



County of Lassen
Department of Planning and Building Services

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

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May 21, 2020

TO: Technical Advisory Committee
Agenda Date: June 4, 2020

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

RE: **CERTIFICATE OF COMPLIANCE #2020-003, John Henry Living Trust.** At the request of the Property Owner, an application for a Certificate of Compliance for Assessor's Parcel Number (APN) 093-130-05 was reviewed by the Lassen County Surveyor and determined to be in violation of the Subdivision Map Act. The Surveyor has determined that the parcel is eligible for a Conditional Certificate of Compliance. The Technical Advisory Committee will determine appropriate conditions to be placed on said Certificate of Compliance. The subject property was created by a deed recorded on November 6, 1972, in Book 260, Page 637 of the Official Records of Lassen County. This parcel is located in a portion of Section 27, Township 31 North, Range 15 East, Mount Diablo Base and Meridian, east of Highway 139, in the Secret Valley area. The parcel is zoned U-C-2 (Upland Conservation/Resource Management District) and is designated "Extensive Agriculture" by the *Lassen County General Plan, 2000*. Staff Contact: Don Willis, County Surveyor.

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

1. March 4, 1972, was the effective date of the Subdivision Map Act legislation that added the requirement that a Parcel Map be approved and recorded for proposed divisions of land. The subject property, APN 093-130-05, was created by a deed recorded on November 6, 1972, in Book 260, Page 637 of the Official Records of Lassen County, and was described by said deed as that portion of the South one-half of the Northeast one-quarter (S1/2 NE1/4) of Section 27, Township 31 North, Range 15 East, Mount Diablo Base and Meridian, which lies easterly of the easterly right-of-way line of U.S. Highway 395.
2. There is no record or evidence of any existing improvements, building permits, or land use entitlements related to the subject parcel.
3. The Lassen County Surveyor has identified that a violation of the Subdivision Map Act and Lassen County Ordinance 475 has occurred. Prior to the property owner's application for Certificate of Compliance No. 2020-003, Notice of Violation No. 2020-002 was approved for recordation by the Lassen County Technical Advisory Committee at its meeting on May 7, 2020.
4. Authorization for this application comes from Lassen County Code §16.48.030, which outlines the requirements for consideration and approval of a Certificate of Compliance.
5. Section 66499.34 of the Subdivision Map Act limits the conditions that a lead agency may impose upon a Conditional Certificate of Compliance to those which would have been applicable at the time the applicant acquired his or her interest on the property (unless the current owner created the violation, in which case the current ordinance applies). The ordinance in effect at the time the property owner acquired his interest in the subject property on January 27, 1987, was Lassen County Subdivision Ordinance 475, which required in Chapter 16.05 that a Tentative Parcel Map be submitted and a Parcel Map subsequently be approved and recorded.

6. The subject parcel was zoned A-1 (General Agricultural District) at the time the property owner acquired his interest in the property on January 27, 1987. There is no minimum lot size for parcels zoned A-1 pursuant to Lassen County zoning code, and no minimum lot size was required for the A-1 zoning district by the *Lassen County General Plan, 1968*. Pursuant to the *Lassen County General Plan, 2000*, the County will not approve the creation of parcels less than 40 acres in size (except in limited circumstances) in areas zoned A-1 and having a General Plan designation of Extensive Agriculture. The subject parcel is approximately 59 acres in size, and therefore was not created in violation of the zoning code of the time or General Plan (past or present), and does not require a rezone or General Plan amendment.
7. Issuance of a Conditional Certificate of Compliance is a “ministerial” project and is therefore exempt from the California Environmental Quality Act (CEQA), pursuant to section 15268(a) of the CEQA Guidelines.
8. The Lassen County Department of Planning and Building Services concurs with all findings and conditions of the Lassen County Surveyor, as described in his May 19, 2020, Memorandum to the Technical Advisory Committee for its June 4, 2020, meeting.

The Lassen County Department of Planning and Building Services recommends the following:

1. That the Technical Advisory Committee approve, and authorize recording of, a Conditional Certificate of Compliance for the parcel described in Findings Item 1, subject to the following conditions:
 - a. A Tentative Parcel Map, related documents, and associated fees shall be submitted to the Lassen County Department of Planning and Building Services for the parcel described in Findings Item 1. Said Tentative Parcel Map submittal shall meet the requirements defined by the Subdivision Map Act and Lassen County Ordinance 475, Chapter 16.05, and be approved by the Lassen County Planning Commission.
 - b. A Parcel Map for the parcel described in Findings Item 1, related documents, and associated fees shall be submitted to the Lassen County Surveyor for review, approval, and filing in the office of the Lassen County Recorder. Said parcel map submittal shall meet the requirements defined by the Subdivision Map Act and Lassen County Ordinance 475, Chapter 16.05, and shall demonstrate that all conditions of the conditional approval of the Tentative Parcel Map described in Condition Item 1(a) above have been met. The Parcel Map application is not subject to the California Environmental Quality Act, pursuant to section 15061(b)(3) of the CEQA Guidelines, and therefore will not require an Initial Study. The subject parcel has existed in its current configuration since November 6, 1972, the existing building density was allowed in the A-1 zoning district by both the Lassen County zoning code and General Plan at the time of parcel creation (and is allowed by the current General Plan), and the subject parcel is currently surrounded by legally created parcels, setting its existing configuration.