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BOARD OF SUPERVISORS MEETING

June 19, 2018

FILE NUMBER: PM #2018-002 and RZ #2018-002
PROPERTY OWNER: Gregg and Heather Ethridge
TYPE OF APPLICATION: Parcel Map and Rezone

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County of Lassen
Department of Planning and Building Services

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

June 5, 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: Board of Supervisors
Agenda Date: June 19, 2018

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

SUBJECT: Public Hearing: Parcel Map #2018-002, Rezone #2018-002, Gregg and Heather Ethridge. Proposal to split a 20-acre parcel into two parcels: Resultant Parcels A and B are each 10 acres in size. The subject parcel is zoned A-2-B-19 (Agricultural Residential District, 19 Acre Building Site Combining District), whereas the applicants propose to rezone the subject parcel into the A-2-B-10 (Agricultural Residential District, 10 Acre Building Site Combining District) zoning district to allow for the parcel map application. The project site is located at 465-445 Elysian Valley Road, Janesville, CA 96114 (APN 129-650-31), approximately 1.25 miles west of the intersection of Wingfield Road and Janesville Main Street (said intersection is a quarter-mile south of U.S. Highway 395).

RECOMMENDATION:

1. Receive the Planning Commission's recommendation regarding the parcel map and rezone applications; and
2. Conduct a public hearing; and
3. Consider adoption of a resolution approving or disapproving the parcel map and rezone applications; and
4. Introduce and adopt, by title only, the ordinance implementing the rezone.

Summary:

The parcel map application is a proposal to split a 20-acre parcel into two parcels: Resultant Parcels A and B are each 10 acres in size. The subject parcel is zoned A-2-B-19 (Agricultural Residential District, 19 Acre Building Site Combining District), whereas the applicants propose to rezone the subject parcel into the A-2-B-10 (Agricultural Residential District, 10 Acre Building Site Combining District) zoning district to allow for the parcel map application. Pursuant to Lassen County Code Sections 16.20.070 and 16.20.085, the approving body (in this case, the Board of Supervisors) must make the following findings in order to approve a tentative parcel map:

1. That the proposed parcel map, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by Lassen County.

In this case, said finding would refer to the *Janesville Planning Area, 1993*, and the *Lassen County General Plan, 2000*.

The proposed parcel map and rezone are not subject to further California Environmental Quality Act (CEQA) review under Section 15183 of the CEQA Guidelines. The project site is located at 465-445 Elysian Valley Road, Janesville, CA 96114 (APN 129-650-31), approximately 1.25 miles west of the intersection of Wingfield Road and Janesville Main Street (said intersection is a quarter-mile south of U.S. Highway 395).

Planning Commission Action:

Lassen County Code Section 16.20.085 states in part that in the case of a parcel map application to be considered in conjunction with a rezone application, the Planning Commission's role is as an advisory body to the Board of Supervisors. Furthermore, Lassen County Code Section 18.124.040 states that the Planning Commission shall make recommendations to the Board of Supervisors regarding rezone applications. The Board of Supervisors has the authority to approve, conditionally approve, or deny the tentative map and rezone applications.

At its May 2, 2018, meeting, the Planning Commission adopted Resolution Number 5-01-18 (attached), recommending that the Board of Supervisors approve Parcel Map #2018-002 and Rezone #2018-002, subject to conditions as recommended by the Technical Advisory Committee at its April 5, 2018, meeting.

MLA:smr

Enclosures: Resolution Number 5-01-18
Draft Resolutions
Draft Ordinance
Planning Commission Packet

5-01-18
RESOLUTION NO. 5-01-18

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE PARCEL MAP APPLICATION #2018-002 AND REZONE APPLICATION #2018-002, ETHRIDGE, SUBJECT TO CONDITIONS

WHEREAS, the Planning Commission of Lassen County, after due notice, and a public hearing conducted May 2, 2018, has considered Parcel Map Application #2018-002 and Rezone Application #2018-002, Ethridge, proposing to divide a 20-acre parcel into two parcels: Resultant Parcel A is 10 acres and Resultant Parcel B is 10 acres; and

WHEREAS, the applicants have proposed to rezone the subject parcel from the A-2-B-19 (Agricultural Residential District, 19 Acre Building Site Combining District) zoning district into the A-2-B-10 (Agricultural Residential District, 10 Acre Building Site Combining District) zoning district to allow for the parcel map application; and

WHEREAS, the Environmental Review Officer has determined that the proposed parcel map and rezone applications are not subject to further environmental review under the California Environmental Quality Act pursuant to Section 15183 of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Planning Commission finds that the proposed parcel map application and rezone are consistent with the *Janesville Planning Area, 1993* and *Lassen County General Plan, 2000*, and the parcel sizes proposed are consistent with parcel sizes permissible under the A-2-B-10 zoning district.
3. The Planning Commission hereby concurs with the Environmental Review Officer that the proposed parcel map and rezone applications are not subject to further environmental review under the California Environmental Quality Act pursuant to Section 15183 of the Guidelines.
4. The Planning Commission hereby adopts the Technical Advisory Committee's recommended findings attached with the staff report for PM #2018-002, RZ #2018-002, Ethridge.
5. The Planning Commission hereby recommends that the Board of Supervisors approve Parcel Map #2018-002 and Rezone #2018-002, Ethridge, subject to the conditions set forth in Exhibit "A" attached hereto.

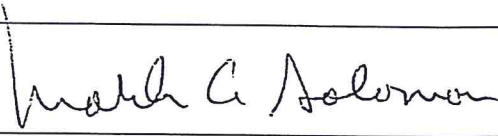
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the second day of May 2018, by the following vote:

AYES: ☒ Commissioners Herman, Solomon, Meyer and Purdy

NOES: ☐ None

ABSTAIN: ☐ None

ABSENT: ☐ None


Chairman
Lassen County Planning Commission

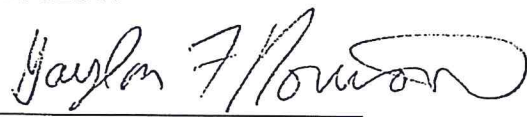
ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission
by: Gaylon F. Norwood

EXHIBIT "A"
RECOMMENDED CONDITIONS OF APPROVAL
PARCEL MAP #2018-002 AND REZONE #2018-002

1. Owner(s), owner's agent(s) or applicant shall satisfy and the project shall meet all applicable requirements provided by law.
2. The parcel shall be subdivided as shown on the "Tentative Parcel Map" submitted on February 27, 2018 for Parcel Map No. 2018-002.
3. Owner shall offer for dedication to the County of Lassen an easement for public road and public utility purposes over that portion of Wingfield Road, County Road No. 205, which falls within the project boundaries, lying thirty (30) feet Westerly of the centerline of said Wingfield Road.
4. Owner shall offer for dedication to the County of Lassen an easement for public road and public utility purposes over that portion of Elysian Valley Road, County Road No. 219, which falls within the project boundaries, lying thirty (30) feet Southerly of the centerline of said Elysian Valley Road.
5. In accordance with Section 66411.1 of the Subdivision Map Act, if the applicant requests a deferral of the construction of any on or off site improvements required by the conditional approval of a tentative parcel map, the Parcel Map shall contain a note stating the construction of improvements required by the conditional approval of a submitted tentative parcel map shall be completed before any permit or other grant of approval for development of the parcels shown on the Parcel Map is approved and/or issued.
6. Owner(s), owner's agent(s) or applicant shall provide information and/or required documentation to demonstrate the project meets all applicable requirements established by the California Subdivision Map Act and Lassen County Code. The applicant shall also provide documentation required to demonstrate that all conditions of approval for Parcel Map No. 2018-002 have been satisfied or fulfilled.
7. Owner(s), owner's agent(s) or applicant shall submit a preliminary copy of the Parcel Map meeting the requirements of Chapter 2, Article 3, Sections 66444-66450 of the Subdivision Map Act and Lassen County Code, Chapter 16.20, Sections 16.20.170 and 16.20.180, to the Lassen County Surveyor for review and approval. The Parcel Map shall reference and show all easements of record, or any created or offered for dedication, including those shown on the tentative parcel map for Parcel Map No. 2018-002, which affect the parcel being subdivided or those being created. This review submittal shall also include the following:
 - (a) A current Condition of Title report for the property shown on the tentative parcel map submitted for Parcel Map No. 2018-002.

- (b) All information required by Lassen County Code, Chapter 16.20, Sections 16.20.180 and 16.20.190.
 - (c) An index of specific recorded survey maps (i.e. Records of Surveys, Parcel Maps, Subdivision Maps, G.L.O. Plats and field notes) used to prepare the Parcel Map.
 - (d) Copies of other maps, documents and data used to prepare the Parcel Map if unavailable in the Lassen County Surveyor's Office.
 - (e) All fees required for this review.
8. After the Parcel Map, including its form and content, have been determined to be acceptable by the County Surveyor, in accordance with Lassen County Code, Section 16.20.200, and all conditions of the conditional approval of the tentative parcel map submitted for Parcel Map No. 2018-002 have been acceptably met, the owner(s), owner's agent(s) or applicant shall submit an original mylar of the Parcel Map, corrected to its approved final form and signed by all parties required to execute the certificates on the map, to the County Surveyor for recording in the office of the Lassen County Recorder in accordance with Lassen County Code, Sections 16.20.210 and 16.20.220. This submittal of the Parcel Map shall also include any documents which are required to be recorded concurrently with the Parcel Map. A Parcel Map Guarantee shall also be submitted along with the appropriate fees necessary to the record the Parcel Map and any related documents.
9. If there are any Deeds of Trust on the property, either the Trustee or the Beneficiary shall sign a certificate statement on the Parcel Map approving of the subdivision and the recording of the Parcel Map in accordance with Section 66445(e) of the Subdivision Map Act and Section 16.20.180(3)(B) of the Lassen County Code.
10. Prior to recordation of Parcel Map No. 2018-002, documentation shall be provided to the Lassen County Surveyor's Office which demonstrates that the Lassen County Tax Collector is satisfied that all current and delinquent property taxes have been paid, including funds deposited that are equivalent to all estimated taxes which have become a lien not yet due or payable, for all parcels involved in the proposed land division.
11. In the event any archaeological or cultural resources are discovered during construction or any ground disturbing activities in association with this project, such work is to be halted in the immediate area of the discovery until a qualified archaeologist, who shall be retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures. The project proponent shall implement any mitigation measures recommended by the archaeologist to reduce potentially significant impacts to identified cultural resources to a less than significant level.
12. The applicant will submit (a) will-serve letter(s) to demonstrate the availability of telephone and electric utilities, as well as cable services, from the appropriate utility

and/or service provider(s) unless otherwise approved by the Planning Commission or Board of Supervisors.

13. All utility connections must be placed underground unless otherwise approved by the Planning Commission or Board of Supervisors.
14. The applicants shall obtain encroachment permits from the Lassen County Department of Public Works/Roads for ingress/egress onto Wingfield Road (County Road 205) and Elysian Valley Road (County Road 219) prior to any development or access.
15. If future development is initiated or occurs it will be subject to the California Board of Forestry and Fire Protection SRA Fire Safe Regulations, as of January 1, 2016.
 - a) Both parcels must meet access, address signage and setbacks for all qualifying construction.
16. The Health Department has determined that percolation testing and soil profiles will be necessary to demonstrate that site soils are suitable for use of individual water flush sewage disposal systems on proposed parcel B. Percolation and soils testing shall be performed in accordance with the methods described in the United States Public Health Service, "Manual of Septic-Tank Practice". A test pit is to be dug to a depth of at least eight feet (8'), and a soil profile tabulated and submitted to the Health Department for review and approval. The Health Department shall inspect excavation pits. All soil profile testing shall be performed by or under the direction of a Professional Engineer, Engineering Geologist, or a Registered Environmental Health Specialist. The final map shall not be recorded until the Health Department has certified that site soils are suitable for the use of individual water-flush sewage disposal systems.

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY BOARD OF SUPERVISORS
APPROVING PARCEL MAP APPLICATION #2018-002 AND REZONE
APPLICATION #2018-002, ETHRIDGE, SUBJECT TO CONDITIONS

WHEREAS, the Board of Supervisors of Lassen County, after due notice and a public hearing conducted June 19, 2018, has considered Parcel Map Application #2018-002 and Rezone Application #2018-002, Ethridge, proposing to divide a 20-acre parcel into two parcels: Resultant Parcel A is 10 acres and Resultant Parcel B is 10 acres; and

WHEREAS, the applicants have proposed to rezone the subject parcel from the A-2-B-19 (Agricultural Residential District, 19 Acre Building Site Combining District) zoning district into the A-2-B-10 (Agricultural Residential District, 10 Acre Building Site Combining District) zoning district to allow for the parcel map application; and

WHEREAS, the Planning Commission held a public hearing on May 2, 2018, and has recommended that the Lassen County Board of Supervisors approve Parcel Map Application #2018-002 and Rezone Application #2018-002, Ethridge, pursuant to Lassen County Code Sections 16.20.085 and 18.124.040; and

WHEREAS, the Environmental Review Officer has determined that the proposed parcel map and rezone applications are not subject to further environmental review under the California Environmental Quality Act pursuant to Section 15183 of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Board of Supervisors finds that the proposed parcel map application and rezone are consistent with the *Janesville Planning Area, 1993* and *Lassen County General Plan, 2000*, and the parcel sizes proposed are consistent with parcel sizes permissible under the A-2-B-10 zoning district.
3. The Lassen County Board of Supervisors hereby concurs with the Environmental Review Officer that the proposed parcel map and rezone applications are not subject to further environmental review under the California Environmental Quality Act pursuant to Section 15183 of the Guidelines.
4. The Lassen County Board of Supervisors hereby approves Parcel Map Application #2018-002 and Rezone Application #2018-002, Ethridge, subject to the conditions set forth in Exhibit "A" attached hereto.

The foregoing resolution was adopted at a regular meeting of the Lassen County Board of Supervisors of the County of Lassen, State of California, held on the 19th day of June, 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 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 ____th day of _____, 20____.

Deputy Clerk of the County of Lassen Board of Supervisors

EXHIBIT "A"
CONDITIONS OF APPROVAL FOR
PARCEL MAP #2018-002 AND REZONE #2018-002

1. Owner(s), owner's agent(s) or applicant shall satisfy and the project shall meet all applicable requirements provided by law.
2. The parcel shall be subdivided as shown on the "Tentative Parcel Map" submitted on February 27, 2018 for Parcel Map No. 2018-002.
3. Owner shall offer for dedication to the County of Lassen an easement for public road and public utility purposes over that portion of Wingfield Road, County Road No. 205, which falls within the project boundaries, lying thirty (30) feet Westerly of the centerline of said Wingfield Road.
4. Owner shall offer for dedication to the County of Lassen an easement for public road and public utility purposes over that portion of Elysian Valley Road, County Road No. 219, which falls within the project boundaries, lying thirty (30) feet Southerly of the centerline of said Elysian Valley Road.
5. In accordance with Section 66411.1 of the Subdivision Map Act, if the applicant requests a deferral of the construction of any on or off site improvements required by the conditional approval of a tentative parcel map, the Parcel Map shall contain a note stating the construction of improvements required by the conditional approval of a submitted tentative parcel map shall be completed before any permit or other grant of approval for development of the parcels shown on the Parcel Map is approved and/or issued.
6. Owner(s), owner's agent(s) or applicant shall provide information and/or required documentation to demonstrate the project meets all applicable requirements established by the California Subdivision Map Act and Lassen County Code. The applicant shall also provide documentation required to demonstrate that all conditions of approval for Parcel Map No. 2018-002 have been satisfied or fulfilled.
7. Owner(s), owner's agent(s) or applicant shall submit a preliminary copy of the Parcel Map meeting the requirements of Chapter 2, Article 3, Sections 66444-66450 of the Subdivision Map Act and Lassen County Code, Chapter 16.20, Sections 16.20.170 and 16.20.180, to the Lassen County Surveyor for review and approval. The Parcel Map shall reference and show all easements of record, or any created or offered for dedication, including those shown on the tentative parcel map for Parcel Map No. 2018-002, which affect the parcel being subdivided or those being created. This review submittal shall also include the following:
 - (a) A current Condition of Title report for the property shown on the tentative parcel map submitted for Parcel Map No. 2018-002.

- (b) All information required by Lassen County Code, Chapter 16.20, Sections 16.20.180 and 16.20.190.
 - (c) An index of specific recorded survey maps (i.e. Records of Surveys, Parcel Maps, Subdivision Maps, G.L.O. Plats and field notes) used to prepare the Parcel Map.
 - (d) Copies of other maps, documents and data used to prepare the Parcel Map if unavailable in the Lassen County Surveyor's Office.
 - (e) All fees required for this review.
8. After the Parcel Map, including its form and content, have been determined to be acceptable by the County Surveyor, in accordance with Lassen County Code, Section 16.20.200, and all conditions of the conditional approval of the tentative parcel map submitted for Parcel Map No. 2018-002 have been acceptably met, the owner(s), owner's agent(s) or applicant shall submit an original mylar of the Parcel Map, corrected to its approved final form and signed by all parties required to execute the certificates on the map, to the County Surveyor for recording in the office of the Lassen County Recorder in accordance with Lassen County Code, Sections 16.20.210 and 16.20.220. This submittal of the Parcel Map shall also include any documents which are required to be recorded concurrently with the Parcel Map. A Parcel Map Guarantee shall also be submitted along with the appropriate fees necessary to the record the Parcel Map and any related documents.
 9. If there are any Deeds of Trust on the property, either the Trustee or the Beneficiary shall sign a certificate statement on the Parcel Map approving of the subdivision and the recording of the Parcel Map in accordance with Section 66445(e) of the Subdivision Map Act and Section 16.20.180(3)(B) of the Lassen County Code.
 10. Prior to recordation of Parcel Map No. 2018-002, documentation shall be provided to the Lassen County Surveyor's Office which demonstrates that the Lassen County Tax Collector is satisfied that all current and delinquent property taxes have been paid, including funds deposited that are equivalent to all estimated taxes which have become a lien not yet due or payable, for all parcels involved in the proposed land division.
 11. In the event any archaeological or cultural resources are discovered during construction or any ground disturbing activities in association with this project, such work is to be halted in the immediate area of the discovery until a qualified archaeologist, who shall be retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures. The project proponent shall implement any mitigation measures recommended by the archaeologist to reduce potentially significant impacts to identified cultural resources to a less than significant level.

12. The applicant will submit (a) will-serve letter(s) to demonstrate the availability of telephone and electric utilities, as well as cable services, from the appropriate utility and/or service provider(s) unless otherwise approved by the Planning Commission or Board of Supervisors.
13. All utility connections must be placed underground unless otherwise approved by the Planning Commission or Board of Supervisors.
14. The applicants shall obtain encroachment permits from the Lassen County Department of Public Works/Roads for ingress/egress onto Wingfield Road (County Road 205) and Elysian Valley Road (County Road 219) prior to any development or access.
15. If future development is initiated or occurs it will be subject to the California Board of Forestry and Fire Protection SRA Fire Safe Regulations, as of January 1, 2016.
 - a) Both parcels must meet access, address signage and setbacks for all qualifying construction.
16. The Health Department has determined that percolation testing and soil profiles will be necessary to demonstrate that site soils are suitable for use of individual water flush sewage disposal systems on proposed parcel B. Percolation and soils testing shall be performed in accordance with the methods described in the United States Public Health Service, "Manual of Septic-Tank Practice". A test pit is to be dug to a depth of at least eight feet (8'), and a soil profile tabulated and submitted to the Health Department for review and approval. The Health Department shall inspect excavation pits. All soil profile testing shall be performed by or under the direction of a Professional Engineer, Engineering Geologist, or a Registered Environmental Health Specialist. The final map shall not be recorded until the Health Department has certified that site soils are suitable for the use of individual water-flush sewage disposal systems.

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY BOARD OF SUPERVISORS
DISAPPROVING PARCEL MAP APPLICATION #2018-002 AND REZONE
APPLICATION #2018-002, ETHRIDGE

WHEREAS, the Board of Supervisors of Lassen County, after due notice and a public hearing conducted June 19, 2018, has considered Parcel Map Application #2018-002 and Rezone Application #2018-002, Ethridge, proposing to divide a 20-acre parcel into two parcels: Resultant Parcel A is 10 acres and Resultant Parcel B is 10 acres; and

WHEREAS, the applicants have proposed to rezone the subject parcel from the A-2-B-19 (Agricultural Residential District, 19 Acre Building Site Combining District) zoning district into the A-2-B-10 (Agricultural Residential District, 10 Acre Building Site Combining District) zoning district to allow for the parcel map application; and

WHEREAS, the Planning Commission held a public hearing on May 2, 2018, and has recommended that the Lassen County Board of Supervisors approve Parcel Map Application #2018-002 and Rezone Application #2018-002, Ethridge, pursuant to Lassen County Code Sections 16.20.085 and 18.124.040; and

WHEREAS, the California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves, pursuant to Sections 15061(b)(4) and 15270(a) of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Board of Supervisors finds that the proposed parcel map application and rezone are not consistent with the *Janesville Planning Area, 1993* and *Lassen County General Plan, 2000*.
3. The Lassen County Board of Supervisors finds that the design or improvement of the proposed parcel map and rezone is not consistent with the *Janesville Planning Area, 1993* and *Lassen County General Plan, 2000*.
4. The Lassen County Board of Supervisors finds that the site is not physically suitable for the type of development proposed.
5. The Lassen County Board of Supervisors finds that the site is not physically suitable for the proposed density of development.
6. The Lassen County Board of Supervisors finds that the design of the parcel map and rezone or the proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

7. The Lassen County Board of Supervisors finds that the design of the parcel map and rezone or the type of improvements is likely to cause serious health problems.
8. The Lassen County Board of Supervisors finds that the design of the parcel map and rezone or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed parcel map.
9. The Lassen County Board of Supervisors hereby concurs with the Environmental Review Officer that the California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves, pursuant to Sections 15061(4) and 15270(a) of the Guidelines.
10. The Lassen County Board of Supervisors hereby disapproves Parcel Map Application #2018-002 and Rezone Application #2018-002, Ethridge.

The foregoing resolution was adopted at a regular meeting of the Lassen County Board of Supervisors of the County of Lassen, State of California, held on the 19th day of June, 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 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 ____th day of _____, 20____.

Deputy Clerk of the County of Lassen Board of Supervisors

ORDINANCE NO. _____
(Ethridge)
File: RZ# 2018-002 (for PM #2018-002)

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 19th day of June, 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 19th day of June, 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 Number 65 is hereby rezoned from A-2-B-19 to A-2-B-10, and the uses permitted therein shall be subject to the provisions and restrictions as set forth in Chapters 18.18, 18.84 and the General Provisions of Chapter 18.102, Lassen County Code.

LEGAL DESCRIPTION

All that certain real property situated in a portion of Section 6, Township 28 North, Range 13 East, Mount Diablo Base and Meridian, in the unincorporated territory of Lassen County, California, more particularly described as follows:

That parcel designated "Lands of Union Bank, Trustee", as shown on that certain map entitled "R/S No. 34-8-81 Record of Survey for Union Bank, Trustee", filed September 15, 1981 in the Office of the Lassen County Recorder in Book 19 of Maps at Page 100.

Excepting therefrom the following described parcel of land:

Beginning at the Southwest corner of said parcel; thence S. 89° 29' 20" E., along the South line of said parcel, 425.99 feet; thence N. 3° 11' 01" E., 429.71 feet to a ½ inch rebar and plug stamped L.S. 4643 as shown on said map; thence N. 20° 04' 40" W., 30.00 feet to the North line of said parcel; thence S. 69° 55' 20" W., along said North line 241.80 feet to the beginning of a curve to the right with a radius of 250.00 feet; thence along said curve through an angle of 51° 09' 06", a distance of 223.19 feet to the Northwest corner of said parcel; thence S. 0° 21' 19" E., along the West line of said parcel, 391.10 feet to the Point of Beginning.

Containing 20.00 acres, more or less.

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.

UNAPPROVED MINUTES
LASSEN COUNTY PLANNING COMMISSION
May 2, 2018

The Commission convened in regular session at 1:10 p.m. in the Board of Supervisors' Chambers, 707 Nevada Street, Susanville, CA. Chairman Mark Solomon presided with Commission members Paul Herman, Donald Meyer and Tim Purdy present. District 1 seat vacant. Also present were Gaylon Norwood (Assistant Director and Planning Commission Secretary), Planning and Building Services Department staff; and Recording Secretary Anetia Elliott.

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

The following are excerpts from the above referenced meeting.

PUBLIC HEARING: RECOMMENDATION TO THE BOARD OF SUPERVISORS

Parcel Map #2018-002, Rezone #2018-002, Gregg and Heather Ethridge. Proposal to split a 20-acre parcel into two parcels: Resultant Parcels A and B are each 10 acres in size. The Planning Commission will forward their recommendation to the Board of Supervisors. The proposed project is not subject to further CEQA review pursuant to Section 15183 of the Guidelines. The project site is located approximately 1.25 miles west of the intersection of Wingfield Road and Janesville Main Street (said intersection is a quarter-mile south of U.S. Highway 395) at 465-445 Elysian Valley Road, Janesville, CA 96114. The subject parcel has a "Rural Residential" land use designation in the *Janesville Planning Area, 1993* and *Lassen County General Plan, 2000*. The subject parcel is zoned A-2-B-19 (Agricultural Residential District, 19 Acre Building Site Combining District). The applicants propose to rezone the subject parcel into the A-2-B-10 (Agricultural Residential District, 10 Acre Building Site Combining District) zoning district to allow for the parcel map application. APN: 129-650-31. Stefano Richichi, Associate Planner presented staff report and power point presentation.

Exhibit A: Letter from the State Clearinghouse and Planning Unit, acknowledging that the County has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

The public hearing was opened at 1:27 p.m.

Heather Ethridge, property owner spoke on behalf of the project.

The public hearing was closed at 1:29 p.m.

MOTION:

It was moved by Commissioner Purdy, seconded by Commissioner Meyer, and carried to adopt Resolution No. 5-01-18, recommending that the Board of Supervisors approve Parcel Map #2018-002 and Rezone #2018-002, Gregg and Heather Ethridge. Commissioners Solomon, Herman, Meyer and Purdy voted "Aye". District 1 seat vacant.

There being no further business, the meeting adjourned at 1:30 p.m.

LASSEN COUNTY PLANNING COMMISSION
STAFF REPORT
May 2, 2018

FILE NUMBER:	Parcel Map #2018-002, Rezone #2018-002
APPLICANT:	Gregg and Heather Ethridge
TYPE OF APPLICATION:	Parcel Map and Rezone
GENERAL LOCATION:	The project site is located approximately 1.25 miles west of the intersection of Wingfield Road and Janesville Main Street (said intersection is a quarter-mile south of U.S. Highway 395) at 465-445 Elysian Valley Road, Janesville, CA 96114
ASSESSOR'S PARCEL NUMBER:	129-650-31
PROJECT SITE ZONING:	A-2-B-19 (Agricultural Residential District, 19 Acre Building Site Combining District)
PROPOSED ZONING:	A-2-B-10 (Agricultural Residential District, 10 Acre Building Site Combining District)
GENERAL PLAN:	"Rural Residential" in the <i>Janesville Planning Area, 1993</i> and <i>Lassen County General Plan, 2000</i>
ENVIRONMENTAL DOCUMENT:	Not subject to further CEQA review pursuant to Section 15183 of the CEQA Guidelines
ASSIGNED STAFF:	Stefano Richichi, Associate Planner

AUTHORITY FOR APPLICATION:

Subdivision Map Act, Government Code Section 66410 et seq. established regulations.
Parcel Map Provision, Lassen County Code Section 16.20 et seq. established regulations.
Procedures for Precise Zoning and Amendments Provision, Lassen County Code Section 18.124 et seq. established regulations.

REGULATING AGENCIES:

<u>Agency</u>	<u>Identified Permits/Approvals</u>
Planning Commission	Recommendation to Board of Supervisors
Board of Supervisors	Parcel Map and Rezone Approval

PROJECT DESCRIPTION: Proposal to split a 20-acre parcel into two parcels: Resultant Parcels A and B are each 10 acres in size. The subject parcel is zoned A-2-B-19 (Agricultural Residential District, 19 Acre Building Site Combining District), whereas the applicants propose to rezone the subject parcel into the A-2-B-10 (Agricultural Residential District, 10 Acre Building Site Combining District) zoning district to allow for the parcel map application.

PROJECT SITE CHARACTERISTICS: The project site is located approximately 1.25 miles west of the intersection of Wingfield Road and Janesville Main Street (said intersection is a quarter-mile south of U.S. Highway 395) at 465-445 Elysian Valley Road, Janesville, CA 96114 (APN 129-650-31). Existing improvements on site include an approximately 1,600-square-foot single-family residence with an attached

approximately 600-square-foot garage, a septic system, and a well, all on Resultant Parcel A. Resultant Parcel B is undeveloped. The subject parcel is not within the 100-year flood zone as described by the Federal Emergency Management Agency (FEMA).

The subject parcel is zoned A-2-B-19 (Agricultural Residential District, 19 Acre Building Site Combining District), whereas the applicants propose to rezone the subject parcel into the A-2-B-10 (Agricultural Residential District, 10 Acre Building Site Combining District) zoning district to allow for the parcel map application. Lassen County Code Section 18.84.020 requires that parcels meet the minimum acreage attached with the B combining district designation, and Section 18.84.060 allows for the average acreage of subdivided parcels to meet this minimum parcel size requirement. Therefore, an A-2-B-10 zoning district requires either a minimum or average 10-acre parcel size.

ACCESS/REQUIREMENTS: Access is by way of Wingfield Road (County Road 205) and Elysian Valley Road (County Road 219). The Director of Public Works has determined that the applicant must obtain encroachment permits from the Department of Public Works for ingress/egress onto Wingfield Road and Elysian Valley Road prior to any development or access.

SURROUNDING PROPERTY CHARACTERISTICS AND ZONING: Parcels in the vicinity consist of:

- Single-family residences on rural residential land created by parcel map for Darrell & Jack Ellena (recorded at Book 12, Pages 98 and 99 of the Official Records of Lassen County) to the north
- Single-family residences on rural residential land created by parcel map for Liberty National Bank (recorded at Book 9, Page 33 of the Official Records of Lassen County) and by lot line adjustment for Ethridge and Cox (recorded at Book 38, Page 2 of the Official Records of Lassen County) to the west
- Agricultural land and Elysian Creek to the east and northeast
- Elysian Valley and Elysian Creek to the south

	Zoning	Parcel Size (acres)	Land Use Designation <i>(Janesville Planning Area, 1993 and Lassen County General Plan, 2000)</i>
North	A-2-B-19	30.92	“Rural Residential”
Northeast	E-A	4.46	“Intensive Agriculture”
East	E-A	20	“Intensive Agriculture”
South	E-A-A-P	288.5	“Intensive Agriculture”
West	A-2-B-19	7.69	“Rural Residential”

GENERAL PLAN: The subject parcel is designated “Rural Residential” in the *Janesville Planning Area, 1993* and *Lassen County General Plan, 2000*. Said designations is described as follows:

Policy: Rural Residential

Rural residential uses are the primary type of residential development in the Janesville area. This type of residential use serves to preserve the area’s rural character and recognizes the area’s physical constraints such as ground water availability and suitability of soils for use of individual sewage disposal systems.

Implementation: Rural Residential

Lands designated on the land use map as Rural Residential shall be zoned “A-2”, Agricultural Residential.

The Rural Residential designation provides for medium density residential use in a generally rural environment. Parcels may or may not be served by paved roads and will usually not be connected to community water or sewer services. Parcel sizes generally range from three to twenty acres. Parcels may be clustered and/or smaller parcels may be created in exchange for the retention of agricultural and other open space areas (e.g. use of the “density option” provisions of the County’s zoning code).

Building intensity will typically range from 0.05 to 0.33 DUA (dwelling units per acre). Population density will range from 0.15 to 1 PPA (people per acre).

The proposed parcel map is consistent with the definition and density limits of the “Rural Residential” land use designation as found in the *Janesville Planning Area, 1993* and *Lassen County General Plan, 2000*.

LOCAL GOVERNMENTAL SERVICES:

- Fire protection is provided by the Janesville Fire Protection District
- Police protection is provided by the Lassen County Sheriff’s Department
- School service is provided by the Janesville Union School District

LASSEN COUNTY CODE: Lassen County Code Chapter 16.20 et seq. sets forth standards relating to the Planning Commission’s approval or denial of parcel map applications but also contemplates applications in which the Planning Commission’s role is advisory to the Board of Supervisors. Selected sections of Chapter 16.20 read as follows:

16.20.060 Planning commission action—Notice of public hearings.

... The planning commission shall approve, conditionally approve or deny the tentative map and shall report its decision to the board of supervisors and the subdivider within fifty days after the tentative map has been accepted for filing. If an environmental impact report is prepared, the decision shall be made within forty-five days after certification of the environmental impact report. (Ord. 475 § 1(16.05.161), 1985).

16.20.070 Planning commission action—Approval.

In approving or conditionally approving the tentative map, the planning commission, acting in the capacity of the advisory agency, shall find that the proposed parcel map, together with its

provisions for its design and improvements, is consistent with applicable general or specific plans adopted by Lassen County.

The planning commission may modify or delete any of the conditions of approval recommended in the technical advisory committee report, except conditions required by county ordinance. The planning commission may add additional requirements as a condition of its approval.

If no action is taken by the planning commission within the time limit as specified, the tentative map as filed shall be deemed to be approved, insofar as it complies with other applicable provisions of the Subdivision Map Act, this chapter or other county ordinances, and it shall be the duty of the county clerk to certify the approval. (Ord. 475 § 1(16.05.162), 1985).

16.20.080 Planning commission action—Denial.

The tentative map may be denied by the planning commission on any of the grounds provided by county ordinances or the Subdivision Map Act.

The planning commission shall deny approval of the tentative map if it makes any of the following findings:

- (1) That the proposed map is not consistent with applicable general and specific plans;*
- (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;*
- (3) That the site is not physically suitable for the type of development;*
- (4) That the site is not physically suitable for the proposed density of development;*
- (5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;*
- (6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems;*
- (7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Ord. 475 § 1(16.05.163), 1985).*

16.20.085 Planning commission as advisory body.

If a tentative parcel map application is to be considered by the county in conjunction with an application for a general plan amendment, a rezoning, a variance and/or a development agreement, the planning commission's action pursuant to either Section 16.20.070 or 16.20.080 shall be advisory to the board of supervisors. The board shall have the authority to approve, conditionally approve or deny the tentative parcel map application. Public notice requirements