

September 18, 2019

Maurice L. Anderson, Director

707 Nevada Street, Suite 5 Susanville, CA 96130-3912 Phone: 530 251-8269

Fax: 530 251-8373 email: landuse@co.lassen.ca.us website: www.co.lassen.ca.us

> Zoning & Building Inspection Requests Phone: 530 257-5263

TO:

Board of Supervisors

Agenda Date: October 8, 2019

FROM:

Maurice L. Anderson, Director

SUBJECT:

Appeal of the Director of the Department of Planning and Building Services' August 19, 2019, interpretive action regarding required setbacks for a residence proposed at 475-795 Hobo Camp Road, filed by Anthony Foster (Assessor Parcel Number 107-111-18)

18).

# **ACTION REQUESTED:**

1. Conduct a public meeting pursuant to Lassen County Code Section 18.122.050; and

- 2. Grant the appeal, or
- 3. Disapprove the appeal.

#### SUMMARY:

As authorized at section 18.122.050 of Lassen County Code, Mr. Anthony Foster has filed an appeal (attached) of an August 19, 2019, determination made by the Director of the Department of Planning and Building Services (Director) in regard to the front yard setback (e.g. yard) required for the above referenced parcel. Specifically, the Director determined that a 20-foot front yard setback is required. Further, the Director determined that, in accordance with section 18.14.1290 (attached), said setback is from the "official plan line" for Hobo Camp Road. Hobo Camp Road is described on the parcel map recorded at Book 22, Page 9 of the Official Records of Lassen County and is also described in an easement issued by the Bureau of Land Management recorded at Book 407 of Official Records, Page 320.

In accordance with the above section, the 20-foot setback is from either the property line to any proposed building, or, if applicable, the setback is from the "official plan line" for Hobo Camp Road to any proposed building. In pertinent part, section 18.14.1290 reads as follows:

"...the measurement shall be taken from the line of the building to the nearest lot line, however, that if any official plan line has been established for the street on which the lot faces or if any future width line is specified therefor by the provisions of this title, then such measurement shall be taken from such official plan line or such future width line to the nearest line of the building. (Emphasis added).

The Lassen County Code does not provide a definition for the official plan line of a street. Thus, in accordance with Lassen County Code Chapter 18.122 (attached), and in response to a written request from the property owner submitted on July 22, 2019 (attached), the Director determined that the easement line for Hobo Camp Road is the official plan line described in the above section. The

Board of Supervisors Agenda Date: October 8, 2019

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easement line for Hobo Camp Road was determined to be the official plan line because it is shown on both a recorded parcel map, approved by the Board of Supervisors, Planning Commission and others as well as being described in a recorded document.

In his July 22, 2019, letter, the property owner requested a five-foot reduction in the front yard setback as measured from the easement line for Hobo Camp Road; as part of his August 28, 2019, appeal letter, the property owner is now requesting a three-foot reduction in the front yard setback from the easement line for Hobo Camp Road (or a 17-foot front yard setback in lieu of the above-described 20-foot setback). If the Board upholds the Director's determination, a variance application would be required to consider the proposed reduced setback.

Again, the above is a summary only. More detailed analysis and discussion can be found in the Director's August 19, 2019, determination, the applicants appeal received August 28, 2019, the applicant's original request received July 22, 2019 and the other attached documents.

#### MLA:smr

Enclosures: Appeal from Mr. Foster filed August 28, 2019

Letter from the Department of Planning and Building Services dated August, 19, 2019

Letter from Mr. Foster submitted July 22, 2019

Parcel Map No. 41-8-82 for Arturo Terzi, recorded at Book 22, Page 9 O.R. Lassen

County

PLA/Admin/Files/318.03.18.01/2019/Foster Appeal/Board Letter

# SITE PLAN RE-SUBMISSION ED

RECEIVED

AUG 28 2019

JULIE BUSTAMANTE

Δ

vg 28, 2019 Deputy

Anthony and Mary Foster 65 Small Street Susanville, CA 96130

LASSEN COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

SEP 0 3 2019

#### LASSEN COUNTY DEPARTMENT OF PLANNING & BUILDING SERVICES

To Whom It May Concern,

We are resubmitting our Site Plan for the property located at 475-795 Hobo Camp Road. Since our original submission we have had the property surveyed and based on this survey we are requesting 17 feet between the easement and the future home instead of the original 15 foot requested.

The front of the house will be located on the South Side of the proposed residence and the patio (back of house) on the West side. The basement will have a one car garage and a door to the basement for storage and mechanical room. The one car garage in the basement will mainly be for storage of a boat, antique car for something to that effect.

The soils report completed in June 2019 indicates that I may build within the foot print of the original structure. Therefore, our plan is to build within the original structure using the ICF building system. If we can only use the original depth of the house that would decrease our useable building space from 28 feet to just under 25 feet, as the ICF forms are 14 inches deep and the rear of the basement will be two feet shorter due to building inside the existing basement walls.

To expand the current building plot by any amount is not financially feasible due to the type of terrain of the site which is mainly large rocks/boulders. Since the initial basement was built, this site has remained unused due to the amount of work and cost. This property has been an eyesore since the late 80's and we would like to change that.

Currently there is only one other house on the West side of the road and there are 2 homes further down the road just before descending to the Hobo Camp Day Use Area. This proposed residence is not a tract home but will be custom built. Therefore, we are respectfully asking for a 17 foot parking apron/yard instead of the 20 foot requested by the county, from the easement to the basement, be allowed.

**Anthony Foster** 



# County of Lassen

# Department of Planning and Building Services

Building Permits

Code Enforcement

Surveyor

Surface Mining

August 19, 2019

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

Anthony Foster 65 Small Street Susanville, CA 96130

Zoning & Building Inspection Requests Phone: 530 257-5263

RE:

Proposed Setbacks

475-795 Hobo Camp Road,

Susanville, CA APN 107-111-18

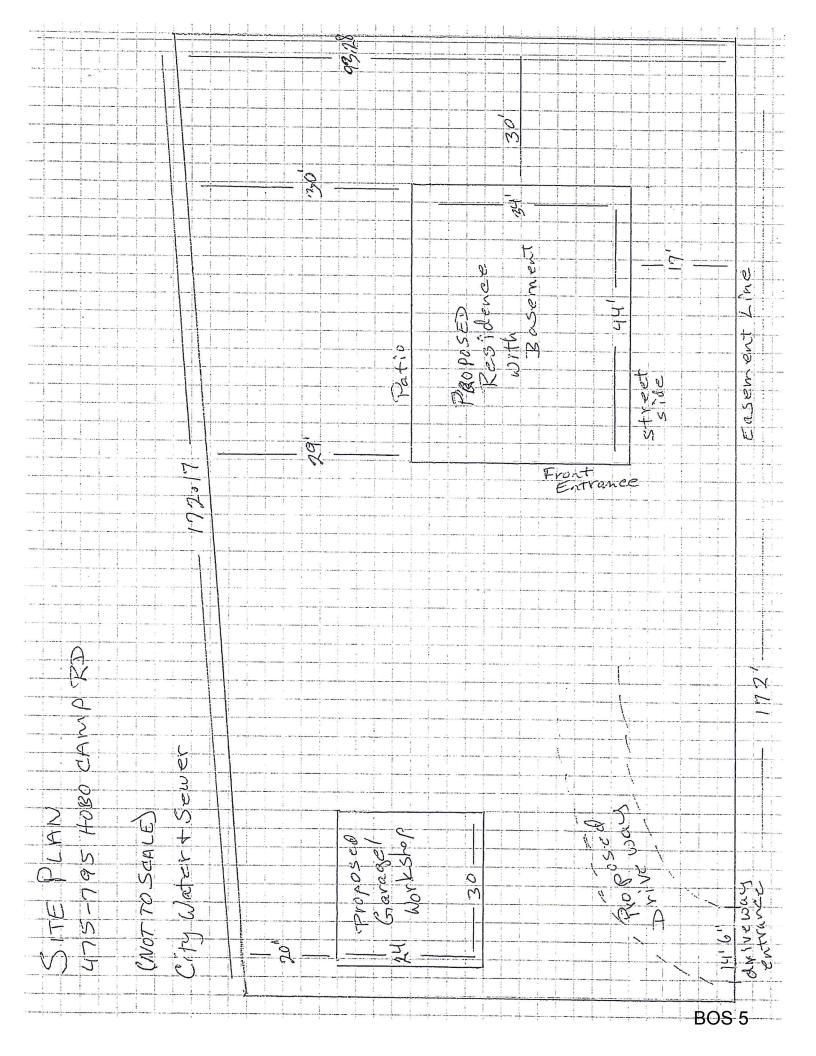
Dear Mr. Foster:

This letter is in response to the letter, plot plan and supporting information you submitted to this Department on July 22, 2019, in which you request setback distances that are smaller than those required by the Lassen County Code. As previously discussed, the above property is zoned R-1 (Single-Family Residential District). The R-1 district requires a 20-foot front yard and rear yard setback and that the side yard setbacks be 10 percent of the lot width up to 15 feet (which, in the case of the above property, is 15 feet). As is discussed herein, your proposed setbacks cannot be approved. This letter will provide the reasons for this determination, information regarding application for a variance and information on filing an appeal of this decision.

Pursuant to section 18.14.1290 of the Lassen County Code, the above required setback (e.g. "yard") is from the property line, or, if applicable, from the "official plan line" for the established street (which in this case is Hobo Camp Road). The plot plan you submitted with your request shows a 15-foot setback from the "easement line" to the "proposed residence with basement." Said easement line is the westerly line of Hobo Camp Road, as shown on the parcel map recorded at Book 22 of Parcel Maps, Page 22 and as also described in the Exclusive Road Easement issued by the Bureau of Land Management, recorded at Book 407 of Official Records, Page 320. The easement line shown on your plot plan is the "official plan line" for Hobo Camp Road, as that term is used at section 18.14.1290 of the Lassen County Code.

Your plot plan orients the "front entrance" of the proposed residence perpendicular to Hobo Camp Road, and there was discussion as to what constitutes the "front." However, pursuant to section 18.14.420 of the Lassen County Code the "front of lot" means the side of a parcel fronting the principal street that provides access to the parcel (in this case Hobo Camp Road). The orientation of the proposed residence will not affect the definition of the front of the lot. As such, any residence or building you may construct must be set back at least 20-feet from the official plan line (e.g. "easement line" as you have it labeled on your plot plan) of Hobo Camp Road. Therefore, the 15-foot setback you show from Hobo Camp Road to the proposed residence is insufficient. A 20-foot setback from the easement line for Hobo Camp Road is required.

It is noted that there is what appears to be a foundation (or portion thereof) located on this parcel. It is our understanding that said improvements were made in connection with a permit (#0269-89) issued by Lassen County on July 10, 1989, for a "building." Said building was never completed and said permit is a "dead file" and cannot be reactivated. Further, it is our understanding, and it is shown on your plot plan, that improvements on the parcel are in compliance with 20-foot setback from Hobo Camp Road, as described above.





· Building Permits

Code Enforcement

Surveyor

· Surface Mining

August 19, 2019

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> Fax: 530 25 1-8373 email: landuse@co.lassen.ca.us website: www.co.lassen.ca.us

> > Zoning & Building

Inspection Requests Phone: 530 257-5263

Anthony Foster 65 Small Street Susanville, CA 96130

RE: Proposed Setbacks

475-795 Hobo Camp Road,

Susanville, CA APN 107-111-18

Dear Mr. Foster:

This letter is in response to the letter, plot plan and supporting information you submitted to this Department on July 22, 2019, in which you request setback distances that are smaller than those required by the Lassen County Code. As previously discussed, the above property is zoned R-1 (Single-Family Residential District). The R-1 district requires a 20-foot front yard and rear yard setback and that the side yard setbacks be 10 percent of the lot width up to 15 feet (which, in the case of the above property, is 15 feet). As is discussed herein, your proposed setbacks cannot be approved. This letter will provide the reasons for this determination, information regarding application for a variance and information on filing an appeal of this decision.

Pursuant to section 18.14.1290 of the Lassen County Code, the above required setback (e.g. "yard") is from the property line, or, if applicable, from the "official plan line" for the established street (which in this case is Hobo Camp Road). The plot plan you submitted with your request shows a 15-foot setback from the "easement line" to the "proposed residence with basement." Said easement line is the westerly line of Hobo Camp Road, as shown on the parcel map recorded at Book 22 of Parcel Maps, Page 22 and as also described in the Exclusive Road Easement issued by the Bureau of Land Management, recorded at Book 407 of Official Records, Page 320. The easement line shown on your plot plan is the "official plan line" for Hobo Camp Road, as that term is used at section 18.14.1290 of the Lassen County Code.

Your plot plan orients the "front entrance" of the proposed residence perpendicular to Hobo Camp Road, and there was discussion as to what constitutes the "front." However, pursuant to section 18.14.420 of the Lassen County Code the "front of lot" means the side of a parcel fronting the principal street that provides access to the parcel (in this case Hobo Camp Road). The orientation of the proposed residence will not affect the definition of the front of the lot. As such, any residence or building you may construct must be set back at least 20-feet from the official plan line (e.g. "easement line" as you have it labeled on your plot plan) of Hobo Camp Road. Therefore, the 15-foot setback you show from Hobo Camp Road to the proposed residence is insufficient. A 20-foot setback from the easement line for Hobo Camp Road is required.

It is noted that there is what appears to be a foundation (or portion thereof) located on this parcel. It is our understanding that said improvements were made in connection with a permit (#0269-89) issued by Lassen County on July 10, 1989, for a "building." Said building was never completed and said permit is a "dead file" and cannot be reactivated. Further, it is our understanding, and it is shown on your plot plan, that improvements on the parcel are in compliance with 20-foot setback from Hobo Camp Road, as described above.

Anthony Foster August 19, 2019 Page 2 of 3

In addition, your plot plan shows a "proposed garage/ workshop" that does not meet the above referenced side yard setback and rear yard setback requirements of the R-1 zoning district (specifically section 18.22.050 of the Lassen County Code). Any project you may submit will need to meet the side and rear yard setbacks required by the above section. There is a provision in the R-1 district that allows consideration of reduction of the side yard setback down to five feet, but there is no provision through design review to reduce the required 20-foot rear yard setback. Information regarding the design review process and requirements is attached for your review.

# Environmental Health Department:

Your letter and plot plan did not discuss the installation of a well and onsite sewage disposal system for your proposed residence. Nonetheless, we wanted to inform you that at least one acre is required for the installation of a well and onsite sewage disposal system. There are provisions in County Code and State law that may allow installation of a well and onsite sewage disposal system on a parcel that is less than one acre. The Environmental Health Department is responsible for administering the variance process to consider such a proposal. We recommend that you contact the Environmental Health Department to discuss the potential for installation of a well and onsite sewage disposal system on this parcel. The Environmental Health Department's contact information is as follows:

Environmental Health Department 1445 Paul Bunyan Road, Suite B Susanville, CA 96130 (530) 251-8528 ehe@co.lassen.ca.us

#### Variance:

Chapter 18.110 of the Lassen County Code and section 65906 of the California Government Code authorize the Board of Supervisors to approve a "variance" from certain provisions of the Lassen County Code. The Board must make the following findings, as detailed at section 18.110.020 of the Lassen County Code:

- 1. That there are exceptional or extraordinary circumstances, or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district;
- 2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;
- 3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

In accordance with the above section, a variance applicant must submit "...statements, plans other evidence..." showing that the above findings can be made. You could also potentially include the request for reduced setbacks for the "proposed garage/ workshop" shown on your plot plan (as described above)

Anthony Foster August 19, 2019 Page 3 of 3

in any variance application you choose to submit, but the same findings are required. The Department's variance process form and an application is attached for your review showing the cost and procedure for consideration of a variance.

#### Appeal:

You may appeal the determination that the easement line for Hobo Camp Road (as described at Book 22 of Parcel Maps, Page 9 and at Book 407 of Official Records, Page 320) is the "official plan line," for Hobo Camp Road as that term is used in section 18.14.1290 of the Lassen County Code, and that the "proposed residence with basement" shown on the plot plan you submitted must therefore be at least 20 feet from the Hobo Camp Road easement line (e.g. official plan line).

Lassen County Code Section 18.122.050(a) provides that "[a]ny interpretation or determination made by the director in response to a written request may be appealed to the board of supervisors by the party making the request..." Said section further states that such appeals "must be submitted in writing to the county clerk within [10] days of the director's decision." Therefore, you may appeal this decision to the Lassen County Board of Supervisors as provided in the above section. The fee for an appeal to the Board is \$159, and is submitted to the Clerk of the Board of Supervisors.

Please also be aware that independently of the setback components discussed above, there are other zoning and building standards that would apply to any building permits secured for the development of your parcel. Among these are included specific architectural requirements and height and floor area limitations. Please contact Associate Planner Stefano Richichi at (530) 251-8269 if you have any questions regarding said standards or if you have questions in regard to this letter.

Lastly, many of the code sections and documents referenced in this letter are attached to assist you in determining the appropriate response (if any) to this letter.

Sincerely.

Maurice L. Anderson,

Director

MLA:gfn:smr

Enclosures:

Lassen County Code Chapter 18.22, "R-1 Single-Family Residential District"

Lassen County Code Section 18.14.420, "Front of Lot" Lassen County Code Section 18.14.1290, "Yard"

Lassen County Code Chapter 18.122, "Interpretive Action"

Lassen County Code Chapter 18.110, "Variances"

Variance and Design Review Applications and Process Forms

cc: Environmental Health Department

S:/PLA/Admin/FILES/802/107-111-18 Foster/Letter to Foster

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# Chapter 18.22 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

#### 18.22.010 Intent.

The R-1 district is intended to provide for singular purpose neighborhoods, that of single-family homes and the uses accessory to such neighborhoods. This intent is to provide for the health, safety, peace, and general welfare of the residences of R-1 neighborhoods by prohibiting uses which may threaten any of these values. (Ord. 467-G § 3, 1990; Ord. 467 §18, 1984).

#### 18.22.020 Applicability.

The regulations set out in this chapter shall apply in all R-1 districts and shall be subject to the provisions of Chapters 18.102 through 18.108 of this title. (Ord. 467-G § 3, 1990; Ord. 467 § 18, 1984).

# 18.22.030 Uses allowed by right.

Uses allowed by right in an R-1 district shall be as follows:

- (1) Single-family dwelling;
- (2) Accessory buildings and accessory uses, including one guest house. (Ord. 467-AC § 8, 2003; Ord. 467-G § 3, 1990; Ord. 467 § 18, 1984).

# 18.22.040 Uses allowed by use permit.

Uses allowed by use permit in an R-1 district shall be as follows:

- (1) Golf courses and country clubs;
- (2) Public and quasi-public uses including churches, firehouses, parks, playgrounds, schools, and public utility buildings;
  - (3) Mobile home parks;
- (4) All other uses similar to those enumerated above when determined by the planning director, upon presentation of substantial evidence, to be of the same or similar character as the above permitted uses. (Ord. 467-G § 3, 1990; Ord. 467 § 18, 1984).

# 18.22.050 Development standards.

Development standards in an R-1 district shall be as follows:

- (1) Building height limit:
- (A) Main buildings: twenty-five feet. Upon securing design review approval, main buildings may be constructed to a height of up to thirty-five feet;
- (B) Accessory buildings: limited to twenty feet or the height of the main building, whichever is lower, unless approved by the architectural review committee, in which case buildings up to thirty-five feet may be allowed;
  - (2) Percentage of building site coverage permitted: thirty-five percent.
- (3) Front yard required: minimum required twenty feet; provided, that where four or more lots in a block have been improved with buildings prior to the adoption of the ordinance codified in this title, the minimum front yard shall be the average of the improved lots if less than the required twenty feet, but not less than fifteen feet, except where combined with a B district or as otherwise provided by ordinance;

- (4) Side yard required. Ten percent ot width but not exceeding fifteen feet. U approval of a design review application, pursuant to Chapter 18.118 of this title, side yard setback may be reduced to a minimum of five feet;
  - (5) Rear yard required: twenty feet;
- (6) Accessory buildings shall be limited to eighty percent of the floor area of the main building, unless otherwise approved through a design review, pursuant to Chapter 18.118 of this title. (Ord. 467-G § 3, 1990; Ord. 467 § 18, 1984).

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18.14.420 Front of lot.

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"Front of lot" means the side of a parcel fronting the principal street of access to the lot, or in the event of a corner lot, the shorter street frontage. (Ord. 467 § 2, 1984).

. 9/25/2019 18.14.1290 Yard.

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18.14.1290 Yard.

Title 18 ZONING

"Yard" means an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in Chapter 18.102 of this title. In measuring a yard, hereinafter provided, the line of a building shall be deemed to mean a parallel to the nearest lot line drawn through the point of a building or the point of a dwelling ground nearest to such lot line, exclusive of the respective architectural features enumerated in Chapter 18.102 of this title as not to be considered in measuring yard dimensions or as being permitted to extend into any front, side or rear yard, respectively; and the measurement shall be taken from the line of the building to the nearest lot line, however, that if any official plan line has been established for the street on which the lot faces or if any future width line is specified therefor by the provisions of this title, then such measurement shall be taken from such official plan line or such future width line to the nearest line of the building. (Ord. 467 § 2, 1984).

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# **Chapter 18.122 INTERPRETIVE ACTION**

# Note

Prior ordinance history: Ord. 467, as amended by Ord. 467-Q.

# 18.122.010 Interpretation of this title.

The director of community development shall have authority to consider written requests for interpretation and determinations related to the provisions of this title. The provisions of this title shall be held as the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. (Ord. 467-X § 16, 2000).

#### 18.122.020 Determination of similar use.

The director of community development shall have authority to make determinations as to the similarity of one use which is not listed in this code to another use which is listed. In making determinations of similarity the following characteristics of the use not listed shall be considered and compared to the uses listed:

- (a) The general character of the use:
- (b) Generation of or sensitivity to noise;
- (c) Generation of traffic:
- (d) Generation of or sensitivity to light;
- (e) Generation of or sensitivity to smoke and odors;
- (f) Any other relevant characteristics. (Ord. 467-X § 16, 2000).

# 18.122.030 Requests for interpretation or determination of similar use.

Any person may petition the community development director for interpretation of the provisions of this title or for determination of similar use. Said petition shall be submitted in writing to the community development director on a form provided by the community development department, together with any additional information the petitioner feels should be considered. The director of community development may also initiate the interpretation or determination process. (Ord. 467-X § 16, 2000).

# 18.122.040 Consideration of request.

The community development director shall consider requests for interpretation or determinations of similar use and shall render his/her decision within thirty days from the date the request form was received. The community development director may, at his/her discretion, refer requests to the board of supervisors for decision. In such cases, the thirty day time period shall not apply. (Ord. 467-X § 16, 2000).

# 18.122.050 Appeal of decisions.

- (a) Any interpretation or determination made by the director in response to a written request may be appealed to the board of supervisors by the party making the request. All such appeals must be submitted in writing to the county clerk within ten days of the notice of the director's decision. The written appeal must be accompanied by the appropriate appeal fee as established by the board of supervisors.
  - (b) Notice of public meeting on an appeal of the director's decision shall be given by the following methods:

- (1) Publication in a newspaper of gral circulation within Lassen County at lesseven days prior the meeting; and
- (2) Posting of the notice in the office of the county clerk, the community development department and outside the board of supervisors' meeting room, at least seven days prior to the meeting.
- (c)(1) Upon appeal, the community development director shall forward to the board of supervisors all information provided to and considered by him/her in making his/her decision. The board of supervisors shall conduct a public meeting on the appeal and shall render its decision within sixty days from the date the appeal was filed. Said meeting shall be limited to a review of the information provided to and considered by the community development director.
- (2) Any information presented to the board of supervisors at the appeal hearing not previously considered by the community development director shall result in the matter being referred back to the director for decision. Any subsequent appeal shall be considered a new appeal and shall be subject to all applicable fees. (Ord. 467-X § 16, 2000).

# 18.122.060 Record of decision.

A public record of the decision by the community development director or the board of supervisors, shall be kept in the community development department, and shall be periodically incorporated into the body of this title, or maintained as an appendix hereto. (Ord. 467-X § 16, 2000).

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# Chapter 18.110 VARIANCES

# 18.110.010 Generally.

Where practical difficulties, unnecessary hardships or results inconsistent with the purpose and intent of this title may result from the strict application of certain height, yard or area requirements thereof, variances in such requirements may be granted as provided in this chapter. (Ord. 467 § 40, 1984).

# 18.110.020 Application.

Application for a variance shall be made in writing on a form prescribed by the planning commission and shall be accompanied by a fee set by the board of supervisors, no part of which shall be returnable to the applicant, and by statements, plans and other evidence showing:

- (1) That there are exceptional or extraordinary circumstances, or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district;
- (2) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;
- (3) That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood. (Ord. 467 § 40, 1984).

#### 18.110.030 Public hearing.

A public hearing shall be held within sixty days after the date the application is accepted as complete, notice of which shall be given by one publication in a newspaper of general circulation in the county and by posting notice on the property involved or adjacent thereto and by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within three hundred feet of the property which is the subject of the proposed variance at least ten days prior to such hearing. (Ord. 467-AC § 29, 2003; Ord. 467 § 40, 1984).

# 18.110.040 Action by planning commission.

Following the public hearing, the planning commission shall make written findings of facts showing whether the qualifications under Section 18.110.020 apply to the land, building or use for which variance is sought and whether such variance shall be in harmony with the general purposes of this title. Such written findings of facts shall be submitted to the board of supervisors. (Ord. 467 § 40, 1984).

# 18.110.050 Action by board of supervisors.

The board of supervisors shall consider the variance application within sixty days after receipt of the planning commission report and if the board of supervisors finds that the qualifications under Section 18.110.020 apply to the land, building or use for which variance is sought and that such variance is in harmony with the general purposes of this title, said board shall by resolution grant such variance. The board of supervisors may designate conditions and guarantees in connection with the variance to secure the purposes of this title. (Ord. 467 § 40, 1984).

# 18.110.060 Revocation.

- (a) In any case, where the condition of granting of a variance have not been, or not, complied with, the planning commission shall give notice to the permittee of intention to revoke such variance at least ten days prior to a hearing thereon. After conclusion of the hearing the planning commission may revoke such variance. Such revocation shall be subject to confirmation by the board of supervisors.
- (b) In any case, where a variance has not been used within one year after the date of granting thereof, then, without further action by the planning commission or board of supervisors, the variance granted shall be null and void. (Ord. 467 § 40, 1984).



# **VARIANCE APPLICATION**

FILING FEE: \$571.00
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

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

This application consists of two pages; only attach additional sheets if necessary. FILE NO. Property Owner/s Property Owner/s Name: Name: Mailing Address: Mailing Address: City, ST, Zip: City, ST, Zip: Telephone: Fax: Telephone: Fax: Email: Email: Applicant/Authorized Representative\* Agent (Land Surveyor/Engineer/Consultant) Same as above: Correspondence also sent to: Name: Name: Mailing Address: Mailing Address: City, ST, Zip: City, ST, Zip: Telephone: Fax: Telephone: Fax: Email: Email: License #: Project Address or Specific Location: Deed Reference: Book: Page: Year: Doc#: Zoning: General Plan Designation: Parcel Size (acreage): Section: Township: Range: Assessor's Parcel Number(s): **Project Description:** SIGNATURE OF PROPERTY OWNER(S): I \*SIGNATURE OF APPLICANT/AUTHORIZED HEREBY ACKNOWLEDGE THAT: I have read this REPRESENTATIVE (Representative may sign application and state that the information given is both true application on behalf of the property owner only if Letter of and correct to the best of my knowledge. I agree to comply Authorization from the owner/s is provided). with all County ordinances and State laws concerning this application. Date: Date: Date: Date:

# -TO THE LASSEN COUNTY PLANNING COMMISSION-

In accordance with the provisions of the Zoning Ordinance of the County of Lassen, application is hereby made for a variance in the strict application of the regulations of said Ordinance to permit:						
On	property located at+					
	Block Tract Owner					
	answers to the following questions are submitted to substantiate my petition for a variance:					
a.	Are there exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district? (Explain)					
b.	Is the granting of the application necessary for the preservation and enjoyment of the property rights of the petitioner?					
c.	Will the granting of this application, under the circumstances of the particular case, materially effect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, or will it be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood?					
	(Additional sheets may be attached to and made a part of this application)					



# **DESIGN REVIEW APPLICATION**

FILING FEE: \$63.00 FOR RESIDENTIAL; \$95.00 FOR MULI-FAMILY RESIDENTIAL AND COMMERCIAL; \$127.00 FOR MULTI-UNIT COMMERCIAL 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

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full. This application consists of two pages; only attach additional sheets if necessary. FILE NO. Property Owner/s Property Owner/s Name: Name: Mailing Address: Mailing Address: City, ST, Zip: City, ST, Zip: Telephone: Fax: Telephone: Fax: Email: Email: Applicant/Authorized Representative\* Agent (Land Surveyor/Engineer/Consultant) Same as above: Correspondence also sent to: Name: Name: Mailing Address: Mailing Address: City, ST, Zip: City, ST, Zip: Telephone: Fax: Telephone: Fax: Email: Email: License #: Project Address or Specific Location: Deed Reference: Book: Page: Doc#: Zoning: General Plan Designation: Parcel Size (acreage): Section: Township: Range: Assessor's Parcel Number(s): Project Description/Proposed Use of Structure: SIGNATURE OF PROPERTY OWNER(S): I HEREBY \*SIGNATURE OF APPLICANT/AUTHORIZED ACKNOWLEDGE THAT: I have read this application and state REPRESENTATIVE (Representative may sign application on behalf

that the information given is both true and correct to the best of my

concerning this application.

knowledge. I agree to comply with all County ordinances and State laws

Date:

Date:

Date:

Date:

of the property owner only if Letter of Authorization from the owner/s is

provided, or if they have an appropriate contractor's license.)

Application for design review may be prepared by the property owner or his qualified agent and shall be accompanied by drawings or sketches made clear and legible on sheets of paper at least 8½"x11" in size. Three (3) copies of such applications for design approval shall be submitted to the Planning Department and shall include, but not be limited to, the following information:

# 1. Plot Plan/Layout Design:

- a) The location of all existing and proposed structures on the property together with their dimensions, distance between structures and setback distances from property lines.
- b) Approximate location of all streams, drainage channels, and/or bodies of water and an approximate indication of slope and elevation of the property.
- c) Names, locations, and widths of all existing and proposed streets or right-of-ways known to the owner as to location on or near the property.
- d) Proposed type and location of driveway, parking areas, sidewalks, fences, shrubs, landscaping, etc.
- e) The relation to the existing buildings and structures in the general vicinity and area.

	f) Location	of sewer lines and leach field areas.							
2.	Setbacks: Front: Requ	nivad D							
	, <del>-</del>								
	Side: Requ								
	Rear: Requ	tired Proposed							
3.	Proposed build the permit is so	ing and/or improvements showing the same as it will appear after the work for which ught shall have been completed:							
	Design of pr	oposed construction and/or other improvement (show on drawings).							
		area of buildings:							
		el to roof peak:							
	Ground level to top of wall (show on drawings.):								
	Roofing:	Type:							
		Pitch:Eave Lengths: SidesGabled Ends							
		*Color:							
	Elevations o	f proposed building (shown on drawings).							
	Exterior:	Material:							
		*Color of Siding:							
Masonry work – color and materials to be used:									
	*Two (2)	color samples of new roof or exterior must accompany this application.							
Sta		sponsibility Area: SRA LRA-very high Chapter 7A materials required: Yes No							
		e required: Yes No Building Inspector intake review complete (initial):Date:							





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The following information is intended to provide a generalized description of the Zoning Variance process in Lassen County.

A variance from practical difficulties and/or unnecessary hardships including height, yard, or area requirements, or other provisions of the Lassen County Zoning Regulations may be granted by the Board of Supervisors.

# **APPLICATION**

An application for a variance is to be made by completing a form available from the Planning and Building Services accompanied by a filing fee of five hundred seventy-one (\$571) dollars. The application must be accompanied by drawings and other evidence showing that the proposed project meets the following qualifications:

- 1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district.
- 2. That the granting of the application is necessary for the preservation and enjoyment of the substantial property rights of the petitioner.
- 3. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

A complete and accurate set of application materials is of utmost importance for timely processing. A clear and detailed plot plan is essential. Applicants should consider supplementing their application with color photographs, or any other materials that would assist reviewers in gaining a better understanding of the project.

# ENVIRONMENTAL REVIEW - PROCEDURE

In Lassen County, the Director of Planning and Building Services has been designated as the Environmental Review Officer (ERO) as per Lassen County Resolution No. 01-043. In general, the duties of the ERO are to coordinate the environmental review procedures, prepare Initial Studies, recommend environmental findings to the Lead Agency (the Planning Commission or, ultimately, the Board of Supervisors), prepare all applicable environmental documents, conduct public meetings, and keep the County's environmental review guidelines in continual compliance with CEQA.

The ERO conducts a preliminary review of all project applications to determine, within thirty (30) days, whether the application is complete and/or whether the proposed project is exempt from CEQA. Once the application has been accepted as complete, and not found to be exempt from CEQA, an Initial Study is prepared. Based on a review of the Initial Study results, the ERO will make a determination as to the appropriate kind of environmental document that will be prepared for the particular project of concern, or decide to refer said determination to the Planning Commission.

Basically, the ERO will make one of the four following findings:

- A. That the project could not have a significant effect on the environment, and a Negative Declaration should be prepared; or
- B. That, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the Initial Study have been added to the project. Therefore, a Negative Declaration should be prepared; or
- C. That the project may have a significant effect on the environment and an Environmental Impact Report (EIR) should be required; or
- D. The ERO may choose not to make one of the above three decisions if further information from review and consultation with responsible agencies is deemed necessary, and proceed to refer the decision to the Planning Commission, or the Board of Supervisors, as applicable. Said Commission or Board will then make one of the above three decisions regarding the appropriate environmental document that should be prepared.

The determination as to the kind of environmental document that should be prepared for a given project proposal, an EIR or a Negative Declaration, will be made within thirty (30) days of accepting the application as complete. The thirty (30) day time period may be extended fifteen (15) days upon mutual consent of the project applicant and the applicable County office acting in behalf of the Lead Agency. A final Negative Declaration will be adopted within 180 days after the application has been accepted as complete. The Lead Agency will certify a final EIR within one year after the application has been accepted as complete. A more detailed explanation of the process involved in the preparation of these documents is available in another informational handout entitled Lassen County Environmental Review Guidelines - Resolution No. 01-043.

# THE PLANNING COMMISSION

A public hearing is conducted by the Lassen County Planning Commission after the filing of the application. The Commission must make written findings of fact showing whether the above qualifications apply to the land, building or use for which the variance is sought and whether such variances, if granted, would be in harmony with the general purposes of Lassen County's Zoning Regulations. These findings and the recommendation of the Planning Commission are submitted to the Board of Supervisors.

# THE BOARD OF SUPERVISORS

The Board of Supervisors considers the variance application following receipt of the Planning Commission report and recommendation at a public hearing. If the Board finds that the above qualifications apply to the land, building, or use for variance is sought and that such variance is in harmony with the general purposes of Lassen County's Zoning Regulations, they shall by resolution grant the variance with any appropriate conditions.

If your project is approved by the County, a Notice of Determination (NOD) will be filed with the County Clerk by the Planning and Building Services Department. The NOD starts a 30-day statute of limitations on any legal challenge to the project's environmental document. Prior to filing the NOD, Section 711.4 of the California Fish and Game Code requires that the County collect an environmental filing fee on behalf of the Department of Fish and Game. The fee varies according to the environmental document prepared for your project as indicated in the table below.

# DEPARTMENT OF FISH AND WILDLIFE ENVIRONMENTAL FILING FEES (Fish and Game Code 711.4)

CEQA DOCUMENT	FEE (effective January 1, 2019)
Negative Declaration	\$2,354.75
Mitigated Negative Declaration	\$2,354.75
Environmental Impact Report	\$3,271.00
County Clerk Processing Fee	\$ 50.00

If you believe your project will have *no effect* on fish and wildlife, you may contact the California Department of Fish and Wildlife to discuss an exemption from the fees. For more information about the fees and possible exemption you should contact the Department of Fish and Wildlife directly at (530) 225-2300 or at the DFW Website at <a href="https://www.wildlife.ca.gov">www.wildlife.ca.gov</a>.

IMPORTANT NOTE: Even if your project is approved by the County, the project is not operative, vested, or final, and any local permits issued for the project are invalid if the fees are not paid.

# REVOCATION

Where conditions of a granted variance have not been complied with, the Planning Commission shall give notice to the permittee of intention to revoke the variance at least ten (10) days prior to a hearing thereon. After the hearing the Commission may revoke the variance with confirmation by the Board of Supervisors.

#### **EXPIRATION**

If a variance is not used within one (1) year after the date of granting, the variance will become null and void without further action by the Planning Commission or the Board of Supervisors.

Please feel free to contact the Department of Planning and Building Services for any additional information.





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In any zoning district incorporating a "D" Combining District, or any other district requiring design review, approval of an application for design approval shall be secured for the construction of any building or structure. The intent of design review is to ensure that buildings, structures and improvements are designed and constructed so that they will not be of unsightly, undesirable, or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of a community or the county, or otherwise affect the general prosperity and welfare.

# **APPLICATION**

An application form for design approval is available from the Planning Department. This application must be completed by the applicant or his/her agent and submitted to the Planning Department along with three sets of plans of the proposed project. Two copies of the plans may be picked up after the design review process is completed. The information needed on the plans is described on the application form. Filing fees are as follows: \$63.00 for Single-Family Residential; \$95.00 for Multi-Family Residential and Commercial; \$127.00 for Multi-Unit Commercial.

#### **ARC**

The Architectural Review Committee (ARC), consisting of the County Planning Director (who shall act as chairman of the committee), the County Building Inspector, and a Planning Commissioner, to be appointed annually by the Chairman of the Planning Commission, shall convene within 15 working days to consider the application. The ARC shall move to either accept the application as submitted or shall suggest any changes in the plans as it may deem necessary to accomplish the purpose of the Design Review District. The ARC shall not approve any plans until it is satisfied that such purposes will be accomplished.

#### **APPEALS**

In case the applicant is not satisfied with the action of the ARC, he may, within thirty (30) days after such action, appeal in writing to the Planning Commission. The Commission shall hold a hearing on said appeal and shall render its decision within thirty (30) days after the filing. In case the applicant is not satisfied with the action of the Planning Commission, the applicant may, within ten (15) days after such action, appeal in writing to the Board of Supervisors. The Board shall hold a hearing on the appeal and shall render its decision within thirty (30) days after the filing.

For additional information regarding the design review process, contact the Lassen County Planning and Building Services Department, 707 Nevada Street, Suite 5, Susanville, California 96130. Phone (530) 251-8269.

Suggested attachment: Application for Design Approval

# SITE PLAN SUBMISSION

RECEIVED

Anthony and Mary Foster 65 Small Street Susanville, CA 96130 JUL 22 2019

LASSEN COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

#### LASSEN COUNTY BUILDING DEPARTMENT

To Whom It May Concern,

I am resubmitting my Site Plan for the property located at 475-795 Hobo Camp Road. This submission will hopefully clear up any questions you may have of our Site Plan.

The front of the house will be located on the South Side of the proposed residence and the patio (back of house) on the West side. The basement will have a one car garage and a door to the basement for storage and mechanical room. The one car garage in the basement will mainly be for storage of a boat, antique car for something to that effect.

The soils report completed in June 2019 indicates that I may build within the foot print of the original structure. We plan on building within the original structure using the ICF building system. If we can only use the original depth of the house that would give us only 23 ½ feet of useable space, as the ICF forms are 14 inches deep.

Currently there is only one other house on the West side of the road and there are 2 homes further down the road just before descending to the Hobo Camp Day Use Area. This proposed residence is not a tract home but will be custom built. Therefore, we would ask that a 15 foot parking apron from the basement be allowed.

Anthony Foster

17.2'				Se Garage Dopose d			5175 Plan 975-795 Hobo Camp Rd.
Easement Line	Parkine Door	To side of the state of the sta	Fatro of Francisco		73	172, 7	BOS 261

