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## BOARD OF SUPERVISORS MEETING March 20, 2018

FILE NUMBER: AA and RZ #2018-001, LL #2017-012  
PROPERTY OWNER: Five Dot Land & Cattle Co.  
John E. Hanson, Jr. and Darcy H. Hanson  
TYPE OF APPLICATION: Agricultural Preserve and Rezone  
Lot Line Adjustment

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County of Lassen  
Department of Planning and Building Services

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

March 14, 2018

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TO: Board of Supervisors  
Agenda Date: March 20, 2018

FROM: Gaylon F. Norwood, Assistant Director

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

SUBJECT: Rezone of lands located in Willow Creek Valley owned by Five Dot Land & Cattle Co. into an Agricultural Preserve Combining District in order to facilitate an application for a new Land Conservation (Williamson) Act contract. (Files: AA #2018-001 and RZ #2018-001). In conjunction with the above the Board of Supervisors will also consider findings to facilitate an associated lot line adjustment between Five Dot Land & Cattle Co. and John E. Hanson, Jr. and Darcy H. Hanson.

ACTION REQUESTED:

1. Receive the Planning Commission's recommendation on rezoning; and
2. Conduct a public hearing pursuant to County Code Section 18.124.050 (Procedures for Precise Zoning and Amendments); and
3. Introduce and adopt, by title only, an Ordinance implementing the rezone of the 320 acres of property from A-1-H and U-C-2 to U-C-2-A-P; and
4. Receive and consider the Land Conservation Committee recommendation on the establishment of an agricultural preserve; and
5. Adopt a resolution establishing an agricultural preserve and authorize the execution of a Land Conservation (Williamson) Act Contract; and
6. Adopt a resolution making the findings set forth at Government Code Section 51257 to facilitate the lot line adjustment application; or
7. Alternatively the Board could determine that the lands are not suitable for the purpose of establishing a Land Conservation (Williamson) Act contract and deny the applications.

SUMMARY:

Supplemental information about this project can be found in the Planning Commission and Land Conservation Committee staff reports, which are attached. Additionally, Planning Commission Resolution Number 2-02-18, recommending approval, is attached. This Board letter is intended to provide a summary of the information found in the above packets.

Five Dot Land & Cattle Co. and John E. Hanson, Jr. and Darcy H. Hanson submitted an application for a lot line adjustment between several parcels on November 21, 2017. This proposal was conditionally approved by the Technical Advisory Committee at its January 4, 2018, meeting. Because the lot line adjustment would result in approximately 14 acres of non-Williamson Act land being added to a parcel that is currently under a Williamson Act contract, Board Resolution #12-050 (Lassen County Policy and Procedures for Administration of the Land Conservation Act of 1965) requires that the land not under contract be put in the program prior to

recordation of the lot line adjustment. Therefore, as a condition of approval of the lot line adjustment, the non-Williamson Act parcel (the subject parcel) was required to enter into a Williamson Act contract.

On January 4, 2018, a rezone application and an agricultural preserve application were submitted in an effort to effectuate the above lot line adjustment. In order for a parcel to enter into a Williamson Act contract, the parcel must be in an agricultural preserve (i.e., must be zoned into the Agriculture Preserve). The 320 acres being considered with this application is associated with approximately 3,500 acres of land also owned by Five Dot Land & Cattle Co. that is already in the Williamson Act program. Thus it is easy to demonstrate that acreage requirements for entry into the program are met with this application (see the Planning Commission staff report and Land Conservation Committee memorandum for further discussion).

The above applications were considered by the Planning Commission and the Land Conservation Committee who both recommended that the Board of Supervisors approve the applications (see Planning Commission Resolution Number 2-02-18, attached).

If the Board of Supervisors establishes an agricultural preserve and authorizes the execution of a Land Conservation (Williamson) Act Contract, the Department of Planning and Building Services will work with County Counsel to prepare such a contract.

Last, the Board must be able to make the following findings, required by Government Code Section 51257, if the lot line adjustment is to be recorded. These findings are also required by Board Resolution #12-050 and the conditions of approval for the lot line adjustment:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.



If the Board is unable to make the above findings, the lot line adjustment cannot be approved. That said, it is staff's position that there is sufficient evidence in the record to allow the Board to make the above findings.

#### DISCUSSION:

As discussed above, The Technical Advisory Committee conditionally approved Lot Line Adjustment #2017-012 at its January 4, 2018, meeting. Said approval is contingent upon the Board of Supervisors making the findings set forth at Government Code Section 51257, approving the proposed rezone into the Agricultural Preserve Combining District, and simultaneously rescinding and entering into a new Land Conservation (Williamson) Act contract with Five Dot Land & Cattle Co. Section 2(d)(iii) of Exhibit A of Board Resolution #12-050 requires the new contract alluded to above, stating, "Where lot line adjustments result in lands not under contract being added to lands under contract, new contracts will be required as necessary to include the new land."

The rescission discussed above is required in part by Condition Number 2 of Lot Line Adjustment #2017-012 and will rescind the existing inured contract between Five Dot Land & Cattle Co. and Lassen County. Board Resolution #12-050 defines an inured contract as "a portion of one or more prior contracts now owned by a unique property owner or group of property owners." If the Board of Supervisors decides to offer Five Dot Land & Cattle Co. a Williamson Act contract for the subject parcel, said contract would also be inured and implicitly include the lands affected by the previous inured contracts. Therefore, the subject parcel described in the new contract would be added to the previous contract between Five Dot Land & Cattle Co. and Lassen County (see attached draft resolution).

On January 17, 2018, the Land Conservation Committee (LCC) met and considered Agricultural Preserve Application #2018-001, and Rezone Application #2018-001, in accordance with Board Resolution #12-050. The LCC considered whether the application and subject lands meet the minimum requirements for both entry into an agricultural preserve combining district (Lassen County Code Section 18.82), and to be offered a Land Conservation (Williamson) Act contract. The LCC found that the project site meets the minimum qualifications to be offered a Land Conservation (Williamson) Act contract and recommended that the Board of Supervisors approve the rezone and offer the applicant a Land Conservation (Williamson) Act contract.

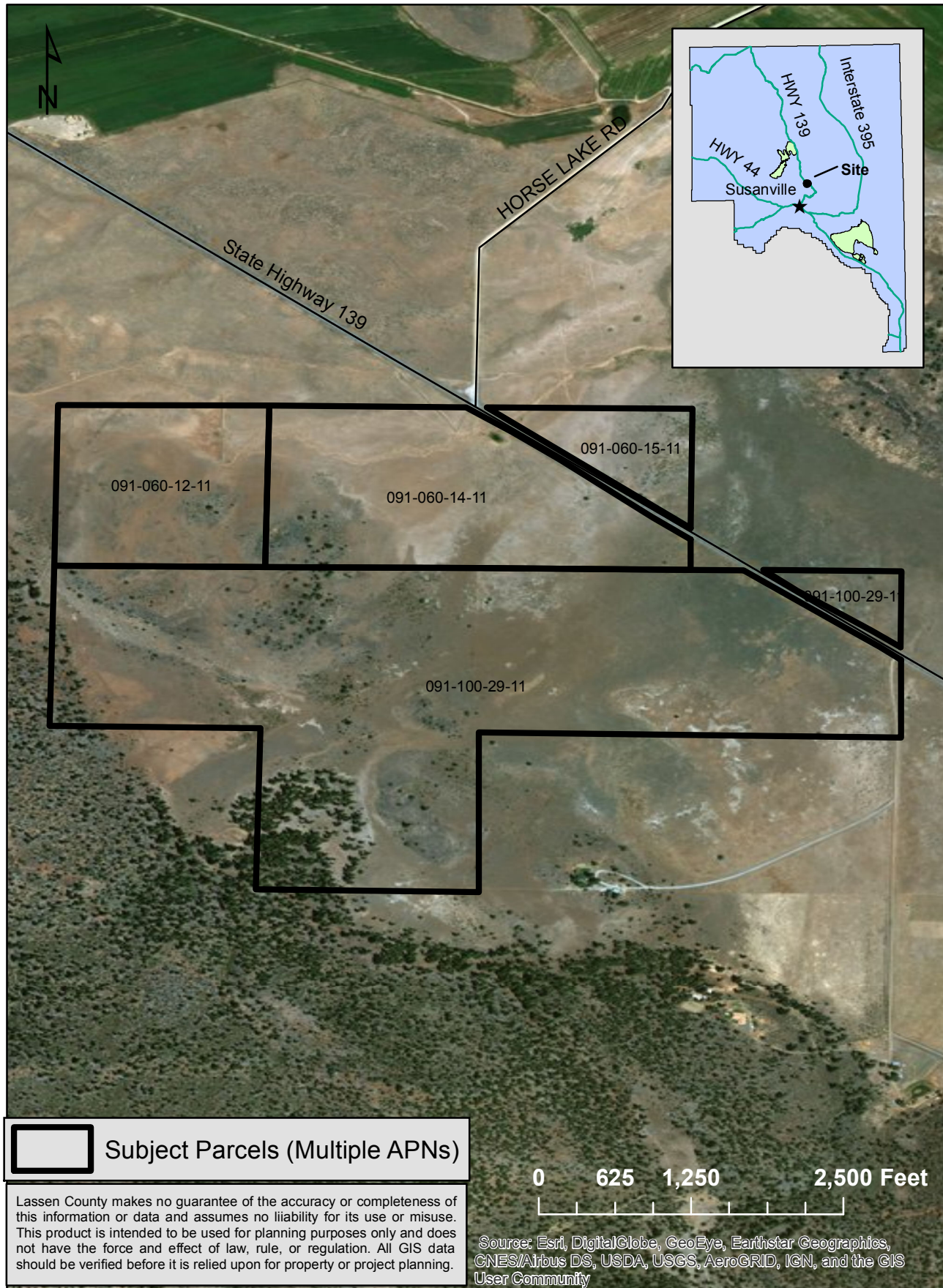
At its February 7, 2018, meeting, the Planning Commission reviewed Rezone Application #2018-001 and recommended that the subject lands be rezoned from A-1-H and U-C-2 to U-C-2-A-P (see Resolution No. 2-02-18 attached). The Planning Commission staff report, which includes the Land Conservation Committee recommended findings, and Board Resolution #12-050 are attached.



As part of the lot line adjustment approval (and if the above contract with Five Dot Land & Cattle Co. is approved) the Board of Supervisors could require that new contracts be prepared and executed to reflect the lot line adjustment. That is, new contracts (for Five Dot Land & Cattle Co. and John E. Hanson, Jr. and Darcy H. Hanson) could be required to reflect the new property lines. In actuality, this step is unnecessary as a result of Policy 5 of Exhibit "A" of Board Resolution #12-050. The primary reason is that the contract will transfer automatically to the new owner when the parcels are adjusted. That is, once entered into, the contract "goes with the land." The contract entered into is binding on the future owner of the adjusted parcel. As defined by Board Resolution #12-050, the contract is "inured."

S:/PLA/Planning/2018/ AA and RZ #2018-001, Five Dot Land & Cattle Co./BOS/Board Letter

# Agricultural Preserve #2018-001, Rezone #2018-001, Five Dot Land & Cattle Co.





RESOLUTION NO. 2-02-18

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION  
RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE REZONE  
APPLICATION #2018-001, AND ADOPT AN ORDINANCE EFFECTING THE REZONE.

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted February 7, 2018, has considered Rezone Application #2018-001, filed by Five Dot Land & Cattle Co., to enter four Assessor Parcel Numbers (APNs) in Lassen County (totaling approximately 320 acres) into an Agricultural Preserve Combining District in order to allow for said lands to be entered into an existing Land Conservation (Williamson) Act contract that affects approximately 3,500 acres of land. Rezone of said four APNs is from A-1-H (General Agricultural District, Highway Combining District [within 300 feet of the centerline of California State Route 139]) and U-C-2 (Upland Conservation/Resource Management District) to U-C-2-A-P (Upland Conservation/Resource Management District, Agricultural Preserve Combining District).

After the Planning Commission has made a recommendation in regard to the rezone, the Board of Supervisors will consider placing the subject properties into an agricultural preserve and entering the same lands into a Land Conservation (Williamson) Act contract. This rezone application, if approved, would make the zoning consistent with that required by Policies and Procedures for Implementing the California Land Conservation Act of 1965 (Williamson Act) in Lassen County (Resolution #12-050); and

WHEREAS, the Board of Supervisors will consider the placement of the subject property in to an Agricultural Preserve and entering of this land into a Land Conservation (Williamson) Act contract at a future date; and

WHEREAS, the Land Conservation Committee has determined that the subject lands meet the minimum qualifications to be placed into an agricultural preserve and Land Conservation (Williamson) Act contract; and

WHEREAS, the Environmental Review Officer of the County of Lassen has determined that this proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15317 of the 2018 CEQA Guidelines, which in part exempts "the establishment of agricultural preserves..."

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Planning Commission finds as follows:
  - a. That rezoning the subject parcels from "A-1-H" and "U-C-2" to "U-C-2-A-P" is consistent with the "Intensive Agriculture" land use designation and all applicable goals and policies set forth in the Lassen County General Plan.

RESOLUTION NO. 2-02-18

- b. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15317 of the 2018 CEQA Guidelines, which in part exempts "the establishment of agricultural preserves..."
- c. The project site is physically suitable for the uses allowed within the "A-P" District.
- d. The rezoning of the subject properties to "U-C-2-A-P" will not adversely affect the health, welfare, and safety of the public.

Based on the foregoing, the Planning Commission hereby makes the following recommendations to the Lassen County Board of Supervisors:

- 1. That the Board of Supervisors adopt findings (a) through (d) as set forth above.
- 2. That the Board of Supervisors approve Rezone Application #2018-001 and adopt an ordinance to rezone the subject properties from "A-1-H" and "U-C-2" to "U-C-2-A-P".

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 7<sup>th</sup> day of February 2018, by the following vote:

AYES: Commissioners Solomon, Herman and Meyer


NOES: Commissioner Purdy

ABSTAIN: None

ABSENT: None

  
\_\_\_\_\_  
Chairman  
Lassen County Planning Commission

ATTEST:

  
\_\_\_\_\_  
Maurice L. Anderson, Secretary  
Lassen County Planning Commission

by: Gaylon F. Norwood



RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF LASSEN, TO REZONE AND ENTER CERTAIN LANDS INTO AN AGRICULTURAL PRESERVE COMBINING DISTRICT AND AUTHORIZING EXECUTION OF CONTRACT IMPOSING LIMITATIONS UPON USE OF SAID LANDS IN COMBINATION WITH LANDS WHICH ARE UNDER AN EXISTING AGRICULTURAL PRESERVE COMBINING DISTRICT, ALSO OWNED BY THE APPLICANT (FILE AA#2018-001 AND RZ#2018-001, FIVE DOT LAND & CATTLE CO.)

WHEREAS, Five Dot Land & Cattle Co., as owner of certain agricultural lands located within the County of Lassen, has applied or stated their intent to have the same placed into an agricultural preserve pursuant to law; and

WHEREAS, said owner desires to enter into a contract with the County of Lassen to limit the use of such land in combination with lands currently in an Agricultural Preserve, pursuant to the Land Conservation Act of 1965; and

WHEREAS, establishment of agricultural preserves is categorically exempt from environmental review pursuant to Section 15317 of the 2018 California Environmental Quality Act Guidelines.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors hereby adopts the findings made by the Land Conservation Committee on January 17, 2018; and

BE IT FURTHER RESOLVED, that the lands hereinafter described in Exhibit “A” and attached hereto are hereby established as an Agricultural Preserve pursuant to the California Land Conservation Act of 1965 and Lassen County Board Resolution #12-050 (Policies and Procedures for Williamson Act), as amended; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Supervisors of the County of Lassen is authorized and directs staff to execute a contract with Five Dot Land & Cattle Co., imposing limitations upon the use of agricultural lands described in Exhibit “A” in manner and form annexed; and

BE IT FURTHER RESOLVED, that the County Recorder of the County of Lassen is authorized and directed to record this resolution, said contract and any associated documents, without charge.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, on the 20<sup>th</sup> day of March, 2018, by the following vote:

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

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

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

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

\_\_\_\_\_  
CHRIS GALLAGHER  
Chairman of the Board of Supervisors  
County of Lassen, State of California

ATTEST:  
JULIE BUSTAMANTE  
Clerk of the Board

BY \_\_\_\_\_  
MICHELE J. YDERRAGA, Deputy Clerk of the Board

I, MICHELE J. YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 20<sup>th</sup> day of March, 2018.

\_\_\_\_\_  
Deputy Clerk of the County of Lassen Board of Supervisors



Exhibit "A"

LEGAL DESCRIPTION

All that certain real property situated in portions of Sections 22, 23, 26 and 27, Township 31 North, Range 12 East, Mount Diablo Base and Meridian, in the unincorporated territory of Lassen County, California, more particularly described as follows:

Section 22: The Southeast one-quarter of the Southeast one-quarter (SE1/4 SE1/4).

Section 23: The South one-half of the Southwest one-quarter (S1/2 SW1/4).

Section 26: The West one-half of the Northwest one-quarter (W1/2 NW1/4); the Northeast one-quarter of the Northwest one-quarter (NE1/4 NW1/4); and the Northwest one-quarter of the Northeast one-quarter (NW1/4 NE1/4).

Section 27: The Northeast one-quarter of the Northeast one-quarter (NE1/4 NE1/4).

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF LASSEN, MAKING THE FINDINGS SET FORTH AT GOVERNMENT CODE SECTION 51257 FOR LOT LINE ADJUSTMENT APPLICATION #2017-012, FIVE DOT LAND & CATTLE CO. AND JOHN E. HANSON, JR. AND DARCY H. HANSON

WHEREAS, Section 2(d)(iii) of Exhibit A of Board Resolution #12-050 (Policies and Procedures for Implementing the California Land Conservation Act of 1965 [Williamson Act]) states that “[w]here a lot line adjustment results in lands not under contract being added to lands under contract, new contracts will be required as necessary to include the new land.”

WHEREAS, the proposed lot line adjustment would result in lands not under contract being added to lands under contract; and

WHEREAS, Five Dot Land & Cattle Co. has submitted Rezone Application #2018-001 and Agricultural Preserve Application #2018-001 to rezone the subject parcel into an agricultural preserve and to place the subject parcel under a Land Conservation (Williamson) Act contract; and

WHEREAS on March 20, 2018, the Board of Supervisors has approved Rezone #2018-001 and the Chairman of the Board of Supervisors is authorized and has directed staff to execute a contract with Five Dot Land & Cattle Co., imposing limitations upon the use of agricultural lands described in Exhibit “A” in manner and form annexed; and

WHEREAS, on January 4, 2018, the Technical Advisory Committee conditionally approved Lot Line Adjustment #2017-012, one of the conditions being that the Board of Supervisors make all seven findings required by Government Code Section 51257.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby makes the following findings set forth at Government Code Section 51257:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.



PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, on the 20<sup>th</sup> day of March, 2018, by the following vote:

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

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

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

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

\_\_\_\_\_  
CHRIS GALLAGHER  
Chairman of the Board of Supervisors  
County of Lassen, State of California

ATTEST:  
JULIE BUSTAMANTE  
Clerk of the Board

BY \_\_\_\_\_  
MICHELE J. YDERRAGA, Deputy Clerk of the Board

I, MICHELE J. YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 20<sup>th</sup> day of March 2018.

\_\_\_\_\_  
Deputy Clerk of the County of Lassen Board of Supervisors

Exhibit "A"

LEGAL DESCRIPTION

All that certain real property situated in portions of Sections 22, 23, 26 and 27, Township 31 North, Range 12 East, Mount Diablo Base and Meridian, in the unincorporated territory of Lassen County, California, more particularly described as follows:

Section 22: The Southeast one-quarter of the Southeast one-quarter (SE1/4 SE1/4).

Section 23: The South one-half of the Southwest one-quarter (S1/2 SW1/4).

Section 26: The West one-half of the Northwest one-quarter (W1/2 NW1/4); the Northeast one-quarter of the Northwest one-quarter (NE1/4 NW1/4); and the Northwest one-quarter of the Northeast one-quarter (NW1/4 NE1/4).

Section 27: The Northeast one-quarter of the Northeast one-quarter (NE1/4 NE1/4).

ORDINANCE NO. \_\_\_\_\_  
(Five Dot Land & Cattle Co.)  
File: RZ#2018-001

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 20<sup>th</sup> day of March, 2018 by the following vote:

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

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

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

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

\_\_\_\_\_  
CHRIS GALLAGHER  
Chairman of the Board of Supervisors,  
County of Lassen, State of California

Attest:  
Julie Bustamante  
Clerk of the Board

BY \_\_\_\_\_  
MICHELE J. YDERRAGA, Deputy Clerk of the Board

I, MICHELE J. 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 20<sup>th</sup> day of March, 2018.

\_\_\_\_\_  
Deputy Clerk of the County of Lassen Board of Supervisors

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

SECTION ONE: This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage 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: The following described area, comprising a portion of the area depicted on Zoning Index Map Numbers 143 and 144 is hereby rezoned from A-1-H and U-C-2 to U-C-2-A-P, and the uses permitted therein shall be subject to the provisions and restrictions as set forth in Chapters 18.69, 18.82 and the General Provisions of Chapter 18.102, Lassen County Code.

LEGAL DESCRIPTION

All that certain real property situated in portions of Sections 22, 23, 26 and 27, Township 31 North, Range 12 East, Mount Diablo Base and Meridian, in the unincorporated territory of Lassen County, California, more particularly described as follows:

Section 22: The Southeast one-quarter of the Southeast one-quarter (SE1/4 SE1/4).

Section 23: The South one-half of the Southwest one-quarter (S1/2 SW1/4).

Section 26: The West one-half of the Northwest one-quarter (W1/2 NW1/4); the Northeast one-quarter of the Northwest one-quarter (NE1/4 NW1/4); and the Northwest one-quarter of the Northeast one-quarter (NW1/4 NE1/4).

Section 27: The Northeast one-quarter of the Northeast one-quarter (NE1/4 NE1/4).

SECTION THREE: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.



LASSEN COUNTY PLANNING COMMISSION  
STAFF REPORT  
February 7, 2018

FILE NUMBER: RZ #2018-001  
PROPERTY OWNER: Five Dot Land & Cattle Co.  
TYPE OF APPLICATION: Rezone  
GENERAL LOCATION: The subject APNs are located adjacent to California State Route 139 in the Willow Creek Valley area of Lassen County, approximately 13 miles northeast of Susanville, CA  
ASSESSOR'S PARCEL NUMBER(S): 091-060-12, 091-060-14, 091-060-15, and 091-100-29  
CURRENT ZONING: A-1-H (General Agricultural District, Highway Combining District [within 300 feet of the centerline of State Route 139]) and U-C-2 (Upland Conservation/Resource Management District)  
PROPOSED ZONING: U-C-2-A-P (Upland Conservation/Resource Management District, Agricultural Preserve Combining District)  
GENERAL PLAN DESIGNATION: "Intensive Agriculture" pursuant to the *Lassen County General Plan, 2000*  
ENVIRONMENTAL DOCUMENT: Exempt from CEQA pursuant to Section 15317 of the Guidelines  
ASSIGNED STAFF: Stefano Richichi, Associate Planner

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AUTHORITY FOR APPLICATION:

Procedure for Precise Zoning and Amendments, Lassen County Code Section 18.124.010 et seq.  
Policies and Procedures for Implementing the California Land Conservation Act of 1965 (Williamson Act) in Lassen County, Board Resolution #12-050

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REGULATING AGENCIES:

Agency  
Planning Commission  
Board of Supervisors

Identified Permits/Approvals  
Recommendation to Board  
Approval/Authorization to Offer Contract

PROJECT DESCRIPTION: The Planning Commission will consider an application by Five Dot Land & Cattle Co. to rezone lands within Lassen County into an A-P (Agricultural Preserve Combining District) zoning district in order to allow for a new Land Conservation (Williamson) Act contract. The Planning Commission will then forward its recommendation to the Board of Supervisors, pursuant to Section 1(e) of Exhibit A of Board Resolution #12-050. If approved, the rezone would affect four assessor's parcel numbers (APNs) that contain approximately 320 acres of contiguous, non-irrigated land.

After the Planning Commission has made a recommendation in regard to the rezone, the Board of Supervisors will consider placing the subject properties into an agricultural preserve and entering the same lands into a Williamson Act Contract. This rezone application, if approved, would make the zoning consistent with that required by Policies and Procedures for Implementing the California Land Conservation Act of 1965 (Williamson Act) in Lassen County (Board Resolution #12-050).

The Williamson Act requires that contract lands be restricted to the production of food or fiber. In Lassen County, Williamson Act lands are so restricted through stipulations of the contract, and through zoning by requiring inclusion into the “A-P” zoning district (Agricultural Preserve Combining District).

#### PROJECT SITE CHARACTERISTICS:

Soil information generated through the Natural Resources Conservation Service’s (NRCS) Web Soil Survey on January 16, 2018, demonstrates that the subject APNs contain approximately 80 acres of Class I-soil-equivalent land<sup>1</sup> (using the Natural Resources Conservation Service Land Classification System). Although Board Resolution #12-050 requires 100 acres of Class I or Class I-equivalent soils for land to be eligible to enter into an agricultural preserve, Lassen County Code Section 18.82.010 states that the A-P “district classification is intended to be applied in combination with other appropriate districts to establish the precise boundaries of agricultural preserves.” This section enables parcels to combine with contiguous parcels in order to achieve the requisite Class I-soil-equivalent acreage to enter into an agricultural preserve. Since there are several thousands of acres of contiguous land that are already in an agricultural preserve, the proposal to place the subject APNs in an agricultural preserve is consistent with the Class I-equivalent 100-acre minimum.

In addition, the applicant proposes to add the subject APNs (which total approximately 320 acres) into a preexisting Williamson Act contract that contains approximately 3,500 acres of partially irrigated land. The subject APNs (in conjunction with the existing lands under contract) contain sufficient acreage to enter into a Williamson Act contract pursuant to Section 1(h)(b) of Exhibit A of Board Resolution Number 12-050, which requires at least 400 acres of dry (no irrigation) or partially irrigated land to enter into a contract.

#### NEIGHBORING PROPERTIES:

Immediately surrounding properties are zoned U-C-A-P (Upland Conservation, Agricultural Preserve District), U-C-2 (Upland Conservation/Resource Management District), and T-P-Z (Timber Preserve Zone District) with both “Intensive Agriculture” and “Extensive Agriculture” land use designation in the *Lassen County General Plan, 2000*, and are predominantly used for agricultural production and grazing, although some parcels do have a residential component. Surrounding properties range from approximately 2.5 to 600 acres.

<sup>1</sup> Soil classes at the site range from Class III to Class VII soils (non-irrigated).

## GENERAL PLAN:

The following goals, policies, and implementation measures from the *Lassen County General Plan, 2000*, relate to the proposed project:

### **Land Use Designation:**

The Intensive Agriculture designation identifies lands devoted to or having high suitability potential for the growing of crops and/or the raising of livestock on natural or improved pasture land. It requires the provision of parcel sizes large enough to support agricultural land use and production. Intensive Agriculture areas also provide a variety of open space resources including wildlife habitat and scenic resources.

To the extent that residential uses are allowed, building intensity will generally not exceed 0.025 DUA (dwelling units per acre). Population density will generally average 0.067 PPA (persons per acre). Exceptions to these averages would include limited farm labor housing facilities.

Corresponding Zoning: “E-A”, Exclusive Agricultural District; “A-3”, Agricultural District; “U-C”, Upland Conservation District; “U-C-2”, Upland Conservation/Resource Management District.

### **Land Use Element:**

#### ISSUE: Agricultural Land Uses

- GOAL L-16: Conservation of productive agricultural lands and lands having substantial physical potential for productive agricultural use, and the protection of such lands from unwarranted intrusion of incompatible land uses and conversion to uses which may significantly obstruct or constrain agricultural use and value.
- LU40 POLICY: The County recognizes and has generally assigned General Plan land use designations for lands having high agricultural resource value as “Intensive Agriculture or “Crop Land and Prime Grazing Land...”
- Implementation Measure LU-X: Land designated “Intensive Agriculture” in the Land Use Element shall be zoned “E-A” Exclusive Agricultural District, “A-3” Agricultural District, “U-C” Upland Conservation District, or “U-C-2” Upland Conservation/Resource Management District.

#### ISSUE: Neighborhood Quality

- GOAL L-9: Protection of the open, rural character of the county.

## **Natural Resources Element:**

### Resource Management Agencies

- NR-3 POLICY: The County supports partnerships of private resource users with public agencies to provide for continued progressive management and conservation of public and private resources within the context of productive stewardship.

### Rangeland

- NR41 POLICY: The County supports grazing practices on private lands and lands managed by state and Federal agencies which support the long-term health and sustainability of rangeland resources.

### Scenic Resources

- GOAL N-23: Scenic resources of high quality which will continue to be enjoyed by residents and visitors and which will continue to be an asset to the reputation and economic resources of Lassen County.
- NR78 POLICY: The County has identified areas of scenic importance and sensitivity along state highways and major County roads and has designated those areas as “Scenic Corridors”. (Refer to the General Plan land use map and related designations in various area plans, which may also be regarded as “scenic highway corridors”.) The County will develop and enforce policies and regulations to protect areas designated as scenic corridors from unjustified levels of visual deterioration.
- Implementation Measure NR-U: The County shall adopt policies to minimize adverse impacts which will significantly deteriorate the scenic qualities of visually sensitive areas.

## **Agricultural Element:**

- AG-1 POLICY: The County recognizes that land having the physical characteristics (e.g., soil) for production of agricultural crops and livestock is a resource of significant value which needs to be protected for its economic value, its contribution to the character of the community, and its environmental and scenic values.
- GOAL A-2: Maintain area plan policies and related land use and resource management decisions which support the agricultural policies of the Agriculture Element.
- AG-15 POLICY: The County supports the consideration of innovative ways to maintain the economic viability of productive agricultural lands, subject to the unique circumstances of each area. Measures may include use of land conservation contracts (e.g., Williamson Act contracts), land banks, transfer of development rights, voluntary conservation easements, and use of buffer areas between agricultural lands and developing areas.

- Implementation Measure AG-G: The County will continue to implement the Williamson Act and utilize land conservation contracts for qualifying lands
- Implementation Measure AG-H: The County may place lands in the "A-P", Agricultural Preserve Combining District, to establish the precise boundaries of agricultural preserves and to provide such additional restrictions upon the use of land as are necessary.

#### LASSEN COUNTY CODE:

Lassen County Code Section 18.124.010 et seq. establish the regulations regarding the rezone (zoning amendment) process. Lassen County Code Sections 18.124.030 and 18.124.040 in part require that the Planning Commission hold a public hearing and “submit a report of its findings and a summary of such hearing, together with its recommendations with respect to the proposed amendment” to the Board of Supervisors. Lassen County Code Section 18.124.050(a) requires that the Board of Supervisors receive the Planning Commission’s report and provides that the Board of Supervisors may adopt the proposed amendment within 90 days of such receipt.

In addition to the Lassen County Code, Board Resolution #12-050 regulates the provisions of a rezone of lands into the A-P zoning district. See the attached Memorandum to the Land Conservation Committee dated January 10, 2018, for more information.

#### ENVIRONMENTAL DOCUMENT:

The proposed rezone is exempt from the California Environmental Quality Act (CEQA) under Section 15317 of the 2018 CEQA Guidelines, which in part exempts “the establishment of agricultural preserves...”

#### FINDINGS and/or RECOMMENDATIONS BY LCC:

On January 10, 2018, the Land Conservation Committee found that the subject APNs meet the minimum standards required to enter into an agricultural preserve and to be offered a Williamson Act contract. Said committee recommended that the Board of Supervisors approve the rezone and that it offer the applicant a Williamson Act Contract.





County of Lassen  
Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

January 10, 2018

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

TO: Land Conservation Committee  
Agenda Date: January 17, 2018

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

MAL  
for

RE: Agricultural Preserve #2018-001 and Rezone #2018-001, Five Dot Land & Cattle Co.  
Lot Line Adjustment #2017-012, Five Dot Land & Cattle Co., Hanson

Project Description

**AGRICULTURAL PRESERVE #2018-001 AND REZONE #2018-001, Five Dot Land & Cattle Co. LOT LINE ADJUSTMENT #2017-012, Five Dot Land & Cattle Co., John E. Hanson, Jr. and Darcy H. Hanson.** The Land Conservation Committee will consider an application by Five Dot Land & Cattle Co. to rezone and enter lands within Lassen County into a new Land Conservation (Williamson) Act contract. If approved, the contract would affect four assessor's parcel numbers (APNs) that contain approximately 320 acres of contiguous, non-irrigated land. The subject APNs are zoned A-1-H (General Agricultural District, Highway Combining District [within 300 feet of the centerline of California State Route 139]) and U-C-2 (Upland Conservation/Resource Management District), and are designated "Intensive Agriculture" by the *Lassen County General Plan, 2000*. The subject APNs are located adjacent to California State Route 139 in the Willow Creek Valley area of Lassen County, approximately 13 miles northeast of Susanville, CA. APNs: 091-060-12, 091-060-14, 091-060-15, and 091-100-29. In conjunction with Agricultural Preserve #2018-001 and Rezone #2018-001, the Land Conservation Committee will also consider an application by Five Dot Land & Cattle Co. and John E. Hanson, Jr. and Darcy H. Hanson to adjust the lot lines between three parcels, of which the subject APNs are a part. Section 2(b) of Exhibit A of Board Resolution #12-050 requires that any lot line adjustment that affects one or more Williamson Act contracts be first reviewed by the Land Conservation Committee, which shall then forward its findings and recommendations to the Board of Supervisors for its consideration. The Technical Advisory Committee conditionally approved Lot Line Adjustment #2017-012 at its January 4, 2018, meeting. Staff Contact: Stefano Richichi, Associate Planner.

**The Planning Division of the Lassen County Department of Planning and Building Services recommends that the Land Conservation Committee adopt the following findings:**

1. The applicant has submitted a Land Conservation (Williamson) Act contract application and rezone application that affects the subject APNs (approximately 320 acres of land) for consideration by Lassen County.
2. Condition Number 1 of Lot Line Adjustment #2017-012 requires that the subject APNs be rezoned in to an Agricultural Preserve Combining District.

3. Condition Number 2 of Lot Line Adjustment #2017-012 requires that the Williamson Act contract currently held by Five Dot Land & Cattle Co. be rescinded and a new contract simultaneously entered which includes the subject APNs.
4. If the Board of Supervisors were to approve the proposed Land Conservation (Williamson) Act contract application and rezone application (and the applicant were to meet the other conditions for Lot Line Adjustment #2017-012 and record a Certificate of Lot Line Adjustment for said project), the effectuated lot line adjustment would transfer ownership of parcels in a Land Conservation (Williamson) Act contract with Five Dot Land & Cattle Co. to John E. Hanson Jr. and Darcy H. Hanson.
5. According to Section 2(d)(ii) of Exhibit A of Board Resolution #12-050, “where a lot line adjustment involves parcels under two or more separate contracts and/or two or more ownerships, new contracts may be required.”
6. Section (2)(b) of Exhibit A of Board Resolution #12-050 states that the Land Conservation Committee shall review any lot line adjustment that affects one or more Williamson Act contracts, and shall then forward its findings and recommendations to the Board of Supervisors for its consideration.
7. Said section also states that “any lot line adjustment approved by the TAC on *lands under contract* shall be conditioned upon the Board of Supervisors making the required findings in accordance with Government Code Section 51257” (emphasis added).
8. Although the subject APNs are not currently in a Land Conservation (Williamson) Act contract (the applicant has applied to place them in a contract), Condition Number 3 of Lot Line Adjustment #2017-012 requires that the Board of Supervisors make all seven findings set forth in Government Code Section 51257 in order for the lot line adjustment to be approved.
9. Furthermore, Condition Number 4 of Lot Line Adjustment #2017-012 states that the applicants may be required to rescind their *existing* Land Conservation (Williamson) Act contracts and simultaneously enter into new contracts that reflect the change in ownership of the adjusted lands, in accordance with Government Code Section 51257 (specifically Government Code Section 51257(a); emphasis added). Although the subject APNs are not currently in an existing Land Conservation (Williamson) Act contract, this condition means in part that the Board of Supervisors has the authority to require a new contract *in addition to* the contract the Board of Supervisors may approve for Agricultural Preserve #2018-001.
10. According to the applicant, “cattle grazing” is the use of the subject APNs. Board Resolution #12-050 requires that the land for which a Williamson Act contract is applied be used for the production of agricultural commodities, including livestock produced for food. Cattle grazing constitutes the “production of agricultural commodities, including livestock produced for food.”
11. The subject APNs are not currently in a Land Conservation (Williamson) Act contract.



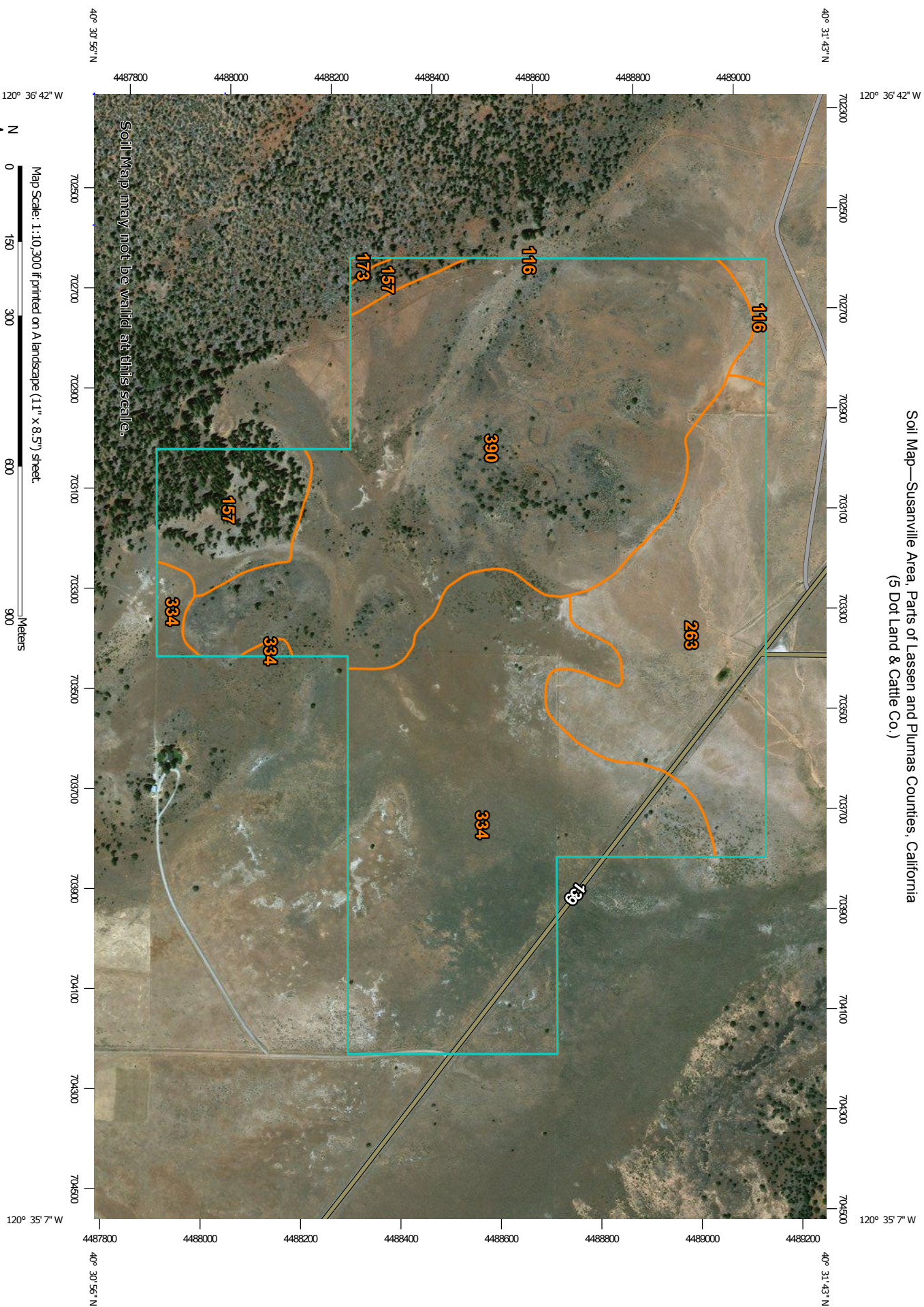
12. The subject APNs are in a qualifying agricultural zoning district as required by Section 1(a) of Exhibit A of Board Resolution 12-050 (the E-A, U-C, and U-C-2 zoning districts are all qualifying agricultural zoning districts). The subject APNs are zoned U-C-2, except for those portions of the subject APNs that are within 300 feet of the centerline of California State Route 139. Said portions must be rezoned into a qualifying agricultural district before they can be entered into a Land Conservation (Williamson) Act contract.
13. The above section of Board Resolution 12-050 also requires that land be in an Agricultural Preserve (i.e., have an Agricultural Preserve [A-P] Combining District) in order to enter into a Williamson Act contract.
14. The applicant has submitted an application to rezone the subject APNs into an Agricultural Preserve (Agricultural Preserve [A-P] Combining District).
15. Pursuant to Section 1(d) of Exhibit A of Board Resolution 12-050, the Land Conservation Committee will submit both the rezone and the Land Conservation (Williamson) Act contract applications to the Planning Commission and Board of Supervisors, along with its recommendations to said bodies.
16. Section 1(g) of Exhibit A of Board Resolution 12-050 requires 100 acres of Class I or Class I-equivalent soils for land to be eligible to enter into an agricultural preserve.
17. According to the Natural Resources Conservation Service's (NRCS) Web Soil Survey, the subject APNs together contain approximately 80 acres of Class-I-soil-equivalent land (using the Natural Resources Conservation Service Land Classification System), ranging between Class III and Class VII soils (non-irrigated).
18. However, Section 18.82.010 of the Lassen County Code states that the agricultural preserve "district classification is intended to be applied in combination with other appropriate districts to establish the precise boundaries of agricultural preserves." This section enables parcels to combine with contiguous parcels in order to achieve the requisite Class I-soil-equivalent acreage to enter into an agricultural preserve.
19. Since there are several thousands of acres of contiguous land that are already in an agricultural preserve, the proposal to place the subject APNs in an agricultural preserve is consistent with the Class I-equivalent 100-acre minimum.
20. This is the case even if said contiguous parcels only had the poorest soil type, Class VIII soil, which converts to Class I-equivalent soils at a rate of 20 to 1 pursuant to Section 1(g) of Resolution 12-050. Since the subject APNs already contain approximately 80 acres of Class I-equivalent soils, to meet the 100-acre Class I-equivalent soil requirement, only 20 acres of contiguous Class I-equivalent soils, or (20 x 20) 400 acres of contiguous Class VIII soils would be required.
21. The subject APNs contain sufficient acreage to enter into a Williamson Act contract pursuant to Section 1(h)(b) of Exhibit A of Board Resolution Number 12-050, which requires at least 400 acres of dry (no irrigation) or partially irrigated land to enter into a contract. The applicant proposes to

add the subject APNs (which total approximately 320 acres) into a preexisting Williamson Act contract that contains approximately 3,500 acres of partially irrigated land.

22. The proposed projects are exempt from the California Environmental Quality Act (CEQA) under Section 15317 of the 2018 CEQA Guidelines, which in part exempts “the establishment of agricultural preserves... [and] the making and renewing of open space contracts under the Williamson Act...”
23. The Board of Supervisors will determine if this project is consistent with the *Lassen County General Plan, 2000*.



















# Soil Map—Susanville Area, Parts of Lassen and Plumas Counties, California (5 Dot Land & Cattle Co.)





MAP LEGEND

<b>Area of Interest (AOI)</b>	
	Area of Interest (AOI)
<b>Soils</b>	
	Soil Map Unit Polygons
	Soil Map Unit Lines
	Soil Map Unit Points
<b>Special Point Features</b>	
	Blowout
	Borrow Pit
	Clay Spot
	Closed Depression
	Gravel Pit
	Gravelly Spot
	Landfill
	Lava Flow
	Marsh or swamp
	Mine or Quarry
	Miscellaneous Water
	Perennial Water
	Rock Outcrop
	Saline Spot
	Sandy Spot
	Severely Eroded Spot
	Sinkhole
	Slide or Slip
	Sodic Spot
<b>Water Features</b>	
	Streams and Canals
<b>Transportation</b>	
	Rails
	Interstate Highways
	US Routes
	Major Roads
	Local Roads
	Aerial Photography
<b>Background</b>	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL:  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Susanville Area, Parts of Lassen and Plumas Counties, California  
Survey Area Data: Version 8, Sep 13, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 17, 2015—Aug 6, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
116	Bieber cobbly loam, 2 to 9 percent slopes	3.0	0.9%
157	Chirpchatter sandy loam, 2 to 9 percent slopes	20.5	6.3%
173	Devada-Gavel-Whitinger association, 5 to 30 percent slopes	0.5	0.1%
263	Ladd-Bieber complex, 0 to 2 percent slopes	58.0	17.8%
334	Ravendale silty clay, 0 to 2 percent slopes, occasionally flooded	111.0	34.0%
390	Tunnison-Devada association, 2 to 9 percent slopes	133.2	40.8%
<b>Totals for Area of Interest</b>		<b>326.2</b>	<b>100.0%</b>

January 4, 2018

TO: Technical Advisory Committee  
Agenda Date: January 4, 2018

FROM: Maurice Anderson, Director

RE: LOT LINE ADJUSTMENT #2017-012, Hanson/Five Dot Land & Cattle Co, Technical Advisory Meeting Findings and Conditions.

Project Description

**LOT LINE ADJUSTMENT #2017-012, Hanson/Five Dot Land & Cattle Co.** The applicants are proposing a lot line adjustment between three parcels. Currently, Parcel A is 1,576.72 Acres, Parcel B is 320 Acres and Parcel C is 1,278.67 Acres. If the lot line adjustment were approved, Resultant Parcel A would be 1,576.72 Acres, Resultant Parcel B would be 306.8 Acres and Resultant Parcel C would be 1291.87 Acres. Parcels A and C are zoned U-C-A-P (Upland Conservation Agricultural Preserve Combining District) and Parcel B is zoned U-C-2 (Upland Conservation & Resource Management District). All Parcels have a land use designation of "Intensive Agriculture" pursuant to the *Lassen County General Plan, 2000*. The subject parcels are located on the east and west side of Highway 139 near the intersection of Highway 139 and Horse Lake Road. APN(S): 091-060-24, 091-070-06, 091-060-12, 14, 15, 091-100-29, 091-060-22. Staff Contact: Kelly Mumper, Assistant Planner.

**The Planning Division of the Lassen County Department of Planning and Building Services finds as follows:**

1. The applicant has submitted lot line adjustment application #2017-012, proposing a lot line adjustment between three legal parcels totaling 3,175.39 acres. Before adjustment, Parcel A is 1,576.72 Acres, Parcel B is 320 Acres and Parcel C is 1,278.67 Acres. If the lot line adjustment were approved, Resultant Parcel A would be 1,576.72 Acres, Resultant Parcel B would be 306.8 Acres and Resultant Parcel C would be 1291.87 Acres.
2. The Lassen County Surveyor has indicated that all three parcels were created legally.
3. Parcels A and C are zoned U-C-A-P (Upland Conservation Agricultural Preserve Combining District) and Parcel B is zoned U-C-2 (Upland Conservation & Resource Management District).
4. Pursuant to the *Lassen County General Plan, 2000*, the land use designation of the parcels is "Intensive Agriculture."
5. The *Lassen County General Plan, 2000* requires that lands zoned U-C must have a minimum of 100 acres. If approved, Resultant parcel B would meet the requirements.
6. Improvements on Parcel A include a 4,749 square foot residence, multiple barns, accessory structures, septic and well. Parcel B is undeveloped. Parcel C has a pole barn.
7. The proposed lot line adjustment is exempt from the provisions of the Subdivision Map Act pursuant to Section 66412(d) of the Government Code.
8. Lassen County Board Resolution No. 12-050 exhibit A, section 2, regulates boundary adjustments for lands under Williamson Act Contracts.

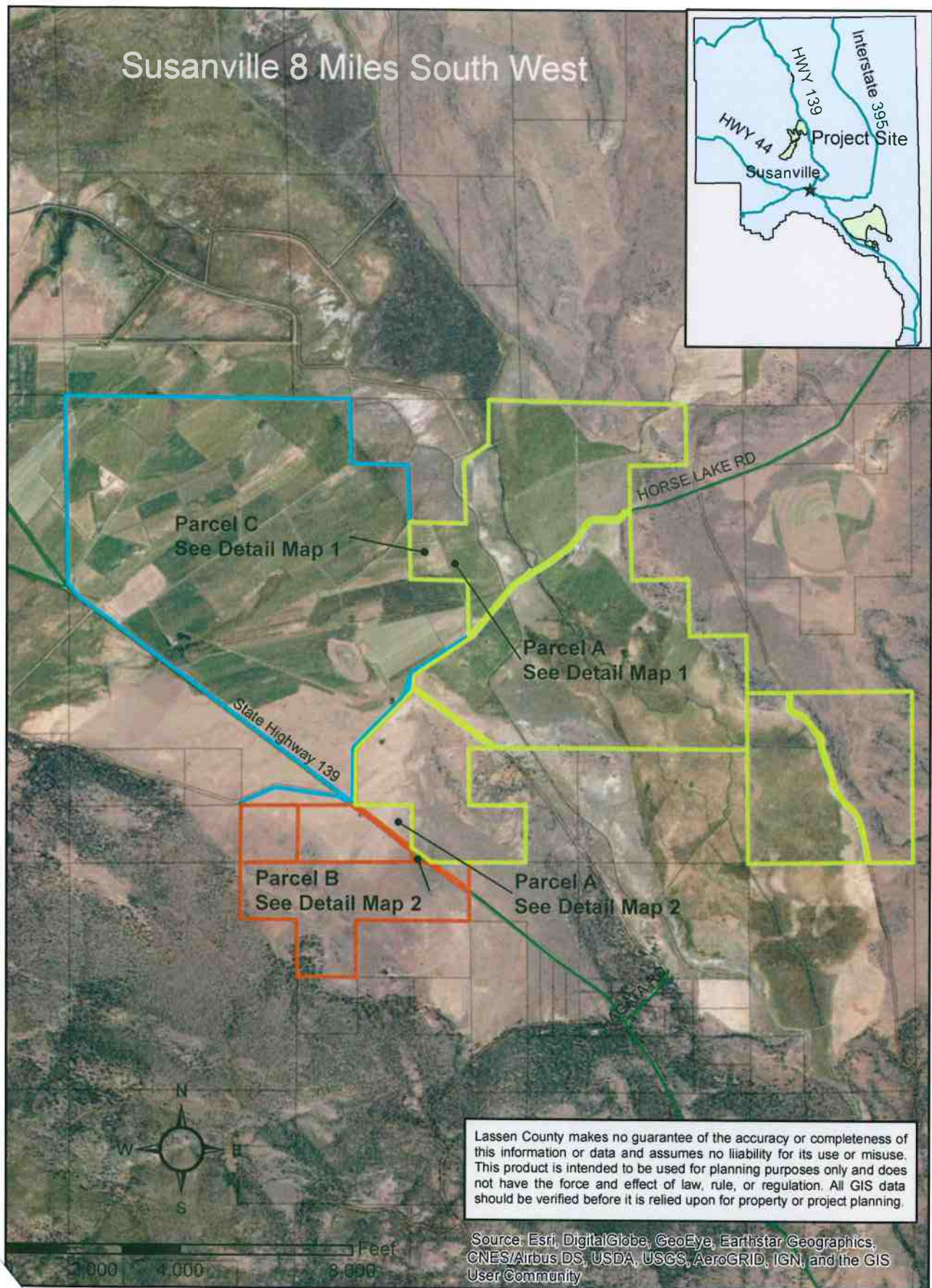
9. If approved, the proposed lot line adjustment will result in 14 acres of non-Williamson Act land being added to a parcel owned by Hanson, which is currently under a Williamson Act Contract.
10. Section 2(d) (iii) of Board Resolution 12-050 states, “Where lot line adjustments results in lands not under contract being added to lands under contract, new contracts will be required as necessary to include the new land.”
11. In order to satisfy section 2(d)(iii) of Board Resolution 12-050, assessor parcel number(s) 091-060-12, 14, 15; and 091-100-29, which constitute 1 legal parcel currently owned by 5 Dot Land & Cattle Co, will need to be rezoned into an agricultural preserve combining district, and entered into a new Williamson Act Contract, as conditions of final lot line adjustment approval.
12. Lassen County Land Conservation Act Policies and procedures Section (2)(b) stipulates that a lot line adjustments may be approved in accordance with California Government Code Section 51257.
13. Due to the requirements found at Government Code Section 51257, and because a rezone is required, the Technical Advisory Committee only has the authority to conditionally approve this lot line adjustment.
14. Final approval cannot be granted until/if the Board of Supervisors is able to make the appropriate findings found at Government Code section 51257(a) (1-7); and provided that, if necessary, the existing contracts are rescinded and new contracts are simultaneously entered into.
15. In addition to the requirements of Lassen County Board Resolution 12-050, Technical Advisory Committee shall approve, conditionally approve, or disapprove this application for lot line adjustment pursuant to Lassen County Code Section 16.12.040.

**The Lassen County Department of Planning and Building Services recommends the following conditions be placed on the project if approved:**

1. Rezone assessors parcel numbers 091-060-12, 14, 15; and 091-100-29 into an Agricultural Preserve Combining District
2. Rescind current Williamson Act Contract held by 5 Dot Land & Cattle Co. and simultaneously enter into a new Williamson Act Contract which includes assessors parcel numbers 091-060-12, 14, 15; and 091-100-29.
3. As required by Lassen County Board Resolution 12-050, approval of this lot line adjustment is also conditioned upon the Lassen County Board of Supervisors making all seven findings required by Government Code Section 51257.
4. In accordance with Government Code Section 51257, in order to facilitate the lot line adjustment, the applicants may be required to rescind their existing Williamson Act Contracts and simultaneously enter into new contracts which reflect the change in ownership of the adjusted lands.

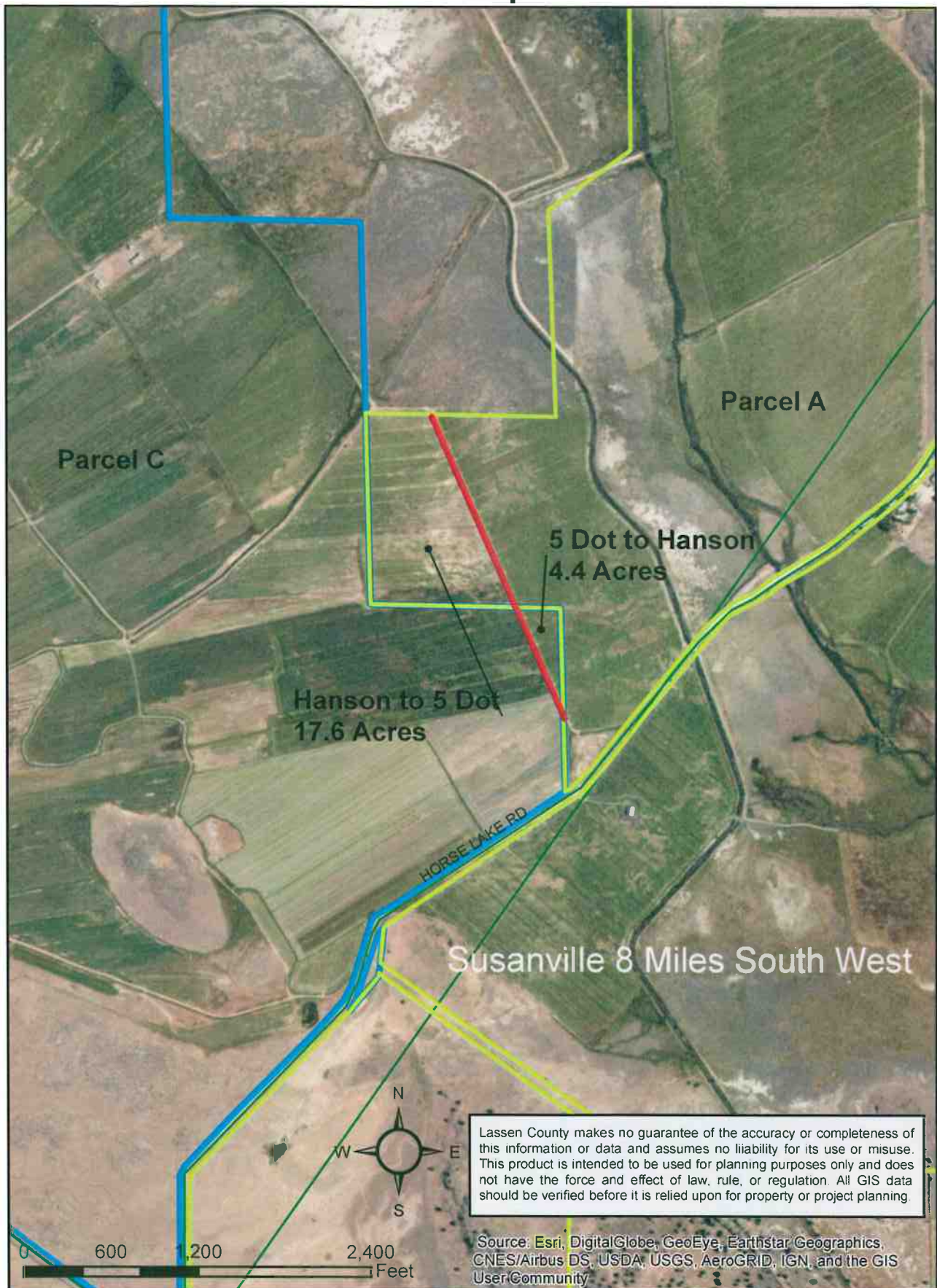
MLA:mcrm:km

# LLA #2017-012 Hanson-5 Dot Ranch Cattle Co.



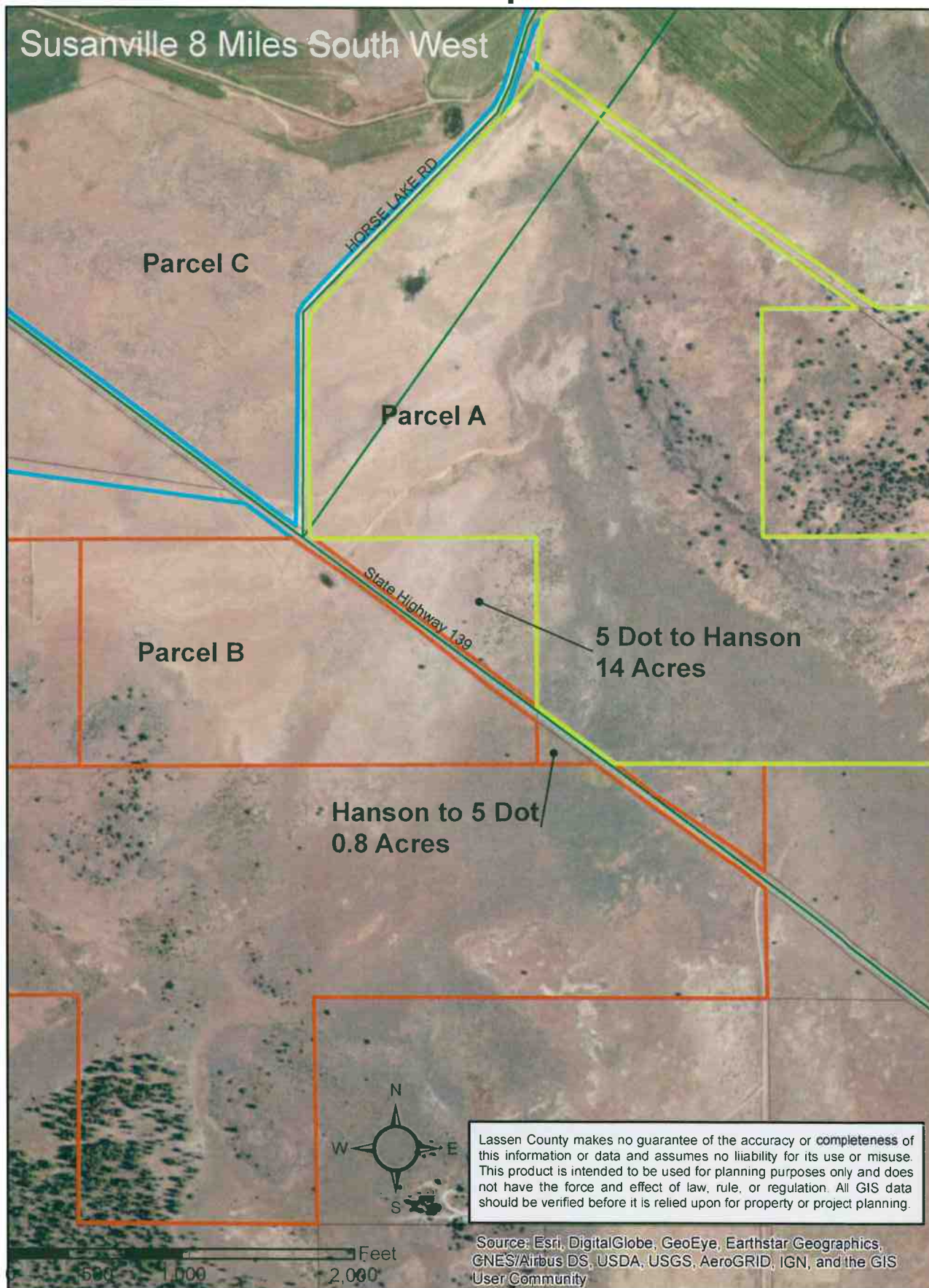


# LLA #2017-012 Hanson-5 Dot Ranch Cattle Co. Detail Map 1





# LLA #2017-012 Hanson-5 Dot Ranch Cattle Co. Detail Map 2







↑ Horse Lake

WEST 1336.58

HANSON

1261.32

HAGH WKE

1587.21  
139 N 52° 37 1/2' W

140 AC  
FROM S DIST TD  
HANSON

FIVE Dot

100'

52° 37 1/2'

963.48

NORTH 1320

230.68

125.84

0.80 AC  
37015 ft

302.80

FROM HANSON  
TD S DIST

381.02

165.11

WEST 1336.58

Sec. 23  
Sec. 26

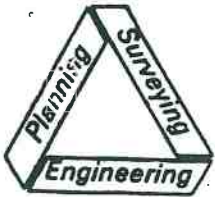
1/4

N 87° 53' W

1" = 200'

Cal's per  
KLS 6-66  
Control

84-48



# NST Engineering Associates, Inc

45 South Roop Street • Susanville, California 96130

Telephone (916) 257-5173

June 18, 1984

Fredric R. Nagel, R.C.E., R.L.S.  
Stephen H. Schmidt, R.L.S.  
Vernon H. Templeton, R.L.S.  
Paul E. Simpson, R.C.E., R.L.S.  
Jeffery A. Morrish, R.C.E.

Mr. John Hanson  
~~P.O. Box 999~~ 490-800 Horse Lake Rd.  
Susanville, CA. 96130

Mr. Jack Swickard  
~~P.O. Box 569~~ Hwy. 139  
Susanville, CA. 96130

Re: Lot Line Adjustment  
Willow Creek Valley

Gentlemen:

Enclosed are preliminary sketches of the areas in question, delineating proposed lines based on acres as best as I can determine without a survey.

Please let me know if this looks satisfactory, and I will proceed with application to Lassen County.

I would estimate total costs to be in the neighborhood of \$400-500, assuming no surveys are required by the County Surveyor. I will plan on billing you equally unless you prefer otherwise.

Yours very truly,

*F. R. Nagel*  
Fred R. Nagel

Enclosure  
FN/lg  
84-48

8/19/84 spoke w/ Joe H Hanson (Son) @ Fair - they are going <sup>35</sup>



BARRON

EAST 1320

267

1320

17.6 Ac.

FROM HANSON  
TO S.D.T.

NORTH

893

427

EAST 1320

4.4  
Ac.

FROM  
S.D.T. TO  
HANSON

NORTH

420

No. 536

FIVE DOT

114

Sec. 14  
Sec. 23

S57°55'W

Horse Lake Road



1" = 400'

Marilindo Rd.  
Co. Rd. 226



County of Lassen, Calif.



# REZONE APPLICATION

FILING FEE: \$754  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
707 Nevada Street, Suite 5 · Susanville, CA 96130-3912  
(530) 251-8269 · (530) 251-8373 (fax)  
www.co.lassen.ca.us

RECEIVED

JAN 04 2018

Lassen County Department of  
Planning and Building Services

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.  
This application consists of one page; only attach additional sheets if necessary.

FILE NO. RZZ2018-001

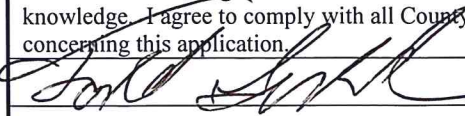
Property Owner/s		Property Owner/s	
Name:	Five Dot Land & Cattle Co	Name:	
Mailing Address:	Box 50	Mailing Address:	
City, ST, Zip:	57941 155 CA 96126	City, ST, Zip:	
Telephone:	254 5957	Telephone:	
Fax:		Fax:	
Email:	Todd@FiveDotRanch.com	Email:	

Applicant/Authorized Representative*		Agent (Land Surveyor/Engineer/Consultant)	
Same as above: <input type="checkbox"/>		Correspondence also sent to: <input type="checkbox"/>	
Name:		Name:	
Mailing Address:		Mailing Address:	
City, ST, Zip:		City, ST, Zip:	
Telephone:		Telephone:	
Fax:		Fax:	
Email:		Email:	
		License #:	

Project Address or Specific Location:			
Deed Reference: Book:	Page:	Year:	Doc#:
Zoning: U-C-2-A-P	General Plan Designation: Intensive Agriculture		
Parcel Size (acreage):	Section:	Township:	Range:

Assessor's Parcel Number(s):	091-060-12	091-060-15	-	-
-	091-060-14	091-100-29	-	-

Present Zoning: UC-2	Proposed Zoning: U-C-2-A-P
General Plan Amendment Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
General Plan Amendment Submitted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No *Staff Initial: SR	
Project Description:	

<b>SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT:</b> I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.  Date: 1/4/18	<b>*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE</b> (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided).  Date: Date:
--	--

See associated process form for required attachments and instructions.





# REZONE APPLICATION

FILING FEE: \$754

DEPARTMENT OF PLANNING AND BUILDING SERVICES

707 Nevada Street, Suite 5 · Susanville, CA 96130-3912

(530) 251-8269 · (530) 251-8373 (fax)

www.co.lassen.ca.us

RECEIVED

JAN 04 2018

Lassen County Department of  
Planning and Building Services

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.

This application consists of one page; only attach additional sheets if necessary.

FILE NO. RZZ018-001

<b>Property Owner/s</b>	<b>Property Owner/s</b>
Name: <u>Five Dot Land Cattle Co</u>	Name:
Mailing Address: <u>Box 50</u>	Mailing Address:
City, ST, Zip: <u>57941 165 CA 96126</u>	City, ST, Zip:
Telephone: <u>254 5947</u> Fax:	Telephone: Fax:
Email: <u>Todd@FiveDotCattle.com</u>	Email:

<b>Applicant/Authorized Representative*</b>	<b>Agent (Land Surveyor/Engineer/Consultant)</b>
Same as above: <input type="checkbox"/>	Correspondence also sent to: <input type="checkbox"/>
Name:	Name:
Mailing Address:	Mailing Address:
City, ST, Zip:	City, ST, Zip:
Telephone: Fax:	Telephone: Fax:
Email:	Email: License #:

<b>Project Address or Specific Location:</b>			
<b>Deed Reference:</b> Book:	Page:	Year:	Doc#:
<b>Zoning:</b>		<b>General Plan Designation:</b>	
<b>Parcel Size (acreage):</b>		Section:	Township: Range:

<b>Assessor's Parcel Number(s):</b>	<u>091-060-12</u>	<u>091-060-15</u>	-	-
-	<u>091-060-14</u>	<u>091-100-29</u>	-	-

<b>Present Zoning:</b>	<b>Proposed Zoning:</b>
<b>General Plan Amendment Required:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>General Plan Amendment Submitted:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>*Staff Initial:</b>	
<b>Project Description:</b>	

<b>SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT:</b> I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application. <u>Todd@FiveDotCattle.com</u> Date: <u>1/4/18</u>	<b>*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE</b> (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided). Date: Date:
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See associated process form for required attachments and instructions.

AGRICULTURAL LAND CONSERVATION APPLICATION

FILING FEE: \$476.00

**RECEIVED**

**JAN 04 2018**

Application includes the filing of: (a) Soils Map  
(b) Lot Book Guarantee

*Lassen County Department of  
Planning and Building Services*

Check Lines Requested

ZONING DISTRICTS:

Agricultural Preserve "AP" ✓  
Exclusive Agricultural "EA" \_\_\_\_\_  
Upland Conservation "UC" \_\_\_\_\_  
Agricultural Forest "AF" \_\_\_\_\_

WCL  
AGREEMENT:

NAME OF LANDOWNER:

ADDRESS:

Agricultural Land:

Use

Acres

Grazing

Total Acreage: \_\_\_\_\_

County Assessor's Description of Property (ATTACH COPY OF ASSESSOR'S MAP):

<u>Code Area No.</u>	<u>Assessor's Parcel No.</u>	<u>Assessed Value-Land</u>
_____	<u>091-060-12</u>	_____
_____	<u>091-060-14</u>	_____
_____	<u>091-060-15</u>	_____
_____	<u>091-100-29</u>	_____

Certification:

I hereby certify that the above information is true to the best of my knowledge.

LANDOWNER'S SIGNATURE: [Signature]

Date 1/4/18

(To add information for any part, use additional copies of this form).

Planning Department Information:

Present Designation in General Plan: \_\_\_\_\_

Present Zoning: \_\_\_\_\_



RESOLUTION NO. 12-050

**RESOLUTION OF THE LASSEN COUNTY BOARD OF SUPERVISORS AMENDING THE POLICIES AND PROCEDURES FOR IMPLEMENTING THE CALIFORNIA LAND CONSERVATION ACT OF 1965 (WILLIAMSON ACT) IN LASSEN COUNTY**

WHEREAS, the California Legislature adopted the Land Conservation Act (Williamson Act) in 1965 to encourage preservation of limited supplies of agricultural land in the state. The Act provides a potential tax incentive to owners to maintain their land in agricultural production through contracts between the owner and the County; and

WHEREAS, the Williamson Act enforceably restricts the use of land under contract to commercial agriculture and compatible uses; and

WHEREAS, Government Code Section 51257 is ambiguous regarding the requirements for new Williamson Act contracts with lot line adjustments, and should be clarified as to how it will be applied in Lassen County; and

WHEREAS, with regard to minimum acreage for a contract, Government Code Section 51222 provides that the state shall presume that parcels are large enough to sustain their agricultural use, and thereby qualify for a Williamson Act contract if they are at least ten (10) acres in size for prime agricultural land and at least forty (40) acres in size for non-prime land; and

WHEREAS, until 2009, the State made "subvention" payments to local governments (pursuant to Open Space Subvention Act, enacted on January 1, 1972) in order to provide for the replacement of local property tax revenue foregone as a result of participation in the California Land Conservation (Williamson Act). Since 2009 nearly all funding for Williamson Act has been removed from the state budget; and

WHEREAS, the Board has held multiple public meetings and hearings to discuss appropriate action for Lassen County to take as a result of the States failure to fund the program; and

WHEREAS, the Board has on multiple occasions requested input regarding appropriate Board action to the state's failure to fund the program from the Lassen County Farm Bureau, Cattlemen's Association, and others; and

WHEREAS, The Policies and Procedures adopted by this resolution replace those Policies and Procedures adopted by the Board of Supervisors through Board Resolution Number 06-068 on September 12, 2006.

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

1. The foregoing recitals are true and correct.
2. The Board of Supervisors does hereby amend the policies and procedures, for administration and implementation of the Williamson Act Program in Lassen County attached hereto as Exhibit A, and incorporates the following findings as the basis for these policies and procedures:



- a) Agricultural production is and will remain a principle land use in Lassen County.
- b) Agricultural production on lands within Lassen County constitutes an important physical, social, aesthetic and economic asset to the county.
- c) In addition to a range of economically important commodities, agricultural land provides open space and scenic values, wildlife habitat and land stewardship, and contributes significantly to the county's rural character.
- d) Properties which are not in compliance with the Act and/or contract provisions jeopardize the viability of the program within the county.

THE FOREGOING RESOLUTION was adopted at a regular meeting of the Lassen County Board of Supervisors on the 9th day of October, 2012, by the following vote:

AYES: Supervisors Dahle, Chapman, Wosick

NOES: None

ABSTAIN: None


ABSENT: Supervisors Pyle, Hanson

  
\_\_\_\_\_  
Brian Dahle, Chairman  
Lassen County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Susan Osgood, Deputy Clerk of the Board

I, SUSAN OSGOOD, Deputy Clerk of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the Lassen County Board of Supervisors on the 9th day of October, 2012.

  
\_\_\_\_\_  
COUNTY CLERK AND EX-OFFICIO CLERK OF THE  
BOARD OF SUPERVISORS

## EXHIBIT A

### LASSEN COUNTY POLICIES AND PROCEDURES FOR ADMINISTRATION OF THE LAND CONSERVATION ACT OF 1965 (WILLIAMSON ACT)

1. **Establishing or Modifying an Agricultural Preserve; or Entering into or Modifying a Williamson Act Contract**
  - a. To enter into a Williamson Act contract, the land must first be in a qualifying agricultural zoning district (E-A, Exclusive Agriculture; U-C, Upland Conservation; or U-C-2, Upland Conservation/Resource Management) and must be in an Agricultural Preserve.
  - b. Application(s) to rezone land to a qualifying agricultural zone and to establish or modify an agricultural preserve, and/or enter into or modify a Williamson Act contract shall be filed with the Lassen County Planning and Building Services Department on forms provided by that Department and shall include at least the following (additional information may be required):
    - Name(s) of Landowner(s) of record
    - Location of property, including maps depicting the location and boundaries of all affected lands
    - Complete legal description of all lands to be placed in agricultural preserve and contract
    - The total size of the affected property
    - Details regarding the agricultural commodity(ies) produced on the property, and any proposed compatible land uses
    - All additional information required for processing, as determined by the Planning and Building Services Department.
  - c. Applications shall be accompanied by the appropriate fee(s) established by the Board of Supervisors.
  - d. Applications for new or modified agricultural preserves and contracts shall be reviewed by the Lassen County Land Conservation Committee to determine eligibility. The Committee will forward its recommendation to the Planning Commission and Board of Supervisors.
  - e. The Planning Commission will hold a public hearing to consider the application(s) as required by zoning regulations, and shall forward its recommendation to the Board of Supervisors. The Board will hold its own public hearing and will consider the Planning Commission and Land Conservation Committee findings and recommendations, and shall determine whether or not all criteria have been met for an agricultural preserve and render its decision on the application(s).
  - f. After formation of the agricultural preserve, the applicant is eligible to be offered a Williamson Act contract which, when signed by the County and the Landowner, is binding upon the land for terms of at least ten (10) years, or twenty (20) years in the case of a

Farmland Security Zone. During the term of the contract uses of the land are enforceably restricted by the provisions of the zoning ordinance, the contract and the Williamson Act.

g. Except as provided in subsection 1(i), in the minimum acreage required to be eligible to enter into an agricultural preserve in Lassen County shall be 100 acres of Class I soils or Class I equivalent soils, using the Natural Resources Conservation Service Land Classification System, as prescribed in Lassen County Resolution No.1924, and summarized below.

NRCS Soil Class	Acres Required for 1 Acre of Class I Equivalent
I	1
II	1
III	2
IV	4
V	6
VI	6
VII	10
VIII	20

- h. Except as provided in subsection 1(i), the minimum acreage to be eligible to remain in or enter or into a Williamson Act contract in Lassen County shall be one of the following:
- a. One hundred (100) acres of NRCS Class I through V soils with a functioning irrigation system (functioning irrigation system means an adequate and available water source and delivery system). Said irrigation system must be capable of delivering an adequate and available water source to a minimum of 100 acres to qualify under this provision; or
  - b. Four hundred (400) acres of dry (no irrigation) or partially irrigated land.
  - i. The Board of Supervisors may establish agricultural preserves on less acreage than prescribed in 1(g) in accordance with Government Code Section 51230, and may enter into Williamson Act contracts on less acreage than prescribed in 1(h), except that in no case shall an agricultural preserve be established or a contract be offered on acreage less than is presumed by the state to be large enough to sustain its agricultural use (GC §51222).

2. Boundary Adjustments, Division or Transfer of Property under Williamson Act Contract.

- a. No ownership that meets the minimum county acreage standard for a contract before lot line adjustment shall, as a result of adjustment, become substandard.
- b. Lot Line Adjustments shall be considered by the Technical Advisory Committee (TAC) pursuant to the County Code. Any Lot Line Adjustment approved by the TAC on



lands under contract shall be conditioned upon the Board of Supervisors making the required findings in accordance with Government Code Section 51257. Prior to consideration by the Board of Supervisors, any Lot Line Adjustment that affects one or more Williamson Act Contracts shall first be reviewed by the Lassen County Land Conservation Committee, which shall forward its findings and recommendations to the Board of Supervisors.

c. An application to divide land under Williamson Act contract may be considered by the County in accordance with the County Subdivision Ordinance and the Subdivision Map Act, provided that each of the proposed parcels after division must meet the parcel size requirements of the Zoning Code and the County's minimum acreage standard for a Williamson Act contract.

d. Where a land division or lot line adjustment would result in separate ownerships under a single contract, a new contract for each newly created or adjusted parcel (or ownership) may be required as a condition of Tentative Map, Parcel Map or Lot Line Adjustment approval. For Lot Line Adjustments the following general guidelines will apply, subject to case by case review:

i) Where a lot line adjustment involves parcels located entirely within a single contract under one ownership, new contracts will not be required;

ii) Where a lot line adjustment involves parcels under two or more separate contracts and/or two or more ownerships, new contracts may be required;

iii) Where a lot line adjustment results in lands not under contract being added to lands under contract, new contracts will be required as necessary to include the new land.

e. Except as provided in Government Code §51230.1, §51230.2, and as may otherwise be allowed with a binding Joint Management Agreement, no parcel or group of parcels that make up a "substandard portion" of land under contract may be divided and/or sold separately from the remaining lands under contract. As used here "substandard portion" means a parcel or group of contiguous parcels that do not collectively meet the minimum county acreage standard for a contract as established in Policy 1(h), above.

f. The provisions of County Code Section 18.108.250 "Segregation of Homesites in Agricultural Zones," may apply to lands under Williamson Act contract only if the segregated homesite meets the minimum acreage of ten (10) acres of prime land and forty (40) acres of non-prime land, or is subject to a binding Joint Management Agreement with adjoining land under contract, where the segregated homesite parcel and the adjoining lands collectively meet the County's minimum acreage requirement for a contract.

g. A notice on nonrenewal shall be filed on any contract that enters or has entered into a conservation easement. By August 31 of each year the County Assessor shall provide information to the Planning and Building Services Department necessary to allow recordation of said notice of nonrenewal. The Planning and Building Services Department shall record a notice of nonrenewal for all the parcels so identified by October 31 of that year. If for any reason said notice is not recorded in the year it was discovered that there is a conservation

easement on all or a portion of the restricted lands, said notice shall be recorded the following year.

h. A notice on nonrenewal shall be filed on any contract lands that are sold or otherwise transferred and result in a "substandard portion." By August 31 of each year the County Assessor shall provide information to the Planning and Building Services Department necessary to allow recordation of said notice of nonrenewal. The Planning and Building Services Department shall record a notice of nonrenewal for all the parcels so identified by October 31 of that year. If for any reason said notice is not recorded in the year it was discovered that there is a conservation easement on all or a portion of the restricted lands, said notice shall be recorded the following year.

**3. Residential, Commercial and Industrial Structures on Property under Williamson Act Contract**

a. On land under contract that meets or exceeds the county minimum acreage for a contract, one single family residence that is consistent with the Williamson Act may be permitted. Other residential structures, including additional dwellings, attached units such as a duplex, or a dormitory or bunkhouse for employee housing, may be approved upon securing a Certificate of Conditional Use, Use Permit, or other permit as required by the zoning code.

b. On land under contract that is less than the county minimum acreage for a contract, all residential development will be subject to discretionary review and approval. The County may also consider non-renewal of the contract on such lands.

c. On lands under contract, structures that would otherwise not be permitted without existing commercial agriculture (e.g., barn, equipment storage, residence), may, on a case by case basis, be considered for approval concurrently with the establishment of the commercial agricultural operation, provided that the combined floor area of all proposed structures is under 2,500 square feet; the property meets the county minimum acreage for a contract; and a Certificate of Conditional Use specifying the type and extent of commercial agriculture proposed and a timeline for establishment, is first secured.

d. No new structures shall be permitted on lands under Williamson Act contract unless they are directly related to, or are incidental to, on site commercial agriculture or other compatible use(s).

**4. Definition of Agriculture for Williamson Act Purposes**

Agriculture or Commercial Agriculture. As used in relation to the Williamson Act, the terms "agriculture" and "commercial agriculture" shall mean the use of land for the production of agricultural commodities (i.e., crops or livestock produced for food, fiber, flowers, fuel and oils) principally for sale to others.

5. Definition of "Contract" for Lassen County Williamson Act Purposes.

Contract. As used in relation to the Williamson Act, the term "contract" shall mean the contract actually entered into by the Board of Supervisors and a property owner. If the original contract is not owned by a single property owner or group of property owners, "Contract" shall also mean an "inured contract," which is defined as a portion of one or more prior contracts now owned by a unique property owner or group of property owners.

Last Revised 9-4-12 by gfn