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### BOARD OF SUPERVISORS' MEETING July 16, 2024

Appeal of the Lassen County Building Official's May 20, 2024 disapproval of an agricultural exemption application (AGX-2024-004) of a 10 foot by 40-foot building to be used as a wood shed and equipment storage on APN #115-200-062 and 115-200-048 (687-950 Highway 36, Susanville, CA 96130).

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**County of Lassen**  
**Department of Planning and Building Services**

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

July 5, 2024

**Maurice L. Anderson, Director**  
 707 Nevada Street, Suite 5  
 Susanville, CA 96130-3912  
**Main Phone: 530 251-8269**  
 Fax: 530 251-8373  
 email: landuse@co.lassen.ca.us  
 website: www.co.lassen.ca.us

TO: Lassen County Board of Supervisors  
 Agenda Date: July 16, 2024

Zoning and Building  
 Inspection Requests  
 Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

SUBJECT: Appeal of the Lassen County Building Official's May 20, 2024 disapproval of an agricultural exemption application (AGX-2024-004) of a 10 foot by 40 foot building to be used as a wood shed and equipment storage on Assessor's Parcel Number 115-200-062 and 115-200-048 (687-950 Highway 36, Susanville, CA 96130).

**ACTION REQUESTED:**

1. Conduct a hearing as required by Section 12.22.040 of the Lassen County.
2. Adopt a motion to approve or disapprove the appeal.

***Summary:***

The property owner (Kay White) of the above referenced parcel has filed an appeal of the Building Official's May 20, 2024, disapproval of an agricultural exemption application for a 10 foot by 40 foot building to be used as a wood shed and equipment storage. The appeal was properly filed, in accordance with Lassen County Code Section 12.22.040 (Chapter 12.22 is attached), and the appeal fee was paid. The Board of Appeals established in Chapter 12.22 has not been appointed; therefore, the Board of Supervisors is considering the appeal.

In Lassen County, certain agricultural buildings are exempt from the requirement to secure a building permit pursuant to Section 12.04.040 (attached) of the Lassen County Code. "Guidelines for Administration of Building Permit Exemptions for Agricultural Buildings" have been established by the Board of Supervisors pursuant to Board Resolution Number 24-020 (attached). The subject agricultural exemption application does not meet the requirements of these Guidelines.

The subject parcel does not have 40 acres in agricultural production or 10 acres of specialty crop (i.e. strawberries) as required by the above Guidelines. Additionally, use for a wood shed and for silviculture equipment storage is not one of the listed uses allowing exemption.

Board of Supervisors  
Agenda Date: July 16, 2024  
Page 2

The subject building has already been constructed without a building permit or an approved exemption. Construction of this building without a building permit has been identified as a public nuisance pursuant to Chapter 1.18 (Public Nuisances) and a hearing before the hearing officer has been conducted. If this appeal is granted, the nuisance case will be dismissed.

MLA:gfn

Enclosures: Letter of Appeal  
Application for permit exemption  
June 10, 2024, letter from the Planning and Building Services Department Director  
May 20, 2024, letter from the Building Official  
April 26, 2024, letter from the Building Official  
February 6, 2024, letter from the Building Official  
Board of Supervisors Resolution Number 24-020  
County Code Chapter 12.22  
County Code Section 12.04.040

Pla/admin/files/1400/07/01/Appeal White APN 115-200-062/"Board memo (Kay White appeal)"

**FILED**

MAY 30 2024

JULIE BUSTAMANTE  
 LASSEN COUNTY CLERK  
 By  , Deputy

April 22, 2024

County of Lassen

Department of Planning and Building Services

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

RECEIVED

APR 23 2024

Code Enforcement Case NO. 2023-067

Assessor's Parcel No. 115-200-062: zone U-C-2

LASSEN COUNTY DEPARTMENT OF  
 PLANNING AND BUILDING SERVICES

Maurice L. Anderson, Director

I am greatly appreciative of the numerous extensions granted, on this matter; however at the hearing on April 20, 2024, I was not given the opportunity to discuss/explain the area of contention on my application for an agriculture bldg. exemption permit.

According to U-C-2 zone, by right (3) general agriculture, crop, and tree farming, logging, grazing, animal husbandry, general nurseries and greenhouses are allowed.

(7) Small -scale commercial firewood processing (less than 100 cords produced on an annual basis)

I do not own/lease/rent/ any logging equipment-only chainsaws. I utilize a 24horse New Holland tractor, fertilizer spreader liquid and solid, pruning saw, shovels, hoes, mulch and special organic materials for use on my Heritage Apple tree and Strawberries.

The building under construction was to store these items.

As with many local pole barns I'm sure some firewood would end store in said building

Having been informed of your lack of a formal appeal process I have resorted to this letter, it does not have a \$500.00 fee attached; as I'm indebted to the limit with property taxes and Fire, Liability insurance.

Respectfully,

 May 30, 2024

**APPLICATION FOR BUILDING PERMIT EXEMPTION  
FOR AGRICULTURAL BUILDING**

Structures for the maintenance of equipment, or structures for the storage or parking of vehicle/equipment not used exclusively for the performance of work in the agricultural operation are not exempt from the requirement to obtain a building permit.

Greenhouses, nurseries, roadside produce stands, wood sheds or shelters and stables for horses not used in conjunction with an agricultural operation are not exempt from the requirement to obtain a building permit.

All structures determined to be exempt from permit requirements shall meet all county fire regulations, building construction standards and minimum zoning setbacks. Additionally, electrical, plumbing, or mechanical systems, appliances or fixture installations are not exempt and shall require a building permit and inspection by the Lassen County Building Division.

Any change of use of an exempted structure shall require a building permit and engineered plans.

Property owner: KAY WHITE

Mailing address: 687-950 HWY 36, SUSANVILLE, CA 96130 Phone: 530 251 6484

Address of proposed structure: 687-950 HIGHWAY 36, SUSANVILLE

Assessor's Parcel Number: 115-200-062, 048 Zoning District: U-C-7

Parcel size: 143 AC Number of acres in agricultural production: 125 Tree Farm

Other properties under same ownership and adjacent to or in close proximity which are devoted to an agricultural operation; APN: \_\_\_\_\_

Intended use of proposed structure: WOOD SHED AND EQUIPMENT STORAGE

\_\_\_\_\_ Building dimensions: 10' X 40'

A plot plan must be submitted with application; see attached sample.

The Federal Emergency Management Agency, (FEMA) requires all structures constructed within a designated flood plain to either be elevated above flood level or engineered to withstand flooding. With this building permit exemption the property owner assumes full responsibility for addressing these issues and in no way holds the County liable for flood damage or litigation stemming from non-compliance with FEMA regulations.

Property owner signature: Kay White Date: Jan. 31, 2024

By signing this I hereby attest that based on the information as detailed above, the proposed structure meets the guidelines for an agricultural building permit exemption.

\_\_\_\_\_  
Building Official

\_\_\_\_\_  
Date

RECEIVED



*County of Lassen*  
**Department of Planning and Building Services**

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

June 10, 2024

**Maurice L. Anderson, Director**  
 707 Nevada Street, Suite 5  
 Susanville, CA 96130-3912  
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 email: landuse@co.lassen.ca.us  
 website: www.co.lassen.ca.us

Kay White  
 687-950 Highway 36  
 Susanville, CA 96130

Zoning and Building  
 Inspection Requests  
 Phone: 530 257-5263

**SUBJECT:** Appeal of Disapproval of Agricultural Exemption Application AGX2024-004  
 Assessor Parcel Number 115-200-062  
 687-950 Highway 36

Dear Ms. White:

This letter is in regard to an appeal you filed of the Building Officials May 20, 2024, disapproval of an agricultural exemption application. You filed the appeal on May 30, 2024. At the time the appeal was filed, you requested that the appeal be conducted in July because you stated that you are not available in June. Therefore, this letter is to inform you that the above appeal hearing will be conducted by the Lassen County Board of Supervisors on July 16, 2024, at 10:00 a.m. in the Board of Supervisors Chambers at 707 Nevada Street, Susanville, CA 96130.

If you have any questions in regard to this matter, you may contact Deputy Director Gaylon Norwood at (530) 251-8269.

Sincerely,

A handwritten signature in dark ink, appearing to read "MLA", followed by a horizontal line.

Maurice L. Anderson, Director

MLA:gfn

cc: Clerk of the Lassen County Board of Supervisors

x/pla/admin/files/1407.01



*County of Lassen*  
**Department of Planning and Building Services**

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

**Maurice L. Anderson, Director**

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

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May 20, 2024

Zoning and Building

Inspection Requests

Phone: 530 257-5263

Kay White  
 687-950 Hwy 36  
 Susanville, CA 96130

SUBJECT: Agricultural exemption application number AGX2024-004

Dear: Ms. White

On April 24, 2024 the above referenced agricultural exemption application was disapproved.

Orders, decisions or determinations of the Building Official are appealable in accordance with Section 12.22.040 of the Lassen County Code. Any such appeal must be filed within 10 days from the date of this letter. In accordance with Section 3.18.020 the fee for filing an appeal is \$500. The written appeal specifically setting forth the grounds for appeal and appeal fee must be filed with the Building Official at 707 Nevada Street, Street, Suite 5, Susanville, CA 96130. The Board of Appeals established in Section 12.22.010 of the Lassen County Code has not been appointed. Therefore any appeal that is filed will be considered by the Lassen County Board of Supervisors.

Should you have any questions please contact the Department at (530) 251-8269.

Sincerely,

Mike Johnson, Building Official

Enclosure: Agricultural Exemption application and affidavit

X/PLA/ADMIN?FILES/300/22/20/"Revised Ag exemption application and process"/Ag exemption disapproval template



*County of Lassen*  
**Department of Planning and Building Services**

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

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April 26, 2024

**Zoning and Building  
 Inspection Requests  
 Phone: 530 257-5263**

Kay White  
 687-950 Hwy 36  
 Susanville, CA 96130

RE: Ag Exempt Application

Dear Ms. White:

This Department is in receipt of your application for building permit exemption dated April 22, 2024 in which you identify the intended use of your proposed building. You state in your application that the building will be for wood and equipment storage.

In the letter you received dated February 6, 2024, your application for an agricultural exemption was denied. The structure is not used exclusively for Agriculture. As you were informed at your nuisance hearing on April 17, 2024 the appeal period will end on April 27, 2024.

Sincerely,

Mike Johnson  
 Building Official





County of Lassen  
Department of Planning and Building Services

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

Maurice L. Anderson, Director  
707 Nevada Street, Suite 5  
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Main Phone: 530 251-8269  
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website: www.co.lassen.ca.us

February 6, 2024

Zoning and Building  
Inspection Requests  
Phone: 530 257-5263

Kay White  
687-950 Hwy 36  
Susanville, CA 96130

RE: Ag Exempt Application

Dear Ms. White:

This Department is in receipt of your application for building permit exemption dated January 31, 2024, in which you identify the intended use of your proposed building. You state in your application that the building will be a wood and for equipment storage.

Based on our records and the information you provided, the structure is not used exclusively for Agriculture, and as such your application for exemption cannot be approved.

If you would like to obtain a building permit for the proposed building please submit 3 sets of engineered plans as well as (3) copies of a plot plan indicating building location and distances from the existing improvements and property lines. If you have any further questions, you may contact the Planning and Building Department at 530-251-8269.

Sincerely,

Mike Johnson  
Building Official

ENC: Copy of Application

RESOLUTION NO. 24-020

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF LASSEN, AMENDING  
THE GUIDELINES FOR ADMINISTRATION OF BUILDING PERMIT EXEMPTIONS FOR  
AGRICULTURAL BUILDINGS ADOPTED THROUGH BOARD RESOLUTION NUMBER  
04-028

**WHEREAS**, Subsection (b) of County Code Section 12.04.040 exempts agricultural buildings from the requirement to secure a building permit; and

**WHEREAS**, the exemption found in Section 12.04.040 was first adopted on March 22, 1965, with ordinance number 369; and

**WHEREAS**, Board Resolution Number 04-028 established guidelines for agricultural building exemptions; and

**WHEREAS**, Board Resolution Number 04-028 states that greenhouses are not exempt from the requirement to secure a building permit; and

**WHEREAS**, the Board of Supervisors wishes to amend the agricultural exemption guidelines established by Board Resolution 04-028 to find that greenhouses meeting the requirements of this Resolution and otherwise meeting the requirements of Resolution 4-28 are exempt from the requirement to secure a building permit; and

**WHEREAS**, this exemption does not permit commercial cannabis cultivation and/or hemp in a green house. Title 19 remains in full force and effect

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The forgoing recitals are true and correct.
2. The Lassen County Board of Supervisors does hereby amend the Guidelines for Administration of Building Permit Exemptions for Agricultural Buildings (attached hereto as Exhibit "A") adopted by Board Resolution 04-028 to exempt greenhouses from the requirement to secure a building permit, provided there is no human habitation of any such greenhouse and provided any such greenhouse is not used by the public.
3. The Guidelines for Administration of Building Permit Exemptions for Agricultural Buildings found in Resolution 04-028 are hereby replaced with the Guidelines found in the attached Exhibit "A".
4. This exception does not permit the cultivation of commercial cannabis and/or hemp. Title 19 remains in full force and effect.

Resolution: 24-020  
 Page 2 of 4


The foregoing Resolution was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the 16<sup>th</sup> day of April, 2024, by the following vote:

AYES: Supervisors Albaugh, Gallagher, Bridges, Neely, and Ingram.

NOES: None.

ABSTAIN: None.

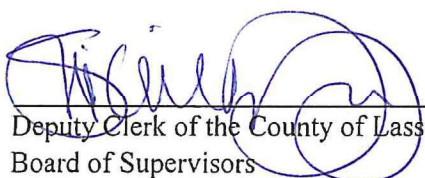
ABSENT: None.

  
 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 Supervisors, County of Lassen, do hereby certify that the forgoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 16th day of April, 2024.

  
 Deputy Clerk of the County of Lassen  
 Board of Supervisors



## EXHIBIT "A"

### GUIDELINES FOR ADMINISTRATION OF BUILDING PERMIT EXEMPTIONS FOR AGRICULTURAL BUILDINGS

Agriculture: the science or art of cultivating the soil, producing crops, and raising livestock or poultry for food, fiber or labor and in varying degrees the preparation of these products for man's use.

1. Zoning of the property must allow for the use of the building; and
2. Building must be on property owned by the applicant that meets one of the following two criteria:
  - a. at least 40 acres in agricultural production, or otherwise devoted to an agricultural operation;
  - b. at least 10 acres in production of a specialty crop, e.g., strawberries.  
*Exception: Building may be constructed on property of lesser acreage provided it is owned by the applicant and adjacent or in close proximity to the property which meets the above criteria.*
3. As per California Building Code section 202-A, agricultural buildings "shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public"; and
4. Building must either be detached from other building structures or, on its own foundation and supporting members if attached to a non-exempted building. Fire separations for walls and openings between adjacent buildings with dissimilar occupancies shall apply; and
5. Use of building shall be one of the following:
  - a. livestock shelters;
  - b. poultry shelters;
  - c. structures for sheltering agricultural equipment;
  - d. structures to shelter livestock and poultry feeds, hay and grain.
  - e. greenhouses

Upon determination by the Building Official that the proposed structure meets the above criteria to qualify for permit exemption, a certification form shall be completed and filed, with the Building Division. A statement on the certification form shall declare the following: The Federal Emergency Management Agency, (FEMA) requires all structures constructed within a designated flood plain to either be elevated above flood level or engineered to withstand flooding. With this building exemption the property owner assumes full responsibility for

Resolution: 24-020

Page 4 of 4

addressing these issues and in no way holds the County liable for flood damage or litigation stemming from non-compliance with FEMA regulations.

Structures for the maintenance of equipment, or structures for the storage or parking of vehicles/equipment not used exclusively for the performance of work in the agricultural operation are not exempt from the requirement to obtain a building permit.

Structures for the sheltering of logging trucks or equipment and trucks designed and used for the transportation of agricultural products are not exempt from the requirement to obtain a building permit.

Nurseries, roadside produce stands, wood sheds or shelters and stables for horses not used in conjunction with an agricultural operation are not exempt from the requirement to obtain a building permit.

All structures determined to be exempt from permit requirements shall meet all county fire regulations, building construction standards and minimum zoning setbacks. Additionally, electrical, plumbing, or mechanical systems, appliances or fixture installations are not exempt and shall require a building permit and inspection by the Lassen County Building Division.

x/pla/admin/files/300/20/4-9-24 BOS/Resolution

§ 12.22.010

§ 12.22.040

CHAPTER 12.22  
**BOARD OF APPEALS**

**§ 12.22.010. Establishment.**

A board of appeals is hereby established pursuant to Section 113.3 and Section 1.8.8 of the California Building Code, with additions and modifications as set forth in this chapter. The board shall be appointed by the board of supervisors and meet on an as-needed basis, to serve for the duration of the appeal under consideration. Each board member shall be paid a stipend set by the board of supervisors.  
( Ord. 2017-007 § 2)

**§ 12.22.020. Board composition.**

The board of appeals shall consist of three members who shall be knowledgeable in the applicable building codes, regulations and ordinances, such as a civil engineer, general contractor, plumbing contractor, electrical contractor, disabled person and a lay person, as determined by the board of supervisors. Appeals board members shall not be employees of Lassen County.

The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board.  
( Ord. 2017-007 § 2)

**§ 12.22.030. Duties.**

The duties of the board of appeals shall be to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the uniform codes.  
( Ord. 2017-007 § 2)

**§ 12.22.040. Procedure for appeal.**

Any person wishing to appeal an order, decision or determination made by the building official may file with the secretary of the board of appeals within ten days of such order, decision or determination, a written appeal specifically setting forth the grounds for appeal. The secretary of the board of appeals shall set a hearing date and convene the board of appeals within thirty days of receiving an appeal request. The secretary of the board of appeals shall give notice to the appellant at least ten days prior to the hearing. Said board shall render its decision and a copy of the decision shall be mailed to the appellant within thirty days after the hearing is closed. The board of appeals decision is final.  
( Ord. 2017-007 § 2)

*Lassen County, CA  
Wednesday, July 10, 2024*

## Title 12. Buildings and Construction

### Article I. Building Code

#### Chapter 12.04. GENERAL PROVISIONS

##### § 12.04.040. Exemptions.

Nothing contained in this article shall be construed to:

- (a) Prevent any person from performing his own building, plumbing or electrical work when performed with the permits and in compliance with the provisions of this article. Work authorized by said permit shall in all respects conform with the provisions of this article and of the uniform codes adopted herein;
  - (b) Regulate the construction, alteration, demolition or moving of an agricultural building used for the sole purpose of sheltering livestock, poultry, agricultural equipment, livestock and poultry feeds and similar agricultural uses in which there is no human habitation and which is not used by the public; provided that this subsection shall not exempt from regulation electrical service or power poles for agricultural buildings or pumps, for which permits and inspections shall be required, nor storage buildings of more than one hundred twenty square feet in floor area other than agricultural, for which permit, plan approval, and inspection shall be required;
  - (c) Prevent the use of used materials if the same meets the minimum standards of the uniform codes, herein by reference adopted.
- (Ord. 369 § 3(a)(4), 1965; Ord. 416 § 3(A)(4), 1974; Ord. 427 § 3(A)(4), 1977; Ord. 427-A § 1, 1981; Ord. 427-B § 1, 1985)