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# Board of Supervisors January 11, 2022

FILE NUMBER: APPLICANT:

RZ #2021-002 Lassen County

TYPE OF APPLICATION:

Rezone

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January 4, 2022

Building

· Environmental Health

Code Enforcement

Surveyor

· Surface Mining

Maurice L. Anderson, Director 707 Nevada Street, Suite 5

> Susanville, CA 96130-3912 Phone: 530 251-8269 Fax: 530 251-8373

email: landuse@co.lassen.ca.us website: www.co.lassen.ca.us

> Zoning & Building Inspection Requests

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

Phone: 530 257-5263

FROM:

TO:

Maurice L. Anderson, Director

Lassen County Board of Supervisors Agenda Date: January 11, 2021

SUBJECT:

Public Hearing: Proposal to correct Ordinance 467A-210, to reflect a determination made by the Lassen County Department of Planning and Building Services that the intent of Section Three of Ordinance 467A-210 was to rezone from A-1 (General Agricultural) to Open Space (O-S), only those federal lands (Lassen National Park) administered by the National Park Service. This correction would remove Assessor's Parcel Numbers 097-240-001, 002, 004, 005, 010, 011, 012, 014, and 015, which are privately owned, from the Open Space Zoning District, and pursuant to Section Four of Ordinance 467A-210 would place said Parcels in the U-C-2 (Upland Conservation

Resource Management) Zoning District.

### **ACTION REQUESTED:**

- 1) Receive report from staff and recommendation of approval from Planning Commission; and
- 2) Conduct public hearing; and
- 3) Introduce and consider adoption, by title only, of the ordinance implementing the rezone; or
- 4) Provide direction to staff

### SUMMARY:

Proposal to correct Ordinance 467A-210, to reflect a determination made by the Lassen County Department of Planning and Building Services that the intent of Section Three of Ordinance 467A-210 was to rezone from A-1 (General Agricultural) to Open Space (O-S), only those federal lands (Lassen National Park) administered by the National Park Service. This correction would remove Assessor's Parcel Numbers 097-240-001, 002, 004, 005, 010, 011, 012, 014, and 015, which are privately owned, from the Open Space Zoning District, and pursuant to Section Four of Ordinance 467A-210 would place said Parcels in the U-C-2 (Upland Conservation Resource Management) Zoning District.

The private parcels affected by this correction were developed between 1920 and approximately 1970 (permits were not required) and have been mostly unmodified since that time, thus the zoning of the parcels (as Open Space) has had little impact on their use since 1987. The motivation for correcting this Ordinance now, after 34 years of inaccuracy, is primarily due to the Dixie Fire, which destroyed cabins on many of the parcels. The Department has been trying to determine the process to allow reconstruction of said cabins, which currently presents challenges, as Open Space zoning does not

Lassen County Board of Supervisors Agenda Date: January 11, 2022

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necessarily allow for development. That said, under Lassen County Code 18.120, reconstruction of the cabins might have been allowed by use permit as a nonconforming use.

However, after reviewing the file for Ordinance 467A-210, it became apparent that the intent of the County was not to zone private parcels as Open Space. Indeed, several notices in the paper, as well as correspondence to other agencies, state in pertinent part that the intent of the Ordinance (467A-210) was to rezone Lassen National Park to Open Space. It is the Departments determination that since these private parcels were/are not a part of Lassen National Park, they should have been excluded from the area described in the O-S rezone.

The affected private parcels are located within the boundaries of Lassen National Park, approximately 12 miles northwest of Chester Ca, near Juniper Lake. The Parcels are generally forested and are/were improved with primitive recreational cabins. Due to the Dixie Fire, 6 of the 7 privately owned cabins were destroyed in August of 2021.

MLA:mcrm Enclosures

S:/PLA/Planning/2021/RZ #2021-002 Lassen County/Board Letter

## ORDINANCE NO. \_\_\_\_\_ (Lassen County) File: RZ# 2021-002

CORRECTION TO ORDINANCE NO. 467A-210, RECLASSIFYING CERTAIN LANDS IN THE UNINCORPORATED AREA OF THE COUNTY OF LASSEN AS TO ZONING REGULATIONS

The following ordinance, 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 11<sup>th</sup> day of January, 2022, by the following vote:

AYES:	*		
NOES:	,		
ABSTAIN:	*		
ABSENT:			
		Chairman of the Board of Supervisors, County of Lassen, State of California	
Attest: Julie Bustama Clerk of the B			*
BYMICHELE	J. YDERRAGA, Depur	ty Clerk of the Board	
Lassen, do her	eby certify that the fore	Clerk of the Board of the Board of Supervisor going ordinance was adopted by the said Board of held on the 11 <sup>th</sup> day of January, 2022.	
	De	eputy Clerk of the County of Lassen Board of S	Supervisors

# THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN, STATE OF CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION ONE: Purpose and Intent. Correction of Ordinance 467A-210, to reflect a determination made by Lassen County that the intent of Section Three of Ordinance 467A-210 was to rezone from A-1 (General Agricultural) to Open Space (O-S), only those federal lands (Lassen National Park) administered by the National Park Service. This correction would remove Assessor's Parcel Numbers 097-240-001, 002, 004, 005, 010, 011, 012, 014, and 015, which are privately owned, from the Open Space Zoning District, and pursuant to Section Four of Ordinance 467A-210 would place said Parcels in the U-C-2 (Upland Conservation Resource Management) Zoning District.

SECTION TWO: Correcting Statement. The zoning change (A-1 to O-S) effectuated by Section Three of Ordinance 467A-210, over the area described therein, applies only to federal lands (Lassen National Park) administered by the National Park Service.

S:/PLA/Planning/2021/RZ #2021-002, Lassen County/ORDINANCE

### RESOLUTION NO. 12-03-21

# RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE REZONE APPLICATION #2021-002, LASSEN COUNTY

WHEREAS, the Planning Commission of Lassen County, after due notice, and a public hearing conducted December 7, 2021, has considered Rezone Application #2021-002, Lassen County.), a proposal to correct Ordinance No. 467A-210, and rezone 9 privately owned parcels from O-S (Open Space) to U-C-2 (Upland Conservation, Resource Management District); and

WHEREAS, the Environmental Review Officer has determined that the proposed rezone correction is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 152061(b)(3) of the 2021 CEQA Guidelines.

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

- 1. The foregoing recitals are true and correct.
- 2. The Planning Commission finds that the proposed rezone is consistent with the Lassen County General Plan, 2000.
- 3. The Director of Planning and Building Services has determined, and the Planning Commission agrees, that the intent of Section Three of Ordinance 467A-210 was to rezone from A-1 (General Agricultural) to Open Space, only those federal lands administered by the National Park Service (Lassen National Park)
- 4. The Director of Planning and Building Services has determined, and the Planning Commission concurs, that Assessor's Parcel Numbers 097-240-001, 002, 004, 005, 010, 011, 012, 014, and 015, located within Lassen National Park, were privately owned at the time Ordinance No. 467A-210 took effect, and thus were erroneously (unknowingly) rezoned O-S (open space) as a result of Ordinance No. 467A-210.
- 5. Pursuant to Section Four of Ordinance 467A-210, this correction would place said Parcels in the U-C-2 (Upland Conservation Resource Management) Zoning District.
- 6. The subject parcels remain privately owned and are/were developed with primitive recreational cabins.
- 7. The Planning Commission hereby concurs with the Environmental Review Officer that the proposed rezone application is exempt from the California Environmental Quality Act(CEQA) pursuant to Section 15061(b)(3) of the 2020 CEQA Guidelines.
- 8. The Planning Commission hereby recommends that the Board of Supervisors approve Rezone #2021-002, Lassen County and adopt an ordinance to effectuate the rezone.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the fourth day of December 7, 2021, by the following vote:

AYES:

Commissioners Ingram, Buckman, Solomon, Clark and Shaw

NOES:

None

ABSTAIN:

None

ABSENT:

None

Chairman

Lassen County Planning Commission

ATTEST:

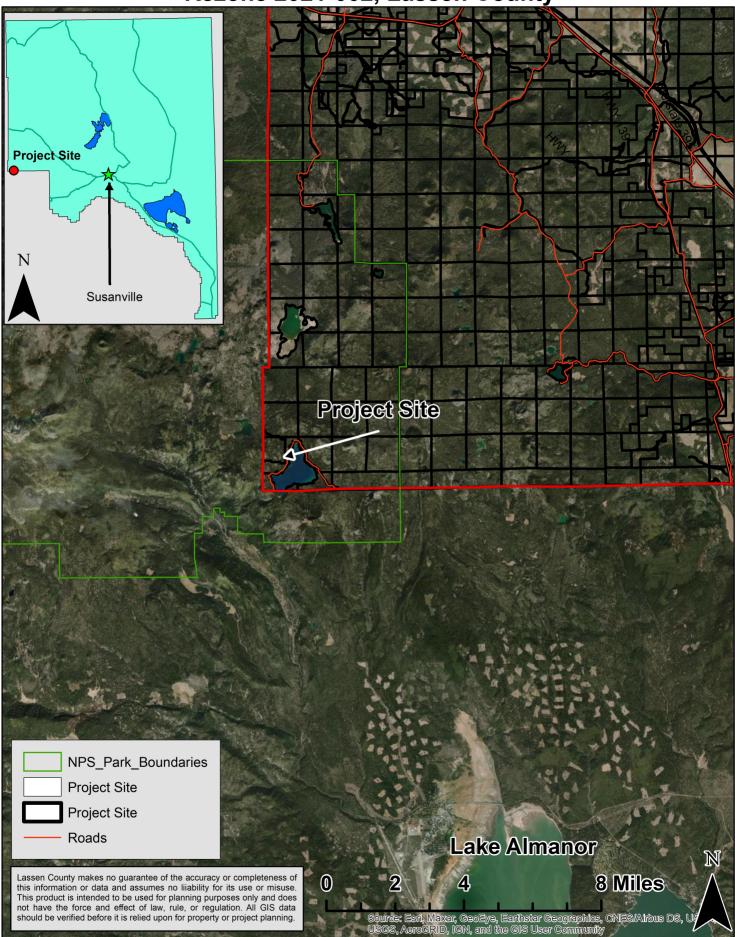
Maurice L. Anderson, Secretary

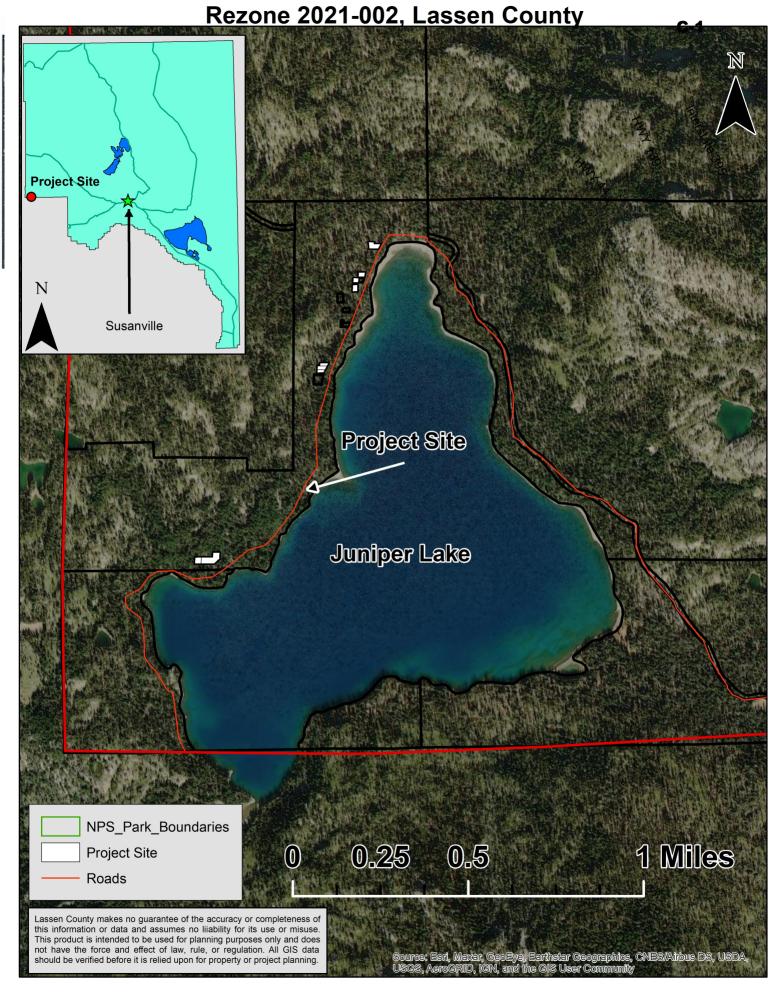
Lassen County Planning Commission

by: Gaylon F. Nowwood

C-1

Rezone 2021-002, Lassen County







## Planning Department Local Agency Formation Commission

Room 103, Courthouse Annex Susanville, California 96130 (916) 257-8311, Ext. 269

December 10, 1986

ROBERT K. SORVAAG

Planning Director

LAFCo. Executive Officer

MERLE A. ANDERSON Senior Planner

The Lassen Advocate P.O. Box 571 Susanville, California 96130

Please print the following Notice of Public Hearing as a EIGHTH PAGE AD one time only on Friday, December 12, 1986.

#### NOTICE OF PUBLIC HEARING

The Lassen County Board of Supervisors solicits the aid of the public in consideration of rezone application #Z-218, made by the County of Lassen. The County proposes to rezone all lands currently zoned A-1 (General Agriculture) within its boundaries which do not lie within any designated planning area. Lands of the Lassen National Park are to be zoned O-S (Open Space). Town Centers, as identified by the County General Plan, are to be zoned C-T (Town Service). All other lands, except the Lake Forest Fire Protection District, are to be zoned U-C (Upland Conservation). The itent of this project is to bring the County's zoning into consistency with its General Plan, as required by California Government Code Section 65860.

A public hearing will be held by the Board of Supervisors at 10:30 a.m. on Tuesday, December 23, 1986, in Room 101, Courhouse Annex, Susanville, CA. For further information, please contact the Lassen Co. Planning Dept., Room 103, Courthouse Annex, Susanville, CA, (916) 257-8311 ext. 269.

For the Board of Supervisors,

Theresa Nagel, County Clerk

TN: RKS: nes



## Planning Department Local Agency Formation Commission

Room 103, Courthouse Annex Susanville, California 96130 (916) 257-8311, Ext. 269

December 19, 1985

ROBERT K. SORVAAG

Planning Director

LAFCo. Executive Officer

MERLE A. ANDERSON Senior Planner

Dear Agency:

The Lassen County Planning Commission and the Board of Supervisors solicit the aid of the public and your agency in considering Rezone Application #Z-218, County of Lassen. The applicants propose to rezone all private and public lands currently zoned A-1 (General Agriculture) lying outside of planning areas designated by the County's advanced planning program. Lands of the Lassen National Park are to be rezoned to O-S (Open Space). Town Centers, as identified by the County General Plan, are to be rezoned to C-T (Town Service). All other lands, except the Lake Forest Fire Protection District, are to be rezoned to U-C (Upland Conservation). Lands of the Lake Forest F.P.D. shall remain in an A-1 zoning district until such time as the County General Plan is amended to identify the area as a residential area. The intent of this project is to bring the County's zoning into consistency with its General Plan, as required by California Government Code Section 65860. A map depicting the proposed project and location is enclosed.

The public hearing will be held by the Planning Commission at 3:30 p.m. on January 8, 1986, and the Board of Supervisors at 11:00 a.m. on February 18, 1986, in Room 101, Courthouse Annex, Susanville, CA.

For the Planning Commission,

Robert K. Sorvaag, Secretary

Wolth Soway

RKS: map

cc: Calif. Dept. of Transportation Forest Service, National Park Service Dept. of Forestry Dept. of Fish and Game Bureau of Land Management Lahontan Regional W.Q.C.B. Central Valley W.Q.C.B. CA Archaeological Inventory Center Lassen/Modoc Flood Control District Big Valley Pest abatement District Honey Lake Television, Service Area No. 1 Fire Protection District: Madeline, Susan River, Adin, Eagleville Resource Conservation Districts: Honey lake, Pit, Fall River and Suprise Valley School and Community Colleges Districts: Big Valley, Westwood, Surprise Valley, Fall River, Ravendale, Richmond, Shaffer, Lassen High

### ORDINANCE NO. 467A-210

RECLASSIFYING CERTAIN LANDS IN THE UNINCORPORATED COUNTY OF LASSEN AS TO ZONING REGULATIONS

The Board of Supervisors of the County of Lassen do ordain as follows:

SECTION ONE: Purpose and Intent. The purpose of this ordinance is to rezone those lands which lie outside of planning areas established by the Board of Supervisors of the County of Lassen in order to bring the zoning of said lands into conformance with the Land Use Element of the Lassen County General Plan. It is intended that all lands lying outside of established planning areas and zoned A-l on the effective date of this ordinance shall be rezoned in the following manner.

SECTION TWO: The following described areas, comprising a portion of the area depicted on Zoning Index Map Nos. 248, 249, 267, 313, 358, are hereby rezoned from A-1 to C-T (Town Service) and the uses permitted therein shall be subject to the provisions and restrictions of C-T districts as set forth in Chapter 18.34, Lassen County Code:

"All that certain real property situate, lying and being in the County of Lassen, State of California, more particularly described as follows:

- A. The "Town of Madeline" as shown on that certain map filed in the Office of the Recorder, County of Lassen in Book 1 of Maps at page 59.
- B. The "Town of Ravendale" as shown on that certain map filed in the Office of the Recorder, County of Lassen in Book 1 of Maps at page 67.
- C. The "Little Valley Homes" subdivision as shown on that certain map filed in the Office of the Recorder, County of Lassen in Book 4 of Maps at page 1."

SECTION THREE: The following described areas, comprising a portion of the area depicted on Zoning Index Map Nos. 134, 135, 152, 153, 170, and 171, are hereby rezoned from A-1 to O-S (Open Space) and the uses permitted therein shall be subject to the provisions and restrictions of O-S districts as set forth in Chapter 18.64, Lassen County Code:

"All that certain real property situate, lying and being in the County of Lassen, State of California, more particularly described as follows:

In T. 30 N., R. 6 E., MDB & M:

Section 1 All

Section 2 All

Section 3 - All

Section 4 All

Sections 9 - 16 All

Sections 21 - 24 The N 1/2;

In T. 31 N., R. 6 E., MDB & M:

Section 3 A11 Section 4 A11 Section 9 A11 Section 10 A11 Section 11 The W 1/2 Section 14 The W 1/2 Section 15 A11 Section 16 A11 Section 21 - 28 Section 33 - 36 All"

SECTION FOUR: The following described areas, comprising a portion of the area depicted on Zoning Index Map Nos. 43-45, 54-59, 67-73, 81-87, 95-107, 109-134, 136-145, 147-152, 154-163, 165-180, 183-198, 201-216, 219-368, 370-383, 388-399, 406-417, are hereby rezoned from A-1 to U-C-2 (Upland Conservation/Resource Management) and the uses permitted therein shall be subject to the provisions and restrictions of U-C-2 districts as set forth in Chapter 18.69, Lassen County Code:

"All that certain real property, situate, lying and being within the County of Lassen, State of California, more particularly described as follows:

All of Lassen County as described in Section 23118 of the California Government Code.

Excepting therefrom the following territories:

A. The Eagle Lake Planning Area, more particularly described as follows:

Beginning at the SW corner of the SE 1/4 of the SW 1/4 Section 32, T. 31 N., R. 10 E.; thence easterly along the township line to the SE corner of Section 33, T. 31 N., R. 11 E.; thence northerly along section lines to the SW corner of the NW 1/4 of the NW 1/4 of Section 27, T. 32 N., R. 11 E.; thence easterly along the sixteenth section line to the SE corner of the NW 1/4 of the NW 1/4 of Section 26, T. 32 N., R. 11 E.; thence northerly to the NE corner of said NW 1/4 of the NW 1/4 of Section 26; thence easterly along section lines to the NW corner of the NW 1/4 of the NE 1/4 of Section 25, T. 32 N., R. 11 E.; thence southerly to the SW corner of said NW 1/4 of the NE 1/4; thence easterly to the SE corner of said NW 1/4 of the NE 1/4; thence southerly along the sixteenth section line to the SW corner of the SE 1/4 of the SE 1/4 of said Section 25; thence easterly to the SE corner of Section 30, T. 32 N., R. 12 E.; thence northerly to the NE corner of said Section 30; thence easterly to the SW corner of the SE 1/4 of the SE 1/4 of Section 21, T. 32 N., R. 12 E.; thence northerly along sixteenth section lines to the NE corner of the NW 1/4 of the SE 1/4 of Section 4, T. 33 N., R. 12 E.; thence westerly along quarter section lines to the NW corner of the NE 1/4 of the SW 1/4 of Section 5, T. 33 N., R. 10 E.; thence southerly along sixteenth section lines to the true point of beginning.

B. The Pittville and Big Valley Planning Areas, more particularly described as follows:

That portion of the County of Lassen lying northwesterly of the following described line:

Beginning at the NW corner of Section 6, T. 36 N., R. 6 E., MDB&M; thence easterly ±4 miles to the NW corner of Section 2, T. 36 N., R. 6 E., MDB&M; thence northerly ±4 miles to the NW corner of Section 14, T. 37 N., R. 6 E., MDB&M; thence easterly ±3 miles to the NW corner of Section 17, T. 37 N., R. 7 E., MDB&M; thence northerly ±1 mile to the NW corner of Section 8, T. 37 N., R. 7 E., MDB&M; thence easterly ±8 miles to the NW corner of Section 10, T. 37 N., R. 8 E., MDB&M; thence northerly ±2 miles to the NW corner of Section 34, T. 38 N., R. 8 E., MDB&M; thence ±1 mile easterly to the NW corner of Section 35, T. 38 N., R. 8 E., MDB&M; thence northerly ±1 1/2 miles to the NW corner of the SW 1/4 of Section 23, T. 38 N., R. 8 E., MDB&M; thence easterly ±2 1/2 miles to the NW corner of the SE 1/4 of Section 19, T. 38 N., R. 9 E., MDB&M; thence ±1 mile southerly to the NW corner of the SE 1/4 of Section 30, T. 38 N., R. 9 E., MDB&M; thence easterly ±3 1/2 miles to the NW corner of the SW 1/4 of Section 26, T. 38 N., R. 9 E., MDB&M; thence northerly ±5 1/2 miles to the NW corner of Section 35, T. 39 N., R. 9 E., MDB&M.

C. The Susanville Vicinity, Johnstonville, Standish/Litchfield, Wendel, Lassen Southeast, Hallelujah Junction, Janesville or Richmond-Gold Run Planning areas, more particularly described as follows:

That portion of the County of Lassen, lying southeasterly of the following described line:

Beginning at the SW corner of the NW 1/4 of Section 4, T. 28 N., R. 11 E., MDB&M; thence northerly ±3 1/2 miles to the NW corner of Section 21, T. 29 N., R. 11 E., MDB&M; thence easterly ±2 miles to the NW corner of Section 23, T. 29 N., R. 11 E., MDB&M; thence northerly ±2 1/2 miles to the SW corner of the NW 1/4 of Section 2, T. 29 N., R. 11 E., MDB&M; thence easterly ±1 mile to the SE corner of the NE 1/4 of said Section 2; thence northerly ±1 mile to the NE corner of the SE 1/4 of Section 35, T. 30 N., R. 11 E., MDB&M; thence northerly ±1/4 mile to the NW corner of the SE 1/4 of the NE 1/4 of said Section 35; thence easterly ±1/4 mile to the SW corner of the NW 1/4 of the NW 1/4 of Section 36, T. 30 N., R. 11 E., MDB&M; thence northerly ±1 1/4 miles to the NW corner of Section 25, T. 30 N., R. 11 E., MDB&M; thence easterly ±1/4 mile to the SE corner of the SW 1/4 of the SW 1/4 of Section 24, T. 30 N., R. 11 E., MDB&M; thence northerly ±1/4 mile to the NW corner of the SE 1/4 of the SW 1/4 of said Section 24; thence easterly  $\pm 1/4$  mile to the SW corner of the NW 1/4 of the SE 1/4 of said Section 24; thence northerly  $\pm 1/4$  mile to the center of said Section 24; thence easterly ±1/4 mile to the NE corner of the NW 1/4 of the SE 1/4 of said Section 24; thence northerly ±1/2 mile to the NW corner of the NE 1/4 of the NE 1/4 of said Section 24; thence easterly ±4 1/4 miles to the NW corner of Section 23, T. 30 N., R. 12 E., MDB&M; thence southerly ±2 miles to the SW

corner of Section 26, T. 30 N., R. 12 E., MDB&M; thence easterly ±7 miles to the SW corner of Section 25, T. 30 N., R. 13 E., MDB&M; thence northerly ±2 miles to the NW corner of Section 24, T. 30 N., R. 13 E., MDB&M; thence easterly ±4 miles to the NE corner of Section 21, T. 30 N., R. 14 E., MDB&M; thence southerly ±3 miles to the SE corner of Section 33. T. 30 N., R. 14 E., MDB&M; thence easterly ±10 miles to the NE corner of Section 6, T. 29 N., R. 16 E., MDB&M; thence southerly ±1 mile to the SW corner of said Section 6; thence easterly ±1 mile to the NE corner of Section 8, T. 29 N., R. 16 E., MDB&M; thence southerly ±1 mile to the SE corner of said Section 8; thence easterly ±2 miles to the SW corner of Section 10, T. 29 N., R. 16 E., MDB&M; thence southerly ±3 miles to the NW corner of Section 35, T. 29 N., R. 16 E., MDB&M; thence easterly ±1 mile to the NE corner of said Section 35; thence southerly ±3 miles to the SE corner of Section 11, T. 28 N., R. 16 E., MDB&M; thence easterly ±7 miles to the NE corner of Section 13, T. 28 N., R. 17 E., MDB&M.

- D. All those lands previously rezoned from A-1 to a precise zoning district pursuant to Lassen County Ordinance 467 and 293.
- E. The territories of unincorporated land described in Sections one and two herein.
- F. The "Lake Forest Fire Protection District" described as follows:

In T. 30 N., R. 11 E., MDB & M, according to the official plat thereof.

Section 28: The NW 1/4 of the SE 1/4; and the NE 1/4.

Excepting therefrom that portion of the E 1/2 of the NE 1/4 which lies northeasterly of County Road 201."

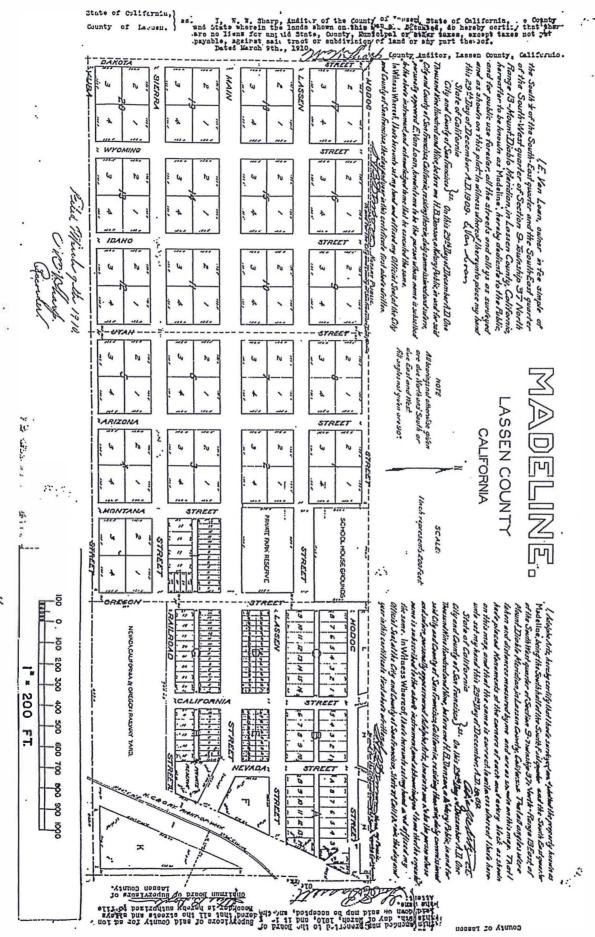
The foregoing ordinance was adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held on the <u>20th</u> day of <u>January</u>, 19<u>87</u>, and shall take effect on February 27, 1987, by the following vote:

AYES:	SUPERVISORS	de	MARTIMPREY,	JENKINS,	GAITHER,	LEMKE,	WILLIAMS
NOES:	NONE						
ABSENT:	NONE				/1		
				JAH.	Samb		

Chairman, Board of Supervisors

ATTEST:

Seresa Lacel



R