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PLANNING COMMISSION MEETING May 3, 2022

FILE NUMBER: PM 2022-002
PROPERTY OWNER: Thomas M. Pasqual and Brenda L. Pasqual
APPLICANT: Thomas M. Pasqual and Brenda L. Pasqual
TYPE OF APPLICATION: Parcel Map

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LASSEN COUNTY PLANNING COMMISSION
STAFF REPORT
May 3, 2022

FILE NUMBER:	PM #2022-002
APPLICANT:	Thomas M. Pasqual and Brenda L. Pasqual
TYPE OF APPLICATION:	Parcel Map
GENERAL LOCATION:	McArthur, CA
ASSESSOR'S PARCEL NUMBER:	001-090-009
ZONING:	Primarily zoned A-2-NH-5 (Agricultural Residential 5-Acre Natural Habitat Combining District), with a lesser portion zoned A-3-NH-80 (Agricultural 80-Acre Natural Habitat Combining District)
GENERAL PLAN:	"Rural Residential" per the <i>Pittville Area Plan, 1986</i>
APPEAL:	Lassen County Code Section 18.112.050 states that "any person not satisfied with the action of the planning commission... may, within ten days of the notice of the commission's action, appeal in writing to the board of supervisors."
ENVIRONMENTAL DOCUMENT:	Not subject to further CEQA review pursuant to Section 15183 of the CEQA Guidelines
ASSIGNED STAFF:	Nancy McAllister, Senior 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.

REGULATING AGENCIES:

<u>Agency</u>	<u>Identified Permits/Approvals</u>
Planning Commission	Parcel Map Approval

PROJECT DESCRIPTION: Proposal to divide a 47.85-acre parcel into two parcels; proposed resultant Parcel 1 would be 5 acres and proposed resultant Parcel 2 would be 42.85 acres.

PROJECT SITE CHARACTERISTICS: The subject parcel is located at 552-000 Day Road, McArthur, CA 96056, approximately 14 miles west of Bieber, via U.S. Highway 299. Improvements on the subject parcel, as identified by the applicants, include two single-family residences, two septic systems, two wells with wellhouses, and a shed. If the parcel map application were approved, resultant Parcel 1 would contain one house with a well, wellhouse, and septic system, and resultant Parcel 2 would contain the other house, well, wellhouse, and the shed. The subject parcel is primarily zoned A-2-NH-5 (Agricultural Residential 5-Acre Natural Habitat Combining District), with a lesser portion zoned A-3-

NH-80 (Agricultural 80-Acre Natural Habitat Combining District), and has a General Plan land use designation of “Rural Residential” per the *Pittville Area Plan, 1986*. The subject parcel is in the State Responsibility Area (SRA) for fire protection and is located within the Federal Emergency Management Agency (FEMA) Flood Zone “X”, which is not part of the 100-year flood zone as described by FEMA.

ACCESS/REQUIREMENTS: The tentative parcel map submitted for Parcel Map No. 2022-002 shows that access to the subject property is by way of Day Road, Lassen County Road No. 408/Shasta County Road No. 0S001, which is a County maintained road that is maintained by Shasta County through historical agreement. The existing parcel currently abuts this road and both proposed parcels would directly abut it as well.

SURROUNDING PROPERTY CHARACTERISTICS AND ZONING: Parcels in the vicinity consist of agricultural residential natural habitat parcels to the north, northeast, east, south, and southwest; and agricultural natural habitat parcels to the southeast and west:

	Zoning	Parcel Size (acres)	Land Use Designation (<i>Pittville Area Plan, 1986</i>)
North	A-2-NH-5*	16.75 & 40	“Rural Residential”
Northeast	A-2-NH-5*	4.08 & 3.23	“Rural Residential”
East	A-2-NH-5*	42.38	“Rural Residential”
Southeast	A-3-NH-80**	35	“Grazing and Sagebrush Environment”
South	A-2-NH-10***	9.9 & 14	“Grazing and Sagebrush Environment”
Southwest	A-2-NH-20****	2.46	“Grazing and Sagebrush Environment”
West	A-3-NH-80**	9	“Rural Residential”

*A-2-NH-5 (Agricultural Residential 5-Acre Natural Habitat Combining District)

**A-3-NH-80 (Agricultural 80-Acre Natural Habitat Combining District)

***A-2-NH-10 (Agricultural Residential 10-Acre Natural Habitat Combining District)

****A-2-NH-20 (Agricultural Residential 20-Acre Natural Habitat Combining District)

ZONING: The subject parcel is primarily zoned A-2-NH-5 (Agricultural Residential 5-Acre Natural Habitat Combining District), with a lesser portion zoned A-3-NH-80 (Agricultural 80-Acre Natural Habitat Combining District), and these zoning districts have a minimum parcel size of 5 acres and 80 acres, respectively. Although some portions of the proposed resultant parcels that fall within each zoning district will be substandard per that district’s minimum parcel size requirement, this is considered acceptable as a substandard condition already exists and will not be made worse by this division.

GENERAL PLAN: The subject parcel has a General Plan land use designation of “Rural Residential” per the *Pittville Area Plan, 1986*. The *Lassen County General Plan, 2000*, describes the “Rural Residential” land use designation as follows:

Rural 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).

Corresponding Zoning: "A-2", Agricultural-Residential District. An A-2 District is typically combined with a "B ", Building Site Combining District, to indicate minimum or average building sites ranging from three to twenty acres (e.g., A-2-B-5). Minimum parcel sizes may be regarded as average parcel sizes under special "density option" provisions of the "B" Combining District.”

The *Pittville Area Plan, 1986*, describes the “Rural Residential” land use designation as follows:

The term “Rural Residential” shall mean that the land is suitable for residential use, but that consideration of the area’s rural character, environment, and resource constraints and other suitability factors suggest that residential density should generally not exceed one dwelling unit per five acres (i.e., no less than 5 acres minimum parcel size).

The proposed parcel map is consistent with the definition and density limits of the “Rural Residential” land use designation as found in the *Lassen County General Plan, 2000*, and the *Pittville Area Plan, 1986*.

LOCAL GOVERNMENTAL SERVICES:

- Fire protection is provided by the McArthur Fire Protection District
- Police protection is provided by the Lassen County Sheriff’s Department
- School service is provided by the Big Valley Joint Unified 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. 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:

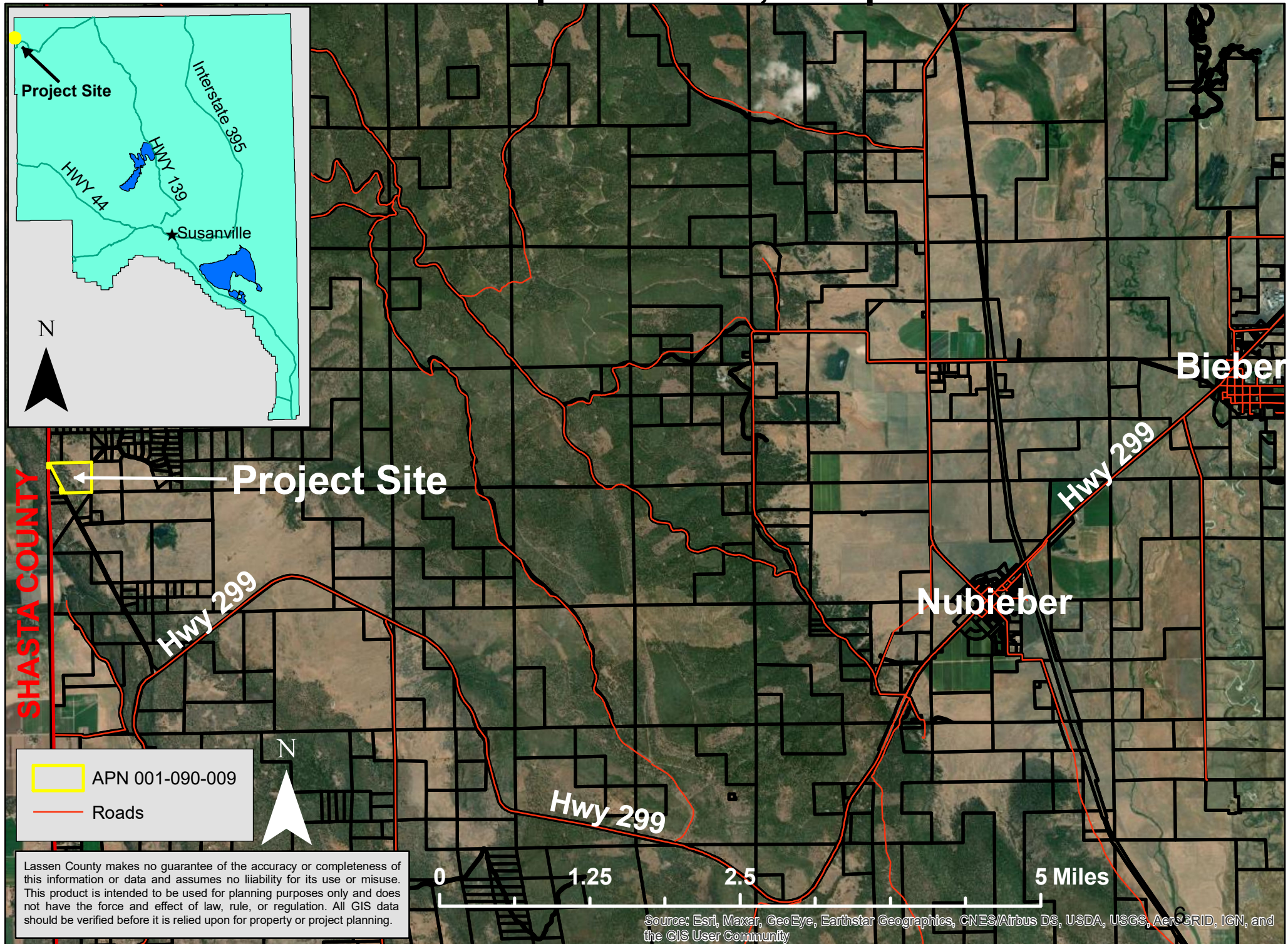
- (1) That the proposed map is not consistent with applicable general and specific plans;*
- (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;*
- (3) That the site is not physically suitable for the type of development;*
- (4) 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).*

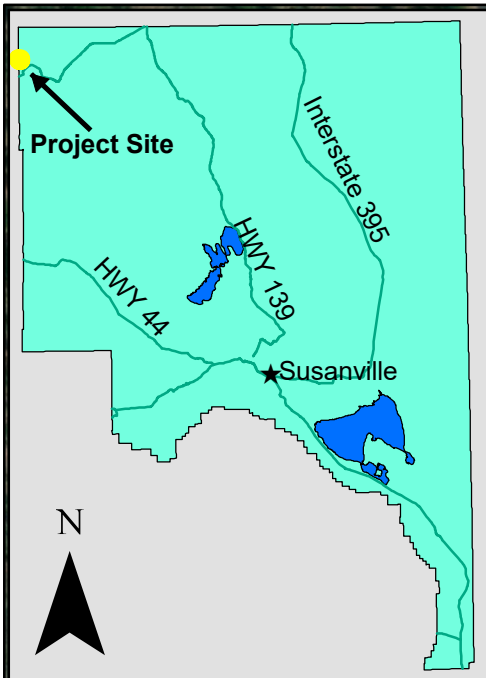
ENVIRONMENTAL DOCUMENT: The Environmental Review Officer of Lassen County has determined that this proposal is not subject to further California Environmental Quality Act (CEQA) review under Section 15183 of the CEQA Guidelines, which applies to projects that are consistent with a community plan, general plan, or zoning. For further discussion, see the attached memorandum to the Technical Advisory Committee for the April 7, 2022, meeting.

FINDINGS and/or RECOMMENDATIONS BY TAC: The Technical Advisory Committee (TAC) met on April 7, 2022, and has developed recommended findings and conditions for consideration by the Planning Commission. The recommended findings and conditions can be found in the memos to the TAC attached to this staff report. In addition, the recommended conditions can be found in Exhibit “A” of a draft resolution that is included in this packet.

Parcel Map #2022-002, Pasqual



Parcel Map #2022-002, Pasqual



SHASTA COUNTY



- Parcel 1
- Parcel 2
- APN 001-090-009
- Roads

Lassen County makes no guarantee of the accuracy or completeness of this information or data and assumes no liability for its use or misuse. This product is intended to be used for planning purposes only and does not have the force and effect of law, rule, or regulation. All GIS data should be verified before it is relied upon for property or project planning.

0 125 250 500 Yards

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Parcel 2
42.85 acres

APN 001-090-009

Parcel 1
5 acres

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING
PARCEL MAP APPLICATION #2022-002, PASQUAL; APN 001-090-009

WHEREAS, the Planning Commission of Lassen County, after due notice, and a public hearing conducted May 3, 2022, has considered Parcel Map Application #2022-002, Pasqual, proposing to divide a 47.85-acre parcel into a 5-acre parcel and a 42.85-acre parcel; and

WHEREAS, the Environmental Review Officer has determined that the proposed parcel map application is 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 is consistent with the *Lassen County General Plan, 2000*, and the *Pittville Area Plan, 1986*, and that the proposed parcel sizes are no more inconsistent with parcel sizes permissible under the A-2-NH-5 and A-3-NH-80 zoning districts than that which currently exists.
3. The Planning Commission hereby concurs with the Environmental Review Officer that the proposed parcel map is 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 #2022-002, Pasqual.
5. The Planning Commission hereby approves Parcel Map #2022-002, Pasqual, subject to the conditions set forth in Exhibit "A" attached hereto.

RESOLUTION NO. _____

Page 2 of 5

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 3rd day of May, 2022, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission

EXHIBIT "A"
RECOMMENDED CONDITIONS OF APPROVAL
PARCEL MAP #2022-002, PASQUAL

1. The final map for Parcel Map No. 2022-002 shall meet all provisions of Title 16 Subdivisions, as determined by the Lassen County Surveyor and the Lassen County Planning Commission.
2. Prior to recordation of the parcel map, the applicants shall clearly indicate the location of the septic system on proposed Parcel 1, to the satisfaction of the Department of Planning and Building Services.
3. Prior to recordation of the parcel map, the applicants must obtain written confirmation from the Lassen County Fire Warden that the proposed parcel map meets all requirements of Lassen County Code Chapter 9.16, or otherwise obtain an exception from the Fire Warden.
4. Multiple access shall be required, unless a recommendation otherwise is made by the county fire warden or the responsible fire protection agency, and approved by the county, prior to recordation of the final map for Parcel Map No. 2022-002, based on one or more of the findings listed in Lassen County Code Section 9.16.190.
5. A note shall be recorded on the final map for Parcel Map No. 2022-002 requiring that in the event any archeological or cultural resources are discovered during construction or any ground disturbing activities, such work is to be halted in the immediate are of the discovery until a qualified archeologist, retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures, which the project proponent shall implement to reduce potentially significant impacts to identified cultural resources to a less than significant level.
6. Owners, owner's agent(s) or applicants shall satisfy and the project shall meet all applicable requirements provided by law.
7. The parcel shall be subdivided as shown on the tentative parcel map submitted on February 24, 2022, for Parcel Map No. 2022-002.
8. Owners shall cause a field survey of the property shown on the tentative parcel map submitted for Parcel Map No. 2022-002 to be completed in accordance with Section 66448 of the Subdivision Map Act and Section 16.20.160 of the Lassen County Code.
9. Owners shall offer for dedication to the County of Lassen an easement for public road and public utility purposes over that portion of Day Road, Lassen County Road No. 408 / Shasta County Road No. 0S001, which falls within the project boundaries, lying thirty (30) feet easterly of the centerline over that portion which adjoins the easterly boundary line of that certain parcel known as Assessor's Parcel Number 001-090-008, and lying thirty (30) feet on each side of centerline (for a total width of 60 feet) over the remaining portions of said Day Road that fall within the project boundaries.

10. In accordance with Section 66411.1 of the Subdivision Map Act, if the applicant requests a deferral for the construction of any on or off-site improvements required by the conditional approval of the tentative parcel map submitted for Parcel Map No. 2022-002, the parcel map shall contain a note stating the construction of improvements required by the conditional approval of the tentative parcel map submitted for Parcel Map No. 2022-002 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.
11. Owners, owner's agent(s) or applicants shall provide information and/or required documentation to demonstrate the project meets all applicable requirements established by the 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. 2022-002 have been satisfied or fulfilled.
12. Owners, owner's agent(s) or applicants shall submit a preliminary copy of the parcel map meeting the requirements of Article 3, Parcel Maps, 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. 2022-002, 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. 2022-002.
 - 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. maps 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.
13. 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. 2022-002 have been acceptably met, the owners, owner's agent(s) or applicants 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.

14. 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)(A)(B) of the Lassen County Code.
15. Prior to recordation of Parcel Map No. 2022-002, evidence 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.

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING DISAPPROVING PARCEL MAP
APPLICATION #2022-002, PASQUAL; APN 001-090-009

WHEREAS, the Planning Commission of Lassen County, after due notice, and a public hearing conducted May 3, 2022, has considered Parcel Map Application #2022-002, Pasqual, proposing to divide a 47.85-acre parcel into a 5-acre parcel and a 42.85-acre parcel; and

WHEREAS, 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.

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 is not consistent with the *Lassen County General Plan, 2000*, and the *Pittville Area Plan, 1986*.
3. The Planning Commission finds that the design or improvement of the proposed parcel map is not consistent with the *Lassen County General Plan, 2000*, and the *Pittville Area Plan, 1986*.
4. The Planning Commission finds that the site is not physically suitable for the type of development proposed.
5. The Planning Commission finds that the site is not physically suitable for the proposed density of development.
6. The Planning Commission finds that the design of the parcel map or the proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.
7. The Planning Commission finds that the design of the parcel map or the type of improvements is likely to cause serious health problems.
8. The Planning Commission finds that the design of the parcel map 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.
9. The Planning Commission 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 Planning Commission hereby disapproves Parcel Map #2022-002, Pasqual.

RESOLUTION NO. _____

Page 2 of 2

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 3rd day of May, 2022, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary
Lassen County Planning Commission

TECHNICAL ADVISORY COMMITTEE
RECOMMENDED FINDINGS AND CONDITIONS
April 7, 2022
Parcel Map #2022-002, Pasqual

Parcel Maps:

- ☒ County Planning Director (present, findings and conditions)
- ☒ County Public Works Director (present, no findings or conditions)
- ☒ County Surveyor (present, findings and conditions)
- ☒ County Sanitarian (present, no findings or conditions)
- ☒ County Fire Warden (present, no findings or conditions)
- ☒ County Assessor (present, no findings or conditions)



County of Lassen

Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

March 24, 2022

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: Technical Advisory Committee
Agenda Date: April 7, 2022

Zoning & Building

Inspection Requests

Phone: 530 257-5263

FROM: Maurice L. Anderson, Director 

Environmental Health

Messages: 530 251-8528

email: EHE@co.lassen.ca.us

RE: Parcel Map #2022-002, Pasqual

Project Description

PARCEL MAP #2022-002, Pasqual. Proposal to divide a 47.85-acre parcel into two parcels; proposed resultant Parcel 1 would be 5 acres and proposed resultant Parcel 2 would be 42.85 acres. The subject parcel is primarily zoned A-2-B-5 (Agricultural Residential 5-Acre Building Site Combining District), with a lesser portion zoned A-2-B-80 (Agricultural Residential 80-Acre Building Site Combining District), and has a General Plan land use designation of "Rural Residential" per the *Pittville Area Plan, 1986*. The proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15183 of the CEQA Guidelines. The subject parcel is located at 552-000 Day Road, McArthur, CA 96056, approximately 14 miles west of Bieber, via U.S. Highway 299. APN: 001-090-009. Staff Contact: Nancy McAllister, Senior Planner

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

1. The subject parcel is zoned A-2-B-5 (Agricultural Residential 5-Acre Building Site Combining District), with a lesser portion zoned A-2-B-80 (Agricultural Residential 80-Acre Building Site Combining District).
2. The subject parcel has a General Plan land use designation of "Rural Residential" per the *Pittville Area Plan, 1986*.
3. The applicants are proposing to divide a 47.85-acre parcel into two parcels; proposed resultant Parcel 1 would be 5 acres and proposed resultant Parcel 2 would be 42.85 acres.
4. The minimum parcel size identified for the A-2-B-5 zoning district is five acres. Lassen County Code Section 18.102.050(3) identifies a minimum of one acre, and minimum lot width 150 feet, for property utilizing individual septic system and individual well. Lassen County Code Section 12.12.020 identifies a minimum of one acre for new divisions of

land if the lot is to be served by a single connection well for the source of domestic water and the sewage disposal is by means of a septic tank system. The proposed parcel map meets these requirements.

5. Improvements on the subject parcel identified by the applicants include two single-family residences, two septic systems, two wells with wellhouses, and a shed. If the parcel map application were approved, resultant Parcel 1 would contain one house with a well, wellhouse, and septic system, and resultant Parcel 2 would contain the other house, well, wellhouse, and the shed.
6. The subject parcel is not within the 100-year flood zone as described by the Federal Emergency Management Agency (FEMA).
7. A parcel map meets the definition of a “subdivision” pursuant to Lassen County Code Section 16.08.180.
8. Lassen County Code Chapter 16.20 et seq. establishes the regulations regarding approval of tentative parcel maps.
9. Pursuant to Lassen County Code Section 16.20.070, the Planning Commission may approve the tentative map if it finds that the parcel map, together with its provision for its design and improvements, is consistent with the applicable general or specific plans adopted by Lassen County. Said section also states that 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.
10. Pursuant to Lassen County Code Section 16.20.080, the Planning Commission may deny the tentative map 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.*
11. Lassen County Code Chapter 18.18 A-2 *Agricultural Residential District*, describes the intent of the A-2 zoning district as follows:
- 18.18.010 Intent*
- The A-2 district is intended to provide an area where rural residential uses can be compatibly mixed with agricultural activities, at the same time protecting these agricultural uses and safeguarding the character, peace and general welfare of the county.*
12. If the parcel map application were approved, the residential uses on both resultant parcels would be consistent with the primary uses allowed by right within the A-2 zoning district, pursuant to Lassen County Code Section 18.18.030.
13. Consistency with the *Lassen County General Plan, 2000*, and the *Pittville Area Plan, 1986*, is to be determined by the Lassen County Planning Commission.
14. The *Lassen County General Plan, 2000*, describes the “Rural Residential” land use designation as follows:

Rural 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).

Corresponding Zoning: "A-2", Agricultural-Residential District. An A-2 District is typically combined with a "B ", Building Site Combining District, to indicate minimum or average building sites ranging from three to twenty acres (e.g., A-2-B-5). Minimum parcel sizes may be regarded as average parcel sizes under special "density option" provisions of the "B" Combining District. "

The *Pittville Area Plan, 1986*, describes the "Rural Residential" land use designation as follows:

The term "Rural Residential" shall mean that the land is suitable for residential use, but that consideration of the area's rural character, environment, and resource constraints and other suitability factors suggest that residential density should generally not exceed one dwelling unit per five acres (i.e., no less than 5 acres minimum parcel size).

15. The *Lassen County General Plan, 2000*, relates the following goals and policies that inform the proposed project:

LU10 POLICY: Subdivision map applications proposing to create parcels primarily for residential development shall not be approved in areas outside of fire protection districts (with limited exceptions, supported with special findings, through processes such as Segregation of Homesites, etc.).

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.

16. The proposed project is consistent with the Lassen County General Plan, zoning ordinance, and subdivision ordinance.
17. The subject parcel is within the McArthur Fire Protection District.
18. Parcel map applications are subject to the provisions of Lassen County Code Chapter 9.16, which outlines fire-safe requirements.
19. The Environmental Review Officer has found that this project is not subject to further environmental review under Section 15183 of the CEQA Guidelines.
20. Section 15183(a) of the CEQA Guidelines states:

CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an

EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

21. Section 15183(d) of the CEQA Guidelines states:

This section shall apply only to projects which meet the following conditions:

1. *The project is consistent with:*
 - (A) *A community plan adopted as part of a general plan,*
 - (B) *A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or*
 - (C) *A general plan of a local agency, and*
 2. *An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.*
22. The *Lassen County General Plan, 2000*, sets forth a typical building intensity of 0.05 to 0.33 DUA (dwelling units per acre) and a population density of 0.15 to 1 PPA (people per acre) for the “Rural Residential” land use designation. The density proposed by the parcels to be created by this parcel map application are consistent with the above density. Additionally, an EIR was adopted for the *Lassen County General Plan, 2000*. Therefore, Section 15183, as described above, applies to the project, and so the project is not subject to further environmental review.

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

1. The final map for Parcel Map No. 2022-002 shall meet all provisions of Title 16 Subdivisions, as determined by the Lassen County Surveyor and the Lassen County Planning Commission.
2. Prior to recordation of the parcel map, the applicants shall clearly indicate the location of the septic system on proposed Parcel 1, to the satisfaction of the Department of Planning and Building Services.
3. Prior to recordation of the parcel map, the applicants must obtain written confirmation from the Lassen County Fire Warden that the proposed parcel map meets all requirements of Lassen County Code Chapter 9.16, or otherwise obtain an exception from the Fire Warden.
4. Multiple access shall be required, unless a recommendation otherwise is made by the county fire warden or the responsible fire protection agency, and approved by the county, prior to recordation of the final map for Parcel Map No. 2022-002, based on one or more of the findings listed in Lassen County Code Section 9.16.190.

5. A note shall be recorded on the final map for Parcel Map No. 2022-002 requiring that in the event any archeological or cultural resources are discovered during construction or any ground disturbing activities, such work is to be halted in the immediate are of the discovery until a qualified archeologist, retained at the project proponent's expense, is consulted to assess the find's significance and recommend appropriate mitigation measures, which the project proponent shall implement to reduce potentially significant impacts to identified cultural resources to a less than significant level.

MLA:njm

S:\PLA\Planning\2022\PM#2022-002, Pasqual\TAC



County of Lassen

Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

March 24, 2022

RECEIVED

APR 07 2022

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

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

Environmental Health
Messages: 530 251-8528
email: EHE@co.lassen.ca.us

TO: Technical Advisory Committee
Agenda Date: April 7, 2022

FROM: Don Willis, Lassen County Surveyor

RE: Parcel Map No. 2022-002 – Thomas and Brenda Pasqual.
Assessor's Parcel Number: 001-090-009.

LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:

1. The parcel to be considered as shown on the tentative parcel map submitted with application for Parcel Map No. 2022-002 is owned by Thomas M. Pasqual and Brenda L. Pasqual, husband and wife as joint tenants, per a Grant Deed recorded on June 29, 2001 as Document No. 2001-04358 of the Official Records of Lassen County, California. The subject parcel is represented by Assessor's Parcel Number 001-090-009 and is located in a portion of Section 19, Township 38 North, Range 6 East, Mount Diablo Base and Meridian.
2. The legal description shown in the vesting deed listed in Findings Item Number One above describes the subject property as Government Lot 4 and the Southeast one-quarter of the Southwest one-quarter (SE1/4 SW1/4) of Section 19, Township 38 North, Range 6 East, Mount Diablo Base and Meridian, *excepting therefrom* an approximately 9 acre parcel that is located in the southwesterly portion of said Government Lot 4. This exception parcel is represented by Assessor's Parcel Number 001-090-008, is owned by other parties, and is not a part of the proposed minor land division.
3. The underlying legal parcel of the subject property was originally created by Patent Number 1129873 which was issued by the U.S. Government on August 31, 1950. This patent transferred Government Lots 3 and 4 along with the Southeast one-quarter of the Southwest one-quarter (SE1/4 SW1/4) of Section 19, Township 28 North, Range 6 East, Mount Diablo Base and Meridian. Said Government Lot 3 was subsequently separated and conveyed to another ownership per a Grant Deed recorded on December 24, 1958 in Book 144, Page 144, of the Official Records of Lassen County. A 9 acre parcel in the southwesterly portion of said Government Lot 4 (Assessor's Parcel Number 001-090-008) was also subsequently separated and conveyed to another ownership per a Grant

Deed recorded on November 9, 1961 in Book 172, Page 232, of the Official Records of Lassen County. The remaining parcel after these two conveyances is the subject parcel of this proposed land division, which is as described in Findings Item Number Two above. The aforementioned parcel history of the subject parcel demonstrates that this parcel was created in accordance with the provisions of the Subdivision Map Act and local ordinances.

4. The subject property is encumbered by several overhead utility lines as shown on the tentative parcel map, however it is unknown if recorded easements exist for these as no preliminary title report has been submitted. The tentative map shows that one of the utility lines is subject to a P.G.& E. easement per Book 280, Page 212, of the Official Records of Lassen County and per a Record of Survey filed at Book 30 of Maps, Page 21, of said Official Records. These references are not applicable to the subject property however as the easement document and survey apply to lands that are within Section 30, which is southerly of Section 19 where the subject property is located. A preliminary search of the title chain did not reveal an easement being granted to P.G.& E. over the subject property, however, as mentioned, a preliminary title report has yet to be submitted for the project.
5. The existing parcel size of the subject property is approximately 47.85 acres as shown on the tentative parcel map that was submitted for Parcel Map No. 2022-002. This map shows that a new 5.00 acre parcel, labeled as Proposed Parcel One, will be created in the southwesterly corner of the existing parcel. This will cause the remaining parcel, labeled as Proposed Parcel Two, to be approximately 42.85 acres in size.
6. The tentative parcel map submitted for Parcel Map No. 2022-002 shows that access to the subject property is by way of Day Road, Lassen County Road No. 408 / Shasta County Road No. 0S001, which is a County maintained road that is maintained by Shasta County through historical agreement. The existing parcel currently abuts this road and both proposed parcels would directly abut it as well.
7. The tentative map that was submitted for Parcel Map No. 2022-002 shows that the right-of-way width for said Day Road is 60 feet wide, with 30 feet being on each side of centerline. This agrees with various other record maps that have been filed in the surrounding area and several of these maps (21 Maps 44 and 30 Maps 21) indicate that the 60 feet wide right-of-way is prescriptive. No offers of dedication to the County appear to have ever been made over the right-of-way within the limits of the subject lands.

8. The requirements for the subdivision of land in California are established by California Government Code Section 66410, et seq., known as the Subdivision Map Act.
9. The requirements for the subdivision of land in Lassen County are established by Lassen County Code Title 16, Subdivisions.
10. The requirements for Parcel Maps in Lassen County are established by Lassen County Code, Chapter 16.20.

**LASSEN COUNTY SURVEYOR RECOMMENDS THE FOLLOWING CONDITIONS
FOR PARCEL MAP NO. 2022-002 (THOMAS AND BRENDA PASQUAL):**

1. Owners, owner's agent(s) or applicants 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 24, 2022 for Parcel Map No. 2022-002.
3. Owners shall cause a field survey of the property shown on the tentative parcel map submitted for Parcel Map No. 2022-002 to be completed in accordance with Section 66448 of the Subdivision Map Act and Section 16.20.160 of the Lassen County Code.
4. Owners shall offer for dedication to the County of Lassen an easement for public road and public utility purposes over that portion of Day Road, Lassen County Road No. 408 / Shasta County Road No. 0S001, which falls within the project boundaries, lying thirty (30) feet easterly of the centerline over that portion which adjoins the easterly boundary line of that certain parcel known as Assessor's Parcel Number 001-090-008, and lying thirty (30) feet on each side of centerline (for a total width of 60 feet) over the remaining portions of said Day Road that fall within the project boundaries.
5. In accordance with Section 66411.1 of the Subdivision Map Act, if the applicants request a deferral for the construction of any on or off-site improvements required by the conditional approval of the tentative parcel map submitted for Parcel Map No. 2022-002, the parcel map shall contain a note stating the construction of improvements required by the conditional approval of the tentative parcel map submitted for Parcel Map No. 2022-002 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. Owners, owner's agent(s) or applicants shall provide information and/or required

documentation to demonstrate the project meets all applicable requirements established by the Subdivision Map Act and Lassen County Code. The applicants shall also provide documentation required to demonstrate that all conditions of approval for Parcel Map No. 2022-002 have been satisfied or fulfilled.

7. Owners, owner's agent(s) or applicants shall submit a preliminary copy of the parcel map meeting the requirements of Article 3, Parcel Maps, 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. 2022-002, 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. 2022-002.
 - (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. maps 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. 2022-002 have been acceptably met, the owners, owner's agent(s) or applicants 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)(A)(B) of the Lassen County Code.
10. Prior to recordation of Parcel Map No. 2022-002, evidence 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.

Respectfully submitted,



Don Willis, L.S. 7742
Lassen County Surveyor



TENTATIVE PARCEL MAP/SUBDIVISION APPLICATION

FILING FEE: \$1,600 PARCEL MAP; \$1,750 AND \$56 PER LOT SUBDIVISION and

ENVIRONMENTAL HEALTH FEE: \$85 per parcel

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

(530) 251-8269 · (530) 251-8373 (fax)

www.co.lassen.ca.us

RECEIVED
FEB 24 2022
LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

Form must be typed or printed clearly in black or blue ink.

All sections must be completed in full. Only attach additional sheets if necessary.

FILE NO. PM 2022-002

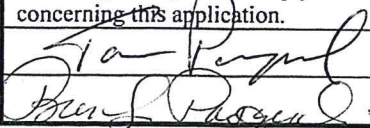

Property Owner/s	Property Owner/s
Name: THOMAS & BRENDA PASQUAL	Name:
Mailing Address: 552-000 DAY ROAD	Mailing Address:
City, ST, Zip: MCARTHUR, CA 96056	City, ST, Zip:
Telephone: (530) 515-8395 Fax:	Telephone: Fax:
Email: brenpasqual@frontiernet.net	Email:

Applicant/Authorized Representative*	Agent (Land Surveyor/Engineer/Consultant)
Same as above: <input checked="" type="checkbox"/>	Correspondence also sent to: <input checked="" type="checkbox"/>
Name:	Name: NST ENGINEERING
Mailing Address:	Mailing Address: 1495 RIVERSIDE DRIVE
City, ST, Zip:	City, ST, Zip: SUSANVILLE, CA 96130
Telephone: Fax:	Telephone: (530) 257-5173 Fax:
Email:	Email: nst@frontiernet.net License #: 4647

Project Address or Specific Location:	
Deed Reference: Book: Page: Year: Doc#: 2001-04358	
Zoning: A-2-NH-5, A-3-NH-80	General Plan Designation:
Parcel Size (acreage):	Section: 19 Township: 38 Range: 6

Assessor's Parcel Number(s): <u>001 - 090 009</u>	-	-	-
---	---	---	---

<input type="checkbox"/> Subdivision (5 or more parcels created)
Number of Parcels: _____ Parcel Size Range: _____ (acres or square feet). Use: _____
<input checked="" type="checkbox"/> Parcel Map (4 or fewer parcels created).
Parcel No. <u>1</u> Size: <u>5AC</u> (acres or square feet). Uses: <u>RESIDENTIAL</u>
Parcel No. <u>2</u> Size: <u>±42.85AC</u> (acres or square feet). Uses: <u>RESIDENTIAL</u>
Parcel No. _____ Size: _____ (acres or square feet). Uses: _____
Parcel No. _____ Size: _____ (acres or square feet). Uses: _____

SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.	*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided).
 Date: <u>2-10-22</u>	Date: _____
 Date: <u>2/10/2022</u>	Date: _____

See associated process form for required attachments

1. Multiple (secondary) access provided for emergency fire equipment and shown on the Tentative Map:
 Yes X No. Explain reason for lack of multiple access (e.g. parcels over forty acres, parcels front a publicly maintained road, etc.; see Lassen County Code Section 9.16.102): PARCELS FRONT PUBLIC ROAD
2. Proposed Water Source: Public System X Private System
Explain SEPARATE WELL SYSTEMS
3. Method of Sewage Disposal: Public System X Private System
Explain SEPARATE LEACHFIELD SYSTEMS
4. List All Recorded Access and Utility Easements: 280 OR 212
5. Does the Owner Own Other Land Near the Project Site? X No Yes APN(s)

