concrete foundation is required for all metal buildings and cargo containers installed permanently on site.

f. Metal buildings and cargo containers should be subject to providing frame building siding material and appropriate roofing material to create the appearance of a normal wood frame building.

g. Landscaping should be encouraged around the perimeter of all metal buildings and cargo containers to soften their appearance.

h. Exterior surfaces that have the potential of being contacted by vehicles or machinery should be protected by the use of landscaped areas, raised concrete curbs, and/or traffic barriers.