



County of Lassen

Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

July 16, 2020

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TO: Technical Advisory Committee
Agenda Date: August 6, 2020

Zoning & Building

Inspection Requests

Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

RE: **USE PERMIT #2020-005, Koch Living Trust et al.** Proposal to construct a 720-square-foot second dwelling unit. The subject parcel is zoned U-C-2 (Upland Conservation/Resource Management District) and has an "Extensive Agriculture" land use designation in the *Lassen County General Plan, 2000*. The proposed project is exempt from the California Environmental Quality Act (CEQA) under Sections 15061(b)(3) and 15303 of the 2020 CEQA Guidelines. The subject parcel is located approximately one mile north of the northern boundary of Willow Creek Valley (and approximately 17 miles north of Susanville) at 495-095 Highway 139, Susanville, CA 96130. APN: 091-010-30. Staff Contact: Stefano Richichi, Senior Planner

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

1. The subject parcel is U-C-2 (Upland Conservation/Resource Management District).
2. The subject parcel has an "Extensive Agriculture" land use designation in the *Lassen County General Plan, 2000*.
3. The subject parcel is not within the 100-year flood zone as described by the Federal Emergency Management Agency (FEMA).
4. The applicant is proposing to construct a 720-square-foot second dwelling unit.
5. According to Lassen County Code Section 18.108.270, "...in any zone on a parcel of land where there is in existence a legally-established 'single-family dwelling,' as defined in this title, a 'second dwelling unit,' may be allowed by the planning commission, upon first securing a use permit pursuant to Chapter 18.112 of [Title 18 of the Lassen County Code]."
6. Furthermore, according to Lassen County Code Section 18.108.270(2), in zones other than R-1 zones, such second dwelling unit shall be subject to the following:
 - (a) Maximum living area shall not exceed one thousand four hundred square feet, or eighty percent of the floor area of the primary dwelling, whichever is greater. Garages and other fully enclosed areas attached to the existing and proposed dwellings shall be considered part of the floor area for purposes of establishing the eighty percent maximum.

- (b) Architectural design of the second dwelling unit shall be visually compatible with, and complimentary to, the existing single-family dwelling located on the property and others in the vicinity.
 - (c) One additional off-street parking space shall be required.
 - (d) Second dwelling unit must be individually approved by the county health department.
 - (e) Design review shall be required.
7. Unless the Planning Commission finds otherwise, parking at the site is adequate such that an additional off-street parking space is not necessary.
 8. This use permit application also serves the purposes of design review.
 9. The proposed project is consistent with the architectural requirements found at Lassen County Code Section 18.108.235,¹ except that it has a 2.5 in 12 mono-pitched roof. The Planning Commission has the authority to approve deviations from the County's architectural standards.
 10. The proposed project is consistent with the development standards set forth for the U-C-2 district found at Lassen County Code Section 18.18.050.
 11. Pursuant to Lassen County Code Section 18.112.030, the Technical Advisory Committee shall review all use permit applications (and amendments) and shall prepare recommended conditions of approval for consideration by the County (in this case, the Planning Commission).
 12. The land use element of the *Lassen County General Plan, 2000* describes the "Rural Residential" land use designation as follows:

Extensive Agriculture

"The Extensive Agriculture designation primarily represents typical rangeland areas with grazing and general rangeland values, natural wildlife habitat, open space and scenic values, and/or low intensity outdoor-oriented recreational values. It also includes general forest areas, timber production areas and related uses. Large parcel sizes are required to support and protect resource values. Except in special "open space" areas, it may accommodate limited dispersed residential uses; however, such uses will typically be related and secondary to agricultural and other resource based land uses, including dispersed recreation and mining. Subject to County permit requirements and the provisions of related elements of the General Plan, areas designated Extensive Agriculture may also accommodate natural resource-related production facilities, including but not limited to: mineral extraction and processing, including

¹ The proposed residence has 12-inch roof overhangs on the sides and gabled ends, fiber cement siding, and a metal roof.

asphalt and similar plants; saw mills and logging operations; and facilities for the processing of agricultural products.

Corresponding Zoning: ‘U-C’ Upland Conservation District, ‘U-C-2’ Upland Conservation/Resource Management District; ‘TPZ’ Timber Production Zone”

13. The following goals, objectives, implementation measures and descriptions from the *Lassen County General Plan, 2000*, also pertain to the proposal:

Designation of Land Uses

- *Implementation Measure LU-A: The County shall utilize the zoning provisions of the Lassen County Code to adopt and enforce corresponding zoning districts, and to consider the approval of related use permits and land divisions, which implement and are compatible with the policies, general land uses and programs specified in this Land Use Element and in area plans adopted as part of the General Plan.*
- *Implementation Measure LU-B: The County recognizes the need and legal requirements for making land use decisions which are consistent with the General Plan.*

1. ISSUE: Land Use Compatibility

- *GOAL L-4: Compatibility between land use types by providing for complementary mixtures and patterns of land uses.*
- *LU-6 POLICY: The County recognizes general plan land use designations and consistent zoning as the appropriate and primary tools for attempting to achieve and maintain compatibility of land uses within the context of the County’s land use authority and local control.*

2. ISSUE: Growth and Development

- *GOAL L-5: Orderly, contiguous growth and appropriate land-conserving densities as an alternative to sprawl and “leap-frog” development.*
- *LU-8 POLICY: Future residential development should consist of the expansion of, or be located adjacent to, existing communities, designated rural centers, and established residential areas. An increasing number of small, isolated housing tracts in outlying areas shall be discouraged since they are difficult to provide with urban services and they tend to disrupt the surrounding rural and productive activity of ranches, forests and farms.*

3. ISSUE: Housing

- *GOAL L-7: Consistent with the Housing Element, maintain an adequate amount of housing and diverse residential opportunities and land uses which are located in consideration of the availability of support services and infrastructure, avoidance of conflicting land uses, and the minimization of development impacts.*
- *LU17 POLICY: The County shall, after confirmation of the area's appropriateness for such use and consideration of other resource values, designate and zone appropriate areas for residential development.*
- *LU18 POLICY: Pursuant to the Housing Element, the County will help provide adequate sites to be designated in the General Plan and zoned for residential land use to meet the objectives of the Housing Element, and will help facilitate the expansion of needed water, sewer, and fire protection services.*
- *LU19 POLICY: Subject to case-by-case review, the County shall allow the use of second units except in cases where it is demonstrated that the proposed second units will have specific adverse impacts on public health, safety, and community welfare.*
- *Implementation Measure LU-L: The County will provide permitting processes consistent with state law to consider and allow second housing units. The processes will include development standards and requirements to insure that allowed second units will not have significant adverse impacts to the public's health, safety and welfare. The permitting processes may have special provisions for second units intended for the sole occupancy of up to two adult persons who are 62 years of age or over.*
- *Implementation Measure LU-M: If the County identifies areas where the permitting of second units will have specific adverse impacts on public health, safety, and community welfare, the County may, by ordinance, preclude the use of second units in those areas.*
- *LU20 POLICY: The County shall refer to the Housing Element for applicable policies pertaining to the development of housing.*

4. ISSUE: Neighborhood Quality

- *GOAL L-8: Neighborhoods which offer safe and pleasant living environments for the residents of Lassen County.*
- *LU21 POLICY: The County supports the need to maintain safe and pleasant living environments and, in consideration of related land use decisions, shall require mitigation of impacts which significantly threaten such qualities.*
- *GOAL L-9: Protection of the open, rural character of the county.*

- *LU22 POLICY: The County shall encourage expansion of existing residential areas and discourage sprawl and scattered development.*
- *GOAL L-10: Reasonable development and design review standards which protect communities from poorly designed development which detracts from the overall quality of the area.*

14. The Planning Commission will determine whether the proposed project is consistent with the *Lassen County General Plan, 2000*, unless the proposed project is appealed to the Board of Supervisors, in which case, said body would determine the above.

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

1. Noncompliance with any of the following use permit conditions shall constitute grounds for revocation of the use permit (pursuant to Lassen County Code Section 18.112.060).
2. The Use Permit shall be granted for the use as approved by the Planning Commission. Substantial revisions and/or expansions of the project will require a new Use Permit, subject to the approval of the Planning Commission.
3. The applicant must secure approval from the Environmental Health Department for the second housing unit and its related septic system.
4. The second housing unit shall not be painted in florescent, luminescent, or other extreme colors which detract from the appearance of the neighboring property, the community as a whole or the natural environment.
5. Prior to issuance of an Authorization to Operate or any residential occupancy, all required building permits must be secured and pass a final inspection. Residential occupancy is not allowed until an appropriate Certificate of Occupancy is issued.

495-095 STATE ROUTE 139 PLOT PLAN

SITE DATA

APN: 091-010-30-11
PROPERTY OWNER: EDWARD & DONNA KOCH
LOT SIZE: 40.02 ACRES

